

MEMORANDUM

TO: Township of West Orange Planning Board

FR: Gerard M. Haizel, PP, AICP, Principal

**RE: PB-24-08 - 289 Mt. Pleasant Avenue
Block 83, Lots 1 & 5.01**

DT: May 12, 2024

The following is prepared on behalf of the West Orange Planning Board. The information is for advisory purposes only and is intended to assist the Board's decision-making process. Below are descriptions of the projects based on the supplied plans and documentation as well as commentary on issues evident from them.

Items Reviewed

In preparation of this report, I have reviewed the following items:

- Township of West Orange Application form for the Planning or Zoning Board of Adjustment, dated April 5, 2024.
- Correspondence: Completeness Compliance, GBSJ, LLC – The Goddard School, 289 Mt. Pleasant Avenue, Block 83, Lots 1 & 5.01, dated 4-24-2024, from Jarmel Kizel Architects and Engineers, Inc.
- Correspondence: Project Proposal, GBSJ, LLC – The Goddard School, 289 Mt. Pleasant Avenue, Block 83, Lots 1 & 5.01, Jarmel Kizel Number: GSLNJ-S-23-119, dated 4-30-2024, from Gerard P. Gesario, PE of Jarmel Kizel Architects and Engineers, Inc.
- Architectural Plans titled Goddard School Annex, 289 Mt. Pleasant Avenue, West Orange, NJ, consisting of two (2) sheets, dated 4-02-2024, prepared by Matthew B. Jarmel, AIA, MBA of Jarmel Kizel Architects and Engineers, Inc.
- Site Plans titled Amended Preliminary/Final Site Plan, (Lots Being Consolidated Under Original Approval), Goddard School Annex, 289 Mt. Pleasant Avenue, Township of West Orange, Essex County, New Jersey, Block 83, Lots 1 & 5.01, Tax

Map Sheet 34, consisting of ten (10) sheets, dated 4-01-2024, prepared by Gerard P. Gesario, PE of Jarmel Kizel Architects and Engineers, Inc.

- Survey of Property situated at 303 Mt. Pleasant Avenue/9Marcella Avenue, Township of West Orange, Essex County, New Jersey, consisting of one (1) sheet, dated 07-29-2023, with revisions dated 08-31-2023 and 03-27-2024, prepared by James Pica, PLS of P² Land Surveying, Inc.

Project Summary

On property located in the Township's **B-2 General Business District**, the applicant, **GBSJ Properties, LLC**, proposes to demolish an existing three-story structure on the subject site, which was previously used as a radio station, and in its place construct a new three-story building to be used as an annex to the existing childcare center on the site. The site currently contains several structures, including the three-story building (to be demolished) a one-story building currently being used for *The Goddard School*, and two (2) existing sheds located on the western area of the site.

The proposed childcare center use on the site **is permitted** in the B-2 District (*pursuant to MLUL 40:55D-66.6*). However, the proposed development does not meet all the bulk and design requirements for the District. Site plan approval is required for this application.

Required Deviation / Variance Relief

Front Yard Setback –	Pursuant to the Township of West Orange Zoning Ordinance §25-7.1, Part B , a minimum front yard setback of <u>30-feet</u> is required, and the applicant proposes a front yard setback of <u>12.5-feet</u> . A C-variance is required to a lesser front yard setback than required.
Side Yard Setback –	Pursuant to the Township of West Orange Zoning Ordinance §25-7.1, Part B , a minimum side yard setback of <u>10-feet</u> is required, and the applicant proposes a front yard setback of <u>23.9-feet</u> . A C-variance is required to a lesser side yard setback than required.
Lot Coverage –	Pursuant to the Township of West Orange Zoning Ordinance §25-7.1, Part B , a maximum lot coverage of <u>60%</u> is permitted, and the applicant proposes a lot coverage of <u>67%</u> . A C-variance is required to permit a greater lot coverage than permitted.

