



October 22, 2021

Via E-Mail

Mr. Douglass M. Angoff, Esq.
31-41 Church Street, Unit 205
South Orange, NJ 07079
douglass.angoffesq@gmail.com

Re: Application No.: ZBA 2021-46
Applicant: Terrell Carroll
Bulk Variance Relief
Location: 726 Webster Place, Plainfield, NJ 07060
Block 636, Lot 8
Zone – R-4 Moderate Density Residential Zone
Our File: HPFZ0636.01
Completeness Review Letter # 1 / Planning Review #1

Status: Complete

Dear Mr. Angoff,

This completeness review letter is in reference to above mentioned application. The application has been filed seeking variances for zoning requirement relief to permit the expansion of the existing single-family dwelling on the property. Single-family dwellings are a permitted use in the R-4 Moderate Density Residential Zone in which the subject property is located. The existing and intended use of the structure is a single-family dwelling. The use is therefore permitted. The property and dwelling are, however, non-conforming in relation to the bulk regulations for the R-4 Zone.

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

- Application form received by the City on September 22, 2021;
- Political Contribution Disclosure Statement for Applicant and Architect;
- Three (3) sheets of architectural and site plans entitled "Proposed Roof Rise & Interior Renovation to Existing One Family Dwelling #726 Webster Place Plainfield, NJ" prepared by Harry L. Rothstein Architects dated July 25, 2021.

1. Summary of Application

The Applicant, Terrell Carroll, has filed this application requesting variance relief from bulk and supplementary zoning requirements to increase the bulk of the building in the setback areas of the property. This is the result of the height of the structure being increased by three feet seven inches (3' 7") within the side yard and front yard setback areas. These factors led the Zoning Officer for the City of Plainfield to determine that the proposed development represents an expansion of a non-conforming structure, requiring bulk relief from the Zoning Board. The subject property is identified in the Plainfield Tax Maps as Block 636 Lot 8. Besides raising the height of the building, the Applicant proposes to renovate the second floor to provide a master bedroom with master bathroom and Juliet balcony.



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According to the submitted architectural plans, this renovation will expand the livable area by seven square feet, from 772 to 779 square feet. Approximately 42 square feet of attic space is being converted to habitable space in the proposed master bedroom. **The Applicant shall provide testimony to clarify how the habitable space is only increasing 7 square feet.** Changes to the façade materials on the second floor are also proposed. **These changes should be confirmed and clarified during the Board hearing.**



Image of subject property from Webster Place.
Source: Google Maps Street View (image from July 2018).

2. Completeness Review

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

- a. **§17:8-2.B.3:** Copy of any protective covenants or deed restrictions related to the subject property. **Applicant shall confirm if any such covenants or restrictions exist.**
- b. **§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 a tax search. An official search from the Plainfield Tax Department shall be submitted.**
- c. **§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.**
- d. **§17:8-2.B.8a:** Contribution Disclosure Statements. **A single Statement has been provided for Applicant and Applicant's architect. A separate Statement is required for the architect.**
- e. **§17:8-2.B.9a, j, k:** These items have not been included. Based on the nature of the application, we take these to be submission waiver requests. **We recommend applicant submit written request for waiver of these items.**



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- f. **§17:8-2.B.9b:** Name, address and phone number of applicant and property owner. ***This information shall be included on sheet A-1 of the architectural plans.***
- g. **§17:8-2.B.9l:** Delineation of flood hazard areas. ***The subject property is located in Zone X: Area of Minimal Flood Hazard. This shall be confirmed by Applicant's architect and a note added to the plans stating the same.***
- h. **§17:8-2.B.9m:** Tabulation indicating the square foot area of structures, pavement and open space and the percent of their lot coverage and floor area ratio. ***The impervious lot coverage provided in the Zoning Analysis table on sheet A-2 of the plans (1,078 square feet or 16% coverage) does not appear to be correct. The house footprint is noted as 772 square feet. The Proposed Site Plan drawing indicates that the driveway adds an additional 590 square feet, making a total of at least 1,362 square feet. The shed adds another 111 square feet for a total of 1,473 square feet (22.5% impervious lot coverage). This is well in excess of the noted coverage of 1,078 square feet. Applicant's architect should revise the table to include all impervious lot coverage.***
- i. **§17:8-2.B.9o:** 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 architectural plans include a panel titled Existing Survey on sheet A-1 of the plans. A copy of this survey, signed and sealed by the surveyor, must be submitted.***
- j. **§17:8-2.B.9p:** Zoning table showing all required and proposed conditions including all relief from zone requirements that is being sought. ***The Zoning Analysis table should be revised with correct lot coverage and include minimum improvable area and MIA-diameter of circle.***
- k. **§17:8-2.B.9r:** Signatures block for City engineer, board chairman and board secretary. ***A signatures block should be provided on sheet A-1 of the architectural plans.***
- l. **§17:8-2.B.9s:** List of all variances and design waivers that are requested. ***This shall be provided on sheet A-1 of the architectural plans based on variances noted in this letter.***

