



## Memorandum

DATE: March 31, 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  
Andrew K Wu, P.E., Fletcher Engineering, Applicant's Engineer

RE: Planning Review # 1  
Application # ZBA 2019-23  
416 Lee Place, Plainfield, NJ  
Block 549, Lot 14  
Zone: Low/Moderate Density Residential - (R3)

FILE NO.: HPFZ0549.01

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

- Response letter prepared by Chen Fung, RA, dated January 22, 2020;
- Five (5) sheets of plot plans and architectural drawings entitled "Single Family Alteration" prepared by Chen Feng dated May 13, 2019, last revised January 19, 2020;
- One (1) sheet of survey prepared by Andrew K. Wu, P.E. and P.L.S. dated October 8, 2019.

We offer the following comments for Board's consideration:

### 1. Summary of Application/Proposal

The applicant is seeking a variance approval for the rehabilitated structure on the above noted property. The applicant received a zoning permit denial for the constructed rebuild of the single family structure. The applicant is now before the Board seeking approval from the following:

**§17:9-37 E:** expansion of a non-conforming structure. Structures on a legal non-conforming lots cannot be altered, increased in foot print, size or expanded. The zoning records indicated the prior structure was a 2.5 story structure, the applicant rebuild the non-conforming structure to 3 story structure thereby expanding and increasing habitable space of a non-conforming structure.



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**§17:9-44:** Porch flooring shall be tongue and groove material, the applicant has replaced the porch floor with wood decking.

Further, as part of this proposal applicant is proposing a 120 square foot shed to be located in the rear yard.

## **2. Completeness**

The applicant filed the aforementioned application on November 13, 2019 and on December 10, 2019, the planning staff deemed the submission capable of being deemed complete. The applicant has requested the following waivers.

1. §17:8-2 B 9 j: General slope and natural drainage. ***The applicant is seeking a waiver from providing this item.*** Given the type of application, we take no exception to Board granting a waiver from requiring this item.
2. §17:8-2 B 9 k: Location and dimension of existing and proposed drainage. ***The applicant is seeking a waiver from providing this item.*** Given the type of application, we take no exception to Board granting a waiver from requiring this item.
3. §17:8-2 B 9 l: Delineation of flood hazard areas. ***The applicant is seeking a waiver from providing this item.*** Applicant should confirm the site is not in a flood hazard area. Given the type of application, we take no exception to Board granting a waiver from requiring this item.

Pursuant to §17:8-3, when requested in writing by the applicant, the Board shall have the authority to grant waivers from the submission requirements. These waivers can be granted if the Board finds that such request is reasonable and that an informed decision can be made. If the Board denies the request for submission waivers, the application will be deemed incomplete. ***A formal waiver form has been submitted and a waiver requested for each of the above items.***

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

The subject site, identified as Block 549, Lot 14 is located near the intersection of Lee Place and West Fifth Street. The site is approximately 0.13 acres in size with 50 feet of frontage on Lee Place and 115.83 feet of frontage on W Fifth Street.

The site was formally developed as a 2.5 story seven-bedroom single family structure. Surrounding the property are similar 2.5 story residential structures.



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Aerial View of 416 Lee Place, Source: Google Maps

#### 4. **Zoning and Bulk Review**

- a. **Use:** The subject site is located in the R3 -Low/Moderate Density Residential Zone district. A single family use is permitted use in the zone. Applicant should confirm/ clarify the proposed use of the structure considering there are five bedroom and the third story containing a storage and family room.
- b. **Bulk Regulations:** The following table notes the bulk regulations for each zone and provides the proposed developments compliance/non-compliance with the regulations.



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<b>Bulk Regulations R3 -Low/Moderate Density Residential Zone District</b>			
	<b>Requirement</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Lot Area	12,000 sq. ft.	5,777.27 sq. ft. <b>(e)</b>	5777.27 sq. ft. <b>(e)</b>
Minimum Lot Width	100 feet	50 feet <b>(e)</b>	50 feet <b>(e)</b>
Minimum Lot Frontage	100 feet	50 feet <b>(e)</b>	50 feet <b>(e)</b>
Minimum Lot Depth	100 feet	115.83 feet	115.83 feet
Minimum Front Yard Setback	25 feet	21.7 feet <b>(e)</b>	21.7 feet <b>(e)</b>
Minimum Rear Yard Setback	30 feet	52.3 feet <b>(e)</b>	52.3 feet <b>(e)</b>
Minimum Side Yard Setback			
One	10 feet	8 feet <b>(e)</b>	8 feet <b>(e)</b>
Both	30 feet	27.7 feet <b>(e)</b>	27.7 feet <b>(e)</b>
Minimum Number of Stories	N/A	N/A	N/A
Maximum Number of Stories	3	2.5	3
Maximum Building Height	35 feet	not provided	32 feet
Maximum Percent Building Cover	25 %	14.37 %	18.9 %
Maximum Percent Total Lot Cover	40 %	35.95 %	35.95 %
<b>Accessory Structure</b>			
Minimum Side Yard Setback	3 feet	Not applicable	10.18 feet
Minimum Rear Yard Setback	3 feet	Not applicable	4 feet
Maximum Structure Height	1 sty/15 feet	Not applicable	1 sty/12.54 feet
Maximum Building Coverage	35 %	Not applicable	2.07%
Maximum Area of Storage Shed	150 sq. ft.	Not applicable	120 sq. ft.
<i>(e) Existing Non-conforming Condition (V)- Variance</i>			

c. Supplementary Regulations: Applicant requires the following variances:

- (i) **Per §17:9-37:** A nonconforming structure may not be enlarged, extended, increased in height, width, or depth, moved or relocated, modified in a such a way so as to increase habitable or usable space, number of dwelling units or number of dwelling units or number of bedrooms;

2 ½ story dwellings are permitted within the R-3, whereas the applicant has increased the height of the existing dwelling to three (3) stories. Applicant has expanded a non-confirming structure thereby a **variance is required**.



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(ii) **Per §17:9-44:** Porch flooring shall be tongue and groove material and not made of structural lumber/pressure treated decking, whereas the applicant has replaced the porch floor with wood decking. **A variance is required.**

## 5. Planning Comments

- a. Per § 17:9-42 G, driveways for one-car garage shall be minimum 10 feet, for a two car garage it shall be 20 feet. The existing driveway varies from 12 feet along the front property line to approximately 10 feet to the rear of the driveway. Additionally, there is no existing/proposed garage on site. ***This is an existing non-conformity.***

Applicant should confirm the number of cars on site for a five bedroom single family use. According to RSIS standards a five bedroom single family unit is required to provide 3 parking spaces. Applicant should discuss if stacked parking is proposed on the driveway.

- b. Applicant should discuss the current use of the existing concrete pads on the subject site.

## 6. Statutory Criteria

Bulk Variances: As noted above, the applicant requires two bulk 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.

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

With both, negative criteria must be addressed. No variance may be granted without showing that such a variance can be granted without substantial detriment to public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

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

MA:jr