



## MEMORANDUM

### Clarke Caton Hintz

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**To:** Montgomery Township Zoning Board of Adjustment

**From:** Michael F. Sullivan, ASLA, AICP  
James Clavelli, PP, AICP

**Re:** **Renard Management, Inc.**  
**Use Variance, Height Variance, FAR Variance, Major Site Plan**  
1026 County Road 518  
Block 29002, Lots 49 and 50  
HC Highway Commercial District

**Date:** November 22, 2023

### 1.0 Project and Site Description

**1.1. Project Description:** The applicant is seeking a use variance and preliminary and final major site plan approval to develop a self-storage facility within two separate buildings in the Highway Commercial (HC) District. Additional “-d” variances are required for building height and floor area ratio. The first building is a 123,259 sf. self-storage building, three stories in height. The second is a “drive up self-storage building” that is 9,907 sf. and one story in height. A parking lot with 16 spaces is proposed between the buildings. Two curb cuts and one driveway is proposed. The driveway forms a “U” shape in the properties rear, a portion of which is a one-way drive that goes through the center of the three story self-storage building from north to south with access to CR-518. Additional site improvements include a masonry trash enclosure, curbing, signs, utility and stormwater infrastructure, plantings, building-mounted lighting and a concrete walkway along the western, northern and southern sides of the facility.

**Section 13 of this report includes analysis of the requested variances and a discussion as to whether the application requests deviations substantial enough to constitute a de facto rezoning.**

**1.2. Site Description:** The site consists of a 2.99 acre (130,158 sf.) lot with an irregular pentagon shape. The site has frontage along County Road 518, which contains an existing sidewalk. The concrete foundation of a demolished “L” shaped office building with a 23,795 sf. footprint is located on site in the northeastern quadrant. A parking lot is located on site containing 100 spaces, mostly to the west of the building foundation, with some along the front of the building and a small number

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in the rear of the building in the site's northeastern corner. Street trees sized between 30 – 36 diameter at breast height (DBH) are located along the site frontage, along with grass and overgrowth. Other existing site improvements include utility infrastructure, plantings along the western and northern site boundaries, a concrete walkway, bollards and a chain-link fence. The site contains steep slopes in excess of 15%, some of which are proposed to be disturbed.



- 1.3. **Lot Consolidation:** As a condition of any approval, the applicant should consolidate Lots 49 and 50. This report will analyze the site as if it is one lot, rather than two.
- 1.4. **Neighborhood Context:** The site is located within the Highway Commercial (HC) District on County Road 518 on the east side of N.J. Route 206. The site shares its eastern boundary with the municipal boundary of Montgomery Township and the Borough of Rocky Hill. Neighboring uses include a Shell Station, veterinary clinic, single-family detached dwelling and Princeton North Shopping Center to the south across County Route 518, Wawa to the west, a Montgomery Shopping Center to the



north, a single-family detached dwelling to the east and a Bank of America to the southeast. There is a sharp grade change between the site and Montgomery Shopping Center. The home to the east and the Bank of America are located in the Borough of Rocky Hill. The N.J. Route 206 Corridor is primarily commercial, with residential uses to the east and west along County Route 518. The Sharbell/Montgomery Crossing townhouse neighborhood, and other recently developed multifamily buildings are located  $\pm 1,500 - 3,000$  ft. to the west.



Existing Concrete Pad (Top) and Parking Lot (Bottom)

## 2.0 Zoning

- 2.1. **Prohibited Use:** *A use variance is required.* The site is located in the Highway Commercial (HC) zone, which, pursuant to §16-4.12a, does not permit self-storage facilities as a principal use. *A use variance pursuant to N.J.S.A. 40:55D-70.d(1) is required.*





- 2.2. **Second Principal Building:** *The plan complies.* The plan indicates two buildings to be used for storage, the principal storage building and a separate “Drive-Up Self-Storage Building.” This building constitutes a second principal building, which is permitted in the HC zone pursuant to §16-4.12.e.9.
- 2.3. **Proposed Accessory Uses:** *The plan complies.* The applicant is proposing a trash enclosure, freestanding sign, façade sign, parking lot and drive way, all of which is permitted. The plan complies.
- 2.4. **Highway Commercial District Bulk Standards:** *Variance relief is required.* Table 1, included on the following page, indicates the plan’s conformance with bulk standards in the Highway Commercial District. Variances are required for maximum building height, maximum floor area ratio and maximum lot coverage.

Table 1: Area & Yard Requirements in the HC Zone ~ §16-4.12d					
	Required	Existing	Proposed Storage Bld.	Proposed Drive-Up Storage Bld.	Variance?
Principal Building(s)					
Max. Building Height	30 ft./2.5 st.	n/a	42.5 ft./3 st.	11 ft./1 st.	Yes (V)
Min. Lot Size	1 acre	2.99 acres	2.99 acres		No
Min. Lot Frontage	150 ft.	432.67 ft.	432.67 ft.		No
Min. Lot Width	150 ft.	427.20 ft.	427.20 ft.		No
Min. Lot Depth	150 ft.	300.10 ft.	300.10 ft.		No
Min. Front Yard	50 ft.	110.1 ft.	50 ft.	50 ft.	No
Min. Side Yard (each)	25 ft.	162.3 ft./40.1 ft.	25 ft.	25.9 ft.	No
Min. Rear Yard	50 ft.	49.9 ft.	78.7 ft.	50.2	No
Max. Floor Area Ratio	.20	0.4	1.25		Yes (V)
Max. Lot Coverage	55%	65.3%	58.8%		Yes (V)
Notes:					
V = Variance Required					

- 2.5. **Maximum Building Height:** *Variance relief is required.* Pursuant to §16-4.12c.1, the maximum permitted building height in the HC zone is 30 feet and 2.5 stories. The proposed building height for the larger principal building is 45 feet and three stories. A height variance pursuant to N.J.S.A. 40:55D-70.d(6) is required.



- 2.6. **Maximum Floor Area Ratio:** *Variance relief is required.* §16-4.12.d permits a maximum floor area ratio of .20, or 20%. A floor area ratio of 1.02, or 102%, is proposed on the plan. **A floor area ratio variance pursuant to N.J.S.A. 40:55D-70.d(4) is required.**
- 2.7. **Maximum Lot Coverage:** *Variance relief is required.* §16-4.12.d permits a maximum lot coverage of 55%. 58.8% lot coverage is proposed. **Variance relief is required.**

