




## Memorandum

DATE: March 25, 2020

TO: Members of the Plainfield Zoning Board of Adjustment

FROM: Malvika Apte, PP, AICP  
Zoning Board Planner 

CC: Rosalind Miller, Planning/Zoning Board Secretary  
Peter Vignuolo, Esq.  
Drew M. Di Sessa, PE, PP, CME  
Valerie Jackson, Director, Department of Economic Development  
Michael V. Camerino, Esq., Applicant's Attorney

RE: **Planning Review # 2**  
**Application # ZBA 2018-13**  
**Use Variance and Site Plan**  
**Applicant: South Second Street Realty, LLC**  
**800-1000 South Second Street, Plainfield, NJ**  
**Block 117, Lot 1.01**  
**Zone: LI-Light Industrial Zone District**

FILE NO.: HPFZ0117.01

As per your request our office has reviewed the following documents in connection with the above mentioned application:

- Transmittal Letter prepared by David Stires, PE, PP, CME dated March 16, 2020;
- One (1) Location Map sheet titled "Variance Application", prepared by David A Stires Associates, LLC, dated June 19, 2019 and latest revised March 11, 2020;
- One (1) sheet Site Map, prepared by David A Stires Associates, LLC dated June 19, 2019 and latest revised March 11, 2020;
- One (1) sheet Construction Details, prepared by David A Stires Associates, LLC dated January 24, 2020 and latest revised March 11, 2020.

We offer the following comments for Board's consideration:

### 1. Summary of Application/Proposal

The applicant has submitted above noted revised items in reference to this application. The applicant was before the Zoning Board at a public hearing on February 12, 2020. These revised drawings are submitted in response to the hearing as well as comments received from Board Professionals.



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The applicant is seeking a d (1) use variance to permit storage of tractor trailers not associated with the principal use on the site within the existing east and west parking areas on the property. The previous plans required permit storage of upto thirty (30) tractor trailers, this has been revised and the applicant is now seeking storage of up to twenty-three (23) tractor trailers on the property. The revised plans show twelve (12) tractor trailer storage parking spaces on the east side of the property and eleven (11) tractor trailer parking spaces on the west side of the property. **It is not clear if these parking spaces are to be striped on the property or have been shown on the site plan for informational purposes.**

In addition, applicant is proposing to install a 38 foot wide heavy duty overhead slide gate along eastern frontage of the property. New curb and apron is also proposed.

## **2. Completeness**

This application was deemed complete by the Board at the last public hearing on February 12, 2020.

## **3. Subject Site and Surrounding Land Uses**

**This section is a reiterated from our previous memorandum dated January 29, 2020.**

The subject site, identified as Block 117, Lot 1.01, is located at the southwestern corner of the intersection of East Second Street and Grant Avenue. The site is approximately 9.90 acres in size with 2,160 feet of frontage on East Second Street and approximately 200 feet of frontage on Grant Avenue. The rear lot line abuts the New Jersey Transit/C.R.R. of N.J. Rail Road tracks to the north.

The site is currently developed with an existing multi-level warehouse distribution building, which operates 24 hours a day. The site also contains two parking lots, which are situated on the east and west sides of the property.

NJDEP's GeoWeb application identifies several environmental concerns on the site. GeoWeb indicates that the parcel is monitored by NJEMS (New Jersey Environmental Management Site) regarding air; hazardous waste; right-to-know – pollution prevention, water supply, water quality and site remediation. The site is also identified as a known contaminated site; the property's remediation status is listed as terminated. The subject property is not located within a Special Flood Hazard Area.

The subject property is surrounded by institutional uses and one and two-family residences located to the south of the site. Industrial uses border the site to the west and a new multifamily development under construction to the east. To the north of the site, there are residential uses located across the railroad tracks.



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Aerial View of PQ, Source: Google Maps, Approximate boundary

#### 4. Zoning and Bulk Review

- a. Use: The subject property is located in the LI (Light Industrial) Zone district. Warehouse and/or distribution facilities are a permitted use in the LI (Light Industrial) Zone district. The proposed overnight trailer parking/storage, not associated with principal use, is not identified as a permitted use.

