



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

Department of Planning and Development

ROBERT D. PARISI
Mayor

Tel: (973) 325-4108
Fax: (973) 325-6359
Email: zoningboard@westorange.org

ROSE DESENA
Zoning Board Secretary

TO: Zoning Board Members

FROM: Paul Grygiel, AICP, PP, Township Planning Director

DATE: November 12, 2020

RE: **ZB-19-10/955 Pleasant Valley Way, LLC**
Block: 172.02; Lots: 8.01 and 8.03; Zone: B-2
955 and 963 Pleasant Valley Way
Application for “d(1)” and “c” variances and preliminary and final major site plan approval to permit a four level self-storage facility

NOTE: I have issued multiple prior review memoranda for this application. This current memorandum includes all of the outstanding information included in all of those, as well as an overview of the current proposal, to make it easier to read and understand what is being requested.

INTRODUCTION

The applicant is requesting approvals to construct a four level self-storage facility on a partially vacant property on the west side of Pleasant Valley Way, across from Mount Pleasant Place and approximately 400 feet to the north of Mount Pleasant Avenue. The proposal requires a “d(1)” use variance and multiple “c” or bulk variances, as well as preliminary and final major site plan approval.



AN EQUAL OPPORTUNITY EMPLOYER
www.westorange.org

LAND USE

The subject property consists of two parcels. Lot 8.01 was formerly developed with a gasoline service station and is currently vacant other than remnants of the prior use (e.g. multiple concrete slabs, paved and cleared areas, and monitoring wells). Lot 8.03 is developed with a one-story commercial building occupied by a rental business. The surrounding area is developed with a mix of land uses. These generally include commercial uses along Pleasant Valley Way and Mount Pleasant Avenue, with residential, public and recreational uses also in the vicinity. Residential uses abut the subject property to the north and west. A vacant property is located to the south, followed by retail and restaurant uses. On the east side of Pleasant Valley Way, uses include an office building, billboard and service station to the south of Mount Pleasant Place and residential uses to its north. Other uses in the vicinity include West Orange Fire Department Station Five and Essex County's Francis A. Byrne Golf Course.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Boundary Retracement		
Topographic Survey	Edward R. Teunisen, P.L.S.	8/20/19
Site Plan (18 sheets)	Jeffrey A. Martell, P.E.	10/30/20
Architectural Plans (6 sheets)	Louis Vandeloecht, R.A.	11/2/20
Planner's Report	Charles Heydt, P.P., AICP	5/27/20
Traffic and Parking Assessment	Matthew J. Seckler, P.E., P.P., PTOE, John Corak, P.E.	
Letter Report	& Charles D. Olivo, P.E., P.P., PTOE	10/30/20
Parking Memorandum	Matthew J. Seckler, P.E., P.P., PTOE, John Corak, P.E.	
	& Charles D. Olivo, P.E., P.P., PTOE	10/30/20
Stormwater Management Report	Jeffrey Martell, P.E., P.P., CME, LEED AP	10/30/20
Stormwater Operations & Maintenance Manual	Jeffrey Martell, P.E., P.P., CME, LEED AP	10/30/20
Foundation and Retaining Wall	O'Donnell & Naccarato Structural	
Plans (3 sheets)	Engineers (not signed)	5/1/20
Environmental Impact Statement	Charles Heydt, PP, AICP	6/30/20
Environmental Status letter	Michael D. Weaver, P.G., LSRP	6/26/20
Section Exhibit	Jeffrey A. Martell, P.E.	6/1/20



VARIANCES REQUIRED

SECTION	REQUIRED	EXISTING	PROPOSED	VARIANCE
25-7.1 Use	Various retail, service and office commercial uses	Lot 8.01: vacant Lot 8.03: rental company	Self-storage facility	“d(1)”
25-7.1 Maximum building coverage	40%	11.1%	71.1%*	“c”
25-7.1 Maximum lot coverage	60%	66.9%	110.1%*	“c”
25-12.1.1 Parking location	Side and rear yards	Lot 8.01: NA Lot 8.03: front and side yards	Under building	“c”
25-12.3.b.2 Loading space location	Side and rear yards	Not provided	Under building	“c”
25-28.8.b Development on steep slopes	10-14.99%: 60% 15-19.99%: 40% 20-24.99%: 20% 25% or greater: 0%	Not provided	100% 98.0% 89.9% 53.8%	“c”

