

West Orange Planning Board
The Township of West Orange
66 Main Street
West Orange, NJ 07052

DR. Project No.: 11550-002
April 27, 2021

**Re: JUSTIFICATION OF VARIANCES
PROPOSED MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT
20 TOMPKINS STREET (BLOCK 6, LOT 36.01)
TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY**

An application has been filed for the above noted property with the Township of West Orange (Township or West Orange) Planning Board for Preliminary and Final Site Plan approval; approval of bulk “c” variances for maximum building height, minimum required parking, maximum building coverage, maximum lot coverage and minimum rear yard setback. The subject property is located in the R-M Multi-Family Residences (R-M) District.

PROPERTY AND PROJECT DESCRIPTION

The subject property is identified as Lot 36.01 on Block 6 and is located midblock between Mitchell Street to the north and Freeman Street to the south. The subject property has 84.5 feet of frontage on Tompkins Street and is 175 feet deep with a lot area of 14,767 square feet or 0.34 acres. The subject property is currently vacant with a chain link fence surrounding the property. Tompkins Street is a residential street with a mix of single-family and multi-unit residential dwellings. The Highland Avenue NJ Transit rail station is located 0.2 miles east (approximately a 5-minute walk). A photograph log of the existing conditions of the subject property and surrounding area can be found in Attachment 1.

The purpose of this application is to construct a new 3-story, 17-unit affordable housing residential building. The 1st floor will contain the building management area, one 1-bedroom unit, two 2-bedroom units, and two 3-bedroom units, as well as stairwells, entry hallways, and utility rooms accessible from the exterior of the building. The 2nd floor will contain one 1-bedroom unit, three 2-bedroom units, and two 3-bedroom units. The 3rd floor will contain one 1-bedroom unit and five 2-bedroom units. The front entrance to the building will be ADA accessible.

VARIANCE JUSTIFICATIONS

The requested bulk “c” variances can be granted pursuant to N.J.S.A. 40:55D-70.c.(2), wherein the benefits of the proposed project would outweigh any detriments. The proposed project is developing a vacant parcel with 17 affordable units within walking distance to the Highland Avenue NJ Transit Rail Station. The proposed affordable housing will contribute to the diversity of housing options available for the community in West Orange.

Height Variance

The project proposes a building height of 38 feet and 3 stories where the R-M District permits a maximum building height of 35 feet and 2.5 stories. The subject property is to be developed with comfortably sized units with approximately 650 net square feet for 1-bedrooms, 870 net square feet for 2-bedrooms and 1,148 net square feet for 3-bedroom units. The additional height is necessary for a full third story in order for the structure to accommodate 17 residential units. The proposed building height is in character with developments in the surrounding area. This includes the adjacent property at 9-21 Tompkins Street that is improved with a 3-story, multi-unit residential building. In addition, several other properties along Tompkins Street (1 Tompkins Street, 3 Tompkins Street, 35 Tompkins Street, and 37 Tompkins Street), as well as existing and proposed residential developments on Central Avenue, are developed with 3-story buildings. From an aesthetic standpoint, the proposed facades incorporate various elements (peaked roof, projections, etc.) and materials (vinyl siding, cedar shake, etc.) to provide architectural interest.

Therefore, the proposed project is consistent with the height of the adjacent residential development, in similar character to the buildings in the area, and design of the roof lines providing for a desirable streetscape.

Parking Variance

The proposed project does not provide any off-street parking spaces where a minimum of 35 parking spaces are required. The project will instead use a shared parking system with a project approved for on Central Avenue and Mitchell Street. The project on Central Avenue will provide 17 spaces at a 1:1 ratio to future residents of the project proposed at the subject property.

Parking Availability

Field data was gathered to analyze existing residential parking utilization and understand future parking demand for the proposed multi-family project. Both on-street and off-street parking spaces at various locations in the neighborhood and at different days of week and times of day were counted. The on-street parallel parking spaces along the northbound and southbound sides of Tompkins Street between Mitchell Street and Freeman Street, and the off-street parking spaces at the Harvard Printing I parking deck at the corner of South Jefferson Street and Mitchell Street and the off-street covered and surface and covered parking spaces for the Harvard Printing II

development along Central Avenue were included in the analysis. The following provide the summary utilization rates.

- Weekday morning (4/23 7:00am): 54%
- Weekend afternoon (4/24 3:00pm): 40%
- Weekday evening (4/26 8:00pm): 53%

A full breakdown of data is provided in Attachment 2. Photographs showing the locations of the Study can be found in Attachment 1. As evidenced from the analysis, the surrounding area has a surplus of parking spaces.