§17:9-41C.1: All outdoor storage must be customary and incidental to the principal use of the property. The principal use shall include a permanent structure of not less than 400 square feet occupied as an office for the management of the outdoor storage and one (1) parking space. No storage can be accessory to a use on another lot, and outdoor storage cannot be the principal use on the property. The applicant is proposing storage of 23 tractor trailers on site that are not incidental to the principal use on site. **A d (1) use variance is required.**



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- b. **Bulk Regulations:** The following table notes the bulk regulations for each zone and provides the proposed developments compliance/non-compliance with the regulations:

<b>Bulk Regulations (LI Light Industrial Zone District)</b>			
	<b>Requirement</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Lot Area	20,000 sq. ft.	431,526 sq. ft.	431,526 sq. ft.
Maximum Density	N/A	N/A	N/A
Minimum Lot Width	100 feet	2,160 feet +/-	2,160 feet +/-
Minimum Lot Frontage Principal Use			
Second Street	100 feet	2,160 feet +/-	2,160 feet +/-
Grant Avenue	100 feet	200 feet +/-	200 feet +/-
Minimum Lot Depth	150 feet	200 feet	200 feet
Minimum Front Yard Setback			
Second Street	20 feet	0.6 feet (E)	0.6 feet (E)
Grant Avenue	20 feet	429 feet +/-	429 feet +/-
Minimum Rear Yard Setback			
Principal Use	15 feet	0 feet (E)	0 feet (E)
Accessory Use	3 feet	10 feet +/-	10 feet +/-
Minimum Side Yard Setback			
One/both	10 feet/20 feet	209 feet +/-	209 feet +/-
Accessory Use	3 feet	22 feet +/-	22 feet +/-
Minimum Number of Stories	N/A	N/A	N/A
Maximum Number of Stories			
Principal Use	4 stories	1 story	1 story
Maximum Building Height			
Principal Use	60 feet	<60 feet	<60 feet
Accessory Use	20 feet	Not Provided	Not Provided
Maximum Percent Building Cover			
Principal Use	60%	64.2% (E)	64.2% (E)
Accessory Use	40% of principal use	<1% +/-**	<1% +/-**
Maximum Percent Total Lot Cover			
Principal Use	80%	95.4%(E)	95.4%(E)
Maximum Floor Area Ratio	2	0.64	0.64
Min. Improvable Area (M.I.A)	9,600 sq. ft.	360,847	360,847
M.I.A Diameter of Circle	69 feet	69-170 feet	No Change
(V) Variance (E) Existing Non-conforming Condition			
** calculated at time of planning review			



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## 5. Supplementary Regulations

### a. Outdoor storage

§17:9-41 C 2: Outdoor storage shall only be permitted in the side and rear yards. The proposed storage trucks are located within the front yard. **A variance is required. This variance remains in the revised plans.**

§17:9-41 C.3: Tractor trailers, buses, automobiles, and other vehicles parked on a premises overnight shall be construed as outdoor storage, and not parking, and shall conform to the provisions of this chapter. Only such vehicles that are licensed, registered, and road worthy and are stored in rows in accordance with the above paragraph shall be considered permitted outdoor storage. No trailers, containers or the like shall be utilized for storage purposes. **A variance is required. This variance remains in the revised plans.**

### b. Parking, driveways and loading

§17:9-42 J 2: The existing structure requires 187 parking spaces. Per the revised site plan, a total of sixty four (64) parking spaces are shown on site. Ten (10) angled parking spaces on the western portion of the site and fifty-four (54) parking spaces on the eastern portion of the site. In the previous plan, these spaces were shown by concrete wheel stops and delineated parking to the west. The revised plan shows striped parking spaces. Applicant should confirm if the parking spaces are proposed to be striped. As noted above, the existing use requires 187 spaces, however only 54 spaces are shown. **A variance is required.**

### c. Parking lot landscaping

§17:9-43 B: For parking lots with eleven (11) or more parking spaces, a minimum of 5% of the parking area shall be provided with planting islands containing one (1) deciduous tree planted for every five (5) parking spaces. **The site is currently nonconforming and the Applicant is not proposing to bring the site into conformance.**

§17:9-43 B 2: No more than eight (8) parking spaces shall be placed in one (1) row of parking without an intervening landscape island. **The site is currently nonconforming and the Applicant is not proposing to bring the site into conformance.**

### d. Buffering and screening

§17:9-24 B: Light industrial uses require a buffer width of 25 feet and the height of screening at time of planting shall be 6 inches. **The site is currently nonconforming and the applicant is not proposing to bring the site into conformance.**



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§17:9-24 C 1: Parking lot shall be buffered at a minimum ten (10) foot wide area surrounding all sides of a parking lot, when adjacent to residential use or district. ***This is a non-conforming condition and the applicant is not proposing to bring the site into conformance.***

§17:9-24 C 2: Screening shall consist of a minimum 6 foot high impervious screen. Currently the screening is provided via a chain link fence. ***Applicant is not proposing to bring the site into conformance. This shall remain a non-conformity.***

§17:9-24 D1: All loading areas are required to provide a minimum width of 25 feet when adjacent to residential use. With the proposed location of storage tractor trailers, this condition is not met. ***A variance is required.***