* Based on effective lot area

DISCUSSION/RECOMMENDATIONS

As noted, the applicant is requesting approvals to construct a self-storage facility on the subject property. The proposed building would be two stories in height. The building would have four usable floors, but due to the substantial grade change on the site, the lowest two floors fit within the definition of a “cellar” in the West Orange Land Use Regulations Ordinance (“*Cellar* shall mean that portion of a building, which is partly or completely below grade or having at least one-half (1/2) its height below grade”). The Ordinance defines a “First Story” as:

“any story having its finished floor surface entirely above grade, except a basement shall be considered a story above grade when the distance from the grade to the finished surface of the floor above the basement is more than six (6) feet for more than fifty (50%) percent of the total perimeter or for more than twelve (12) feet at any point.”

My interpretation of this definition is that if there is any point along a story where the vertical dimension above grade – not average grade – is more than 12 feet at any point, that building level is considered the first story, even if that level is technically a “cellar,” not a “basement.” The intention of this requirement is to address unique situations on steeply sloped sites like the



subject property. It is noted the building height has been reduced, so that variances for height and number of stories are no longer required.

The first floor above the grade of Pleasant Valley Way would contain office space, covered parking and loading areas, restrooms and storage units. The upper two floors and lower cellar would contain storage units. Two elevators and two interior stairways are proposed to serve the building. The site plan shows the building being setback 10 feet from the southern property line and 30 feet from the Pleasant Valley Way right-of-way at their closest points. The building's setback to the northern property line would be 75 feet and the rear setback is proposed to be 51.4 feet.

Two one-way driveways (one entrance and one exit) are proposed. The southern driveway is proposed in roughly the same location as one of the site's existing driveways and the northern driveway is proposed to be approximately 90 feet from the northern property line. Existing driveways at the far northern and southern ends of the site would be removed. Thirteen parking spaces, including one handicap space, and three loading spaces are proposed underneath the building. A four- to five-foot wide sidewalk is proposed along the site's frontage. A ten-foot by ten-foot masonry block trash enclosure is proposed at the northern end of the parking lot and would be 66.3 feet from the northern property line.

Permitted principal uses in the B-2 zone in which the property is located are as follows:

- Retail store
- Personal service store or studio
- Office or office building
- Business or vocational school
- Restaurant
- Bar
- Massage, bodywork or somatic therapy establishment

Permitted conditional uses in the B-2 zone are the same as are permitted in the B-1 zone, which are as follows:

- Motor vehicle fueling station
- Theater
- Public utility building or structure
- Telephone exchange
- Senior citizens housing project
- Hotel



- Private club, other than a golf club
- Video or amusement arcade
- Fast food restaurant
- Commercial antenna

The proposal requires a “d(1)” use variance to permit a use that is not permitted in the zone (self-storage facility) and multiple “c” or bulk variances. Revisions to the application have eliminated a number of variances that were previously requested, including a “d(6)” variance for principal building height that exceeds the maximum permitted by more than 10 feet and 10 percent. The current application is for the requested variances and preliminary and final major site plan approval.

An applicant for a “d” variance must comply with the requirements of the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70d. A “d” variance may be granted only “in particular cases for special reasons.” The applicant’s planner has indicated in the submitted planning report that the site is particularly suited for the proposed use. In addition, an applicant for a “d” variance must 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.

For the “c” variances that are also required in connection with the application, the Board must find that there is either undue hardship or practical difficulty associated with the strict application of the requirements of the Zoning Ordinance in connection with this specific piece of property; and/or that one or more purposes of zoning would be advanced by the deviation and the benefits of granting the variance for this specific piece of property would substantially outweigh any detriments. In addition, the Board must be satisfied that the granting of the variances would not cause substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance.