### 3.0 General Requirements for the HC District

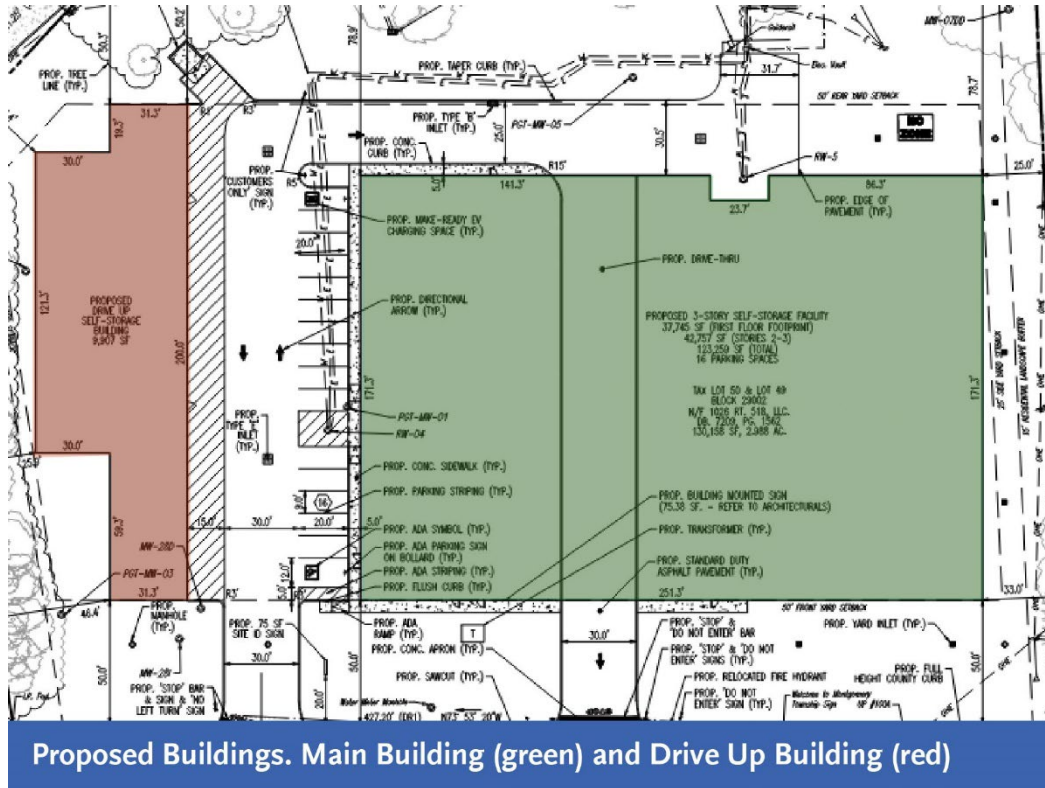
- 3.1. **Driveways:** *Additional testimony is required.* Pursuant to §16-4.12f.1, where feasible driveways providing vehicular access between adjacent properties shall be permitted and required, with appropriate cross easements, and the on-site circulation systems and parking areas shall be designed to accommodate such interconnections between adjacent lots. The site is adjacent to Wawa to the West and Montgomery Shopping Center to the north, both of which are within the HC zone. No such vehicular access between adjacent properties is proposed. **The applicant should testify to the feasibility of this requirement and speak to any discussions that have taken place with adjacent landowners to determine whether this is possible or desirable.**
- 3.2. **Outdoor Storage:** *The plan complies.* Pursuant to §16-4.12f.2, no merchandise, products, equipment or similar material and objects shall be displayed or stored outside. The site plan does not indicate any outdoor storage.
- 3.3. **Planting Requirement:** *The plan appears to comply.* Pursuant to §16-4.12f.3, all portions of a lot not covered by buildings or structures (e.g., parking lots, parking spaces, loading areas, access aisles, driveways, sidewalks, walkways, curbs, trash enclosures, etc.) shall be suitably landscaped with grass, shrubs, and trees and shall be maintained in good condition. In any case, no less than 45% of the area of any lot or tract shall be so landscaped, and the landscaped area may include approved detention and/or retention basin. The planting plan provided indicates proposed plantings along the building frontage, eastern property line, portions of the northern central section of the plan and a portion of the southwestern portion of the site. Portions of the site where no development is proposed contain significant vegetation or grass. The northwest corner of the site, which contains trees slated for removal, contains grass, which will remain. The plan appears to comply.



- 3.4. **Parking Areas in Side and Rear Yards:** *The plan complies.* Per §16-4.12f.4, structures such as parking areas, loading areas, driveways or other structures in side and rear yards that share a common property line with a residential zoning district are not permitted. The proposed driveways and parking spaces are not located within side or rear yards, nor are they adjacent to a residential zoning districts. The plan complies.
- 3.5. **Parking and Loading Areas, Driveway and other Structure Distance:** *The plan complies.* Per §16-4.12f.5, within the HC zone, no parking area, loading area, driveway, or other structure (except for approved access ways, signs and fencing) shall be permitted within the first 25 feet adjacent to any street line nor within the first 15 feet adjacent to any other property line. The plan complies.
- 3.6. **Lawn Area Within Buffer.** *The plan appears to comply.* Per §16-4.12f.5 (the same regulation indicated in the preceding comment), the required distance between structures and the street line and adjacent property lines shall be planted and maintained with lawn or ground cover and trees and shrubbery as approved by the Board. As indicated in 4.3, the plan appears to comply, though this should be confirmed via testimony.

#### 4.0 Requirements for Multiple Buildings on One Lot in the HC Zone

- 4.1. **HC Zone Standards for Multiple Buildings:** Pursuant to §16-4.12.e.9(b), multiple detached buildings are provided on a lot in accordance with the following standards (note that this office interprets and deviations from these standards as “c” variances, rather than a “-d(1)” use variance).
  - 4.1.1. **Building Separation:** *The plan complies.* Pursuant to §16-4.12.e.9(b)(2), all buildings shall be separated by a minimum of 50 feet where the separation distance is used to any extent for parking and/or vehicular circulation. The buildings are separated by 70 feet, and the area of separation is utilized for parking spaces, a driveway and a loading area for the drive up self-storage building.



- 4.I.2. Multiple Driveways Prohibited:** *Variance relief may be required.* Pursuant to §16-4.I.2.e.9(b)(5), access from the public street(s) to the buildings shall not be provided by individual driveways to each building, but by common drive(s) so as to reduce the number of access points along the street(s). While only one drive and one entry drive is proposed, there is a separate exit drive available for vehicles that drive through the building. The result is two curb cuts and one connected “U” shaped drive. **A variance may be required as the intent of the requirement appears to be to limit access points.**
- 4.I.3. Parking Distribution:** *Variance relief is required.* Pursuant to §16-4.I.2.e.9(b)(6), parking shall be evenly distributed, with pedestrian connections between buildings and to all public areas within a development, and large parking lots shall be avoided. While the parking is evenly distributed in a narrow band between the buildings, there are no proposed pedestrian connections between the two buildings. **A variance is required.**



**4.1.4. Maintenance of Landscaping: Condition of approval.** Pursuant to §16-4.12.e.9(b)(7), a single controlling entity, such as a commercial owners' association or a single owner of the entire development, shall be provided for the maintenance of the landscaping, multiple-tenant signs, detention basins, lighting and other common elements or shared structures and facilities. **As a condition of any approval, the applicant/owner should commit to the maintenance of the landscaping on the entire site.**

## **5.0 Off-Street Parking, Circulation and Trash Removal**

- 5.1. Minimum Parking Requirement: Additional information is required.** Minimum parking requirements in the HC zone are determined by use pursuant to §16-4.12g. Self-storage facilities are not permitted in the zone, and as such there is no parking requirement indicated in the Ordinance. 16 parking spaces are proposed. **The applicant should testify as to the sufficiency of the proposed parking.**
- 5.2. Off-Street Loading: The plan complies.** Per §16-4.12h.1, any building or group of buildings within the HC zone is required to have one (1) loading space at the side, rear or within the proposed building. The proposed drive up building has one loading space, which meets the requirement. The main building has two garage entrances, though these do not appear to function as loading space in the way the Ordinance intends, which requires them to be of a specific width and length.
- 5.3. Loading Space Size: The plan complies.** Per §16-4.12h.2, the required size of a loading space is 15 feet in width and 40 feet in length. The loading space that runs the length of the proposed drive up self-storage building is 15 feet wide and ±200 feet in length. The plan complies.
- 5.4. EV Parking Requirement: The plan complies.** Pursuant to §16-5.21.d2(a), applications involving a parking lot with 50 or fewer off-street spaces not covered in the previous subsection (self-storage facilities are not covered in the previous subsection) require the preparation as “make-ready” parking spaces at least one of the required off-street parking spaces. EVSE spaces are permitted in lieu of “make-ready” spaces. The applicant is proposing one make-ready space. The plan complies.
- 5.5. Pedestrian Circulation:** Pedestrian circulation is proposed within the site. A 5-foot wide sidewalk is proposed along the front (south), side (west) and a portion of the





rear (north) of the larger main building. No pedestrian circulation is proposed in the remaining portions of the site, nor to access the drive up self-storage building.