3. 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	3 @ \$75.00/each	\$225.00
2. Public hearing fee		\$100.00
Total Application Fee		\$425.00

We reserve the right to amend this fee calculation pending the identification of additional variances.



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4. Deposit and Escrow

1. Bulk variances	\$1,000.00
Total Escrow Due	\$1,000.00

5. 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. Please submit any additional documents requested above in addition to the plans noted below. Any delay in submitting the requested documents may delay the hearing of this application by the Board.

Applicant should submit to the Planning Division **pdf or electronic copies**, as well as eighteen (18) paper copies of the plans (survey and contractor plans) **to the Board Secretary within seven days of the determination of completeness**. Only two of the paper copies need to be full-sized, signed and sealed. The other sixteen may be 11"x17" copies. Failure to provide copies may affect the scheduled hearing date noted below.

6. Scheduled Hearing Date: Wednesday, December 1, 2021

To confirm, this application is capable of **being deemed complete** and is **tentatively** placed on the Zoning Board Agenda for **Wednesday, December 1, 2021**. 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) 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.**

The application is scheduled for the December 1, 2021 Zoning Board Agenda Meeting. 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.



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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.

7. Planning Review

- A. The subject property is located in the R-4 Moderate Density Residential Zone, in which single- and two-family dwellings are permitted uses. ***The existing and proposed one-family dwelling is thus permitted.***
- B. The following table provides the conformance of the existing and proposed development with the bulk regulations for single-family dwellings in the R-4 Zone:

Bulk Regulations R-4 Moderate Density Residential Zone District			
	Required: Single-Family	Existing	Proposed
Minimum Lot Area (sq. ft.)	7,500	6,561	6,561 (E)
Maximum Density (du/acre)	5.8	N/A	N/A
Minimum Lot Width (feet)	50	43.74	43.74 (E)
Minimum Lot Frontage (feet)	50	43.74	43.74 (E)
Minimum Lot Depth (feet)	100	150	150
Front Yard Setback (feet)	25	24.8	24.8 (V)
Side Yard Setback (feet) One / Combined	10 / 20	2.8 / 12.2	2.8 (V) / 12.2 (V)
Rear Yard Setback (feet)	30	97.25	97.25
Maximum Percent Building Cover	25%	12%	12%
Maximum Percent Total Lot Cover	40%	22.5%*	22.5%*
Maximum Number of Stories	2.5	2.0	2.0
Maximum Building Height (feet)	35	21.75	25.33
Minimum Improvable Area (MIA) (feet)	2,000	2,255.3	2,255.3
MIA – Diameter of Circle	31	23.74	23.74 (E)
(V) Variance	<i>(e) Existing Non-Conformity</i>		*To be clarified

- i. The property has several existing non-conformities. These include:
 - 1. Minimum lot area: 7,500 square feet required and existing is 6,561 square feet.



