

MEMORANDUM

TO: Township of West Orange Planning Board

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

RE: PB-24-15 - 31-35 Harrison Avenue
Block 141, Lot 1

DT: September 6, 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 July 17, 2024.
- Site Plan and architectural drawings titled Preliminary and Final Major Site Plan for 1-story addition to 31-35 Harrison Avenue, West Orange, NJ, Block 141, Lot 1, Tax Map 60, consisting of three (3) sheets, dated 04-01-2024, prepared by Joseph. L Haines, AIA, PP of Dassa Haines Architectural Group, LLC.
- Survey of Property situated at West Course, 31-25 Harrison Avenue, Township of West Orange, Essex County, New Jersey, consisting of one (1) sheet, dated 03-21-2023, prepared by George J. Anderson, LLC.

Project Summary

On property located in the Township's ***B-1 (Retail Business) District***, the applicant, **Luis Crespo** proposes to expand their printing and embroidery business, Uptown Printing, LLC., by constructing a one-story, 2,130-SF addition to the rear of an existing commercial building. The addition will include a new entry on the western frontage, enclosed by an overhead door, for the purpose of receiving deliveries, and shipping orders.

Retail sales is an existing use on the site and **is permitted** in the B-1 District. However, the proposed improvements do not meet all the bulk and design requirements for the district. Site plan approval is required for this application.

Variances Required

- | | |
|---|---|
| Side Yard Setbacks
(Southern Side) – | Pursuant to the Township of West Orange Zoning Ordinance §25-7.1 , a building in the B-1 district shall have a side yard setback of 6-feet on each side. The existing side yard setbacks are 13.6-feet and 2.7 feet on the southern and northern sides respectively. The applicant proposes a side-yard of 3.3-feet on the southern side of the proposed addition. A C-variance is required to permit the proposed expansion with a lesser side yard setback than required. |
| Parking – | Pursuant to the Township of West Orange Zoning Ordinance §25-12.2b5. , based on the total size of the establishment following the expansion, <u>eighteen (18)</u> off-street parking spaces is required, and the applicant proposes <u>one (1)</u> parking space. A C-variance is required to permit the proposed expansion with less than the required number of off-street parking spaces. |

Requested Checklist Waivers

1. A waiver is requested from Township of West Orange *Site Plan/Subdivision Checklist* **Item 4:** A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, etc., within 500' if applicable.
Planner's Comments: *No objection to this waiver.*
2. A waiver is requested from Township of West Orange *Site Plan/Subdivision Checklist* **Item 31:** Existing and proposed contour intervals based on U.G.S. and G.S. datum.
Planner's Comments: *No objection to this waiver.*
3. A waiver is requested from Township of West Orange *Site Plan/Subdivision Checklist* **Item 44:** Lighting plan and details.
Planner's Comments: *No objection to this waiver. The applicant does not propose any exterior lighting on the proposed addition.*

4. A waiver is requested from Township of West Orange *Site Plan/Subdivision Checklist* **Item 45:** Landscape plans and details prepared by a professional landscape architect.
Planner's Comments: *No objection to this waiver request. The applicant does not propose any additional landscaping to the site, as part of this application.*
5. A waiver is requested from Township of West Orange *Site Plan/Subdivision Checklist* **Item 46:** Solid waste management plan.
Planner's Comments: *The applicant must provide a solid waste management plan that details how refuse and recycling from the business will be disposed of.*

Project Description

The subject site is an irregular-shaped lot, which encompasses a total of 7,513-SF (0.17 acres). The site is located on the western side of Harrison Avenue, between Maple and Kirk Streets. The site is improved with a one-story commercial building, which is situated on the eastern side of the site, adjacent to the street frontage. The existing building contains three (3) separate storefronts that have been combined for the single use of the existing business.

There is one (1) existing parking space located in a paved driveway on the southern side of the existing building, which is accessible directly off Harrison Avenue. The rear of the site immediately behind the existing building is covered with gravel, while the remainder of the site, which extends to the west, is unimproved. There is a gradual increase in grade towards the rear of the site.

The applicant proposes to construct a 2,130-SF, one-story addition to the rear of the building. The proposed addition will be built on a slab on grade and will be setback 6.25-feet and 3.3-feet from the northern and southern property lines respectively, and 30.8-feet from the western (rear) property line.

Plans show an existing retail entry located in the southernmost storefront, which will extend westward to an existing retail counter and enclosed office. Abutting the office to the west is proposed a new powder room. A proposed new opening at the rear of this storefront will provide access to the new addition.

The center storefront will also have an entry from the Harrison Avenue frontage, which will open to a proposed showroom. There are doors on the northern and southern side of the showroom, which connects to both the southern and northern storefronts. To the west of the showroom is an existing workspace, with sewing machines shown along the northern side. There is an existing restroom located in the northwestern corner of this area, and an

existing staircase down to the basement, located opposite. A door at the rear of this storefront will provide access to the new addition.

