

FNPB-R0525

May 12, 2025
(via email)

Borough of Fanwood Planning Board
% Patricia Hoynes, Board Secretary
75 North Martine Avenue
Fanwood, NJ 07023

**Re: Applicant: NB Home Improvements, LLC
383 South Avenue - Block 69, Lot 5
Commercial Corridor Eastern (CC-E) Zoning District
Preliminary and Final Major Site Plan with Bulk Variances
Second Planning Technical Review**

Dear Ms. Hoynes and Members of the Planning Board,

We have reviewed the following materials submitted in connection with the above-referenced Preliminary and Final Major Site Plan Application.

Sixth Submission – May 2025

1. Cover letter and transmittal sheet prepared by Stephen F. Hehl, Esq., of Hicks, Kahn, Wikstrom & Sinins, PC, consisting of two (2) pages, dated April 30, 2025.
2. One (1) 24" x 36" copy of architectural plans entitled "*New Multifamily Building – 383 South Ave., Fanwood, N.J.*" prepared by Andrew Podberezniak, R.A., consisting of three (3) sheets, dated January 26, 2025, last revised April 22, 2025 (first revision).
3. One (1) 24" x 36" copy of site plans entitled "*Preliminary and Final Site Plan – No. 383 South Avenue; Block 69, Lot 5; Tax Map Sheet No. 21; Town of Fanwood, Union County, New Jersey*" prepared by Victor E. Vinegra, P.E. of Harbor Consultants, Inc., consisting of nine (9) sheets, dated January 27, 2025 (no revisions).

Fifth Submission – January 2025

1. Borough cover letter and transmittal sheet prepared by Pat Hoynes, Board Secretary, consisting of one (1) page, dated February 3, 2025.
2. Resubmission Letter prepared by Stephen F. Hehl, Esq., of Javerbaum, Wurgraft, Hicks, Kahn, Wikstrom & Sinins, P.C., consisting of two (2) pages, dated January 29, 2025.
3. Response letter prepared by Christian Cueto, P.E., C.M.E., of Harbor Consultants, Inc., consisting of one (1) page, dated January 28, 2025.
4. One (1) 24" x 36" copy of site plans entitled "*Preliminary and Final Site Plan – No. 383 South Avenue; Block 69, Lot 5; Tax Map Sheet No. 21; Town of Fanwood, Union County, New Jersey*" prepared by Victor E. Vinegra, P.E. of Harbor Consultants, Inc., consisting of nine (9) sheets, dated January 27, 2025 (no revisions).
5. One (1) 24" x 36" copy of architectural plans entitled "*New Multifamily Building – 383 South Ave., Fanwood, N.J.*" prepared by Andrew Podberezniak, R.A., consisting of three (3) sheets, dated January 26, 2025 (no revisions).

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Fourth Submission – September 2024

1. One (1) 24" x 36" copy of Site Plans entitled "*Preliminary and Final Site Plan – No. 383 South Avenue; Block 69, Lot 5; Tax Map Sheet No. 21; Towns of Fanwood, Union County, New Jersey*" prepared by Victor E. Vinegra, P.E. of Harbor Consultants, Inc., consisting of nine (9) sheets, dated October 31, 2023, revised through August 29, 2024 (second revision).
2. One (1) 11" x 17" copy of the above referenced Site Plans.
3. Architectural Plans entitled "*New Multifamily Building – 383 South Ave., Fanwood, N.J.*" prepared by Andrew Podberezniak, R.A., consisting of three (3) sheets, dated June 19, 2023, revised through August 5, 2024 (third revision).
4. Response letter prepared by Christian Cueto, P.E., C.M.E., of Harbor Consultants, Inc., consisting of seven (7) pages, dated August 30, 2024.
5. Stormwater Management Report prepared by Victor Vinegra, P.E., P.L.S. of Harbor Consultants Inc., consisting of 68 pages, dated October 31, 2023, revised through August 29, 2024.

Third Submission – May & June 2024

1. Resubmission Letter prepared by Stephen F. Hehl, Esq., of Javerbaum, Wurgraft, Hicks, Kahn, Wikstrom & Sinins, P.C., consisting of two (2) pages, dated April 29, 2024.
2. Site Plans entitled "*Preliminary and Final Site Plan – No. 383 South Avenue; Block 69, Lot 5; Tax Map Sheet No. 21; Towns of Fanwood, Union County, New Jersey*" prepared by Victor E. Vinegra, P.E. of Harbor Consultants, Inc., consisting of eight (8) sheets, dated October 31, 2023, revised through March 28, 2024 (first revision).
3. Architectural Plans entitled "*New Multifamily Building – 383 South Ave., Fanwood, N.J.*" prepared by Andrew Podberezniak, R.A., consisting of three (3) sheets, dated June 19, 2023, revised through March 15, 2024 (second revision).
4. Cover letter prepared by Stephen F. Hehl, Esq., of Javerbaum, Wurgraft, Hicks, Kahn, Wikstrom & Sinins, P.C., consisting of one (1) page, dated June 21, 2024.
5. Response letter prepared by Christian Cueto, P.E., C.M.E., of Harbor Consultants, Inc., consisting of six (6) pages, dated June 18, 2024.
6. Response letter prepared by Andrew Podberezniak, R.A., consisting of one (1) page, dated June 19, 2024.
7. Color renderings consisting of six (6) sheets, unsigned and undated.

