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August 9, 2022

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Via Email

Mr. John J. Sullivan, Jr., Esq.
Vastola & Sullivan, Counsellors at Law
495 Union Avenue
Middlesex, NJ 08846
jsullivan@vfesgs.com

Re: Application No.: ZBA 2022-21
Applicants: 615-617 Fulton St., LLC
Use Variance, Density Variance, Bulk Variance Relief
Preliminary & Final Site Plan Approval
Location: 828-834 East Third Street, Plainfield, NJ 07062
Block 336, Lot 12.01
Zone – R-4 Moderate Density Residential District
Our File: HPFZ0336.01
Completeness Review Letter # 1

Status: Complete / TRC Requested

Dear Mr. Sullivan,

This completeness review letter is in reference to above mentioned application. The application has been filed seeking a d(1) use variance, a d(5) density variance, and variances for bulk and supplemental requirement relief to construct two three-story multi-family dwellings, each with four two-bedroom units, for a total of eight dwelling units. Each unit consists of a master bedroom with walk-in closet and bathroom, a second bedroom, laundry room, second bathroom, and open concept kitchen/living area. Each of the buildings has a ground floor that consists of a four car garage, tenant storage areas, and mechanical areas; a second floor consisting of two residential units; and a third floor consisting of the other two residential units. Access to each unit is provided by an interior stairwell at the front of each building. Other site improvements include a driveway running between the two buildings to an exterior parking area and the garages, stormwater drainage improvements, a refuse/recycling area, fencing, and landscaping.

Based on the nature of the proposed development, a Technical Review Committee (TRC) meeting with City department representatives and City professionals is recommended. The Zoning Board Secretary, Mr. Daniel White, will be in contact with you to arrange a date and time for the TRC and provide additional details on the TRC.

We are in receipt of the following items in relation to this application:

- Application form received by the City on July 15, 2022;
- Application for Waiver Request dated July 13, 2022;



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- Two (2) sheets of Project Description;
- Copy of Statement of Ownership of 615-617 Fulton St LLC;
- Political Contribution Disclosure Statements for Applicant, Applicant's attorney, Applicant's engineer, Applicant's architect, and Applicant's professional planner;
- Application for Waiver Request dated July 13, 2022;
- Transmittal letter prepared by Vastola & Sullivan, Counsellors at Law, dated July 15, 2022;
- W-9 Form for Applicant;
- Official tax record for the subject property prepared by the City of Plainfield Tax Department dated July 11, 2022;
- Copy of Title of Insurance;
- Copy of Standard Flood Hazard Determination Form for the subject property dated July 11, 2022;
- Copy of deed for the subject property dated October 31, 2021 and recorded by the Union County Clerk December 3, 2021;
- Report entitled "Stormwater Calculations for 615-617 Fulton Street, LLC Block 336, Lot 12.01" prepared by Manterra Design, LLC and dated June 21, 2022;
- One (1) sheet of "Boundary & Topographic Survey St. No. 828-834 East Third Street Tax Lot 12.01 Block 336" prepared by Wm. DiMarzo & Son, Assoc., Inc. and dated November 5, 2021.
- Seven (7) sheets of engineering site plans entitled "Preliminary and Final Site Plans 615-617 Fulton Street, LLC Block 336, Lots 12.01 City of Plainfield Union County, New Jersey" prepared by Manterra Design, LLC and dated June 21, 2022;
- Five (5) sheets of architectural plans entitled "New Multi-Family Dwelling for 615-617 Fulton St. LLC" prepared by Dantas Carrete Architecture, dated May 16, 2022 and last revised June 20, 2022.

1. Completeness

Per §17:8-2, we note the following items as missing or incomplete:

- a. §17:8-2.B.6: All requisite escrow deposits and fees. ***Please see below; we defer to the Board Secretary to determine compliance with this item.***
- b. §17:8-2.B.9k: Location and dimensions of existing and proposed drainage improvements, parking spaces and aisles, loading, curb cuts, driveways, driveway aprons, sidewalks and



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yards (front, side, and rear). **Dimensions of the curb cut and sidewalks should be added to the site plan.**

- c. **§17:8-2.F.7:** Location of off-street parking and loading areas, vehicular and pedestrian ingress and egress with directional traffic flow indicators, truck movement wheel base templates, sight triangle easements, fire lanes, stall dimensions and pavement surface type. **If trash truck is to access site to remove waste from the trash enclosure, a truck movement diagram should be provided along with a wheel base template. Fire truck movement template should also be provided.**
- d. **§17:8-2.F.10:** Total architectural lighting plan indicating location, type and height of lighting standards with accompanying illumination design average and one (1) foot-candle trace. **Lighting plan has been provided; however, this plan should be updated to provide the overall design average and the average for the parking area; and the one foot-candle trace.**
- e. **§17:8-2.F.14:** Location, type and volume of refuse storage and recycling facilities. **The type and volume of dumpsters or bins has not been provided on the site plans. This must be provided. Additionally, we request a written refuse and recycling plan.**
- f. **§17:8-2.F.17:** A sign plan for all existing and proposed signs. **No signs are identified on the site or architectural plans. Applicant shall confirm that no signs are proposed with the development.**
- g. **§17:8-2.F.19:** Type and quantity of expected sanitary discharge. **This information has not been provided. This should be added to the site plan sheets.**
- h. **§17:8-2.G.1-5:** Final site plan requirements. **These are noted as waiver requests at this time. We have no issue with the Board granting these waivers at this time and making the requirements a condition of any approval.**

