

**RESOLUTION OF THE CITY OF PLAINFIELD PLANNING BOARD
GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL,
AND DEVIATIONS FROM THE TODN-NORTH REDEVELOPMENT PLAN
TO 768-900 NORTH AVE III, LLC
BLOCK 344, LOT 3; AND BLOCK 341, LOT 2
PB 2022-06**

WHEREAS, 768-900 NORTH AVE III, LLC (hereinafter referred to as "Applicant") has applied to the Planning Board of the City of Plainfield for preliminary and final site plan approval, as well as deviations from the TODN-North Avenue Redevelopment Plan for property located at 768-900 North Avenue, also known as Block 344, Lot 3 on the Tax Map of the City of Plainfield; and the property located at 336-346 Johnston Avenue, also known as Block 341, Lot 2 on the Tax Map of the City of Plainfield (hereinafter collectively the "Subject Property"); which application has been listed as PB 2022-06; and

WHEREAS, the site plan and architectural plans are shown on a plan entitled "Proposed Warehouse and Accessory Parking, 780-900 North Avenue, Block 344, Lot 3 and 336-346 Johnston Avenue, Block 341, Lot 2, Plainfield, Union County, New Jersey," prepared by Maurice A. Brown, P.E., of C2EM Urban, LLC, dated January 18, 2022, last revised May 23, 2022, consisting of thirteen (13) sheets; and

WHEREAS, the Applicant provided notice in accordance with the provisions of Section 40-18 of the Land Use Ordinance and

the Municipal Land Use Law ("MLUL") and the Board conducted a public hearing on July 21, 2022; and

WHEREAS, the Board received and reviewed reports from the Board Professional Planner and the Board Professional Engineer and provided an opportunity for comments from interested parties; and

WHEREAS, all members of the Planning Board voting on this resolution have attended the public hearing(s) or have certified that they have read the transcript(s) or listened to the tape(s) of the hearing pursuant to N.J.S.A. 40:55D-10.2; and

WHEREAS, the Board reviewed the application and the submission of the Applicant and is granting approval in reliance upon the representations made in the application and public presentation by the Applicant; and

WHEREAS, the Board after carefully considering the evidence submitted by the Applicant, the Planning Board's experts and the general public, makes the following findings of fact and conclusions of law:

1. Applicant is the owner and designated redeveloper of the Subject Property which is located in the TODN-North Avenue Redevelopment Area. Development of Block 344, Lot 3 is governed by the Trainside Commercial District ("TSC") standards contained in the TODN-North Avenue Redevelopment Plan (hereinafter the

"Plan"); while development of Block 341, Lot 2 is governed by the Trainside Residential ("TSR") standards contained in the Plan. The Plan provides that any other regulations not addressed in the Plan shall be governed by the City Land Use Ordinance (hereinafter the "LUO").

2. Block 344, Lot 3 (hereinafter "Lot 3") is an interior lot with 800 feet of frontage on North Avenue and a lot depth of 172.82 feet; containing 142,660 square feet ("SF")/3.28 acres. Lot 3 is improved with a one-story vacant industrial building.

3. Block 341, Lot 2 (hereinafter "Lot 2") is a corner lot with frontage on North Avenue and Johnston Avenue; containing 32,713 SF. Lot 2 is improved with a surface parking area.

4. At the time of the hearing, the Applicant proposed to renovate the vacant industrial building on Lot 3 into a modern warehouse and distribution center; and restore and upgrade the parking area on Lot 2 to supply 68 parking spaces for the warehouse and distribution center on Lot 3 (hereinafter the "Applicant's Project").

5. In connection with the Applicant's Project, the Applicant sought confirmation of existing bulk variance conditions related to: minimum side yard setback (Lot 3) - where required is 5 feet and existing/proposed is 1-foot; and minimum open space (both lots) - where required is 5% and

existing/proposed is 0%. The Applicant also sought a new maximum building coverage variance for Lot 3 - where required is 75%, existing is 82.36% and proposed is 80.23%.