Parking Demand

According to 2019 American Community Survey 5-year estimates, 68% of renter-occupied households have either one (45.6%) or zero (22.7%) vehicles available in their household for West Orange Township. Based on data from the Institute of Transportation Engineer's Parking Generation, 5th Edition, the 85th percentile peak period parking demand for "Multifamily Housing (low-rise)" is 1.52 vehicle per dwelling unit during the weekday peak period and 1.61 vehicles per dwelling unit during the Saturday peak period. This equates to a weekday peak period demand of 26 vehicles and a weekend peak period of 27 vehicles. As evidenced from the aforementioned analysis, the residents of the existing Harvard Printing I and II multi-family developments have a lower demand for off-street parking. This further supports the parking variance as the 17 proposed off-site parking spaces will be sufficient supply for the anticipated demand of the proposed 17 units.

Building Coverage Variance

The project is proposing a building coverage of 45.3% where a maximum building coverage of 40% is permitted. The proposed building coverage exceeds the permitted amount by 5.3%. The proposed building footprint is suitable to provide for appropriately sized 1-, 2- and 3-bedroom units. The proposed project meets the front and side yard setback requirements, exceeding the total side yard requirement by over 10 feet, thus mitigating any impacts to adjacent properties from the increase in building coverage.

Lot Coverage Variance

In terms of the maximum lot coverage, the project is seeking relief for the proposed 57.9% lot coverage where a maximum of 55% is permitted. The proposed building design provides access to the front using from the front entrance on Tompkins Street, and access to the units in the rear of the building from a separate side entrance and walkway from the north side yard. The proposed side entry will be at-grade allowing for ADA access to the units in the rear of the building. In addition, there is a walkway in the south side yard that leads to an opposite side

entrance from the south side yard where the proposed trash area is located. The proposed project provides landscaped areas throughout the property except for the necessary walkways to accommodate the additional coverage and provides two new street trees.

Rear Yard Setback Variance

In terms of the minimum rear yard setback, the project is seeking relief for the proposed 13.9-foot rear year setback where a minimum of 30 feet is required. The rear yard of the subject property abuts the rear yard of Lots 16 and 18 that front onto Valley Road, which are in the Retail Business (B-1) District. Lot 18 is developed with a mixed-use building and Lot 16 is developed with a residential building. The rear of the proposed building is stepped down to 2 stories compared to the majority of the building with 3 stories. This design further reduces impacts from the rear yard variance on the adjacent property. In addition, the project is proposing a vinyl-fence surrounding the property to buffer the two properties. The benefits of the increased side yard setback providing for greater light and air between the adjacent residential properties would substantially outweigh the reduced rear yard setback adjacent to the B-1 District properties.

Promotes the Purposes of the Municipal Land Use Law

The granting of the variances will advance the purposes of the Municipal Land Use Law and promote the general welfare.

- Granting the requested variances will guide the appropriate use and development of the property in a manner that will promote the public health, safety, and general welfare consistent with N.J.S.A. 40:55D-2.c through the provision of adequate light, air, and open space.
- The project is proposing a permitted density in the R-M District, and therefore is promoting the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities; consistent with N.J.S.A. 40:55D-2.e
- The proposed project will promote a more desirable visual development techniques consistent with N.J.S.A. 40:55D-2.i. by developing the vacant lot with a new multi-unit affordable building that will improve the streetscape.

Negative Criteria

Granting the variances will not result in a detriment to the general welfare. The project will be improving a vacant lot. The proposed project will provide for adequate light, air, and open space. The architectural style of the

proposed building is consistent with the adjacent residential development and the character of the neighborhood. The proposed project will add new street trees.

In addition, granting the variances will not result in substantial impairment to the zone plan or the zoning ordinance. The proposed building is a permitted use and will comply with front yard setback and exceeds the side yard setbacks required in the zone.

CONCLUSION

The requested variances are justified and meet the positive and negative proof standards and therefore can be granted. The applicant reserves the right to supplement the foregoing reasons with expert testimony at the Planning Board Hearing.

ATTACHMENT 1

Site & Area Photographs



Photo 1: View of the subject property at 20 Tompkins Street.



Photo 2: View of the adjacent multi-family property to the north of the subject property.



Photo 3: View of the residential building south of subject property.



Photo 4: View of the residential buildings to the east across Tompkins Street.

