



Jonathan Rose Companies

551 Fifth Avenue, 23rd Floor
New York, NY 10176
Tel 917.542.3600
Fax 917.542.3601
www.rosecompanies.com

**Morristown Planning Board
Application #08-04
Amended Final Site Plan
Maple Avenue, Block 6005, Lot 10
Morristown, New Jersey**



**Prepared by:
Jonathan Rose Companies
551 Fifth Avenue, 23rd Floor
New York, NY 10176**

**In association with:
William R. Mikesell, PP
Mikesell & Associates
17 Academy Street, 8th Floor
Newark, NJ 07102**

December 9, 2011

To: Morristown Planning Board

From: William R. Mikesell, PP & Phil Abramson, PP

Subject: Application #08-04 - Maple Avenue, Block 6005, Lot 10

Date: December 9, 2011

Copies: John Inglesino, Esq., Board Attorney
John Fugger, Administrative Officer
Fritz Reuss, Construction Official
Dominic Carrino, T&M Associates, Board Engineer
James P. Mullen, Esq., Applicant's Attorney

I. Plans and Documents Reviewed

- A. Planning and Zoning Application Forms and supplemental information filed 12/5/11, consisting of twenty-four (24) sheets including:
1. ***Resolution of the Morristown Planning Board*** adopted June 26, 2008 granting major site plan and dimensional variances to construct eighteen (18) townhomes on the subject property, seven (7) pages.
 2. ***One Year Extension of Final Major Site Plan Approval with Variances***, adopted August 27, 2010, three (3) pages.
 3. ***One Year Extension of Final Major Site Plan Approval with Variances***, adopted June 23, 2011, three (3) pages.
- B. Correspondence on Project from 03/07/08 to 12/05/11.
- C. ***Epstein's Rehabilitation Plan*** prepared for the Town of Morristown, New Jersey by Phillips Preiss Shapiro Associates, Inc. dated 03/2005.
- D. Architectural Drawings, Maple Avenue Townhomes, pages CS-1 through A-10, prepared by Feinberg & Associates dated December 5, 2011 consisting of eleven (11) sheets and previously approved drawings by Minno & Wasko, with various dates in 2008 consisting of four (4) sheets.
- E. Amended Preliminary and Final Site Plan, Maple Avenue Townhomes, pages 1-4, prepared by Omland Engineering Associates, dated December 3, 2011.
- F. Correspondence from Feinberg & Associates dated December 5, 2011, detailing the changes between the approved architectural plans and the proposed amendment, consisting of two (2) pages.
- G. Correspondence from Omland Engineering dated November 30, 2011, detailing the changes between the approved site plan and proposed amendment, consisting of two (2) pages.

II. Applicant Seeks Amended Final Site Plan Approval:

- A. Modifications to previously approved building footprints and architectural elevations.

III. Application Summary:

- A. Applicant seeks review and approval of modifications to building footprints of previously approved townhomes. The project includes eighteen (18) townhomes clustered within two buildings that contain four units and two buildings that contain five units.
- B. Changes to the approved plans require the Planning Board to provide approval of these changes. The pertinent section of Morristown's Land Use Regulations reads as follows:

30-902 WHEN SITE PLANS REQUIRED. *Except as provided in Section 30-903, no building permit for any building or structure nor certificate of occupancy or other use permit shall be issued, nor shall any person, firm or corporation use or occupy or change or enlarge the use or occupancy of any lot, building or structure, excluding changing from one permitted use to another permitted use, provided that a zoning permit has been issued, unless a site plan or minor site plan is first submitted to and approved by the Planning Board (or Board of Adjustment in an appropriate case), and no certificate of occupancy shall be issued unless and until the Town Engineer certifies that all improvements and construction required by site plan approval have been properly installed and completed, including all requirements of applicant's soil erosion and sediment control plan, when required, and that all conditions annexed to the resolution of approval have been complied with. (1980 Code § 132-20: Ord. No. 0-22-80: Ord. No. 0-26-92 § 2)*

IV. Required Findings to Grant Approval:

- A. Amended Final Site Plan application is consistent with the *Epstein's Rehabilitation Plan*;
- B. Amended Final Site Plan application is consistent with the findings and conditions enumerated in the *Resolution of the Morristown Planning Board* adopted June 26, 2008.

V. Planning Review:

- A. Modifications to approved building footprints: The proposed modifications to the approved building footprints presents no conflict with the *Epstein's Rehabilitation Plan*:
1. On Maple Avenue, the proposed amended site plan increases front yard setback. The previously approved setback maintained the prevailing setback line to the north along Maple Avenue. For an urban setting, the currently approved setback is more desirable.
 2. Proposed amendments reduces impervious coverage by approximately 10% to 65% where 80% is permitted, eliminating a previously granted building coverage variance.
 3. Current proposed amendment provides an opportunity for additional grading, reducing the magnitude of the previously proposed retaining wall.

