



UNLOCKING POTENTIAL
IN PLACES YOU LOVE

Development Review Committee Memorandum

Date: September 28, 2023
To: Cranford Development Review Committee
From: Greer Patras, AICP, PP, Township Planner
Applicant: J. Tan & M. Tog, LLC
SUBJECT: **ZBA-23-017**
545A & 547-549 Lexington Avenue, Block 457, Lots 8 + 9
Use Variance Relief – Bifurcated Application

The Township's DRC, established by §255-10 of the Township Code, serves to review all applications for development or requests for review presented to the Planning Board or Board of Adjustment. The DRC consists of applicable Township professionals who review applications for compliance with the technical standards set forth in Article IV – Development Requirements and Standards and other provisions of the Township's Land Development Ordinance. The DRC may make non-binding recommendations on the design and technical elements of any application however it is not the scope of the DRC to argue for or against the merits of any application to be heard by the Planning Board or Board of Adjustment. This memo serves to provide an overview of the project proposal and the items discussed at the DRC meeting.

I. APPLICATION INFORMATION

A. DRC Meeting Date: September 6, 2023

B. Attending Town Representatives:

1. Bryan Flynn – Tax Assessor
2. Kevin Boyer – Township Engineer
3. Kathleen Nemeth – Zoning Officer
4. Frank Genova – Construction Code Official
5. Sergeant Russell Luedecker – Cranford Police Department
6. Chief Matthew Lubin – Cranford Fire Department
7. Kathy Lenahan – Board Administrator
8. Greer Patras & Justin Cutroneo – Township Planning Team

C. Attending Applicant's Representatives:

1. Victor Vinegra – Applicant Engineer
2. Katherine Sarmad – Applicant Planner
3. Gary Goodman – Applicant Attorney

D. Documents Submitted:

1. **Township of Cranford - Development Application Package**, received July 11, 2023.
2. **Architecture Plan**, consisting of 17 sheets prepared by Dantas Carrete Architecture, dated June 20, 2023.
3. **Site Plan**, consisting of 3 sheets prepared by Harbor Consultants Inc., dated July 7, 2023.
4. **Boundary & Topographic Survey**, consisting of 1 sheet prepared by Harbor Consultants Inc., dated July 7, 2023.
5. **Revised Use Variance and Proposal Summary**, consisting of 2 pages prepared by Harbor Consultants Inc., undated.
6. **Checklist 1 & 200' List**, consisting of 2 pages, undated.

II. SITE INFORMATION:

1. Block 457, Lots 8 & 9 - Residential R-1 Zoning District
2. Lot 8 is 66,040 SF (1.52 acres) and according to the Applicant's survey, comprises of a 1.5-story single-family dwelling, a 1-story HVAC business building, and a 1-story garage. The Property contains various storage containers, sheds, above ground fuel oil tanks along with asphalt pavement and gravel. The Site also contains an access driveway that serves the adjacent residential Lot 10, which is not included in this application.
3. Lot 9 is 11,919 SF (0.27 acres) and comprises of an empty gravel lot that serves as storage space and vehicle parking.
4. The Site fronts of Lexington Avenue, within a single-family residential neighborhood.

III. PROPOSAL:

- A. The Applicant proposes to construct an age-restricted townhouse development consisting of a total of 26 residential units spread throughout 5, three-story townhouse buildings. The Applicant also proposes 61 total parking spaces (surface and garage parking), fencing, and landscaping improvements.
- B. **D(1) Use Variance Discussion:** The Applicant requires d(1) Use Variance Relief from Section 255-36.A(1): The proposed townhouse use is not permitted in the R-1 District, therefore, d(1) use variance relief is required. Below is a list of the principal permitted uses within the R-1 District:
 - Community residences for developmentally disabled
 - Detached 1-family dwellings
 - Farms
 - Country clubs and private swimming clubs
 - Essential services

At the hearing, the Applicant should be prepared to discuss with the Board the legal standard for "d(1)" use variance relief under N.J.S.A 40:55D-70(d).

- C. **D(6) Building Height Variance Discussion:** The Applicant must confirm if a d(6) Building Height Variance is requested as part of this bifurcated application. Per Section 255 Attachment 1, the maximum permitted building height in the R-1 District is 32'. The Applicant proposes a maximum building height of 37.8'.

Per Section 255-1.B(2), 'height' is defined as *"the vertical distance from the grade plane to the highest point of the roof surface of a building."* Per MLUL, a height variance is triggered when the proposed building height exceeds the maximum requirement plus ten percent of that requirement. In this case, the maximum permitted building height is 32' and an additional ten percent of that requirement totals 35.2' which is the maximum allowable height without triggering a d variance. The height measured from the bottom grade to the highest point of the roof at the arch is 37.8'.

At the hearing, the Applicant should be prepared to discuss with the Board the legal standard for "d(6)" use variance relief under N.J.S.A 40:55D-70(d).

- D. **Bulk Variance Discussion:** The Applicant is seeking a bifurcated Use Variance Application. Therefore, site plan and bulk variances approval would be sought as a secondary application if the townhouse use is approved. However, as part of site suitability for a use variance, compliance with the other standards of the zone should be considered. The Applicant would require the following bulk variances.

1. Front Yard Setback – Both (Section 255 Attachment 1):
 - Required: 35' (Min.)
 - Existing: 21.1'

- Proposed: 30'
- 2. Side Yard Setback (Section 255 Attachment 1):
 - Required: 10% of Lot Width = 24.2' (Min.)
 - Existing: 51.7'
 - Proposed: 8.4'
- 3. Side Yard Setback – Combined (Section 255 Attachment 1):
 - Required: 30% of Lot Width = 72.6' (Min.)
 - Existing: 105.2'
 - Proposed: 20.5'
- 4. Rear Yard Setback (Section 255 Attachment 1):
 - Required: Thirty percent of the first 100 feet of lot depth; 45% of the next 50 feet of lot depth; 65% of the next 50 feet of lot depth; and 90% of the balance of the lot depth = 171.4' (Min.)
 - Existing: 128.4'
 - Proposed: 18.5'
- 5. Lot Impervious Coverage (Section 255 Attachment 1):
 - Required: 35% (Max.)
 - Existing: 66.9%
 - Proposed: 53.2%
- 6. Building Coverage (Section 255 Attachment 1):
 - Required: 25% (Max.)
 - Existing: 13.5%
 - Proposed: 29.1%
- 7. Stories (Section 255 Attachment 1):
 - Required: 2.5 stories (Max.)
 - Existing: 1.5 stories
 - Proposed: 3 stories
- 8. Distance From Principal Building to a Railroad or Garden State Parkway (Section 255 Attachment 1):
 - Required: 100' (Min.)
 - Existing: 51.7'
 - Proposed: 12.1'

Additional variances and waivers may be identified during professional reviews.

IV. DRC MEETING COMMENTS + NOTES:

A. The Applicant provided the following comments:

1. The Applicant is seeking a bifurcated use variance application to build 26 townhouse units. The Applicant intends to get read on Zoning Board for the age-restricted townhouse use in this location and zone.
2. The Applicant is a contract purchaser of the Site and is helping the owner remediate the Site and its soil.
3. The Applicant undertook studies of the quantity and desire for attached townhouse units in Union County and Middlesex County. The Applicant believes that there is a demand for townhouses, especially in Cranford.
4. The market-rate interior units will have 2 parking spaces, and the end units will have 4 parking spaces. The Applicant will provide traffic engineering testimony at the hearing.

5. 4 affordable units will be rental units with no garages.
6. Trash collection will be by private hauler with cans in front of the units.
7. The Applicant will consolidate the lots, and all units will have private elevators.

B. The DRC Committee provided the following comments and recommendations:

1. Use + Intensity Comments:

- a. Townhouses are not permitted in the R-1 zone. The only permitted uses in this zone are:
 - community residences for developmentally disabled,
 - detached 1-family dwellings,
 - farms, country clubs and private swimming clubs
 - essential services.