Parking – Pursuant to the Township of West Orange Zoning Ordinance **§25-12.2(b)**, one (1) parking space is required for each employee. The applicant proposes twenty-seven (27) employees requiring 27-spaces. Additionally, one (1) parking space is required for each 350-SF of gross square footage. The applicant proposes a total GFA of 15,091-SF of childcare space requiring 43.12-spaces. A total of 71-spaces is required, and the applicant proposes 45-spaces. **A C-variance is required to permit a lesser number of off-street parking spaces than required.**

Project Description

The subject site is a 58,343.-SF parcel located on the northeastern corner of the intersection of Mt. Pleasant and Prospect Avenues. The site also has frontage on Marcella Avenue to the north and east. The site is comprised of two (2) tax lots, lot 1 and lot 5.01. Lot 5.01, the larger, encompasses 54,492-SF and occupies most of the parcel to the north and west. This lot is improved with a 1-story 8,800-SF building that is occupied by The Goddard School.

On the northern side of the building, on the Marcella Avenue frontage, is an enclosed area, which is used as a play area for the facility. To the south and southwest are two striped and paved parking lots. One of these lots fronts directly on Mt. Pleasant Avenue and Prospect Avenue (the lower lot), while the other is located to the east at a higher elevation (the upper lot). There are a total of forty-five (45) parking stalls striped on the site, including two (2) ADA-compliant stalls.

Lot 1 is 3,851.92-SF in area and is located in the southeastern corner of the parcel. This lot is improved with a 3-story building, which was formally used as a radio station. Two transmission antennas/towers related to the previous use also remain on the site. The applicant proposes to demolish the existing structures on lot 1 and in their place construct a new 3-story, 2,097-SF building, to be used as an annex to the childcare center on the adjacent lot. As part of the proposed development, lots 1 and 5.01 will be merged and consolidated into a single lot.

The proposed new building will extend beyond the footprint of the existing building and will be setback 12.5-feet from the southern (front) property line on Mt. Pleasant Avenue, 23.9-feet from the eastern side property line.

The main entry to the building is proposed on the western frontage, where an entry door is proposed, with a canopy above it. This door will open into the basement level, which will accommodate a 713-SF pre-school classroom located on the southern end of the building.

There is a door on the western side of the classroom which will access an enclosed staircase, which will open to the western frontage and will serve all three levels of the building.

On the northern end of the floor is proposed a lobby area, an office and an elevator. Abutting the elevator to the west is a proposed second enclosed staircase, which will also access all three levels of the building and open to the western frontage of the building.

The 2nd and 3rd levels is similar to the layout on the 1st level, with a pre-school classroom on the southern end of each floor and a lobby with access to the elevator, with a staff bathroom (1st floor) and a staff lounge (2nd floor) off of it.

A curbed sidewalk is proposed along the western and part of the eastern frontages of the building. The northern side yard will be curbed and landscaped. The sidewalk on the northern frontage will extend to the staircase enclosure, which is bumped out from the western façade. Bollards are proposed along the sidewalk on all sides of the building.

A striped crosswalk is proposed from the paved sidewalk, extending from the northwestern corner of the new building, across the existing driveway, to the existing paved walkway at the front of the existing main school building.

Exterior

- The exterior of the proposed building will be finished with thin brick/brick veneer on the 1st floor façade on all sides and siding on the upper floors.

Landscaping

- Two (2) Eastern Redbud trees are proposed in the eastern side yard.
- Four (4) New Jersey Tea shrubs are proposed in the landscaped area at the front of the building (western) frontage.
- Five (5) White Gem Boxwood shrubs are proposed adjacent to the stairway enclosure on the western frontage.
- Fifty-one (51) Christmas Fern shrubs are proposed in the eastern side yard.
- One (1) Blue Baby Spruce tree is proposed in the eastern side yard.
- Four (4) Nellie Stevens Holly trees are proposed on the northern side yard.
- Three (3) Little Bluestem perennials are proposed in the landscaped area at the front of the building (western) frontage.
- Twenty-three (23) Heatleaf Foamflower groundcover plants are proposed in the southern side yard.

- Twenty-two (22) Wild Stonecrop groundcover plants are proposed in the southern side yard.

