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## **MEMORANDUM**

**To:** Township of Irvington Zoning Board of Adjustment  
**From:** Gerard Haizel, PP, AICP  
**Date:** September 21, 2020  
**RE:** **429-444 Grove Street**  
**Block 160, Lot(s) 1, 17 and Block 112, Lot(s) 1 and 4**

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**The following is prepared on behalf of the Township of Irvington, Zoning Board of Adjustment. The information provided herein is for advisory purposes only and is intended to assist the Board's decision-making process. Below are descriptions of the project based on the supplied plans and documentation as well as commentary on issues evident from them.**

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### **Items Reviewed**

In preparation of this report, I have reviewed the following documents:

- ✓ Application for Development dated 7/15/2020.
- ✓ Zoning Permit/Determination dated 8/7/2020.
- ✓ Certified List of Properties within 200-foot radius of subject site.
- ✓ Request for Taxpayer Identification Number and Certification.
- ✓ Plans - Preliminary and Final Site Plan, Crown Village, 429-444 Grove Street, Irvington & 552, 572-588 South Orange Avenue, Newark, Township of Irvington & City of Newark, Essex County, New Jersey prepared by Harbor Consultants, Engineers and Surveyors, dated 12/10/19, with revision dated 2/19/2020, and consisting of 8 sheets (1 through 8).
- ✓ Plans – Crown Village, Grove Street Newark, NJ 07103, prepared by Noel S. Musial, AIA of The Musial Group Architecture, dated February 2020, and consisting of 12-sheets (ASP101, ASP200, A100-A104, A201, A201a, A202, A202a, A401)
- ✓ Plans – Topographic Survey Plan, Township of Irvington, Block 112, Lot 1 & Block 160, Lot 1, City of Newark Block 4001, Lot 1 & Block 4002, Lot 1, Essex County,



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New Jersey prepared by Kenneth D. Dykstra, PE, PLS of Dykstra Walker Design Group, dated 6/13/2019 and consisting of 1 Sheet.

- ✓ Report – Stormwater Management Report for Crown Village, Lot 1, Block 112, Lot 1, Block 160, Township of Irvington; Lot 1, Block 4002, Lot 1 Block 4001, City of Newark, Essex County New Jersey, prepared by: Harbor Consultants, Inc., Engineers, Planners, Surveyors, 320 North Avenue East, Cranford, NJ 07016, Project No. 2019173, Dated December 10, 2019.
- ✓ Report – Traffic Impact Study for Crown Village, Proposed Mixed-Use Development, Property Located at: 552 & 572-588 South Orange Avenue (CR 510) (Newark) & 429 & 444 Grove Street (CR 509) (Irvington), Block 4001 – Lot 1 & Block 4002 – Lot 1 (Newark), Block 112 – Lot 1 & Block 160 – Lot 1 (Irvington), City of Newark & Township of Irvington, Essex County, NJ, Prepared by: Dynamic Traffic, Dated: December 13, 2019.

## Project Summary

On property located partially in the Township's **R-2 (Two-Family Residential District)** and partially in the City of Newark, the applicant, **Crown Real Estate Holdings, Inc.**, proposes to construct five (5) 5-story mixed-use buildings on the subject site. All or a part of three (3) of the buildings are located within Irvington. The proposed structures in Irvington will include a total of three hundred and thirty (330) dwelling units.

The development will also provide parking for a total of five hundred and fifty-three (553) vehicles in 1<sup>st</sup> floor garages and a surface parking lot. Proposed amenities will include a day care center with a secure outdoor play area, two (2) gymnasiums, outdoor basketball court, co-working area and library, common work area with conference rooms, individual study offices, community rooms, outdoor landscaped deck areas with community garden area.

Additionally, the proposed development will include 2,355-SF of retail/commercial space in one of the buildings located in Irvington, on the corner of Grove Street and 14<sup>th</sup> Avenue.

The proposed mixed-use, residential and commercial development is **not permitted** in the R-2 zone. Additionally, the proposed development does not meet all the bulk and design standards for this building type. The applicant is also seeking preliminary and final site plan approval.

