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DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

Memorandum

DATE: June 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
Moon Builder, LLC, Applicant

RE: **Planning Review # 1 (Revised)**
Application # ZBA 2020-11
123 Elmwood Place, Plainfield, NJ
Block 236, Lot 14
Zone: R-4 Moderate Density Residential Zone

FILE NO.: HPFZ0236.01

We are in receipt of the following items in relation to this application:

- Two (2) sheet set entitled "Lot 14, Proposed Variance Plan" prepared by Titus Surveying & Engineering, PC, dated March 11, 2020 and latest revised June 12, 2020;
- Fifteen (15) sheet set entitled "Two Family Home" prepared by Taylor Architecture and Design, dated May 19, 2020;
- Correspondence from Plainfield Shade Tree Commission, dated June 17, 2020;
- Application Form and Materials dated May 5, 2020.

We offer the following comments for Board's consideration:

1. Summary of Application/Proposal

The applicant, Moon Builder, LLC is seeking bulk variance relief to construct a two family dwelling on the on block 236, lot 14 at 123 Elmwood Place located in R-4 Moderate Density Residential Zone District. Two family dwellings are a permitted use in the R-4 zone.

The applicant is proposing to construct a 3 story two family dwelling with an 1,803 square foot building footprint. The first unit will consist of space in the basement and first floor and will include five bedrooms, two bathrooms and an office area for a total of 2,620 square feet with an attached front loaded single car garage. The second unit includes 1,800 square feet on the second floor and approximately 855 square feet of living space on the upper level/attic. There will also be



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approximately 250 square foot attic storage area. This unit will include six bedrooms, a study and three bathrooms for a total of 2,655 square feet of living space (not including 250 square of attic storage and the front loaded single car garage on the first level. Each garage will be 10 feet five inches by 22 feet with an eight foot by eight foot garage door opening. The livable area of each unit is not clearly indicated on the Plans.

There is a 20 foot wide driveway proposed to accommodate both garages with a proposed 19 foot curb cut. §17:9-42 J 2, number of parking spaces to be determined per RSIS. In accordance with NJAC 5:21-4.14 of the Residential Site Improvement Standards the parking required for five and six bedroom residential dwellings totals six (6) stalls. The combination of the proposed garages and the driveway provides four (4) parking spaces. There is no clear indication how the balance of the required will be accommodated for. Justification of a de-minimus exception from the RSIS parking requirements will need to be provided, however should the Board determine a de-minimus exception is not warranted, a waiver from the RSIS parking standards will need to be obtained from the State.

There is a proposed driveway and fence easement over the northwest corner of the property meant to accommodate the encroachment of the driveway and fencing from adjoining lot 15. Easement documentation with descriptions of said easement have not been provided for review.

2. Completeness

The application was filed with City on **May 5, 2020**. The application was deemed capable of being complete on **May 27, 2020**. Applicant is seeking the following waivers:

- a. §17:8-2 B.9.K General Slope and natural drainage, and watercourse locations and all natural and significant features (wooded areas, ponds, marshes, etc) including trees over four (4) inches caliper. **Applicant is seeking a waiver from this requirement. There is a cluster of trees noted to the rear of the site, applicant to confirm these trees are not over 4 inch caliper.**
- b. §17:8-2 B.9.K Location and dimensions of existing and proposed drainage improvements, parking spaces and aisles, loading, **curb cuts**, driveways, **driveway aprons**, sidewalks and yards (front, side, and rear). **Applicant should provide the driveway curb cut and driveway apron dimension to determine compliance.**

3. Subject Site and Surrounding Land Uses

The subject property is known as block 236, lot 14 and is situated three lots from the intersection of Elmwood Place and West Second Street. The property is situated in the R-4 Moderate Density Residential Zone and is 5,074 square feet in size. The site is currently developed vacant with existing trees on the rear of the lot.



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Review of NJDEP NJ-GeoWeb does not show any known environmental issues on the property however the former Elmwood Gardens property across the Elmwood Place is an active known contaminated site supervised by an LSRP. Review of the National Flood Hazard Layer (NFHL) indicates the site is located in Zone X Area of Minimal Flood Hazard.

