



April 29, 2022

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**Via Email**

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**Re: Application No.: ZBA 2022-09**  
**Applicant: Angel Arriaga**  
**Bulk Variance Relief**  
**Location: 812-816 Plainfield Avenue, Plainfield, NJ 07062**  
**Block 506, Lot 12**  
**Zone – R-3 Low/Moderate Density Residential Zone**  
**Our File: HPFZ0506.01**  
**Completeness Review Letter # 1 / Planning Review #1**

**Status: Complete**

Dear Mr. Sullivan,

This completeness and planning review letter is in reference to above mentioned application. The Applicant, Angel Arriaga, is requesting bulk variances to permit a two-story addition to the existing one-story garage on the subject property, identified as Block 506 Lot 12 in the Plainfield Tax Maps. The submitted plans indicate that the existing 2.5-story frame dwelling on the property will not be affected by the development. The garage addition includes a first floor addition of 390 square feet to the existing 402 square foot footprint of the garage, and 1,019 square feet of a new second level to the existing structure (227 square feet of the second floor will be cantilevered over the east, north, and west sides of the garage). The first floor extension is proposed to provide storage space and a bathroom, while the second story is proposed to be an unfinished attic for storage space. Access to the second story is proposed through a pull-down stairs hatch.

A site visit to the subject property revealed that much of the proposed garage addition had already been built, as shown in the following photos. The pictures, taken from Plainfield Avenue, demonstrate that the addition looks substantial and appears over-sized for its use. Additionally, for its size and visibility from the right-of-way, the architectural façade treatment will need to be carefully considered. The architectural plans indicate what appear to be Hardie Board or vinyl siding. Additional details will need to be provided, such as color, to ensure that, should the Board approve the development, the structure will be compatible with existing principal structure on site and surrounding buildings.



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The subject property is an interior lot located about 111 feet northwest of the intersection of Plainfield Avenue and Stelle Avenue.



View of front of subject property from Plainfield Avenue.  
Source: Google Maps Street View (image taken in June 2021)



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

- Application form received by the City on March 25, 2022;
- Application for Waiver Request dated March 15, 2022;
- Deed for the property dated August 30, 2005;
- Project Description;
- Political Contribution Disclosure Statements for the Applicant's attorney, Applicant's architect, and Applicant;
- Standard Flood Hazard Determination Form for subject property dated January 7, 2022;
- Special Flood Hazard Area notice dated January 7, 2022;
- One (1) sheet of survey copy prepared by Fletcher Engineering, Inc. with no identifiable date;
- Three (3) sheets of plot and architectural plans entitled "Proposed Garage Extension for: Angel Arriaga 812 Plainfield Avenue Plainfield, New Jersey" prepared by Steve J. Druga, AIA and dated March 18, 2022.

#### 1. Completeness

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

- a. **§17:8-2.B.5:** A tax search indicating current status of all taxes, assessments, and fees due to the City of Plainfield. ***We are not in receipt of this item. An official tax search generated by the Plainfield Tax Department is required and shall be submitted by Applicant.***
- b. **§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.***
- c. **§17:8-2.B.9 j:** General slope and natural drainage, and watercourse locations and all natural and significant features (wooded areas, ponds, marshes, etc.) including trees over four (4) inches caliper. ***These items are not indicated in the plans. Given the nature of the proposed development, we note this as a waiver request at this time. Applicant shall submit a written waiver request.***
- d. **§17:8-2.B.9 m:** Tabulation indicating the square foot area of structures, pavement and open space and the percent of their lot coverage and floor area ratio. ***A single table providing this information shall be provided on the first sheet of the plan set.***
- e. **§17:8-2.B.9 o:** 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. ***The copy***



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***of a portion of a survey has been submitted, and the plans indicate the survey that was used to produce the plans. However, based on the date of the deed, we request a copy of the full survey sheet be provided. If the survey is over 5 years old either a new survey or certification by a licensed land surveyor shall be provided.***

- f. **§17:8-2.B.9 r:** Signatures block for City Engineer, board chairman and board secretary. ***This is not provided on the plans. The plans shall be revised to provide the signatures block.***