## Variance Relief Required

- Use – Pursuant to Township of Irvington’s Ordinance **§650-15(A)** mixed-use developments (residential and commercial) are not permitted in the R-2 zone. **A D(1) variance is required to permit this use in the R-2 zone.**
- Density – Pursuant to the Township of Irvington’s Ordinance **§650 - Attachment 2**, a maximum density of 20 dwelling units per acre (du/acre) is permitted and the applicant proposes a density of 96.5 du/acre on Block 112 (Lot #1). **A D(5) variance is required to allow a higher density than permitted in the R-2 Zone.**
- Pursuant to the Township of Irvington’s Ordinance **§650 - Attachment 2**, a maximum density of 20 dwelling units per acre (du/acre) is permitted and the applicant proposes a density of 71.4 du/acre on Block 160 (Lot #2). **A D(5) variance is required to allow a higher density than permitted in the R-2 Zone.**
- Building Height – Pursuant to the Township of Irvington’s Ordinance **§650 - Attachment 2**, a maximum building height of 35-feet is permitted, and the applicant proposes a building height of 60-feet. The proposed height exceeds the maximum permitted height by more than 10-feet. **A D(6) variance is required to allow a greater building height than permitted in the R-2 Zone.**
- Impervious Coverage – Pursuant to the Township of Irvington’s Ordinance **§650 - Attachment 2**, the applicant proposes an impervious coverage of 90% for the proposed mixed-use development on Block 112 (Lot # 1), which is not permitted in the R-2 zone. **A C-variance is required to allow the proposed impervious coverage for a development that is not permitted in the R-2 Zone.**
- Pursuant to the Township of Irvington’s Ordinance **§650 - Attachment 2**, the applicant proposes an impervious coverage of 74.5% for the proposed mixed-use development on Block 160 (Lot #2), which is not permitted in the R-2 zone. **A C-variance is required to allow the proposed impervious coverage for a development that is not permitted in the R-2 Zone.**



- Front Yard Setback – Pursuant to the Township of Irvington’s Ordinance **§650 - Attachment 2**, a minimum front yard setback of 15-feet is required, and the applicant proposes a front yard setback of 0-feet. **A C-variance is needed to allow a lesser front yard setback than required in the R-2 Zone.**
- Side Yard Setback – Pursuant to the Township of Irvington’s Ordinance **§650 - Attachment 2**, a minimum side yard setback in excess of 4-feet for one side and 10-feet for both sides are required, and the applicant proposes setbacks of 0-feet. **A C-variance is needed to allow a lesser side yard setback than required in the R-2 Zone.**
- Number of Stories – Pursuant to the Township of Irvington’s Ordinance **§650 - Attachment 2**, a maximum building height of 2½-stories is permitted in the R-2 zone, and the applicant proposes a building height of 5-stories. **A C- variance is required to allow a greater impervious coverage than permitted in the R-2 Zone.**
- Parking – Pursuant to the Township of Irvington’s Ordinance **§650 – 32(A)**, one (1) parking space is required for each dwelling unit. The applicant proposes a total of 646 parking spaces requiring 646 off-street parking spaces and the applicant proposes a total of 553-parking spaces. **A C-variance is required to permit fewer parking spaces than required.**

## **Project Description**

The subject property consists of two (2) parcels which are partially located within the Township of Irvington and City of Newark. Lot #1, which includes all of Block 112, Lot 1 in Irvington, is a 108,365-SF parcel with frontage on South Orange Avenue to the north, Grove Street to the east, Dassing Avenue to the south and Whitney Street to the west. Lot #2, which includes Block 160, Lot 1 in Irvington, is a 251,342-SF parcel with frontage on South Orange to the north, Grove Street to the west and 14<sup>th</sup> Avenue to the south.

The applicant proposes a mixed-use development that includes a total of five (5) separate mixed-use buildings. Two (2) of the proposed buildings (Buildings 1, and 2) will be located on Lot #1 and the remaining three (3) buildings (Buildings 3, 4 and 5) on Lot #2. All of Building 5, and part of Buildings 2 and 3 are located within Irvington Township.

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**Lot #1 (Block 112 Lot 1)**

Buildings 1 and 2 are located on Lot #1. A garage is proposed on the 1<sup>st</sup> floor of the buildings. The garage will extend to the southern end of the site and runs under both Buildings 1 and 2. Access to the garage is from a 24-foot wide two-way ingress/egress located at the northwestern area of the site, off of Whitney Street and at the southeastern area off of Grove Street, where there is also a 24-foot wide two-driveway. Parking spaces are configured into four (4) rows extending in a north-south orientation. Two (2) rows are located on the outer perimeter of the building and two (2) rows abutting each other. A total of ten (10) ADA-compliant spaces are proposed throughout the garage. There is a total of one hundred and sixty-three (163) spaces in this garage.

**Building 1**

Building 1 fronts on South Orange Avenue, Whitney and Grove Streets. Entry to Building 1 is from an entry located on the western façade off of Whitney Street, where there is an entry to a lobby with an elevator. On the opposite side of the lobby is an entry from the garage. To the north of the lobby on the 1<sup>st</sup> floor, are four (4) retail units that front on South Orange Avenue. Three (3) of these retail spaces measure 1,589-SF, 1,593-SF and 1,853-SF and the fourth, which is located on the corner of South Orange Avenue and Grove Street, measures 4,080-SF. A service corridor extends from the South Orange frontage and extends south and then west and exists onto Whitney Street. This corridor also provides an alternate means of egress for a staircase from the upper floors of the building.

There are three (3) duplex apartments located on the western side of Building 1, with entries and 1<sup>st</sup> floor living space off of Whitney Street. These duplex apartments have internal staircases which access living space on the 2<sup>nd</sup> floor. There are three (3) additional duplex apartments located to the south in Building 2. On the eastern side of the building on the 1<sup>st</sup> floor is a library/co-working area, which is accessible from Grove Street and internally from the garage and an elevator which serves the upper floors of the building.

