



May 29, 2020

MEMORANDUM TO: Mendham Borough Zoning Board of Adjustment
FROM: Jessica C. Caldwell, P.P., A.I.C.P., Zoning Board Planner
SUBJECT: Preliminary and Final Site Plan for Six Main Street Mendham, LLC
Block 601, Lot 3
6 East Main Street
Mendham Borough, Morris County

Dear Zoning Board of Adjustment Members:

The Applicant, Six Main Street, LLC, is requesting Preliminary and Final Major Site Plan approval for a mixed-use structure and two (2) residential structures at 6 East Main Street. The proposal is to convert the main building and two (2) accessory structures into a mixed-use development with three (3) principal structures containing two commercial spaces and seven (7) apartments with associated storage areas. The main building is proposed to include two (2) commercial business spaces with a restaurant on the first floor and a commercial space in the basement, along with two (2) storage spaces in the basement. There are four (4) apartments proposed in the main building, two (2) in the garage structure and one (1) in the barn structure. The property is located in the HB Historic Business Zone. The Applicant submitted a bifurcated application for d(1), d(3) and d(5) variances to allow for multiple principal structures, the multi-family use as a conditional use despite not meeting all of the conditions of the use and for a greater than permitted density on the site. The application was granted via resolution memorialized March 3, 2020. Bulk variances are required for lot area, side yard setback, lot coverage and parking.

1. The following documents were reviewed for this application
 - a. Fourteen (14) sheets of a Preliminary & Final Major Site Plan titled "6 East Main Street Preliminary and Final Major Site Plan Block 601, Lot 3 Mendham Borough Morris County New Jersey," prepared by E&LP Engineering & Land Planning Associates, Inc., dated September 9, 2019 and revised through May 19, 2020.
 - b. Nine (9) sheets of Floor Plan & Elevations prepared by Byrne Design Associates Inc. Architecture / Design / Planning, dated May 19, 2020.
 - c. Traffic and Parking Assessment Report prepared by Stonefield Engineering, dated May 19, 2020.
 - d. Copy of Site Application and Checklists with supporting documentation.

2. Site Plan Review:

- a. **Parking:** As per Section 195-45a, mixed land uses in the same building shall be calculated as the sum of the individual uses, unless the Applicant can demonstrate to the approving authority that the parking characteristics of the individual uses are such that the total needs of the development are less than the sum of the parts and the number of spaces to be provided will satisfy the lesser.
 - i. The Site Plan shows two (2) parking calculations, one for the restaurant/commercial use and one for strictly commercial uses. The proposed restaurant/commercial use would require 44 parking spaces and the strictly commercial space would require 25 spaces.
 - ii. According to RSIS, a one-bedroom residential apartment would require 1.8 parking spaces and a two-bedroom apartment would require 2 parking spaces. The residential uses proposed on the site generate the need for 14 parking spaces. A de minimus exception to RSIS is required in order to not provide on-site parking for the proposed residential uses. A total of four (4) on site parking spaces are proposed.
 - iii. The total parking required is 58 parking spaces if the restaurant/commercial use is proposed. The Applicant is proposing four (4) parking spaces on the site and is proposing shared parking with the municipal lot on Lot 16 for 54 parking spaces.
 - iv. A variance is required for parking. The Applicant should address how shared parking could work within the municipal lot for the proposed restaurant and retail use. The Applicant's traffic report recommends reserving 10 overnight spaces for the apartment uses. The Applicant should provide testimony on the status of the agreement with the Borough to utilize the spaces on Lot 16.
- b. **Solid Waste Management:** As per Section 195-51a, provision shall be made for the proper storage and collection of refuse. All such storage shall be maintained within the confines of an enclosed building or structure and shall be reasonably accessible for vehicular collection on the site or shall be appropriately screened and landscaped where outdoor storage is necessary. The Applicant is proposing a forty-eight (48) square foot trash/recycling pad containing trash and recycle refuse containers and screened with board-on-board fencing adjacent to the parking area.
- c. **Signs:** As per Section 215-8d(1), freestanding signs subject to the following: no more than one (1) freestanding sign shall be permitted on a lot regardless

of the number of establishments on the property; maximum sign area shall not exceed twenty-five (25) square feet; maximum height shall not exceed ten (10) feet above the existing grade.

