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Memorandum

DATE: August 21, 2020

TO: Members of the Plainfield Zoning Board

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
Jay B. Bohn. - Applicant's Attorney, jbohn@schiller.law
Sean M. Savage, P.E. - Applicant's Engineer, ssavage@matrixnewworld.com
Jeffery A. Fleischer, A.I.A - Applicant's Architect, jeff@jafaia.com

RE: *Planning Review # 1*
Application # ZB 2020-06
537-547 North Ave
Applicant: 537 North Ave LLC
Block 304, Lot 9
Zone: MU Mixed Use Zone District

FILE NO.: HPFZ0304.01

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

1. One (1) sheet of Survey titled "Boundary and Topographic Survey," prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, P.C., dated and latest revised July 11, 2017;
2. Twelve (12) sheet of site plan entitled "Preliminary and Final Major Site Plan 537-47 North Avenue," prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, P.C., dated June 15, 2018 and latest revised February 19, 2019;
3. Four (4) sheets of Architectural plans titled "Proposed addition and alterations to 537 North Avenue," date June 4, 2018 and latest revised April 28, 2020;
4. Application and supporting documents;
5. One (1) copy of refuse and recycling plan, prepared by Landmark Developers;
6. One (1) copy of sanitary sewer calculations, prepared by FWH Associates, P.A. dated August 6, 2020.



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We offer the following comments for Board's consideration:

1. Proposed Application

The applicant is seeking a use variance and a preliminary and final site plan approval in order to use the upper three story of the existing four story building as a cooking school and a business incubator. The site identified as Block 304, Lot 9 in the City of Plainfield tax records, is located at the corner of North Avenue and Filmore Avenue. The site is currently developed with a four-story building and gravel parking/storage area.

The site was part of a recently approved Zoning Board Application, ZBA 2018-18 that permitted a one story addition of 6,040 square feet to the west of the existing building. The approval included use of first floor of the existing building approximately 3,000 square feet as a commissary kitchen and the addition, 6,040 square feet as a warehouse. The approval also included a commercial rooftop raised planting beds, along with several variances including use, height, building coverage and supplemental zone variances and design waivers. The site was granted use variance and preliminary and final site plan per resolution memorialized November 7, 2018.

With this application, applicant is proposing to renovate the above three stories of the existing building and to use them as cooking school on the second and third story and the fourth story shall be used as a business incubator. The cooking school is to provide training for potential employees of the hospitality industry from cooking, waiting tables as well as housekeeping skills. The business incubator would be located on the fourth story to assist in providing support to individuals to progress into hospitality industry.

Per the architectural floor layout, the second and third floor shall contain the contain the cooking school comprising of locker rooms, break rooms and bathrooms along the front of the building and an open floor area with work stations and storage room. **Applicant should provide a thorough testimony regarding the various rooms and operations on each floor.** Per the site plan, each floor is approximately 6,000 square feet, **applicant should confirm.** The fourth floor contains several storage rooms, a kitchenette and an open floor area.

The roof plan shows garden bed and prefabricated greenhouse area and a 960 square feet penthouse area. **The use of this penthouse area is not clear and was not noted in the prior approval. This should be clarified.**

Further, per the statement, the hours of operation are noted to be Monday to Thursday, 10:00 am to 2:00 pm. **It is not clear if these are the timings of the cooking school, business incubator or the commissary kitchen. An overall statement regarding the overall timings of the entire site should be provided. The applicant does anticipate future evening and weekend hours.**

The sanitary sewer calculation notes the number of students as 35 students. No other details on staff, commissary kitchen and warehouse employees and number of employees at business incubator is provided. **A detailed testimony on the same should be provided.**



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2. Completeness

The application was submitted to the Planning Division on April 10, 2020. The application was identified as capable of being deemed complete on June 24, 2020. The applicant is seeking waiver from the following item.

- a. Computation of stormwater detention volume as part of complete site drainage and grading plan. ***This item was noted as a waiver.*** We defer to the Board Engineer in requiring the completion of this item.

3. Subject Site and Surrounding Land Uses

The subject site, identified as Block 304, Lot 9, in the City of Plainfield tax records is located in the northeast area of the City. It is a corner lot located at the southwest corner of North and Fillmore Avenue. The site is located within the Flood Zone AO with a depth of 3 feet.