4. The setback extending along southeast property line, extending from Maple Avenue to MacCulloch, reduces variance relief necessitated in the previously approved plan.
 5. Proposed development meets the purposes of the Municipal Land Use Law.
- B. Modifications to approved architectural plans:**
1. The project uses Section 2.4.4 Bonus Criteria for Areas B and C as outlined in Epstein's Redevelopment Plan to increase buildings heights above 35'-0". As shown, not all of these criteria are currently met:
 - a. Elevation on A-1 shows a ground floor level that appears to be less than three feet above grade, which is inconsistent with the bonus criteria for Areas B and C enumerated in the Epstein's Rehabilitation Plan, Section 2.4.4.
 - b. Elevation shown on A-3 does not indicate "substantial materials such as brick and stone" required to be at least three feet in height and are visible from interior roadway.
 - c. The roof shingles depicting in the elevations do not specify "use of high quality and attractive roofing material" as required for Bonus Criteria.
 2. There are two significant changes to the architectural design of the townhouses:
 - a. Materials for horizontal siding material are not noted on proposed elevations. "Decorative vinyl shakes" are indicated for use in portions of dormers. The previously approved Drawing A-6 by Minno & Wasko indicates "HARDIE SIDING".
 - b. Elevations of end units are visible from Maple and MacCulloch Avenues and are lacking of architectural detail. Previously approved application generally had more significant architectural treatment than the current proposal. Side elevations seen from the interior road are now devoid of features and no longer reduce the effect of increased height. Approved plans included pitched roofs and dormers on side elevations. Current plans indicate false window shutters that give the effect of pasted on detail.
 3. There are some inconsistencies with drawings. An elevation of Maple Avenue on A-1 shows four townhouses, while engineering drawings show five townhomes at that location. No key plan indicates where different unit types are on site.
 4. This report was not authored with advice of the Morristown Historic Preservation Commission.
- C. Alterations to streetscape landscape and lighting plan:**
1. Proposed alterations to landscape and lighting plans already approved by the Planning Board are minor.
 2. Reduced building footprints will increase the landscaped area at center of site.
 3. Epstein's Rehabilitation Plan does require the landscape be prepared by an "a landscape architect, licensed by the State of New Jersey. If the board approves this Minor Site Plan, the resolution should require submission of such a plan as part of the record.

VI. Recommendations:

- A. Any Amended Final Site Plan Resolution of Approval should restate and require all applicable conditions of approval included in the *Resolution of the Morristown Planning Board* adopted June 26, 2008.
- B. Applicant should provide necessary testimony and exhibits to illustrate the following:
 - 1. Development is consistent with the intent of the site improvement act; reasonable, limited, and not unduly burdensome, and
 - 2. Proposed changes do not modify the project in a significant manner nor do they cause any obvious detriment to the public health, safety and welfare.