Use variance testimony will need to be provided as discussed above.

Since use and site design is so interdependent for this intense of a project, it may be difficult to determine site suitability without a site plan. For a d(1) use variance, the Applicant will need to prove site suitability with consideration to the site design and its impacts.

- b. The Applicant requires almost every variance from the R-1 zone bulk standards and would still require several variances from the R-6 townhouse zone standards. The Applicant should reduce the number of bulk variances since it impacts site suitability.
- c. The Applicant could provide a review of compliance with the R-6 zone townhouse standards for the Board's consideration. Compliance with all townhouse standards may suggest appropriate site design (note: appropriate site design does not necessarily indicate zoning and location suitability).
- d. Although there is not a maximum density specified within the single-family R-1 zone, the Applicant should consider a density analysis for the Board:
 - Based on the R-1 zone required lot area of 12,000 SF and the Site's proposed lot area of 77,956 SF, only 6 detached single-family residences would comply with the requirement.
 - Based on the R-6 zone townhouse standards of Ordinance Section 255-37.C(1), the minimum tract area is 30,000 SF which the Applicant would comply with. Also, there shall be a minimum of 5,000 square feet of tract area per dwelling unit. Using this standard, only 15 units would be permitted, and the Applicant's proposed 26 units would not be permitted. The Applicant is proposing 1 unit per 3,000 SF.
- e. We recommend that the 4 affordable housing units be designed to appear the same from the outside, have same basic features (ie garages) and be the same ownership type as the market-rate units. Having the affordable units be rental and the market-rate be for sale seems counter to best-practices. The affordable housing units must be identified on the floor plans and comply with ADA accessibility.
- f. The Applicant must confirm if a d(6) Building Height Variance is requested as part of this bifurcated application. Per Section 255 Attachment 1, the maximum permitted building height in the R-1 District is 32'. The Applicant proposes a maximum building height of 37.8'. D(6) use variance testimony will need to be provided as discussed above.

2. Bulk + Technical Comments:

- a. We offer concern regarding the number and intensity of non-compliant bulk standards and the lack of building / site design features.
 - We recommend compliance with the front yard setback requirement, a minimum of 25' side yard and rear yard setbacks, and full perimeter buffering to help mitigate impacts to the adjacent single-family residences. Typically, non-permitted uses should have greater setbacks and buffers than permitted uses. This should be considered.
 - A larger setback between buildings is recommended given that the buildings are almost 40' tall. The Applicant should reduce the height of the buildings to comply with the requirement and to avoid a d(6) building height variance.
 - The Applicant should plan for patios, decks, outdoor space, etc. for the townhouse units which will need to be factored in the proposed setbacks, building coverage, impervious coverage, etc. Amenity space such as common open space, benches, walking paths, etc. should be provided for the development.
 - The Applicant should provide covered entrances for all entrances on the Building 1 and Building 2 types.
- b. The Applicant requires 61 parking spaces per Ordinance. Compliance should be confirmed with notes and striping details on the site plan and details in the garage, or variance relief will be needed.
- c. The Applicant notes in the proposal letter that elevators are proposed for the townhouses, but the floor plans do not show elevators. This should be provided for an age-restricted development with 3 story units.
- d. The Applicant should update the bulk chart with every side and rear yard setback that is not compliant with the requirements (i.e. north, south, etc.).

3. Other/General Comments:

- a. The Applicant should submit all relevant documents regarding the existing and proposed access drive easement. The Applicant should provide more details on the full limits of access easements (i.e. where it turns off the driveway, we don't know where it ends).
- b. The Applicant should subdivide the access driveway off for the adjacent Lot 10 that uses it.
- c. The Applicant should review the rear driveway area for circulation for fire truck access and provide revisions on the site plan.
- d. The Applicant will need to provide an Environmental Impact Study due to the prior use of the Site and the multiple fuel tanks, as part of any site plan application. This could be considered as part of site suitability.
- e. The Applicant will need to provide a tree removal and replacement plan, as part of any site plan application. This could be considered as part of site suitability.
- f. The Cranford Fire Department has the following comments and concerns per their September 8, 2023 memo:
 - *The applicant notes that relief will be required on the minimum distance to the railroad right-of-way, where 100 feet is required and 71.4 feet is proposed. This office would caution the Board on the granting of this relief for several reasons.*
 - *Firstly, the railroad right-of-way in this matter is the Conrail Lehigh Line, which is one of two principal freight railways serving the Port of Newark. As a result, this line is very heavily trafficked and transports a wide variety of commodities, including*

petrochemicals, crude oil, and hazardous materials. While Conrail owns the railroad and the associated right-of-way, the trains are operated by both the Norfolk Sothern and CSX railroads.

- *Secondly, the railroad right-of-way contains the Sunoco Pipeline L.P/Energy Transfer "Twin Oaks" pipeline, which runs under and along the right-of-way throughout the Township.*
 - *Thirdly, the overhead portion of the right-of-way is utilized by PSEG for several 230kV electrical transmission lines.*
 - *Our office would caution the Board to solicit feedback from each of the infrastructure parties (railroads, pipeline operator, and utility operator) prior to entertaining any request for relief on minimum distance to the railroad right-of-way.*
 - *As a practical matter, an age-restricted housing use would not generally pose concerns for this office, however the population of these type of housing units is higher-risk from a fire and evacuation perspective due to age. This raises concerns however when considered in conjunction with this specific site location. This should be carefully weighed as the Board considers the suitability of this site for dense residential use.*
- g. The Applicant will have to install sprinklers within the building due to the proposed stories and height.
- h. The Applicant indicated that they planned to revise the plans to address many of the comments from the DRC, and would resubmit at least a month before the scheduled hearing. The Applicant stated it was their intent to make the November 6, 2023 virtual Zoning Board meeting, which would require full complete plans by October 6. Placement on an agenda is subject to all application filing and noticing requirements.

**Request for Recommendations
from Cranford Township Professionals**

TOWNSHIP OF CRANFORD – PLANNING & ZONING DEPARTMENT
8 Springfield Avenue - Cranford, NJ 07016
Phone: (908) 709-7216 * Fax: (908) 276-7664



Application #:	ZBA-23-017
Date Sent to Township Professionals:	October 11, 2023
Date Due Back to Zoning Office:	October 27, 2023
Date Returned to Zoning Office:	

TO: Cranford Department of Traffic & Safety ✓
 Cranford Health Department
 Environmental Committee
 Downtown Economic & Business Development Office
 Cranford Fire Department
 Cranford Engineering Department
 Historical Preservation Advisory Board

RE: 545A & 547-549 Lexington Avenue
 Block: 457 Lots: 8 & 9 R-1 Zone
 Application # ZBA-23-017
 Applicant: J. Tan & M. Tog LLC

Applicant is seeking a d(1) use variance to construct an age-restricted townhouse development consisting of 24 residential units spread throughout 5, three-story townhouse buildings. The applicant also proposes surface and garage parking, fencing and landscaping improvements. This is a bifurcated application.

Type of Variance	LDO Section	Requirement	Relief Requested
d(1)	§255-36.A(1)	Not permitted in the zone: Townhouses	Proposed: Townhouses

Following pre-existing conditions:

Type of Variance	LDO Section	Requirement	Relief Sought

PLEASE CHECK ONE:

XX No negative impacts are apparent from my review of this application as it affects my area of review.

PLEASE CONFIRM EGRESS FROM REAR BUILDING AND ACCSS FOR EMERGENCY VEHICLES

_____ I request that the Board discuss/require the following items which relate to my area of review during the public hearing on this matter:

Project Hours: 2

Signature: _____

A handwritten signature in black ink, appearing to be a stylized 'J' or 'P' with a flourish, written over a horizontal line.