Second Submission – January 2024:

1. Planning Board Application Cover Letter and Transmittal Sheet prepared by Stephen F. Hehl, Esq., of Javerbaum Wurgraft, Hicks, Kahn, Wikstrom & Sinins, P.C., on behalf of NB Home Improvements, LLC, consisting of two (2) pages, dated November 3, 2023.
2. Architectural Plans entitled "*New Multifamily Building – 383 South Ave., Fanwood, N.J.*" prepared by Andrew Podberezniak, R.A., consisting of three (3) sheets, dated June 19, 2023, last revised December 11, 2023 (first revision).

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Initial Application Submission – November 2023:

1. Planning Board Application Cover Letter and Transmittal Sheet prepared by Stephen F. Hehl, Esq., of Javerbaum, Wurgraft, Hicks, Kahn, Wikstrom & Sinins, P.C., on behalf of NB Home Improvements, LLC, consisting of two (2) pages, dated November 3, 2023.
2. Completed Borough of Fanwood Planning Board Application Consisting of:
 - a. Zoning Form #3 – Borough of Fanwood Planning Board Hearing Application Form, consisting of two (2) pages, signed and notarized November 3, 2023.
 - b. Zoning Form #5 – Borough of Fanwood Tax Certification Form consisting of one (1) page, unsigned and undated.
 - c. Zoning Form #6 – Borough of Fanwood Request for Periphery List of properties within 200 feet of subject property, consisting of one (1) page, signed November 3, 2023.
 - d. Zoning Form #30 – Borough of Fanwood Waiver of Time Frame for Planning Board Hearing, consisting of one (1) page, signed November 30, 2023.
 - e. Application Rider entitled “Statement of Principal Points” consisting of one (1) page, unsigned and undated.
3. Stormwater Management Report for subject property prepared by Victor E. Vinegra of Harbor Consultants, Inc., consisting of 48 pages, dated October 31, 2023.

Previous Approvals Reviewed Related to Subject Site (Not Included with Application Submissions)

1. Fanwood Planning Board Resolution of Memorialization granting “c” variances to Sheelen's Real Estate, LLC; 383 South Avenue, Block 69, Lot 5; consisting of six (6) pages, memorialized October 26, 2022.
2. Fanwood Planning Board Resolution of Memorialization granting application of 383 South Ave, LLC, Walter Family LLC d/b/a Seafare Chipperry for expansion of a non-conforming use; 383 South Avenue, Block 69, Lot 5, Application No. 9-2014, consisting of ten (10) pages, memorialized October 22, 2014.
3. Fanwood Planning Board Resolution of Memorialization granting application of The Chipperry – Brian Walter for expansion of a non-conforming use; 383 South Avenue, Block 69, Lot 5; Application No. 7-2011, consisting of five (5) pages, memorialized July 27, 2011.
4. Fanwood Planning Board Resolution of Memorialization granting application of Cianciulli Family, LLC for certificate of non-conforming use/structure status; 383 South Avenue, Block 69, Lot 5 Application No. 17-2010, consisting of five (5) pages, memorialized September 22, 2010.
5. Fanwood Board of Adjustment Resolution of Denial for variances pertaining to Block 69, Lot 401, consisting of one (1) page, memorialized April 30, 1971.
6. First Engineering Review of application prepared by Antonios Panagopoulos, P.E., C.M.E., Borough of Fanwood Planning Board Engineer, consisting of five (5) pages, dated July 22, 2024.

Based on our review of the submitted materials listed above, we offer the following comments for the Board’s consideration. Figures from the previous submission that are no longer relevant to the proposal are noted in ~~strikethrough~~, while revised figures are indicated in **bold**. Comments from our First Planning Technical Review letter dated October 17, 2024, that have been omitted no longer apply to the proposal.

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A. Subject Property, Surrounding Area & Proposal Description

Subject Property

The subject property is comprised of Block 69, Lot 5, an irregularly and triangularly shaped lot located at the intersection of South Avenue (NJ Route 28) and Old South Avenue. Lot 5 contains a total area of 18,650 SF (0.428 acres) with approximately 235.80 feet of frontage on Old South Avenue and 341.38 feet of frontage on South Avenue. The subject property is located within the Commercial Corridor-Eastern (CC-E) Zoning District and is outlined to the right in a NearMap aerial image captured October 5, 2024.



Lot 5 is currently improved with a one-story masonry building occupied by a restaurant. Additional existing site improvements include surface-level asphalt parking, driveway access from both South Avenue and Old South Avenue, an accessory outdoor dining area, and a concrete ADA-accessible ramp providing access to the restaurant's main entrance on South Avenue. Google Street View imagery of the property is shown below, captured June 2023 from South Avenue.



Surrounding Area

The R-75 Single-Family Residence Zoning District surrounds the subject property. According to 2024 Union County tax records, all lots adjacent to the subject property are classified as Class 2 – Residential

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per current NJ MOD IV data, and each adjacent lot contains an existing, detached single-family dwelling. The property is also located approximately 2,000 feet (0.38-mile) from the Borough's NJ Transit rail station and approximately 500 feet from the nearest NJ Transit bus stop on South Avenue.