The third (northernmost) storefront accommodates existing workspace, and an existing powder room in the southwestern corner, adjacent to a staircase down to the existing basement. Plans show no direct connectivity to the proposed new addition from within this area.

There is an basement under the existing building, which is accessible from staircases within the existing storefronts. Plans depict the basement as being used as existing storage space.

The proposed 2,130-SF one-story addition at the rear of the existing building will be accessible directly from within the southernmost and center storefronts. The proposed layout of the addition shows a series of shelves and other equipment, and workstations distributed throughout the space.

An 8-foot-wide door is proposed in the southeastern corner of the addition, on the eastern (street-facing) façade. This door will open to the existing driveway. The applicant indicates in their application that this access point will be used to facilitate deliveries and pickups of materials and merchandise.

Exterior

The exterior of the proposed addition will be finished in a manner, complementary to the existing structure on the site.

Lighting

No lighting plan has been provided.

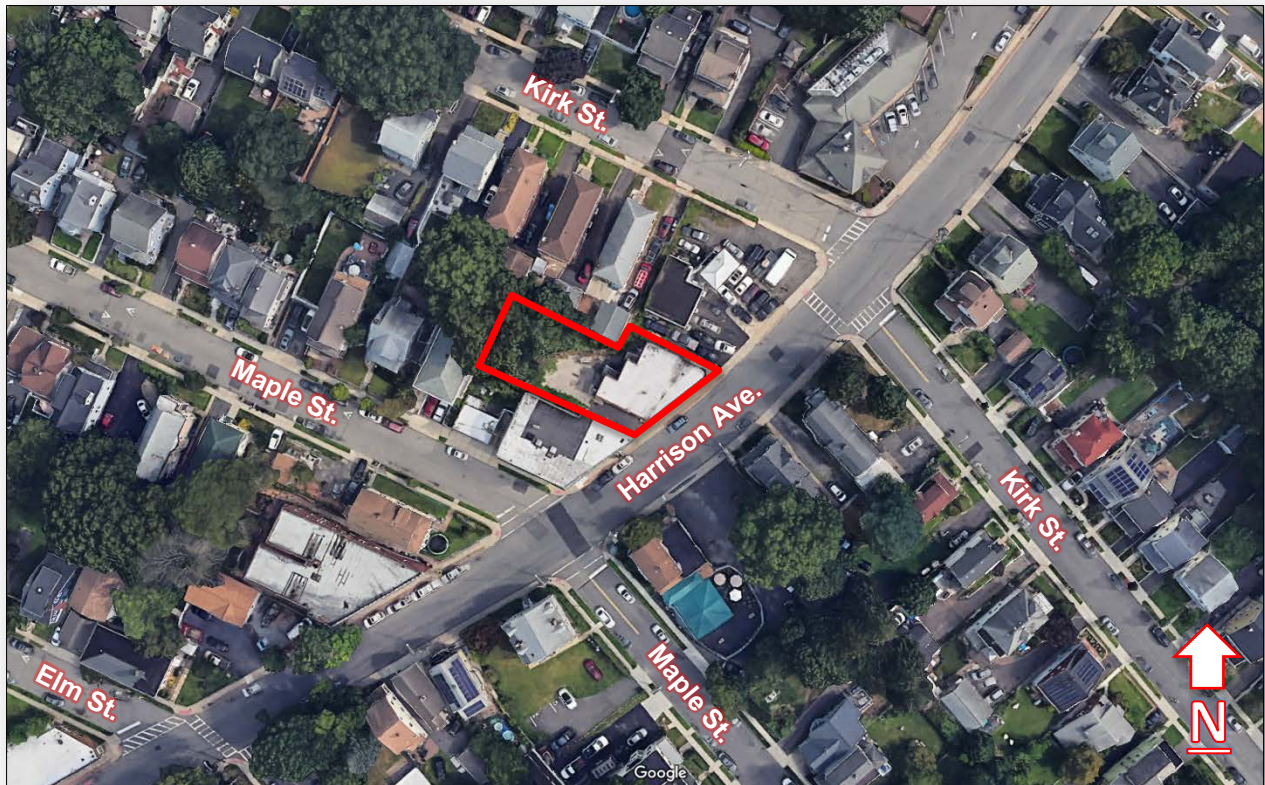
Landscaping

No landscaping plan has been provided.

Site & Area Description

Street Address: 31-35 Harrison Avenue
Block & Lot: Block 141, Lot 1
Zoning District: B-1 District
Total Site Area: 7,513-SF (0.17 acres)

Location Map



Location Map – The property in question is outlined in red on the Google aerial map above. The subject site is located on the western side of Harrison Avenue, between Kirk and Maple Streets. To the immediate south of the site is a mixed-use building which includes a floral shop and a tobacco shop. To the immediate north of the site is an auto repair establishment, which extends to the intersection of Kirk Street. To the east, across Harrison Avenue from the site is a tavern and two detached three-family dwellings.

