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MEMORANDUM

TO: Township of Irvington Zoning Board of Adjustment
FROM: Gerard Haizel, PP, AICP
RE: 22-26 Coit Street (Block 201, Lot 7)
DATE: January 15, 2020

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.

Items Reviewed

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

- ✓ Township of Irvington –Application for Development, dated June 20, 2019.
- ✓ Township of Irvington Zoning Determination dated June 24, 2019.
- ✓ Signed and sealed Plans consisting of five (5) sheets, titled, Single Family Residence Conversion into Sunset Boarding Home, LLC, 22-26 Coit Street, Irvington, NJ, Block: 201; Lot: 7, dated 6-17-2019, prepared by Roderick G. Watkins, RA.

Project Summary

On property located in the Township's *M-2 (Light Industrial District)*, the applicant, **Sunset Boarding Home, LLC**, proposes to convert an existing single-family dwelling for use as a boarding house. The proposed facility will accommodate twenty-three (23) residents in seven (7) bedrooms. Boarding houses are **permitted as a conditional use** in the M-2 zone. However, **the proposed facility does not meet all the conditional use requirements**. The applicant is also seeking preliminary and final site plan approval.

Pursuant to the Township of Irvington's Zoning Ordinance **§197-4** a Boarding House is defined as... *any house, building, or structure which contains two or more units of dwelling space arranged or intended for single room occupancy wherein meals, personal services, or other services are provided to residents, including any residential hotel.*

- Pursuant to the Township of Irvington's Zoning Ordinance **§197-27(C)(10)** Boarding Houses are permitted as a conditional use in the M-2 Zone, subject to the provisions of Article IX.

Pursuant to the Township of Irvington's Zoning Ordinance **§197-36**, any use permitted with a conditional use permit in any zoning district pursuant to Article VI, shall be required to meet the following minimum standards. Additional standards pursuant to the specific use may be required over and above these standards.

- The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use and the location of the site with respect to existing and future streets and roads providing access shall be in harmony with the orderly development of the zoning district and neighborhood in which the proposed use would be located.*
- The location, nature and height of the buildings, structures, equipment, walls and fences and the nature and intensity of intended operations will not discourage the appropriate development of adjacent land and buildings or impair the value thereof.*
- All proposed traffic entrances to the site shall be adequate but not excessive in number; adequate in width, grade, alignment and visibility; sufficiently separated from street intersections; and meet similar safety considerations pursuant to Article VIII of this chapter. Adequate off-street parking and loading spaces shall be provided, pursuant to Article VIII of this chapter.*
- In all residential and business zoning districts, the location, design, and character of the proposed use shall allow for adequate pedestrian access, circulation, and safety by providing direct and safe walkways between public sidewalks, parking lots, and building entrances.*
- All proposed buildings, structures, equipment and/or material shall be readily accessible for fire and police protection, as well as for ambulance, rescue, and other emergency response.*
- The character and appearance of the proposed use, buildings, structures and/or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood, shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would the operations of any permitted principal use and shall not adversely affect the health, safety, and general welfare of the residents of the Township of Irvington.*
- The use shall meet the prescribed area and bulk requirements for the zoning district in which it is located, or as further specified by the regulations of this chapter, including such matters as minimum setback, maximum height, required off-street parking and sign regulations.*
- The utility services required to support the proposed activity or use are, or will be, available to meet the needs of the proposed activity or use. This consideration shall include the suitability of water supply and sanitary sewage facilities to accommodate the intended use.*

- I. *The use shall be carried out in a manner compatible with its natural and man-made surroundings and with due consideration to drainage patterns, streams, wetlands, and steep slopes.*
- J. *The Planning Board may impose additional conditions and restrictions upon the special permit as may be reasonably necessary to assure continual conformance with all applicable standards and requirements, including reasonable assurance that these conditions and restrictions can be responsibly monitored and enforced.*
- K. *The Board of Appeals may, when reasonable, waive any preestablished requirement for special permit approval contained in this Article, or in Articles V or VIII of this chapter, if the Board finds that any such requirement is found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular special use permit.*