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2. Minimum lot width: 50 feet required and existing is 43.74 feet.
 3. Minimum lot frontage: 50 feet required and existing is 43.74 feet.
 4. Minimum improvable area-diameter of circle: 31 feet required and existing is 23.74 feet.
- ii. The building has four existing non-conformities:
1. Minimum front yard setback: 25 feet required and existing is 24.8 feet.
 2. Single side yard setback: 10 feet required and existing is 2.8 feet.
 3. Single side yard setback: 10 feet required and existing (on other side) is 9.4 feet.
 4. Combined side yard setback: 20 feet required and existing is 12.2 feet.
- iii. The Applicant shall clarify the existing/proposed impervious lot coverage. As noted under item h. of the Completeness section of this letter, the impervious lot coverage stated in the Zoning table (16%) does not match what is indicated on the plot plan (calculated to be 22.5%).
- iv. The proposed development increases the bulk of the structure within the side yard and front yard setback areas (due to the increasing height of the roof of the structure). These are variances because the proposed enlargement of the building does not conform to **§17:9-37.E**, as noted below.
- C. Per **§17:9-37.E**, a nonconforming structure may not be enlarged or increased in height unless it is a single or two-family dwelling meeting one of three exceptions. The proposed enlargement does not meet these criteria, as follows:
- a. The enlargement, extension, or addition conforms to all zone requirements. ***The enlargement does not comply with side yard setback or front yard setback requirements.***
 - b. The portion of the enlargement, extension or addition which does not conform to zone requirements consist entirely of the enclosure of existing rear porches. ***No rear porches are being enclosed.***
 - c. The portion of the enlargement, extension, or addition which does not conform to zone requirements is located entirely to the rear of the existing non-conforming structure, has a side yard setback of no less than five (5) feet, and conforms to all other bulk requirements. ***The enlargement includes an area in the front of the structure and that has less than five (5) feet of side yard setback.***

Given these factors, ***the variances for both single (2.8 feet and 9.4 feet, where 10 feet is required) and combined side yard (12.2 feet, where 20 feet is required) setbacks, and for front yard setback (24.8 feet, where 25 feet is required) are required.***

- D. The height of the steel shed shall be provided by the Applicant to confirm that it complies with **§17:9-19.C**, which permits a height of no more than one story or 15 feet, whichever is less. The



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shed is setback from the northerly side property line by 1.2 feet, where per **§17:9-19.B** three (3) feet minimum setback is required. ***This is noted as an existing non-conformity.***

- E. No HVAC system is noted in the survey/site plan. Applicant shall clarify if any HVAC system exists. If a central HVAC system is or will be present, Applicant shall clarify where the compressor units are located and if screening is provided.
- F. Applicant shall provide the height of the chain link fencing at the rear of the property (northwestern corner) to ensure it is no greater than six (6) feet in height, as required per **§17:9-29.B**. The survey provided on the architectural plans indicates that all other fences are located on adjacent properties.
- G. Per **§17:9-34.A**, a one-car garage not to exceed 300 square feet is required for single-family dwellings. No garage exists on the property. ***This is noted as an existing non-conformity.***
- H. Per **§17:9-42.A**, residential driveways shall not be located closer than two (2) feet to a property line. According to the plans, the driveway is only setback 0.2 feet from the northerly property line. ***This is noted as an existing non-conformity.***
- I. Per **§17:9-42.P**, front yard parking permitted for one and two-family dwellings is only those spaces directly in front of usable garages. As there is no garage on the property, no spaces are provided in front of a garage. ***This is noted as an existing non-conformity.***
- J. While there is no garage, driveways for one-car garages (required for single-family residences) are required to be a minimum of ten (10) feet wide per **§17:9-42.G**. The plans indicate the driveway at its narrowest is 8.3 feet wide. ***This is noted as an existing non-conformity.***
- K. When the number of bedrooms for a single-family dwelling or a duplex development is unknown, a ratio of 2.5 parking spaces per dwelling unit is applied. As this is just one dwelling unit, 2.5 parking spaces are required. The driveway provides enough parking for at least three cars. ***This complies.***
- L. Per **§17:9-44.B**, decks shall not be closer than six (6) feet to a side lot line. The plans indicate that the rear deck is about 4.3 feet from the southerly property line. ***This is noted as an existing non-conformity.***

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



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MA:nf

cc: Daniel White, Planning Board Secretary
Peter Vignuolo, Esq., Planning Board Attorney
Carlos Fuentes, PE, CME, Board Engineer
Valerie Jackson, Director, Department of Economic Development
Terrell Carroll, Applicant
Harry L. Rothstein, RA, Applicant's Architect