

DRESDNER ROBIN

PLANNING & ZONING REPORT

PROPOSED SELF-STORAGE FACILITY

424 EAGLE ROCK AVENUE

BLOCK 111, LOT 1.08

WEST ORANGE, ESSEX COUNTY, NEW JERSEY

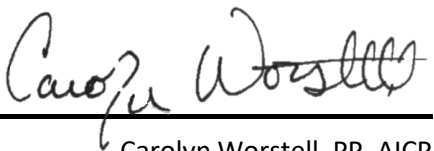
DRESDNER ROBIN PROJECT NO.: 10461-003

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1.0 Introduction

This report has been prepared to analyze the planning and zoning issues related to a proposed construction of a self-storage facility on the project site located at 424 Eagle Rock Avenue in West Orange, Essex County, New Jersey. This report examines the existing conditions of the project site and surrounding neighborhood, relevant planning documents, applicable zoning requirements, and requested variances. Justifications for the requested variances detail how each request meets the statutory requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. Seq.) and relevant New Jersey case law.

2.0 Property Description

The project site is located at 424 Eagle Rock Avenue (Essex County Route 611) in the Township of West Orange, Essex County, New Jersey. Generally, the project site is located in the northern portion of the Township, north of Interstate Route 280 (I-280). The site is located approximately 300 feet east of the intersection of Eagle Rock Avenue (Essex County Route 611) and Prospect Avenue (Essex County Route 577).

The project site is a flag shaped property which contains approximately 2.7 acres and is occupied by a vacant bowling alley with associated paved surface parking lot.

3.0 Neighborhood Description

Generally, the immediate surrounding area can best be described as a mixed-use neighborhood. The intersection of Eagle Rock Avenue and Prospect Avenue is a commercial node, with an Exxon gas station, CVS pharmacy, Whole Foods Market and other commercial businesses. Residential uses surround this commercial node to the east and south. Across Eagle Rock Road from the project site is the Eagle Rock Reservation. To the northeast of the project site are two communications towers and a 4-story office building. To the northwest is a 2-story office building and gas station at the corner of Eagle Rock Avenue and Prospect Avenue. Crystal Lake, which forms part of the Rahway River, is located immediately west of the project site. To the east are the Crown View Manor residential development, which includes a detention basin/pond immediately adjacent to the project site. To the south of the project site is a municipally owned parcel, which is on the New Jersey Department of Environmental Protection (NJDEP) Recreational and Open Space Inventory (ROSI) list as permanently conserved land. Further south are the Point at Crystal Lake residential development and single-family homes along Eagle Ridge Way. The closest self-storage facility in the municipality is the West Orange Self-Storage (combined with a U-Haul Neighborhood Dealer) on Central Avenue, approximately 3.5 miles to the south of the project site.

4.0 Proposed Project

The proposed project involves the construction of a new 3-story self-storage facility on the project site. The first floor will consist of the rental office space, the lobby, restrooms, elevators and mechanical spaces, as well as storage units. The 2nd, and 3rd floors will consist of storage spaces. On the west side of the building will be ~~19 secure parking spaces~~ **15 secure parking spaces** within the vehicular gated area

and 8 parking spaces for office use and visitors. ***Two parallel parking spaces will also be provided for public access to Crystal Lake walking path.*** A ***permeable pavement*** emergency access drive will encircle the building. Additional existing parking on the northern portion of the site will remain. New landscaping and buffers will be provided. ***Portions of the paved access driveway will be removed and planted with grass.***

5.0 Planning & Zoning Review

The following section discusses the planning and zoning regulations that guide development throughout the Township of West Orange and the applicability with the project site and proposed development.

5.1 Master Plan

The Township of West Orange adopted a comprehensive Master Plan in 2004. Subsequently, the Master Plan was reexamined 2010 and 2019. The 2019 reexamination report reaffirms that the Objectives and Master Plan Principals of the 2010 Report remain valid.

Objective #7 of the 2010 Master Plan: Provide Sufficient Space for Balanced Growth and Development.