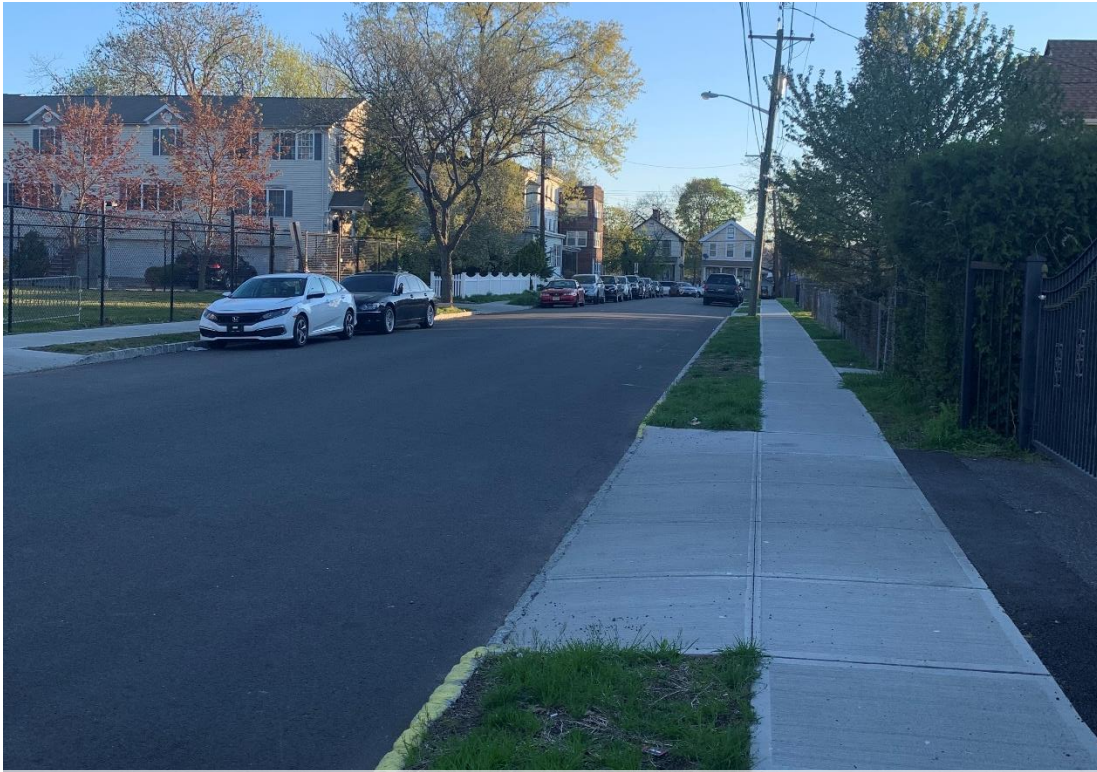


Photo 5: View of Tompkins Street right-of-way with available on-street parking.



Photo 6: View of 3rd floor of Harvard Printing I parking deck.

ATTACHMENT 2

Field Data Log

Friday April 23, 2021 / 7:00 am

Tompkins Street (on-street parking)

	Total	Parked	Utilization
On-street (Southbound)	24	19	79%
On-street (Northbound)	23	7	30%
Total	47	26	55%

Harvard Printing I (parking deck)

	Total	Parked	Utilization
1 st Level	34	30	88%
2 nd Level	38	26	68%
3 rd Level	38	2	5%
4 th Level	40	0	0%
Total	150	58	39%

Harvard Printing II (surface/covered parking)

	Total	Parked	Utilization
Surface	40	30	75%
Covered	61	48	79%
Total	101	78	77%

Summary Total

	Total	Parked	Utilization
Total	298	162	54%

Saturday April 24, 2021 / 3:00 pm

Tompkins Street (on-street parking)

	Total	Parked	Utilization
On-street (Southbound)	24	14	58%
On-street (Northbound)	23	11	48%
Total	47	25	53%

Harvard Printing I (parking deck)

	Total	Parked	Utilization
1 st Level	34	16	47%
2 nd Level	38	22	58%
3 rd Level	38	4	11%
4 th Level	40	0	0%
Total	150	42	28%

Harvard Printing II (surface/covered parking)

	Total	Parked	Utilization
Surface	40	11	28%
Covered	61	40	66%
Total	101	51	50%

Summary Total

	Total	Parked	Utilization
Total	298	118	40%

Monday April 26, 2021 / 8:00 pm

Tompkins Street (on-street parking)

	Total	Parked	Utilization
On-street (Southbound)	24	10	42%
On-street (Northbound)	23	22	96%
Total	47	32	68%

Harvard Printing I (parking deck)

	Total	Parked	Utilization
1 st Level	34	33	97%
2 nd Level	38	23	61%
3 rd Level	38	4	11%
4 th Level	40	0	0%
Total	150	60	40%

Harvard Printing II (surface/covered parking)

	Total	Parked	Utilization
Surface	40	20	50%
Covered	61	45	74%
Total	101	65	64%

Summary Total

	Total	Parked	Utilization
Total	298	157	53%