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TO: Pequannock Township Zoning Board of Adjustment
FROM: Jill A. Hartmann, PP, AICP
RE: PRELIMINARY AND FINAL SITE PLAN, CONDITIONAL USE VARIANCE, DENSITY VARIANCE AND VARIANCE APPLICATION TO CONVERT A COMMERCIAL USE BUILDING TO A MULTI-FAMILY RESIDENTIAL BUILDING; 126 NEWARK POMPTON TURNPIKE; BLOCK 4103, LOT 18; APPLICANT: LAWRENCE STEIMEL, III.
DATE: May 5, 2021

This is a Preliminary and Final Site Plan, Conditional Use Variance, Density Variance and Variance Application to construct a second story addition to an existing commercial use building and convert it to a 3 unit multi-family residential building. The subject site is located in the C-1 Commercial Business District of the Township. The proposed multi-family residential use is permitted as a conditional use. However, the proposed use does not meet all the requirements of the conditional use. Therefore a d(3) conditional use variance is required. The proposed density exceeds the permitted density. Therefore, a d(5) density variance is required. Ancillary "c" variances are required. The Zoning Board of Adjustment has jurisdiction to hear this application. The following submitted documents were utilized in the preparation of this planning report:

- Completed Pequannock Township Application of Site Plan, signed by Thomas J. Molica, Jr., Esq., dated January 6, 2021.
- Completed Township of Pequannock Application for Variance, signed by Thomas J. Molica, Jr., Esq., dated January 6, 2021.
- Pequannock Township Application for Flood Plain Development, signed by Thomas J. Molica, Jr., Esq., dated January 6, 2021.
- Preliminary and Final Site Plan, consisting of 3 sheets, prepared by William J. Darmstatter, PE, LS of Darmstatter, Inc., dated December 15, 2020 with revisions through February 18, 2021.
- Architectural Plan, consisting of 2 sheets, prepared by James P. Cutillo, RA, dated February 18, 2021.

ZONING ANALYSIS AND COMMENTS

1. The subject site is a 10,399 square foot through lot that is fully developed with a commercial building. That is non-conforming in terms of its front yard setback, one side yard setback combined side yard setback and buffers.
2. The application proposes to eliminate the commercial use and convert the existing building into a 3 unit multifamily residential use. A second story will be added to the existing building to accommodate 1 two bedroom unit on the ground floor and 2 one bedroom units on the second floor. A total of 7 off-street parking spaces are proposed.

The new 3 unit multi-family residential building will have the following floor plan:

- Basement Two garages with Trash Storage in One Garage.
- Ground Floor Unit #1: Kitchen/Living Room/Dining Room Combination; One

Bedroom; Full Bathroom; Master Bedroom Suite with Full Bathroom; Separate Entrance. (Size: 1,524 sf)

- Second Floor Units # 2, 3: Each Unit will have a Kitchen/Living Room/Dining Room Combination; One Bedroom; One Full Bathroom; Common Entrance. Unit # 3 will have a small Balcony. (Size: 708-724 sf)

The basement is out of the ground at the rear of the site. It has a door entrance to the rooms within. The rooms in the basement are not labeled. The applicant should provide testimony regarding the proposed use of the basement.

The architectural plan shows the trash and recycling bin(s) to be located in one of the garage areas of the basement. Te applicant shall provide testimony regarding how the tenants will access the trash area and how the trash will be picked up.

3. The proposed multi-family residential use is permitted in the C-1 District as a conditional use. It does not meet the conditions of the permitted conditional use. Therefore, a d(3) conditional use variance is required.

Generally, a conditional use is suitable to a zoning district but not to every location within that district Coventry Square, Inc. v. Westwood Zoning Board of Adjustment, 138 N.J. 285 (1994). A conditional use applicant's inability to comply with some of the ordinance's conditions need not materially affect the appropriateness of the site for the conditional use. However, in order for the applicant to obtain a conditional use or d(3) variance, the applicant has the burden of showing both the positive and negative criteria.

The following conditional use requirements need variance relief:

• Lot Size	2.5 Acres	Required
	10,399 sf	Proposed
• Lot Width	200'	Required
	60'	Proposed
• Front Yard Setback	50'	Required
	13'-1"	Proposed
• Side Yard Setback	35'	Required
	2.5'	Proposed
• Min. # Units/Bldg.	4 Units	Required
	3 Units	Proposed

4. The conditional use requirements permits a maximum density of 12 units/acre. The applicant proposes 12.55 units. Therefore a d(5) density variance is required.

The applicant must demonstrate the positive and negative criteria consistent with Coventry Square

v. Westwood Zoning Board of Adjustment where the variance need not show that the site is particularly suited for more intense development. The applicant must demonstrate that the site will accommodate the problems associated with a density that is greater than permitted by the ordinance. The successful applicant must show that, despite the proposed increase in density above the zone's restrictions, the project nonetheless serves one or more of the purposes of zoning and is consistent with the overall goals of the MLUL. With regards to the negative criteria, the Applicant must demonstrate that the increase in density will not have a more detrimental affect on the neighborhood than construction of the project in a manner consistent with the zone's restrictions.

5. The Residential Site Improvement Standards (RSIS) set the parking requirements for all residential development throughout the State. The proposed development has the following off-street parking requirement:


1 Bedroom Unit	1.8 spaces x 1 = 1.8 spaces
2 Bedroom Unit	2.0 spaces x 2 = 4.0 spaces
TOTAL	5.8 or 6 spaces

The subject development requires 6 off-street parking spaces. A total of 10 parking spaces are proposed. The off-street parking meets the RSIS requirements for number, size and aisle width. The existing curb cut to Greenwood Avenue will be utilized.

The parking lot will be rehabilitated, paved and striped.

6. The submitted landscape plan provides new foundation plantings along the front and side of the building and 3 dogwood trees along the northern edge of the parking spaces in the rear. To the extent possible, the applicant should augment the rear and side landscaping with native vegetation to compliment the existing natural open space along the side and rear of the building.
7. The submitted lighting plan meets the Township Ordinance requirements.

It is certified that all copies of this document are in conformance with the original prepared by Jill A. Hartmann, PP, AICP. License No. 4088


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Zone Table

126 Newark Pompton Turnpike
Block 4103, Lot 18

C-1 Community Business District
(Conditional Use Requirements for Multi-Family Residences)

	Required	Existing	Proposed	Variance
Lot Size	2.5 Acres	10,399 sf	10,399 sf	Conditional Use Variance Required
Lot Width	200'	60'	60'	Conditional Use Variance Required
Front Yard Setback	50'	13.1'	13.1'	Conditional Use Variance Required
Side Yard Setback	35'	2.5'/10.4'	2.5'/10.4'	Conditional Use Variance Required-Both
Rear Yard Setback	35'	47.31'	47.31'	OK
Density	12 units/acre	NA	12.55 units/acre	d(5) Density Variance Required
Building Height	2½ stories/35'	1 story	2 stories/29'-11"	OK
Building Coverage	20%	16.02%	16.02%	OK
Impervious Coverage	70%	55.49%	55.49%	OK
Min. # Units/Bldg.	4 units	NA	3 units	Conditional Use Variance Required
Open Space	75 sf	NA	≥ 5,700 sf	OK
Parking	6 spaces	NA	10 spaces	OK