Above the 1<sup>st</sup> floor garage, there are four floors of residential units in Building 1. There is a total of one hundred and eight (108) apartments in this building. The following is a breakdown of the apartment types and sizes.

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<b>Building 1 Floor</b>	<b>Studio (370 – 429 SF)</b>	<b>1-BR (744 - 948 SF)</b>	<b>2-BR (1,012 -1,364 SF)</b>	<b>3-BR (1,662 SF)</b>	<b>Total</b>
<b>2<sup>nd</sup></b>	5	14	5	-	<b>24</b>
<b>3<sup>rd</sup></b>	5	22	1	-	<b>28</b>
<b>4<sup>th</sup></b>	5	22	1	-	<b>28</b>
<b>5<sup>th</sup></b>	5	22	1	-	<b>28</b>
<b>Total</b>	<b>20</b>	<b>80</b>	<b>8</b>	<b>-</b>	<b>108</b>

On the 2<sup>nd</sup> floor, the elevator opens to a double loaded hallway, which extends to the north and south where it then extends to the east. There are private terraces off of the apartments located on the eastern side of the hallway. Beyond the terraces is a raised exterior plaza over the parking garage. This plaza will include landscaped planters and seating. This space is open to all residents and is accessible from a doorway off the northeaster end of the corridor.

On the eastern side at the southern end of the hallway is the upper floor of the aforementioned proposed workspace/library, which was accessible off of Grove Street. Here on the 2<sup>nd</sup> floor there are desks and other seating in various configurations. There are three partitioned work areas located along the southern side of the workspace. At the rear of the workspace are six (6) powder rooms.

At the southern end of the hallway is a door which opens to an exterior landscaped courtyard over the parking garage. Here there is also a pathway that extends to a 2<sup>nd</sup> floor access to Building 2, located to the south of Building 1.

### Building 2

Building 2 is located to the south of Building 1 and fronts on Whitney Street, Dassing Avenue and Grove Street. At the southeastern corner of Building 2 is a proposed community room. There are three (3) additional duplex units on the southern elevation, fronting on Dassing Avenue, similar to those located on the western elevation. The main entry to the Building 2 is located at the southwestern corner of the building, where there is a lobby and elevator, adjacent to an enclosed trash room. At the southeastern corner of the building is a proposed 1,894-SF community room.

Above the 1<sup>st</sup> floor garage, there are four (4) floors of residential units in Building 2. There are a total of one hundred and seven (107) apartments in this building. The following is a breakdown of the apartment types and sizes.

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<b>Building 2 Floor</b>	<b>Studio (370 – 429 SF)</b>	<b>1-BR (744 - 948 SF)</b>	<b>2-BR (1,012 -1,364 SF)</b>	<b>3-BR (1,662 SF)</b>	<b>Total</b>
<b>2<sup>nd</sup></b>	2	22	6	-	<b>30</b>
<b>3<sup>rd</sup></b>	2	22	2	2	<b>28</b>
<b>4<sup>th</sup></b>	1	22	3	-	<b>26</b>
<b>5<sup>th</sup></b>	-	21	2	-	<b>23</b>
<b>Total</b>	<b>5</b>	<b>87</b>	<b>13</b>	<b>2</b>	<b>107</b>

On the 2<sup>nd</sup> floor, the elevator opens to a double loaded hallway that circulates the floor, which is configured as a square, with an open area at the center. A second elevator is located at the northeastern corner of the building. In this open area on the floor is proposed an exterior landscaped courtyard over the parking garage. This area is accessed from an entry point on the northern side off the hallway. Opposite to this entry is another door which access the exterior landscaped courtyard over the parking garage located between Buildings 1 and 2 and the aforementioned pathway between the two buildings.

**Lot #2 (Block 160 Lot 1)**

Buildings 3(A,B,C), 4 and 5 are located on Lot #2. However only parts of buildings 3 and all of building 5 are located within Irvington. Building 3 is located on the northern and western areas of Lot #2, and fronts directly on South Orange Avenue. Building 3 is divided into three (3) sections, A, B and C. A portion of Building 3A and all of Buildings 3B and 3C is located in Irvington.

A 1<sup>st</sup> floor garage is also proposed on the 1<sup>st</sup> floor of the buildings here on Lot #2. As was the case on Lot #1, the garage will extend to the southern end of the site, and runs under Buildings 3(A,B,C), 4 and 5. Access to the garage is from a two-way ingress/egress located at the northwest off of Grove Street and at the southwest off of Grove Street, where there is a 24-foot wide two-driveway. The northwestern access extends directly ahead into the 1<sup>st</sup> floor garage and also extends to the north, where there is a surface parking lot that extends to the northwestern corner of the site and towards the east, at the rear of Building 3A. Here there are forty-nine (49) spaces, including five (5) ADA-compliant spaces. There is also an access to the 1<sup>st</sup> floor garage from the surface parking area behind Building 3A.