The applicant’s Parking Memorandum includes a table comparing the parking provided for the proposed development to six existing self-storage facilities in northern New Jersey. These are listed below, along with additional information about each site based on review of aerial and street view photography of each one, to provide additional context:



Name	Location	Building Area (sq. ft.)	Spaces per 1,000 sq. ft.	Setting	New building?
Extra Space Storage	50 Gould Avenue Newark	182,500	0.05	Urban	Y
Storage King USA	1448 McCarter Highway Newark	93,000	0.11	Urban	N
Safeguard Storage	182 Belmont Avenue Garfield	70,600	0.11	Suburban	Y
Extra Space Storage	625 Grand Avenue Ridgefield	155,000	0.12	Suburban	Y
CubeSmart	465 Eagle Rock Avenue Roseland	81,900	0.11	Suburban	N
Extra Space Storage	169 Littleton Road Parsippany	95,400	0.06	Suburban	N
Proposed CubeSmart	955 Pleasant Valley Way West Orange	98,700	0.16	Suburban	Y

The Township of West Orange Site Plan Review Advisory Board (SPRAB) held a virtual meeting on May 26, 2020. At this meeting, the SPRAB reviewed the above application with the applicant and its attorney, engineer, traffic engineer, architect and other representatives. The applicant has addressed a number of the questions and issues raised at this meeting in its revised submissions. All of the site plan and design issues from that meeting raised in my prior memoranda have been addressed.

DOCUMENTS REVIEWED IN SUPPLEMENTAL MEMORANDUM

Below are additional documents submitted by the applicant and how I addressed them in my supplemental memorandum dated July 13, 2020.

Environmental Impact Statement

This document outlines existing and proposed conditions on the subject property and evaluates potential environmental impacts from the proposed development. It addresses the standards set forth in Section 25-13.4 of the Township of West Orange Land Use Regulations Ordinance for the format and information to be provided in an environmental impact statement.

The environmental impact statement includes an alternatives analysis, which considers the following alternatives to the proposed development:

- A “no-build” alternative, in which the proposed development is not constructed
- A 3,010-square foot convenience store



- A 9,148-square foot child daycare center
- A larger self-storage facility

The analyses focus on traffic for the convenience store and daycare center scenarios. Both of these uses would generate substantially more peak hour vehicle trips than the proposed development, according to the environmental impact statement. The comparison with a larger self-storage facility notes how building and lot coverage would be reduced and certain variances would be eliminated with the proposed development. The environmental impact statement indicates the no-build alternative would mean the site would remain vacant and “underutilized” and the Township and surrounding area “would not benefit from the proposed redevelopment of the project site.”

The environmental impact statement appears to be accurate and appropriately prepared, with minimal exceptions noted below. I offer the following comments on this document:

1. In section 1.0 the proposed facility is described as a three-story building over two cellar levels. While potentially technically correct due to the site’s topography and how a “cellar” is defined in the West Orange Land Use Regulations Ordinance, the proposed building has five usable and occupied levels.
2. Section 3.6 states the Rahway River flows north, while in fact it flows south, and the Rahway River Tributary flows west, not east.
3. Section 3.8 focuses on historic resources, while the requirement in the Land Use Regulations Ordinance is to analyze “Unique, Scenic and/or Historic Features.”

I defer to the Board Engineer to comment on a number of items within this document, as they relate more to site plan and engineering issues.

Environmental Status Letter

This letter describes the existing environmental conditions on the subject property, as well as prior and ongoing remediation efforts related to the former use of the property. One of the main points of this letter is that Amoco/BP Products North America, Inc., which operated a gasoline service station on the northern portion of the property from 1967 until 2001, remains responsible for the cleanup of the groundwater and soil contamination it caused on the site. The applicant and current property owner are cooperating with the prior site operator in its cleanup of the site.

Section Exhibit

This document responds to requests in my prior review documents and by others for the applicant to provide one or more exhibits showing the building elevations in context with existing and proposed buffering. This exhibit does provide this information in two-dimensional format with two cross-sections of the property and adjacent uses.

