Preliminary and Final Major Site Plan
5 Meadow Construction, LLC

1-3 and 5 Meadow Street
Block 460, Lot 1.01
Transit Development Overlay (TDO) District
Detached/Attached Residential (R-2)
Application No. P-22-024

Prepared for the City of Bayonne by:

Brian M. Slaugh, PP, AICP
Professional Planning License No. 3743

James Clavelli, PP, AICP
Professional Planning License No. 6514

December 8, 2023

CLARKE CATON HINTZ, PC
100 Barrack Street
Trenton, New Jersey 08608
(609) 683-8383
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INTRODUCTION

1. Project Summary and Site Description

1.1. Proposal. The applicant is requesting preliminary and final major site plan approval to develop a five-story residential apartment house with 22 units, ground floor parking and a roof deck. The proposed parking consists of stacked, mechanical spaces, and standard spaces, all within the building. Additional proposed improvements include lighting, landscaping, walkway along the northeastern side of the building, and a six-foot vinyl fence along the northeastern property boundary. The site is within the Transit Development Overlay (TDO), overlaying the Detached/Attached Residential (R-2) District.

1.2. Existing Conditions. Lots 1 and 2 form a rectilinear property at the corner of Meadow Street and East 19th Street. The lots combined create a corner lot with frontage on both streets. The northeastern portion of the site (what either was, or is, Lot 2) contains an existing two-story dwelling. The southwestern portion of the site (what either was, or is, Lot 1) contains an existing garage that faces East 19th Street. Both buildings are proposed to be demolished. There an existing chain link and vinyl fence surrounding the property, as well as vegetation and overgrowth. The property is not a known contaminated site, nor are any located nearby. The site is located within Flood Zone X, also known as the 500-year flood plain.

1.3. Block and Lot Numbers. The application indicates that the site consists of Block 460, Lots 1 and 2. This is also what is indicated on the survey included with the application. The Site Plan, City tax maps, and MOD4 database indicate that it is one lot, Lot 1.01, which appears to be a consolidation of Lots 1 and 2. The applicant should provide testimony regarding the correct block and lot number(s).

1.4. Neighborhood Context. The site is 800± ft. from the 22nd Street Hudson-Bergen Light Rail Station and directly across the street from the station parking lot. Meadow Street is primarily residential with a mix of single- and multi-family dwellings. Two existing buildings are three-story, multi-family dwellings, and those would be closest to the proposed building. East 19th Street is residential on the north side, containing two multi-family dwellings and a single-family dwelling on the corner of East 19th Street and Prospect Avenue. The southern side of East 19th Street is occupied by the NJ Transit parking lot associated with the 22nd Street Light Rail Station. Nearby commercial uses include an auto-repair shop on the corner of Meadow Street and East 21st Street, the Beacon Christian Academy (a private grammar and high school) on the corner of East 21st Street and Prospect Avenue, and Melanie’s Deli, which is across the street from the private school. Across Prospect Avenue on the northwestern corner of the East 21st Street and Prospect Avenue intersection is the site of a future multifamily building which will contain six stories and 85 units.

1.5. Relief Required. A comprehensive list of the required relief and recommended conditions of approval are found in Section 16 of this report.
Recent Google Aerial of Site With Property in Red (above); Nonresidential Uses in the Neighborhood (Below)
All Buildings to be Demolished

East 19th Street

ONE WAY

Meadow Street
ZONING

2. Use Standards

2.1. Permitted Uses: Multifamily Dwelling – Apartment House. Per §35-5.15.a.2, multifamily dwellings not to exceed 160 dwelling units per acre are permitted. Given the size of the lot, the site would be permitted a maximum of 24 units and 22 are proposed. The plan complies.

