

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



August 18, 2021

TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

Via Email

Mr. Allen J. Barkin, Esq.
Schwartz Barkin & Mitchell, Attorneys at Law
1110 Springfield Road, P.O. Box 1339
Union, NJ 07083-1339
abarkin@sbmesq.com

Re: Application No.: ZBA 2021-35
Applicant: Maritza Brackman
Use Variance and Preliminary & Final Site Plan Approval
Location: 1110-1116 Myrtle Avenue, Plainfield, NJ
Block 222, Lot 4
Zone – R-4 Moderate Density Residential Zone
Our File: HPFZ0222.01
Completeness Review Letter # 1

Status: Incomplete / TRC Requested

Dear Mr. Barkin,

This completeness review letter is in reference to the above-mentioned application. The application was received by the City on July 6, 2021. The subject site consists of Block 222 Lots 4 in the City of Plainfield tax maps, with street address 1110-1116 Myrtle Avenue. The Applicant, Martiza Brackman, is the owner of the site, which is currently developed with a three-story frame dwelling (with a total square footage of 3,769 square feet) that is utilized as a multi-family dwelling with four (4) apartment units and a superintendent's office. According to the Applicant's attorney, this use has been long-established. One of the units is a one-bedroom apartment, two are three-bedroom apartments, and the fourth is a two-bedroom unit. While the building has apparently been utilized as a multi-family dwelling for a long time, this use is not permitted in the R-4 Moderate Residential Density Zone. We note this as a use variance application at this time; however Applicant's attorney has noted the use as "long-standing." Applicant must clarify if a use variance for the multi-family use is being requested or a certificate of non-conformity. Applicant must also clarify if the property is mixed use and if they are seeking a use variance for the mixed-use structure (residential/office). The existing use of the property is one for which such site plan approval is required pursuant to §17:8-1.C of the Plainfield Land Use Ordinance (LUO). If a use variance is being requested, it would stand to reason that no site plan approval was previously issued. As such, we note that this is also a preliminary and final site plan application at this time until the nature of the application has been clarified.

Based on the nature of this application, we recommend a Technical Review Committee meeting be conducted with the Applicant's team. A separate letter with details of the TRC, including dates and required documents to be submitted, will be issued.



Maritza Brackman
Re: ZBA 2021-35 (1110-1116 Myrtle Avenue)
Completeness Review #1

August 18, 2021
Our File No. HPFZ0222.01
Page 2

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

- Cover letter prepared by Schwartz Barkin & Mitchell, Attorneys at Law, dated July 2, 2021;
- Application form received by the City on July 6, 2021;
- Application for Waiver Request dated July 6, 2021;
- Application for 200 feet Radius List;
- Political Contribution Disclosure Statement for Applicant;
- Official tax record from the City of Plainfield Tax Department dated July 6, 2021;
- Form W-9 for Applicant;
- Copy of check for escrow fee;
- Four (4) sheets of plot plan and architectural plans entitled "Existing Multi-Family & Office Plans for: Marissa Brackman, 1114 Myrtle Avenue, Plainfield, New Jersey" prepared by Steve J. Druga, AIA, dated June 30, 2021.

1. Completeness

The Applicant has requested the following submission waivers per §17:8-2 of the Land Use Ordinance:

- a. **§17:8-2.B.9j:** General slope and natural drainage, and watercourse locations and all natural and significant features. ***Given the type of application, we take no issue to granting this waiver.***
- b. **§17:8-2.B.9i:** Delineation of flood hazard areas. ***Based on the FEMA National Flood Hazard Layer, it appears most of the property is located in Zone X (Area of Minimal Flood Hazard); however, the rear-most portion of the property is close to, if not within, Zone AE. Applicant must confirm whether or not any flood zones are located on the property.***
- c. **§17:8-2.F.6:** Existing and proposed contour lines at one (1) foot intervals inside the tract and within thirty (30) feet of the tract's boundaries with spot elevations at all changes in grade due to construction. ***We defer to the Board Engineer to determine if this item is required.***
- d. **§17:8-2.F.9:** Computation of required stormwater detention volume and specification of minimum volume to be detained subsurface as part of a complete site drainage and grading plan. ***We defer to the Board Engineer to determine if this information is required.***



Maritza Brackman
Re: ZBA 2021-35 (1110-1116 Myrtle Avenue)
Completeness Review #1

