

**RESOLUTION OF THE CITY OF PLAINFIELD PLANNING BOARD  
GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL,  
AND DEVIATIONS FROM THE TEPPER'S TRACT REDEVELOPMENT PLAN  
TO FY REALTY, LLC  
BLOCK 402, LOT 5  
PB 2020-27**

WHEREAS, **FY REALTY, 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 Tepper's Tract Redevelopment Plan for property located at 216-218 West Front Street, Plainfield, New Jersey, also known as Block 249, Lot 5 on the Tax Map of the City of Plainfield (hereinafter the "Subject Property"), which application has been listed as PB 2020-27; and

WHEREAS, the site plan is shown on a plan entitled "Lot 5, Block 249 in the City of Plainfield, Union County, New Jersey," prepared by W. Leland Titus, P.E., of Titus Surveying & Engineering, P.C., dated February 21, 2020, last revised July 12, 2021, consisting of three (3) sheets; and a plan entitled "New Mixed Use Building, Block 249, Lot 5, 216 West Front Street, Plainfield, New Jersey 07060," prepared by Brian M. Taylor, AIA of Taylor Architecture & Design, dated August 19, 2020, last revised May 26, 2022, consisting of seven (7) 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 September 15, 2022; and

WHEREAS, the Board received and reviewed reports from the Board Planner and the Board 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 Tepper's Tract Redevelopment Area. Development of the Subject Property is governed by the Tepper's Tract Redevelopment Plan (hereinafter 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. The Subject Property consists of 4,047square feet ("SF"). It has 36.12 feet of frontage on West Front Street. The Subject Property is currently vacant.

3. Applicant proposes to construct a three-story mixed-use building with a 2,479 SF basement; 2,441 SF of commercial space on the first floor; and two (2) two-bedroom apartments on each of the second and third floors on the Subject Property (hereinafter the "Applicant's Proposal"). No on-site parking spaces are proposed in connection with the Applicant's Proposal.

4. In connection with the Applicant's Proposal, the Applicant required deviations from the bulk regulations of the Plan related to:

A. Minimum Lot Area - where required is 5,000 SF and existing/proposed is 4,047 SF.

B. Minimum Lot Width - where required is 50 feet and existing/proposed is 36.12 feet.

C. Minimum Lot Frontage - where required is 50 feet and existing/proposed is 36.12 feet.

D. Minimum Lot Depth - where required is 100 feet and existing/proposed is 98.99 feet.

E. Off-Street Parking - where required are 4 spaces and proposed are no off-street parking spaces.

F. Usable Open Space - where required is 400 SF and proposed is no usable open space.

G. Maximum Wall Sign Mounting Height - where required is the lesser of the ground floor or 14 feet and proposed is 15 feet.

5. At the hearing, the Applicant's legal counsel, John J. Sullivan, Jr., Esq., provided a summary of the Applicant's proposal.

6. At the hearing, Man Kwok, the Managing Member of the Applicant, provided testimony concerning the Subject Property and the proposed improvements.

7. Mr. Kwok advised that the Applicant has owned the Subject Property since 2017; having acquired it from the City of Plainfield. He noted that adjoining Lot 4 is also owned by the Applicant.

8. Mr. Kwok indicated that the trash and recycling area for Lot 4 is located on both Lot 4 and the Subject Property. He advised that the Applicant intends to use the trash and recycling area in connection with the proposed improvements for the Subject Property. He confirmed that cross-access easements

would be prepared and recorded if the Board approved the present application.

9. Mr. Kwok advised that access to the trash and recycling area could be provided by a driftway connecting to Compton's Alley. However, he testified that the Plainfield Municipal Utilities Authority ("PMUA") has been using Compton's Alley and City Parking Lot 9 to access the trash and recycling area twice a week for over 10 years. Mr. Kwok confirmed that PMUA would continue to service the trash and recycling area twice a week if the present application were approved by the Board. He agreed to supply a copy of the contract with PMUA for removal of trash and recycling to the Board Professionals as a condition of any approval by the Board.

10. Mr. Kwok advised that the Applicant had not yet secured a tenant for the first-floor commercial space. He advised that any tenant secured by the Applicant would meet the use requirements of the Plan.

11. Mr. Kwok testified that loading/unloading is currently conducted on West Front Street; and that the Applicant proposed to continue to handle loading/unloading in this manner if the application were approved by the Board.