2.2. Required Parking Use. Per §35-5.15.b.1 off-street parking is required, subject to the provisions of §35-17. One space is required for each one-bedroom unit, and 1.25 spaces are required for each two-bedroom unit. The plan requires 24 parking spaces. 22 parking spaces are provided. The plan provides EV parking spaces, two of which count as two spaces each, bringing the total provided spaces to 24. The plan complies.

2.3. Accessory Uses. No accessory uses are proposed. The only accessory structure proposed is a six-foot, solid vinyl fence which is permitted. The plan complies.

3. Area and Yard Requirements

3.1. Bulk Requirements. Compliance with the bulk and lot standards of the TDO is summarized below in Table 1. Variances are required.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
<th>Complies?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>30,000 sf.</td>
<td>6,735 sf.</td>
<td>No change</td>
<td>No (V)</td>
</tr>
<tr>
<td>Min. Lot Frontage</td>
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<td>No (V)</td>
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<tr>
<td>Min. Front Yard Setback</td>
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<td>0 ft</td>
<td>No (V)</td>
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<tr>
<td>Min. Rear Yard Setback</td>
<td>25 ft.</td>
<td>0 ft.</td>
<td>0 ft.</td>
<td>No (V)</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Max. structure height</td>
<td>7 stories/75 ft</td>
<td>2 stories/22 ft.</td>
<td>5 stories/55 ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>Max. Lot Coverage for principal and accessory structures</td>
<td>75%</td>
<td>26.8%</td>
<td>95.96%</td>
<td>No (V)</td>
</tr>
<tr>
<td>Min. Gross Habitable Floor Area</td>
<td>1,000 sf.</td>
<td>n/a</td>
<td>1,045 sf.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

(V) - Variance Required.

3.2. Minimum Lot Area. Pursuant to §35-5.15.e.1(b), the minimum required lot area for an apartment house use is 30,000 sf. The existing site is 6,735 sf. The applicant should provide testimony regarding any good faith effort made to acquire neighboring lots in an attempt to better conform with the requirement. Variance relief is required.

3.3. Minimum Lot Frontage. Pursuant to §35-5.15.e.2(b), the minimum required lot frontage for an apartment house is 150 ft. The City of Bayonne (Per §33-2.2) categorizes the shorter of
the two frontages as the front lot line when a site is a corner lot. The shorter frontage along Meadow Street is 67.35 ft where 150 ft. is required. A variance is required.

3.4. **Minimum Front Yard Setback.** Pursuant to §35-5.15.e.3(b), the minimum required front yard setback for an apartment house is 30 ft. The proposed development contains a front yard setback of 0 feet. **Variance relief is required.** This office notes that §35-5.26.b allows for “Averaging” of front yards utilizing the prevailing setbacks plus two feet. Existing development on West 19th and Meadow Streets contains development that is mostly up to the street line. This office has not done a rigorous analysis to this effect, but it appears to be the case when viewing the aerials. The applicant may wish to present evidence via an exhibit that examines the prevailing setbacks in accordance with the ordinance which require a lesser setback and perhaps lessen the relief requested.

3.5. **Minimum Rear Yard Setback.** Pursuant to §35-5.15.e.4(a), the minimum required rear yard setback for any principal building is 25 ft. The proposed development contains a rear yard setback of 0 feet. **Variance relief is required.**

3.6. **Maximum Lot Coverage.** Pursuant to §35-5.15.e.8(b), the maximum permitted lot coverage for an apartment house is 75%. The proposed development contains a lot coverage of 95.96%. **Variance relief is required.**

This office notes that green roof trays are also proposed as part of the development. Utilizing the scale provided on the architectural plans, this office calculates that ±610 sf. of the roof consists of green roof trays. The definition of lot coverage, included herein, indicates that if a man-made surface is more pervious than the natural surface, it may not count towards lot coverage.

[Lot Coverage] **Shall mean that part of one lot or more than one lot which is improved or is proposed to be improved with buildings and/or other structures, including but not limited to driveways, parking lots, pedestrian walkways and other man-made improvements on the ground surface which are more impervious than the natural surface.**

The applicant should provide testimony regarding the green roof trays and their level of permeability. At most, the green roof trays would reduce the lot coverage from 95.96% to ±86.96%, which would still require a variance.