6. Additionally, at the time of the hearing, the Applicant required deviations from the requirements of the Plan related to: loading area screening (Lot 3) - where required is a 10-foot-high impervious screen for a loading area and proposed is 6-foot-high privacy fence for the three eastern-most loading spaces; parking location (Lot 3) - where required is off-street parking on the same lot as the use to which the parking spaces are accessory (or an adjacent lot in common ownership) and proposed is a parking lot on Lot 2 which is not adjacent to Lot 3; and continuous building facade (Lot 3) - where required is maximum continuous building facade of 300 feet on a single property and existing/proposed is a continuous facade of 720 feet.

7. At the hearing, Joseph A. Paparo, Esq., the Applicant's attorney appeared and provided a summary of the Applicant's Project. He confirmed that the Applicant proposed to renovate the existing structure on Lot 3, as well as the surface parking area on Lot 2. Mr. Paparo advised that both uses proposed by the Applicant were permitted by the Plan.

8. At the hearing Maurice Brown, P.E., the Applicant's site engineer, provided testimony concerning the Applicant's Project. Initially, Mr. Brown proffered an aerial exhibit depicting the Subject Property and surrounding neighborhood; which was entered into the record by the Board. Referring to the aerial exhibit, he identified the Subject Property, as well as the uses on the surrounding properties. Mr. Brown confirmed that the Subject Property was generally flat and that it is located in a special flood hazard area.

9. Mr. Brown advised that the Applicant's Project including the renovation of the existing structure on Lot 3. Referring to sheet C-100 from the plan set, he identified a portion of the structure on Lot 3 which was being removed from the rear of the building, as well as areas of the rear of the structure on which additions were proposed. Mr. Brown noted that the Applicant proposed a modern distribution center of approximately 114,000 SF; and that the total square footage of the building was being reduced by about 3,000 SF.

10. Mr. Brown further indicated that the Applicant proposed to increase the height of the roof on a portion of the structure in order to create a uniform roofline. He proffered an exhibit which depicted the increase in the building height to 34 feet.

11. Mr. Brown advised that the structure on Lot 3 would be divided into seven individual spaces ranging from 13,000 SF to 22,000 SF. He noted that each individual space would include loading docks, offices, bathrooms and a separate entrance. Upon inquiry from the Board, Mr. Brown confirmed that seven was the maximum number of tenant spaces for the structure; and that if a singular tenant required more space, the number of individual tenants might be less than seven. He noted that the fit-out of each individual tenant space would be based upon the needs of each individual tenant.

12. Mr. Brown advised that each tenant would be responsible for providing its own refuse and recycling removal. He confirmed that the building included a refuse and recycling area in each tenant space.

13. Referring to sheet C-700 from the plan set, Mr. Brown reviewed the proposed facade of the structure on North Avenue. He noted the articulated facade and the overhead doors. He noted that all utilities were available on North Avenue; and that the Applicant proposed a central utility room in the structure on Lot 3.

14. Mr. Brown advised that outdoor employee areas were proposed at the rear of the building on Lot 3. He stated that the area was approximately 23 feet deep and would contain picnic

benches. Mr. Brown also identified an open space along the westerly side of the building. Upon inquiry from the Board Planner, he confirmed that the provision of the open space on Lot 3 would eliminate the deviation from the Plan related to same.

15. Mr. Brown advised that stormwater on the rear third of Lot 3 would be directed to the rear of that property; and that stormwater for the remainder of the property would be managed through a retention system which would discharge into the stormwater system on North Avenue.

16. Mr. Brown advised that mostly smaller trucks were anticipated at the facility. He noted that larger trucks were expected 1-2 times per month. Mr. Brown stated that it was anticipated that the small trucks would back into the loading areas. He noted that the hours of the facility would be 9:00 a.m. to 5:00 p.m., Monday through Friday; with no operations on Saturday or Sunday.

17. In response to an inquiry from the Board Planner concerning the screening of the loading area, Mr. Paparo confirmed that Applicant would work with the Board Professionals to supply plantings and/or fencing to screen the three eastern-most loading spaces on Lot 3.

18. Mr. Brown confirmed that the Applicant proposed to renovate the parking area on Lot 2. He indicated that the parking area on Lot 2 currently served the warehouse on Lot 3. Mr. Brown advised that 68 parking spaces were proposed on Lot 2.