Proposal

The revised site and architectural plans show significant changes, including a proposed reduction in the number of units and parking spaces.

The applicant proposes to construct a new multi-family residential development. The proposed building will contain three stories, with one (1) ground-floor parking garage and two (2) residential apartment stories above the garage. A total of ~~19~~ **16 rental** apartment units are proposed, including ~~four (4)~~ **two (2)** one-bedroom units, ~~fourteen (14)~~ **twelve (12)** two-bedroom units, and ~~one (1)~~ **two (2)** three-bedroom units. **Of the 16 rental units, three will be affordable, comprising an 18.75% affordable set aside, where a minimum 15% affordable set-aside is required. The three (3) affordable units will be comprised of two 2-bedroom units and one 3-bedroom unit.**

Off-street parking will be located entirely within the ground-floor garage area, with access from one (1) two-way driveway connecting Old South Avenue. A total of ~~28~~ **24** parking spaces are proposed, including two (2) ADA-accessible parking spaces that include one (1) ADA van-accessible space and ~~five (5)~~ **four (4)** Electric Vehicle (EV) ~~Make Ready~~ **charging** spaces. **The proposed ground floor parking area and circulation have also changed significantly from the original configuration proposed.**

The proposed development does not provide any outdoor recreation amenities. However, an indoor, ~~11-foot x 18-foot (198 SF)~~ **17.16-foot x 15-foot (257 SF)** gym is proposed on the ~~first~~ **second** floor, **along with a 20.5-foot x 17-foot (349 SF) first-floor lobby.** Additional improvements include one (1) ground-floor indoor bicycle parking area with storage for 16 bicycles, one (1) ground-floor trash enclosure area, landscaping, and lighting improvements.

The proposed trash/recycling area has also changed from the previous dumpster and trash enclosure to an indoor trash/recycling room containing 36 separate bins. The new trash/recycling room will be located at the rear of the garage and is only accessible via a separate outdoor entrance.

B. Zoning

§ 184-119C(4): Bulk Requirements – Commercial Corridor-Eastern (CC-E) Zoning District

The proposal's conformance with the bulk requirements of the CC-E Zoning District is outlined in the table below:

Description	Requirement	Existing	Proposed	Conforming
Minimum Lot Area	10,000 SF	18,650 SF	No Change	Yes
Minimum Lot Width	100 Ft.	306.59 Ft.	No Change	Yes
Minimum Front Property Line Coverage (Old South Ave.)	60%	30.00 Ft./236.2 Ft. = 12.70% (ENC)	159.14 Ft. 147.00 Ft. /236.2 Ft. = 67.38% 62.34%	Yes

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Description	Requirement	Existing	Proposed	Conforming
Minimum Front Property Line Coverage (South Ave.)	60%	30.82 Ft./341.4 Ft. = 9.03% (ENC)	233.91 Ft. 233.00 Ft./341.4 Ft. = 68.51% 68.2%	Yes
Minimum Front Yard Setback (Old South Ave.)	5 Ft.	11.0 Ft. (ENC)	10 Ft. 2.19 Ft. (from balcony); 4.17 Ft. (from first and second-floor overhang); 5.2 Ft. (from building line)	Yes*
Maximum Front Yard Setback (Old South Avenue)	30 Ft.	11.0 Ft.	10 Ft. 7.34 Ft.	Yes
Minimum Front Yard Setback (South Ave.)	10 Ft.	0.6 Ft. (ENC)	10 Ft. 8.51 Ft. (from first- and second-floor overhang); 10.50 Ft. (from building line)	Yes*
Maximum Front Yard Setback (South Avenue)	20 Ft.	0.6 Ft.	10 Ft. 10.90 Ft.	Yes
Minimum Side Yard Setback	10 Ft.	131.15 Ft.	10 Ft. 7.62 Ft. (from balcony); 10.10 Ft. (from building line)	Yes*
Minimum Rear Yard Setback	5 Ft.	N/A	N/A	N/A
Maximum Building Coverage	N/A	776 SF (4.2%)	11,690 SF (62.68%) 11,167 SF (59.88%)	Yes
Maximum Lot Coverage	70%	6,780 SF (36.65%)	12,623 SF (67.68%) 13,028 SF (69.9%)	Yes
Minimum Height (Stories)	1.5 Stories	1 Story (ENC)	3 Stories	Yes
Maximum Building Height – South Avenue (Stories/Feet)	3 Stories/40 Ft.	1 Story/< 40 Ft.	3 Stories/ 37.02 Ft. 34.96 Ft.	Yes
Maximum Building Height, Corner Element – South Avenue (Stories/Feet)	3.5 Stories/45 Ft.	N/A	3.5 Stories/ 41.33 Ft. 39.58 Ft.	Yes
Maximum Building Height – Old South Avenue (Stories/Feet)	3 Stories/40 Ft.	1 Story/< 40 Ft.	3 Stories/ 40.00 Ft. 39.75 Ft.	Yes
Maximum Building Height, Corner Element – Old South Avenue (Stories/Feet)	3.5 Stories/45 Ft.	N/A	3.5 Stories/ 45.0 Ft. 44.33 Ft.	Yes
Minimum Ground Story Height (South Avenue)	12 Ft.	N/A	9 Ft. 12 Ft.	No (V) Yes
Minimum Ground Story Height (Old South Avenue)	12 Ft.	N/A	12 Ft.	Yes
Minimum Upper Story Height	10 Ft.	N/A	9 Ft. 10 Ft.	No (V) Yes

(ENC) = Existing Non-Conformity

(V) = "c" Variance Required

*Per § 184-119C(1)(b)[1], "...Building components, such as awnings, roof overhangs, eaves, balconies, or bay windows, may encroach into the setback area up to three feet, unless otherwise specified...."