2. Application Fees Calculation

Pursuant to Article XIII of the Land Use Ordinance, the initial **application fee** is:

1. Use variances: For each unit for which a d variance is required in a multifamily structure use – d (1) variance	8 x \$100.00/unit	\$800.00
2. Use variances: For each unit for which a d variance is required in a multifamily structure use – d (5) variance	8 x \$100.00/unit	\$800.00
3. Bulk and supplementary variances – All other uses	11 @ \$300.00/each	\$3,300.00
4. Minimum Fee for Preliminary Site Plan Approval		\$500.00
5. Final Site Plan Approval	50% of preliminary fee	\$250.00
6. Design Standard Waiver	1 x \$50.00/waiver	\$50.00



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7. Floodplain Development Permit Review	\$250.00
8. Public hearing fee	\$100.00
Total Application Fee	\$6,050.00

We reserve the right to amend this fee calculation pending the identification of additional variances during our full technical planning review.

3. Deposit and Escrow

1. Variances under N.J.S.A. 40:55D-70d (each "d" variance) 2 x \$1,000	\$2,000.00
2. Site Plan: Residential Application 3-9 units	\$2,000.00
3. Site Plan: Final	\$2,000.00
Total Escrow Due	\$6,000.00

4. Zoning and Design Review

- a. Use: The subject property is located in the R-4 Moderate Density Residential zone, in which multi-family dwellings are not a permitted use. ***A d(1) use variance is therefore required.***

The proposed eight (8) units also yield a density of 23.1 dwelling units per acre (du/acre), which is far above the permitted 8.7 du/acre for two-family units in the R-4 zone. ***A d(5) density variance is therefore also required.***

- b. Bulk Standards: The following table indicates the conformance of the proposed development with the bulk standards for two-family dwellings in the R-4 Moderate Density Residential Zone. The standards for single-family dwellings is included for reference only.

Bulk Regulations (R-4 Moderate Density Residential Zone)				
	Requirement Two-Family	Requirement Single-Family (Reference Only)	Existing	Proposed
Minimum Lot Area (sq. ft.)	10,000	7,500	15,130	15,130
Maximum Density (du/acre)	8.7	5.8	N/A	23.1 d(5) variance
Minimum Lot Width (feet)	80	50	120	120
Minimum Lot Frontage (feet)	80	50	120	120



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Bulk Regulations (R-4 Moderate Density Residential Zone)				
	Requirement Two-Family	Requirement Single-Family (Reference Only)	Existing	Proposed
Minimum Lot Depth (feet)	100	100	122.2	122.2
Minimum Front Yard Setback (feet)	25	25	N/A	11.6 (V)
Minimum Rear Yard Setback (feet)	30	30	N/A	55.7
Minimum Side Yard Setback One/ both (feet)	10 / 25	10 / 20	N/A	3.1 (V) / 6.2 (V)
Maximum Number of Stories	2.5	2.5	N/A	3 (V)
Maximum Building Height (feet)	35	35	35	39.1 (V)
Maximum Percent Building Cover	25%	25%	N/A	27.3% (V)
Maximum Percent Total Lot Cover	40%	40%	N/A	69.0% (V)
Minimum Improvable Area (M.I.A) (sq.ft.)	2,400	2,000	7,120	7,120
M.I.A Diameter of Circle (feet)	35	31	70.4	70.4
(E)- existing non-conformity (V)-Variance required				

- i. The proposed development requires eight bulk variances in addition to the d(5) density variance. All eight are related to the buildings and other site improvements.
- c. Use Buffering and Screening: Per §17:9-24.A and B, multi-family uses must be buffered five feet (5') and screened (height of 3-4') from single and two-family uses. The buffering consists of just 3.1 feet on both side lot lines of the property bordering what appear to be single family uses. **A variance is required. We recommend fencing or landscaping shrubs of four foot height to be provided along these side lot lines.**
- d. Parking Lot Buffering: Per §17:9-24.C, a buffer of at least 10 feet must be provided for parking lots and driveways adjacent to residential uses or districts. The subject property is surrounded by the R-4 zone, but only provides less than ten feet of setback from both side lot lines to the paved driveway/parking area. **A variance is required.**
- e. Flood Damage Prevention: The subject property is located in FEMA Zone AO, a Special Flood Hazard Area, and is therefore subject to §17:9-30. **The plans will need to be reviewed by the City Floodplain Manager.**