19. Mr. Brown testified that the number of parking spaces required for the warehouse use on Lot 3 was calculated based upon the square footage of the space and not the number of tenants. He advised that under the Plan only 57 parking spaces were required; and reiterated that 68 spaces were proposed on Lot 2.

20. Referring to sheet C-100, Mr. Brown reviewed the grading, drainage, utilities, landscaping and lighting for Lot 2. He advised that an underground detention system was proposed which would channel the stormwater into the stormwater system located on North Avenue. In response to an inquiry from the Board Planner concerning the provision of trees along Johnston Avenue, he noted that the Applicant would work with the Board Professionals to supply additional shrubbery but was concerned about the effect of the addition of trees on sight lines.

21. Mr. Brown testified that the site lighting on Lot 2 would be both shielded and located in a position to prevent spillage onto adjoining residential properties. Upon inquiry from the Board Planner, he confirmed that only security lighting

would remain on after hours and the remaining lighting will be dimmed.

22. Mr. Brown confirmed that the frontage of the Subject Property along North Avenue would meet the requirements of the City Streetscape Design Manual required by the Plan. He noted that the improvement would include: street trees, a concrete paver bank at the back of the curb with concrete paver accents, tree grates, benches, recyclable receptacles and trash receptacles.

23. Mr. Paparo confirmed that the Applicant would comply with the report of the Shade Tree Commission and install all required trees or make a required contribution in lieu thereof. He also confirmed that the Applicant would comply with the report of the City Floodplain Manager.

24. In response to an inquiry from the Board, Mr. Brown advised that the Applicant would comply with the requirements of the memorandum of the City Police Department. He noted that these included the provision of cameras, as well as the exploration of the elimination of on-street parking on North Avenue across from Lot 3.

25. In response to an inquiry from the Board, Mr. Paparo confirmed that the sidewalk adjacent to the North Avenue

entrance/exit drive on Lot 2 would be improved with a visual and/or auditory alert system for pedestrian safety.

26. In response to an inquiry from the Board Engineer, Mr. Paparo confirmed that the Applicant would relocate the gate in the fence on Lot 2 to be located near the corner of North Avenue and Johnston Avenue to encourage crossing at the corner.

27. At the hearing, Matthew Flynn, P.P., A.I.C.P., the Applicant's Professional Planner identified the deviations from the Plan required by the Applicant's Project and offered testimony in support thereof. Initially, Mr. Flynn confirmed that he had reviewed the application and plans associated with the Applicant's Project; the City's Master Plan; the LUO; the Plan; and the reports prepared by the Board's Professionals in advance of his testimony. He confirmed that he was aware of the deviations from the Plan required in connection with the Applicant's Project.

28. Mr. Flynn proffered an aerial exhibit depicting the Subject Property and surrounding properties. Referring to the aerial exhibit, he reviewed the existing site conditions related to building coverage and side yard setback. Mr. Flynn indicated that the Applicant's Project was improving the nonconforming building coverage on Lot 3

29. Mr. Flynn noted that the Plan did not require a side yard setback; and indicated that there was some ambiguity over whether side yard setback relief was required.

30. Mr. Flynn confirmed that the Applicant's proposed parking area was not located on Lot 3 or a lot adjacent thereto owned by the Applicant; and that a deviation from the Plan was required for this condition. Finally, he noted that the Applicant's Project required a deviation from the loading area screening requirement; but he indicated that the Applicant would either eliminate or mitigate the condition to the satisfaction of the Board's Professionals.

31. Mr. Flynn confirmed that all of the deviations from the Plan could be granted under both a (c)(1) hardship analysis, as well as a (c)(2) better zoning alternative analysis. With respect to the (c)(1) analysis, he noted that the structure on Lot 3 was already in existence; and that the Applicant's Project was merely repurposing the structure and the parking area for a more productive use.