- 5.6. **Sidewalks:** The plan complies. §16-5.14c.1(d) requires “*sidewalks shall be provided along all existing streets upon which all residential and nonresidential development abuts, unless specifically waived in certain locations by the reviewing municipal agency based upon good cause shown by the applicant ....*” A sidewalk does currently exist along the frontage of the property on CR 518. The plan complies.
- 5.7. **Curbing: A design exception is required.** Pursuant to §16-5.8.3, all paved parking and loading areas and access drives shall be curbed. The majority of the site contains curbing, however, the northeastern portion of the site that contains paving is not curbed. **A design exception is required.**
- 5.8. **Parking Lot Wayfinding:** Pursuant to §16-5.8.4, all off-street parking lots shall have adequate designations to indicate traffic flow and parking spaces. The parking area contains arrows indicating the appropriate driving direction, signage indicating barrier free spaces. The driveway exits contain stop signs. **The plan appears to comply, though this office defers to the Board’s traffic expert as to whether the wayfinding is sufficient.**
- 5.9. **Trash and Garbage Pickup:** The plan complies. Pursuant to §16-4.12h.2, there shall be at least one trash and garbage pick-up location within convenient access to the building being served, including provisions for the separation and collection of recyclable materials in accordance with the recycling requirements of Somerset County. A trash enclosure is proposed in the northwestern corner of the site near to the proposed drive up building and in close proximity to the main building. The plan complies.
  - 5.9.1. **Trash Enclosure Requirement: The plan complies.** Pursuant to §16-4.12h.2(c), trash and garbage located outside of a building requires a steel-like, enclosed trash and garbage contained located in a manner obscured from view by a fence, wall, planting or combination of all three. The trash enclosure is composed of a steel gate on the front side and a masonry wall on the sides and rear that is ten feet in height.
  - 5.9.2. The masonry wall is proposed to be finished with “Brick-Denton, TX or Equal Red Sunset Blend 150”. **The applicant should provide samples of this material**



so it can be determined whether it fits with the finishes of the proposed buildings.

## 6.o Natural Features

- 6.i. **Preservation of Natural Features:** *Additional testimony is required.* Per §16-5.6a, natural features such as trees, hilltops and views, natural terrain, open waters, riparian areas, critical areas and natural drainage ridge lines shall be preserved to the maximum extent reasonably possible in designing any development containing such features. The development of the site will result in the removal of trees and the grading of land and natural terrain. **The applicant should testify as to the extent of disturbance and as to whether a less disruptive alternative means of development is possible. It is strongly recommended that plans be revised to eliminate the removal of the six mature trees along the property frontage.**



**Mature Trees Along the Property Frontage To Be Removed**



- 6.2. **Topsoil Removal:** Per §16-5.6b, no top soil shall be removed from areas intended for lawn and open space. Top soil moved during construction shall be redistributed on the lot so as to provide at least four inches of cover to all areas, which cover shall be stabilized by approved seeding and/or planting. **The applicant should testify as whether soil will be removed from the site. This office defers to the Board Engineer as to whether the soil erosion and sediment control plan is sufficient.**



Adjacent Shopping Center and Significant Grade Change

- 6.3. **Off-Site Soil removal:** Per §16-5.6b, no soil shall be removed from or be imported to any site in excess of 20 cubic yards per year without the prior approval of the Planning Board. For this purpose, a plan shall be submitted showing how the soil is to be distributed and stabilized including grading contours. If the soil is to be imported, a plan shall be submitted describing methodology and frequency of testing the soil to ensure its safe quality. Finally, the plan shall describe the size and number of vehicles that are proposed for hauling the removed or imported soil together with the hauling route. **The applicant should testify as to whether soil will be removed from the site. This office defers to the Board Engineer as to whether the soil erosion and sediment control plan is sufficient.**





## 7.0 Steep Slopes

7.1. **Steep Slopes: Variance relief may be required.** The applicant is proposing to disturb steep slopes. An analysis provided by the applicant indicates that steep slopes between 15% and 19.99% are found on the property. 607 sf. of the 6,838 sf. of steep slopes found on the property will be disturbed by the proposed development. §16-6.4e.1 states that steep slopes shall not be disturbed *except as follows in specific situations where it is determined by the Board that soil erosion, land disturbance and other environmental concerns have been adequately addressed by the developer. An isolated area or a narrow band of steep slopes may be disturbed on a lot for good cause shown by the developer, when approved by the Board.* . **Variance relief may be required. Testimony should be provided as to what purpose the disturbance of steep slopes serves to the overall project.**

7.1.1. **Performance Standards for Granting Steep Slope Variance:** §16-6.4e.3(a)-(g) contains guidelines that should be considered by the Board in considering a variance for disturbance of steep slopes. These are included below for the Board's benefit. **The applicant should testify to these guidelines:**

- 7.1.1.1. *The developer shall demonstrate that the disturbance of the critical steep slope area is necessary for the proposed development of the subject tract, indicating that such development can be in accordance with Sections 16-4 and 16-6 of this chapter.*
- 7.1.1.2. *The developer shall demonstrate that the proposed development has utilized the noncritical areas of the tract as reasonably practicable and has attempted to minimize the disturbance of the critical steep slope areas by limiting development to either isolated area(s) of steep slopes and/or those slopes with less of a steep grade prior to the disturbance of more environmentally sensitive critical areas.*
- 7.1.1.3. *Appropriate revegetation and landscaping of the disturbed steep slope areas shall be provided to adequately stabilize the slopes and enhance the attractiveness of the site, if necessary, and shall be in accordance with accepted soil conservation and stormwater management techniques as promulgated by the Soil Conservation District and the Township Engineer.*



- 7.I.I.4. *The provisions of Subsection 16-5.2 shall be adequately addressed to the satisfaction of the Board and specifically the provisions of Subsection 16-5.2s of this chapter.*
- 7.I.I.5. *The proposed disturbance of the steep slope area should minimize the impairment of the visual quality of the site. Moreover, the higher elevations along ridge and mountain tops which present visual amenities should be protected, where possible.*
- 7.I.I.6. *The environmental impacts shall be satisfactorily controlled by the development proposal in a manner acceptable to the Township Engineer so that soil erosion, excess stormwater, runoff, degradation of water quality, concentration of stormwater and water flow, and flooding do not occur.*
- 7.I.I.7. *The developer also shall demonstrate that:*
  - *Unless an EIS is otherwise required, endangered or threatened plants and wildlife shall not be harmed;*
  - *The geologic disturbance, including blasting, cutting or excavating, resulting from the development of any critical steep slope area shall be satisfactorily mitigated; and*
  - *The cost of providing and maintaining public facilities and services to those areas where critical steep slopes may be disturbed shall not be substantially increased as a result of such disturbance.*

## 8.o Lighting

- 8.1. **Proposed Lighting:** The plan indicates a total of ten proposed lights, all of which are wall mounted. Two different models of lights are proposed, though they are similar in terms of light output. Three lights are proposed on the eastern side of the drive up self-storage building and seven are proposed around the main storage building, with three in the rear, two on the west side and two along the front of the building.
- 8.2. **Lighting of Parking and Walking Areas:** *Additional information is required.* Pursuant to §16-5.4b.1, all parking areas and walkways shall be adequately illuminated for security and safety. The Ordinance does not specify standards as to what constitutes





safe and secure. It is recommended that the applicant testify as to the adequacy of the proposed lighting as related to security and safety onsite. A comparison to relevant industry standards such as Illuminating Engineering Society (IES) may be beneficial to the Board.

