

**RESOLUTION OF THE CITY OF PLAINFIELD PLANNING BOARD
GRANTING MINOR SUBDIVISION APPROVAL;
AND DEVIATIONS FROM THE TODD WEST REDEVELOPMENT PLAN;
TO TODD WEST URBAN RENEWAL LLC
BLOCK 247, LOTS 1, 2.01, 7, 8, 9, 10 AND 11
PB 2022-13**

WHEREAS, **TODD WEST URBAN RENEWAL, LLC** (hereinafter referred to as "Applicant") has applied to the Planning Board of the City of Plainfield for minor subdivision approval; and deviations from the TODD West Redevelopment Plan, for property located at 101-127 Central Avenue; 301-305 West Front Street; 327 West Front Street; 126-136 Madison Avenue; and 308-316 West 2nd Street, also known as Block 247, Lots 1, 2.01, 7, 8, 9, 10 and 11; on the Tax Map of the City of Plainfield; which application has been listed as PB 2022-13; and

WHEREAS, the subdivision is shown on a plan entitled "Subdivision TODD West Redevelopment, Lots 1, 2.01, 7, 9, 10 & 11, Block 247, in the City of Plainfield, Union County, New Jersey," prepared by W. Leland Titus, P.E., of Titus Surveying & Engineering, P.C., dated January 8, 2022, last revised April 22, 2022, consisting of three (3) 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 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/or the contract purchaser of 101-127 Central Avenue; 301-305 West Front Street; 327 West Front Street; 126-136 Madison Avenue; 225-231 West 2nd Street; and 308-316 West 2nd Street, also known as Block 247, Lots 1, 2.01, 7, 8, 9, 10 and 11; and Block 245, Lot 1 on the Tax Map of the City of Plainfield which are located in the TODD West Redevelopment Area (hereinafter the "Applicant's Properties").

2. Development of the Applicant's Properties is governed by the TODD West 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").

3. Under Application Number PB 2021-15, the Applicant previously received preliminary and final site plan approval, minor subdivision approval; deviations from the Plan, a supplemental zone variance and design waivers in order to:
in order to:

A. Subdivide Block 247, Lot 8 into a 1,585 square foot (hereinafter "SF") lot and a larger 11,296 SF lot. The larger lot (hereinafter "Lot 8.01") will continue in its present condition and will not be part of the Applicant's proposal;

B. Consolidate Block 247, Lots 1, 2.01, 7, 9, 10, 11 and the 1,585 SF subdivided portion of Block 247, Lot 8 into a single lot containing 83,662 SF (hereinafter "Lot 7.01");

C. Develop three (3) new buildings on Lot 7.01; as follows: (a) Building 1 consisting of an 11-story mixed-use new structure containing 277 residential apartment units, 122 parking spaces, 16,905 SF of retail space, a

4,743 SF restaurant and residential amenities (hereinafter "Building 1"); (b) Building 2 consisting of 5-story mixed-use new structure containing 28 residential apartments, a gym, 3,773 SF of retail space and residential amenities (hereinafter "Building 2"); and (c) Building 4 consisting of renovated structure containing 12 residential apartments, 4,689 SF of retail space and tenant storage space (hereinafter "Building 4");

D. Construct an 11-story mixed-use building containing 40 residential apartments, 232 parking spaces, a rooftop café and 3,850 SF rooftop deck identified as Building 3 on Block 245, Lot 1; (hereinafter "Building 3"). (Hereinafter the "Applicant's Initial Approval").

4. In the present application, the Applicant proposes to:

A. Confirm the previously approved subdivision and/or subdivide Block 247, Lot 8 to create a smaller lot containing 1,585 SF and larger lot containing 11,296 SF. The larger lot will continue in its present condition as proposed Lot 8.01 in Block 247. The smaller lot will be merged into proposed Block 247, Lot 7.01.

B. Consolidate Block 247, Lots 1 and 2.01 into a single lot containing 11,152 SF designated as proposed Lot 7.03 in Block 247 which will contain Building 4.

C. Consolidation of Lots 7, 8, 9 and 11, as well as the smaller lot from Block 247, Lot 8 into a single lot designated as proposed Lot 7.01 in Block 247 which will contain Building 1.

D. Subdivide proposed Block 247, Lot 7.01 into a larger lot (still designated as proposed Lot 7.01 in Block 247) containing 56,893 SF fronting on Madison Avenue, West Second Street and Central Avenue which will contain Building 1; and a smaller lot containing 15,616 SF fronting on West Front Street as proposed Lot 7.02 in Block 247 which will contain Building 2.

(Hereinafter the "Applicant's Proposed Minor Subdivision").

5. At the time of the hearing, the Applicant required deviations from the Plan for the following conditions related to Block 247, Proposed Lot 7.01 in connection with the Applicant's Proposed Minor Subdivision:

A. Maximum front yard setback (Central Avenue) - where 0' is required and 6.8' is proposed;

B. Maximum front yard setback (Madison Avenue) - where 0' is required and 8' is proposed; and

C. Maximum lot coverage - where 95% is required and 95.1% is proposed.

6. At the time of the hearing, the Applicant required deviations from the Plan for the following conditions related to Block 247, Proposed Lot 7.02 in connection with the Applicant's Proposed Minor Subdivision:

A. Minimum restaurant use - where 15% of nonresidential use is required and 0% is proposed; and

B. Maximum front yard setback (West Front Street) - where 0' is required and 7.6' is proposed.

7. At the time of the hearing, the Applicant required deviations from the Plan for the following conditions related to Block 247, Proposed Lot 7.03 in connection with the Applicant's Proposed Minor Subdivision:

A. Minimum restaurant use - where 15% of nonresidential use is required and 0% is proposed;

B. Maximum front yard setback (West Front Street) - where 0' is required and 3.52' is proposed; and

C. Maximum front yard setback (Central Avenue) - where 0' is required and 0.97' is proposed.

8. At the hearing, John J. Sullivan, Jr., Esq., the Applicant's attorney appeared and provided a summary of the Applicant's proposal. He confirmed that the Applicant was proposing no changes to the previously approved Preliminary and Final Site Plan Approval for the Subject Property. He advised

that the Applicant was seeking the Applicant's Proposed Minor Subdivision in order to create the three (3) new lots; namely, Block 247, Lots 7.01, 7.02 and 7.03.