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Variance Summary

The current proposal requires the following variances based on the most recently revised plans submitted:

1. ~~§ 184-119C(4): Minimum Ground Story Height. A minimum ground story height of twelve (12) feet is required, whereas a ground story height of nine (9) feet is proposed for the ground story parking garage along Old South Avenue, as shown on the revised architectural plans.~~

~~Therefore, a "c" variance is required.~~

Addressed. A ground story height of twelve (12) feet is now proposed along Old South Avenue when measured from the garage floor to the floor of the first story above. A variance is no longer required for this item.

2. ~~§ 184-119C(4): Minimum Upper Story Height. A minimum upper story height of ten (10) feet is required, whereas an upper story height of nine (9) feet is proposed for the story above the ground floor parking garage along Old South Avenue, as shown on the revised architectural plans.~~

~~Therefore, a "c" variance is required.~~

Addressed. An upper-story height of twelve (12) feet is now proposed for the second story above the ground floor parking area, and a height of ten (10) feet is proposed for the third story. A variance is no longer required for this item.

In addition to the variances above, the following variances have been identified:

§184-119D – Architectural Regulations

3. §184-119D(9) – Materials.

- a. *"Materials shall consist of the following, individually or in combination: brick, fiber-cement lap siding, fiber-cement shingles, clapboard or synthetic alternative (Hardie board), mosaic tile, wood or architectural metal.*
- b. *Exterior insulated finishing systems (IEFS) and vinyl siding are not permitted..."*

Most of the proposed building materials conform with the requirements above. ~~and synthetic stone is proposed for the ground floor building facades surrounding the proposed parking garage.~~ The applicant should discuss whether any stucco materials are proposed; stucco is not listed as a permitted building material and, therefore, is not permitted.

~~Additionally, as the proposed synthetic stone is not listed as a permitted building material, a "c" variance is required.~~

Addressed. The architectural plans have been revised to include proposed materials that conform to the requirements above.

4. §184-119D(12)(a) – Windows and Transparency. *"At least 30% of any street-facing wall surface must have a clear glazing..."*

The proposed glazing calculations are outlined below, as shown on the architectural plans dated January 26, 2025:

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- South Avenue Façade:
 - Total façade area = ~~5,593 SF~~ **5,168 SF**
 - Total area of clear glazing = ~~847 SF~~ **2,094 SF**
 - **2,094 SF clear glazing/5,168 SF facade area = 40.51% clear glazing proposed**
- Old South Avenue Façade:
 - Total façade area = ~~3,858 SF~~ **5,232 SF**
 - Total area of clear glazing = ~~631 SF~~ **1,827 SF**
 - **1,827 SF clear glazing/5,232 SF facade area = 34.92% clear glazing proposed**

Based on the calculations above, the proposed clear glazing does not meet the minimum 30% glazing requirement for each street facing façade.

Therefore, a "c" variance is required.

Addressed as outlined in calculations above. A variance is no longer required.

5. §184-119D(15) – Balconies. "Balconies shall be a minimum of six feet deep and five feet wide to create a functional outdoor space for upper story uses. A maximum of 40% of the front and corner side facades of the building above the first floor, as calculated separately, may be covered by balconies." *As shown on the revised architectural plans, Juliet balconies are now proposed throughout the entire building.*

Therefore, a "c" variance is required for the non-conforming balcony depth proposed.

Addressed. The previously proposed Juliet balconies have been removed and replaced with a total of six (6) functional balconies evenly distributed between the second and third stories. The proposed balconies now meet the minimum requirements under the section above. A variance is no longer required.

§184-119E – Streetscape Design

6. §184-119E(5) – Street Tree Spacing. "Spacing of street trees shall be based on recognized planting guidelines for the selected species type. Generally, large, maturing trees shall be planted a minimum of 40 feet and a maximum of 50 feet on-center. Small and medium maturing trees shall be planted a minimum of 10 feet and a maximum of 30 feet on center."

The revised site plans now show seven (7) red maple street tree plantings proposed within the South Avenue right-of-way and ~~four (4)~~ **five (5)** red maple street tree plantings proposed within the Old South Avenue right-of-way. *However, two (2) of the four (4) street trees within the Old South Avenue right-of-way are spaced approximately 101 feet apart to facilitate the proposed ground-floor garage driveway.*

Therefore, a "c" variance is required.

Addressed. The proposed street trees are now planted at least 50 feet apart along both the South Avenue and Old South Avenue rights-of-way. A variance is no longer required.

§184-162A – Off-Street Parking and Circulation

7. §184-162A – Minimum Parking Space Dimensions. A total of ~~28~~ **24** parking spaces are proposed, each space measuring ~~8.5~~ **9** feet in width and ~~18~~ **20** feet in depth with no curb overhang. Under the section above, parking spaces with no curb overhang must measure at least 9 feet in width and 20 feet in depth.