The proposed boarding house does not meet standard "G" above. This standard requires that the proposed facility meet the prescribed area and bulk requirements for the zoning district in which it is located. The proposed facility does not meet several of the bulk requirements for the zone, including the lot size and width, the front and rear setbacks and building height. **A D(3)-Variance is required to permit the proposed boarding house in this location without meeting all the conditional use standards.**

- Pursuant to the Township of Irvington's Zoning Ordinance §197 Attachment 2:4, a minimum lot size of 1 acre is required in the M-2 zone and the applicant proposes a lot size of 0.177 acres (7,700 SF). **A C-variance is required to allow a lesser lot size than the minimum required for the M-2 zone. This is an existing non-conforming condition.**
- Pursuant to the Township of Irvington's Zoning Ordinance §197 Attachment 2:4, a minimum lot width of 150 feet is required in the M-2 zone and the applicant proposes a lot width of 77-feet. **A C-variance is required to allow a lesser lot width than the minimum required for the M-2 zone. This is an existing non-conforming condition.**
- Pursuant to the Township of Irvington's Zoning Ordinance §197 Attachment 2:4, a minimum front yard setback of 25 feet is required in the M-2 zone and the applicant proposes a front yard setback of 16-feet. **A C-variance is required to allow a lesser front yard setback than the minimum required for the M-2 zone. This is an existing non-conforming condition.**
- Pursuant to the Township of Irvington's Zoning Ordinance §197 Attachment 2:4, a minimum rear yard setback of 50 feet is required in the M-2 zone and the applicant proposes a rear yard setback of 39-feet. **A C-variance is required to allow a lesser rear yard setback than the minimum required for the M-2 zone. This is an existing non-conforming condition.**
- Pursuant to the Township of Irvington's Zoning Ordinance §197 Attachment 2:4, a maximum building height of 2-stories is permitted in the M-2 zone and the applicant

proposes a building height of 2½-feet for the existing structure. **A C-variance is required to allow a greater building height than permitted in the M-2 zone. This is an existing non-conforming condition.**

Project Description

The subject site is a 7,700 SF lot which is improved with a 2½-frame structure, which is currently used as a single-family dwelling. The applicant proposes to make interior alterations and convert the structure for uses as a boarding house. The existing structure is setback 16-feet from the front (western) property line, 39-feet from the rear property line and 30.6 and 7.6-feet from the northern and southern side property lines.

The entry to the building is located on the front (western) façade off of Coit Street, where there is a covered porch and an entry door that opens to a center hallway that extends to the rear of the building. On the northern side of the hallway are two (2) bedrooms, each of which will accommodate three (3) beds/residents. On the southern side is a third bedroom which will accommodate two (2) beds/residents. To the east of this bedroom is a staircase which accesses the basement and a second staircase which leads down to a door that accesses the side yard.

Beyond the staircases, in the southeastern corner of the floor is a kitchen with a door in the southeastern corner, which accesses the rear yard. At the end of the hallway is a full bathroom. To the north of the bathroom, in the northeastern corner of the building is a door which accesses the rear yard. A new staircase is proposed in this location. The staircase will be constructed outside of the building envelope and extend up to the 2nd and 3rd floors.

The basement of the building is accessible from the aforementioned staircase from the 1st floor. On the northern side of the basement are an office and a cafeteria. To the south of the office is a laundry room. On the opposite (southern) side of the basement is a pantry and utility room, to the east of which is an entry hallway from the rear yard. At the rear of the basement is a large bathroom with three (3) shower stalls and two (2) toilets.

On the 2nd floor there are four (4) bedrooms, two of which will accommodate two (2) beds/residents and two (2) of which will accommodate three (3) beds/residents. On the eastern side of the floor is a bathroom with two (2) shower stalls and on the western side is a second bathroom with a single shower stall.

The staircase from the 1st floor continues up to the 3rd floor where there are three (3) additional bedrooms, one of which accommodates three (3) beds/residents, one that accommodates two (2) beds/residents and one (1) that is designated for the program director.



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There is a door on the eastern side of the floor which accesses the proposed new staircase at the rear of the building.

