



June 16, 2022

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Via Email

Mr. Joseph A. Paparo, Esq.
Porzio Bromberg & Newman, P.C.
100 Southgate Parkway, P.O. Box 1997
Morristown, NJ 07962-1997
japaparo@pbnlaw.com

Re: Application No.: PB 2022-06
Applicant: 768-900 North Ave III LLC
Preliminary & Final Site Plan Approval
Location: 768-900 North Avenue & 336-346 Johnston Avenue, Plainfield, NJ
Block 344, Lot 3 & Block 341, Lot 2
Zone – TODN North Redevelopment Plan –
TSC Trainside Commercial Sub-District (Block 344 Lot 3)
TSR Trainside Residential Sub-District (Block 341 Lot 2)
Our File: HPFP0344.01
Completeness Review Letter # 2

Status: Complete

Dear Mr. Paparo,

This is the second completeness review letter in reference to the above-mentioned application. The Applicant has filed this application seeking preliminary and final site plan approval along with deviations from the Redevelopment Plan and design standard waivers to permit the renovation of the existing vacant industrial building on Block 344 Lot 3 into a “modern warehouse and distribution center.” The renovations will include raising the roof in certain sections of the building to create a uniform ceiling height, the removal of approximately 9,730 square feet in the rear portion of the building, and the in-fill addition of two areas near the southwest corner of the building. The two additions together will total about 6,689 square feet. The plans indicate that the building will be divided into seven (7) units varying in size 13,208 square feet to 22,300 square feet. **Applicant should be prepared to provide information regarding proposed tenants for these spaces and if the seven unit division is definitive or can be modified based on market demands.**

The other property included in this application (Block 341, Lot 2) is currently developed with a surface parking lot that has previously been associated with the industrial building on the other subject property. The Applicant proposes to renew this arrangement by restoring and upgrading the parking area, which will provide 68 parking spaces. The parking area will only be accessible from North Avenue, and will include an automatic rolling gate to control access to the parking area.



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Both properties are regulated by the TODN North Redevelopment Plan, which was most recently amended November 4, 2021. Block 344 Lot 3 (the proposed warehouse) is located in the TSC Trainside Commercial sub-district, in which light industrial uses (defined by the Redevelopment Plan as “operations and facilities related to warehousing, distribution, research and development”) are a permitted use. The proposed warehouse is therefore a permitted use. Block 341 Lot 2 (the parking lot) is located in the TSR Trainside Residential sub-district, in which surface parking is a conditional use. As no conditions for parking lots are noted in the Redevelopment Plan, the proposed surface parking lot is a permitted use.

We originally received the following documents in relation to this application:

- Transmittal letter prepared by Porzio Bromberg & Newman, P.C., dated February 28, 2022;
- Application form received by the City on March 7, 2022;
- Owner’s Consent Form for Block 341 Lot 2 dated February 7, 2022;
- Corporate Ownership Disclosure Statement for 768-900 North Ave III LLC;
- Application Rider, including:
 - Easement/Deed Restriction Disclosure,
 - Variance/Design Waivers,
 - Statement of Principal Points;
- Political Contribution Disclosure Statement for Applicant, Applicant’s engineer, and Applicant’s attorney;
- Report entitled “Stormwater Management Report Accessory Parking for Warehouse Building” prepared by C2EM Urban, LLC dated January 18, 2022;
- Eleven (11) sheets of plot plan and architectural plans entitled “Proposed Warehouse and Accessory Parking 780-900 North Avenue, Block 344 Lot 3 and 336-346 Johnson Avenue Block 341 Lot 2 Plainfield, Union County, New Jersey” prepared by C2EM Urban, LLC, dated January 18, 2022.

Following our March 18, 2022 Completeness Review #1 letter, we received the following documents:

- Transmittal letter prepared by Porzio Bromberg & Newman, Attorneys at Law, P.C. dated June 6, 2022;
- One (1) sheet of “Plan of Survey w/ Partial Topography of Tax Map Lot 3 in Block 344 / of Tax Map Lot 2 in Block 341” prepared by Vallee Surveying, LLC dated November 20, 2014 and last revised May 4, 2021; and



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- Thirteen (13) sheets of plot plan and architectural plans entitled "Proposed Warehouse and Accessory Parking 780-900 North Avenue, Block 344 Lot 3 and 336-346 Johnson Avenue Block 341 Lot 2 Plainfield, Union County, New Jersey" prepared by C2EM Urban, LLC, dated January 18, 2022 and last revised May 23, 2022.