9. Mr. Sullivan also indicated that the Applicant wished to confirm the prior subdivision of Block 247, Lot 8; and extend the Applicant's time to perfect same.

10. Finally, Mr. Sullivan confirmed that in addition to the cross-access and cross-parking easements required in connection with the Applicant's Initial Approval, the Applicant agreed to supply any and all additional easements in order to effectuate the necessary access between the lots created in the Applicant's Proposed Minor Subdivision anticipated by the Applicant's Initial Approval.

11. At the hearing, W. Leland Titus, P.E., P.P., the Applicant's site engineer and professional planner, provided testimony concerning the Applicant's Proposed Minor Subdivision.

12. Initially, Mr. Titus reviewed the logistics of the Applicant's Proposed Minor Subdivision; noting that the application encompassed most of Block 247.

13. Mr. Titus confirmed that other than the Applicant's Proposed Minor Subdivision, the Applicant would comply with the terms and conditions of the Applicant's Initial Approval.

14. Mr. Titus reviewed the report of the Board Planner dated July 12, 2022; noting:

- A. Comment 5(a): Applicant will comply.
- B. Comment 5(b): Applicant will comply.
- C. Comment 5(c): No new encroachment from Lot 8.01 over Lot 7.01.
- D. Comments 5(d) to 5(g): Applicant will comply.

15. Mr. Titus reviewed the report of the Board Engineer dated July 21, 2022; noting:

- A. General Comments 1-3: Applicant will comply.
- B. General Comment 4: Applicant will supply all necessary cross-access and cross-parking easement necessitated by the Applicant's Proposed Minor Subdivision to effectuate the access anticipated in the Applicant's Initial Approval.
- C. General Comment 5: No design changes are proposed in connection with the Applicant's Proposed Minor Subdivision.
- D. General Comment 6: Applicant will reconfigure the existing easement to ensure access to the rear of the properties fronting on West Front Street.
- E. General Comment 7: Applicant will file the Applicant's Proposed Minor Subdivision by deed.

F. General Comment 8: Applicant will comply.

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 LOU and Plan. As noted above, the Applicant cooperated in an effort to modify the application to comply with the requirements of the LUO and Plan.

2. With the conditions attached to this resolution, the application meets the requirements for minor subdivision in the LUO.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the City of Plainfield that the application OF **TODD WEST URBAN RENEWAL LLC** for a minor subdivision in order to subdivide the Subject Property as provided for in the Applicant's Minor Subdivision Application, as well as the confirmation of the subdivision of Block 247, Lot 8 including an extension of time to perfect the subdivision of Block 247, Lot 8 for a period of 190 days from the date of the adoption of this resolution by the Board, 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 July 12, 2022, as follows:

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

B. In accordance with the recommendations contained in the report from the Board Engineer dated July 21, 2022, as follows:

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

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

1. Provision of all necessary cross-access and cross-parking easement necessitated by the Applicant's Proposed Minor Subdivision to effectuate the access anticipated in the Applicant's Initial Approval to the satisfaction of the Board's Professionals.

2. Reconfiguration, vacation and/or provision of easements to supply access to the rear of the properties fronting on West Front Street to the satisfaction of the Board's Professionals.

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 shall obtain final approval from and comply with the requirements of the Somerset-Union Soil Conservation District.

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

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

III. RECORDED INSTRUMENTS

A. Procedure

1. Instruments to be recorded must be approved by the Planning Board attorney and Planning Board engineer as follows:

- a. Applicant may request that the Planning Board attorney prepare the required instruments and the cost will be paid from the escrow fund.
- b. All easements, restrictions or other recordable instruments required by this Resolution shall be submitted to and approved by the Planning Board engineer and Planning Board attorney before signing the final plans.
- c. The Board engineer is responsible for approving the metes and bounds description and Applicant is responsible for submitting the descriptions directly to the Board engineer.
- d. All such easements and instruments shall be noted on the plans and recorded in the Union County Clerk's Office. Proof of recordation of the easement or instrument must be submitted to the Planning Board secretary prior to the issuance of any construction permit.

B. Sight Triangle Easement

1. If required to be shown on the plan, per the Engineer's review, Applicant shall submit a sight triangle easement for approval by the Planning Board attorney and engineer, note of same on the plans, and record same in the County Clerk's Office.

C. Subdivision Deed

1. In the event that the Applicant intends to perfect the subdivision by Deed, Applicant shall submit the subdivision deed for review and approval in the following manner:

- a. Applicant shall submit the deed to the Planning Board attorney, the City Tax Assessor and the Board engineer for review and approval and shall submit the metes and bounds description for review and approval by the Planning Board engineer before signing the final plans. After approval, the deed shall be submitted by the Applicant to the Planning Board for signature by the Planning Board Chairman and Secretary.
- b. Copies of the minor subdivision deed or map shall be sent to the Tax Assessor and the City engineer. Two copies of the approved map or deed shall be submitted to the City engineer for tax

map revisions. Applicant shall also supply copies of the recorded deed or map to the Planning Board secretary prior to the issuance of building permits.

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. FEEES

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, if required.

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 JULY 21, 2022:

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