The subject site is surrounded by one and two-family residential uses to the north and east along West Front and Liberty Streets. To the southeast across West 2nd Street is the Raritan Valley Railroad line and to the south and west across Elmwood Place is vacant land (formerly Elmwood Garden Apartments). To the southeast there are two new dwellings currently under construction.

4. Zoning and Bulk Review

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

Bulk Regulations (R-4 Moderate Density Residential Zone)			
	Requirement Two-Family	Proposed	Requirement Single-Family
Minimum Lot Area	10,000 sq. ft.	5,074 sq. ft. V	7,500 sq. ft.
Minimum Lot Width	80 feet	38 feet (E)	50 feet
Minimum Lot Frontage	80 feet	36.2 feet (E)	50 feet
Minimum Lot Depth	100 feet	125 feet	100 feet
Minimum Front Yard Setback	25 feet	26.4 feet	25 feet
Minimum Rear Yard Setback	30 feet	28.3 feet V	30 feet
Minimum Side Yard Setback One/ both	10 feet/25 feet	5.1 feet /10.6 feet V	10 feet /20 feet
Maximum Number of Stories	2.5 stories	3.0 stories V	2.5 stories
Maximum Building Height	35 feet	31.58 feet	35 feet
Maximum Percent Building Cover	25%	35.5% V	25%
Maximum Percent Total Lot Cover	40%	50.4% V	40%
Minimum Improvable Area (M.I.A)	2,400 sq. ft.	1,072 sq. ft. V	2,000 sq. ft.
M.I.A Diameter of Circle	34 feet	17.16 feet V	31 feet
<i>(E)- existing non-conformity (V)-Variance required</i>			

The R-4 Zone permits one and two family residential use. The subject site is an undersized lot and requires several bulk variances for the proposed two family use. In addition, the above table shows the bulk requirements for a permitted single family use in R-4 zone.



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- b. Fences: Per 17:9-29 A, fences in residential zone shall not be permitted more than 4 feet in height in front yard. The existing vinyl fence is 6 feet. This is non-confirming. Applicant should clarify if this was approved previously or a variance is required.
- c. Parking: §17:9-42 J 2, number of parking spaces to be determined per RSIS. In accordance with NJAC 5:21-4.14 of the Residential Site Improvement Standards the parking required for five and six bedroom residential dwellings totals six (6) stalls. The combination of the proposed garages and the driveway provides four (4) parking spaces. There is no clear indication how the balance of the required will be accommodated for. Justification of a de-minimus exception from the RSIS parking requirements will need to be provided, however should the Board determine a de-minimus exception is not warranted, a waiver from the RSIS parking standards will need to be obtained from the State.

5. Master Plan

The 2009 City of Plainfield Master Plan and Master Plan Reexamination report identifies this property is within the Moderate Density Residential zone district. The intent of this zone is to allow a density of 8.7 units per acre for expansive areas near the railroad in the northwest and northeast portions of the City.

6. Planning Comments

- a. The applicant shall provide testimony justifying all bulk variances to the Boards satisfaction.
- b. Testimony shall be provided regarding the adequacy of the parking area to accommodate the five and six bedroom residential dwellings. Additionally, the Architectural Plans indicate an office in the proposed first floor unit and a study within the second floor unit. These rooms are easily converted to bedrooms and therefore increase the required parking. The conversion of these rooms to bedrooms would further increase the parking requirements which cannot be accommodated for on the property. An exception from RSIS standards and variance will be required.
- c. The applicant should provide testimony regarding the need for so many bedrooms in each dwelling. Consideration should be given to restricting the conversion of the proposed office and study space in each dwelling to additional bedroom space. Additionally, conversion of the attic storage space in the upper dwelling to any type of living space should be restricted as well.
- d. A deed and description for the proposed fence and driveway easement shall be provided for the review and approval of the Board Attorney.
- e. The proposed driveway and curb cut shall be clearly indicated on the plan. Any existing sidewalk or curbing damaged during construction shall be replaced in accordance with City standards.