## **2. Application Fees Calculation**

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

1. Bulk and supplementary variances – One or two family residential use	5 @ \$375.00/each	\$375.00
2. Public hearing fee		\$100.00
<b>Total Application Fee</b>		<b>\$475.00</b>

***We reserve the right to amend this fee calculation pending the identification of additional variances. We defer to the Board Secretary to ensure the application fee is paid.***

## **3. Deposit and Escrow**

Pursuant to Article XIII of the Land Use Ordinance, the initial **escrow and deposit** is:

1. Bulk variances	\$1,000.00
<b>Total Escrow Due</b>	<b>\$1,000.00</b>

***We reserve the right to amend this fee calculation pending the identification of additional variances. We defer to the Board Secretary to ensure the escrow is paid.***

## **4. Recommendation and Submission of Plans**

Pursuant to §17:8-2 of the Land Use Ordinance, Applicant's submission is capable of being deemed complete at this time. In addition to the plans to be submitted, noted below, please review Section 1. Completeness and provide any requested documents or revisions. Failure to provide these documents will result in a delay of the Board's hearing of this application.

Applicant should submit to the Planning Division ([daniel.white@plainfieldnj.gov](mailto:daniel.white@plainfieldnj.gov) and [mapte@cmeusa1.com](mailto:mapte@cmeusa1.com)) **pdf or electronic copies**, as well as eighteen (18) folded paper copies sets of the plans (plot/architectural plan set) to the Board Secretary within seven days of the determination of completeness. Only two (2) of the copies are to be original signed and sealed;



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the other sixteen (16) may be copies of 11" x 17". **Please be advised delayed submittal of the noted items may affect the tentative scheduled hearing noted below.**

**5. Scheduled Tentative Hearing Date: Wednesday, June 1, 2022**

To confirm, this application is capable of **being deemed complete** and is **tentatively** placed on the Zoning Board of Adjustment Agenda for **Wednesday, June 1, 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](mailto: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 Planning Board 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.**

**The application is scheduled for the June 1, 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](mailto: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.

**6. Planning Review**

- a. Use: The subject property is located in the R-3 Low/Moderate Density Residential Zone District, in which single-family dwellings are a permitted use. Garages are permitted as accessory uses to the dwelling. **The existing and proposed improvements comply. Applicant should discuss additional issues including whether other utilities, such as heating and electricity, to be extended/provided in addition to the water/sewer**



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**for the bathroom; and whether the Applicant intending to use the proposed space for something besides car and household storage, such as a workshop.**

Per the LUO Use Restrictions, home occupations are permitted as an accessory use in the R-3 Low/Moderate Density Residential Zone. Aerial images of the subject property appear to show commercial vehicles parked on the property (this is also discussed later in this Memo). **Applicant shall testify whether or not they operate a home occupation business. If yes, Applicant must demonstrate compliance with §17:9-33 of the LUO. Specifically:**

- i. The home occupation must not change the character of the principal residence from a home to a business or change in any way whatsoever the character of the surrounding neighborhood from residential to commercial.
- ii. No more than 1 home occupation may be conducted on a lot and shall not involve more than 30% of the gross floor area.
- iii. No more than one person other than the occupants of the dwelling may be involved or employed on the premises.
- iv. Must be conducted entirely in the principal residence and cannot involve outdoor storage, activities, or commercial vehicles other than cartage vehicle.

b. **Bulk Standards:** The following table provides the requirements for a single-family development in the R-3 District and the conformance of the existing and proposed development on the property:

<b>Bulk Regulations (R-3 Low/Moderate Density Residential Zone)</b>			
	<b>Requirement</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Lot Area (sq. ft.)	12,000	10,236.47	<b>10,236.47 (E)</b>
Maximum Density (du/acre)	3.5	N/A	N/A
Minimum Lot Width (feet)	100	57.50	<b>57.50 (E)</b>
Minimum Lot Frontage (feet)	100	57.73	<b>57.73 (E)</b>
Minimum Lot Depth (feet)	100	179.51	179.51
Minimum Front Yard Setback (feet)	25	44.9	44.9
Minimum Rear Yard Setback (feet)	10	93.0	93.0
Minimum Side Yard Setback One / Combined (feet)	10 / 30	3.9 / 13.2	<b>3.9 (E) / 13.2 (E)</b>
Maximum Number of Stories	3	2.5	2.5
Maximum Building Height (feet)	35	32	32
Maximum Percent Building Cover	25%	17.7%	23.7%
Maximum Percent Total Lot Cover	40%	58%	<b>64% (V)</b>