1. Completeness

We noted the following items as missing or incomplete in our March 18, 2022 Completeness Review #1:

- a. **§17:8-2.B.6:** A tax search indicating current status of all taxes, assessments, and fees due to the City of Plainfield. ***We are not in receipt of an official tax search from the Plainfield Tax Department. This is required and shall be submitted.***
- b. **§17:8-2.B.6:** All requisite escrow deposits and fees. ***We defer to the Board Secretary to determine compliance with this item.***
- c. **§17:8-2.B.9f:** Dimensions and bearings of all existing and proposed property lines, easements, covenants and deed restrictions. ***All dimensions and bearings have been provided on the submitted survey. While this item is complete, we still recommend that all dimensions and bearings, including along the front of both subject properties, be included on sheet C100.00 of the site plan.***
- d. **§17:8-2.B.9m:** Tabulation indicating the square foot area of structures, pavement, and open space and the percent of their lot coverage and floor area ratio. ***Tabulation of pavement, pavers, and open space for both properties has been provided. This item is complete.***
- e. **§17:8-2.B.9o:** Current outbound survey of the tract or a survey no more than five (5) years old certified by a licensed land surveyor that there have been no changes. ***A recent survey showing both subject properties has been submitted. This item is complete.***
- f. **§17:8-2.F.1:** Scaled architectural depiction of exterior building elevations, a description of façade materials and floor plans of sufficient detail to apprise the approving authority of the scope of the proposed work. ***Elevations for all building sides have been provided. Floor plans have also been provided. This item is complete. We recommend Applicant provide additional details on the material being used for the façade treatments.***
- g. **§17:8-2.F.2:** Building construction type/class (BOCA CODE). ***This item is complete.***
- h. **§17:8-2.F.3:** Location of all existing and proposed subsurface and above ground utilities (gas, water, telephone, electric, sanitary sewer, oil) including the location of all laterals. ***Electric and telephone lines are not readily identifiable on the utilities plan. This shall be clarified and the plans revised to add these lines if necessary.***
- i. **§17:8-2.F.4:** Finished floor elevations of all existing and proposed structures referenced to geodetic data. ***Floor elevations for all sides of the building have been provided. This item is complete.***



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- j. **§17:8-2.F.7:** ...truck movement wheel base templates...pavement surface type. **Applicant has provided truck turning movements demonstrating how trucks will enter/exit the loading area off of North Avenue, and has provided pavement surface type. This item is complete.**
- k. **§17:8-2.F.8:** Curbing and apron type. **This item is complete.**
- l. **§17:8-2.F.14:** Location, type, and volume of refuse storage and recycling facilities. **The type of refuse/recycling storage should be identified on the site plan. The site plan includes a brief "Trash Collection" statement on sheet C-00.10. Additional details are required, including the days and timing of pick-up and how trash will be picked up from the interior of the building. A Refuse and Recycling Plan should be submitted.**
- m. **§17:8-2.F.17:** A written description of the proposed use(s) and operation(s) of the building(s), including: the number of employees; the proposed number of shifts to be worked and the maximum number of employees on each shift; expected truck traffic; and anticipated hours of operation and anticipated expansion plans incorporated in the building design. **A detailed description providing any known information shall be submitted. Applicant shall also testify to this information.**
- n. **§17:8-2.F.18:** Locations, positions, dimensions and total height of all signs; source of illumination, if applicable; and material used in sign fabrication. **The building elevations include "sign placeholders" of no more than 32 square feet for each of the seven units of the building. Applicant shall confirm these signs are If the sign locations and dimensions are definitive, Applicant shall indicate the dimensions of the signs on the plans.**
- o. **Redevelopment Plan §7.1:** Per the Redevelopment Plan, only a redeveloper designated by the City of Plainfield may undertake redevelopment in the redevelopment area. **A copy of any Redeveloper's Agreement made between the Applicant and the City shall be provided. Applicant shall indicate when a designation is expected.**