- i. **Freestanding sign:** The Applicant is proposing one (1) freestanding sign post with three (3) separate signs with a height of twelve feet (12') in the front of the main building. The sign height does not comply with the ordinance, however it is pre-existing. The overall size is 20.68 square feet which complies. Three (3) tenant signs are proposed to be attached to the freestanding sign with the following dimensions:
 - Forty-one inches (41") by nineteen inches (19") = 5.38 square feet
 - Forty-one inches (41") by twenty-four inches (24") = 6.8 square feet
 - Forty-one inches (41") by thirty inches (30") = 8.5 square feet
- ii. **Wall/Awning Signs:** As per Section 215-8d(2), wall and window signs shall comply with the following: the sign area of wall signs shall not exceed 5% of the area of the building face fronting on the street, as measured by the width times the height of the roofline or the ceiling of the second story, whichever is less; for the purpose of determining allowable sign area on any premises, permanent window signs shall be treated as wall signs and shall be included in the total sign allowance; and signage in windows, excluding temporary, noncommercial window signs as defined in this chapter, shall not exceed 30% of the window surface area.

Building Front: The Applicant is proposing three (3) awning signs and two (2) wall mounted signs on the front of the building as follows:

- Awning 1: 14 square feet
- Awning 2: 24 square feet
- Awning 3: 22.6 square feet
- Wall Sign 1: 8 square feet
- Wall Sign 2: 9 square feet

Total Proposed: 77.6 square feet

The Applicant's architect needs to provide the area of the building face so that the sign requirement can be determined. The plans submitted are not to scale.

Building Rear: There is one (1) existing wall sign, one (1) awning sign and one (1) directional sign on the rear of the building which are proposed to be retained.

- iii. **Directional Signs:** As per Section 215-8e(11), directional signs having a square foot area of less than four feet are exempt from sign allowance, area and location regulations, provided that they do not constitute a hazard to the public. Directional signs are to be included in the sign plan for those developments requiring site plans. There are eight (8) existing

traffic and/or parking signs on the site including one (1) freestanding directional sign near the driveway entrance which has a height of 8.5 feet and thirty-inch (30”) by thirty-inch (30”) sign. This sign exceeds four square feet at 6.25 square feet, however it is pre-existing. The Applicant is proposing to retain seven (7) directional signs on-site.

- iv. The sign package should be submitted to the Historic Commission for review, if they did not review the sign package previously.
- d. **Lighting:** As per Section 195-57.5a, site lighting fixtures shall be Sternburg “Carson City” or approved equal. The poles/fixtures shall be black. The light source and optics shall be shielded in the cap of the luminaire. The lantern shall include a frosted glass chimney. The mounting height to the source shall be a maximum of 16 feet. For parking lots with less than 15 stalls, the maximum mounting height shall be 14 feet. The Applicant is proposing to retain and relocate two (2) freestanding Sternberg lighting fixtures in the rear of the main building near the driveway with a 15-foot height, which complies with the ordinance.

As per Section 195-57.5g, lighting levels at all property lines should not exceed 0.1 footcandles except where driveways meet a public street. According to the site plan, there is no proposed lighting near the property lines however, there is existing lighting with a range of 0.1 and 0.7 footcandles near the rear property line. The existing lighting levels should be field checked to ensure adequacy for the proposed use.

- e. **Landscaping:** The Applicant is proposing minimal new landscaping on the site, twelve (12) boxwoods along the parking area primarily. Other landscape shrubs are proposed to be “replanted”. All landscaping should be replaced in kind if it is not able to be replanted following construction.
- f. **Loading:** As per Section 195-46a, 5,000 square feet generates a requirement for one loading berth while 20,000 square feet requires a second loading berth for commercial – retail uses. The Applicant is proposing one (1) twelve-foot (12’) by thirty-five-foot (35’) loading berth in the rear of the main building since, the total floor area of the proposed site will be 6,714.3 square feet. This complies with the ordinance.
- g. **Affordable Housing Unit:** The Applicant agreed to deed restrict the proposed One-bedroom apartment in the garage building as an affordable unit. The Applicant should submit the deed restriction for review by the Board Attorney and Planner and file the deed with the County prior to a final certificate of occupancy for any building on the site.