- *“The 2010 Reexamination report re-emphasized the need to provide sufficient space in appropriate locations for residential, recreational, commercial/retail, industrial and open space uses in a manner that would provide balanced growth and development.*

Current Status: This general objective remains valid. Given the significant amount of development activity in the Township and potential additional redevelopment, it is imperative that adequate open space and community facilities are provided to accommodate residential and business growth.”

The redevelopment of the project site provides and opportunity to repurpose an existing developed site to meet the community needs for self-storage, without decreasing the Town’s limited supply of open or undeveloped land. It is in an appropriate location for such use given the proximity to residential development in the area and located within a commercial district on a county roadway.

Objective #8 of the 2010 Master Plan: Ensure Safe and Efficient Transportation and Circulation Routes.

- *“The 2010 Reexamination report noted the need to encourage the location and design of transportation and circulation routes which would promote the safe and efficient flow of traffic while discouraging routes and facilities resulting in congestion or compromised safety.*

Current Status: This general objective remains valid. However, it should be expanded to explicitly include transportation modes beyond motor vehicles. The Township has taken actions in recent years to promote pedestrian and bicycle safety, such as through

Complete Streets principles, and to support transit usage. The Greenways plan in the Open Space and Recreation Plan also relates to this objective.”

The repurposing of the property for a self-storage facility will generate less traffic and congestion in the area and on Eagle Rock Avenue than the permitted uses within the District. See *Traffic Generation Report* prepared by Dolan & Dean Consulting Engineers, LLC.

Additionally, excess existing parking spaces on the project site could be leased to nearby businesses and/or property owners, alleviating parking demands for other commercial uses in the area without the need for the creation of additional impervious surfaces. Some spaces could also be utilized by the public to access the walking trail near Crystal Lake to provide an opportunity for pedestrians to safely access the trail and promote open space and recreation for the residents of the Township.

Objective #16 of the 2010 Master Plan: Encourage Economic Development and Redevelopment That is Compatible with the Suburban Character of the Township

- *“The 2010 Reexamination Report discussed the need to encourage economic development and redevelopment compatible with the suburban character of the Township, with particular sensitivity to existing residential neighborhoods. It was further noted that as the amount of open space continued to diminish, the Township should stress the importance of redevelopment of its neighborhoods. The report further stated that as commercial and industrial facilities become obsolete and outdated, efforts should be made to rehabilitate and revitalize these areas prior to, or in lieu of, the development of existing open space.*

Current Status: This general objective remains valid. There has been a significant amount of redevelopment activity in West Orange since 2010, which has included investment in existing commercial and office uses as well as replacement of obsolete facilities with new development.”

The proposed project would redevelop an existing site which is currently improved with a bowling alley (an existing non-conforming use in the B-2 District) and surrounded by a parking lot. The project would reduce the impervious coverage of the site and provide enhanced landscaping buffers between the property and adjacent residential districts and Crystal Lake.

Master Plan Principle #2: Properly Locate Public, Commercial/Retail, Industrial, Residential and Service Uses.

- *“The 2010 document continued to emphasize the need to locate public, commercial/retail, industrial, residential and service uses at sites and locations which are suitable for their use environmentally, economically, and geographically, and can be adequately serviced by public infrastructure. This principal is still valid.”*

The redevelopment of the project site provides an opportunity to repurpose an existing developed site to meet the community needs for self-storage, without decreasing the Town's limited supply of open or undeveloped land. It is in an appropriate location for such use given the proximity to residential development in the area and located within a commercial district on a county roadway.

Assumptions, Policies and Standards

- *"The 2010 report reaffirmed the encouragement of development that generates employment opportunities and beneficial commercial/retail activity where it is compatible with adjacent land uses, and sensitive natural and environmental features. Development should be balanced by the need to maintain adequate public infrastructure and facilities, services and pedestrian and vehicular circulation patterns."*

The proposed project will create a commercial/retail activity (self-storage) that is compatible with adjacent commercial and residential uses. The proposed development would remove existing parking on the Township's property adjacent to Crystal Lake and provides an enhanced landscaped buffer between the proposed structure and the pedestrian pathway around the lake. Furthermore, the intended use (self-storage) will have minimal public service demands (e.g. water, sewer).

