

# John McDonough Associates, LLC

Land Use Planning · Landscape Architecture

## MEMORANDUM

To: East Orange Planning Board Commissioners

From: John McDonough, LA, PP, AICP

Date: February 14, 2022

Re: **PB-773-21 ~ Finomus East Orange Re Holdings LLC**  
**412-416 Central Avenue**  
**Block 510 Lots 27 & 28**

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Based on site visits, review of plans, and attendance at Site Plan Review Advisory Committee meetings, the following planning comments are offered for the Board's consideration.

### Existing Conditions

The subject site consists of two tax lots (Block 510 Lots 27 and 28) with frontage on Central Avenue. The site comprises approximately 16,719 square feet and is developed with a vacant 2-story commercial building and associated parking previously used by a tile contractor business. Photos and maps are attached.

Surrounding land uses on Central Avenue include restaurants and mixed-use buildings with apron shopfronts to the west; multitenant commercial buildings and a church to the east; mixed-use multitenant and commercial uses to the south; and detached dwellings to the north fronting on Carnegie Avenue.

### Proposed Conditions

The applicant, Finomus East Orange Re Holdings LLC, is proposing to redevelop the site as a Taco Bell restaurant with drive-through service. The hours of operation will be 7:00 AM to 3:00 AM and the maximum number of employees per shift is eight (8).

The building will be 1-story and have a floor area of 2,240 square feet, with 40 seats. The drive-through will have queue capacity for eight (8) cars and the parking supply will consist of 13 spaces. Access will consist of a full-movement driveway off Central Avenue. New landscaping and lighting are also proposed.

### Zoning Considerations

The site is in the CAC subdistrict (Central Avenue Commercial District) of the TVD Redevelopment Plan (Transit Village District) where restaurants are permitted as a principal use and drive-through services are permitted as an accessory use. The proposed use is permitted in the zone.

The application seeks preliminary and final site plan approval with the following variances:

- Parking location (§ 51-151.B.) - two spaces in the front yard, where parking is not permitted
- Pavement location (§ 5.12) – drive-through in the front yard, where pavement is not permitted
- Monument sign height (§ 51-170.A.) – 9.17' proposed vs. 8 feet permitted maximum
- Building sign quantity (§ 51-170.B.) – 3 proposed vs. 1 permitted maximum per business
- Building sign height (§ 51-170.B.) – 6.40' proposed vs. 2' maximum permitted
- Building sign area (§ 51-170.B.) – 75.53 square feet vs 45 square feet maximum permitted

The application also seeks the following design exceptions:

- Lighting levels at property line, residential (§51-189.F(4)(a)) – 2.1 fc vs 0.5 fc max
- Lighting levels at property line, nonresidential (§51-189.F(4)(a)) – 2.6 fc vs 1.0 fc max
- Light pole spacing (§51-189.F(4)(b)) – 56.1' vs 62.5' min
- Light pole radius (§51-189.F(4)(c)(1)) – 12.5 fc vs 3.0 fc max
- Entrance illumination (§51-189.F(4)(c)(1)) – 12.5 fc vs 5.0 fc max
- Pedestrian illumination (§51-189.F(4)(c)(1)) – 12.5 fc vs 5.0 fc max
- Landscape buffer (§51-193.L.(2)(a)) – 3.7' vs 10' min.

The application also indicates relief is required for building transparency; however, the redevelopment plan supersedes the base ordinance except for parking, lighting, landscaping, and signage. The applicant should address whether any relief is required from the building design standards in Section 6.1. of the redevelopment plan.

### **Planning Comments**

1. *Site Plan Review.* The applicant should explain the overall site layout, building positioning, access, circulation, parking, and design elements such as utilities, landscaping, lighting, and signage.
2. *Architecture.* The zone plan emphasizes quality architecture and aesthetic appeal. Testimony should address the proposed interior and exterior design, including materials and colors.
3. *Landscape Architecture.* The redevelopment plan emphasizes quality landscape architecture and aesthetic appeal, with particular focus on the streetscape and public realm. It is recommended that the final landscape plan be subject to review and approval by the City Planning Department.
4. *Access and Building Service Locations.* Building service operations such as deliveries and refuse management should also be addressed. Sensitivity and consideration to adjacent residents should be discussed.
5. *Americans with Disabilities Act (ADA).* Provision of access and parking facilities for handicapped persons shall be in accordance with the requirements of the Barrier-Free Sub-code of the New Jersey Uniform Construction Code N J A.C 5:23-7.13 and 5:23-7.14 and the Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities.
6. *Electric vehicle (EV) parking.* All development shall provide EV parking spaces pursuant to the Model Statewide Electric Vehicle Ordinance, published by the DCA on September 1, 2021, or equivalent successor legislation
7. *Bicycle parking.* Provision for bicycle storage such as outdoor bike rack(s) and/or indoor bicycle storage area(s) are encouraged.
8. *Stormwater management.* The stormwater management plan shall comply with the new NJDEP stormwater management rules and regulations which went into effect in March 2021 and/or subject to the approval the City Engineer.
9. *Mechanical Equipment.* Testimony should address locations of air conditioning units, HVAC systems, and related mechanical equipment, and efforts to screen or minimize visual impact of same.
10. *Fencing and walls.* The applicant should describe the locations and types of various fences, gates, and walls proposed.
11. *Site Demolition.* All site demolition shall be in accordance with city code and with sensitivity to adjacent residences.

12. *Lighting.* The applicant should affirm that site lighting will be downward directed, back shielded, and dark-sky compliant, and that the fixtures will be LED, metal halide, or other white light source. Testimony should address whether the lights will be turned off or dimmed after a certain hour.
13. *Security.* Testimony should address building security and site security.
14. *Statutory Criteria for Relief.* To address the variance relief, the applicant shall demonstrate that there is a hardship or practical difficulty related to the land, or that the benefits of the application as a whole substantially outweigh the detriments, and that relief can be granted without adverse impacts to the public or the zone plan. To address the design relief, the application shall demonstrate that the relief is reasonable and impracticable i.e. strict or literal enforcement of the design standards serves no practical planning purpose.

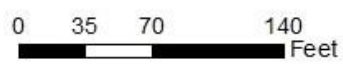


Figure 1 ~ Street view of subject site (Google)

**Parcels/Tax Map  
412-416 Central Avenue  
City of East Orange, NJ, 07017**



 Properties in Question



Source: NJGIN (2015)

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