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~~Therefore, a "c" variance is required.~~

~~Sheet 3 of the plans must be revised to indicate the non-conforming width dimensions for the proposed parking spaces.~~

Addressed. All 24 spaces proposed measure 9 feet in width and 20 feet in depth. A variance is no longer required.

Additional Requirements

§184-119D – Architectural Regulations

8. §184-119D(1)(a) – Architectural Style. *"CC-E District. New buildings, or renovations to existing buildings, may be less eclectic than the Victorian styles employed in the CC-C District. New buildings or renovations to existing structures should take on a residential look, having peaked and gabled roofs. Buildings closest to the CC-C District shall incorporate design elements that reflect the Victorian architecture of the CC-C District."*

While the proposed architectural style of the building appears to conform closely with design requirements of the Section above, **the applicant should provide testimony on the architectural style proposed as it relates to this requirement.**

9. §184-119D(10) – Colors. *"Building facades, inclusive of all accent elements and signs, shall be limited to a maximum of four colors. Treating the surface wall and trim with different, but coordinated, colors is recommended. Where Victorian architecture is employed, the structure shall have a subtle color, and a contrasting color shall be used for the building's accents."*

The applicant should provide testimony on the proposed building colors and their conformance with the requirements above. Additionally, we recommend that the applicant submit an updated color rendering of each building façade shown on the revised architectural plans for the Board's consideration.

10. §184-119D(11) – Building lighting. *"Light fixtures attached to the exterior of a building are encouraged and should be architecturally compatible with the style, material, and colors of the building. The use of creative lighting to highlight building facades are encouraged. For retail stores, storefronts should be illuminated to highlight merchandise in the display window. Low-pressure sodium or mercury lighting is prohibited."*

~~Aside from the proposed driveway and garage entrances on Old South Avenue, no outdoor lighting is shown surrounding the building. Additionally, construction details have not been provided for the proposed lighting fixtures within the driveway/garage area, and the indoor, ground floor parking area. The plans should be revised to include this information.~~

~~The site plans must be revised to include the light fixtures proposed on the ground floor of the front building elevation along South Avenue, as shown on Sheet A-1 of the architectural plans. The building elevation on Sheet A-2 of the architectural plans should be revised to include the proposed outdoor parking area light fixture shown on the Lighting and Landscaping Plan (Sheet 5) of the site plans.~~

Addressed as shown on Sheet 5 of the revised plans.

11. §184-119D(16)(g) – Roofs and Building Height. *"All mechanical equipment, HVAC systems, exhaust pipes and stacks, stairways, satellite dishes, telecommunications-receiving devices, or other rooftop elements shall be screened or otherwise treated to be inconspicuous as viewed from the street. Such elements shall be set back from the roof edge at least one foot for each one foot of height."*

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Roof plans are not shown on the site or in the architectural plans. These plans should be revised to provide a roof plan showing the location of all proposed rooftop mechanical equipment (if any). The site plans should be revised to provide construction details of all proposed rooftop equipment (if any).

Additionally, we note that dormers are shown protruding from the roof above the second floor; however, a third-floor plan has not been provided. The Architect's response letter dated June 19, 2024, states that no functional third floor is proposed. Testimony should be provided to confirm this, and a note should be added to the architectural plans to reflect this information.

The architect's response letter also indicates that the proposed mechanical equipment will be screened and set back from the edge of the upper roof deck, and that the height of the screen and setback will be determined at the time of the construction documents when the type of equipment is finalized.

The architectural plans must be revised to include building elevations and floor plans for the proposed rooftop, encompassing any proposed equipment, appurtenances, and associated screening for the Board's and public's consideration.

§184-119F & NJ RSIS – Off-Street Parking and Circulation

12. §184-119F(a)[4] – Minimum Off-Street Parking. A minimum of 1.5 parking spaces is required per dwelling unit. Based on the ~~19~~ **16** dwelling units proposed, a total of ~~28.5~~ **24** spaces are required, where a total of ~~28~~ **24** parking spaces, including ~~five (5)~~ **four (4)** EV spaces, are proposed.

We note that pursuant to N.J.S.A. Section 40:55D-66.20.e., "A parking space prepared with electric vehicle supply equipment or Make-Ready equipment pursuant to this section shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This subsection shall result in a reduction of no more than 10 percent of the total required parking." Additionally, and pursuant to MLUL Section 40:55D-66.20.f., "All parking space calculations for electric vehicle supply equipment and Make-Ready equipment pursuant to this section shall be rounded up to the next full parking space."

~~Five (5)~~ four (4) EV spaces are proposed, resulting in a reduction of 2.4 spaces (10%), rounded down to two (2) spaces from the total required parking. Therefore, 22 spaces are required on site after applying the EV space discount.