2. Application Fees Calculation

Pursuant to §17:13 of the Land Use Ordinance, the **revised application fee** is calculated as:

| | | |
|--|--------------------------|--------------------------|
| 1. Variances from NJSA 40:55D-70c | 7 @ \$200.00 each | <u>\$1,400.00</u> |
| 2. Preliminary site plan review – Industrial use greater than 20,000 square feet | | \$1,000.00 |
| 3. Final site plan review | | \$500.00 |
| 4. Flood Plain Development Permit Application Review | | \$250.00 |
| 5. Public hearing fee | | \$100.00 |
| Total Application Fee | | <u>\$3,250.00</u> |



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We reserve the right to amend this fee calculation pending the identification of additional variances during our full technical planning review. We defer to the Board Secretary to ensure the application fee has been paid.

3. Deposit and Escrow

Pursuant to §17:13 of the Land Use Ordinance, the initial **deposit and escrow** remains unchanged from our first completeness review (\$4,000.00). ***We defer to the Board Secretary to ensure the escrow has been paid.***

4. Variances and Waivers

- a. Use: The proposed warehouse and parking lot are permitted uses for their respective properties, as noted in the introductory section of this letter.
- b. Bulk Standards: The tables below indicate the bulk requirements for each of the subject properties involved in this application. ***These comments are reiterated from our first completeness review.***

| Bulk Regulations (TODN North Redevelopment Plan TSC Sub-district) Block 344 Lot 3 | | | |
|--|--------------------|-----------------|-------------------|
| | Requirement | Existing | Proposed |
| Minimum Lot Area (sq. ft.) | 20,000 | 142,660 | 142,660 |
| Minimum Front Yard Setback (feet) | 0 | 2.11 | 2.11 |
| Maximum Front Yard Setback (feet) | 5 | 2.11 | 2.11 |
| Minimum Side Yard Setback (feet) | 5 | 1.0 | 1.0 (V) |
| Minimum Combined Side Yard Setback (feet) | 20 | 24.8 | 22.7 |
| Minimum Rear Yard Setback from Property Line (feet) | 10 | 0.68 | 11.33 |
| Maximum Building Coverage | 75% | 82.36% | 80.23% (V) |
| Maximum Impervious Coverage | 90% | 94.98% | 85.19% |
| Density (du/acre) | 75 | N/A | N/A |
| Floor Area Ratio (FAR) | 3.3 | 0.82 | 0.80 |
| Maximum Building Height (feet) | 70 | 32.0 | 34.0 |
| Maximum Number of Stories | 6 | 1 | 1 |
| Number of Stories within first 20 feet of property line | 4 | 1 | 1 |
| Minimum First Floor Height (feet) | 12 | 32 | 34 |
| Minimum Open Space Required | 5% | 0% | 0% (V) |

(V) Variance (E) Existing Non-conforming Condition NA- Not applicable



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- i. While the existing industrial building has a side yard setback of one foot (1') from the northeasterly property boundary, the Applicant proposes to maintain this setback even while demolishing other portions of the building, and proposes to increase the bulk of the building within the side setback area by increasing the height. **A variance is therefore required.**
- ii. The remodeling of the building into a modern warehouse will result in a building coverage of 80.23%. This is actually a reduction from the existing building coverage of 82.36%. Even so, the proposed coverage is higher than the maximum permitted of 75%. **A variance is therefore required.**
- iii. The minimum open space is five percent (5%), which is defined by the Redevelopment Plan as "an area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public." **While the impervious coverage of the property is decreasing with the proposed development, there is no indication that the "open space" created by this is "for the use and enjoyment of the public." A variance is required unless the Applicant can demonstrate how the open areas are for public use and enjoyment.**