- 8.3. **Lighting Height of Building Mounted Lights:** *The plan complies.* Pursuant to §16-5.4b.2(a), lighting fixtures are not to exceed 20-feet or the height of the closest major building, whichever is less. The proposed lights are indicated at 20 feet in height. This complies, however, there appears to be an error regarding the lights mounted on the drive up self-storage building, as it is only 11 feet in height. **While the plan is compliant, the plan should be corrected to indicate the correct mounting height of the three lights proposed on the drive up self-storage building.**
- 8.4. **Required Lighting Specifications:** *The plan complies.* Pursuant to §16-5.4b.2(b), lighting fixtures are to include non-glare lights with recessed lenses focused downward and with cut-off shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead skyglow. Sheet 17 of the plan includes a manufacturer's cut sheet of "Mirada Wall Sconce (XWM)" fixtures. These lights are downward focused and contain recessed lighting. The plan complies
- 8.5. **Site Lighting at Ground Level:** *A design exception is required.* Pursuant to §16-5.4b.2(c), light intensity at ground level shall average a minimum of 0.3 footcandles, though not more than 1.0 footcandle. The statistical area summary provided on Sheet 11 indicates an average of 1.88 footcandles for the pavement area. **A design exception is required.**
- 8.6. **Site Lighting at Ground Level - Intersections:** *A design exception is required.* Pursuant to §16-5.4b.2(c), light intensity at intersections shall average a minimum of 0.5 footcandles, though not more than 1.0 footcandle. The statistical area summary provided on Sheet 11 indicates an average of 1.88 footcandles for the pavement area. **A design exception is required. Additionally, it is recommended that the statistical area summary include an additional category for the intersections.**
- 8.7. **Circuit Timers:** *Additional information is required.* Pursuant to §16-5.4b.2(d), excepting any lighting determined by the Planning Board to be necessary and/or advisable for security purposes, all other lighting is to be controlled by circuit timers so that the lights are automatically turned off after business hours. There does not appear to be any notation on the plan regarding hours of operation for lighting. **The**



applicant should testify as to the hours of operation of the proposed lighting and add a note to the plan that indicates that information.

## 9.0 Landscape Design & Plantings

This office defers to the Board Landscape Architect regarding the planting design. This review only relates to quantifiable standards.

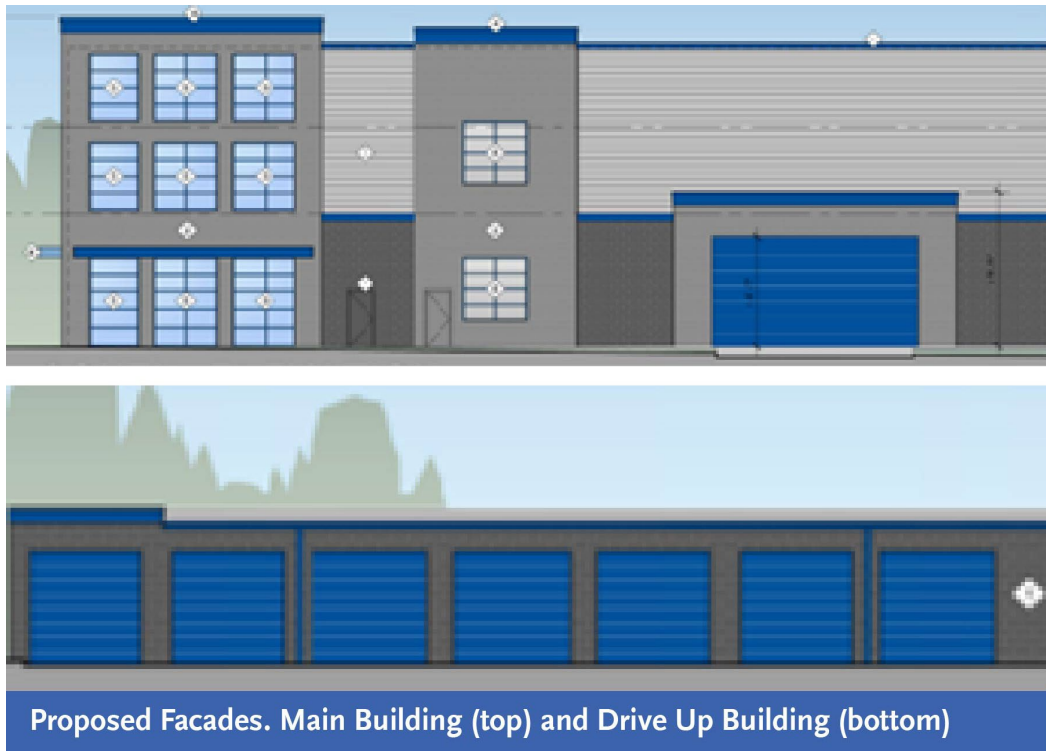
- 9.1. **Trees:** *The plan complies.* Per §16-5.6d.3, a minimum of 14 trees per acre of gross tract shall be planted throughout the tract in the case of nonresidential or multifamily development. At 2.99 acres, the plan requires 42 trees. 70 trees are proposed. The plan complies.
- 9.2. **Street Trees:** *The plan complies.* §16-5.6d.15 requires street trees at 50 foot intervals. With 433 feet of total frontage, the applicant is required to have 9 street trees ( $433 / 50 = 8.7$  trees). The applicant is proposing 12 trees along the property frontage. The plan complies.

## 10.0 Architecture

- 10.1. **Solar Access:** Per §16-5.5e, all lots and/or buildings on lots shall be oriented for solar energy access where possible and desirable. Most of the proposed windows are facing south with some facing south west. No windows are located on the north side and only three windows are located on the east side. This complies with the requirements.
- 10.2. **Architectural and Building Standards in the HC District:** §16-4.12e contains requirements for all buildings and sites within the HC district.
- 10.3. **Description of Proposed Self-Storage Facility:** As indicated in the preceding image, the overall building design contains an industrial, utilitarian design with dark colors and metallic siding. The storage-unit garage doors are blue.
- 10.4. **Building Exteriors:** The plan complies. §16-4.12e.1(a) requires that building exteriors in the HC District including any accessory buildings, shall be architecturally compatible and shall be constructed of complementary materials. As indicated in the following image, both storage buildings feature a similar design and color palette. The plan complies.



