



TOWNSHIP OF WEST ORANGE

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

Department of Planning and Development

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TO: Planning Board Members

FROM: Paul Grygiel, AICP, PP, Planning Director

DATE: April 29, 2021

RE: **PB-21-04/Tompkins Street Apartments Urban Renewal, LLC**
Block: 6; Lots: 36.01; Zone: R-M
Tompkins Street
Preliminary and final major site plan and variance approvals

INTRODUCTION

The applicant is requesting approvals to construct a 17-unit multifamily residential building on a vacant lot previously owned by the Township. The proposed development will consist solely of low- and moderate-income units, which will address the affordable housing obligation for a recently approved multifamily development at 18 Central Avenue. The subject property is located in the R-M zone district. The proposal is consistent with the permitted uses and most bulk and design regulations, but requires variances from certain requirements.

LAND USE/CIRCULATION

The subject property consists of one tax lot with an area of 14,787.39 square feet (0.34 acres). It is located on the west side of Tompkins Street. The site is currently vacant and is owned by the Township. Site photographs taken on April 19, 2021 are included at the end of this document. There is a mix of land uses in the surrounding area. These include single-, two- and multifamily residential uses along Tompkins and Mitchell Streets, vacant lots and commercial uses. The somewhat recently constructed Harvard Printing multifamily residential development is located approximately 250 feet to the north on Mitchell Street and the Planning Board recently approved a mixed-use development just to the west of Harvard Printing at 18 Central Avenue. The



developer of both projects is a related entity to the applicant for the subject property, as discussed below.

New Jersey Transit's Highland Avenue railroad station is three blocks to the east along Mitchell Street. Bus stops are located on Scotland Road and Central Avenue approximately five blocks to the northeast. Central Avenue is an Essex County road (Route 508). There are sidewalks on both sides of Tompkins Street.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Boundary and Topographic Survey	Frank J. Barlowski, P.L.S.	9/14/20
Site Plan (10 sheets)	Sean M. Savage, P.E.	3/12/21
Architectural Plans (2 sheets)	Stephen L. Schoch	3/10/21
Architectural Renderings (1 sheet)	(unsigned – Kitchen & Associates)	12/16/20
Justification of Variances report	(unsigned – Dresdner Robin)	4/27/21

VARIANCES REQUIRED

SECTION	REQUIRED	PROPOSED
25-7.1 Maximum building height	2 ½ stories/35 ft.	3 stories/38 ft.
25-7.1 Minimum rear yard	30 ft.	13.9 ft.
25-7.1 Maximum building coverage	40%	45.3%
25-7.1 Maximum lot coverage	55%	57.9%
25-12.2a.1. Minimum parking spaces	35	0

DISCUSSION/RECOMMENDATIONS

Proposal

The applicant is proposing to construct a three-story multifamily residential building with 17 dwelling units. The ground floor is proposed to include five dwelling units and a management office. Seven units per floor are proposed on the second and third stories of the building. The breakdown of unit types is three one-bedroom units, 10 two-bedroom units and four three-bedroom units. The bedroom distribution is dictated by New Jersey's Uniform Housing Affordability Controls (UHAC), which set a minimum of 20 percent three-bedroom units and a maximum of 20 percent one-bedroom units.



Access to the units in the front third of the building, as well as the management office, will be provided by a front entrance. The remaining units will be accessed by an entrance on the north side of the building. An additional door is proposed on the south side of the building, which will provide access to a fenced-in area including a trash area. Exterior doors accessing the electrical and water meter rooms are proposed in this area as well. A freestanding mailbox for tenants is proposed in the front yard area. Two existing driveway aprons along the street will be replaced by Belgian block curbing.

The building's design is more in keeping with the low-rise residential character of the surrounding properties than the design of the developments on Central Avenue constructed or proposed by related entities of the applicant. Brick will be provided on the base of the façade as well as up to the top of the second floor in some other locations on the building. Horizontal siding and cedar shake siding will clad the rest of the building below the roof line. The building will have double hung windows and a pitched roof.

No on-site parking spaces are proposed. Instead, one space per unit in this building is reserved in the parking lot of the recently approved multifamily development at 18 Central Avenue.

Zoning Compliance/Variances

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-60 permits a planning board to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a "d" variance as part of site plan or subdivision review. The variance proofs are the same as for "c" variances as set forth in N.J.S.A. 40:55D-70c. 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. A "c" variance applicant also 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. The applicant's planner should provide testimony as to how the above variance proofs are addressed.

Site Plan and Other Issues

The Township of West Orange Site Plan Review Advisory Board (SPRAB) held a special virtual meeting on April 20, 2021. At this meeting, the SPRAB reviewed the above application with the applicant and its attorney, principal, engineer and architect. Various site plan issues were raised and addressed. The following is noted related to some of the topics discussed at this meeting:



- Property address: The application materials list the correct block and lot number, but have the incorrect street address (20 Tompkins Street is an existing dwelling on the east side of the street). The applicant will revise the application materials to remove the incorrect information. A street number will need to be provided for the subject property if the proposal is approved by the Planning Board.
- Parking: As noted, no off-street parking is proposed on the subject property as it will instead be provided in the parking lot at the recently approved multifamily development at 18 Central Avenue. Several questions were raised regarding this arrangement and the adequacy of the proposed parking. In response to question regarding ADA parking spaces, the applicant's professionals will confirm the applicable requirements and consider the feasibility of providing a handicap space on the street. The applicant was also asked to investigate potential pedestrian improvements at the intersection of Tompkins Street and Mitchell Street, as residents will need to cross at this intersection to access the off-site resident parking spaces.
- Architectural plans: The architect described the proposed building and its sustainability measures. It was stated the quality of the units will be very comparable to the Harvard Printing development and the recently approved 18 Central Avenue project. The building will be fully sprinklered. In response to questions about Americans with Disabilities Act (ADA) compliance, it was noted the first floor entrances will be accessible and one accessible unit will be provided.

One additional topic not discussed at the SPRAB meeting is bicycle parking. Testimony should be provided regarding whether any indoor and/or outdoor bicycle storage facilities are proposed, and if not, whether any can be added.





Existing conditions on site and adjacent building to the south



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View into site from northeast and driveway of adjacent development to the north