Date: _____

10/17/23

**Request for Recommendations
from Cranford Township Professionals**

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PLEASE CHECK ONE:

No negative impacts are apparent from my review of this application as it affects my area of review.

I request that the Board discuss/require the following items which relate to my area of review during the public hearing on this matter:

Project Hours: _____

Signature: Monika Howard Date: 10/13/23

To the Cranford Zoning Board:

Regarding the application for 545 Lexington, the Cranford Environmental Commission applauds the developers deliberate effort to plant with native plants.

From these initial plans, it appears that the property as currently developed exceeds permitted impervious cover. We would appreciate the opportunity to review any subsequent plans that address stormwater management. As a site being repurposed and redeveloped, this is an excellent opportunity to retrofit the property to IMPROVE stormwater management through use of green infrastructure.

In addition, the Environmental Commission notes the following:

- Given the size of the project we understand the developer is required to include a specific number of make-ready electric vehicle parking spots (15% of total) and installed EV charging spots (5%).
- The Environmental Commission would appreciate the opportunity information regarding constructing the units with energy efficient appliances, faucets, hot water heaters, HVAC etc. This is in keeping with the goals set forth in the 2019 Township Master plan Re-examination Report.
- Parking lot lighting should be designed to minimize interference with wildlife and to be minimally disruptive to nearby residents.

The Environmental Commission is happy to advise the applicant on possible alterations to the plan and/or remediation options. Please do not hesitate to contact the Environmental Commission with any questions or concerns.

Sincerely,

Ronald Margulis

Chair – Cranford Environmental Commission

ron@rampr.com

RECEIVED
OCT 30 2023
PLANNING & ZONING OFFICE
Township of Cranford



CRANFORD FIRE DEPARTMENT
BUREAU OF FIRE PREVENTION & RISK MANAGEMENT
7 SPRINGFIELD AVE, CRANFORD, NJ 07016
PHONE: (908)709-7360
FAX: (908) 276-6183
WWW.CRANFORDNJ.ORG

October 23, 2023

MEMORANDUM FOR: Township of Cranford – Planning and Zoning Department

FROM: B/C Matthew J. Lubin /s/
Fire Official

SUBJECT: Application ZBA-23-017
545A & 547-549 Lexington Avenue
Block 457 – Lots 8 & 9
Applicant: J. Tan & M. Tog, LLC

The Cranford Fire Department has conducted a review of the subject Zoning Board application and participated in the September 6, 2023 Development Review Committee (DRC) Meeting concerning this application. In addition, we have reviewed the conceptual site plan, architectural plans, and supportive documents submitted by the applicant and the applicant's professionals.

The applicant proposes to redevelop an existing industrial property, presently Reel Strong Fuel Co, into a 24-unit age-restricted residential townhouse development. The applicant has elected to bifurcate the application and is seeking a D(1) use variance in this matter. Should the Board be inclined to approve the use, the applicant would proceed with a subsequent application seeking additional relief and approvals. The applicant provided a conceptual site plan and architectural plans to give a sense of their development to facilitate the Township's review of the proposal.

Our assessment of the application identified several areas of concern which we would draw the Board's attention to. Our review will focus specifically on the suitability of the site for dense, residential housing in relation to the request for a D(1) Use Variance. We may have additional comments should the applicant come forward with a formal site plan application or request additional relief through a subsequent application.

Comments on distance to Railroad and other Critical Infrastructure

The applicant has modified the proposal from the original submission to increase the closest distance between the railroad property line and the structures, in addition to reducing density by two dwelling units. Specific relief pertaining to distance from a railroad is not included in this application, however we would note that the proposal entails residential structures within 29 feet of

the right-of-way of the Railroad. Regardless of the need for relief relative to this proximity, we would note the following;

Firstly, the railroad right-of-way in this matter is the Conrail Lehigh Line, which is one of two principal freight railways serving the Port of Newark. As a result, this line is very heavily trafficked and transports a wide variety of commodities, including petrochemicals, crude oil, and other hazardous materials. While Conrail owns the railroad and the associated right-of-way, the trains are operated by both the Norfolk Southern and CSX railroads.

Secondly, the railroad right-of-way contains the Sunoco Pipeline L.P/Energy Transfer “Twin Oaks” petrochemical pipeline, which runs under and along the right-of-way throughout the Township.

Thirdly, the overhead portion of the right-of-way is utilized by PSEG for several 230kV electrical transmission lines.

These three physical assets are all critical infrastructure which present a unique risk exposure to the site. The proposal to change the site from an industrial use to a dense residential use, particularly with an older population, presents a point of concern which differentiates this risk assessment from other adjacent properties along the right-of-way.

Comments on the conceptual site and architectural plans

The use of living space, notably bedrooms, in the third floor further amplifies the risk exposure to the building occupants in the event of an adverse incident involving the adjacent infrastructure. Additionally, the separation of buildings on the site is proposed to be ten (10) feet, which is a non-conforming condition. This presents fire exposure concerns in a general basis and particularly so given the site’s exposure to the railroad.

Concluding Points

As a practical matter, an age-restricted housing use would not generally pose concerns for this office, however the population of these type of housing units is higher-risk from a fire and evacuation perspective due to age. This raises concerns when considered in conjunction with the unique risk profile of this site. This should be carefully weighed as the Board considers the suitability of this site for dense residential use.

Our office would also recommend the Board to solicit feedback from each of the infrastructure parties (railroad owner and operators¹, pipeline operator, and utility operator) to inform deliberations on the granting of this use variance.

¹ Railroad Ownership is Conrail North Jersey Shared Assets. Trains are operated by Norfolk Southern and CSX Transportation.

400 Valley Road
Suite 304
Mt. Arlington, New Jersey 07856
Main: 973 810 0091



Memorandum

To: Kathy Lenahan, Land Use Administrator
From: Kevin Boyer, P.E., C.F.M.
Date: October 26, 2023
Subject: 545A & 549 Lexington Avenue
Block 457, Lots 8 & 9
ZBA-23-017
Bifurcated Application, Request for Waiver, D1 Variance
Project No.: CDZ0375A

Colliers Engineering & Design Inc. dba Maser Consulting has reviewed the application for the proposed townhome development consisting of five (5) buildings.

The following has been submitted by the Applicant for review:

- Architectural Plan titled, "(5)-New Multi-Family Dwellings for Lexington Avenue, Block 457, Lot: 8 & 9, 549A-545A Lexington Avenue, Cranford Township, Union County, New Jersey 07016, consisting of sixteen (16) sheets, prepared by DantasCarrete Architecture, dated 06/08/2023, revised 9/26/2023.
- Boundary & Topographic Survey, prepared by Harbor Consultants Inc., dated 07/07/2023.
- Site Plan, titled "Use Variance Plan, 545A & 549 Lexington Avenue, lot 8 & 9, Block 457, Tax Map Sheet No. 97, Township of Cranford, Union County, New Jersey", consisting of four (4) sheets, prepared by Harbor Consultants Inc., dated 07/07/2023, revised 10/03/2023.
- Form 01/Board Application, dated 7/11/23, Form 05/Use Variance Application, dated 7/11/2023.

The property is located in the Zone X (areas determined to be outside the 2% annual chance floodplain), as shown on the Flood Insurance Rate Map (FIRM) for the Township of Cranford, dated September 2006.

The site is not located in the NJDEP Flood Fringe Area as shown on sheet 1 on the NJDEP Delineation of Floodway and Flood Hazard Area Plans, Township of Cranford, New Jersey.

The site is located in the "R-1: One-Family Detached Residence" subdistrict. The property is currently improved with a one-story masonry commercial building, a one-story masonry garage, a foundation

of a demolished machine shop, five (5) above-ground fuel oil tanks, an above-ground oil pipe, an asphalt lot, and a concrete block wall.