- h. **Area and Bulk Requirements:** The subject site is located in the HB (Historic Business Zone). Residential and commercial land uses are permitted. The following tables notes the area as well as bulk and use requirements of the zone and the proposed development’s compliance with the same.

HB Historic Business Zone Standards

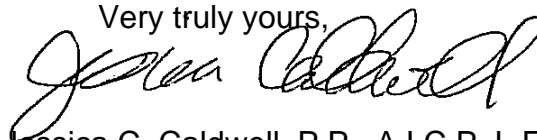
Standard	Required	Existing	Proposed
Max. Families per Lot	2	0	7 (vg)
Min. Lot Area (acres)	0.50 acres	0.48 acres (e)	0.44 acres (v)
Min. Lot Width (ft.)	100 ft.	75.8 ft.	75.8 ft. (e)
Building Setbacks for Principal Structure			
Front Yard Setback (ft.)	20 ft.	24.04 ft.	24.04 ft.
Side Yard Setback (ft.)	10 ft.	2.51 ft.(e)	0.77 ft. (v)
Rear Yard Setback (ft.)	20 ft.	91.01 ft.	22.95 ft.
Building Setbacks for Accessory Structure			
Front Yard Setback (ft.)	20 ft.	> 20 ft.	N/A
Side Yard Setback (ft.)	15 ft.	0.77 ft. €	N/A
Rear Yard Setback (ft.)	15 ft.	22.95 ft.	N/A
Max. Lot Coverage (%)	65%	76.7% (e)	84.7% (v)
Max. Building Height (ft.)	40 ft.	< 40 ft.	< 40 ft.

(e) = Existing Non – Conforming (v) = Variance Required (vg) = Variance Granted

- i. **Impervious Coverage:** The Applicant is proposing to increase a pre-existing non-conforming impervious coverage from 76.7% to 84.7%. A variance is required. The Applicant should discuss mitigating factors for the increase of impervious coverage.
- j. **Granting “C” Variances:** The Applicant is seeking bulk variances for the minimum lot area of a 0.50 acre where the existing lot area of 0.48 acres is an existing non-conforming condition and the proposed lot area is 0.44 acres. A variance is required due to the right of way dedication to Morris County. In addition, variances are needed for the side yard setback for the principal structure where there is an existing non-conforming setback of 2.51 feet where ten feet (10’) is required and 0.77 feet is proposed due to accessory structures being converted to principal structures, and the maximum lot coverage exceeding 65% where 84.7% is proposed where the existing lot coverage is 76.7%. Bulk variances are also required for not providing parking on the site and possibly signs. Variances can be granted by the Board, pursuant to N.J.S.A 40:55D-70c where two provisions exist:

- i. The first provision for granting a “c” variance is under N.J.S.A. 40:55D70c(1) where the Board must find whether there has been a showing of peculiar exceptional practical difficulties or exceptional undue hardship arising out of the exceptional narrowness, shallowness, or shape of a piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting this specific piece of property or the structures lawfully existing thereon.
 - ii. The second provision for granting a “c” variance is under N.J.S.A. 40:55D-70c(2) where the Board must find that the application relates to a unique situation on a specific piece of property, that the purposes of the MLUL would be advanced by the requested deviation, that the variance can be granted without substantial detriment to the public good, that the benefits of granting the variance outweigh any detriments and that the variance will not substantially impair the zone plan or ordinance. Under c(2), the Applicant should show that the proposal is a better zoning alternative to that which is permitted by the ordinance and provides benefits to the community as a whole, not just the applicant.
 - iii. In both cases, the negative criteria must be met, which includes a showing that the proposed variances will not cause a substantial detriment to the public good (the neighborhood) or substantial impairment of the master plan and zoning ordinance.
- k. **Bifurcated Site Plans with D(1) Use Variances:** For bifurcated applications, the Applicant must satisfy the negative criteria of the use variance at site plan to ensure that the proposal does not cause any substantial detriment to the public good. In this case, I believe the biggest issues facing the Board are parking and circulation on the site. The Applicant’s traffic expert should address the parking proposal and provide testimony with respect to negative impacts to the neighborhood from the parking scenario as proposed.

Very truly yours,



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cc: Via-Email Only:
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