**SITE PLAN REVIEW**

4. **Circulation and Parking Regulations**

4.1. **Minimum Parking Requirement.** Pursuant to §35-17, one space is required for each one-bedroom apartment, and 1.25 spaces are required for each two-bedroom unit. The plan requires 24 parking spaces, and 24 parking spaces are provided due to a two-space bonus resulting from the proposed EVSE spaces. The plan complies.

4.2. **Proposed Parking System.** The proposed parking consists of 10 mechanical/stacked spaces with lifts, three compact spaces, eight standard spaces and one barrier-free space. The barrier-free space and four of the standard spaces are also EVSE spaces.
As a condition of any approval, the applicant should confirm that the 10 mechanical/stacked spaces are distributed in pairs to the two-bedroom units.

4.3. **Bicycle Storage.** A 126 sf. bicycle storage room is proposed in the cellar. The plan should indicate the number of bike parking spaces this accommodates.

4.4. **Proposed Concrete Walk.** A concrete walk that runs the length of the internal lot line shared with Lot 3 is proposed. This appears to be for access to the trash compactor. **Testimony should be provided regarding its purpose.**

4.5. **Curb Cut.** One curb cut is proposed on Meadow Street. Pursuant to §35-17.5.a, one curb cut is permitted at maximum, and shall not exceed 10 feet in width. The proposed curb cut is 12 feet in width. **A variance is required for the curb cut width.**

4.6. **Meadow Street Width.** This office notes that Meadow Street, where the proposed garage entrance is located, is fairly narrow. While this is a fact of life in much of the City, it may lead to disruption when residents are moving in and out and using a moving truck. The applicant should testify to the process for moving in and out of the building, and if there is a possibility for internal loading.

4.7. **Visual Pedestrian Warning Device.** This office notes that the applicant is proposing a visual pedestrian warning device at the garage entrance on Meadow Street. This is a positive inclusion into the plan. This office recommends there be an auditory component to the device for individuals with visual impairment.

5. **Signs**

5.1. **No Signs Proposed At This Time.** Neither the site plan nor architectural plans indicate signs (other than directional signs). If signs are proposed, the applicant should provide details relating to the sign. **If signs are anticipated but not designed as this time, it is recommended that as a condition of any approval that any proposed signage is compliant with §35-25, otherwise amended site plan and variance approval may be required in the future.**

6. **Landscaping**

6.1. **General Requirement.** Pursuant to §33-10.11a, landscaping is required for site plans and shall be designed in a total pattern throughout the site.

6.2. **Landscaping Proposal.** Proposed landscaping is indicated on sheet 6 of the site plans. The plans include three street trees along East 19th Street, eight shrubs in the northwest corner of the site, three shrubs at the north corner of the site on Meadow Street, and ground cover lining the length of the northeastern property boundary shared with Lot 3.

The proposed plantings include European Hornbeam for the street trees, a mixture of Inkberry and Rosa Iceberg shrubs, and Carex Pensylvanica sedges as ground cover.
6.3. **Planting Details.** The planting details on Sheet 6 of the plan are insufficient. The details provided are suitable for planting in a field, not in an urban area. These should be replaced with appropriate tree and shrub plantings details that are specified for use within an urban environment.

6.4. **Drainage and Utility Plan Inconsistency with Landscape Plan.** The revised storm water drainage and utility plan indicates a different landscape proposal than what is included in the site plan. **This should be revised such that all plans are consistent.**

6.5. **Landscape Recommendations.** This office recommends the following:

- The proposed street trees should be native or long established species in North America. This office recommends either London Planetree or Shademaster Honeylocust. If there are space concerns and more columnar species are preferred, then Armstrong Maple, Ginkgo Sentry (male only), Musashino Columnar Zelkova or Northern Sentinel Honeylocust may be used. The proposed shrubs and sedges are acceptable.

