



Memorandum

DATE: August 18, 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
Susan Wong, Applicant

RE: Application No.: ZBA 2019-24
Applicant: Susan Wong
Block 409, Lot 7
Location: 248-50 Leland Avenue / 1139-1147 Earle Place
Zone –Moderate Density Residential – (R-4)
Planning Review Letter #1
Our File: HPFZ0409.01

The applicant has filed an application for bulk variance approval to permit the renovation of an existing two-family dwelling.

We are in receipt of the following items:

- Letter prepared by Mr. Brian Taylor dated February 26, 2020;
- Transmittal Letter prepared by Mr. John J. Sullivan, Esq. dated March 2, 2020;
- Political Disclosure Form;
- Five (5) sheets of plans titled "Addition and Alterations to Two Family Home", prepared by Taylor Architecture and Design dated February 26, 2020;
- Property Survey prepared by KTJ Associates, dated April 21, 2017.

We offer the following comments for Board's consideration:

1. Summary of Application/Proposal

The applicant, Susan Wong has filed an application for bulk variance approval for relief from number of stories, front yard and side yard setback requirements to permit the renovation of an existing two-family dwelling which will include a first floor three bedroom, one bathroom unit and a four bedroom, two bathroom second floor/attic unit. The subject property is known as Block



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409, Lot 7, 248-50 Leland Avenue / 1139-1147 Earle Place and is situated in the Moderate Density Residential – (R-4) zone where two-family dwellings are permitted.

The applicant is proposing construct a 60.39 square foot basement stair addition, replace the front porch which previously collapsed and renovate both the interior and exterior of the existing two-family dwelling. There is an existing 1,085 square foot unfinished basement, the first floor unit will be 1,505 square feet and the second floor/attic unit will be 1,656 square feet. There is an existing parking area accessed off of Earle Place. The existing two car garage and shed will be removed.

The property identified as Block 409, Lot 7 is a corner lot located at the southwest corner of the Leland Avenue Earle Place intersection. The property is located in the AO Special Flood Hazard zone.

This site was part of a prior approval ZB # 2018-02, in which the applicant received variance approval to construct 2 family renovation/addition with basement access. It was necessary to obtain NJDEP approval due to flood plain regulation. The applicant withdrew the application after approval.

2. Completeness

The application was filed with the City on **November 21, 2019**. The application was deemed capable of being complete on **May 26, 2020**.

Applicant is seeking the following waivers from submittal items:

- a. **§17:8-2 B 9 j:** General slope and natural drainage, and watercourse locations and all natural and significant features (wooded areas, ponds, marshes, etc.) including trees over a 4 inch caliper. ***A waiver from this item is requested. Given the developed nature of the site, we take no exception from granting this waiver.***

3. Subject Site and Surrounding Land Uses

The subject property is known as Block 409, Lot 7, 248-50 Leland Avenue / 1139-1147 Earle Place and is situated in the Moderate Density Residential – (R-4) zone and is 6,990 square feet in area. The site contains an existing two family dwelling with a detached garage, shed and small parking area accessed from Earle Place.

Review of the National Flood Hazard Layer (NFHL) indicates the site is located in the AO Special Flood Hazard zone.



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The subject site is surrounded by one and two-family residential uses to the north, south, east and west.

4. Zoning and Bulk Review

- a. Bulk Regulations: The following table notes the bulk regulations for the R-4 Moderate Density Residential zone and provides the compliance/non-compliance with the regulations for the proposed renovations.

Bulk Regulations R-4 Moderate Density Residential Zone		
	R-4 Zone-2 Family	Proposed
Minimum Lot Area	10,000 sq. ft.	6,990 sq. ft. (e)
Minimum Lot Width	80 feet	51.2 feet (e)
Minimum Lot Frontage	80 feet	51.2 feet (e)
Minimum Lot Depth	100 feet	135.56 feet
Min. Front Yard Setback		
Leland	25 feet	15.4 feet (v)
Earle	25 feet	4.66 feet (v)
Minimum Rear Yard Setback	30 feet	71 feet
Minimum Side Yard Setback	10 feet	17 feet
Maximum Number of Stories	2.5	3.0 (v)
Maximum Building Height	35 feet	34.5 feet
Maximum Percent Building Cover	25%	20.3%
Maximum Percent Total Lot Cover	40%	38.15%
Min. Improvable Area (M.I.A)	2,400 sq. ft.	1,296 sq. ft. (e)
M.I.A Diameter of Circle	34 feet	16 feet (e)
<i>(e) existing nonconformity (v) Variance required</i>		

