

DORAN

ENGINEERING, PA ENGINEERS • PLANNERS • SURVEYORS

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MEMO TO: Northfield Planning Board
FROM: Matthew F. Doran, Board Engineer
DATE: June 18, 2021
RE: Plastic Spoon, LLC

Doran # 9692

LOCATION: 2318 New Road
Block: 82 Lot: 8.01

STATUS: Site Plan Approval with "C" Variance, and "D" Variance Request for Conditional Use

BASIS FOR REVIEW: Plan prepared by Sciuolo Engineering Services
Sheet 1 of 1, dated 6-16-21

Cover Letter from Benjamin Zeltner, dated 6-17-21
Certified Property Owner List, dated 5-26-21
Certification of Paid Taxes, dated 5-18--21
Application and Variance Report, dated 6-16-21

USE: Presently Vacant; Proposed Take Out Ice Cream and Retail Store

ZONING REQUIREMENTS: This property is located in the CB- Commercial Business Zone, which allows primarily for Office Professional Uses. The following is a review of the bulk requirements for the proposed project:

ITEM	REQUIRED	EXIST TO REMAIN	CONFORMITY
LOT AREA	20,000 SF (1AC)	10,700 SF	DNC
LOT WIDTH	125' (200')	71.21'	DNC
SETBACKS:			
FRONT (Route 9)	50'	31.4'	ENC
SIDE	15'	19'	C
SIDE	15'	24.2'	C
REAR	30'	82'	C
HEIGHT	2 STY /25'	1 STY <25'	C
MIN.GROSS FLOOR AREA:			
ONE STORY	2,500 SF	1,008 SF	ENC
TWO STORY	2,500 SF	-	-
BLDG COVERAGE	25% (20%)	9.4%	C
TOTAL COVERAGE	80%	100%	ENC
FLOOR RATIO	.25	.09	C
BUFFER	15' (25')	16'	DNC

Items in () * are the Conditional Use Request

Project Description:

The applicant has requested a Conditional Use (“D”) Variance, in order to allow for a Restaurant/Retail in the CB Zone. While both uses are permitted, the restaurant portion does not meet the criteria setup for a Conditional Use.

The size of the property is 10,7000 SF with a building and deck totaling, 1,008 SF (817 SF building only).

The site presently contains an access easement for a residential dwelling to the rear.

The applicant has also requested a Site Plan Waiver, since exterior changes to the site are minimal.

Variances:

1. Use d (3) for Conditional Use
2. “C” Variance Relief
 - a) Lot area- 1 AC is required; 10,700 SF is proposed.
 - b) Lot width- 200’ is required; 71.21’ is proposed.
 - c) Front setback- 50’ is required; 31.4’ is proposed.
 - d) Total coverage- 80% is permitted; 100% is proposed.
 - e) Gross floor area- 2,500 SF is required; 1,008 SF is proposed.
 - f) Buffer- 25’ is required; 16’ is proposed.
 - g) Exterior seating: exterior seating is not permitted.

Design Waiver:

- a) Drive aisle width- 25’ is required; 11’, 16’, 17’ are proposed.

Planning Review:

1. The property is located in CB Community Business Zone (Section 215-157 (C) which permits the following conditional uses:
 - a. Restaurants as defined in Article II.
 - b. Automobile service stations
 - c. Fast food restaurants

Article X of the ordinance outlines the zoning criteria for conditional uses, which are reflected in the zoning chart on page 1 and 2 of this report. This proposal includes a request for a Restaurant/Fast Food Restaurant and a Retail Use. The retail (General Merchandise Store) is a permitted use in the zone.

The applicant has requested a d (3) variance, which is a “deviation from a specification or standard pursuant to Section C. 40:55 D-67 pertaining solely to a conditional use.

2. **A use variance falls under the jurisdiction of the Zoning Board as permitted in NJS 40:55D-60.a and 40:55D-70.d, the Board may “in particular cases and for special reasons grant a variance to allow departure from regulations pursuant to Article 8 of this act to permit;** (1) a use or principal structure in a district restricted against such use or principal_structure, (2) and expansion of non-conforming uses, (3) deviation drive a specification or standard pursuant to Section C. 40:55D-67 pertaining solely to a conditional use, (4) and increase in the permitted floor area ration as defined in Section C. 40:55D-4, except as applied to the required lot area for a lot or lots detached

on or two dwelling unit buildings, which lots or lots are either an isolated undersized lots or lots resulting from a minor subdivision or (6) a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

The applicant must prove, and the Board must find “quality of proof as well as clear and specific findings” that the granting of this variance will not be inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance. This is commonly known as the Negative Criteria.