- As a condition of any approval, the street tree planting details should be updated and replaced with a detail that includes a tree pit and grate suitable for an urban environment.

- This office recommends that the applicant utilize a system such as the Silva Cell System or equivalent for planting street trees in this area. As the applicant is requesting a sizable lot coverage variance, the inclusion of vegetation takes on greater importance. It is important that any proposed vegetation should be planted in a way that creates the greatest opportunity for healthy and sustained growth.

- If possible, at least one additional street tree should be included on Meadow Street if space allows, and if there are no safety concerns regarding sight clearance for motorists at the intersection.

7. **Lighting**

7.1. **Proposed Lighting.** Thirteen lights are proposed around the outside of the building. The applicant indicates that 13 lights are proposed within the garage. This office will defer analysis of the internal lights to the appropriate code official at the time of application for building permits.

The two types of external lights proposed include 12 wall mounted lights arranged around the building on the sides adjacent to West 19th Street and Meadow Street. One wall mounted light is also proposed above the garage entrance.

7.2. **Minimum Pedestrian Lighting Requirement.** Pursuant to §33-10.10.a.3, lighting in pedestrian areas is required to be a minimum of 1.5 footcandles. The lighting plans indicate that the lights proposed along the sidewalks on Meadow Street and West 19th Street will produce one footcandle of light. No lights are proposed along the concrete walk.
along the site’s northeastern boundary. The lighting is insufficient at this time. While a
design exception is required, our recommendation is that the lighting plan be revised to
increase the level of illumination for the street sidewalk. A lower level of lighting for the
internal sidewalk to avoid nuisance lighting on the adjacent property is appropriate. See
our comment in 7.5.

7.3. Lighting at Property Line. Pursuant to §33-10.10.b.1, maximum lighting at property lines
(not including the front property line where pedestrian access occurs) shall not exceed one
footcandle. The applicant’s proposal is consistent with this requirement, however, the
exception is in regard to areas for pedestrian access. The design exception indicated in 7.2
is still required.

7.4. Light Shielding. Pursuant to §33-10.10.b.2, lighting is required to be shielded to direct
light away from adjoining properties. The proposed lights are fully cutoff and downward
facing, which meets the requirement. The plan complies.

7.5. Lighting Recommendation. It is recommended that lighting be provided along the
concrete walk on the northeastern boundary of the site. Such lighting should be low and
unobtrusive, but sufficient for pedestrian and resident safety. It is understood that this
walk is primarily intended for trash removal, however, in the event that it is utilized by
residents for any other reason, safety should be prioritized.

8. Architectural Design

8.1. Building Design - Exterior. The proposed building consists of five floors and a rooftop
amenity space. The façade is primarily composed of gray brick, with black metal paneling
on most of the fifth story and a portion of the ground level on
East 19th Street, and most of the
ground level in and around the
garage entrance on Meadow
Street. The ground level façade
consists of minimal glazing at
the street level, which is
decoratively incorporated within
the longer portion of the façade
along East 19th Street, and
wooden (or a material meant to
appear wooden) sunscreens in
segments of the ground level.
The glazing is more pronounced
on stories two through five, with
rectilinear windows in singles
and pairs, and a mosaic
configuration in the portions of
the building that create depth
and variation. The elevator and stair penthouses, or bulkheads, are located at the northern and southern corners of the building and are composed of gray brick with a black cornice. A wooden pergola is mounted on the rooftop, though visibility from the street level will be limited.