Parking spaces in the 1<sup>st</sup> floor garage is generally configured into rows extending in a north-south orientation. Here there are an additional two (2) ADA-compliant spaces, for a total of three hundred and ninety (390) spaces in this garage.



### Building 3A

Building 3A is located on the corner of South Orange Avenue and Grove Street. The building is L-shaped and will extend along the South Orange Avenue frontage and then along the eastern property line. The 1<sup>st</sup> floor will include three (3) retail spaces fronting on South Orange Avenue, each measuring 1,844-SF, 1,813-SF and 2,237-SF. A 2,255-SF laundry and 3,572-SF gymnasium are also located on the 1<sup>st</sup> floor fronting on South Orange Avenue.

Access to Building 3A is located at the southwestern corner of the building adjacent to the corner of South Orange Avenue and Grove Street, where there is a door that accesses a lobby with an elevator. On the opposite end of the entry is a door that accesses a service corridor, which extends along the rear of the retail spaces, laundry and gymnasium. This corridor also serves as an alternate means of egress for a staircase from the upper floors. Other entry points to the building include an entry adjacent to the gymnasium from the surface parking lot and from the northeastern corner of the parking garage. There is elevator access at each of these access points.

Above the 1<sup>st</sup> floor garage and retail/commercial space, there are four (4) floors of residential units in Building 3A. There is a total of one hundred and thirty-one (131) apartments in this building. The following is a breakdown of the apartment types and sizes.

<b>Building 3A Floor</b>	<b>Studio (370 – 429 SF)</b>	<b>1-BR (744 - 948 SF)</b>	<b>2-BR (1,012 -1,364 SF)</b>	<b>Total</b>
<b>2<sup>nd</sup></b>	1	32	3	<b>36</b>
<b>3<sup>rd</sup></b>	1	25	6	<b>32</b>
<b>4<sup>th</sup></b>	3	24	6	<b>33</b>
<b>5<sup>th</sup></b>	1	24	5	<b>30</b>
<b>Total</b>	<b>6</b>	<b>105</b>	<b>20</b>	<b>131</b>

On the 2<sup>nd</sup> floor, the elevator opens to a double loaded hallway that extends to the east and then to the south, following the L-shaper of the building. A 10,960-SF community garden is proposed on the western side of the building, on the roof of the garage. This garden is accessible from the 2<sup>nd</sup> floor hallway around the area of the elevator from the parking garage. The community garden will include a green house and pergolas. To the south of the garden is a 10,754-SF landscaped area which includes a meadow, lawn and hardscape seating area. Pathways connect this area to the surrounding buildings to



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the west (Building 4) and the south (Building 5). The hallway on this level extends along the western side, into Building 3B and 3C to the south.

On the 3<sup>rd</sup> floor, the floor plan is similar, with a screening room located in the area of the entry from the parking garage. On the 5<sup>th</sup> floor, this area is occupied by a “prayer room.”

### Building 3B

Building 3B will be separated from Buildings 3A and 3C by a green roof on the 2<sup>nd</sup> floor, on the rooftop of the garage. Apartments on the 2<sup>nd</sup> floor of Building 3B will have terraces off of them, on the eastern and western sides of the building. A second set of green roofs are located in the same locations on the 5<sup>th</sup> floor. There is a total of thirty-two (32) apartments proposed in this building. The following is a breakdown of the apartment types and sizes.

<b>Building 3B Floor</b>	<b><i>Studio</i> (370 – 429 SF)</b>	<b><i>1-BR</i> (744 - 948 SF)</b>	<b><i>1-BR-DPLX</i></b>	<b><i>Total</i></b>
<b>2<sup>nd</sup></b>	-	-	12	-
<b>3<sup>rd</sup></b>	-	4		<b>16</b>
<b>4<sup>th</sup></b>	-	-	12	-
<b>5<sup>th</sup></b>	-	4		<b>16</b>
<b>Total</b>	-	<b>8</b>	<b>24</b>	<b>32</b>

This building contains a total of twenty-four (24) duplex units which extend through the 2<sup>nd</sup> and 3<sup>rd</sup> floors and the 4<sup>th</sup> and 5<sup>th</sup> floors. There are also four (4) 1-bedroom apartments each on the 3<sup>rd</sup> and 5<sup>th</sup> floors.

### Building 3C

Building 3C is located to the south of Building 3B, separated by the aforementioned green roof on the 2<sup>nd</sup> floor. A total of one hundred and eleven apartments are proposed for this building. The following is a breakdown of the apartment types and sizes.