The subject site is approximately 22,500 square feet in area with approximately, 150 feet frontage on North Avenue and 150 feet frontage on Fillmore Avenue. The subject site is currently developed with a four story including a 960 square feet Penthouse on the roof top. The building is located on the southeast corner of the property with the remaining property consisting of gravel lot. Chain link fence with razor wire fencing surrounds the property.

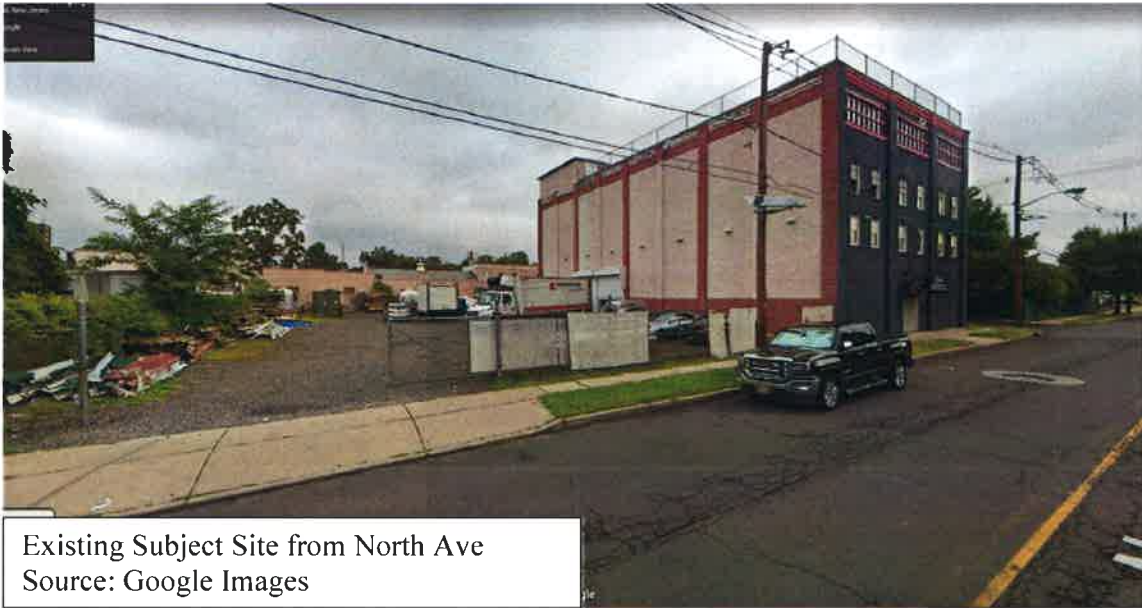
As note above the property was approved to add a one story warehouse addition of 6,040 square feet on the site in 2019. This addition or site improvements have not yet commenced. ***The building however, as stated in the application is currently being used as commissary kitchen on the first floor of the existing building and as a warehouse on the upper three story.***

The subject site is surrounded by similar warehouse, warehouse, industrial and vacant properties. The Fillmore Avenue neighborhood is industrial in character with several residential uses on north end of the street.