13. NJ RSIS (N.J.A.C. 5:21-4.14(g)4.) – Minimum Off-Street Parking. The Ordinance requires ~~29~~ **24** parking spaces **and 22 parking spaces after the EV spaces discount is applied.** Therefore, the ~~28~~ **24** proposed spaces (excluding the EV space credit above) meets this requirement. **However, the proposed 28 parking spaces falls nine (9) spaces short of the minimum quantity of required spaces per NJ RSIS (N.J.A.C. 5:21-4.14(g)4.), as outlined below.**

NJ RSIS (N.J.A.C. 5:21-4.14(g)4.) – Garden Apartment

- One-bedroom dwelling unit (DU):
 - 1.8 spaces per DU
 - 1.8 spaces x ~~4~~ **2** one-bedroom DUs proposed = **3.6 spaces**

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- Two-bedroom dwelling unit (DU):
 - 2.0 spaces per DU
 - 2.0 spaces x ~~14~~ **12** two-bedroom DUs proposed = ~~28~~ **24 spaces**
- Three-bedroom dwelling unit (DU):
 - 2.1 spaces per DU
 - 2.1 spaces x ~~2~~ **2** three-bedroom DUs proposed = **4.2 spaces**
- Total = 31.8 spaces, rounded to **32 spaces required***

*Per NJ RSIS (N.J.A.C. 5:21-4.14(g)4. Note <a>) "When determination of the required number of parking spaces results in a fractional space for the entire development, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space."

We note that as the proposal meets the minimum number of parking spaces as required by the Ordinance, variance and/or design waiver relief is not required due to lack of conformance with the RSIS requirements.

14. ~~NJ RSIS (N.J.A.C. 5:21-4.15) – Minimum parking space dimensions. The proposed 8.5 foot x 18-foot parking spaces do not meet the minimum dimensional requirements of 9 feet x 18 feet in accordance with NJ RSIS (N.J.A.C. 5:21-4.15). The plans should be revised accordingly to meet this requirement. As outlined previously in this report, the Borough's standards are more stringent and require parking spaces measuring 9 feet x 20 feet. The engineer's response letter states that variance/waiver relief is requested from this requirement. The applicant should provide testimony in support of the requested variance relief from this requirement.~~

Addressed. As indicated previously in this report, all non-ADA accessible spaces proposed measure 9 feet in width and 20 feet in depth, meeting the minimum dimensional requirements of the Ordinance and NJ RSIS.

15. §184-119F(9)(c) – Bike Parking. "Bike parking shall be provided in all CC districts to make cycling a more convenient transportation option. Bicycle parking facilities shall adhere to the requirements below. Buildings containing multiple tenants may satisfy their individual requirements by providing a single bike rack in a centrally located area.

[1] Multifamily residential: one space per unit, located within the interior of each individual unit, or within a secured common area within the building."

A storage/bike rack area is shown on the revised architectural and site plans with a maximum capacity of 16 bikes. The site plans must be revised to include construction detail(s) of the proposed bike rack, including dimensions, materials, and total capacity of the proposed bike rack.

16. Electric Vehicle (EV) Parking Requirements. Pursuant to N.J.S.A. Section 40:55D-66.20.a. of the New Jersey Municipal Land Use Law (MLUL) and Chapter 149 of the Borough Ordinance, sites held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, must include at least 15% of the total required (29) off-street parking spaces as Electric Vehicle (EV) Make-Ready spaces, 5% of which must be ADA-accessible. A total of 5 EV make-ready spaces (15% of 29 spaces = 4.35 spaces rounded to five spaces*) are required, of which 1 space (5% of 5 EV spaces = 0.25, rounded to one space*) must be ADA accessible.

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As shown on the submitted site plans, a total of ~~five (5)~~ **three (3)** EV charging stations are proposed, including one (1) ADA accessible EV charging station, **whereas 3.6 spaces (15%) rounded to four (4) EVSE spaces, including one (1) ADA-accessible charging station, are required. Therefore, the proposal does not meet the minimum requirement of four (4) EVSE spaces.**

However, the architectural plans show five (5) EV charging stations, including one (1) ADA-accessible charging station, which meet the minimum requirements above.

The applicant must provide testimony confirming the total number of EV charging stations proposed on site. The site plans must be revised accordingly based on the testimony provided or revised to provide at least four (4) EV spaces (including 1 ADA-accessible EV space). As this is a statewide requirement, variance relief cannot be granted for this item.

**Per MLUL Section 40:55D-66.20.f., "All parking space calculations for electric vehicle supply equipment and Make-Ready equipment pursuant to this section shall be rounded up to the next full parking space."*

Additionally, in accordance with N.J.S.A. § 40:55D-66.20.a.(1)(a) through N.J.S.A. § 40:55D-66.20.a.(1)(c), 1/3 (2 spaces) of the 5 total EV spaces must be installed with operational charging equipment prior to the issuance of a Certificate of Occupancy (CO). An additional 1/3rd of the total EV spaces must have charging equipment installed within three (3) years following the date of the issuance of a CO, and the final 1/3rd of the EV spaces must have all EV Charging equipment installed within six (6) years following the date of the issuance of a CO. **Any Board approval should be conditioned upon same, and the plans should be revised to include construction notes to this effect.**

§184-119G & §184-104 – Site Landscaping

17. §184-104B – General Site Landscaping. *"Any part or portion of the site which is not used for buildings, accessory structures, loading or parking spaces or aisles, sidewalks and designated storage areas, and which does not contain existing vegetation to remain, shall be landscaped in accordance with an overall landscape planting plan, as approved by the Board. All landscaped portions of the site shall be maintained adequately throughout the year."*

