



TOWNSHIP OF WEST ORANGE

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Department of Planning and Development

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TO: Planning Board Members

FROM: Paul Grygiel, AICP, PP, Township Planner

DATE: December 5, 2022 – *revised February 22, 2023*

RE: **PB 22-13/West Crescent Realty, LLC**
Block: 17; Lots: 62; Zone: B-1
14-16 Northfield Avenue
Minor Site Plan, Conditional Use and Variance Approvals

The applicant has made modifications to the proposed plans after meeting with the Site Plan Review Advisory Board (SPRAB) on January 10, 2023. This memorandum supplements my original review memorandum dated December 5, 2023. New information is denoted in **bold**, deletions are shown in ~~strikethrough~~.

INTRODUCTION

The applicant is proposing to convert an existing building on Northfield Avenue from all nonresidential uses to a mix of residential and commercial uses. The application includes requests for minor site plan, conditional use and “c” variance approvals.

LAND USE/CIRCULATION

The property is located in the B-1 zone and is developed with a three-story building, which currently includes two ground floor retail spaces and other nonresidential uses. The lot is 11,258 square feet in area and has 100 feet of frontage on Northfield Avenue. The surrounding area is developed with a mix of land uses. These include commercial and office uses to the east and



west, commercial, multifamily residential and mixed-use buildings to the north and residential and mixed-use buildings to the south. Other uses in the vicinity include public parking lots as well as governmental and institutional uses and a childcare center.

Northfield Avenue includes three travel lanes in front of the subject property (two eastbound and one westbound). On-street parking is prohibited on Northfield Avenue in front of the subject property. There are multiple bus stops within the immediate vicinity of the subject property on both Northfield Avenue and Main Street.

SUBMISSIONS

ITEM

SIGNED BY

DATE/REVISION

Survey

Anthony J. Sereno, PLS

8/7/2022

Site and Architectural Plan (10 sheets)

Jose A. Izquierdo, AIA, PP, JD

2/16/2023

VARIANCES REQUIRED

SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED	VARIANCE
25-12.2 Minimum required number of parking spaces	24 34 spaces	NA	9 8 spaces	"c"

As discussed below, due to recent amendments to the Land Use Regulations Ordinance, the required number of parking spaces is lower than indicated on the site plan. **It is noted the following two existing nonconforming conditions are being improved due to the removal of a portion of the building, though they will still not comply with bulk requirements:**

- **Minimum rear yard: 30 feet required, 1.8 feet existing, 5.6 feet proposed**
- **Maximum building coverage: 30 feet required, 1.8 feet existing, 5.6 feet proposed**

In addition, this change would reduce the building coverage from 67.5% to 56.24%, which would now comply with the maximum of 60%.

PROPOSED DEVELOPMENT

The subject property is located on the south side of Northfield Avenue between Valley Road and Wheeler Street. It is developed with a three-story building. The applicant is proposing to maintain the existing ground floor commercial space **in the front portion of the building,**



create an indoor parking area in the rear portion of the ground floor with seven vehicular parking spaces and a bicycle parking area, and convert the upper floors of the building to multifamily residential use. Twelve apartments are proposed on the second and third floors. These include two studios, five one-bedroom units and five one-bedroom loft units. Access to the residential units is provided from a main lobby on Northfield Avenue and a secondary lobby on the east side of the building.

The existing parking area would be restriped to provide ~~eight~~ **two parallel** parking spaces **along the wall of the building,** ~~two of which are labeled as ADA accessible and one of which encroaches slightly in the Northfield Avenue right-of-way.~~ **A total of nine parking vehicle parking spaces are proposed on site.** There does not appear to be any change to the access to the paved areas behind the building on Lot 5 (335 Valley Road). **An existing one-story section of building at its rear is proposed to be removed, and the entire area behind the building to the rear lot line (1,270 square feet) would be landscaped. A concrete sidewalk is proposed between the building and the west side property line. Wall mounted lighting is proposed above this walkway and in other locations on the other three sides of the building.**

As the property has limited space for off-street parking, the applicant has entered into an agreement with the West Orange Township Council for 12 parking permits for 24-hour parking in two nearby municipal parking lots: Lot 3 on Lindsley Avenue and Lot 4 on Valley Road. These permits would be “for at least 5 years for 12 spaces” according to the application.

Two street trees are shown on the site plan, ~~but their species and size are not identified,~~ **along with one tree in the southwest corner of the site. All three of these trees are labeled as Bradford Gallery pear trees, which would be six inches in caliper with a planting height of 14 feet.** ~~There are symbols for what would appear to be eight shrubs in planters along the wall of the building between the parking spaces.~~

DISCUSSION/RECOMMENDATIONS

Zoning Compliance

The subject property is located in the B-1 Retail Business zone district. The proposed mixed-use development is a permitted conditional use in the zone. The conditional use standards for this use listed in § 25-24.2b2(m) are as follows:

- (1) Permitted uses on the ground floor of a mixed-use development shall include the following permitted uses in the B-1 and B-2 Districts: retail store, personal service store or studio, office, business or vocational school, restaurant, bar, massage, bodywork or somatic therapy establishment, and fitness center/health club.



- (2) One or more dwelling units shall be permitted on the upper floor(s) above any of the permitted ground floor uses in the above paragraph.
- (3) Access to upper floor uses shall be provided by means of a separate entrance than provided for ground floor uses.
- (4) Minimum lot area shall be 5,000 square feet, and the minimum street frontage of such lot shall be 50 feet.