Photo Survey



Photo 1: View of the subject property located at 31-35 Harrison Ave.



Photo 2: View from southwest showing the rear of the existing building.



Photo 3: View of the rear yard of the property where the addition is proposed.



Photo 4: View of the subject property from the south showing the existing driveway on the southern side of the building.

Planning Considerations

The subject site is located within the **B-1 (Retail Business) District**. Among the permitted principal uses in this district are:

- One and Two Family Detached Dwellings
- Water Reservoir, Well Tower, Filter Bed
- Federal, State, County or Township Buildings
- Golf Course and Golf Club House
- Farm, Nursery, Greenhouse and Similar Uses
- Hospitals
- Senior Citizens Housing Projects (*as defined in Sect. 25.4*)
- Retail store, personal service store or studio
- Office building
- Bar and restaurants
- Business or vocational school
- Massage, bodywork, or somatic therapy establishment
- Fitness center

The chart below has been created to identify bulk deficiencies.

Required Standard	Permitted	Proposed	Variance Required
Use	Retail Store	Retail Store	No
Min. Lot Area	5,000-SF	7,513-SF	No
Max. Building Height (Stories / Feet)	2.5-Stories / 35-feet	12.2 feet (proposed addition)	No
Min. Front Yard Setback	None	1-Foot	No
Min. Side Yard Setback	6 feet (Each Side)	Existing Bldg. North Side: 2.8-Feet South Side: 13.65-Feet Addition North Side: 6.25-Feet South Side: 3.3-Feet	No* No No Yes
Min Rear Yard Setback	30-feet	30.8-feet	No
Max. Building Coverage	60%	59.1%	No
Max. Lot Coverage	75%	70.1%	No
Parking Spaces	18-Spaces	1-Space	Yes

Note: * - Existing Nonconforming Condition

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 and that the variance will not substantially impair the intent an purpose of the zone plan and zoning ordinance. The benefits identified in granting a C(2) variance must include benefits to the community as a whole, not only the applicant of 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 City.

Planner's Comments

The applicant proposes to expand their printing and embroidery business, Uptown Printing, LLC., by constructing a one-story, 2,130-SF addition to the rear of an existing commercial building. Retail sales is the existing use on the site and **is permitted** in the B-1 District. However, the proposed development does not meet all the required bulk standards for the B-1 District.

Specifically, the proposed addition will trigger the need for a side yard setback variance, on the southern side of the proposed addition. Whereas a minimum side yard setback of 6-feet is required, the proposed development will provide a setback of 3.3-feet on the southern frontage. It should be noted here that the addition will conform to the setback requirements on all other sides.

The applicant has indicated in their proposal that the encroachment into the side yard setback is necessary to accommodate the proposed 8-foot-wide door in the southwestern street-facing facade. The applicant states that the width of this door is as small as it can be to allow ingress/egress. **The applicant should provide testimony as to exactly how this**

ingress/egress will be used, that makes the 8-foot width necessary. Testimony should also include any alternative configuration that were considered to facilitate the desired width. For example, was angling the doorway considered? Or stepping the southern façade of the addition back to the required setback, beyond the southeastern area of the proposed doorway.

The applicant indicates in their application that one (1) parking space is proposed on-site, on the southern side of the building. This area is also identified as a driveway, which will access the proposed 8-foot-wide ingress/egress in the addition. **As the driveway will be used to access the delivery/pick-up area, it will not be appropriate for use as an on-site parking space.**

Notwithstanding the one (1) identified on-site parking space that will be located in the driveway, **the applicant is deficient by seventeen (17) off-street parking spaces.** This is a substantial deficiency which can have a substantial adverse impact on the surrounding area, as parking on Harrison Avenue in this area is prohibited on the opposite side of the street from the subject site. **The applicant should provide testimony addressing this parking deficiency and the impact it will have in the surrounding area.**

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 the recommendations provided by the Board Engineer.
2. The applicant shall provide testimony as to how garbage and recycling will be collected and how delivery/loading and pick-up activities will be managed.
3. No lighting or stormwater plans have been provided. The applicant shall provide additional lighting and drainage details, illustrating that neither has a negative impact on the adjoining properties.
4. The applicant shall provide testimony as to exactly how the proposed 8-foot-wide ingress/egress door in the southeastern area of the addition will be used. Testimony shall also include any alternative configurations that were considered to facilitate the desired width of the door. For example, was angling the doorway considered? Or stepping the southern façade of the addition back to the required setback, beyond the southeastern area of the proposed doorway?

5. The applicant shall provide testimony addressing the substantial parking deficiency and the impact it will have on the surrounding area.
6. As per **West Orange Ordinance §25-11.8** "Roof equipment including but not limited to elevator towers, air conditioning units, satellite dishes, and similar equipment in any zoning district other than single-family shall be screened with either a solid or decorative shield. Such equipment should be in the center of the roof when possible. No roof equipment shall exceed 15-feet in height." The applicant shall provide roof equipment details that demonstrate compliance with this provision.