12. Mr. Kwok confirmed that no on-site parking was proposed for the residential apartment unit. He indicated that

the Applicant would agree to secure four (4) long-term parking permits in the City owned parking lot as a condition of any approval by the Board.

13. Mr. Kwok confirmed that the Applicant had secured a Phase I Environmental Assessment for the Subject Property; and agreed that a copy of the Phase I Environmental Assessment would be supplied to the Board Professionals as a condition of any approval by the Board. He advised that no areas of concern were identified in the Phase I Environmental Assessment for the Subject Property.

14. Mr. Kwok confirmed that the Applicant was the designated redeveloper of the Subject Property; and that the Applicant would enter into a developer's agreement with the City as a condition of any approval by the Board.

15. At the hearing, Brian M. Taylor, A.I.A., the Applicant's Architect provided testimony concerning the proposed structure. He confirmed that the Subject Property is currently vacant and that the Applicant proposes to construct a three-story mixed-use structure with a basement.

16. Mr. Taylor advised that the structure would consist of commercial space on the first floor and residential apartments on the second and third floors. He stated that the second and third floors would be identical; consisting of a 1,254 SF two-

bedroom apartment unit at the front of each floor and a 1,296 SF two-bedroom apartment at the rear of each floor. Mr. Taylor indicated that access to the residential floors would be supplied by a staircase, as well as an elevator. He confirmed that the residential portion of the building would not be accessible from the commercial portion of the building.

17. Mr. Taylor advised that the residential apartments would include an office area; and indicated that the design of the office area included a low wall which made the area open to the living room. He noted that this feature was included in order to discourage the use of the office space as a bedroom.

18. Mr. Taylor stated that mechanical equipment for the residential apartments would be located on the roof; and screened with a 4-foot-high louvered screen. In response to an inquiry from the Board, he advised that the Applicant did not propose any outdoor space on the roof. Mr. Taylor advised that two methods of egress would be needed for outdoor space on the roof; and that there was insufficient space to supply same. He further noted that the Applicant did not intend to install solar panels on the roof at this time.

19. Mr. Taylor advised that each residential level would include a trash storage closet improved with an exhaust fan, a drain and weather stripping. He indicated that building

management would remove the trash and recycling to the exterior trash and recycling area.

20. Mr. Taylor provided several photographic exhibits showing the Subject Property and the surrounding properties. He opined that the proposed building facade would be a continuation of the building facades and architectural elements from the structures on the surrounding properties.

21. Mr. Taylor opined that the Applicant's proposal represented an appropriate small infill project for the development of a vacant parcel.

22. Mr. Taylor reviewed the report of the Board Planner (CME Associates report dated September 13, 2022) with the following comments:

A. Section 5(c): the front of the structure includes brick veneer on the first level with stucco on the upper levels; while the rear facade does not include the brick veneer. The presence of a fence enclosing the rear of the Subject Property obstructs the view of the lower level and mitigates against the inclusion of the brick veneer on the first level.

B. Section 5(d): the Applicant took cues from the urban enterprise zone design guidelines and attempted to continue the streetscape through the inclusion of large



areas of glazing, canopies and lighting to create a human scale. The Applicant attempted to match the existing development in the neighborhood of the Subject Property.

C. Section 5(e): gray fabric canopies are proposed.

D. Section 5(f): aluminum signage is proposed which will protrude no more than 9-inches from the facade and consist of no more than 3 colors. The sign will need a deviation from the Plan; as the height will be 15 feet high (where a maximum of the lesser of the ground level height or 14 feet is required).

E. Section 6(b): the Applicant will supply lighting information to the satisfaction of the Board Professionals.

23. In response to an inquiry from the Board, Mr. Taylor advised that the basement would contain utilities and storage space for the first-floor commercial tenant.

24. In response to an inquiry from the Board Planner, Mr. Taylor confirmed that the first-floor tenant would be a use permitted under the Plan. He indicated that the tenant could include a restaurant use; and advised that the design of the building included a shaft which could be easily converted to supply vents and make-up air for a restaurant use.

25. W. Leland Titus, P.E., the applicant's Site Engineer provided a summary of the existing conditions on the Subject Property, as well as the Applicant's proposed improvements.

26. Mr. Titus testified that the Subject Property is currently vacant and located between West Front Street and City Parking Lot 9. He stated that the Subject Property has an irregular rear property line; and that a portion of the Subject Property extends behind the rear of adjoining Lot 4. Mr. Titus indicated that there is a high point in the middle of the site; with a portion sloping towards West Front Street and a portion sloping towards City Parking Lot 9. He noted that all utilities needed for the building were available in West Front Street.