Figure 1 - View Looking Northwest along Maple Avenue



Figure 2 - View looking North towards Maple Avenue



Figure 3 - View Looking North from MacCulloch Avenue



Figure 4 - View Looking South towards MacCulloch Avenue



Figure 5 - View Looking Northwest Across Maple Avenue from Site



Figure 6 - View Looking Across Maple Avenue

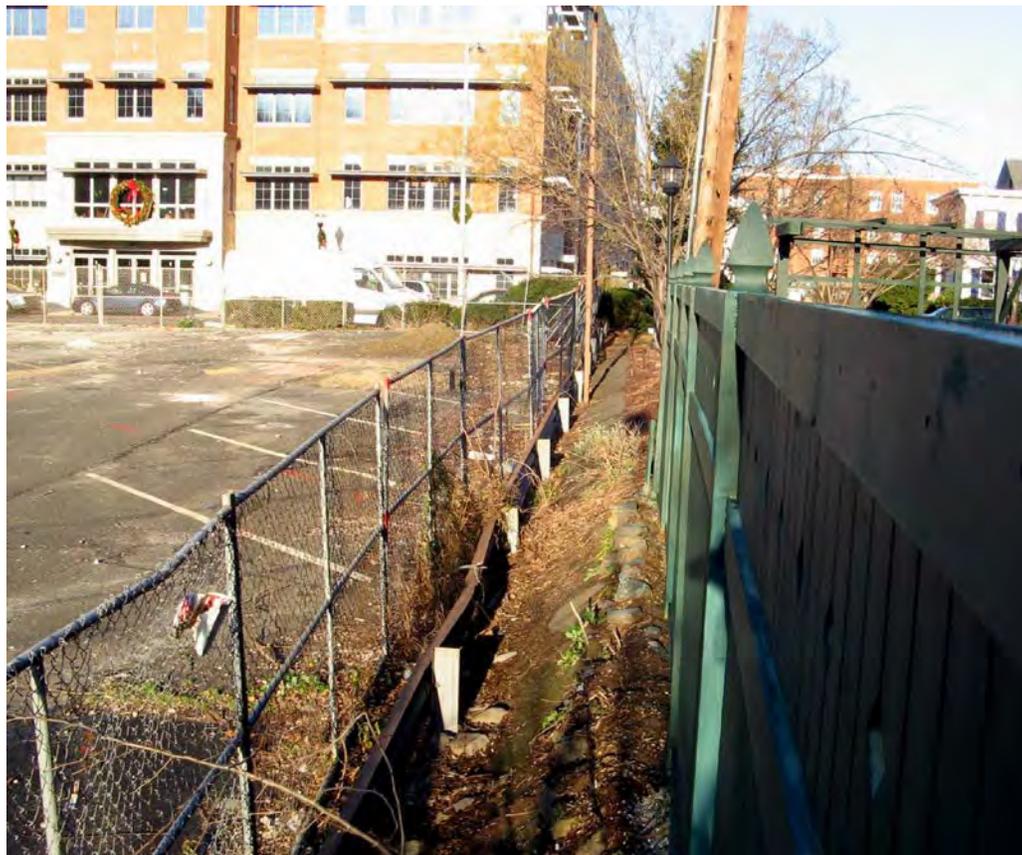


Figure 7 - View Looking North along Eastern Lot Boundary



Figure 8 - View Looking North along DeHart Street to East of Site

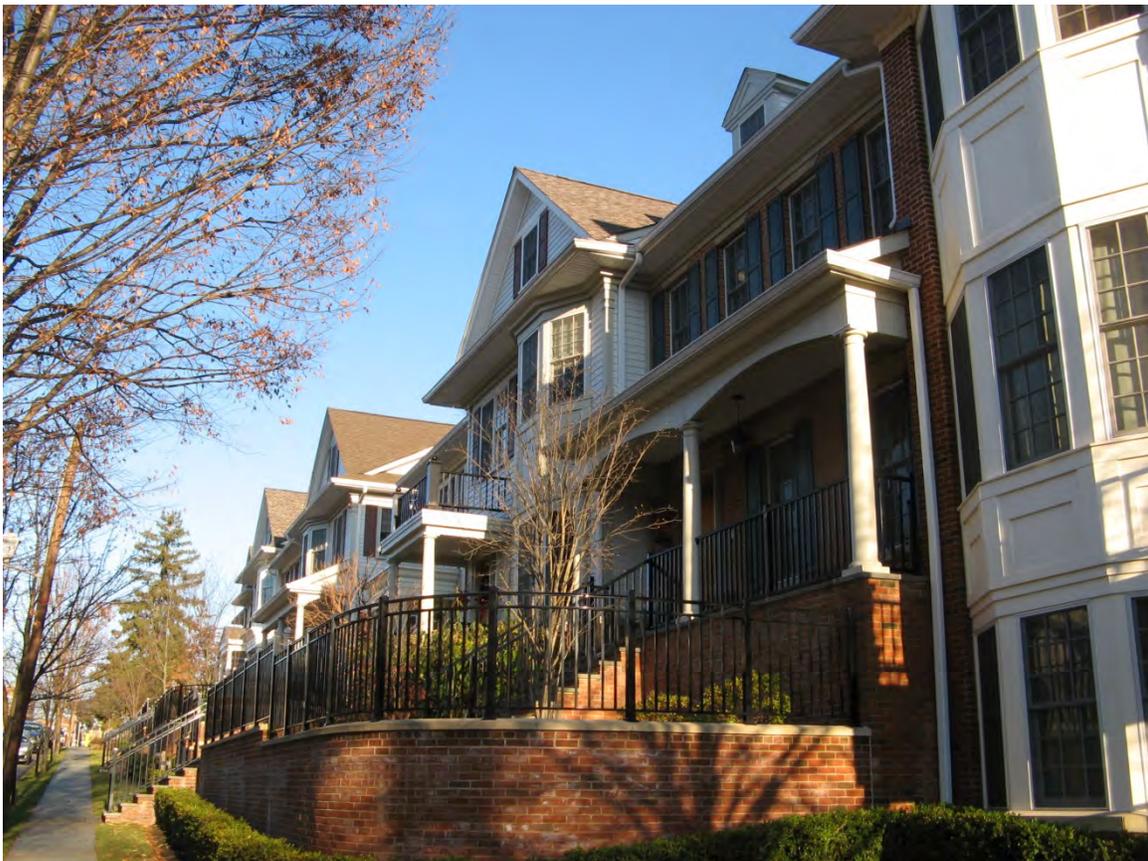


Figure 9 - View Looking at Northeast Side of DeHart Street



Figure 10 - View Looking Northeast at Adjacent Property on MacCulloch Avenue



Figure 11 - View Looking Southwest along Maple Avenue



Figure 12 - Aerial Image of Site from flashearth.com