

2017 Year in Review

Applications

The Board heard and approved five applications in 2017:

- Amended site plan and variance relief to expand a front porch/entry way in Murray Hill Square
- JPMorgan Chase Bank, N.A. for preliminary and final site plan approval and variance relief to construct a branch bank
- Sixth Street Associates, LLC for minor subdivision approval and variance relief to consolidate lots and then subdivide them into two lots and construct a single-family dwelling on each lot
- Marion Street Properties for amended site plan approval for lighting, façade work, awnings and new wall signage at its building at 1276-1282 Springfield Avenue
- Chopt New Providence, LLC for amended site plan approval and variance relief for signs for Chopt Creative Salad Co. in the Village Shopping Center

The Board also approved an extension of time for 62 Livingston Avenue, LLC for a minor subdivision.

In addition, the Board heard a courtesy review for an Eagle Scout project to construct a monument sign at Elisabeth Barabash Manor on Academy Street.

Preliminary and Final Site Plan Application

JPMorgan Chase Bank, N.A., 75 South Street, Block 171, Lot 25, CCD Zone for preliminary and final site plan approval and variance relief to demolish the existing structure and redevelop the property for a bank.

JPMorgan Chase appeared before the Board in June seeking preliminary and final site plan approval to demolish the former Friendly's Restaurant and redevelop the site as a Chase Bank branch. Development of the site will occur in two phases because of a land swap with the Borough that has been agreed to between the parties but hasn't been perfected because of Green Acres issues. JPMorgan Chase will develop its lot only for the bank branch in the first phase. In phase two, following the land swap, the rear of the bank will be developed to add a drive-up ATM.

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The entire site sits in a flood hazard area floodway which presents environmental constraints for any development of the site. At the hearing, the Board questioned whether JPMorgan Chase would be willing to reduce the size of the building to allow the entrance to front South Street rather than the parking lot on the south side of the lot so that the building would conform to the Design Guidelines. JPMorgan Chase's professionals testified that the floodway and riparian zone don't allow the building to front South Street as preferred by the Board. The Board expressed great concern about the blue LED strip light, especially the brightness of the light, proposed to up-light the Chase logo lettering and southern tower of the façade as the illuminated tower will serve as a gateway into downtown. In addition, the Board was not in favor of allowing two-way traffic at both driveways on the site as proposed because of the difficulty of making a left turn onto South Street and expressed its preference for a single entrance and exit. The Board also asked if the traffic circulation on the site could be changed to improve visibility at the ATM which will be constructed in the second phase of development.

In July, JPMorgan Chase re-appeared before the Board with revised plans. The bank changed the driveways to be one-way only designating the southern driveway as the entrance which will improve visibility for vehicles exiting the ATM when constructed. The applicant also changed the traffic circulation on the site and agreed to put the blue LED strip light on a timer and a dimmer. The lighting and timing shutoff will initially be set to the desired level by the bank but will be subject to review and approval by the Borough and dimmed if necessary. The Board approved the application as revised.

Amended Site Plan Applications

- **Guillermo Ortiz Ayala, 22 Murray Hill Square, Block 222, Lot 13.32, C-1 Zone for amended site plan approval to expand a front porch/entry point.**

The Board granted amended site plan and variance approval in February to Mr. Ortiz Ayala to expand his front porch at 22 Murray Hill Square. His front stairs were in need of repair and the Murray Condominium Association informed him that the repairs required the steps to be demolished. Mr. Ortiz Ayala wanted to take advantage of this opportunity to expand the landing area by the stairs to accommodate a small table and chairs. His unit is one of the few that doesn't have two entrances, and he doesn't have a back yard so the expanded front porch will allow him to sit outside without having to sit on the grass. The new front porch will encroach 33" into the front-yard setback, but the distance from the property line to the porch is similar to two other surrounding units and will not extend beyond these units. The Board had no issue with the encroachment into the front yard. The Board's approval included a condition prohibiting any cooking equipment or table umbrella on the front porch.