<b>Building 3C Floor</b>	<b><i>Studio</i> (370 – 429 SF)</b>	<b><i>1-BR</i> (744 - 948 SF)</b>	<b><i>2-BR</i> (1,012 -1,364 SF)</b>	<b><i>2-BR-DPLX</i></b>	<b><i>Total</i></b>
<b>2<sup>nd</sup></b>	4	18	1	4	<b>27</b>
<b>3<sup>rd</sup></b>	3	24	1	-	<b>28</b>
<b>4<sup>th</sup></b>	3	24	1	-	<b>28</b>

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<b>5<sup>th</sup></b>	<b>4</b>	<b>23</b>	<b>1</b>	<b>-</b>	<b>28</b>
<b>Total</b>	<b>14</b>	<b>89</b>	<b>4</b>	<b>4</b>	<b>111</b>

This building will also contain four (4) two-bedroom duplex apartments, with 1<sup>st</sup> floor entries on 14<sup>th</sup> Avenue. At the southwestern corner of Building 3C is a proposed 2,355-SF commercial space, which will be accessed from an entry off of Grove Street.

#### Building 4

Building 4 is located to the south of Building 3A and fronts on Grove Street. On the 1<sup>st</sup> floor of Building 4 is a proposed 2,378-SF day care center, adjacent to which are trash, water and electrical rooms. Entry to the day care center is from an entry door located at the northwestern corner of the facility, off of Grove Street. Adjacent to the entry on the Grove Street frontage, is a proposed 2,064-SF playground. To the south of the day care center is the lobby of the building, which is also accessed from Grove Street. At the southern end of the building is a proposed 3,551-SF community room.

Above the 1<sup>st</sup> floor, there are four (4) floors of residential units. There is a total of sixty-nine (69) apartments in Building 4. The following is a breakdown of the apartment types and sizes.

<b>Building 4 Floor</b>	<b>Studio (370 – 429 SF)</b>	<b>1-BR (744 - 948 SF)</b>	<b>2-BR (1,012 - 1,364 SF)</b>	<b>Total</b>
<b>2<sup>nd</sup></b>	<b>2</b>	<b>9</b>	<b>6</b>	<b>17</b>
<b>3<sup>rd</sup></b>	<b>2</b>	<b>8</b>	<b>7</b>	<b>17</b>
<b>4<sup>th</sup></b>	<b>2</b>	<b>8</b>	<b>7</b>	<b>17</b>
<b>5<sup>th</sup></b>	<b>3</b>	<b>9</b>	<b>6</b>	<b>18</b>
<b>Total</b>	<b>9</b>	<b>34</b>	<b>26</b>	<b>69</b>

On the 2<sup>nd</sup> floor, the elevator opens to a double loaded hallway that extends in a north-south orientation. In the elevator lobby on this floor, there is access to the aforementioned open area on the roof of the parking garage, where the community garden and green house and extended landscaped area are located. There are also private terraces off of the apartments on the eastern side of the building on this floor. The floor plan on the remaining floors are similar, with the exception of the access to the exterior open area.

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Building 5 is located to the south of Building 4 and fronts on Grove Street. Entry to Building 5 is located on the western frontage off of Grove Street, where there is an entry door, which accesses the building lobby. From the lobby, there is a ramp up to the elevator. There is a second entry from the southern frontage into the building, which opens directly to the area of the elevator. Adjacent to the elevator is an enclosed area which encompasses electrical, water/sprinkler and trash room, as well as an enclosed staircase.

Above the 1<sup>st</sup> floor, there are four (4) floors of residential units, with a total of eighty-eight (88) apartments in. The following is a breakdown of the apartment types and sizes.

<b>Building 5 Floor</b>	<b><i>Studio</i> (370 – 429 SF)</b>	<b><i>1-BR</i> (744 - 948 SF)</b>	<b><i>2-BR</i> (1,012 -1,364 SF)</b>	<b><i>Total</i></b>
<b>2<sup>nd</sup></b>	5	11	3	<b>19</b>
<b>3<sup>rd</sup></b>	9	11	3	<b>23</b>
<b>4<sup>th</sup></b>	9	11	3	<b>23</b>
<b>5<sup>th</sup></b>	9	11	3	<b>23</b>
<b><i>Total</i></b>	<b>32</b>	<b>44</b>	<b>12</b>	<b>88</b>

On the 2<sup>nd</sup> floor, the elevator opens to a hallway that extends around the southern portion of the building with the elevator, enclosed staircase and garbage room at the center. On the northern side of this section of the building is a proposed 1,409-SF gymnasium.

A hallway extends to the north of the gym and extends into the northern section of the building, where it accesses apartments on both sides. The hallway extends to the other end of the building where there is a door which accesses the aforementioned outdoor open space and community garden. On the 3<sup>rd</sup> through 5<sup>th</sup> floors there are twenty-three (23) apartments each.

**Landscaping**

No landscaping is proposed on the perimeter of the buildings on Lot #1. On Lot #2, seventeen (17) American Linden trees are proposed, with fourteen (14) proposed at the northwestern ingress/egress and around the surface parking lot. Three (3) additional trees are proposed adjacent to the entry to Building 4 on Grove Street.