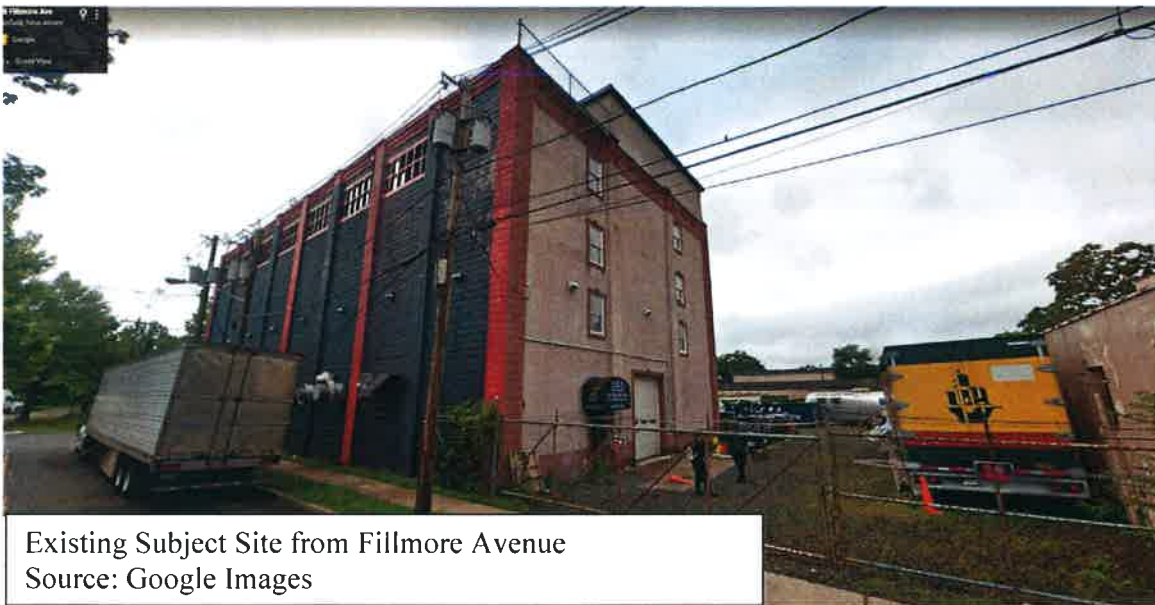


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Existing Subject Site from North Ave
Source: Google Images



Existing Subject Site from Fillmore Avenue
Source: Google Images



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4. Zoning and Bulk Review

a. Use:

The subject property is located in the MU-Mixed Use Zone District wherein, a commissary kitchen, a warehouse, a cooking school and a business incubator are uses that are not expressly permitted in the zone. While the site has already received a use variance approval for the commissary kitchen and warehouse use, with this application, a use variance is required for cooking school and a business incubator.

Details on the operations of the entire building should be provided. This should include, the anticipated number of students on site, the number of staff on site, the number of employees for the business incubator. Will it be used by only students and staff of the cooking school or would it be provided as rental space for any start up specific to hospitality business. The number of anticipated delivery for the proposed use. The operation timings of each of the use on site should be provided. Additionally, it is recommended applicant testify regarding the total number of anticipated deliveries on site, the type of trucks anticipated on site and other such details.

The proposal mainly includes interior changes, no additional site improvements are proposed from what was approved in 2019.

b. Bulk Regulations:

The following table notes the bulk regulations permitted per the redevelopment plan and provides the proposed developments compliance/non-compliance with the regulations:



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Bulk Regulations (MU- Mixed Use Zone District)			
Commercial Uses			
	Requirement	Approved	Proposed
Minimum Lot Area	5,000 sq. ft.	22,500 sq. ft.	No change
Minimum Lot Width	50 feet	150 feet	No change
Minimum Lot Depth	100 feet	150 feet	No change
Minimum Lot Frontage	50 feet	150 feet	No change
Minimum Front Yard Setback North Avenue Filmore Avenue	10 feet 10 feet	0.2 feet (v) 0 feet (v)	No Change No change
Minimum Side Yard Setback One/Both	5 feet/10 feet	31.7 feet/NA	No change
Minimum Rear Yard Setback opposite North Ave*	15 feet	21.7 feet	No change
Maximum Floor Area Ratio	1.8	1.46	No change
Maximum Building Coverage	60%	62.44% (v)	No change
Maximum Total Lot Coverage	80%	99.95% (v)	No change
Maximum Building Height	3 sty/35 feet	4 sty * (v)	No change
Minimum Improvable Area	1,500 sq. ft.	17,500 sq. ft.	No change
M.I.A. Diameter of Circle	27 feet	125 feet	No change
<i>(V) Variance granted per ZB 2018-18 * based on prior approval</i>			

5. Supplementary Regulations

a. Buffering and Screening:

- (i) **§17:9-24 C:** Parking lot buffering of minimum 5 feet with 4 foot high visually screen is required. Applicant was granted variance from this requirement, however it was stated that current chain link fence is to be removed and replaced with 6 foot high decorative fence. ***This condition is reiterated as the site still contains chain link fence.***

b. Flood damage prevention:

- (i) **§17:9-30:** The subject site is located in the Flood Plain zone. We defer to City Flood Plain Manager in compliance of this item.

c. Parking, driveways and loading:

- (i) **§17:9-42:** the site was granted approval from the following:



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- driveway located within 5 feet of adjacent property line;
- setbacks for buildings from driveway and parking areas shall be 5 feet;
- parking shall be prohibited in side and front yard area;
- Curb cut width along North Avenue.