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- f. We defer to the Board Engineer regarding drainage, storm water, utilities, traffic impact, and other engineering issues related to the site.
- g. The applicant should be prepared to discuss whether any additional permits/approvals are required by outside agencies.

7. Statutory Criteria

The subject site is to be developed with two story, two family dwelling. The subject site is an undersized lot requiring several bulk variances including for lot size, lot width, lot frontage, side setbacks, rear setback, building coverage, lot coverage, minimum improvable area, minimum improvable area circle and any other 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.

The Courts have shown that owner of an isolated lot who wants to build on it requires a variance under subsection c(1). The applicant needs to do more than prove that the lot is an undersized, isolated lot, in order to establish a prima facie case of hardship.

In Dallmeyer vs. Lacey Tp. Board of Adjustment, the Courts summarized that the law requires the applicant in undersized lot cases should:

- Be required to carry the burden of proof, as in all other cases, as to both the positive and negative criteria;
- Demonstrate that efforts were made to bring the property into conformity with the zoning ordinance by attempting to acquire adjacent property or by offering to sell the non-conformity property to adjacent owners;
- Submit detailed plans of the proposed house which describe its appearance and prove its compliance with building codes;
- Attempt, where applicable, to demonstrate compliance with the use, side yard, and setback requirements, and location of the house among other homes on small tracts with similar frontages; and
- Attempt to demonstrate that the proposed use does not violate any traditional zoning purposes such as light, air and open space.

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;



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- 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.

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

MA:sg:jr



Plainfield Municipal Utilities Authority • 127 Roosevelt Avenue, Plainfield, NJ 07060 • Tel: (908) 226-2518 • Fax: (908) 226-4918

Eric E. Jackson, Executive Director

VIA EMAIL & MAIL

June 17, 2020

City of Plainfield
Ms. Rosalind Miller, Secretary
Planning & Zoning Board of Adjustment
515 Watchung Avenue
Plainfield, NJ 07060

Ref: 123 Elmwood Place
Block 236, Lot 14
Application No. ZBA-2019-24 *2020-11*

Dear Ms. Miller:

I have reviewed the plans for the proposed two-family house at 123 Elmwood Place, Block 236, Lot 14, (Application No. ZBA 2019-24). The Plainfield MUA has the capacity in the sanitary main to handle the added flow from this project. A sanitary sewer connection application will be mailed today to Mr. Chen, the Developer. The sanitary connection fee is \$2,527.00 per unit also there is a \$50.00 application fee for each unit. The sanitary sewer connection application must be filled out and returned to my attention along with a check payable to the Plainfield MUA in the amount of \$5,154.00. This covers the connection and application fees. There is no need for escrow with this project.

Once I receive the application and check, I will issue a letter stating that all financial obligations have been satisfied with the PMUA. This letter must be taken to the City when applying for the Certificate of Occupancy. The City will not issue a COO without this letter.

If you have any questions please call.

Yours truly,

Stephen D. Dessino
Sewer Department Superintendent

Enc. Sewer Application (Owner)

CC: ERICJ@PMUA.ORG, EXECUTIVE DIRECTOR
WILLIAM.NIERSTEDT@PLAINFIELDNJ.GOV, CITY OF PLAINFIELD
MAPTE@CMEUSA1.COM, CITY ENGINEERING CONSULTANT
JOHNCHEN515@GMAIL.COM (700 WALNUT ST., DUNELLEN, NJ 08812)

April Stefel

From: April Stefel
Sent: Wednesday, June 17, 2020 8:57 AM
To: Rosalind Miller; 'Apte, Malvika'
Cc: William Nierstedt; Valerie Jackson
Subject: STC Review of 123 Elmwood Place
Attachments: 123 Elmwood Place.docx

Good Morning All,

On behalf of the Plainfield Shade Tree Commission, here is the review of 123 Elmwood Place. The survey provided by Titus Engineering (revised June 2020) indicates the frontage of 123 Elmwood Place is 36.24 feet. This measurement requires the planting of 1 small to medium sized shade tree. Due to the limitations produced by the two car driveway the location of the proposed tree should be as close to the property line of the adjacent property to the east. The limited size of the lawn area (area between the curb and sidewalk) a small to medium size tree like a Hedge Maple, Acer Campestre, 8-10, B & B is recommended. If the applicant does not wish to plant a tree due to proximity of the proposed driveway a donation in the amount of \$300.00 (\$300.00 X 1 tree) is to be made to the Plainfield Tree Trust. If you have any questions please feel free to email me.