- 10.5. **Pedestrian Scale:** *A variance is required.* §16-4.12e.1(b) requires that architectural details, style, color, proportion and massing shall create a pedestrian scale development. The building design does not reflect a pedestrian scale. The larger, main storage building contains large windows and blank garage doors and is a relatively featureless industrial building. The smaller, drive up storage facility is a series of garage doors. **A variance is required.**



- 10.6. **Building Entrances:** The plan complies. §16-4.12e.4(a) requires that all entrances to a building shall be articulated utilizing architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, or overhangs. Such elements shall be architecturally compatible with the overall building. As indicated in the following image, pilasters are utilized on the lower portion of the entrance. The entrance is articulated and contains cornices and glazing to differentiate from the other building facades. The plan complies.
- 10.7. **Visual Breaks:** *Variance relief is required.* §16-4.12e.5(a) requires that building exteriors shall have vertical and/or horizontal offsets to create visual breaks along



each facade. Long, monotonous, uninterrupted walls are not permitted. The outer walls do not contain any breaks or offsets and continue the same pattern from end to end on each side. **Variance relief is required.**

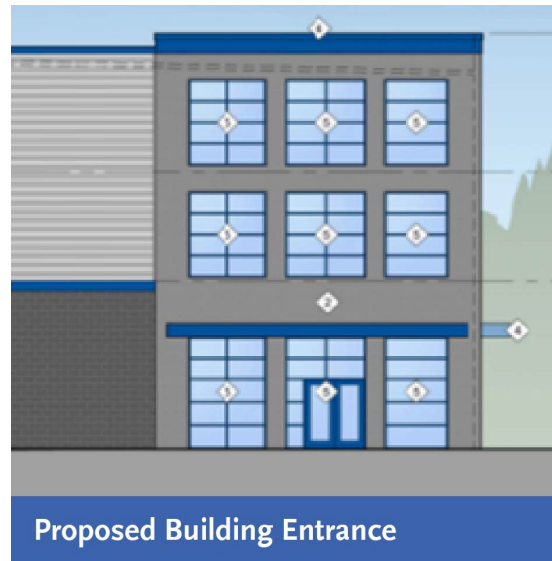
- 10.8. Wall Offsets:** *Variance relief is required.* §16-4.12e.5(b) requires that to the extent appropriate to the architectural design, building wall offsets, including projections such as balconies and canopies, recesses, and changes in floor

levels shall be used to add architectural interest and variety and to mitigate the visual appearance of a simple, long wall. Only the southern elevation, which faces County Road 518, contains offsets. The building is otherwise flat. **Variance relief is required.**

- 10.9. Façade Consistency:** The plan complies. §16-4.12e.5(d) requires that the architectural treatment of the front facade(s) shall be continued in its major features around all visibly exposed sides of a building. The design on each side of the building is consistent, featuring a darker gray on the bottom half of the façade and a lighter gray on the top half, separated by a thin blue trim feature dividing the color change. The plan complies.

- 10.10. Building Side Consistency:** The plan complies. §16-4.12e.5(e) requires that all sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details. The main entrance is the most elaborate in that it contains more glazing and is slightly offset, which draws attention. The color palate for each side of the building is identical and consistent. The plan complies.

- 10.11. Natural materials:** *Additional testimony is required.* §16-4.12e.5(f) states that materials such as wood and masonry are recommended. High quality man-made materials also are permitted. Stucco may be used only as an accent in limited areas. The proposed materials consist of break metal trim, brick, block brick, and glazing. **The applicant should testify as to the choice of materials used to construct the building.**





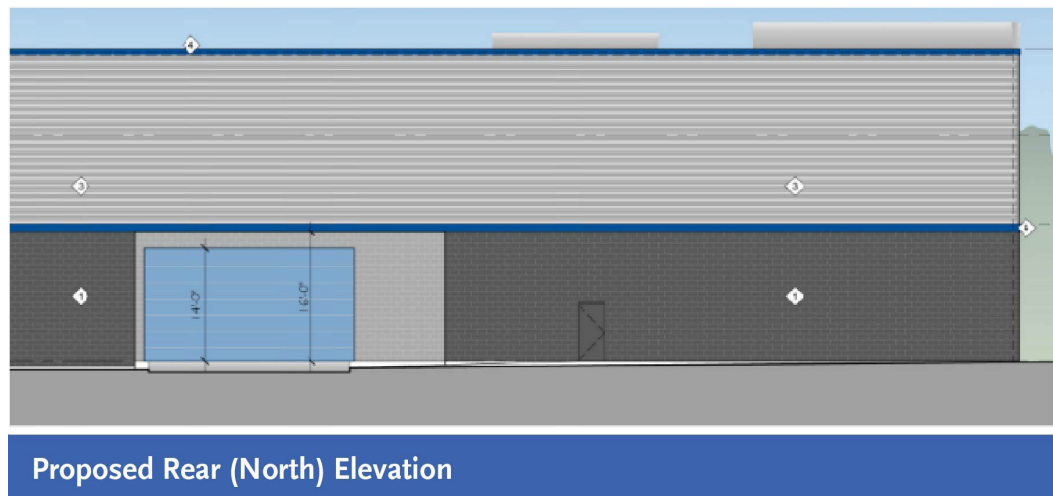
- 10.12. Façade Features:** The plan complies. §16-4.12e.5(g) requires that dormers, gables, windows and other similar design features shall be provided across a building facade. Windows are proposed along the building façade, as our three visual breaks. The plan complies.
- 10.13. Roofline Compatibility:** The plan complies. §16-4.12e.6(a) requires that the design of all buildings within a development shall include rooflines that are architecturally compatible or in context with existing buildings in the vicinity of the subject building. Within this context, rooflines that mix flat and pitched components are encouraged. The proposed roofs are both flat. Nearby roofs include Wawa, which is pitched, and Montgomery Shopping Center to the north, which is a large structure with flat roofs on either building. Smaller buildings to the south, including a residence, bank and veterinary practice have pitched roofs, beyond which is the Princeton North Shopping Center with a flat roof. The plan complies, as the proposed buildings contribute to the mix of flat and pitched roofs.
- 10.14. Flat Roof: *Variance relief is required.*** §16-4.12e.6(c) requires that flat roofs shall provide that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical wall in order to create the appearance of a 1 1/2 to 2 1/2 story facade. There are some portions of the southern facing façade, which faces the street, that have an articulated cornice. The south facing wall does not present like a 1.5 or 2.5 story façade, but like a two story façade. **A variance is required.**
- 10.15. Window Proportion:** The plan complies. §16-4.12e.7(a) requires that windows be appropriately proportioned to the building. Where windows are provided, the proportion of the windows is appropriate to the building. The plan complies.
- 10.16. Outdoor Furniture Consistency: *Additional information is required.*** Per §16-4.12e.8(a), all lighting, benches, trash receptacles and signage shall be designed to be compatible with the architecture of the building(s). **Additional information regarding the trash enclosure's consistency with the rest of the site development should be provided. The only other feature in this requirement that is relevant is lighting. The wall mounted lighting is utilitarian, like the rest of the building design, and is consistent.**
- 10.17. Consistency of Pavement Material: *Additional information is required.*** Per §16-4.12e.8(c), the materials used for all internal sidewalks and pathways connecting buildings, parking areas and public areas to sidewalks along the street(s) and to the Township's pathway network shall be chosen to enhance the architecture of the





building(s) and the attractiveness of the site development. The applicant should testify as to how the proposed pavement material for sidewalks and pathways is consistent with the overall building design.

- 10.18. **Building Design Character:** The proposed building is industrial in appearance, reading as a warehouse. It will also require several variances relating to building design, which is further discussed in section 11. The industrial appearance of the proposed building is out of character with the neighborhood and the existing buildings within the HC district. As indicated below, the proposed materials include black and gray brick, metal siding, blue metal trim and glazing.