**§17:9-24 D2:** Screening shall consist of minimum 10 feet high visually impervious screen, along with extensively planted deciduous and evergreen trees. Currently the area is surrounded by chain link fence and sporadic plantings. ***Applicant is not proposing the site into conformance. A variance is required.***

e. Fences

§17:9-29 A2: Decorative walls and fences are permitted in front yard that do not exceed 6 feet in height. The current fence, a chain link fence is not permitted in the front yard. ***The height of the current fence is not provided. This should be provided to determine compliance.***

§17:9-29 A3: Chain link fence are not permitted. The existing fence is a chain link fence. This is not permitted. ***Applicant is not proposing the site into conformance. This shall remain a non-conformity.***

f. Prohibited uses

§17:9-46: Any use not expressly permitted is prohibited. The proposed storage of trucks not associated with principal use is not an expressly permitted use. ***A Use variance is required.***

6. Design Waivers

- a. §17:11-13 B: A light industrial and warehouse use of 270,000 square feet requires twelve (12) loading spaces. The current site plan shows three (3) striped loading spaces. ***A waiver is required. Applicant must confirm the existing number of loading spaces for the warehouse use.***
- b. §17:11-13 C: Standard institutional and light industrial/warehouse loading spaces shall measure at least 15 feet wide by 60 feet long. While the use is classified by code as outdoor storage, the aforementioned design standard establishes the dimensions for stalls utilized by trucks. The revised site plan shows, eleven parking spaces of approximately 10 feet x 86 feet



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on the western portion of the site and twenty-three spaces of approximately 12 feet x 83 feet on the eastern portion of the site. Further, the two parallel spaces on the eastern portion are 70 feet in length. Applicant should clarify if these spaces are to be striped. For the proposed stall size, **a waiver is required.**

- c. §17:11-15 B: Where parking is provided, parking lot aisles shall measure 24 feet for one-way width and two-way width of parking that is 90 degrees (perpendicular). Per the revised plans, the aisle width varies throughout the site, from 45 feet to 20 feet. **A waiver is required.**
- d. §17:11-15 D: Surface painted aisle, stall and directional striping shall be provided throughout the parking, loading, and circulation areas, in accordance with Manual of Uniform Traffic Control Devices. The revised plan show the parking stalls for regular vehicles as well as tractor trailer. **Applicant should confirm these parking stalls shall be striped.**

## **7. Master Plan**

The 2009 City of Plainfield Master Plan and Master Plan Reexamination report identifies this property within the Industrial/Economic Development district. The intent of this zone is to allow land for uses requiring rail access and uses that may impact adjacent properties generally not considered acceptable in mixed-use areas.

The applicant should provide testimony regarding the consistency of the proposed use with the City of Plainfield Master Plan.

## **8. Planning Comments:**

- a. The applicant shall provide testimony justifying the use variance, all variances, and waivers to Board's satisfaction.
- b. Although the application indicated the overnight parking is proposed for the site, activities related to the proposed use should be restricted to hours between 8 AM and 6 PM. No overnight activities shall be permitted. This is in consideration of the proximity of residential uses to the north and south of the site.
- c. The applicant should confirm whether any signage is proposed for the site concerning the truck parking.
- d. Details regarding existing lighting and its sufficiency and its spillage on adjacent properties must be provided to determine compliance.
- e. We defer to the Board Engineer regarding drainage, storm water, utilities, traffic impact, and other engineering issues related to the site.
- f. The applicant should be prepared to discuss whether any additional permits/approvals are required by outside agencies.



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## 9. Statutory Criteria

### D Variance

With the proposed development, the applicant requires a d (1) variance to permit the use of storing vehicles on the site, which are not incidental to the principal use. Testimony regarding the following should be provided:

- a. Positive Criteria
  - i. That the site is particularly suited to the use; and
  - ii. There are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the grant of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (N.J.S.A. 40:55D(2)), and should promote the purposes of the municipality's Master Plan and the State Development and Redevelopment Plan.
- b. Negative Criteria
  - i. That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good; and
  - ii. The proposed deviation will not substantially impair the intent and purpose of the Master Plan and the Zoning Ordinance.

### Bulk Variances

The subject site requires several a use variance including lot coverage, parking spaces within the front yard area, and additional supplementary variances. These are commonly known as c variances. The Board has the power to grant a c(1) hardship variance or a c(2) benefits vs. detriments variance.

An applicant requesting a c(1) variance must show that; (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or structure lawfully existing thereon, the strict application of any would result in particular and exceptional practical difficulties or undue hardship upon the developer of such property.





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An applicant requesting a c(2) variance must prove that the granting of the variance will advance the intent and purposes of the Municipal Land Use Law and that benefits of granting the variance will substantially outweigh the detriments.

If you should have any questions with regard to the above matter, please do not hesitate to call.

MA:jr