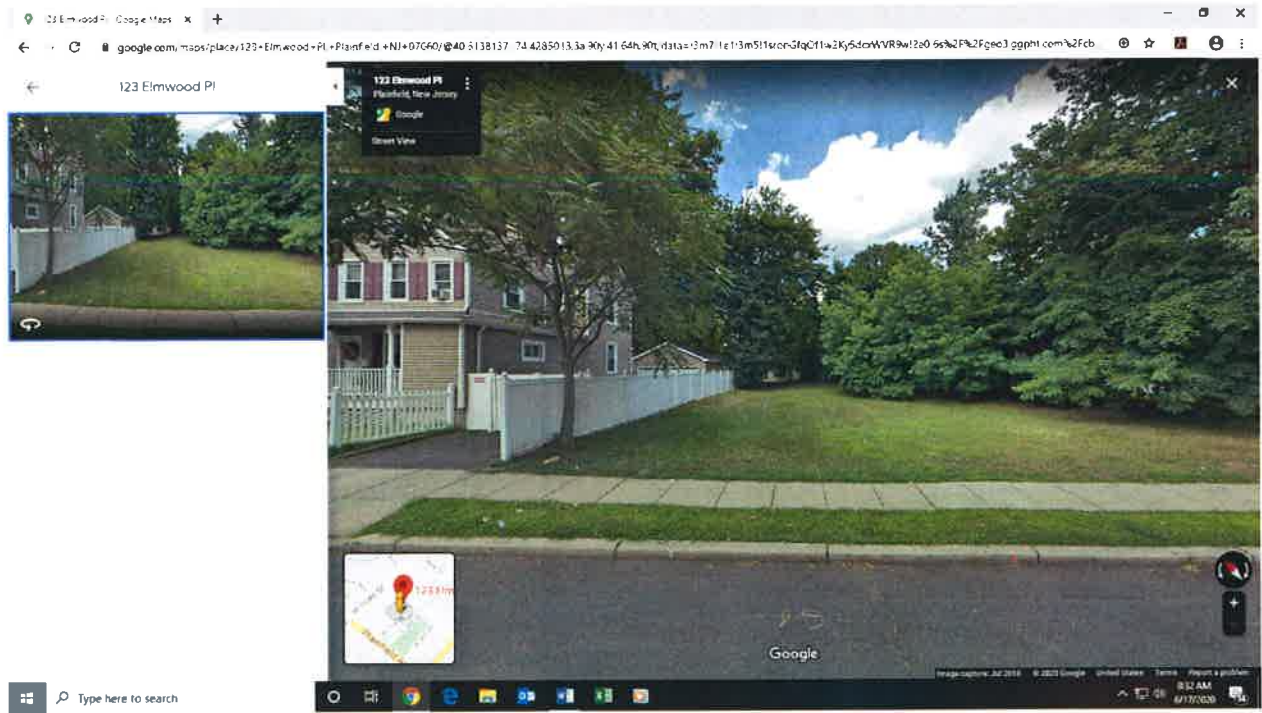
Regards,

April

April M. Stefel, LLA

Principal Planner & Brownfields Coordinator
Plainfield Planning Division, Plainfield City Hall, Room 202
515 Watchung Avenue, Plainfield, NJ 07060
ph: 908-753-3421 / fax: 908-226-2587
email: april.stefel@plainfieldnj.gov

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123 Elmwood Place; Block 236/Lot 14.

Rosalind Miller

From: Margaret Groves <Margaret.Groves@rve.com>
Sent: Friday, June 19, 2020 8:35 AM
To: Rosalind Miller; Pamela Hilla
Subject: RE:

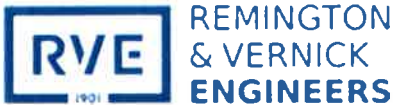
Good Morning Rosalind,

The property located at 123 Elmwood Place is not within the special flood hazard area and would not require our flood review.