The design of the building is in contrast to the more prevalent approach to building design in the area, which leans towards more traditional design. Additionally, the neighboring municipality, Rocky Hill Borough, is adjacent to the proposed site. The portion of Rocky Hill near the site is primarily residential, with nearby single-family detached dwellings and attached townhomes. It is recommended that the applicant take a different design approach regarding the building. Images of some of the nearby buildings are included herein. Recommendations for design changes are also indicated below.

**10.19. Alternative Design Recommendation:** It is recommended that the applicant utilize a more traditional design approach, rather than a contemporary, minimalist industrial design, for the proposed building if the application is looked upon favorably. A similar facility, CubeSmart, recently opened a location in Somerset New Jersey on Somerset Street that is designed to look like a more traditional industrial building with high-quality finishes and more robust articulation of facades. From certain perspectives, it reads as a contemporary multifamily or mixed-use commercial/residential building which is far more desirable. The brick finishes and clean, modern design elements and articulation, as well as a modern, decorative awning are desirable elements. However, it's not all good: there are large expanses of blank walls, an excessive height and large scale block at the base of the building that suggest a less "human-oriented" use. This office recommends that the proposed building be redesigned in a manner that takes its cue from the existing desirable buildings in the vicinity and the HC district, which may include desirable elements expressed in the Somerset self-storage facility.



Nearby Wawa



Nearby Bank of America Building



Clarke Caton Hintz

RENARD MANAGEMENT, INC. | USE VARIANCE AND SITE PLAN REVIEW



CubeSmart in Somerseset, NJ (Image Credit: P.B. Brown Contractor)



CubeSmart in Somerseset, NJ (Image Credit: P.B. Brown Contractor)





## 11.0 Signs

- 11.1. **Proposed Signs:** One freestanding sign is proposed at the southern entrance to the site from County Road 518. One building mounted signs is proposed on the larger storage building on the southerly, street facing side. Additional signs include directional signs, signs relating to parking and signs relating to EVSE spaces.
- 11.2. **Attached Building Sign Height:** *Additional information is required.* Pursuant to §16-5.13d.4, no attached sign shall be higher than 20 feet, measured to the top of the sign from the grade beneath the sign, except that no sign shall exceed any lesser height specifically set forth elsewhere in the subsection. The building mounted sign indicated in the site plan refers to the architectural drawings for additional information. No information regarding the attached sign is included with the architectural drawings, including the height of the sign. **Additional information regarding the height of the attached sign is required.**
- 11.3. **Freestanding Sign Area.** The plan complies. Pursuant to §16-4.12i(a), freestanding signs shall not exceed 75 square feet in area or 5% of the front façade of the principal building. The proposed sign is 75 sf. The building façade is ±9,800 sf., 5% of which is ±490 sf. The plan complies.
- 11.4. **Freestanding Sign Height.** *Additional information is required.* Pursuant to §16-4.12i(a), freestanding signs shall not exceed eight (8) feet in height. The sign detail on sheet 16 of the plan indicates that the sign height is “TBD”. At this time, it is not possible to determine if the sign height complies. **Additional information is required.**
- 11.5. **Freestanding Sign Setback.** The plan complies. Pursuant to §16-4.12i(a), freestanding signs greater than 55 sf. shall be setback at least 20 feet from any street right-of-way. The proposed freestanding sign is 20 feet from the right of way on the southern side of the property. The plan complies.



## 12.0 Miscellaneous

- 12.1. **Existing Monitoring Well:** A groundwater monitoring well was observed near the northern property boundary during the site visit. This well appears to be associated with environmental remediation activities regarding facilities referenced in online records maintained by NJDEP<sup>1</sup>. The applicant indicates in correspondence that “The use of the property and layout is restricted by on-site monitoring wells that are under federal jurisdiction.” **The plans should depict any easements or other restrictions related to contamination or ongoing monitoring or remediation.**



Existing Groundwater Monitoring Well

- 12.2. **Development Fee for Affordable Housing: *Condition of Approval*.** The applicant is required to comply with the nonresidential development fee ordinance consistent with §15-24.

<sup>1</sup> Site Remediation Program Interest (PI) Numbers 004107 and 022416. This information was found utilizing the NJDEP DataMiner tool, accessed on November 13, 2023.





### 13.0 VARIANCE ANALYSIS

- 13.1. Significant Departure from the Underlying Zoning:** As indicated throughout this report, the applicant is requesting three separate “-d” variances. These include a use variance, floor area ratio variance and height variance. The deviations in regard to floor area ratio and height are significant. The proposed floor area ratio is 300% greater than what is permitted in the HC zone, and the proposed height is 41% greater than what is permitted in the zone. **Coupling these deviations with the use variance, the Board should consider whether this proposal represents a de facto rezoning.**
- 13.2. Relevant Court Cases:** The following court decisions, as cited in *New Jersey Zoning and Land Use Administration*<sup>2</sup>, may prove useful in assisting the Board in deciding as to whether the granting of the requested variances may constitute a de-facto rezoning. Ultimately, this office defers to the Board Attorney with respect to the legal implications of the proposal in light of relevant case law.
- 13.2.1. Feiler v. Fort Lee Bd. Of Adj.**<sup>3</sup>: “...the Appellate Division reversed the grant of a variance by the Fort Lee Board of Adjustment and its affirmance by the Law Division. The variance had the effect of rezoning a 15.69 acre tract which was largely zoned R-4A Residential and partly C-1 for a mixed commercial and high rise residential development adjacent to the George Washington Bridge approach lane. The board granted the variance on the ground, inter alia, that the zoning of the area was inappropriate and that the R-4A one- and two-family residential district was incompatible with the area surroundings. Both reasons were found to be inappropriate, the court stating, at 256, that, ‘the Board of Adjustment blatantly arrogated to itself the power to reject existing zoning and to substitute its idea of an appropriate zone plan. No board of adjustment has that power.’ The court went on to say that, ‘Application of the variance power to convert an entire low density two-family zone into a high density residential tower district exceeded the board’s statutory authority whether or not the existing zoning was inappropriate.’”

<sup>2</sup> *New Jersey Zoning and Land Use Administration*. Newark, NJ: Gann Law Books. Considered the definitive resource regarding land use law in New Jersey.

<sup>3</sup> *Feiler vs. Fort Lee Bd. of Adj.*, 240 N.J. Super. 250 (1990) 573 A.2d 175, as analyzed in *New Jersey Zoning and Land Use Administration*. Newark, NJ: Gann Law Books, pp. 427-5 (accessed via the web at gannlaw.com).



**13.2.2. Hughes v. Monmouth University.<sup>4</sup>** “[The Law Division] holding that there was no rezoning where the size of the area affected by the variance was small in comparison to the zone in which it was located. Moreover, the proposed improvements for the area were similar to those in the rest of the zone and did not substantially alter the character of the district.”

**13.2.3. North Brunswick Twp. V North Brunswick Bd. Of Adj.<sup>5</sup>**: “[The Law Division] holding that there was no rezoning where the size of the area affected by the variance was small in comparison to the zone in which it was located. Moreover, the proposed improvements for the area were similar to those in the rest of the zone and did not substantially alter the character of the district.”