A Landscaping Plan (Sheet 5) has been provided showing the type and quantity of trees/plantings proposed and their respective location. The Landscaping Plan also shows a total of ~~four (4)~~ **eight (8)** existing trees greater than 6 inches in caliper proposed for removal, with ~~eight (8)~~, **twelve (12)** 2.5-inch caliper ~~Carpinus Caroliniana (American Hornbeam)~~ **Acer Rubrum 'October Glory' (Red Maple)** tree plantings proposed for replacement. These replacement plantings satisfy the applicable requirements pursuant to § 184-106E, ~~however their proposed location is not labelled on the Landscaping Plan, nor are they shown in the Plant List table. The Landscaping Plan and associated Plant List must be revised accordingly to show the proposed location of the eight (8) replacement trees above, as they are required to meet the tree removal and replacement requirements of § 184-106E.~~ **Addressed. The planting schedule has been updated to reflect all types and quantities of plantings labeled on the Landscaping Plan (Sheet 5).**

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§184-109 – Retaining Walls

18. §184-109G – Retaining Walls. *“Approval by the Borough Engineer shall be required for the erection, relocation, alteration or other construction involving any retaining wall located within a street right-of-way, public drainage or sewer easement or other public land or easement under the control of the Borough.”*

Two (2) retaining walls measuring 4 feet tall are proposed to traverse the front yard along Old South Avenue and extend into the right-of-way. Both walls terminate at the interior line of the proposed sidewalk. **The applicant should provide testimony on any potential impacts these walls may have on pedestrian circulation.**

§184-119I – Signage

19. §184-119I(3)(a) – Wall Signs. *“The type, size, shape, orientation, lettering, color, materials and illumination of wall signs must be designed to fit within the architecture of the building.”*

Two (2) numerical wall signs are proposed on the first floor of the South Avenue building façade, which appear to be identical. The dimensions appear to fit within the overall architectural design scheme of the building; however, a construction detail of the proposed signs has not been provided.

~~We note that Sheet A-1 of the architectural plans has been revised to include dimensions for the two (2) wall signs above. Each sign measures 5.5 feet in height x 11.5 feet in width (63.25 SF) and will consist of cement board/paneling and external illumination provided by three (3) wall-mounted, “gooseneck” overhead lights.~~

The architectural plans and site plans no longer include details of proposed numerical signage. The site plans must be revised to include construction details of the proposed wall sign that includes dimensions, materials, and proposed illumination. The applicant should discuss whether any additional signs outside of the standard directional signage are proposed, specifically any monument signage at the property’s frontage on the intersection of South Avenue and Old South Avenue. Any additional signage proposed must conform with the applicable requirements of § 184-119I. Otherwise, additional variances may apply.

Affordable Housing

The development must provide an affordable housing set-aside in accordance with the requirements of §184-119K – *South Avenue Affordable Housing Overlay District* and the 2016 Settlement Agreement between the Borough and Fair Share Housing Center.

Pursuant to §184-119K(1), *“...Within each of the Commercial Corridor Districts (CC-E, CC-C, and CC-W), the development of new mixed-use buildings (residential over commercial) with residential on the second or third floors or the conversion of existing buildings into mixed-use buildings with residential on the second or third floors, or any multifamily residential development will be permitted so long as the following conditions are met:*

- 1) *A minimum of 15% of residential rental units and 20% of for-sale residential units must be affordable units.*

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In addition, the above affordable housing requirements are also contained in Item 5 of the 2016 Settlement Agreement between the Borough and Fair Share Housing Center. The Settlement Agreement states that the Borough's unmet need obligation shall be addressed through a variety of mechanisms, including an Affordable Overlay Zone covering the CC-W, CC-C and CC-E zones within the Borough.

As previously indicated and shown on the architectural floor plans, a total of ~~19~~ **16** residential units are proposed, consisting of ~~1~~ **2** three-bedroom units, ~~14~~ **12** two-bedroom units and ~~4~~ **2** one-bedroom units. **As shown on Sheet A-1 of the architectural plans, the proposed units will be for rent.** Therefore, the required affordable unit set aside for both options is outlined below:

- For-rent:
 - ~~19~~ **16** units x 0.15 = 2.4 units, rounded to three (3) affordable units.

The applicant proposes a total of three (3) affordable units, including two 2-bedroom units and one 3-bedroom unit, which equates to an 18.75% affordable unit set-aside. Therefore, the proposal satisfies the minimum 15% affordable unit set-aside.

Bedroom Distribution

All affordable units are required to comply with the regulations contained in the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., including but not limited to, the development's proposed bedroom mix. Specifically, UHAC requires that:

- At least 30 percent of all affordable units be two-bedroom units;
- At least 20 percent of all affordable units be three-bedroom units;
- No more than 20 percent of all affordable units may be one-bedroom units; and,
- The remaining 30 percent of affordable units may be allocated according to developer discretion.

These requirements are also outlined in Ordinance §105-5E(3); and per Ordinance §184-119K(10), all affordable units shall be subject to the provisions of the Borough Affordable Housing Ordinance pursuant to § 105 – Affordable Housing.