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Bulk Regulations (R-3 Low/Moderate Density Residential Zone)			
	Requirement	Existing	Proposed
Minimum Improvable Area (M.I.A) (sq.ft.)	3,000	5,940	5,940
M.I.A Diameter of Circle (feet)	38	27.5	<b>27.5 (E)</b>
<i>(E)- existing non-conformity (V)-Variance required</i>			

- i. From the plans provided, the property and building have six (6) existing non-conformities. As the principal building and subject property boundaries are not being modified there are no changes to five of the six existing non-conforming conditions. These include:
  - 1) Minimum lot area: Minimum 12,000 square feet required and existing is 10,236 square feet.
  - 2) Minimum lot width: Minimum 100 feet required and existing is 57.5 feet.
  - 3) Minimum lot frontage: Minimum 100 feet required and existing is 57.73 feet.
  - 4) Minimum single side yard setback: Minimum 10 feet required and existing is 3.9 feet on the northerly side of the building.
  - 5) Minimum combined side yard setback: Minimum 30 feet required and existing is 13.2 feet.
- ii. The proposed development increases the impervious lot coverage from 58% to 64%; however, the new floor area of the garage only accounts for 390 square feet, or about 3.8% lot coverage increase. **Applicant shall clarify what coverage accounts for the additional 2.2% (or about 224.2 square feet) increase.**
- c. Garage: The detached garage is an accessory structure to the single-family dwelling, and must therefore comply with the requirements of §17:9-19, with the exception of side and rear setbacks, which must adhere to §17:9-34.G. The table below indicates the conformity of the proposed garage addition with these requirements.

Accessory Structure Requirements (§17:9-19)			
	Requirement	Existing	Proposed
Maximum Number Per Lot (§17:9-19.E)	3	1	1
Location (§17:9-19.A)	Side and Rear Only	Rear	Rear
Minimum Rear Yard Setback (feet) (§17:9-34.G)	5	<b>TBD</b>	<b>TBD</b>
Minimum Side Yard Setback (feet) (§17:9-34.G)	5	0.3	<b>0.3 (V)</b>
Maximum Height, lower of: (§17:9-19.C)	1 sty 15 feet	8 ft.	<b>19.5 ft. (V)</b>



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Accessory Structure Requirements (§17:9-19)			
	Requirement	Existing	Proposed
Coverage (% of principal building coverage) (§17:9-19.D)	35%	22.2%	43.7% (V)
(E)- existing non-conformity	(V)-Variance required		

- i. The rear yard setback should be confirmed by the Applicant. It is difficult to determine the setback using the scale provided on the plans.
- ii. The proposed second story of the garage will come within 0.3 feet of the side property boundary, where a setback of five (5) feet for garages is required. While this matches the exterior wall line of the first story, **the additional bulk in the setback area requires a variance.**
- iii. The proposed height of the garage structure will be two stories and 19.5 feet, exceeding the maximum permitted of 1 story or 15 feet. **A variance is required. Applicant shall discuss why the structure needs to be this tall. If the second story is used for storage, and is only accessible via pull-down stairs, then why does the second level need to be a full story and provide windows? We recommend Applicant revise plans to provide for a shorter second level to either reduce or eliminate the non-conformity.**
- iv. The coverage of the accessory structure shall not exceed 35% of the principal building coverage. The proposed garage extension increases the coverage of the garage to 43.7% of the principal dwelling building. **A variance is required.**
- v. Per §17:9-19.H no garage, apartment over a garage, or apartment over an accessory structure shall be allowed as a principal residence. The proposed second story of the garage is noted as "unfinished" and is only accessible through pull-down stairs through a hatch in the ceiling of the first floor. The first floor addition is also noted as storage space and does not have its own separate entrance. **This complies. Applicant shall testify that no plans exist for using the additions for residential purposes.**
- d. **Garage Size:** Per §17:9-34.D a two-car garage for a single-family dwelling may not exceed 550 square feet. The proposed garage extension increases the floor area of the garage from 402 square feet to 792 square feet. **A variance is required.**
- e. **Outdoor Storage:** Images of the site demonstrate that commercial vehicles might be parked/stored on the property. In residential zones, per §17:9-41.B, parking/storage of non-passenger automobiles of Gross Vehicle Weight Rating (GVWR) 8,500 pounds or greater is prohibited. Only one non-passenger automobile with GVWR of less than 8,500 pounds or greater is permitted. Applicant shall confirm compliance with this requirement.
- f. **Driveway Setback:** According to the plot plan and the survey, the driveway encroaches onto the neighboring property (Block 506 Lot 13) to the south of the subject property. Per §17:9-