The Applicant is proposing to bifurcate the application and will seek to get the "D1" use variance approved. If approved, the Applicant will move forward with site plan approval with the appropriate board.

The Applicant is proposing to remove all existing structures on-site. The Applicant is proposing to construct residential townhomes. The Applicant is proposing a total of five (5), three-story buildings on-site, with a total of twenty-four (24) residential units. The Applicant is proposing ingress and egress points on Lexington Avenue. The Applicant is also proposing a rain garden in each of the property front yards. The proposed improvements will decrease the impervious coverage of the site. The Applicant's improvements to the property are not required to comply with the Township's Stormwater Management Ordinance Section 364-3B, as the increase in impervious coverage falls below the 300 SF threshold.

Based on a review of the above-referenced documents, our office offers the following comments:

1. The Applicant has indicated they are in the process of remediating the site. The Applicant shall hire an LSRP and provide a report of the findings. Residential standards shall be followed for site remediation methods.
2. The project will increase traffic along the dead-end section of Lexington Avenue. The Applicant shall provide testimony regarding traffic impacts to the surrounding neighborhood.
3. The Applicant is indicating that they are decreasing impervious coverage on-site. Based on the submitted documents, it is unclear what is being considered existing impervious coverage. The Applicant shall be aware that the Township does not consider gravel area as impervious coverage; therefore, it should not be included as existing impervious coverage. The Applicant shall provide a tabulation of the impervious coverage calculations.
4. The Applicant is showing four (4) striped parking spaces. The Applicant shall clarify if these are intended to be used for guest parking or if they are associated with a particular unit.
5. The Applicant shall clarify if the existing lots will be consolidated as part of the improvements.
6. The Applicant shall provide a detail/calculations for the proposed rain garden following the requirements outlined in the NJDEP Stormwater BMP Manual.
7. The Applicant shall not direct any stormwater towards adjoining properties. The site grading and drainage should not adversely affect or burden the adjacent property owners or pose a negative impact as set forth by Subsection 364-5E. (3).



Engineering
& Design

8. All excavated material shall be removed from the site. No material is to be stored on Township property unless prior approval is obtained from the Township Engineer. Under no circumstances can the contractor place excavated material within Township property. Any soil disturbance shall be done as set forth by Subsection 351-1.
9. No changes in grading are permitted without the submission of a grading plan to the Engineering department for review and approval, as required by Ordinance 351-4. A Professional Engineer or Professional Land Surveyor must prepare any such grading plan.
10. The Applicant shall call to coordinate inspections with the Engineering Department 24-hours prior to start of construction as related to grading and drainage improvements on-site.
11. The Applicant shall be aware of their responsibility to repair any damage to improvements within the Township Right-of-Way, including but not limited to, sidewalk, driveway apron, curb, and asphalt pavement as required by Subsection 367-1.

Should you have any questions, please do not hesitate to contact our office.

cc: Mark Rothman, Esq., Zoning Board Attorney (markrothman@robbinsandrobbsllp.com)
Greer Patras, Zoning Board Planner (g.patras@topology.is)
Kathleen Nemeth, Zoning Officer (k-nemeth@cranfordnj.org)
J. Tan & M Tog, LLC, Applicant (victorv@hcicg.net)
Gary Goodman, Applicant's Attorney (garysgoodmanesq@hotmail.com)
Katherine O'Kane, Applicant's Planner (katherino@hcicg.net)
Anthony Gallerano, P.E., Applicant's Engineer (tonyg@hcicg.net)

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HPAB



Request for Recommendations from Cranford Township Professionals

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HPAB
ZBA-23-017

PLEASE CHECK ONE:

No negative impacts are apparent from my review of this application as it affects my area of review.

I request that the Board discuss/require the following items which relate to my area of review during the public hearing on this matter:

Project Hours: _____

Signature: 

Date: 10.20.23



UNLOCKING POTENTIAL
IN PLACES YOU LOVE

Planning Report #1

DATE: November 2, 2023

TO: Zoning Board, Township of Cranford

FROM: Greer Patras, AICP, PP

APPLICANT: J. Tan & M. Tog, LLC

ATTORNEY: Gary Goodman, Esq.

SUBJECT: **APPLICATION ZBA-23-017**
545A & 547-549 LEXINGTON AVENUE
BLOCK 457, LOTS 8-9
D(1) USE VARIANCE RELIEF – BIFURCATED APPLICATION

The purpose of this report is to provide the Zoning Board with guidance in its evaluation of Application ZBA-23-017, submitted by J. Tan & M. Tog, LLC (“the Applicant”). The Applicant proposes to clear the Site and construct an age-restricted townhouse development. The Applicant seeks to bifurcate the application and only requests d(1) use variance approval. The following items have been reviewed:

- **Township of Cranford - Application Package**, received July 11, 2023.
- **Site Plan**, consisting of 4 sheets prepared by Victor A. Vinegra, PE, of Harbor Consultants Inc., dated July 7, 2023 and revised on October 3, 2023.
- **Architecture Plan**, consisting of 17 sheets prepared by Paulo J.M. Dantas, RA, dated June 6, 2023 and last revised on September 26, 2023.
- **Revised Submission Cover Letter**, consisting of 5 pages prepared by Katherine Sarmad, PP, AICP, dated October 5, 2023.
- **Boundary & Topographic Survey**, consisting of 1 sheet prepared by Harbor Consultants Inc., dated July 7, 2023.
- **Revised Use Variance and Proposal Summary**, consisting of 2 pages, prepared by Harbor Consultants INC., undated.
- **Checklist 1 & 200’ List**, consisting of 2 pages, undated.

I. EXISTING CONDITIONS

A. Site Description: The Site is comprised of two lots (Lots 8 + 9) located along Lexington Avenue that totals 77,956 SF (1.8 acres).

- Lot 8 is 66,040 SF (1.52 acres) and according to the Applicant’s survey, comprises of a 1.5-story single-family dwelling, a 1-story HVAC business building, and a 1-story garage. The Property also contains various storage containers, sheds, above ground fuel oil tanks along with asphalt pavement and gravel. During our October 18, 2023 site visit, it appeared that there were no current day-to day business operations on the Site, however it appears to be regularly used for truck and equipment storage.

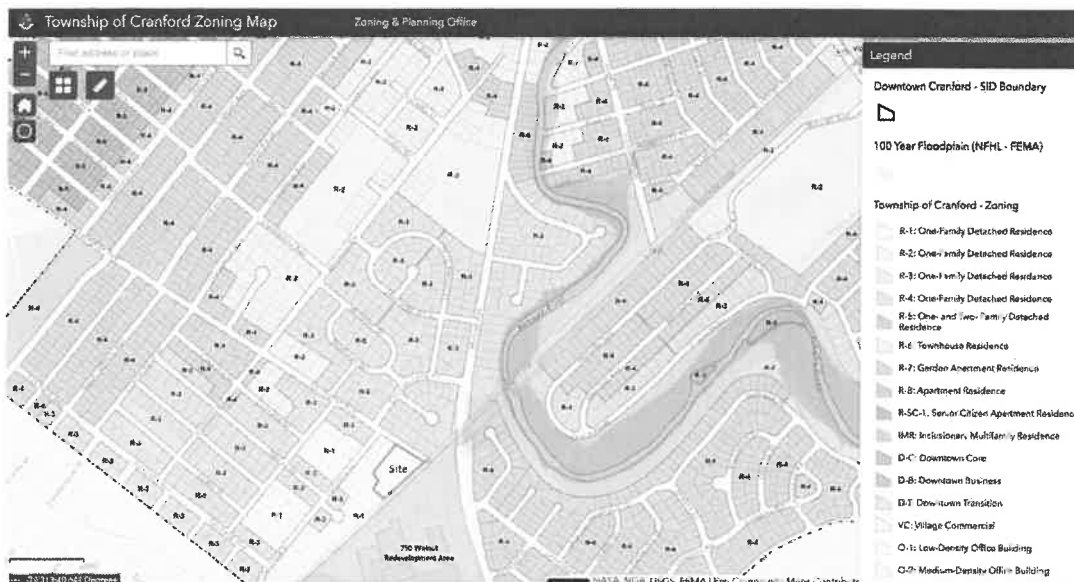
The Site also contains a driveway that is used solely for access to/from an off-site, adjacent residential lot at the rear/south of Lot 9.