Lighting

- One (1) American Electric Lighting ATB0 Series 39-525MA Type 2 4000KOCT light fixture is proposed on the western side of the main school building.
- Two (2) American Electric Lighting ATB0 Series LED 1000MA Type 4 4000K/5000K OCT light fixtures are proposed in the upper surface parking lot.
- Two (2) American Electric Lighting ATB0 Series LED 1000MA Type 4 4000K/5000K OCT light fixtures are proposed on the front facade of the main school building.
- One (1) American Electric Lighting ATB0 Series LED 1500MA Type 4 4000K/5000K OCT light fixtures are proposed in the lower surface parking lot.

Site & Area Description

Street Address: 289 Mt. Pleasant Avenue
Block & Lot: Block 83, Lots 1 & 5.01
Zoning District: B-2 General Business District
Total Site Area: 58,343.92-SF (Lot 1: 3,851.92, Lot 5.01: 54,492)

Location Map



Location Map – The property in question is outlined in red on the Google aerial map above. Lot 1 is outlined in yellow. The subject site is located on the northeastern corner of the intersection of Mt. Pleasant and Prospect Avenues. Surrounding the site are a mix of residential and commercial uses.

Photo Survey

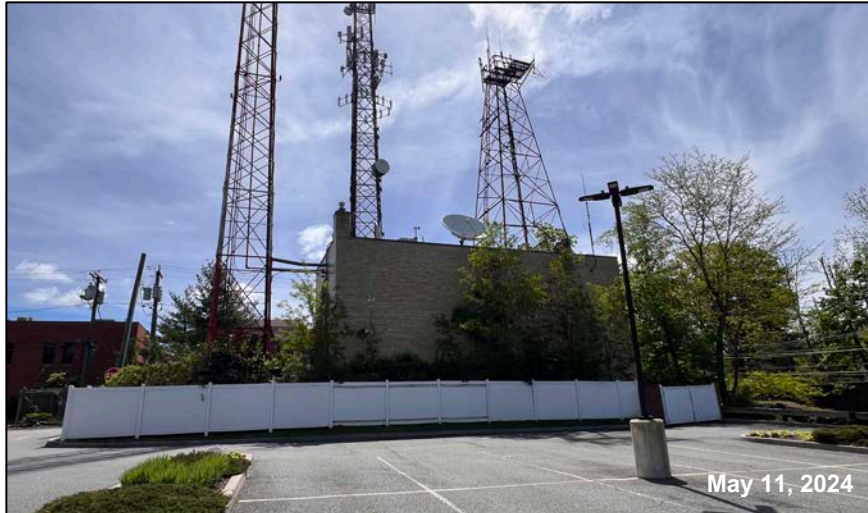


Photo 1: View of the subject property located at 289 Mt. Pleasant Avenue. View looking east towards the 3-story building which will be demolished and replaced by a new 3-story building, which will be used as an annex to the existing childcare center on the site.



Photo 2: View of the subject property from the north on Marcella Avenue.



Photo 3: View of the driveway between the existing school building (right) and the location of the proposed annex building (left). A striped crosswalk and signage will be provided here for the safety of children crossing between buildings..



Photo 4: View of the driveway between the two building from the parking area.



Photo 5: View looking north across the upper parking lot, towards the main school building.

Planning Considerations

The subject site is located within the **B-2 General Business District**. Among the permitted principal uses in this district are:

- Retail Stores
- Personal Service Store or Studio
- Office or Office Building
- Business or Vocational School
- Restaurant
- Bar
- Massage, Bodywork or Somatic Therapy Establishment

Pursuant to the *Municipal Land Use Law (MLUL)* **40:55D-66.6**, licensed childcare centers shall be a permitted use in all nonresidential districts of a municipality. As such the childcare facility on the subject site is a permitted use.

The chart below has been created to identify bulk deficiencies.

Required Standard	Permitted	Proposed	Variance Required
Use	Childcare Center	Childcare Center	No
Min. Lot Area	10,000-SF	58,344-SF	No
Max. Building Height (Stories / Feet)	2.5-Stories / 35-Feet	2-Stories / 33.6-Feet	No / No
Min. Front Yard Setback	30-Feet	12.5-Feet	Yes
Min Side Yard Setback	10-Feet (Each Side)	East Side: 23.9-Feet	No
Min. Side Front Yard	25-Feet	West Side: 3-feet	Yes
Min Rear Yard Setback	30-Feet	56.9-Feet	No
Max. Building Coverage	40%	18.7%	No
Max. Lot Coverage	60%	67%	Yes
Parking	71-Spaces - 1-sp per 350-SF 15,091-SF/350=43.1-spcs - 1-sp per employee = 27-spcs.	45-Spaces	Yes

Standards for Granting Variance Relief

C - (Bulk) Variances

The Municipal Land Use Law (MLUL) at **N.J.S.A. 40:55D-70c** sets forth the standards for variances from the bulk regulations of a zoning ordinance.