- **Marion Street Properties 1280-SA LLC, 1276-1282 Springfield Avenue, Block 150, Lot 18, CCD Zone for site plan approval to renovate and update the building façade and installation of awnings, signage and façade lighting.**

Marion Street Properties appeared before the Board in September seeking amended site plan approval to renovate the façade of the building at 1276-1282, also referred to as 1280 Springfield Avenue, in preparation for new tenants. The Board had no issue with the applicant's plan to re-paint the front façade and install decorative

awnings to be illuminated by gooseneck lights on the front façade and to install new gooseneck lighting and wall signage on the rear façade. The Board was also comfortable with Marion Street Properties' proposal to place 18" lettering on the slanted part of the front awnings rather than on the valance of the awnings to identify tenants instead of installing traditional signs. The Board concluded that the applicant didn't require variance relief for the existing parking deficiency as this is an existing condition but requested that Marion Street Properties stripe a pedestrian access way along the rear of the building.

Marion Street Properties recognized that there is an opportunity to enter into a shared parking arrangement with other tenants and will address this when it comes back to the Board for site plan approval for the adjacent lot at 1286 Springfield Avenue which it also owns. The Board approved the application for the exterior changes and granted variance approval for the encroachment of the awnings and placement of the lettering on the awnings.

- **Chopt New Providence, LLC, 1260 Springfield Avenue, Block 150, Lot 21.01, CCD Zone for amended site plan approval for change of use and variance relief for the number and size of signs.**

Chopt New Providence, LLC proposes to open Chopt Creative Salad Co., a fast casual restaurant serving salads, wraps and soups, in the space formerly occupied by Investors Bank in the Village Shopping Center and requested amended site plan approval for change of use and variance relief to install two signs on the storefront. One is a wall-mounted sign on the tower which will be internally illuminated white channel letters mounted one inch from the wall. The other will hang in the interior of the storefront window and is designed to let pedestrians know where they are going. The tower sign exceeds the square footage permitted. The Board agreed with the applicant that the letters on the tower sign need to be larger as the restaurant is set back from South Street and Springfield Avenue as well as within the shopping center. The Board also agreed that the proposed signage is aesthetically pleasing and consistent with the shopping center and isn't out of character with the downtown. The Board had no issue with the second sign which exceeds the number permitted. In approving the application, the Board restricted illumination of the tower sign to the operating hours of 10:30 a.m. to 9:30 p.m.

Chopt Creative Salad is primarily an eat-in restaurant in its suburban locations but hopes to offer delivery services at this location. As a condition of approval, the Board required Chopt Creative Salad to make any offsite food deliveries to customers from the rear entrance. In addition, employees must park in the rear of the building and all contractors must make their deliveries at the front entrance at approximately 4:00 a.m.

Subdivision Application

Sixth Street Associates, LLC, 28 Sixth Street, Block 145, Lots 11-17, R-2 Zone for minor subdivision approval and variance relief to construct two single-family residential dwellings on each new lot.

Sixth Street Associates, LLC appeared before the Board in June seeking minor subdivision approval and variance relief for lot width at the setback, lot area, rear-yard setback and lot

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coverage for each new lot. The existing house on the lots will be razed and the lots consolidated and then subdivided into two lots with a single-family, two-and-a-half story Colonial house to be constructed on each lot. The property is located at the end of Sixth Street. The applicant proposed to extend the roadway to provide access to the second lot and to create a cul-de-sac at the end of Sixth Street so that vehicles would be able to turn around. The roadway would be paved and curbed and drainage for the minor subdivision at 62 Livingston Avenue, adjacent to the subject property, which the Board approved in 2016, would be extended to the cul-de-sac. After much public discussion about drainage and the number of trees to be removed, the applicant agreed to eliminate the cul-de-sac to preserve the wooded area at the end of Sixth Street and to prepare a landscaping plan for the site.

The hearing was carried to July at which time the applicant appeared with a revised plan for the roadway and a landscaping plan. The cul-de-sac was changed to a dead-end road which will save some of the trees in the right-of-way. Drainage on the revised plans would remain essentially the same with water routed to a storm water system as initially proposed. The applicant agreed to amend the landscape plan to add trees along the eastern side of the property to provide screening for the neighbors on Pleasantview Avenue. The Board spent considerable time discussing the application because of the public comments but concluded that the applicant's professionals had addressed public concerns about the drainage and landscaping and approved the application.