~~The architectural plans have been revised to show the location of three (3) affordable units on first floor; comprised of one (1) three-bedroom affordable unit and two (2) two-bedroom affordable units. The applicant should provide testimony on the conformance of the proposed bedroom distribution with the requirements above.~~

The proposed bedroom distribution equates to the following:

- **Two 2-bedroom units/3 total affordable units = 66.66%**
- **One 3-bedroom unit/3 total affordable units = 33.33%**
- **Zero 1-bedroom units/3 total affordable units = 0%**

Therefore, the bedroom distribution requirements are satisfied based on the current proposal.

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Income Distribution

Pursuant to NJ UHAC requirements and Ordinance §105-5E of the Ordinance, the following income requirements must be met as part of an affordable and inclusionary development:

- 1) *The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.*
- 2) *In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.*
- 3) *In addition, pursuant to the Borough's Settlement Agreement, 13% of all affordable units shall be affordable to very low-income households.*

The applicant should provide testimony on how the proposal will meet the income requirements for the required affordable units. The architectural plans must be revised to show the required and proposed income distribution based on the Applicant's testimony and the minimum required three (3) affordable units as outlined above, instead of the two affordable units currently proposed.

Additional Planning Comments

1. **The proposed bedroom distribution shown on Sheet 3 of the site plans does not match the one shown on the architectural floor plans and must be revised accordingly.**
2. **The plans should be revised to include a municipal gateway feature on the isle dividing South and Old South Avenues.**
3. We note that low-density residential uses surround the subject property. The proposed building represents a significant development proposal where many of the bulk dimensions, such as the proposed building setbacks and impervious coverage, meet the limits of the maximum/minimum figures permitted/required.

The proposed building envelope also results in no outdoor open space/recreation area for the residents, with the only recreation space proposed comprising a ~~11 foot x 18 foot~~ **17.17' x 15' gym first-floor second-floor** gym with no windows.

However, While there is no maximum density requirement within the CC-E zone, the 16 units now proposed result in a density of 37.37 dwelling units (DU) per acre. This is a reduction from the original 19 units proposed, which provided a density of approximately 45 DU per acre.

4. Updated color rendering(s) of the proposal from all building facades should be provided for the Board's consideration, and the architectural building elevations should be revised to label the proposed colors.
5. ~~The proposed trash/refuse area is located in the corner of the building across the ground floor parking area from the two stairwells. There is also no trash chute proposed connecting this area to the upper floors, and residents must traverse the parking area to reach the refuse area. The refuse area should be relocated to a more accessible area and a trash chute should be installed to prevent the need for residents crossing the parking area.~~

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The refuse area is now located in a separate area on the ground floor of the building and can only be accessed via the proposed "Staircase 1" which leads to the outdoor access point of the refuse area. This also requires second-floor residents to traverse the gym area and first-floor residents to traverse the lobby with to access "Staircase 1". The applicant should provide testimony on whether more efficient configurations are possible for refuse disposal. The plans should be revised accordingly based on the testimony provided.

6. The plans should be revised to include turning templates for the updated ground floor parking area.

~~7. Construction details of the proposed EV charging stations must be shown on the plans.~~

~~Not addressed. The plans must be revised to include construction details of the charging stations for the 5 EV spaces proposed.~~

Addressed; construction details have been provided.

8. The applicant should discuss whether any habitable and/or amenity space is proposed in the area of the building between the roof line and the second-floor ceiling. We note that dormers are proposed for this area – the applicant should confirm whether these are strictly aesthetic or functional as part of any accessible space within this area.

As indicated in the architect's previous response letter, the area described above is for aesthetic purposes only and will not be functional/accessible. Testimony should be provided confirming the same based on the current set of revised plans submitted.

9. As the site is located adjacent to a three-way intersection, a traffic impact study should be provided that outlines the anticipated daily trips to and from the site and their effects on existing traffic patterns.

The Engineer's previous response letter indicates that a traffic study will be provided under a separate cover.

10. The architectural floor plans and elevations should be revised to provide a roof plan showing the location of any proposed mechanical equipment and associated screening.

11. Should the board act favorably on the application, the applicant must secure approvals or letters of no interest from the following agencies:

- a. Fanwood Rescue Squad
- b. Fanwood Fire Department
- c. Fanwood Police Department
- d. Union County
- e. NJDOT
- f. NJDEP
 - i. Bureau of Safe Drinking Water
 - ii. TWA
- g. Somerset Union Soil Conservation District
- h. Any other agencies having jurisdiction over the application

12. We defer the proposal's conformance with grading, drainage and utility requirements to the Board Engineer.

Le: Patricia Hoynes, Board Secretary

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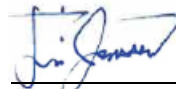
Should you have any questions, please do not hesitate to contact our office.

Sincerely,

T&M Associates



CAROLINE REITER, P.P., A.I.C.P.
T&M PLANNING GROUP MANAGER
PLANNING BOARD PLANNER



TIMOTHY JANSSEN, A.I.C.P.
T&M SENIOR STAFF PLANNER

Applicant's Team:

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4. Applicant's Engineer: Christian Cueto, PE, CME; Harbor Consultants, Inc., 320 North Avenue East, Cranford, NJ 07016. Telephone: (908) 276-2715. Email: christianc@hcicg.net
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Cc. (via email): Patricia Hoynes, Planning Board Secretary (phoynes@fanwoodnj.org)
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Raymond Sullivan, Borough Zoning Officer (zoning@fanwoodnj.org)
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