**13.2.4. North Brunswick Twp. V. North Brunswick Bd. Of Adj.:** holding “the court considered the functional substantiality criterion in setting aside the grant of a variance. Although the lot there was small relative to the size of the zone, the court found that, because of the drastic increase in density sought and the required parking necessitated by the use, the grant of the variance amounted to an arrogation of governing body authority, particularly in light of the fact that the Master Plan and subsequent revisions to the zone plan had specifically rejected significantly less dense but similar uses for the zone one year before the variance application. The court recognized that the arrogation of power determination was in many ways similar to a determination that an application had substantially failed to satisfy the negative criteria...”

**13.3. Comments Regarding the Use:** The proposed self-storage facility is not a permitted use within the HC zone.

The applicant should describe the intended customer and the type of storage that is expected and permitted. This should include testimony relating to:

- Residential storage
- Vehicle storage
- Commercial storage

<sup>4</sup> Hughes vs. Monmouth University, 394 N.J. Super. 207, 233-235 (Law Div. 2006), as analyzed in *New Jersey Zoning and Land Use Administration*. Newark, NJ: Gann Law Books, pp. 428-2 (accessed via the web at gannlaw.com).

<sup>5</sup> North Brunswick Twp. Vs. North Brunswick Bd. Of Adj. 378 N.J. Super. 489 (App Div.), certify. Den. 185 N.J. 266 (2005), as analyzed in *New Jersey Zoning and Land Use Administration*. Newark, NJ: Gann Law Books, pp. 427-3 (accessed via the web at gannlaw.com).



- Use of storage facility for product storage
- Storage of hazardous materials

The applicant provided the following description of the site's operation:

- *Hours of operation: 6:00 AM to 10:00 PM, seven days per week.*
- *Office hours: Monday – Friday, 9:30 AM – 6:00 PM, 8:30 AM to 5:00 PM on Saturday, and 11:00 AM – 4:00 PM on Sunday.*
- *Number of Employees: Two employees will be present on site during office operation hours. One part time employee may be added as demand requires.*

**In addition to the information provided, the applicant should speak to the expected number of customers on site at any given time.**

**13.3.1.** The applicant should describe the circulation of the site, including:

- How the “drive up” building will function
- The types of vehicles delivering and removing storage
- Use of the drive thru within the main building
- Parking and demand for parking
- Number of vehicles expected per day and per week. This should include separate testimony regarding passenger vehicles and delivery vehicles.
- Pedestrian circulation

**13.3.2.** The applicant should speak to any potential concerns. This office cannot identify all potential negative impacts, however, the following aspects may be explored in order to provide the Board with sufficient information upon which to base a decision:

- **Traffic and Parking.** How will traffic impact the adjacent neighborhood/district?
- **Odors.** What types of waste will be generated and how will waste be handled?



- **Security.** Typically, such uses contain fencing and other security measures. No fencing is proposed on site. The applicant should testify as to the security measures proposed for the facility and the adequacy of same.
- **Noise.** The potential for noise and the activities involved and the impacts on the adjacent properties.

#### 14.0 Consideration of the “-D(1)” Use Variance

**14.1. Consideration of the Use Variance:** The “d(1)” designation is related to its codification in the NJ Municipal Land Use Law (NJ MLUL) at 40:55D-70.d(1). The applicant bears the burden of proof in the justification of the variances.

**14.2. Consideration of the Positive Criteria:** To satisfy the criteria of a use variance, known as d(1) variance relief, the applicant may demonstrate there are sufficient “special reasons” for the grant of a (d)1 variance under two broad circumstances:

- When the refusal to allow the project would impose on the applicant an undue hardship, and/or;
- When the requested relief advances a purpose of zoning as articulated in NJSA 40:55D-2 because the property is particularly well-suited to such a use.

**14.3. Consideration of the Negative Criteria:** Should the applicant satisfy the positive criteria, it must also be demonstrated that that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan (master plan). These factors are referred to as the negative criteria.

In *Medici v. BPR Co.*, the Court explained the substantial detriment phrase as follows:

*“the first prong of the negative criteria [requires] that the variance can be granted “without substantial detriment to the public good.” In this respect the statutory focus is on the variance’s effect on the surrounding properties. The board of adjustment must evaluate the impact of the proposed use variance upon the adjacent properties and determine whether or not it will cause such damage to the character of the neighborhood as to constitute “substantial detriment to the public good.”*





In *Medici v. BPR Co.*, articulated two aspects of a Board’s required findings in determining whether a proposal satisfies the criterion “without substantial impairment to the intent and purpose of the zoning ordinance and zone plan”, requiring that:

*“in addition to proof of special reason, an enhanced quality of proof and clear and specific findings by the board of adjustment that the variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance. The applicants’ proofs and the boards’ findings [in this regard] must reconcile the proposed use variance with the zoning ordinance’s omission of the use from those permitted in the zoning district.” (Emphasis added)*

Relevant policy language from the Master Plan is included in section 18 that may be helpful in consideration of the use variance. However, it should not be taken as encompassing all relevant land use policies. Thorough analysis of the variances generally is located in section 2.

## 15.0 Consideration of the “-D(4)” Floor Area Ratio Variance

- 15.1. **Consideration of the Floor Area Ratio (FAR) Variance (NJSA 40:55D-7od(4)):** FAR is a tool to limit the intensity of use, by controlling mass and scale of buildings. When considering a variance for excessive FAR, the applicant is required to satisfy a lower threshold of special reasons than for a use variance, however, must ensure that the degree of the proposed deviation will still satisfy the negative criteria.
- 15.2. **The Positive Criteria:** Under the Coventry standard, the applicant need not show that the site is particularly suited for more intensive development, but rather, that the site will accommodate the problems associated with the larger floor area than permitted by the ordinance.
- 15.3. **Negative Criteria:** As always, the granting of the variance must be able to be accomplished without resulting in substantial detriment to the public good, and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan. The Court clearly explained in *Price*, how an applicant might establish the negative criteria for a variance, reinforcing that “only minimally greater” than permitted or “a minimal increase” could satisfy the negative criteria, but that variances that amounted to a tripling of the standard were not appropriate.



## 16.o Consideration of the “-D(6)” Height Variance

- 16.1. Consideration of the Height Variance.** The “d(6)” designation is related to its codification in the NJ Municipal Land Use Law (NJ MLUL) at 40:55D-7o.d(6). The applicant bears the burden of proof in the justification of the variance to exceed by 10 feet or 10% the maximum height permitted in the ordinance. A zoning board of adjustment can grant variance relief for exceeding the permitted height in a zone by 10 feet or 10% “in particular cases and for special reasons”.
- 16.2. Positive Criteria:** The applicant should demonstrate that the proposed height in excess of the height permitted in the zone district provides a benefit to the general welfare, and that the site is suitable for a building with such a non-conforming height. Additionally, similar to the testimony required for a d(3), d(4), or d(5) variance, the applicant must demonstrate that the site can accommodate the problems associated with deviating from the height standard.
- 16.3. Negative Criteria:** The negative criteria must be met by demonstrating to the Board an “enhanced quality of proof” that exceeding the permitted height will not cause substantial impairment of the intent and purpose of the zoning ordinance and Master Plan.

## 17.o Consideration of the “-C” Variances

While this office defers to the Board attorney in advising the Board on the application of relevant variance criteria, this report identifies the “c” variance criteria for purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the variances. The applicant must justify the variances separately and each variance must satisfy both parts.