C(1) Variance - The Board must find that there is either undue hardship or practical hardship with the strict application of the zoning requirements as stipulated in the Zoning & Land Use Regulations, as a result of:

- a) exceptional narrowness, shallowness or shape of a specific property, or
- b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or
- c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

C(2) Variance – The Board must find that the proposed deviation from the Zoning & Land Use Regulations will advance the purposes of the MLUL and that the variance can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially outweigh any detriment. The benefits identified in granting a C(2) variance must include benefits to the community as a whole, not only the applicant or the property owner. Here too, the Board must be satisfied 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 Township.

Planner's Comments

The applicant proposes to demolish an existing 3-story structure on the subject site, which was previously used as a radio station, and in its place construct a new 3-story building to be used as an annex to the existing childcare center on the site. The site currently contains several structures, including the 3-story building (to be demolished), a one-story building currently being used for The Goddard School, and two (2) sheds located on the western area of the site.

The proposed childcare center use on the site **is permitted** in the B-2 District (*pursuant to MLUL 40:55D-66.6*). However, the proposed development does not meet all the bulk and design requirements for the District.

The childcare center on the site was approved by this Board in 2017 in application PB-17-04, an action memorialized by Township of West Orange Planning Board Resolution, dated August 2, 2017.

In 2023 the applicant returned to this Board seeking site plan approval with variances, to expand the facility, by acquiring and renovating an existing 3-story commercial building, situated on adjoining lot 1, which is located to the southeast of the existing school. The scope of work here included the adaptive reuse of the existing structure, converting it for use as an annex to the existing childcare facility. This application, PB-23-10, was approved, and the Board's action memorialized in Township of West Orange Planning Board Resolution, dated November 29, 2023.

The applicant is now back before this Board seeking for a change is the most recently approved scope of work, which will modify the most recently approved site plan. In this application the applicant no longer proposes to adaptively reuse the structure on Lot 1, but now plans to demolish the structure completely and in its place construct a completely new structure. The proposed new structure will be located in the same location and will still be 3-stories in height. However, the proposed footprint of the structure will be increased from its existing 1,315-SF to a proposed 2,097-SF. The new building will occupy almost the same footprint on the western, southern and eastern frontage, but will be extended out on the northern frontage.

The proposed change in scope will require three (3) of the same variances that were identified in the previous appearance before the Board. These include variances for the following:

- Insufficient Front Yard Setback
- Insufficient Side Front Yard Setback
- Insufficient Parking

Additionally, variances are required for:

- Excessive Lot Coverage

In the case of the excessive lot coverage, while a variance was requested for this in the previous application, here the deviation from the standard is slightly increased from the previous application. This increase is attributable to the annex building being slightly larger than previously proposed.

Notwithstanding the above, the applicant should provide detailed testimony as to what has changed from their previous approval. Testimony should also include whether there is any change planned in the proposed use of the annex, from what was previously proposed.

The applicant should also provide testimony confirming that there is no increase in enrollment planned with the proposed expansion.

Recommended Conditions of Approval

Should the Board be inclined to grant the requested variance relief in full or in part, or to approve the accompanying site plan, the following are recommended conditions that should be placed on the approvals.

1. The applicant shall comply with all conditions provided by the Board Engineer.
2. The applicant shall provide detailed testimony as to what has changed from their previous approval. Testimony should also include whether there is any change planned in the proposed use of the annex, from what was previously proposed.
3. The applicant shall provide testimony confirming that there is no increase in enrollment planned with the proposed expansion.
4. The applicant shall install a “white roof” on the proposed new building.
5. The subject lots shall be merged/consolidated as a single lot.