32. With respect to the (c)(2) analysis, Mr. Flynn opined that the Applicant's Project would: reactivate a vacate structure; provide streetscape improvements; provide employment opportunities; provide stormwater management; and make the structure proportional. He testified that the Applicant's

Project would advance purposes of zoning (a), (g), (i) and (m) set forth in the MLUL. Mr. Flynn further stated that the Applicant's Project would advance the goals and objectives of the Plan. He concluded that the benefits from the granting of the deviations would substantially outweigh any detriments.

WHEREAS, the Board after carefully considering the evidence submitted by the Applicant, the Planning Board's experts and the general public, makes the following conclusions of law:

1. Initially, the Board recognizes that the Board's consultants submitted reports to the Board recommending various revisions to the plans to bring the application into conformity, to the greatest extent possible, with the provisions of the LUO. As noted above, the Applicant cooperated in an effort to modify the application to comply to the extent feasible with the requirements of the LUO.

2. The Board recognizes that the Applicant suffers from a hardship due to the improvements already existing on the Subject Property. The existing improvements on the Subject Property do not conform to: minimum side yard setback (Lot 3); maximum building coverage (Lot 3); and minimum open space (Lot 2).

3. The Board also concludes that all of the deviations from the Plan can all be granted under a flexible (c)(2) analysis of the MLUL; including, minimum side yard setback (Lot

3); maximum building coverage (Lot 3); minimum open space (Lot 2); loading area screening (Lot 3); parking location (Lot 3); and continuous building facade (Lot 3) (hereinafter the "Applicant's Requested Plan Deviations"). The benefit to the City is the development of the Subject Property with a use permitted by the Plan; and the advancement of the purposes of the MLUL, as well as the goals and objectives of the Plan identified by the Applicant's Professional Planner. While the Board recognizes that any development creates some impact on adjoining properties, it does not perceive that this development will create any impacts of a substantially adverse nature. Based upon the forgoing, the Board concludes that the benefits from the granting of the Applicant's Requested Plan Deviations substantially outweigh any detriment.

4. Additionally, the Board concludes that the Applicant's Requested Plan Deviations can be granted without substantial detriment to the zone plan and zoning ordinance of the City of Plainfield, as well as the Plan. The proposed use is permitted by the Plan.

5. The Board further concludes that the Applicant's Requested Plan Deviations can be granted without substantial detriment to the public good. The traditional MLUL goals of

light, air and open space will not be compromised by the granting of deviations from the Plan.

6. With the conditions attached to this resolution, the application meets or exceeds the requirements for preliminary and final site plan approval contained in the LUO.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the City of Plainfield that the application of **768-900 NORTH AVE III, LLC** for preliminary and final site plan approval; the Applicant's Requested Plan Deviations, namely, minimum side yard setback (1-foot - Lot 3), minimum open space (0% - Lot 2) maximum building coverage (80.23% - Lot 3), loading area screening (fencing/planting of three eastern-most loading spaces on Lot 3 to satisfaction of Board Professionals), parking lot location (parking for Lot 3 on Lot 2) and maximum continuous building facade (720 feet - Lot 3); in order to develop the Applicant's Project; is granted subject to the following conditions:

I. PLAN REVISIONS AND SUBMISSIONS

Prior to signing the final site plan and issuance of any construction permits, Applicant shall submit revisions to the plans and additional information as follows:

A. In accordance with the recommendations contained in the report from the Board Professional Planner dated July 14, 2022, as follows:

1. Revision of the plans/reports and provision of information to the satisfaction of the Board's Professional Planner.

B. In accordance with the recommendations contained in the report from the Board Engineer dated July 19, 2022, as follows:

1. Revision of the plans/reports and provision of information/materials to the satisfaction of the Board Engineer.

C. Compliance with any reports and/or comments from the City Police Department to the satisfaction of the Department; including, (1) the provision of cameras on the Subject Property and (2) the exploration of the elimination of on-street parking on North Avenue across from Lot 3.

D. Compliance with any reports and/or comments from the City Fire Department to the satisfaction of the Department.

E. Compliance with any reports and/or comments from the City Shade Tree Commission to the satisfaction of the Commission; including the provision of any required trees or a contribution to the Tree Fund in lieu thereof.