The exterior of the building will include an asphalt driveway on the northern side of the building, which will extend up to an existing three-car garage located in the northeastern corner of the lot. A concrete-paved walkway will extend from the front property line, along the southern side of the building to the rear of the building. A concrete walkway will branch off this walkway and extend across the front of the building and along the northern side of the building.

Site & Area Description

Street Address: 22-26 Coit Street
Block & Lot: Block 201, Lot 7
Zoning District: M-2 (Light Industrial) Zone
Total Site Area: 7,700 square feet

Location Map



The property in question is outlined in yellow on the Google Aerial Map above. The subject site is located on the eastern side of Coit Street, south of Clinton Avenue. To the north and east of the site is the PSE&G Irvington facility. To the south of the site, fronting on the eastern side of Coit Street are larger detached residential structures, similar to the subject property, several of which appear to have been converted to multifamily use. To the west, across Coit Street from the site are primarily one and two-family detached dwellings. To the northwest of the site is a Verizon facility located on the corner of Clinton Avenue.

Photo Survey



Photo 1: View of the subject site located at 22-26 Coit Street. This single-family house will be converted for use as a boarding house.



Photo 2: View of the subject site from the northwest on Coit Street.



Photo 3: View of the existing three-car garage and driveway located in the northeastern corner of the lot.



Photo 4: View of the properties located to the south of the subject site.



Photo 5: View of the PSE&G Facility located to the north of the subject site.



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

Planning Considerations

The subject site is located within the Township's **M-2 (Light Industrial) zone**. Uses in the M-2 district consist of light industrial manufacturing, including fabrication, assembly, packing, repackaging and shipping of previously manufactured products. The zone also includes other compatible uses including laboratories, wholesales sales and distribution and warehousing.

Pursuant to **§197-27(C)(10)** of the Irvington Township Zoning Ordinance, the proposed boarding house **is permitted as a conditional use** in the M-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>
Minimum Lot Area	1 Acres (87,120 SF)	0.177 Acres (7,700 SF)	Yes*
Minimum Lot Width	150 Feet	77 Feet	Yes*
Maximum Height (Stories / Feet)	2 Stories /35 Feet	2.5 Stories	Yes*
Minimum Front Yard Setback	25 Feet	16 Feet	Yes*
Minimum Side Yard Setback (one / both)	25 Feet / 60 Feet	30.6 Feet / 38.2 Feet	No /No
Minimum Rear Yard Setback	50 Feet	39 Feet	Yes*

Note - * Existing Nonconforming Condition

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.

Planning Comments

The applicant proposes to convert an existing single-family dwelling for use as a boarding house. The proposed facility will accommodate twenty-three (23) residents in seven (7) bedrooms. Boarding houses are **permitted as a conditional use** in the M-2 zone. However, **the proposed facility does not meet all the conditional use requirements**. The applicant is also seeking preliminary and final site plan approval.

The Board should be guided by the fact that as a permitted conditional use, **the proposed use is considered to be an appropriate use within the zone but must meet certain conditions or requirements that allow it to better integrate with the other permitted uses**. Failure to meet any of the conditions requires that the applicant come before this Board and seek a **D(3) variance** to permit the use in the zone, despite not meeting all the required conditions.

In this instance, the applicant does not meet the condition that requires that the proposed use meet all the bulk standards for the zone in which the use is located. The proposed facility does not meet several of the bulk requirements for the zone, including the lot size and width, the front and rear setbacks and the building height. **In all instances, these are existing conditions. The Board must consider whether or not the proposed use remains appropriate for the M-2 zone and for this location, despite not meeting all the conditional use requirement.**

The applicant should provide testimony as to the nature of the program that will operate at the proposed facility. Testimony should include the number of employees, services that will be provided to residents, the anticipated length of stay for each program participant and the referral source for prospective residents.

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 as to the nature of the program that will operate at the proposed facility. Testimony should include the number of employees, services that will be provided to residents, the anticipated length of stay for each program participant and the referral source for prospective residents.



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3. Occupancy of the facility shall be limited to a **maximum of twenty-three (23) residents** (not including the program Director/Operator) at any point in time.
 4. The applicant shall acquire any and all licenses, permits or other documentation required to operate the proposed program in good standing.