| Bulk Regulations (TODN North Redevelopment Plan TSR Sub-district) Block 341 Lot 2 | | | |
|--|-----------------|----------|----------|
| | Requirement | Existing | Proposed |
| Minimum Lot Area (sq. ft.) | 10,000 | 32,713 | 32,713 |
| Minimum Front Yard Setback (feet) | 5 | N/A | N/A |
| Maximum Front Yard Setback (feet) | 8 | N/A | N/A |
| Minimum Combined Side Yard Setback (feet) | 15 | N/A | N/A |
| Minimum Rear Yard Setback from Property Line (feet) | 25 | N/A | N/A |
| Maximum Floor Area Ratio | 2 | N/A | N/A |
| Maximum Density (du/acre) | 54 | N/A | N/A |
| Maximum Building Coverage | 45% | N/A | N/A |
| Maximum Impervious Coverage | 90% | 78.68% | 76.24% |
| Minimum Open Space Required | 10% | | |
| Maximum Building Height within first 55' of North Avenue | 45' / 4 stories | N/A | N/A |
| Maximum Building Height beyond the first 55' of North Avenue | 35' / 3 stories | N/A | N/A |
| (V) Variance (E) Existing Non-conforming Condition NA- Not applicable | | | |



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- i. The Applicant has confirmed the impervious coverage of the parking area complies with the Redevelopment Plan.
 - ii. The minimum open space is five percent (5%), which is defined by the Redevelopment Plan as “an area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public.” ***While the impervious coverage of the property is decreasing with the proposed development, there is no indication that the “open space” created by this is “for the use and enjoyment of the public.” A variance is required unless the Applicant can demonstrate how the open areas are for public use and enjoyment.***
- c. ***Loading Area Screening:*** Per §A.3.b of the Redevelopment Plan, loading areas screening shall consist of a minimum ten (10) foot high impervious screen. Twelve of the fifteen proposed loading spaces are to be inside the building. The three eastern-most of the loading spaces are located outside the building, along the frontage with North Avenue with no proposed screening. ***A variance is therefore required.***
- d. ***Parking Spaces:*** Per the parking requirements of the Land Use Ordinance (§17:9-42.J.2), a total of 58 parking spaces is required for the warehouse development (1 space for every 2,000 gross square feet of floor area; 117,495 square feet / 2,000 square feet = 58.74, rounds down to 58). A total of 68 parking spaces are provided on the parking lot on Block 341 Lot 2. ***This complies.***
- e. ***Parking Location:*** Per §C.11 of the Redevelopment Plan required accessory off-street parking spaces shall be located on the same lot as the use to which the spaces are accessory, or upon an adjacent lot in common ownership. The proposed parking for the warehouse facility is located on a non-adjacent lot, although it appears to be under common ownership (***this shall be confirmed***). ***A variance is required. We also recommend an easement or some other legal instrument be drafted and executed to ensure the use of the parking lot property by the warehouse.***
- f. ***Parking Lot Landscaping:*** Per §D.2 of the Redevelopment Plan, planting islands shall contain a minimum of one (1) deciduous tree for every five (5) parking spaces abutting the island. With 67 parking spaces, a total of 14 trees would be expected. Fourteen trees are provided, although the possibility of providing additional trees on the islands along the North Avenue frontage should be discussed.
- g. ***Continuous Building Façade:*** Per the Additional Standards of the Trainside Commercial sub-district, item e, no more than 300 feet of a continuous building façade is permitted on a single property. The existing industrial building has a continuous façade of 720 feet, and the proposed warehouse will continue this non-conformity. ***A variance is therefore required.***



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- h. *Electric Vehicle Charging Stations:* Per the recently passed and signed S-3223 (P.L. 2021, c.171), municipalities are required to follow a model ordinance (“An Ordinance Authorizing and Encouraging Electric Vehicle Supply/Service Equipment (EVSE) & Make-Ready Parking Spaces”) for electric vehicle Make-Ready and Electric-Vehicle Supply/Service Equipment (EVSE) parking spaces for certain developments. Section D.2 of this ordinance provides that at least one (2) Make-Ready electric vehicle parking space be provided for parking lots or garages with 51 to 75 spaces that are not accessory to a development with residential uses. Two such spaces are provided, one of which is ADA accessible. ***This complies.***
- i. *Refuse/Recycling:* Refuse/recycling storage areas are provided in each of the seven (7) units. The type of storage should be indicated and the Applicant should provide a trash and recycling plan showing how often trash and recycling will be picked up, how trash will be removed from the building units, and who will provide the pick-up services.
- j. *Signs:* “Sign placeholders” for the tenants of the seven units are indicated on the building elevation sheet. Applicant shall confirm that the location and sizes are definitive and if so shall provide the dimensions of the signs.
- k. *Assembly Space:* Assembly space is permitted as accessory to the permitted light industrial use. A maximum of 30% of the floor area of the light industrial/warehouse use may be utilized for assembly operations. The floor plans indicate that each unit in the warehouse building provides 2,500 square feet of floor area for assembly operations. In the smallest of the seven units, which has 13,208 square feet of floor area, this amounts to 18.9% of the floor area devoted to assembly operations. ***This complies.***
- l. *Loading Spaces:* The site plans indicate a total of nine loading docks/spaces. While there is no standard in the Redevelopment Plan regarding the number of loading spaces, the LUO requires a total of seven (7) such spaces for a warehouse the size of the proposed. The nine spaces therefore appear adequate.