F. Compliance with any reports and/or comments from the City Floodplain Manager to the satisfaction of the City Floodplain Manager.

G. In accordance with the recommendations of the Planning Board as follows:

1. Provision of plantings and/or fencing to screen the three eastern-most loading spaces on Lot 3 to the satisfaction of the Board Professionals; and revision of the plans to reflect same.

2. Provision of trees and/or shrubbery along Johnston Avenue to the satisfaction of the Board Professionals; and revision of the plans to reflect same.

3. Modification of the site lighting to supply only security lighting after hours and dim the remaining lighting to the satisfaction of the Board Professionals; and revision of the plans to reflect same.

4. Provision of a visual and/or auditory alert system for pedestrian safety on the sidewalk adjacent to the North Avenue entrance/exit drive on Lot 2 to the satisfaction of the Board Professionals; and revision of the plans to reflect same.

5. Relocation of the gate in the fence on Lot 2 to the corner of North Avenue and Johnston Avenue to encourage

crossing at the corner to the satisfaction of the Board Professionals; and revision of the plans to reflect same.

II. OTHER APPROVALS

Applicant will obtain and comply with the requirements of all outside agencies from which approval is required, including but not limited to:

A. Final approval of the Union County Planning Board, if necessary.

B. Applicant will obtain final approval from and comply with the requirements of the Plainfield Municipal Utilities Authority.

C. Applicant will enter into final service agreements with all utility companies that will service the site.

D. Applicant will obtain all other necessary approvals from all applicable county, state and federal agencies with jurisdiction over the application.

III. TAXES

Applicant shall pay any outstanding real estate taxes and assessments within fourteen (14) days of this Resolution and provide proof by an official search for municipal liens.

IV. FEES

Applicant will pay all outstanding escrow and application fees within fourteen (14) days of this Resolution and receipt by

Applicant of the bills for such charges. No construction permits will be issued until this section is satisfied.

V. PERFORMANCE GUARANTEE

Prior to signing the final plat, Applicant shall post a performance bond to guarantee satisfactory installation of required improvements in an amount to be determined by the Planning Board Engineer.

VI. INSPECTION FEES

Applicant shall post inspection fees in an amount to be determined by the Planning Board Engineer before any improvements are installed.

VII. OTHER REQUIREMENTS

A. Applicant will submit additional prints of the plat map and attachments for distribution as required by the Planning Board Engineer.

B. Applicant will post a legally adequate notice of decision in the Official Paper and provide an affidavit of publication to the Division of Planning, if required.

VIII. SATISFACTION OF CONDITIONS

This approval shall not be deemed satisfied and construction permits shall not be issued until such time as the Director of Planning determines that all conditions of approval have been satisfied.

ROLL CALL ON MOTION JULY 21, 2022:

Mapp:	<u>Aye</u> <u>==</u>	Person:	<u> </u> <u>==</u>
(by designee Pile)		Hunt:	<u>Aye</u> <u>==</u>
Workman:	<u>Aye</u> <u>==</u>	Scott Bey:	<u>Aye</u> <u>==</u>
McRae:	<u> </u> <u>==</u>	Toth:	<u> </u> <u>==</u>
Baldwin:	<u> </u> <u>==</u>	Exum:	<u> </u> <u>==</u>
El-Amin:	<u>Aye</u> <u>==</u>		<u> </u> <u>==</u>

This Resolution adopted this ____ day of _____ 2022 memorializes the action taken at a meeting of the City of Plainfield Planning Board on July 21, 2022 with the roll call vote on the memorialization as follows:

ROLL CALL ON MEMORIALIZATION

Mapp:	<u> </u>	Person:	<u> </u>
(by designee Pile)		Hunt:	<u> </u>
Workman:	<u> </u>	Scott Bey:	<u> </u>
McRae:	<u> </u>	Toth:	<u> </u>
Baldwin:	<u> </u>	Exum:	<u> </u>
El-Amin:	<u> </u>		<u> </u> <u>==</u>

I hereby certify that the foregoing is a true copy of a Resolution of the City of Plainfield Planning Board memorialized on _____, 2022.

MAXIMO VAZQUEZ
Planning Board Secretary