8.2. **Building Scale.** The applicant is requesting variances relating to lot coverage (among others). As such, understanding the scale of the building relative to the existing built environment is instructive. The proposed building will be wider than most other buildings in the area. The exception being the single-family dwelling located on the corner of Prospect Avenue and East 19th Street. However, the mass of the building will be greater than anything else on the block and two stories higher than other buildings, though well within the parameters of the TDO. The intent of the zone is the densification of this part of Bayonne because of its proximity to the light rail station, and the Master Plan makes several recommendations to build new construction that is flood resistant where the existing housing stock is much more vulnerable to future flooding risk.

8.3. **Building Design – Interior.** The interior design consists of five floor plans. The first is for the cellar, the second for the ground floor parking area and lobby, the third for the second and third floors, the fourth for the fourth and fifth floors, and the fifth for the rooftop.
The cellar consists of a 229 sf. corridor, staircase, bike storage room, electrical mechanical room and sprinkler room. It comprises a relatively small portion of the building footprint (approximately 1/6). The ground floor consists primarily of the parking area (4,873 sf.) a small mechanical room, a 386 sf. trash compactor room, 199 sf. lobby, elevator and staircase. Since this is a flood prone area and one of the purposes of creating a redevelopment area is to create more resilient housing, the applicant should indicate how the electrical mechanical room will be fully flood proofed from storm damage such as occurred Superstorm Sandy.

The second and third floors contain five residential units each, including three two-bedroom units and two one-bedroom units. There is a central corridor which runs vertically, connecting the two stairwells and the elevator, and providing access to the units. There is a shared trash room. The fourth and fifth floor layouts are similar, except that the unit distribution consists of five one-bedroom units and one two-bedroom unit.

The rooftop consists of a 1,208 sf. roof deck with a pergola, seating and tables. There is a 1,048 sf. mechanical space, and an area containing a small corridor adjacent to the elevator and staircase, and a second bulkhead with the second staircase. The roof also contains green roof trays.

9. Trash and Recycling

9.1. Trash/Recycling. §33-10.13 requires that any new multifamily housing development have an indoor or outdoor recycling area for the collection and storage of residentially-generated recyclable materials. The dimension of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. A 386 sf. trash compactor room is located on the ground floor, into which the shared trash chutes from each floor feed into. The applicant should
testify to the sufficiency of the trash and recycling facilities, per the Ordinance requirements. The applicant should also testify to the separation of waste and recycling, and each of separation for tenants.

9.2. **Waste Removal.** The applicant should provide testimony as to the process for trash removal from the building, and whether waste will be removed by public or private haulers. Regarding physical removal of trash, there are two entrances to the trash compactor room. The first is internal from the garage, and the second is external from the concrete walk which provides access from Meadow Street. The applicant should indicate how trash is removed, though it is assumed it is removed by hand and pulled down the concrete walk to Meadow Street. The image on the preceding page visualizes this layout.

10. **Additional Comments Regarding the Use of the Site**

10.1. **Package Delivery.** The applicant should provide testimony as to the process that is intended to be used for package delivery to the proposed units.

10.2. **Loading For Residents Moving In and Out of the Building.** The applicant should provide testimony as to the process for future residents to move into and out of the building. This is especially relevant due to the narrowness of Meadow Street where the garage entrance is located. The applicant should provide testimony regarding the possibility of internal loading to reduce interruptions on Meadow Street.

10.3. **Use of Amenity Spaces.** The applicant should provide testimony regarding how they expect residents to use the rooftop amenity space.

10.4. **Project Staging.** The applicant will be required to meet, should the application be approved, in a pre-application meeting as directed by the City, on how the project would be staged for construction purposes and will be required to file a plan on how that will be accomplished with the appropriate officials.

11. **Development Fees for Affordable Housing**

11.1. **Development Fee:** The applicant is responsible for development fees to be paid to the City’s housing trust fund. The applicant will be required to pay these fees per the requirements of the development impact fee ordinance of the City of Bayonne as a condition of approval.

12. **Consideration of the “C” Variance**

12.1. **Overall Comment.** The following sections summarize the “c” variance criteria for the 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 “c” variances. The applicant must justify the “c” variances separately and each variance must satisfy both parts. We defer to the Board Attorney for any additional comment on the “c” variance criteria.