27. Mr. Titus advised that the Applicant proposed a passive recreation area consisting of 563 SF at the rear of the Subject Property consisting of picnic tables and stone. He opined that this area satisfied the usable open space requirement of the Plan (thereby eliminating the Plan deviation related to same).

28. Mr. Titus confirmed that the Applicant would comply with all of the requirements of the reports of the Board Planner (CME Associates report dated September 13, 2022) and the Board Engineer (Penoni report dated September 12, 2022) to the satisfaction of the Board Professionals. He noted that the

Applicant would agree to repair any damage to the streetscape resulting from the construction of the Applicant's project.

29. In response to an inquiry from the Board Engineer, Mr. Titus indicated that the Applicant was not required to supply any electric vehicle spaces; as it was not supplying any on-site parking spaces.

30. In response to an inquiry from the Board Engineer, Mr. Titus advised that the roof leaders would be directed toward the rear of the Subject Property and drain through City Parking Lot 9 towards Green Brook. He agreed that the Applicant would address stormwater issues to the satisfaction of the Board Engineer.

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 Plan and 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 Plan and LUO.

2. The Board also concludes that the deviations can be granted under a flexible (c)(2) analysis of the MLUL. The benefit to the City is the development of the Subject Property with a use permitted by the Plan; appropriate infill development; the creation of a new tax ratable; and the generation of housing and employment opportunities. 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 deviations substantially outweigh any detriment.

3. Additionally, the Board concludes that deviations from the Plan requirements 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 requirements.

4. Finally, the Board concludes that the deviations from the Plan requirements can be granted without substantial detriment to the Plan; the zone plan and zoning ordinance of the City of Plainfield. The proposed mixed-use building is permitted by the Plan and will not be out of character in the neighborhood.

5. 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 **FY REALTY, LLC** for preliminary and final site plan approval, and deviations from requirements of the Plan related to: (a) Minimum Lot Area (to permit 4,047 SF); (b) Minimum Lot Width (to permit 36.12 feet); (c) Minimum Lot Frontage (to permit 36.12 feet); (d) Minimum Lot Depth (to permit 98.99 feet); (e) Off-Street Parking (to permit no off-street parking spaces); and (f) Maximum Wall Sign Mounting Height (to permit 15 feet) to permit the construction of a three-story mixed-use building containing 2,441 SF of commercial space on the first floor and 4 apartment units on the second through third floors; 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 Planner dated September 13, 2022, as follows:

1. Revision of the plans and provision of information to the satisfaction of the Board Professional Planner.

B. In accordance with the recommendations contained in the report from the Board Engineer dated September 12, 2022, as follows:

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

C. Compliance with any report and/or comments from the Plainfield Police Department.

D. Compliance with any report and/or comments from the Plainfield Fire Department.

E. Compliance with any report and/or comments from the City Shade Tree Commission.

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

1. Preparation and filing of a cross-access easement for the common refuse and recycling area utilized by the Subject Property and Lot 4 to the satisfaction of the Board Professionals.

2. Provision of the contract with PMUA for the removal of the trash and recycling from the Subject Property.

3. Securing of four (4) long-term parking permits in City Parking Lot 9.

4. Provision of the Phase I Environmental Assessment to the Board Professionals.

5. Negotiation and execution of a Developer's Agreement with the City.

6. Resolution of stormwater management to the satisfaction of the Board Professionals; and revision of the plans as needed.

7. Provision of information concerning the site lighting 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; LIENS; UTILITY AND MUNICIPAL CHARGES

Applicant shall pay all municipal taxes, liens, utility and other municipal charges prior to the issuance of any building permits. Proof shall be submitted through 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.

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 SEPTEMBER 15, 2022:**

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

This Resolution adopted this \_\_\_\_ day of \_\_\_\_\_ 2022 memorializes the action taken at a meeting of the City of Plainfield Planning Board on September 15, 2022, with the roll call vote on the memorialization as follows:

**ROLL CALL ON MEMORIALIZATION**

Mapp:	_____	Person:	_____
(by designee Pile)		Hunt:	_____
Workman:	_____	Scott Bey:	_____
McRae:	_____	Toth:	_____
Baldwin:	_____	Exum:	_____
El-Amin:	_____		

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