- 17.1. Consideration of the Positive Criteria.** To satisfy the positive criteria for a “c” variance, the applicant has two choices. First, known as “c(1)” variance relief, the applicant may demonstrate that strict application of the regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship due to one of the following:



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

Alternatively, and known as “c(2)” variance relief, the applicant may demonstrate the following positive criteria in support of the request for relief:

- Where in an application or appeal relating to a specific piece of property to purposes of this act, N.J.S.A. 40:55D-2, would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

**17.2. Consideration of the Negative Criteria.** Should the applicant satisfy the positive criteria, it must also be demonstrated that that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan. These factors are referred to as the negative criteria.

## **18.o Township of Montgomery Master Plan**

**18.1. Master Plan Goals.** The Township Master Plan includes several goals, of which, the following are relevant to the Board’s consideration of this application. The following goals can be found on pages 6-8 of the 2017 Master Plan Reexamination Report:

1. *The Development Plan of Montgomery Township should maintain the continuity of the Township’s planning process and build upon and refine the past planning decisions of the municipality, consistent with present local and regional needs, desires and obligations.*

A use variance, as well as height and FAR variances, would indicate a deviation from the development plan. However, the goal indicates that decisions of the municipality should be consistent with present local and regional needs. **The applicant should speak to the need and demand for the proposed use.**



3a. *The Development Plan should recognize the physical characteristics of the Township and acknowledge the inherent capabilities and limitations of the land to host different types of community development at appropriate densities and intensities.*

a. *Conservation of existing natural resources should be an integral part of the planning process, with special attention to the constraints of environmentally critical and sensitive areas including, but not limited to, wetlands, wetlands transition area, aquatic buffer zones, stream corridors, 100-year flood plains and land with topographic slopes of fifteen percent (15%) and greater. **The proposal includes the disturbance of slopes of fifteen percent (15%) and greater.***

4. *The Development Plan should strive to prevent the homogenous spread of suburban development throughout the municipality. Specific areas of the Township should be designated for specific types of residential and non-residential development. The rural and country atmosphere which prevails throughout most of the municipality should be maintained.*

The HC zone, where this site is located, permits commercial uses. It does not permit self-storage facilities.

5. *Recognizing the housing obligations of the municipality, but attempting to prevent sprawl and maintain a development mix balanced between residential and non-residential construction, the Development Plan should guide and contain the principal commercial and higher density residential development within the municipality to specific areas of concentrated land uses. One of these areas, referred to as the Rocky Hill node, currently exists along Route 206 near its intersection with Route 518. A second area, originally proposed in the 1974 "Housing Report", is situated within the Belle Mead area of the Township at the northern terminus of Route 206 north of Crusier Brook and Belle Mead Griggstown Road, and is referred to as the Belle Mead node.*

The master plan and Land Development Ordinance permit dense residential development in certain "nodes" within the Township. These "nodes" have been developed, one of which is within relative proximity of the proposed facility and contains townhomes and apartments.





**18.2. Master Plan Objectives.** The Township Master Plan includes the status of goals from the 2008 Master Plan Reexamination report. One of which is included below as it is relevant to this application. This goal is found on page 10 of the 2017 Reexamination Report:

*5. The "CC" Community Commercial and "HC" Highway Commercial zoning district ordinance provisions should be critiqued and amended as necessary to assure that they will foster the most optimum development pattern along Route 206. Addressed. Ordinance #12-1427 was adopted on December 20, 2012.*

This is included to indicate that the HC zone was critiqued and amended per a previous master plan recommendation, though this occurred 11 years ago.

## **19.0 Materials Reviewed**

- 19.1.** *Township of Montgomery Planning & Zoning Board Application* and related documents, dated July 5, 2023.
- 19.2.** *Preliminary and Final Major Site Plan with Use and Bulk Variances*, 21 sheets, prepared by Joshua M. Sewald, PE and Daniel A. Tarabokija, PE, Dynamic Engineering, dated June 8, 2023.
- 19.3.** *ALTA/NSPS Land Title Survey*, 1 sheet, prepared by Craig Black, PLS, Dynamic Survey, LLC, dated August 11, 2022.
- 19.4.** *Traffic Impact Study*, prepared by Corey Chase, PE and Stacey W. Jensen, PE, Dynamic Traffic, dated June 15, 2023.
- 19.5.** *Stormwater Management Analysis*, prepared by Joshua M. Sewald, PE, PP, Dynamic Engineering, dated June 2023.
- 19.6.** *Environmental Impact Statement*, prepared by Joshua M. Sewald, PE, PP, Dynamic Engineering, dated June 2023.
- 19.7.** *Potable Water and Sewer Report*, prepared by Joshua M. Sewald, PE, PP, Dynamic Engineering, dated June 2023.



- 19.8. *Stormwater Operation and Maintenance Manual*, prepared by Joshua M. Sewald, PE, PP, Dynamic Engineering, dated August 2023.
- 19.9. *Architectural Drawings*, 6 sheets, prepared by Louis W. Vandeloecht, ARCO Murray, dated June 29, 2023.
- 19.10. *Delaware and Raritan Canal Commission Submission*, prepared by Joshua M. Sewald, PE, PP, Dynamic Engineering, dated June 26, 2023.
- 19.11. *Somerset County Planning Board Submission*, prepared by Joshua M. Sewald, PE, PP, Dynamic Engineering, dated June 23, 2023.
- 19.12. *Somerset – Union Soil Conservation District Certification* dated July 18, 2023.

## **20.0 Owner / Applicant / Professionals**

- 20.1. **Applicant:** Renard Management, Inc, 23 Mandy Lane, Mahopac, NY 10541.
- 20.2. **Owner:** Yonkers 300, LLC., 1590 Troy Avenue, Brooklyn, NY 11234. Telephone.
- 20.3. **Architect:** Louis W. Vandeloecht, ARCO Murray, 4849 Greenville Avenue, Suite 1460, Dallas, TX 08530, Telephone: 314.822.5191 Email: lvandloecht@arcomurray.com.
- 20.4. **Attorney:** Chris Murphy, Esq., 24 Commerce Street, Newark, NJ 07102. Telephone: 973.705.7421.
- 20.5. **Engineer:** Josh Sewald, PE, Dynamic Engineering, 1904 Main Street, Lake Como, NJ 07719. Telephone: 732.974.0198. Email: jsewald@dynamic.com.

## **21.0 Summary**



21.1. The applicant is seeking a “-d(1)” use variance, “-d(4)” floor area ratio variance, and “-d(6)” height variance, and major site plan approval, to develop a self-storage facility in the HC zone. Two principal buildings are proposed, as are two curb cuts, two driveways and a drive through lane. Additional relief is required as indicated below.

a. Variances

- §16-4.12a – Use variance for self-storage facility.
- §16-4.12.d – “-d(4)” Maximum permitted FAR variance.
- §16-4.12c.1 – “-d(6)” Height variance for principal building.
- §16-4.12.d – Maximum lot coverage.
- §16-4.12.e.9(b)(5) – Multiple driveways on one lot.
- §16-4.12.e.9(b)(6) – Pedestrian facilities for parking lots on lots with multiple buildings.
- §16-6.4e.1 – Disturbance of steep slopes.
- §16-4.12e.1(b) – Pedestrian scale development in the HC zone.
- §16-4.12e.5(a) – Visual breaks in the arch. design in the HC zone.
- §16-4.12e.5(b) – Wall offsets in the arch. design in the HC zone.
- §16-4.12e.6(c) – Flat roof design in the HC zone.

b. Design Exceptions

- §16-5.8.3 – Curbing
- §16-5.4b.2(c) – Site lighting at ground level.
- §16-5.4b.2(c) – Site lighting at ground level – intersections.

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