5.2 Zoning

The project site lies within the B-2 General Business District. Uses are regulated by Section 25-7.1 Table of District Regulations – Part A: Permitted Uses. The B-2 District permits a variety of retail, office, personal service and food uses. Self-storage is not a listed permitted use in the B-2 District.

Area and bulk requirements in the B-2 District are regulated by Section 25-7.1 Table of District Regulations – Part B: Bulk Standards.

- Maximum Height: 2 ½ stories, not exceeding 35 feet
- Minimum Lot Area: 10,000 square feet
- Minimum Lot Width: No minimum
- Minimum Front Yard: 30 feet
- Minimum Side Yard: 10 + 10 feet
- Minimum Rear Yard: 30 feet
- Maximum Building Coverage: 40%
- Maximum Lot Coverage: 60%

6.0 Variances and Design Exceptions Requested

The proposed project requests variances from several requirements of the Township Zoning Ordinance.

Criteria	Required/Permitted	Proposed	Variance
B-2 District			
Use (§25-7.1 Part A)	See Note 1.	Self-Storage	d(1) variance
Height (§25-7.1 Part B)	Max. 2 ½ stories 35 feet	3-stories 36.5 feet	c variance e variance
Lot Coverage (§25-7.1 Part B)	60%	72.0% 80% 72.3%	c variance
Supplementary Zoning Provisions			
Side Yard (§25-11.2), adjacent to residential district	Min. 75 feet	36.85 feet	c variance
Buffer, rear and side yard, (§25-11.3) adjacent to residential district	Min. 50 feet	13.42 feet (east) 10.85 feet (south)	c variance
Off Street Parking (§25-12.1.b), curbing	Min. 6 inch curb enclosing all parking areas	Flush curb proposed	e variance
Loading (§25-12.3)	30,000-100,000SF: 3 spaces; 1 additional space for each additional 40,000SF (3 spaces)	0 spaces	c variance
Parking, location (§25-12.1.l)	Side or rear yard only	Front (<i>existing non-conforming</i>)	c variance
Signage (§25-15.3.c.2)	1 Monument Sign, on lots with min. 100 feet of frontage, <i>with min. 10 foot setback from front line and min. 25 feet setback from side line.</i>	1 Monument Sign, less than 100 feet frontage; <i>with 1-foot front line setback and 2-foot side line setback.</i>	c variance
<i>Steep Slopes (§25-28.8)</i>			
<i>Max. Disturbance</i>	<i>10-14.99% Slope: 60%</i> <i>15-19.99% Slope: 40%</i> <i>20-24.99% Slope: 20%</i> <i>≥25% Slope: 0%</i>	<i>38%</i> <i>41%</i> <i>52%</i> <i>61%</i>	<i>—</i> <i>e variance</i> <i>e variance</i> <i>e variance</i>

7.0 Justifications for Relief

The following section details the statutory requirements for requested relief to be granted as contained within the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) and relative case law and provides specific justifications for each requested variance to meet the statutory requirements of the MLUL.

7.1 Positive Criteria

The “special reasons” requirement of the MLUL statute is also referred to as the “positive criteria”. Generally, there are sufficient “special reasons” for the grant of a d variance under two broad circumstances: (1) when the refusal to allow the project would impose on the applicant an undue hardship and/or (2) when a proposed project carries out a purpose of zoning as defined in N.J.S.A. 40:55D-2.

7.1.1 “d(1)” Use Variance

The Zoning Board of Adjustment has the jurisdiction to grant “d(1)” use variances pursuant to the Municipal Land Use Law (NJSA 40:55D-70.d.(1) “in particular cases and for special reasons.” Under relevant case law (*Medici v. BPR Co.* 107 NJ 1 (1987)), the standard for granting variances with respect to the positive criteria is that the proposed use will promote the general welfare, the property is particularly suited to accommodate the proposed use, and the proposed use can be reconciled with the Zoning Ordinance. The justification must also address the negative criteria.