- Lot 9 is 11,919 SF (0.27 acres) and comprises of an empty gravel lot (former machine shop) that serves as storage space and vehicle parking. (See Appendix A below for Site Photos)



(Site aerial courtesy of QGIS with approximate boundaries by Topology)

B. Zoning: "R-1" One-Family Detached Residence. The site is within the R-1 zone, which is the lowest-density single family zone in Cranford. It is surrounded by other single-family zones, as depicted in the Township Interactive Zoning map. (map creation: credit Topology)



C. Neighborhood Context: The Site is within a residential neighborhood and is adjacent to several single-family dwellings. The Site is also adjacent to the Conrail Lehigh Railroad Line, which is one of two principal freight railways serving the Port of Newark. Directly across the rail line from the Site is the 750 Walnut Avenue Redevelopment Area.

Traffic + Circulation: The Site is accessible via one curb cut along Lexington Avenue which is a Municipal road. Lot 8 of the Site also contains an access driveway which spans the length of the Site and serves the adjacent residential Lot 10, which is not included in this application.

II. PROJECT PROPOSAL

A. Proposed Project: The Applicant proposes to demolish all existing site improvements and construct 24 residential units spread throughout 5, three-story townhouse buildings. Townhouse buildings are not permitted in the R-1 residential single-family zone.

Of the 5 separate buildings, 3 buildings have 5 units each, 1 building has 7 units, and the remainder building as 2 units.

In the 7-unit building, 4 of the units will be affordable units. These 4 affordable units are the only of the 24 units that do not have garages. Also, the affordable units are the only ones without elevators.

The market rate units are all three floors, with a mix of two- and three- bedrooms ranging in size from 2,100 SF to 2,500 SF. Two affordable units are one floor, one-bedroom at 720 SF, two are two floors, two-bedrooms at 1,400 SF.

Additionally, the Applicant proposes 67 parking spaces; the majority of the spaces are within ground floor garages, except for the affordable units which do not have garages.

III. USE VARIANCE DISCUSSION

A. The Applicant requires the following d(1) Use Variance Relief:

1. **The Applicant requires d(1) Use Variance Relief from Section 255-36.A(1):** The proposed townhouse use is not permitted in the R-1 District, therefore, d(1) use variance relief is required.
2. The principal permitted uses within the R-1 District are:
 - Community residences for developmentally disabled
 - Detached 1-family dwellings
 - Farms
 - Country clubs and private swimming clubs
 - Essential services
3. **The standard for D(1) variance relief under N.J.S.A. 40:55(d)-70(d)(1):**

Prior to the 1948 land use law amendments, a use variance could only be granted if an undue hardship was proven. The prerequisite of proving "unnecessary hardship" was substituted with the authority to grant a variance "in particular cases and for special reasons." This meant that the board of adjustment had the authority to grant a variance with the proof of special reasons, and including but not limited to undue hardship.

In 1952, Ward v. Scott N.J. 117, clarified that "special reasons" was circumscribed by the general purposes of zoning. The 1975 Municipal Land Use Law lists the purposes of zoning in N.J.S.A. 40:55D-2. A-O. "Special reasons" is more generally referred to as the positive criteria for a use variance.

The accepted standard for reviewing a use variance is set forth in Medici v. BPR Co., 107 N.J. 1 (1987). The Applicant must provide testimony in support of the D(1) use variance and demonstrate both the "positive criteria" and the "negative criteria."

- 1) Under the "positive criteria," the Applicant must show that there are "special reasons" for a use variance:
 - a. That the purposes of zoning listed in the MLUL at NJSA 40:55D-2 are advanced,
 - b. That the use is particularly suited to the property; and
 - c. Must also meet the enhanced burden of proof, by demonstrating that the variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance

OR

- d. Instead of advancing the purposes of zoning, as a "special reason", the Applicant must demonstrate and prove that there is an extreme or undue hardship that exists that prevents the site from being used as it is zoned.
- 2) Under the "negative criteria", there are two prongs that the Applicant must prove that the variance can be granted without:
 - a. Prong 1: Substantial negative impact on the general welfare, AND
 - b. Prong 2: Substantial impairment of the intent and purpose of the zone plan and zoning ordinance

4. Master Plan Review:

The Applicant should review and be prepared to discuss the project in relation to the 2009 Township of Cranford Master Plan and 2019 Master Plan Reexamination Report. The Applicant should be prepared to discuss the nature of the proposed non-permitted use, density and intensity, associated traffic, and impacts on the public realm in relation to the surrounding uses and consistency with the Master Plan. The Applicant should be prepared to discuss the following goals from the Master Plan:

1. *"In existing residential zones, encourage the preservation of existing housing structures and **limit new development that increases density.**"* 2009 Master Plan Page G-3
2. *"The Single-Family residential land use designation is planned as a suburban area of the Township on 8,000 to 12,000 square foot lots, thus representing a net density ranging from **3.6 to 7.26 units per acre.** This area covers 2.7 square miles, or 56% of the Township. The intent is to provide an area for development of low-density single-family detached housing... **The Single-Family residential districts are designed for single family development in detached structures.** They are located throughout the Township. The Single-Family districts also permit community residences for the developmentally disabled, country clubs and private swim clubs and essential services. Over time, many of these uses may be expanded to service the community and accordingly, there is a need to create distinct regulations to better regulate such uses. Permitted conditional uses include institutional and public uses. Home occupations and associated regulations should be permitted conditionally in the Township." 2009 Master Plan Page LU-34*
3. *"Multi-Family residential land use consisting of uses in the R-6, R-7, and R-8 districts is planned as a suburban area of the Township on 40,000 square foot lots and greater (builder's acre). The Multi-*

Family Residential land use category permits multi-family development associated with townhouses, garden apartments and apartments. Density ranges from 8.7 to 33.5 dwelling units per acre. The Multi-Family residential areas cover approximately 40 acres or 1.3% of the Township. The intent is to preserve the existing housing stock and provide a wide range of housing types to meet varied income and age-level needs. **The Master Plan does not propose the expansion of these multi-family areas beyond what is shown on the Township's Land Use Plan Map.**" 2009 Master Plan Page LU-36

4. "Maintain the existing Multi-Family Residential Land Use areas as currently zoned." 2009 Master Plan Page LU-36
5. "Require all in-fill development to be done in a manner that is **consistent and compatible with the surrounding neighborhood** and environment." 2019 Master Plan Reexamination Report Page 62
6. "**Limit developments that would generate a high volume of vehicle traffic on local and collector streets.**" 2019 Master Plan Reexamination Report Page 62
7. "Require all development to be subject to rigorous **environmental evaluation** to minimize any potential adverse environmental impacts." 2019 Master Plan Reexamination Report Page 62
8. "**Preserve existing trees** to improve air quality, reduce erosion, and to preserve community character." 2019 Master Plan Reexamination Report Page 63
9. "Encourage **quality architectural and landscape design** through the use of design standards that are consistent with the architectural history of the surrounding neighborhood." 2019 Master Plan Reexamination Report Page 66

N. PLANNING COMMENTS

A. Use + Affordable Housing Comments:

1. The Applicant is seeking a bifurcated Use Variance Application. Therefore, site plan and bulk variances approval would be sought as a secondary application if the townhouse use is approved. However, as part of the required analysis for a "d(1)" use variance, site suitability must be considered. Compliance with the other standards of the zone should be considered and is a relevant part of site suitability. As currently designed, the Applicant would require the following bulk variances and design waivers. See the site design + architecture comments below for further discussion.
 - a. **Side Yard Setback (Northwest):** The Applicant states that the minimum side yard setback requirement is 12', which is 10% of a 120' lot width, and that their proposal has a 23' setback and is compliant. However, there are two issues with this:
 - 1) Per Ordinance, lot width is the shortest distance between the side lot lines. The lot width in this area on Lot 8 is between 200' and 240'. However, there is a narrower portion at the rear of the site (Lot 9) that is 120' wide. We don't believe it's the intent of the ordinance to use the lot width of only 15% of the site.