We reserve the right to amend the list of variances/waivers pending the identification of additional variances during further completeness reviews and our full technical planning review.

5. Recommendation

Pursuant to §17:8-2 of the Land Use Ordinance, the applicant’s submission is capable of being deemed complete at this time. Please review the Completeness section above and provide any additional required information or documents.



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6. Submission of Plans

Applicant should submit to the Planning Division pdf or electronic copies, as well as eighteen (18) folded paper copies sets of the general site plan and five (5) copies of supporting documents to the Board Secretary (Daniel.white@plainfieldnj.gov) within seven days of the determination of completeness. Electronic copies should also be provided to the Consulting Board Planner (mapte@cmeusa1.com). Only two (2) of the paper copies are required to be original signed and sealed; the other sixteen (16) may be full-size copies. **Please be advised delayed submittal of the noted items may affect the tentative scheduled hearing noted below.**

7. Scheduled Tentative Hearing Date: Thursday, July 21, 2022

To confirm, this application is capable of **being deemed complete** and is **tentatively** placed on the Planning Board Agenda for **Thursday July 21, 2022**. The Board meets at 7:00 pm.

Please be advised this is a tentative public hearing date due to the current global pandemic. This date is subject to change depending on the evolving circumstances and the applicant will be notified in case of date change. Additionally, please note this will be a virtual meeting which would require a special language in the notice. Please discuss with the Board Attorney Mr. Peter Vignuolo, Esq. (pvignuolo@verizon.net) regarding the procedure and language.

Under new Open Public Meetings Act regulations for virtual meetings, **any exhibit which you anticipate relying on at the time of the hearing needs to be supplied to the Secretary of the Zoning Board of Adjustment at least two days prior to the hearing. In order to ensure they get uploaded in sufficient time, please supply the documents five days before.**

The application is scheduled for the July 21, 2022 Planning Board Meeting Agenda. You are required to perform all legal notice requirements. You are responsible for publishing the legal notice in the official newspaper (the Courier-News) at least 10 days prior to the hearing date. You must provide a copy of the notice to the Board Secretary and to the Board Attorney at least 5 days prior to the hearing date. The Courier News Legal Notice Division has requested that the legal notice be emailed as a PDF or Microsoft Word document attachment to cnlegals@gannett.com. If you should have any questions please contact the Courier News Legal Notice Division at 888-516-9220.

You shall notify the surrounding property owners within two hundred feet (200 feet) of the subject property, municipal clerks of surrounding municipality if applicable, and all utility companies within the City. Notice must be mailed via certified mail at least 10 days prior to the hearing date. You are also required to provide affidavit of service of notice and a copy of the completed affidavit along with



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copies of the list of property owners, the notice, and the proof of service (certified mail receipts) to the Board Attorney as well as Board Secretary at least 5 days prior to the hearing date.

Before placing your notices please confirm with the Board Attorney, Mr. Peter Vignuolo, Esq., (pvignuolo@verizon.net) regarding the procedure for and language of all required public notices.

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

Sincerely,
CME Associates

Malvika Apte, PP, AICP
Consulting Board Planner

MA:nf

cc: Daniel White, Planning Board Secretary
Peter Vignuolo, Esquire, Planning Board Attorney
Drew DiSessa, PE, PP, CME, Board Engineer
Valerie Jackson, Director, Department of Economic Development
Maurice A. Brown, PE, Applicant's Engineer