The project site is particularly suited to accommodate the proposed self-storage facility. The project site is approximately 117,612 square feet, eleven (11) times the minimum lot size required (10,000 square feet) for permitted uses in the B-2 District. This allows for the larger building footprint necessary for a self-storage use.

The site is in proximity to residential uses, which is the primary customer base, while not located in the middle of a residential neighborhood. Furthermore, the site is near the intersection of two county roadways, Eagle Rock Avenue (County Route 611) and Prospect Avenue (County Route 577), providing easy access to the site for customers. The site is also a flag lot, with the main portion of the site situated behind an existing 4-story office building and radio tower.

Furthermore, the proposed project would redevelop a property that is currently improved with an existing non-conforming bowling alley. Like self-storage facilities, bowling alleys are not permitted uses in the B-2 General Business District. Self-storage facilities and bowling alleys are permitted only in the I Industrial District, along with other uses such as light industrial uses, warehouses, storage yards, wholesale businesses, etc. The I District is limited to several small nodes on the eastern border of the Township. These nodes are characterized by residential uses interspersed with a mixture of light industrial, automotive and storage uses.

The proposed self-storage facility use is consistent with the types of uses permitted in the B-2 District and the existing use of the site, a bowling alley. By comparison, the proposed self-storage facility is anticipated to have lower traffic generation than permitted uses. See *Traffic Generation Report* prepared by Dolan & Dean Consulting Engineers, LLC.

7.1.2 “c” Variances

Pursuant to N.J.S.A. 40:55D-70c, the Board may grant the requested variances recognizing that hardship can be created not only by the physical characteristics of the land, but by reason of the existence of a structure already located on it which may create an “exceptional situation”

sufficient to justify a zoning variance, i.e. the c.(1) criteria. The Board may also grant a variance pursuant to the c.(2) criteria wherein the benefits of the project would substantially outweigh any detriment.

Height

The maximum building height permitted in the B-2 General Business District is 35 feet and 2½ stories, where a building height of ~~36.5 feet~~ **35 feet** to the top of the parapet and 3 stories is proposed. The proposed height variance is de minimis. The height of the building is 30 feet to the roof top. A 4.5-foot parapet wraps around the roof screening the mechanical systems as required per §25-11.8, except at the northwest corner of the building where the parapet is increased to ~~6.5 feet~~ **5 feet**. The increased height at the northwest corner architecturally distinguishes the rental office area from the rest of the structure.

The proposed height of the building is consistent with the character of the other structures in the vicinity, including 416 Eagle Rock Avenue a 3-story brick structure with a radio tower and 414 Eagle Rock Avenue (aka. Skyline Plaza) a 4-story office building. Additionally, the project site is a flag lot, with the building set back 371 feet from Eagle Rock Avenue and surrounded on the side and rear yards with dense landscaping to screen it from view from the roadway and surrounding residential properties.

Lot Coverage

The Township Zoning Ordinance permits a maximum lot coverage of 60%. The project would reduce the existing non-conforming lot coverage of the site from 84% to ~~72%~~ **80%72%, a reduction of 12%**. New landscaping is proposed along the eastern and western sides of the property and an on-site stormwater detention system is proposed reducing stormwater runoff from the site to mitigate the impervious coverage. ***The proposed building has been reduced from 40,830 square feet to 35,247 square feet, a net reduction of 5,583 square feet. Approximately 5,500 square feet of the existing paved access driveway will be removed and planted with grass. Additionally, the project would include approximately 17,700 square feet of permeable pavement along the emergency access drive. While the Town's Ordinance considers permeable pavement to be "impervious", the proposed permeable pavement in the emergency accessway would help to reduce stormwater runoff impacts on the site.***