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Nine (9) Flowering Dogwood trees are proposed, with three (3) proposed at the entry to the garage adjacent to Building 2, three (3) adjacent to Building 4 on Grove Street and two (2) in the surface parking lot on the southeastern corner of the site (in Irvington).

Fifteen (15) American Hornbeam trees are proposed, with five (5) proposed around the surface parking lot.

Forty-two (42) Dart Gold Ninebark shrubs are proposed, with eleven (11) proposed around the proposed playground on Grove Street and twenty-one (21) around the surface parking lots.

Sixty (60) Compact Pfitzer Juniper shrubs are proposed, with eighteen (18) proposed around the proposed playground on Grove Street and twenty-nine (29) around the surface parking lots.

Seventeen (17) Anthony Waterer Spirea shrubs are proposed, with eight (8) proposed adjacent to the garage entry and nine (9) on the western façade of Building 3A.

Sixteen (16) Drooping Leucothoe shrubs are proposed, with eight (8) each proposed adjacent to the entry to the day care center and the entry to the garage.

Seven (7) "Pee Wee" Oak leaf hydrangea are proposed in the surface parking area adjacent to Building 4.

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### Site & Area Description

**Street Address:** 429-444 Grove Street  
**Block & Lot:** Block 160, Lot(s) 1, 17 and Block 112, Lot(s) 1 and 4  
**Zoning District:** R-2 (Two-Family Residential) District  
**Total Site Area:** 359,707-SF (Lot #1: 108,365-SF and Lot #2: 251,342-SF)

### Location Map



**Location Map** - The property in question is outlined in yellow in the aerial map above. A portion of the site, which includes two separate lots, is located in the City of Newark. Grove Street runs between both lots that make up the site, with the Lot #1 located to the west and Lot #2 located to the east. The site is bordered by 14<sup>th</sup> Avenue and Dassing Avenue to the south, Whitney Street to the west and South Orange Avenue to the north.



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**Photo Survey**



**Photo 1:** View of the subject site located at 429-444 Grove Street. Pictured here is the southern frontage of Lot #1 at the corner of Dassing Avenue and Grove Street.



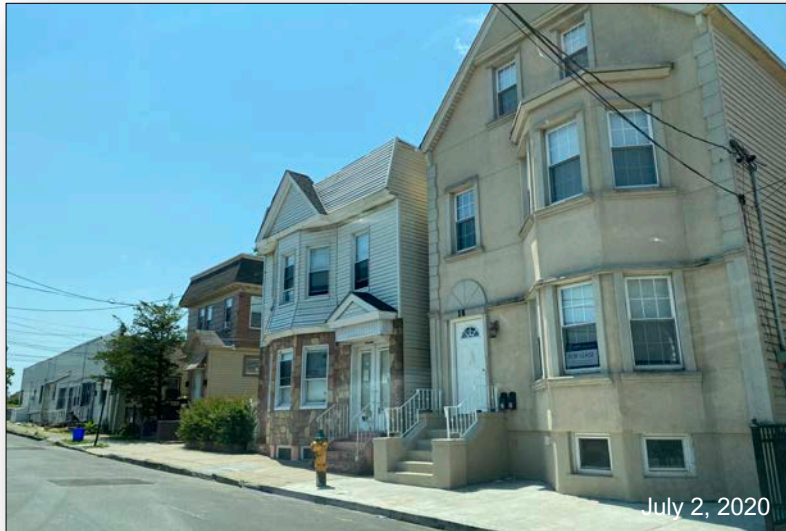
**Photo 2:** View of Lot #2 from the intersection of Grove Street and Dassing Avenue.



**Photo 3:** View of Lot #2 from the south on 14<sup>th</sup> Street.

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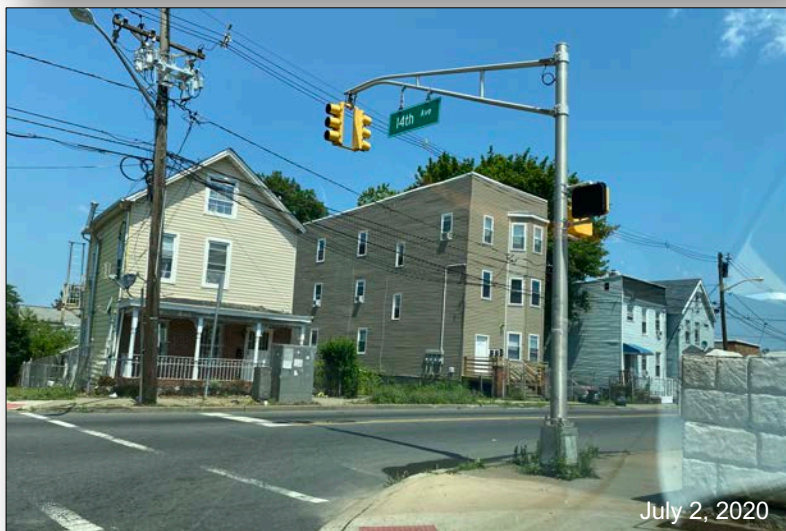
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**Photo 4:** View of the residential properties located to the south, across Dassing Avenue from Lot #1 of the subject site.