We recommend the Applicant provide an average lot width calculation for the proposed combined lots and use this as the basis for the side yard setback requirement. We expect this to be in the 17' to 22' range.
 - 2) The Applicant states that they meet the side yard setback requirement to the northwestern property line. 24' is shown between the edge of the residential structure and the official property line. However, there is a 15' wide area for the driveway serving the off-site residential lot. (The

survey and plans should clarify the status of this area and exact width, and easement/agreement information should be provided.)

The required yard for the townhouse property cannot include an off-site driveway. There is a fence dividing the driveway from the yard. This is not usable space for the townhouse lots. Per yard definitions, the area should be "unoccupied and unobstructed".

The yard setback for the townhouse should be measured to the edge of the portion of the property that is utilized for this proposed use. It appears this is less than 10'.

As part of any approval, this offsite driveway should be subdivided to its own lot or merged with the lot it is associated with. The setback to the boundary line for this Site should be shown on revised plans.

If the Applicant intends to keep this off-site driveway on this property, additional use variance request might be required.

- b. **Rear Yard Setback:** where a minimum of 171.4 feet is required and 128.4 feet is existing, but only 44 feet is proposed. (§255-Attachment 1)
- c. **Lot Impervious Coverage:** where a maximum of 35% is permitted and 66.9% (52,150 SF) is existing, but 52.1% (40,592 SF) is proposed. (§255-Attachment 1)
- d. **Building Height:** where a maximum of 32 feet is permitted and 19.8 feet is existing, but 34 feet-7 inches is proposed. (§255-Attachment 1)
- e. **Building Stories:** where a maximum of 2.5 stories is permitted and 1.5 stories is existing, but 3 stories is proposed. (§255-Attachment 1)
- f. **Distance From Building to Railroad:** where a minimum of 100 feet is required and 51.7 feet is existing, but only 23 feet is proposed. (§255-Attachment 1)
- g. **Parking Space Dimensions:** where a minimum of 10 feet wide by 18 feet long is required, but only 9 feet wide by 18 feet long is proposed. (§255-26.G(3)(a)(1))

Standards	Required	Existing	Proposed Combined Lots
Lot Area (Min.)	12,000 SF	11,919 SF 66,040 SF	77,956 SF
Density (Max.) *	3.36 units per acre	N/A	13.4 units per acre
Lot Width (Min.)	80'	120' 242'	120'
Front Yard Setback (Min.)	35'	21.1' (E)	35'
Side Yard Setback – East (Min.)	10% of lot width **	51.7'	23'
Side Yard Setback – West (Min.)	10% of lot width **	53.5'	<12' (M)**
Side Yard Setback – Combined (Min.)	30% of lot width **	105.2'	47'
Rear Yard Setback (Min.)	171.4'***	128.4'	44' (M)
Building Coverage (Max.)	25%	13.5% (10,556 SF)	24.6% (19,146 SF)
Lot Impervious Coverage (Max.)	35%	66.9% (52,150 SF) (E)	52.1% (40,592 SF) (M)
Building Height (Max.)	32'	19.8'	34'-7" (M)
Building Stories (Max.)	2.5	1.5	3 (M)
Distance to Railroad (Min.)	100'	51.7' (E)	23' (M)
Affordable Housing Units (Min.)	20% of all units = 5 units	N/A	4 Units (M)

Standards	Required	Existing	Proposed Combined Lots
Accessory Shed Side Yard Setback (Min.)	5'	N/A	<i>must be confirmed</i>
Accessory Shed Rear Yard Setback (Min.)	3'	N/A	<i>must be confirmed</i>
Parking Spaces (Min.) RSIS standards <ul style="list-style-type: none"> • 1-Bedroom: 1.8/unit • 2-Bedroom: 2.3/unit • 3-Bedroom: 2.4/unit <i>*RSIS includes 0.5 spaces per guest in this requirement ratio</i>	13.6 spaces 27.6 spaces 24 spaces Total = 55 spaces	N/A	67 spaces 30 spaces for market rate 7 spaces for affordable and/or guests Compliance must be confirmed

(E) Existing Condition (M) Variance

*Definition of Lot Width per Ordinance: "The shortest distance between the side lot lines." Density is not specified in a single-family district, as it does not allow for multiple units per lot. Therefore, a density variance is not required to be obtained. However, for the purposes of comparison with the zone standards, we note the standard of a minimum permitted lot size of 12,000 SF in this zone equates to a density maximum of 3.36 per acre.

**Per Ordinance, "No yard or other open space provided for any building for the purpose of complying with the provisions of this article shall be considered as providing a yard or other open space for any other building on any other lot." The driveway that exists for the sole purpose of serving an offsite lot should not be considered part of this lot. Additionally, the lot width calculations are questioned, see above in report.

***Rear Yard Setback Requirement: "Thirty percent of the first 100 feet of lot depth; 45% of the next 50 feet of lot depth; 65% of the next 50 feet of lot depth; and 90% of the balance of the lot depth."

2. The proposed density of 24 units on this 1.7-acre site far exceeds the density pattern in this residential zone and the surrounding residential zones. A maximum density requirement is not specified in a single-family district, as it does not allow for multiple units per lot. Therefore, a density variance is not required to be obtained. However, for the purposes of comparison with the zone standards, we provide the following information:
 - a. Based on the R-1 zone's minimum permitted lot size of 12,000 SF for one residential dwelling, the density maximum would be 3.36 per acre. The proposed development is 13.4 units per acre. On the Site's proposed lot area of 77,956 SF, only **6 units would be permitted** with the lot area requirement. 24 units are proposed.
 - b. To understand whether this type of townhouse intensity would be appropriate in a denser, townhouse-approved area of town, we reviewed the R-6 zone townhouse standards in Section 255-37.C(1). In that zone, the minimum tract area is 30,000 SF and there shall be a minimum of 5,000 square feet of tract area per dwelling unit. The proposed rate for the Applicant is 3,248 tract area per unit, only 65% of the required land area. Using this standard, only **15.6 units would be permitted**, and the Applicant's proposed 24 units would not be permitted and would require a density variance.
 - c. To evaluate whether this density is suitable for the Site, the Applicant should be able prove that the Site can accommodate this density. In particular, the Applicant should testify to quality of life of for the proposed dwelling units, including sufficient access to light and air, sufficiency of outdoor amenity space, parking/loading, and privacy. The Applicant should discuss the proposal in relationship to adjacent uses, scale, intensity, and character. Particular attention should be relationship of building height, massing, architecture, and sustainable design.
3. We offer the following concerns regarding affordable housing, especially as it lends to site suitability:

- a. The Applicant is required to provide 5 affordable housing units (4.8 rounded up), but only 4 affordable housing units are provided. To advance the intent of the Ordinance and the Housing Element, it is recommended that the Applicant comply with the affordable housing requirement on-site. If the Site can accommodate the proposed density, then on-site affordable units should be accommodated.
- b. The Applicant doesn't provide any garages for the affordable housing units, but garages are provided for every other unit. The Applicant should explain why affordable units are the only ones that do not have dedicated sheltered parking and a place to store typical, customary residential accessories, such as bikes and recreation equipment.
- c. The Applicant has indicated that the proposal would be an age-restricted development and senior focused. However, the Applicant does not provide elevators for the affordable housing units in the stacked townhouse configuration. The Affordable units are the only units without elevators. The Applicant should explain why the affordable housing units do not need the senior mobility features that this development intends to specifically serve.
- d. There is a significant difference in size, layout, and amenities for the affordable units. The only 1-bedroom units are affordable units. These affordable units are the same 720 SF ground floor space that in the adjacent market rate units is used for a garage, walk-in closet, rec room, elevator, and full bathroom.
- e. Additionally, the one-bedroom units don't account for many of the same standard living provisions that are provided for in the other units. The one-bedroom unit doesn't have a coat closet, linen closet, or place to store a bike or vacuum, which is different than the adjacent two-bedroom unit that has four walk-in closets, plus a rec room, hallway/foyer, and garage.