Side Yard Adjacent to Residential District

Per 25-11.2, a minimum side yard of 75 feet is required where a non-residential building abuts a residential district. Adjacent to the south and east of the project site are properties located in the Town's Planned Unit Residential District (PURD). The proposed project would increase the existing side yard from 24.9 feet to 36.85 feet along the eastern property adjacent to the PURD zone. The residential development within the PURD District is clustered on the far (eastern) side of the residential property, with a forested area between the residences and the project site. To the south of the project site is a municipally owned parcel which is on the NJDEP ROSI list as permanently conserved, which provides additional buffer between the project site and the residential properties further to the south, which are located in the Residential Cluster

Development (R-C) District. The nearest residential structures to the east and south of the project site are at least 100 feet distant from the project site. The project also proposes new landscaping with evergreen trees along the eastern and southern lot lines to provide an additional buffer.

Landscaped Buffers

Per §25-11.3, a landscaped buffer of 50 feet is required where a side or rear yard is adjacent to a residential district. The proposed project would increase the landscaped buffer along the eastern property line from 3.92 feet to 13.42 feet and decrease the landscaped buffer along the southern (rear) property line from 26.77 feet to 10.85 feet (at the narrowest point). As noted above, the residences within the PURD District adjacent to the east of the project site are clustered on the far (eastern) side of the property with an existing landscaped buffer between the two properties. As described, to the south of the project site is a municipally-owned parcel which is on the NJDEP ROSI list as permanently conserved, which provides additional buffer between the project site and the residential properties further to the south, which are located in the R-C District. The nearest residential structures to the east and south of the project site are at least 100 feet distant from the project site. Additionally, the project will provide new landscaping with evergreen trees along the eastern and southern lot lines to provide an additional buffer.

~~Off-Street Parking, Curb~~ VARIANCE ELIMINATED

~~The Township Zoning Ordinance requires that a minimum 6-inch curb enclose all parking areas per §25-12.1.b. The project proposes a flush curb along a portion of the western edge of the parking area, adjacent to Crystal Lake. This flush curb is integral to the project's stormwater management design, which takes advantage of the flat topography of the site to allow for a green infrastructure component. A bio swale will be installed adjacent to this flush curb to receive and process stormwater from the project site.~~

Off-Street Loading

Three loading spaces are required per §25-12.3.a.2. where the project proposes no loading spaces as defined in the Township Zoning Ordinance. The Township Zoning Ordinance defines a loading space as at least 10 feet wide by 40 feet in length with a 14-foot overhead clearance to serve large tractor trailer vehicles. However, the 19 parking spaces proposed within the vehicular gated area are larger than typical parking spaces at 10 feet x 20 feet and are intended to serve as loading spaces for customers. It is anticipated that users of the self-storage facility will use passenger vehicles, or at most a U-Haul truck which can be adequately accommodated within the proposed spaces.

Parking Location

Parking spaces are only permitted in the side or rear yard. There are existing non-conforming parking spaces in the front yard of the project site which will be retained. These parking spaces could be leased to nearby businesses and/or property owners, alleviating parking demands for other commercial uses in the area without the need for the creation of additional impervious surfaces. Additionally, some spaces could also be utilized by the public to access the walking trail

near Crystal Lake to provide an opportunity for pedestrians to safely access the trail and also promote open space and recreation for the residents of the Township.

Signs

Section 25-15.3.c.2(d) of the Township Zoning Ordinance permits one freestanding or monument sign on a property with a minimum lot frontage of 100 feet. The project proposes to replace the existing non-conforming freestanding/monument sign on the property. A variance is sought for the following conditions: freestanding/monument sign on a lot with less than 100 feet frontage and minimum 1-foot front yard and 2-foot side yard setbacks. The proposed sign is conforming with regard to maximum area, height and maximum width. The proposed sign will be in the same general location as the existing sign, however it will be smaller. The monument sign is necessary for site recognition and identification, particularly because the building is set so far back from the site and not visible from Eagle Rock Avenue.