**Photo 5:** View of the residential properties located to the south, across 14<sup>th</sup> Street from Lot #2 of the subject site.



**Photo 6:** View of the properties located to the west, across Grove Street from the subject site.



## Planning Considerations

The subject site is located within the Township's **R-2 (Two-Family Residential) zone**, a district intended for both one- and two-family dwellings along with supportive uses for the residential properties located there. Permitted uses in the R-2 district consist of one- and two-family dwellings, group homes, parks and playgrounds, municipal buildings and other governmental uses as deemed necessary and approved by the Planning Board and the Municipal Council.

Pursuant to the Township of Irvington's Code **§650-15(A)**, the proposed 5-story mixed-use development is **not a permitted use** in the R-2 zone. The table below has been created to identify bulk deficiencies.

## Schedule of Bulk Regulations

<u>Standard</u>	<u>Permitted/Required</u>	<u>Proposed</u>	<u>Variance</u>
<b>Minimum Lot Area</b>	Use Not Permitted	Lot #1: 108,365-SF Lot #2: 251,342-SF	Yes Yes
<b>Minimum Lot Width</b>	Use Not Permitted	Lot #1: 114.95-Feet Lot #2: 375.04-Feet	Yes Yes
<b>Maximum Height</b> (Stories / Feet)	2½ Stories / 35 Feet	5 Stories / 6-Feet	Yes / Yes
<b>Minimum Front Yard Setback</b>	15 Feet	Lot #1: 0-Feet Lot #2: 0-Feet	Yes Yes
<b>Minimum Side Yard Setback</b> (one / both)	0 Feet / 0 Feet	0 Feet / 0 Feet	Yes / Yes
<b>Minimum Rear Yard Setback</b>	15 Feet	N/A	N/A
<b>Maximum Residential Density</b>	20 du/acre	Lot #1: 96.5 Du/Acre Lot #2: 71.40 Du/Acre	Yes Yes
<b>Max Impervious Coverage</b>	Use Not Permitted	Lot #1: 90.0% Lot #2: 74.5%	Yes Yes
<b>Minimum Parking</b>	646 Spaces (Total) (Residential: 1 space/unit) Lot #1: 215 Spaces Lot #2: 431 Spaces (Commercial: 1 space/333-SF over 2,500-SF) Lot #1: 21 Spaces Lot #2: 42 Spaces	553 Spaces	Yes

### Standards for Granting Variance Relief

#### D – (Use) Variances

The MLUL (Municipal Land Use Law) at **N.J.S.A. §40:55D-70d** sets forth the standards for variances from the regulations pursuant to Article 8 of this act. A D-Variance is warranted to permit:

- 1) a use or principal structure in a district restricted against such use or principle structure,
- 2) the expansion of a nonconforming use,
- 3) deviation from a specification or standard pertaining solely to a conditional use,
- 4) an increase in the permitted floor area ratio,
- 5) an increase in the permitted density (*except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots either isolated undersized lot or lots resulting from minor subdivision*) or
- 6) a height of a principal structure which exceeds by 10 feet or 10%, the maximum height in the district for a principal structure.

A D-variance may be granted where the applicant shows to the satisfaction of the Board, that “*special reasons*” exist to warrant the granting of the variance. *Special reasons* may include that the use is inherently beneficial, that the property owner would suffer undue hardship if required to use the property in accordance with the permitted uses and standards for the zone, or that the site is particularly suited for the proposed use **and** thereby promotes the general welfare.

The applicant must **also** demonstrate that the requested relief will not result in any substantial detriment to the public good, nor substantial impairment to the zoning ordinance or zone plan. A variance under this subsection is granted only by **affirmative votes of at least five members**.

#### C - (Bulk) Variances

The Municipal Land Use Law (MLUL) at **N.J.S.A. 40:55D-70c** sets forth the standards for variances from the bulk regulations of a zoning ordinance.

C(1) Variance - The Board must find that there is either undue hardship or practical hardship with the strict application of the zoning requirements as stipulated in the Zoning & Land Use Regulations, as a result of:

- a) exceptional narrowness, shallowness or shape of a specific property, or
- b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or
- c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

C(2) Variance – The Board must find that the proposed deviation from the Zoning & Land Use Regulations will advance the purposes of the MLUL and that the variance can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially outweigh any detriment and that the variance will not substantially impair the intent an purpose of the zone plan and zoning ordinance. The benefits identified in granting a C(2) variance must include benefits to the community as a whole, not only the applicant of the property owner. Here too, the Board must be satisfied 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 City.

## **Planner's Comments**

The applicant proposes to construct five (5) 5-story mixed-use buildings on the subject site. All or a part of three (3) of the buildings are located within Irvington. The proposed structures in Irvington will include a total of three hundred and thirty (330) dwelling units. The development will also provide parking for a total of five hundred and fifty-three (553) vehicles in 1<sup>st</sup> floor garages and a surface parking lot. The proposed mixed-use, residential and commercial development is **not permitted** in the R-2 zone.