Happy Friday!

Meg

Margaret M. Groves, CFM - Senior Designer
Remington & Vernick Engineers
9 Allen Street
Toms River, NJ 08753
732-286-9220 (office)
732-505-8416 (fax)
732-606-6385 (mobile)



From: Rosalind Miller <rosalind.miller@plainfieldnj.gov>
Sent: Tuesday, June 16, 2020 5:22 PM
To: Pamela Hilla <Pamela.Hilla@rve.com>; Margaret Groves <Margaret.Groves@rve.com>
Subject:

Good Afternoon,

The Planning Division received the attached architectural plan and engineering plan I have submitted copies of the plans inter-office mail for Fire, Police and PMUA.

Your reviews are much appreciated.

Rosalind Miller
Planning/Zoning Board Secretary
Division of Planning
515 Watchung Avenue, Rm 202
Plainfield, New Jersey 07060
(908) 753-3486 /Fax: (908) 226-2587
rosalind.miller@plainfieldnj.gov
www.plainfieldnj.gov

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COUNTY OF UNION

DEPARTMENT OF ECONOMIC DEVELOPMENT
AMY C. WAGNER, DEPUTY COUNTY MANAGER/DIRECTOR

May 28, 2020

RECEIVED

JUN - 4 2020

PLANNING DIVISION

**BOARD OF
CHOSEN FREEHOLDERS**

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County Manager

Amy C. Wagner
Deputy County Manager

ROBERT E. BARRY, ESQ.
County Counsel

JAMES E. PELLETTIERE
Clerk of the Board

Mr. John Sullivan, Jr., Esq.
Vastola & Sullivan
495 Union Avenue, Suite 20, P.O. Box 7
Middlesex, New Jersey 08846

Applicant/Site: Moon Builder, LLC
123 Elmwood Place, Plainfield
Block 236, Lot 14

Dear Mr. Sullivan:

The County Planning Board received a site plan and associated documents for consideration of exemption from review by the Union County Planning Board. The purpose as noted on the site plan and application is to build a two family house on a vacant property in a residential zone.

The above noted site is not located on a County Road or drainage facility and single and two family site plan applications are exempt from County review. Based on these items the site is exempt from County Planning Board review in accordance with the County of Union's Land Development Standards,

Please be aware that this exemption from County review does not excuse the applicant from obtaining necessary municipal or other required government approvals and permits associated to the proposed development. Contact me if you have any questions.

Sincerely,

Kamal Saleh, PP, AICP
Supervising Planner

CC: Rosalind Miller, Board Secretary, City of Plainfield

ADMINISTRATION BUILDING

Elizabethtown Plaza

Elizabeth, NJ 07207

(908)527-4224

fax (908) 352-3980

www.ucnj.org

We're Connected to You!

Rosalind Miller

From: Kevin O'Brien <kobrien@ppdnj.com>
Sent: Thursday, June 25, 2020 4:10 PM
To: Rosalind Miller
Cc: Malvika Apte
Subject: RE: FW: ZBA 2020-11 123 Elmwood Place

Rosalind,

We have no objections.

Thank you,

Kevin O'Brien
Captain
Plainfield Police Department

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Rosalind Miller <rosalind.miller@plainfieldnj.gov>
Date: 6/25/20 4:07 PM (GMT-05:00)
To: Kevin O'Brien <kobrien@ppdnj.com>
Cc: Malvika Apte <mapte@cmeusa1.com>
Subject: FW: FW: ZBA 2020-11 123 Elmwood Place

Good Afternoon Kevin,

Just a friendly follow-up to see if you got the chance to review the attached drawings for 123 Elmwood Place. They are seeking to construct a two-family dwelling on a vacant lot.

Please advise.

Thanking you,

*Rosalind Miller
Planning/Zoning Board Secretary
Division of Planning
515 Watchung Avenue, Rm 202
Plainfield, New Jersey 07060
(908) 753-3486 / Fax: (908) 226-2587
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