The R-4 Zone permits Two Family Residential Dwellings as a permitted use. The following additional bulk variances are noted:

- b. Variances

§17:9-8: Front yard setback required is 25 feet for a two-family dwelling whereas approximately 15.4 feet is proposed along Leland Avenue. **A variance is required.**

§17:9-8: Front yard setback required is 25 feet for a two-family dwelling whereas approximately 4.66 feet is existing along Earle Place. **A variance is required.**



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§17:9-8: Maximum number of stories is 2.5 stories whereas 3 stories are proposed. **A variance is required.**

§17:9-34: A two car garage not to exceed 500 square feet for a two family dwelling shall be provided for all residential dwellings. No garage is proposed. **A variance is required.**

§17:9-42 E: Parking lots shall be prohibited is required front yard setback area. The proposed parking is located off of Earle Place. **A variance is required.**

§17:9-42 E: curb cut of maximum 26 feet wide is permitted. The proposal includes a curb cut of 47.8 feet. **A variance is required.**

§17:9-42 P: Front yard parking permitted accessory to one and two family dwelling is only permitted in those spaces directly in front of usable garages. No other front yard parking is permitted. The proposal does not include any proposed garage and a front yard parking is proposed. **A variance is required.**

5. Parking

In accordance with the Residential Site Improvement Standards (RSIS) parking for the renovated two-family dwelling is based upon the number of bedrooms. The first floor unit will contain three bedrooms and have a parking requirement of two spaces, while the second unit will contain four bedrooms having a parking requirement of 2.5 spaces. Further, the second floor apartment contains another study, with a closet in the attic, this can be identified as another bedroom, thereby creating the second unit with five bedrooms. RSIS standards require 3 parking spaces for 5 bedroom units.

Overall, the two family will have a parking requirement of five (5) parking spaces. The Plan indicates the potential for five parking spaces accessed directly from Earle Place thereby adequately addressing RSIS parking requirements.

The parking areas appears to be paved. Per §17:9-42 I, all driveways and parking areas shall be constructed of asphalt or cement surface material except one and two family dwellings where they may be decorative or stone pavers. Applicant should clarify the type of material proposed for parking area.

Further, the adequacy and safety of the proposed parking in backing out onto Earle Place has not been addressed. Details, including grading and lighting of the parking area have not been provided.



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6. Master Plan

The 2009 City of Plainfield Master Plan and Master Plan Reexamination report identifies this property is within the moderate density zone district. The intent of this zone is to allow a moderate density pattern of 5.8 units per acre for single-family homes and 8.7 units per acre for two-family units, and is intended for expansive areas on both sides of the railroad in the northwestern and northeastern portions of the city.

7. Statutory Criteria

The subject site is developed with three-story, two family residence. The subject site is an undersized lot requiring bulk variances as existing nonconformities for lot size, lot width, lot frontage, minimum improvable area, minimum improvable area circle diameter. Additionally, bulk variances are required for front setback to both Leland Avenue and Earle Place and the number of stories. 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 the variance will substantially outweigh the detriments.

In 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.

8. Planning Comments

- a. The applicant shall provide testimony justifying all bulk variances to the Boards satisfaction.
- b. Testimony should be provided regarding the proposed renovations and confirming the number of bedrooms.
- c. Testimony should be provided regarding shared use of the basement.



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- d. Testimony shall be provided regarding the adequacy of the proposed parking including safety with the required backing out onto Earle Place.
- e. The parking area should be improved. The parking area should be adequately illuminated. Details should be provided and reviewed by the Board Engineer.
- f. We defer to the City's Flood Plain Manager regarding compliance with the proposal as located in the Flood Hazard Area.
- g. We defer to the Shade Tree Commission to determine compliance with number of street trees.
- h. We defer to the Board Engineer regarding drainage, storm water, utilities, traffic impact, and other engineering issues related to the site.
- i. The applicant should be prepared to discuss whether any additional permits/approvals are required by outside agencies.

The Board should:

- Evaluate the testimony to determine whether it should elicit additional information to supplement the record;
- Make specific findings of fact based on the record to support its conclusions;
- Consider whether, in lieu of denying an application, it can approve it subject to reasonable conditions which would modify the proposal and obviate or minimize any negative impact;
- Remember to be conscientious in its review of the facts since outright denial may amount to confiscation this requiring condemnation by municipality.

Please do not hesitate to contact me for any planning related questions at mapte@cmeusa1.com.