The applicant indicates the proposal complies with each of these. It is noted that the **originally submitted** site and architectural plans refer in multiple places to existing “warehouse” space in the building, which ~~is was~~ proposed to remain on the ground floor. **This space is now proposed to be utilized for parking.** ~~Warehouses are not among the list of permitted uses in a mixed-use development, or in the B-1 zone in general. The applicant must confirm the proposed usage of this space.~~

The existing lot and building have a number of existing nonconformities from B-1 zone bulk standards, **some of** which are not being changed by the proposal. **As noted, the rear yard, building coverage and lot coverage are being improved.**

A variance is required for the minimum number of parking spaces as noted above. The site plan indicates a total of ~~35-44~~ parking spaces are required: 22 per residential requirements and ~~13-22~~ per nonresidential requirements. However, Township Ordinance 2617-20 adopted in September 2020 amended various sections of the West Orange Land Use Regulations Ordinance. The off-street parking requirements were modified to implement recommendations in the Township’s 2019 Master Plan Update. In particular, Section 25-12.2 b.5. provides an exemption from providing off-street parking for the first 1,000 square feet of gross floor area of an individual use for all permitted nonresidential uses other than restaurants and bars in the portions of the B-1 and B-2 Zones in the Central Business District. This section also requires provision of one space per 300 square feet of gross floor area above the first 1,000 square feet. The architectural plans show individual ground floor commercial spaces of **1,310 and 1,331 square feet, or 2,641 square feet total** ~~1,376, 1,513 and 3,733 square feet, or 6,622 square feet total~~. After exempting ~~2,000-3,000~~ square feet (1,000 square feet per use), the requirement for the remaining ~~641-3,622~~ square feet is ~~two-12~~ spaces. Therefore, the total requirement for the proposed development is ~~24-34~~ spaces, inclusive of the 22 required spaces for the residential units.

In addition, the application is required to comply with Section 25-12.6, “Electric Vehicle Supply/Service Equipment,” which was adopted in 2021 and implements the State statute regarding electric vehicle supply equipment that became effective on July 9, 2021. Both laws require the installation of Make-Ready¹ parking spaces or electric vehicle supply equipment

¹ “Make-Ready” means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a



(EVSE) onsite as a condition of preliminary site plan approval for certain applications. For an application involving a multiple dwelling with five or more units (including a mixed use development), the developer is required to prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install electric vehicle supply equipment in at least one-third of the 15 percent of Make-Ready parking spaces. In addition, at least five percent of the EVSE shall be accessible to people with disabilities. The applicant should provide testimony regarding the location and accessibility of the required Make-Ready parking spaces and/or EVSE on the site, and revise the site plan accordingly.

The application is subject to Section 25-18.25, "Inclusionary Housing Requirements for Multifamily Residential Developments":

Any multifamily residential development consisting of five or more dwelling units shall produce low- and moderate-income housing on-site or elsewhere in the Township. The number of affordable units to be provided shall be 20% of the residential units in the development. The provisions of this section shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.

The applicant should provide testimony regarding its compliance with this requirement, and revise the application accordingly.

Variance Proofs

The Municipal Land Use Law (MLUL) at N.J.S.A 40:55D-70c permits a board of adjustment to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a "d" variance. A "c(1)" variance is for cases of hardship due to factors such as shape or topography, or due to "an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon." A "c(2)" variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a "c(2)" variance must include benefits to the community as a whole, not just the applicant or property owner. The applicant must also address the "negative criteria," and affirmatively demonstrate that the variance can be granted "without substantial detriment to the public good" and "without substantial impairment to the intent and purpose of the zone plan and zoning ordinance" of the municipality.

particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).__



Other Issues

The following is a list of information that is incorrect and/or additional items that need to be provided:

1. The owner's name on the application form (Monachem Halberstam) is different than what is listed on the submitted plans (Do Well Management, Richard Herbst). This discrepancy should be clarified.
2. ~~The zoning compliance chart on the site plan refers to section "801.2.1" for off-street parking. This reference should be corrected.~~
3. ~~Additional information is necessary for the proposed street trees and other landscaping.~~
4. As noted, information is required regarding affordable housing and electric vehicle charging compliance.

In addition, the rear portion of Lot 5 (335 Valley Road) only has access through the subject property. There are no easements shown on the site plan or survey. The applicant's professionals should indicate whether any exist, or if there is any other arrangement in place to provide access to Lot 5.

Testimony should be provided regarding the reasoning for providing two ADA accessible parking spaces given the limited amount of parking provided. **It is noted that per ADA requirements, the minimum number of accessible spaces required for a parking lot or facility with 1 to 25 spaces is one accessible space.**

~~A rolldown door to the rear commercial space is shown on the architectural plans, but access to it is blocked by parking spaces.~~

An unlabeled door or gate is shown adjacent to the southwest corner of the modified building. Information should be provided regarding it.

The Township of West Orange Site Plan Review Advisory Board (SPRAB) held a virtual meeting on January 10, 2023. At this meeting, the SPRAB reviewed the application with the applicant's principal, attorney and architect. The revised plans address the primary issue at the SPRAB meeting, providing on-site parking in light of the site's limited area for circulation and parking outside the building, by providing spaces inside the building and only two parallel spaces outdoors. This change also reduces the number of parking spaces required by eliminating commercial floor area.



Issues raised at the SPRAB meeting that do not appear to have been addressed in the revised submission include the following:

- **Rear of building:** The applicant was asked to provide information regarding vehicular access to the rear of the building on Lot 5, as it is only accessible through the subject property. In addition, the revised plans showed a playground behind the building. It was suggested it could be changed to a sitting/garden area usable by building residents.
- **Drainage:** A suggestion was made to tie the roof leaders together, and to show on both the architectural and site plans.
- **Trash storage and removal:** Additional information was requested regarding this topic.