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- f. **Building Setback from Driveway:** Per §17:9-42.D, the minimum setback of a building from a driveway is five feet (5'). Per the site plans, only three feet (3') of setback is provided. **A variance is required.**
- g. **Parking Requirement:** Per RSIS Standards, two-bedroom garden apartments require two parking spaces per unit. With eight two-bedroom dwelling units, the proposed development requires 16 spaces. A total of 16 spaces are provided (eight in the garages and eight exterior spaces). This complies.
- h. **Parking Lot Landscaping:** Additional trees and shrubs should be provided along the rear parking area in order to provide adequate landscaping. **If no landscaping is provided, §17:9-43.B will apply and variances will be required.**
- i. **Apartment Size:** Per §17:9-48.A.1, two-bedroom apartments must provide 1,000 square feet of floor area. The architectural plans indicates that each unit will provide 979 square feet of floor area. **Plans should be revised to provide at least 1,000 square feet or a variance is required.**
- j. **Shade Trees:** While we defer to the Shade Tree Commission to comment on the shade tree plans, we note that no shade trees in the public right-of-way are proposed. This will not be acceptable and plans should be revised to provide streets or show existing trees.
- k. **Signs:** The plans do not indicate any proposed signage. Applicant shall confirm that no signs are proposed at this time.
- l. **Neighborhood Compatibility:** Per §17:11-6, buildings must be architecturally compatible with the neighboring area. Given that much of the surrounding area is single-family residential, Applicant must demonstrate how the architecture of the proposed multi-family buildings will be compatible with the neighborhood.
- m. **Private Open Space:** Private open space must be provided at the ratio of 64 square feet for each dwelling unit, per §17:11-8.B.9. **No such private open space is provided, so a design waiver is required. We recommend an open space area be provided in the rear of the property, next to the parking lot.**
- n. **Safety/Security:** Applicant should be prepared to testify to safety features for the proposed multi-family use.
- o. **Lighting Height:** Per §17:11-12.G, the maximum lighting mounting height in residential districts is 15 feet. Per the lighting plan, the fixtures denoted "A" and "C" are mounted at 20 feet. This does not comply. **Plans should be revised to provide a complying mounting height or a design waiver is required.**
- p. **Refuse/Recycling:** The type and volume of dumpsters or bins has not been provided on the site plans. This must be provided. Additionally, we request a written refuse and recycling plan.



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We reserve the right to amend the list of variances/waivers pending the identification of additional variances during our full technical planning review. The number of variances required may be reduced by revising the proposed site plans.

5. Recommendation

Pursuant to §17:8-2 of the Land Use Ordinance, Applicant's submission is capable of being deemed complete at this time. Please provide the information requested in the Completeness section of this letter.

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 plans (site engineering and architectural plans) to the Board Secretary (Daniel.white@plainfieldnj.gov), as well as five (5) copies of all supporting written plans, 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 plan copies are required to be original signed and sealed; the other sixteen (16) may be copies of size 11" x 17". **Please be advised delayed submittal of the noted items may affect the tentative scheduled hearing noted below.**

7. Scheduled Tentative Hearing Date: Wednesday, October 5, 2022

To confirm, this application is capable of **being deemed complete** and is **tentatively** placed on the Planning Board Agenda for **Wednesday, October 5, 2022**. The Board meets at 7:00 pm. We reiterate that based on the nature of the proposed development, a Technical Review Committee (TRC) meeting with City department representatives and City professionals is recommended. The Zoning Board Secretary, Mr. Daniel White, will be in contact with you to arrange a date and time for the TRC and provide additional details on the TRC.

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. Please provide the exhibits at least five (5) days prior to the scheduled hearing to allow time for these documents to be uploaded.**



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The application is scheduled for the October 5, 2022 Zoning 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 copies of the list of property owners, the notice, and the proof of service (certified mail receipts) be sent to Board Attorney as well as Board Secretary at least 5 days prior to the hearing date.

Per §17:13-10 of the Plainfield LUO, an applicant requiring any use variance (or 'd' variance) is required to obtain and pay for the services of a court reporter for each hearing. ***As this application requires a d(1) use variance and a d(5) density variance, the Applicant must obtain the services of a court reporter.*** Please contract for these services as soon as possible.

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, Zoning Board Secretary
Peter Vignuolo, Esq., Planning Board Attorney
Drew M. Di Sessa, PE, PP, CME, Board Engineer
Valerie Jackson, Director, Department of Economic Development
Brittany Claybrooks, Plainfield Acting Planning Director
N'Dela Costley, Plainfield Zoning Officer
Giovanni Manilio, PE, Applicant's Engineer
Paulo J.M. Dantas, RA, Applicant's Architect