With this proposal no changes to these variance conditions are proposed.

- (ii) **§ 17:9-42 J:** per the 2019 approval, the entire building with the addition comprising of 32,883 square feet was treated as a warehouse, and the required parking space was computed to be 16 space required at the ration of 1 space per 2,000 square feet. The plan proposed 7 spaces that included 6 standard spaces and 1 ADA space.

§ 17:9-42 K: for uses not specifically described herein, parking requirements shall be determined by the approving authority during public hearing. Applicant should provide a thorough testimony regarding the anticipated parking on site.

Per ITE Parking Generation Manual 5th edition, an average parking supply ratio for schools not within ½ mile of rail transit the parking supply ratio is a minimum of 0.23 per student. Per statement, for 35 student cooking school, the parking ratio for this use on site is 8 parking spaces.

For an office use the LUO requires a minimum of 1 space per 400 square feet. Although the proposed use is a business incubator, applicant should provide a traffic testimony regarding the anticipated parking for this particular use. The ITE handbook suggests a parking ratio of 3.3 spaces per 1,000 square feet and 1.2 spaces per employee for offices not within ½ mile of rail transit.

An overall, detailed testimony of parking need of the site, the anticipated future parking and the proposal to meet the parking demands should be provided. The LUO permits the approving authority to determine the parking requirement for the uses not described in the ordinance.

d. Loading:

According to the applicant, with the proposed new uses, applicant does not expect the use to generate any additional truck. Further, during prior approval it was testified that anticipated truck traffic on site is through a box truck of approximately 1-2 times a week. It was additionally testified to that the deliveries on subject site would be accomplished through number of small vans which would pick up and drop off products. It was testified that all loading would occur indoors and that all loading vans shall be stored off site at another property located in Jersey City.

Overall it was noted that **§17:11-13**, the site would require 3 loading berths measuring 15 feet wide by 60 feet long. Applicant should clarify/testify if there is any change in loading



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requirement based on proposed use. Further, applicant should testify regarding the loading accommodations, frequency and storage of loading vehicles off site.

e. Shade Trees:

(i) The site plan shows three (3) street trees along North Avenue and four (4) street trees along Filmore Avenue. This was approved per the prior site plan.

h. Signage:

The proposed elevations on Sheet A-6 and A-7, show two proposed wall signs, one along the west elevation and one along South Elevation (North Avenue Frontage).

	Required	Proposed
Wall Signs		
Number of Signs	One per ground floor business	1
	One additional sign facing rear parking lot	1
Material Permitted	Metal Framed or Wood Framed with aluminum substrates	No details provided
Total Area of Sign		
North Avenue Street	10% of total façade area = 266.71	177 sq. ft.
Rear facing parking lot	10% of total façade area = 300.26	171.9 sq. ft.
Maximum height of wall sign	2 feet	3.0 feet (V)
Maximum projection from wall face	9 inches	TBD
Maximum Mounting Height	Mounting height shall not exceed building height	Complies
Illumination	Externally illuminated shall be placed immediately above the sign face	No details provided
Colors	No more than 3 colors on a single sign	TBD
V- variance	TBD- To be determined	

Details regarding type of external illumination and its placement should be provided. Additional details on signage materials and colors should be provided to determine compliance.

i. Building Form and Mass and Façade Treatment:

Per the prior approval several of the variances/waivers in terms of building façade were granted. Per the proposal no external changes to the building are proposed. Applicant should clarify if any additional venting system or other such features would be proposed due to the second and third floor cooking school. If no changes in the condition, it should be noted, waivers and conditions granted from the previous approval in relation to horizontal courses, roof pitch, windows, entrances, physical plant and shutters shall remain.



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6. Design Standards:

a. Lighting:

The proposal includes seven building mounted lights and two street lights along North Avenue. The freestanding light fixtures along North Avenue are to comply with streetscape design manual. The site was granted waivers from illumination level for parking lot and loading areas. Applicant should clarify none of these conditions have changed.

b. Refuse and Recycling:

The applicant has submitted a refuse and recycling plan proposing a 6 yard trash container and 6 yard cardboard container along the rear of the building. The proposal states the dumpster area shall be accessed by a 34 feet front loader and pickups shall be scheduled once a week on Mondays. The previous approval granted a waiver for no screening along refuse and recycling area from Fillmore Avenue. The previous plan proposed 4 yard dumpsters. We question the adequacy of the proposed truck to maneuver accessing the area and turning along a 22 foot drive aisle.

c. Streetscape Design Standards:

The property is located in Mixed Use District, wherein compliance with Streetscape design standards is required. It appears applicant is meeting the standards in terms of lighting and street trees. We defer to the Board Engineer on his recommendation for paving compliance. Applicant should clarify if this was discussed during the previous approval.