The Board should keep in mind that the proposed development is only partially located within Irvington with the remainder of the development located in the City of Newark. Thus, while the Board should look at the entire development to provide the necessary context, they should keep in mind that they are only considering the relief being sought from the Zoning Ordinance of the Township of Irvington, within the Township.

In Irvington, the subject site is surrounded primarily by the R-2 zone, where single and two-family dwelling are the primary permitted use. Adjoining areas to the south and east are located in the R-3 and P-1 zones. Despite its location in the R-2 zone, **in my opinion the proposed development is appropriate for this site**. The subject site is a large tract of vacant land, partially located in Irvington and Newark. The size of the subject site provides a unique opportunity for a development of the proposed size and scope. Its location on the periphery of the zone and on the municipal border helps to ensure that the development will not impose upon or otherwise disrupt the existing development pattern in the R-2 zone.

On those areas of the development that front on South 14<sup>th</sup> Street and Dassing Avenue, where the existing development pattern on the opposite side of the street is typical of the R-2 zone, with a lower scale and street focused, the applicant proposes street fronting duplex units with individual entries directly on the street. This design helps to maintain the relationship with the street frontage and more pedestrian-centric environment.

In addition to the D(1) use variance, the applicant also requires a variance for exceeding the maximum permitted density for the zone. Whereas a maximum density of 20 dwelling units per acre (du/acre) is permitted, the applicant proposes densities of 96.5 du/acre on Lot #1 and 71.4 du/acre on Lot #2. A D(5) variance is required to permit a development at a higher density than permitted. While the permitted density is consistent with development in the R-2 zone, the proposed mixed-use development is substantially larger in size and scope. **Thus, the increased density is subsumed under the requested use variance, which as indicated above, in my opinion is appropriate for this site.**

In addition to the D(1) and D(5) variances, the applicant also requires a variance for exceeding the maximum permitted building height for the zone. Whereas a maximum building height of 2½-stories and 35-feet is permitted, the applicant proposes a height of 5-

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stories and 60-feet. As this height exceeds the maximum permitted height for the zone by more than 10-feet or 10%, a D(6) variance is required to permit it. While the surrounding blocks include some buildings that are 3-stories in height, the proposed development will include the tallest buildings in the area. **In my opinion, however, the proposed height of 5-stories will not have a detrimental impact on the surrounding area.** It should be noted here that most of the 1<sup>st</sup> floor across the entire development will be used as a parking garage, reducing the need for on-street parking in the surrounding area. As indicated before, the subject site is a large tract, which can well accommodate the development at the proposed size. The proposed development is also located partially within Newark, in the City's C-2 zone, where mixed-use buildings of this height are permitted.

Beyond the D(1), D(5) and D(6) variances enumerated above, the applicant also requires several bulk and design variances, including a variance for the maximum impervious lot coverage for which, as a nonpermitted use, a standard is not provided. However, the proposed development includes a significant amount of exterior landscaped space on top of the garage roof, as well as green roofs on portions of the structures, which partially offsets the elevated lot coverage level. **The applicant should provide testimony detailing the aggregate exterior landscaped space located on the roof of the parking garages and the aggregate amount of green roofing being proposed.**

Variances are also required for not meeting the minimum front and side yard setbacks. Whereas minimum setbacks of 15-feet are required, the applicant proposes no setback on any frontages. **In my opinion, these variances can be granted with no substantial adverse impact on the surrounding area.**

Finally, the applicant is seeking a variance for not providing the required number of off-street parking spaces for the development. Whereas a total of 646 parking spaces is required, the applicant proposes a total of **553 spaces** across the entire development. This is a shortfall of 93 spaces.

The applicant commissioned a traffic impact study for the proposed development. Based on their findings, Corey M. Chase, PE, and Craig W. Peregoy, PE of Dynamic Traffic concluded that... *"Based upon our Traffic Impact Study as detailed in the body of this report, it is the professional opinion of Dynamic Traffic, LLC that the adjacent street system of the City of Newark, Township of Irvington and Essex County will not experience any significant degradation in operating conditions with the construction of The Project. The site driveways are located to provide safe and efficient access to the adjacent roadway system. The site plan as proposed provides for good circulation throughout the site and provides adequate parking to accommodate The Project's needs."*

### **Recommended Conditions of Approval**

Should the Board be inclined to grant the requested variance relief in full or in part, or to approve the accompanying site plan, the following are recommended conditions that should be placed on the approvals.

1. The applicant shall address all comments from the Board Engineer.
2. The applicant shall provide testimony detailing the amenities being proposed for the development.
3. The applicant shall provide testimony detailing the aggregate exterior landscaped space located on the roof of the parking garages and the aggregate amount of green roofing being proposed.
4. The applicant shall provide details of any security measures that will be utilized in the proposed development, including but not limited to video surveillance.