The Applicant should discuss whether these configurations meet the intent of the state's on-site inclusionary housing for residents living in affordable homes have equitable and sufficient arrangements, as well as the Cranford Ordinance requirement that inclusionary developments shall have the same common elements and facilities as the market units.

- f. If this were a townhouse in a permitted townhouse zone, the Applicant would not comply with the design standard that states, "Each dwelling unit shall have not fewer than two means of ingress and egress." The two ground floor one-bedroom affordable housing units have fewer than two means of ingress and egress. All units should be treated equally, and the Applicant should revise the plans to comply with this requirement.
- g. The plans must comply with UHAC requirements, specifically the bedroom distribution, as well as the other requirements of the Township Affordable Housing Ordinance, starting at Section 255-67.
- h. The plans must confirm compliance with ADA accessibility, NJ Barrier Free Subcode, and the accessibility requirements in Section 255-72B New Construction: Accessibility Requirements of the Township Code, which has specific requirements for age-restricted townhomes and affordable units.

B. General, Site Design + Architecture Comments:

- 1. The Applicant should provide an overview of the existing conditions. At the DRC meeting, it was recommended to the Applicant to provide information regarding the current environmental state especially in regard to contamination and remediation from the prior use as it lends to site suitability. We defer to the Board whether further information be provided during this stage or defer it during a site plan review. At a minimum, the Applicant should also discuss the proposed site demolition,

remediation of environmental issues, and how the site will be protected and stabilized during these processes. A demolition plan should be provided as part of any site plan application.

2. The proposed conditions and relationship to the surrounding neighborhood and zone should be presented. The Applicant should review and be prepared to discuss the project in relation to the 2009 Township of Cranford Master Plan and 2019 Master Plan Reexamination Report. The Applicant should be prepared to discuss the nature of the proposed use, density, associated traffic, and public realm enhancement in relation to the surrounding uses and consistency with the Master Plan.
3. The Applicant should provide a larger setback between buildings, especially given that variances will be needed for exceeding the maximum permitted number of stories and building height. Even if this were a townhouse in a permitted townhouse zone, the Applicant would not comply with the building setback requirements, where 30 feet is required but 10 feet is proposed. Best practice site design would provide buildings that have enough distance between them to provide adequate light and air in the units and sufficient space (for grass, landscaping, etc.) to be unencumbered by shadows.

The Cranford Fire Department has also expressed concern regarding the building separation, stating, *"This presents fire exposure concerns in a general basis and particularly so given the site's exposure to the railroad."* We recommend at minimum the distance between buildings be equivalent to the height of the buildings.

4. The Applicant identifies a compliant western side yard setback of 24 feet which includes the access driveway as part of this distance. However, per Ordinance, *"No yard or other open space provided for any building for the purpose of complying with the provisions of this article shall be considered as providing a yard or other open space for any other building on any other lot."*

The access driveway that exists for the sole purpose of serving an offsite lot should not be considered part of this lot for the following reasons:

- a. Practical purposes for the residential rear yard which would be limited by the driveway.
- b. Technical purposes since the buildings are 24 feet from the side property line but less than 12 feet from the edge of driveway.
- c. Density purposes since the driveway area is included within the total lot area.

Therefore, variance relief would be required for this side yard setback, and as proposed, the Applicant may not even comply with the townhouse minimum required side yard setback of 10 feet. The Applicant should expand this side yard setback area to allow for more back yard space for these units, landscape buffering, and privacy.

5. The Applicant will require variance relief for the proposed distance of the buildings from the railroad, where a minimum setback of 100 feet is required but only 23 feet is proposed.

We support and emphasize the Cranford Fire Department's comments and concerns regarding this required variance relief, specifically, *"These three physical assets are all critical infrastructure which present a unique risk exposure to the site. The proposal to change the site from an industrial use to a dense residential use, particularly with an older population, presents a point of concern which differentiates this risk assessment from other adjacent properties along the right-of-way."*

6. The Applicant should specify and provide testimony to all building types, façade materials, colors, and overall details of design, relative to the Site and surrounding character. Given the intensity and importance of the use variance requested, renderings should be presented to show each facade colors and materials. All proposed colors and materials should be labeled on the elevation plans.

7. The proposed design does not meet the intent of the "Look-alike" provisions of Township Code 255-26, which are specific to the R-1 through R-5 residential zones. While we understand that the Applicant proposes a different building type than this zone allows and this ordinance anticipates, it should be considered as part of site suitability and compatibility with the neighborhood.

L. Look-alike provisions.

- (1)** No dwelling shall hereafter be erected or constructed in the R-1 through R-5 Residential Zones which shall be like or substantially like any existing or proposed neighboring dwelling in more than three of the following six building elements:
 - (a)** Height of the main roof ridge above the elevation of the first floor.
 - (b)** Length of the main roof ridge.
 - (c)** Width between outside walls at the ends of the dwelling under the main roof.
 - (d)** In the front elevation, relative location with respect to each other of garage, if attached, porch, if any, and the remainder of the dwelling.
 - (e)** In the front elevation, relative location of windows.
 - (f)** In the front elevation, materials used in the exterior wall of the dwelling.
- (2)** Minimum changes required.
 - (a)** For Subsection **L(1)(a), (b), (c)** and **(d)** above, dwellings shall be deemed to be like each other in any dimension with respect to which the difference between them is not more than six feet.
 - (b)** For Subsection **L(1)(e)** above, dwellings shall be deemed to be like each other in any dimension with respect to which the difference between them is not more than two feet.
 - (c)** For Subsection **L(1)(f)** above, dwellings shall be deemed to be like each other if the difference between materials used is not more than 30% of the wall area.
 - (d)** Dwellings between which the only difference in relative location of elements is an end-to-end or side-to-side reversal of elements shall be deemed to be like each other in relative location of such elements.

8. Currently, the sides and rears of the building would be visible from the street and neighbors. This is not consistent with the zoning intent or rhythm of the street. If any townhouses were approved on this lot, we'd recommend that the buildings near the Lexington Street frontage face the street, like the other conforming residential homes on the street. The visual impact to the street and neighbors should be taken into particular account within the first 100' of lot depth.
9. If this were a townhouse in a permitted townhouse zone, the Applicant would not comply with the design standard that states, "*No living space shall be permitted above the second story.*" The Applicant proposes 3 stories which is a variance in this zone but also proposes bedrooms on the third story in all units and buildings. Variances for density are sometimes mitigated by conforming massing, however this is not the case here, where relief for height and setbacks are requested. The Applicant should consider the intent of the ordinance requirements for these items and how the proposed plan is a better alternative.
10. The Applicant appears to propose ground-mounted signage as shown in the architectural renderings. All signage should comply with the Ordinance requirements of Section 255-38, and as part of any site plan application, the Applicant should provide a signage plan that shows the colors, materials, and dimensions of all signage.

11. The Applicant should confirm compliance with the residential garage dimensions minimum requirement of 10 feet wide by 20 feet deep with revisions on the floor plan. If compliance cannot be met, the Applicant must request a relief.

