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Memorandum

To: Cosmas Diamantis, PP, AICP, Director of Community Development
Natalie Shafiroff, PP, AICP, Community Development Supervisor

From: Stacey Arcari, PE, PP, PTOE, CME, Zoning Board Engineer's Office

Date: June 25, 2020

Re: Eagle One Real Estate Properties, LLC
312 Kresson Road
Minor Site Plan Review
Block 409.01, Lot 7
Application #20-Z-006
ERI File # 35646 00

Submission Items:

1. Land Use Development Application, dated February 14, 2020
2. Minor Site Plan, 1 Sheets, prepared by Tri-State Engineering and Surveying, LLC, dated January 22, 2020
3. Cover Letter and Project Summary, prepared by Platt & Rise, PC, dated February 14, 2020
4. Floor Plans/Elevations, 2 Sheets, prepared by David Brand Architecture, dated January 9, 2020

Summary

There is an existing restaurant on the 31,217 SF parcel. In addition, there is an existing 2-bedroom apartment on the 2nd floor. The applicant is proposing to construct a 575 SF addition to the kitchen of the existing restaurant located on a 31,217 SF parcel on Kresson Road. In addition, a 10FT x 18FT (180 SF) concrete pad is proposed for a walk-in freezer.

The property is located within the Highway Business-2 (B2) zoning district (Section 415). A restaurant is a permitted principal use within the B2 zone. There are existing non-conformances with Lot Depth (150FT is required, 97.34FT existing) and a rear yard setback (20 FT feet required; 8.14 FT existing). The applicant is seeking a certificate of non-conformity, or a use d(1) variance and bulk variances for the expansion. New façade and street signage is proposed. A bulk variance will be required for the signs.

Comments

1. The site current contains a 2-bedroom apartment above the restaurant. As this is a non-conforming use the applicant seeks to remedy this condition as part of this application. The Board should consider the following options:
 - a. A certificate of non-conformity could be provided to the applicant. By definition, "non-conforming use is a use or activity that was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of adoption, revision or amendment." We defer to the Township Planner for further comments on this.

- b. If the certificate of non-conformity is not approved, a d(1) use variance will be required. The 2-bedroom apartment is part of the principal structure. As a residential use is not a permitted use within this district, the applicant will require a use variance for this existing non-conforming condition.
2. Ordinance section 415F permits a rear yard setback of 20 feet. The existing rear yard setback of 8.40 feet is non-conforming. With the building addition, the rear yard setback becomes 8.16 feet, which further exasperates the existing non-conformity. The applicant will require a variance from the rear yard setback.
3. Ordinance section 415.F permits a lot depth of 150 feet. The existing condition is approximately 97.2 feet. There is no change proposed with this application. This is a pre-existing, non-conforming condition.
4. The applicant is seeking a variance from strict compliance with Ordinance section 511.B which addresses the number of parking spaces. There are 34 existing parking spaces, which is not proposed to be changed under this application. The ordinance requires 35 spaces for the restaurant and 2 spaces for the apartment, for a total of 37 spaces. This is determined from the number of seats in the restaurant, the number of employees and the apartment. A variance is required.
5. Landscaping is required at the base of a freestanding sign in accordance with 517.C5c. No landscaping is proposed. Landscaping should be provided or a design waiver will be required.
6. The size of the proposed kitchen should be verified. The site plan states the proposed addition is 575 SF; the architectural plans depicted a new kitchen addition of 275 SF.
7. The applicant proposes to relocate an existing shed in order to construct the 575 SF building addition. We defer to the Department of Community Development as to whether a shed is a permitted accessory in the zone. The shed dimensions should be clarified, as they are unclear.
8. A concrete slab is proposed for an exterior outdoor freezer. The size of the slab should be verified. It is unclear from the plans whether the freezer is 180 SF or the proposed slab is 180 SF. While it appears that the concrete slab is 180SF, the architectural plans depict the proposed slab is 273 SF.
9. The applicant should testify if exterior lighting is proposed on the site.
10. The sidewalk along Kresson Road is in poor condition; however, this is proposed to be replaced with the Kresson Road improvements.

Should you have any questions, please feel free to call or email me at sarcari@erinj.com.

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