12.2. **Consideration of the Positive Criteria.** To satisfy the positive criteria for a “c” variance, the applicant has two choices. First, known as “c(t)” 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 would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

12.3. 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.

12.4. Planner’s Analysis of Variance Request. This applicant requires variances for lot area, lot frontage, front and rear setbacks, and lot coverage. The need for the variances stem from the scale and mass of development on an undersized lot. It is difficult to see how there is a case for a “c(1)” variance due to the applicant starting with what will be a vacant piece of property (as existing improvements are slated for removal). There are other options for development of the site that would not require variances, such as single- or two-family development on separate lots. Any hardship in this case is self-inflicted by the size and scale of the proposed development.

As such, it is more reasonable for the applicant’s planner to make the “c(2)” case. This office notes that the Bayonne Master Plan does call for high density residential development in proximity to mass transit. Given the site’s proximity to the light rail station, the proposal is generally in line with the Master Plan.

Additionally, as indicated herein, the front yard setback variances may fall under the prevailing setback provisions in §35-5.26.b.1.

The variance request most inconsistent with the zone plan is the request for a lot coverage variance in excess of 20% of what is permitted. This is further exacerbated by the site’s location within Flood Zone X. A reduction in the number of units would be required to bring the site into conformance with the lot coverage standard, which would also provide more area for an exterior garden instead of near total hardscaping. Though the inclusion of green roof trays provides some mitigation in terms of stormwater, the development will replace a site that is 75% vacant and much more pervious. Any relief for lot coverage should
come with conditions for additional stormwater mitigation as deemed appropriate by the Board Engineer.

This office notes that the Master Plan does identify the need for more effective stormwater management in low-lying sections of the City.

13. Consideration of the Design Exceptions

13.1. The proposal includes design exceptions. The Municipal Land Use Law at N.J.S.A. 40:55D-51.b discusses criteria for granting exceptions. While the burden of proof is lower than that of variances, the statute does provide a framework for decisions:

*The planning board when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.*

We defer to the Board Attorney for any additional comment concerning the granting of design and performance exceptions.

14. Applicant / Owner / Consultants


14.3. Civil Engineer. Edwin A Reimon, P.E., C.M.E., 11 Park Avenue, Rutherford, NJ 07070. Email: reimon5@msn.com. Tel: 201.939.0001.


15. Materials Reviewed

15.1. City of Bayonne Application for Development Form, with attachments, dated October 26th, 2022.

15.2. Statement of the Applicant, undated.


15.5. Proposed Preliminary and Final Major Site Plan, 9 sheets, prepared by Adam B. Kandil, PE, Daetel Engineering, dated October 33, 2023.


16. Relief Required

16.1. Variances:

§35-5.15.e.1(b) – Minimum Lot Area.

§35-5.15.e.2(b) – Minimum Lot Frontage.

§35-5.15.e.3(b) – Minimum Front Yard Setback.

§35-5.15.e.4(a) – Minimum Rear Yard Setback.

§35-5.15.e.8(b) – Maximum Lot Coverage

§35-17.5.a – Width of Curb Cut

16.2. Design and Performance Exceptions:

§33-10.10.a.3 - Lighting in pedestrian areas.

16.3. Conditions of Approval:

- Any applicable affordable housing development fee.
- Utilization of modular brick for the building façade.
- The applicant should confirm that the 10 mechanical/stacked spaces are distributed in pairs to the two-bedroom units.
- Any proposed signage is compliant with §35-25.
- Street tree planting details should be updated and replaced with a detail that includes a tree pit and grate suitable for an urban environment.
- Substitution of tree species as indicated herein.

Note that additional variances and exceptions may be identified by the Board or the other professionals employed by the Board. The same applies to the conditions of approval.

We would be pleased to answer any questions regarding this report.