C. Parking + Circulation Comments:

1. Testimony should be provided regarding the following goals of the Master Plan in regard to transportation:
 - a. *“Limit developments that would generate a high volume of vehicle traffic on local and collector streets.”* 2019 Master Plan Reexamination Report Page 62
 - b. *“Coordinate land uses and transportation investments to encourage alternatives to driving such as mass transit, bicycle and pedestrian pathways.”* 2019 Master Plan Reexamination Report Page 64
2. We defer to the Board and Board engineer whether a traffic impact study should be provided as part of this application, where site suitability is weighed, or if that should be provided as part of a potential subsequent site plan application.
3. A total of 67 parking spaces are provided. 30 of these spaces are within the ground floor garages for the 20 market rate units. The driveway access area in front of the garages provides for another 30 spaces. No affordable units have garages, as discussed above. 3 spaces are located in front of the doors for the affordable units, and 4 spaces are within a separate parking lot area. This configuration leads to a few options that are not optimal:
 - a. Each affordable unit has only 1 dedicated parking space which may not be adjacent to the dwelling (compared to the 2 or 4 dedicated spaces within and adjacent to the dwelling for a market rate), plus 3 community-shared guest spaces, or
 - b. The affordable units get 1 space per bedroom, and there are no community-shared guest spaces, or
 - c. 7 guest spaces that are shared between the affordable and guests, without any dedicated space for the affordable residents.

The ordinance requires all 1-Bedroom units, regardless of affordability status to be provided 1.8 spaces per unit, and all 2-bedroom units with 2.3 spaces per unit. If the minimum spaces per unit aren't met, deviations should be requested.

Additionally, RSIS accounts for 0.5 spaces for guests per bedroom. The Applicant should make adjustments to ensure proper parking for the affordable units and for guests is be provided on-site.

Parking Standards	Required	Proposed
Parking Spaces (Min.) RSIS standards	1-Bedroom: 1.8/unit = 3.6 spaces 2-Bedroom: 2.3/unit = 27.6 spaces 3-Bedroom: 2.4/unit = 24 spaces Total = 55 spaces	67 spaces 30 spaces for market rate 7 spaces for affordable and/or guests Compliance must be confirmed
Make-Ready EV Spaces (Min.)	15% of all Required Spaces = 9 Make-Ready Spaces	Compliance must be confirmed
Installed Charging Stations at Time of Occupancy (Min.)	1/3 of all Make-Ready Spaces = 3 Spaces	Compliance must be confirmed
Installed Charging Stations 3 Years Following Issuance of C/O (Min.)	Additional 1/3 of all Make-Ready Spaces = 3 Spaces	Compliance must be confirmed

Installed Charging Stations 6 Years Following Issuance of C/O (Min.)	Final 1/3 of all Make-Ready Spaces = 3 Spaces	<i>Compliance must be confirmed</i>
Installed ADA Accessible Charging Stations (Min.)	5% of Operational Charging Stations = 1 Space	<i>Compliance must be confirmed</i>

4. The Applicant is required to provide a minimum of one bicycle parking space per unit (24 spaces), and the Applicant should confirm compliance or request design waiver relief. As discussed above, the affordable units do not have any storage for typical recreation equipment such as bikes. Additionally, bike paths connecting the Site to the street should be considered.
5. Per State Law, the Applicant is required to provide 9 make-ready EV parking spaces, of which 3 should have installed EV charging equipment at the time of occupancy. The Applicant should confirm compliance with notes and details on the plan or request variance relief. Although not necessary, it's recommended that all of the unit's garages be make-ready for EV charging equipment.
6. The Applicant and Board should review the design standards table attached at the end of this report and how compliance with and/or deviations from may impact site suitability.
7. The Applicant should revise the plan to include a walkway that safely and directly connects to the right-of-way instead of residents just utilizing the driveway for walking.
8. The Site contains an access driveway which spans the length of the Site and serves the adjacent single-family residential Lot 10. The Applicant should submit all relevant documents regarding the existing and proposed access drive easement, and the Applicant should provide more details on the full limits of the access easements.

Additionally, since this access driveway will not be used for this proposal, the Applicant should subdivide the access driveway off for the adjacent Lot 10 that uses it. The lot area and proposed setbacks would be affected by this subdivision, and amendments to the proposal would be necessary.
9. The Applicant shall provide testimony regarding waste management, waste removal and waste removal truck circulation, as well as the frequency and method of waste removal.
10. The Applicant should provide testimony regarding the logistics of moving in and out and other types of deliveries. This should include an overview of frequency of truck access, type/size of delivery truck, and expected timing of loading access and deliveries for move-in/out.
11. The Applicant should confirm ADA compliance for parking and building access.
12. The Applicant should provide testimony regarding emergency vehicle access, and how snow removal will be handled.
13. We defer to the Board Engineer regarding other preliminary comments related to parking and circulation.

D. Landscaping, Lighting, Utilities + Drainage Comments:

1. It appears that the Applicant is proposing to remove several trees from the Site. Tree preservation should be prioritized, especially in the front yard and around the property perimeter. The Applicant will need to provide a tree removal and replacement plan and tree protection fencing for any existing trees to remain, as part of any site plan application. Tree preservation could be considered as part of site suitability.

2. Full perimeter buffering along all property lines should be provided to help mitigate impacts to the adjacent single-family residences. Non-permitted uses should have greater buffers than permitted uses.
3. The Applicant should provide testimony regarding proposed landscaping, utilities, drainage, grading, and any stormwater management strategies.
4. To help determine site suitability, the Applicant should discuss compliance with the landscaping requirements such as street trees, parking area landscaping, perimeter landscape buffering etc. as reported at the end of this report in the Design Standards table. On any site plan application where compliance cannot be met, variances and/or design waivers must be requested.
5. The proposed walking trail that runs behind the two townhouse buildings towards the western portion of the Site is too close to these unit's backyards and provides for limited privacy and a much smaller backyard area compared to the other three buildings. The Applicant should consider configuring the walking trail behind the two buildings towards the eastern portion of the Site which has more space. Additionally, the units should be adequately screened from the walking trail with fencing or landscaping for privacy.
6. The Applicant should confirm the location of all utilities, including meters, and HVAC systems on both the civil and architectural sets. The size and height of all mechanical / HVAC units should be provided along with screening details.
7. The Applicant should confirm compliance via dimensions on the plans with the accessory structure setbacks for the shed as listed above in the bulk chart.
8. If the Applicant submits a site plan application with full landscaping, lighting, utility, and drainage plans, we will then provide a full review.
9. We defer to the Board Engineer regarding other preliminary comments related to landscaping, drainage, and utilities.

If you have any further questions regarding this application, please feel free to contact our office.

Sincerely,



Greer Patras, AICP, PP
Board Planner

Appendix

A. Site Photos (October 18, 2023):



Design Standards Table:

Design Standards	Required	Proposed
Parking Space Dimensions (Min.)	10' wide by 18' long	9' wide by 18' long (W)
Residential Garage Dimensions (Min.)	10' wide by 20' deep	<i>must be confirmed</i>
Parking Front Yard Setback (Min.)	35'	>35'
Parking Area Landscaping (Min.)	10% of parking area	<i>must be confirmed</i>
Parking Area Screening (Min.)	4' tall berm, fence, or wall or landscaping	<i>must be confirmed</i>
Perimeter Landscape Buffering (Min.)	4' tall when planted, continuous evergreen screening	<i>must be confirmed</i>
Parking Area Trees (Min.)	1 tree/12 spaces = 6 trees	>6 trees
Parking/Loading Area + Driveway Curbing	Granite block	<i>must be confirmed</i>
Bicycle Parking (Min.)	1/unit = 24 spaces	<i>must be confirmed</i>
Driveway Width	20'-30'	24'
Front Fence Height (Max.)	4'	3'
Side + Rear Fence Height (Max.)	6'	6'
Design Waiver (W)		