Request for Extension of Time

62 Livingston Avenue Associates, 62 Livingston Avenue, Block 145, Lots 18-24, R-2 Zone for minor subdivision approval and variance relief.

The Board granted minor subdivision approval and variance relief to 62 Livingston Avenue Associates in 2016 to demolish the existing house, consolidate the lots and then subdivide them and construct a two-and-a-half story single-family dwelling on each lot. In December, the applicant requested an extension of time to perfect the subdivision and secure a building permit in accordance with the conditions of the 2016 resolution. The Board recognized that granting the extension would reduce disruption to the neighborhood and would allow 62 Livingston Avenue Associates to coordinate construction and installation of utility and road improvements simultaneously with the construction and installation of utility and road improvements associated with the development of the adjacent property owned by Sixth Street Associates approved by the Board in July. The Board found that the applicant was prevented from obtaining building permits because of delays in finalizing the engineering details and granted a one-year extension to mid-January 2019.

Courtesy Review

A New Providence Boy Scout from Troop 1 appeared before the Board for a courtesy review to construct a monument sign at Barabash Manor, which is located on Borough-owned property at 101 Academy Street, as his Eagle Scout project. The 36-inch high by 48-inch wide green sign with white edging and carved letters will read The Manor Affordable Senior Housing and will be supported by two white poles for a total height of 5 feet. The Eagle Scout project also includes mulching around the tree and installing stone pavers around the mulch.

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Affordable Housing

The Board undertook several actions in 2017 to support of the Borough's 2016 settlement agreement with Fair Share Housing Corporation to provide affordable mixed-family and senior housing. In early March, the Board reviewed the Housing Element and Fair Share Plan, an element of the Master Plan consisting of two parts: Part 1 - Housing Element and Part 2 - Fair Share Plan that addresses the Borough's present need, prior round obligation and prospective need and the proposed mechanisms to meet its affordable housing obligation. The Fair Share Plan re-zones 79 acres as Affordable Housing and Affordable Housing Age-Restricted zones. The Board held a public hearing on March 7, 2017, to consider adoption of the 2017 Housing Element and Fair Share Plan. The Board found the 2017 Housing Element and Fair Share Plan to be consistent with the goals and objectives of the Master Plan and adopted it following the public hearing.

In April and May the Board reviewed and revised drafts of the 2017 Master Plan Re-Examination Report required to support the re-zoning changes in the Housing Element and Fair Share Plan. The Board also reviewed proposed changes to Chapters 275 (Affordable Housing), 285 (Housing Rehabilitation) and 310 (Zoning) of the Code of the Borough of New Providence – the implementing ordinances for the Housing Element and Fair Share Plan.

On May 2, 2017, the Board held a public hearing to consider adoption of the 2017 Master Plan Re-Examination Report which includes the zoning maps for the Affordable Housing and Affordable Housing Age-Restricted zones. There were no public comments and the Board adopted the 2017 Master Plan Re-Examination Report following the public hearing. On May 9, 2017, the Board found the amendments to Chapters 275, 285 and 310, referred by Council to the Board for Master Plan consistency, to be substantially consistent with the Borough's Master Plan and notified Council of its findings.

Downtown Ordinance Revision

The Board reviewed the Downtown Ordinance Revision, a Form-Based Code prepared by the Borough Planner. The goal of the Downtown Ordinance Revision, or Code, is to create a framework for new building and renovation of existing buildings, define distinctive street profiles that balance the needs of various groups of users, specify quality streetscape elements and signage that create a positive identify for the downtown and create adequate parking. The Code includes a Regulating Plan that identifies those sections of the Borough's zoning ordinances that need to be amended to be consistent with the Downtown Master Plan adopted by the Board in 2016. The Code also includes revised Design Guidelines that are consistent with the goals of the Downtown Master Plan. The Board recommended several changes to the Code, and once incorporated by the Borough Planner, will forward the Code to Council in 2018. The Borough's ordinances will then be updated to reflect the Code.

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