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**42.A** a residential driveway is required to be setback at least two (2) feet from a property line. ***This is noted as an existing non-conformity. Applicant shall testify as to whether an easement exists for this encroachment.***

- g. Driveway Width: The width of the driveway should be confirmed. If less than the required ten foot width for driveways (§17:9-42.G) or higher than the maximum permitted for two car garages (20 feet), this will be noted as an existing non-conformity.
- h. Curb Cut Width: The width of the curb cut should be confirmed. If the width does not conform with §17:9-42.H this will be noted as an existing non-conformity.
- i. Fencing: A PVC fence is identified on the survey along the southwest property boundary. The fence traverses the subject property and the adjacent property (Lot 13). Applicant shall testify as to who owns and maintains the fence.

#### **7. Planning Comments**

- a. Applicant shall clarify intended use of the garage and garage extension. Applicant shall also confirm if they are engaged in a home occupation (such as contracting) or not.
- b. Applicant shall provide testimony regarding the reason a two-story addition to the garage is necessary. If storage is the purpose, would a shed be more suitable? We reiterate our recommendation to decrease the height of the second level of the structure.
- c. The development on the property includes two encroachments onto neighboring properties: the driveway onto Lot 12 to the south and a block foundation onto Lot 11 to the north. Applicant shall discuss if there are easements for these encroachments.
- d. Applicant shall testify as to why a bathroom is needed for the proposed extension, and whether other utilities, such as electricity and heating, will be provided for the existing and proposed structure.
- e. The survey submitted with the application appears to show the garage already with dimensions similar to what is being proposed with this application. This shall be clarified.
- f. We defer to the Board Engineer regarding drainage, storm water, traffic impact analysis and other engineering issues related to the site.

#### **8. Statutory Criteria**

The proposed development requires five (5) variances from the Plainfield Land Use Ordinance supplementary zoning regulations. These are all commonly known as c variances. The Board has the power to grant a c(1) hardship variance or a c(2) benefits vs. detriments variance.

An applicant requesting a c(1) variance must show that (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property or (b) by reason of exceptional topographic



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conditions or physical features uniquely affecting a specific piece of property or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or structure lawfully existing thereon, the strict application of any would result in particular and exceptional practical difficulties or undue hardship upon the developer of such property.

An applicant requesting a c(2) variance must prove that granting of the variance will advance the intent and purposes of the Municipal Land Use Law and that benefits of granting of the variance will substantially outweigh the detriments.

With both, negative criteria must be addressed. No variance may be granted without showing that such a variance can be granted without substantial detriment to public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

The Board should:

- Evaluate the testimony to determine whether it should elicit additional information to supplement the record;
- Make specific findings of fact based on the record to support its conclusions;
- Consider whether, in lieu of denying an application, it can approve it subject to reasonable conditions which would modify the proposal and obviate or minimize any negative impact;
- Remember to be conscientious in its review of the facts since outright denial may amount to confiscation, this requiring condemnation by the municipality.

Please do not hesitate to contact me for any planning related questions at [mapte@cmeusa1.com](mailto:mapte@cmeusa1.com).

Sincerely,  
**CME Associates**

Malvika Apte, PP, AICP  
*Consulting Board Planner*

MA:nf



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cc: Daniel White, Zoning Board Secretary  
Peter Vignuolo, Esq., Zoning Board Attorney  
Carlos Fuentes, PE, CME, Board Engineer  
Valerie Jackson, Director, Department of Economic Development  
Angel Arriaga, Applicant  
Steve J. Druga, AIA, Applicant's Architect