The applicant must also show “special reasons” for the Board to grant this variance. Special reasons have been defined as those reasons that carry out a purpose of zoning.

The applicant needs to prove additional testimony as to how the d (3) variance can be granted in accordance with the criteria outlined above and within the M.L.U.L.

The Municipal Land Use Law (N.J.S.A. 40:55d-2) enumerates the Purpose of Zoning as:

- a To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b To secure safety from fire, flood, panic and other natural and man-made disasters;
- c To provide adequate light, air and open space;
- d To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f To encourage the appropriate and efficient expenditure of public funds by the coordination or public development with land use policies;
- g To provide sufficient space in appropriate locations for variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i To promote a desirable visual environmental through creative development techniques and good civic design and arrangement;
- j To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l To encourage senior citizen community housing construction;
- m To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n To promote utilization of renewable energy resources;
- o To promote the maximum practicable recovery and recycling of recyclable materials from solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

3. If it is determined that the applicant requires any “C” Variance relief, the following testimony should be given, as to the following requirements:
 - a) By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or (c) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of the zoning regulations would result in the peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the development of the property. Known as the C (1) criteria.
 - b) The Municipal Land Use Law generally authorizes the Board to grant C (2) Variances.

Where the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

It should be noted that:

No variance may be granted without showing that such variance can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

This is also known as Negative Criteria.

Engineering Review:

1. The applicant has requested a Site Plan Waiver with the d (3) Variance request.

A full review of the site criteria will not be completed due to the Site Plan Waiver request, however, following are general site issues that need to be discussed:

2. The applicant has stated that gross area of the existing building is 1,008 SF which includes 814 SF of interior space and 194 SF of exterior deck.
3. Following is a review of the parking requirements for the site:

- a) Restaurant- The required parking for a restaurant is one space for each 75 SF of floor area, exclusive of kitchen and utility rooms, or one space for each three (3) seats.

It is difficult to determine the parking demand on the floor area method due to the fact that no floor plans have been provided.

The plan proposes four (4) picnic tables at six (6) per table, that would be twenty-four (24) outside seats are proposed. Therefore, eight (8) parking spaces are required.

- b) Retail- The required parking demand for retail sales is one (1) parking space for every 200 SF of floor area in the building, exclusive of utility rooms, therefore four (4) spaces are required.

The plan shows fourteen (14) parking stalls, one (1) of which two (2) stalls are proposed for Handicapped stalls.

The applicant should discuss with the Board the adequacy of the parking for the use proposed.

4. The plan shows two (2) ADA parking spaces, which complies, however one (1) of the spaces needs to be Van Accessible.

The plan should be revised. It is possible that the site might lose one (1) space to allow for the revision of the ADA space.

5. There does not appear to be a Handicapped ramp to the building. The applicant should discuss the necessary Handicapped requirements with the Building Department.
6. The applicant should address lighting at the site for its adequacy for .5 Foot Candles of light.
7. There presently exists 2-two-way driveways that access Route 9. The applicant should discuss with the Board the adequacy of traffic flow onsite.

Interior driveways are proposed at 17' and 16', which do not comply. All drive aisles are required to be 25' and 17' is proposed.

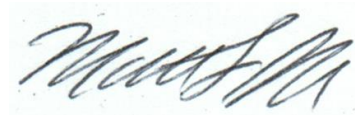
A design waiver is required.

A revision to propose one-way drive aisles, will reduce the design waiver.

8. The applicant has proposed a new Trash/Recycling area at the rear of the site. The area is presently contains a 6' vinyl fence with gate.
9. The plan should be submitted to the Fire Chief for review, prior to obtaining a building permit.
10. The applicant is proposing to utilize the existing freestanding sign along the of the property.

If you have any questions or require further information, please do not hesitate to contact me.

Very truly yours,



Matthew F. Doran, P.E., P.P., P.L.S., C.M.E.
Engineer