Steep Slopes VARIANCE ELIMINATED

~~Section 25-28.8 of the LDO sets the maximum disturbance of steep slopes. The project proposes to exceed the permitted disturbances for 15-19.99%, 20-24.99% slopes and slopes 25% or greater.~~

Slope	Total Area (SF)	% of Total Lot Area	Permitted Disturbance (SF)	Proposed Disturbance (SF)	Disturbance %	Variance
10-14.99%	3,074	3%	1,844	1,145	38%	NO
15-19.99%	1,675	1%	670	685	41%	YES
20-24.99%	513	0%	103	266	52%	YES
≥25%	1,757	2%	0	1,069	61%	YES
TOTAL	7,019			3,165		

~~The topography of the project is primarily flat, with a few rock outcroppings located at the rear of the property as shown on Sheet C-401. A portion of these rock outcroppings will be leveled for construction of the proposed building and to provide an emergency fire access right-of-way around the building. Rock outcroppings which are not within the building footprint or proposed access way will be preserved. As seen in the table above, 6% of the site has a slope >10% which triggers disturbance constraints. The total area of slopes >10% to be disturbed is 3,164 square feet, which represents 45% of the total sloped area of the project site. The balance of the project sites slopes will be preserved. As such the benefits of granting the requested variance will substantially outweigh any detriment consistent with N.J.S.A. 40:55D-70.c.(2).~~

Benefits Outweigh the Detriments

Overall, the benefits of the proposed project outweigh the detriments, with the benefits including: reduced lot coverage, increased side yard setback and landscaped buffers adjacent to a residential district, improved parking areas, and a new on-site stormwater management system incorporating green infrastructure adjacent to Crystal Lake.

7.2 Purposes of the Municipal Land Use Law

The project will advance several purposes of the Municipal Land Use Law, specifically:

- The proposed project will promote the public health, safety, morals, and general welfare consistent with NJSA 40:55D-2a through the redevelopment of the site while limiting the public services demands (e.g. water and sewer) and improving emergency fire access to current standards.
- The proposed project will provide adequate light, air, and open space pursuant to NJSA 40:55D-2c.
- Provide sufficient space in an appropriate location for commercial uses in order to meet the needs of New Jersey and Township residents, pursuant to NJSA 40:55D-2g.
- The project will promote a desirable visual environment by providing increased landscaping around the property with NJSA 40: 55D-2i.
- The project will redevelop an existing site to prevent urban sprawl and degradation of the environment through improper use of land pursuant to NJSA 40:55D-2j.

As discussed in section 5.1, the proposed project will also advance several goals and recommendations of the Master Plan.

7.3 Negative Criteria

The Board may not exercise its power to grant a variance unless the so-called “negative criteria”, showing that such variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance, has been satisfied.

The granting of the variances for the proposed project will not result in a substantial detriment to the public good or impair the intent and purpose of the zone plan and zoning ordinance in that the project is consistent with development at the intersection two county roadways, Eagle Rock Avenue (County Route 611) and Prospect Avenue (County Route 577) which includes a wide variety of non-residential uses. The proposed project advances many of the economic development recommendations of the Master Plan: providing a new source of tax revenue, while minimizing the public service demands (e.g. water and sewer). Additionally, the project will activate a vacant property, decrease the impervious coverage on the site, construct on-site stormwater management system including green infrastructure adjacent to Crystal Lake and add new landscaping around the property.

8.0 Conclusion

The proposed project is an appropriate utilization of land and will add to the mix of uses in the community. Among the beneficial aspects of this project is that the proposed use will advance the goals and objectives of the Township of West Orange’s Master Plan to encourage non-residential uses and non-traditional uses where appropriate. None of the requested variances will be a substantial detriment to the public health, safety, or welfare or a substantial impairment of the zone plan or zoning ordinance. The requested variances can be granted in the both the positive and negative criteria have been met.

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The information contained within this report may be supplemented with expert testimony at the Zoning Board of Adjustment hearing.

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