7. Master Plan

The proposal is consistent with the objectives and policies of the master plan by development and rehabilitation of an existing building with improved building, parking area and new public improvements.

8. Planning Comments

- a. The applicant shall provide testimony regarding number of anticipates school students, staff, existing commissary kitchen and warehouse employees and the number of anticipated tenants for the proposed business incubator. An in depth detail testimony regarding hours of operation for each use, the truck traffic generation for each use, the type of programs, the maintenance of site and any other details regarding the facility should be provided.
- b. Applicant should provide details if any backup generator is proposed for the building, it location and visual buffering should be shown.



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- c. Applicant should provide details on who would be given priority over the seven parking spaces proposed on site.
- d. We defer to Board Engineer regarding drainage, stormwater, utilities, traffic impact, and other engineering issues related to the site.
- e. The applicant should be prepared to discuss whether any additional permits/approvals are required by outside agencies.

9. Statutory Criteria

D Variance:

With the proposed development, the applicant requires a d (1) variance to permit the use of cooking school as well business incubator use on site. 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 proposal requires bulk variances from number of parking spaces, proposed sign height and waiver from loading requirement. These are commonly known as C variances. The Board has the power to grant 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



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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.

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.

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



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

Eric E. Jackson, Executive Director

VIA U.S. MAIL & EMAIL

August 24, 2020

Frank Cretella
537 North Ave LLC
675 Garfield Avenue
Jersey City, NJ 07305

Re: 537-547 North Avenue
ZBA-2020-06

Dear Mr. Cretella:

After reviewing the plans for 537-547 North Avenue Block 304, Lot 9, (Application No. ZBA 2020-06), the only thing I can say at this time is the Plainfield MUA does have enough capacity to handle the added flow from this project.

There is a sanitary connection application that must be filled out and a minimum escrow in the amount of \$2,000.00. This must be paid before the plans are sent to our consulting engineer for review. At that time he will calculate the required sanitary sewer connection fees and application fees.

Once the connection fee has been paid, I will issue a letter that must be taken to the City when you apply for your Certificate of Occupancy. The City will not issue a COO without this letter.

If you have any questions please let me know.

Yours truly,

Stephen D. Dessino, Superintendent
Sewer Department

Enc. (Sanitary Sewer Application)

Cc: ERICJ@PMUA.ORG
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**ADRIAN O. MAPP
MAYOR**

CITY OF PLAINFIELD

**DEPARTMENT OF ECONOMIC
DEVELOPMENT**

ZONING OFFICE

**N'DELA COSTLEY, ZONING OFFICER
515 WATCHUNG AVENUE, ROOM 202
PLAINFIELD, NEW JERSEY 07060**



**VALERIE JACKSON
DIRECTOR**

DATE: August 21, 2020
TO: Rosalind Miller, Board Secretary
FROM: N'dela Costley, Zoning Officer
RE: Zoning Board Application – 537-47 North Avenue

I have conducted a review of the plans to permit a Cooking School and Business Incubator and construct a 6,040 Sq. Ft. Addition. The subject property is located in the LI Light Industrial District and also located within Flood Zone AO.

The following approvals are required:

1. Preliminary And Final Site Plan Review and Approval
2. Bulk Variances are required for the following:
 - a. Insufficient front yard setback
 - b. Exceeding max. impervious lot coverage
 - c. Exceeding max. number of stories
 - d. Exceeding max. building height

Waivers requested for the following:

1. Insufficient parking
2. Parking lot buffering
3. Parking lot screening
4. Min. building setbacks (pavers proposed)
5. Driveway width
6. No sidewalks provided.

Additional Variances may be required and will be identified upon the submission of a complete set of engineering and architectural plans.

Thank you.

N'dela Costley

N'dela Costley
Zoning Officer

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