August 18, 2021
Our File No. HPFZ0222.01
Page 3

- e. **§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. ***While the site is fully improved and no changes may be proposed to this item, lighting plan should still be provided to determine present suitability of lighting.***
- f. **§17:8-2.F.15:** Appropriate construction details. ***We defer to the Board Engineer to determine if any details are required.***
- g. **§17:8-2.F.19:** Type and quantity of expected sanitary discharge. ***We recommend Applicant provide the sanitary discharge calculations for the present multi-family/superintendent office use.***

Additionally, we note the following items as missing or incomplete per §17:8-2 of the Plainfield Land Use Ordinance (LUO):

- a. **§17:8-2.B.3:** Copy of any protective covenants and deed restrictions related to the subject property. ***Applicant shall confirm whether or not any such covenants exist.***
- b. **§17:8-2.B.6:** All requisite escrow deposits and fees. ***Please see calculations below. We defer to the Board Secretary to determine compliance with this item.***
- c. **§17:8-2.B.9a:** Key map indicating all streets and zone districts within six hundred feet of the subject property. ***The key map on Sheet P-1 does not include zone districts. This shall be added.***
- d. **§17:8-2.B.9b:** Name, address and phone number of applicant and property owner. ***This information shall be added to Sheet P-1 of the submitted plans.***
- e. **§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. ***Tabulation of pavement, pavers, and open space should be provided on Sheet P-1.***
- f. **§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 plot plan notes that a survey dated April 22, 2021 prepared by Leeper Land Group, LLC was used to obtain information for the plot plan. A signed and sealed survey shall be provided.***
- g. **§17:8-2.B.9s:** List of all variances and design waivers that are requested. ***Requested variances and variances noted in this review shall be added to Sheet P-1 of the submitted plans.***
- h. **§17:8-2.F.14:** Location, type, and volume of refuse storage and recycling facilities. ***Location of refuse and recycling storage has been indicated, but Applicant should be prepared to provide additional details on how trash/recycling is moved to this area and how trash pick-up for transport off-site is managed.***



Maritza Brackman
Re: ZBA 2021-35 (1110-1116 Myrtle Avenue)
Completeness Review #1

August 18, 2021
Our File No. HPFZ0222.01
Page 4

2. Application Fees Calculation

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

1. Variances from NJSA 40:55D-70d (Use Variances) – For each unit in a multi-family use	4 @ \$75.00 each	\$300.00
2. Variances from NJSA 40:55D-70c – For all other uses	5 @ \$150.00 each	\$750.00
3. Site Plan Review – Preliminary for multi-family dwelling units		\$250.00
4. Site Plan Review – Final		\$200.00
5. Design Standard Waiver	2 @ \$25.00 each	\$50.00
6. Public hearing fee		\$100.00
Total Application Fee		\$1,650.00

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

The initial **deposit and escrow** is calculated below.

1. Variances under NJSA 40:55D-70d – Each ‘d’ variance	1 @ \$1,000.00 each	\$1,000.00
2. Site Plan Application – Residential with 3-9 units		\$2,000.00
3. Final Site Plan Application (50% of preliminary site plan escrow fee or \$2,000.00, whichever is greater)		\$2,000.00
Total Escrow Due		\$5,000.00

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

4. Variances and Waivers

- a. Use: The present use of the property (multi-family residential with superintendent’s office) is not a permitted use in the R-4 Moderate Density Residential Zone. ***As such, a use variance is required.***

Applicant should clarify the type of application proposed. While we note this as a use variance with site plan approval application at this time, it is not clear if a certificate of non-conformity is requested. Since no documentation has been provided supporting the certificate of non-conformity or any prior approvals, it is assumed a



Maritza Brackman
 Re: ZBA 2021-35 (1110-1116 Myrtle Avenue)
 Completeness Review #1

August 18, 2021
 Our File No. HPFZ0222.01
 Page 5

use variance is requested. This should be confirmed and clarified. Applicant should further clarify the existing office in the building. It is noted that with the existing office on site, this becomes a mixed use building and is not a permitted use in the zone.

- b. The following table notes the conformance of the property and development with the regulations related to the two-family use in the R-4 Zone.

Bulk Regulations (R-4 ZONE)			
	Requirement: Two-Family	Existing	Proposed
Minimum Lot Area (sq. ft.)	10,000	32,620.9	32,620.9
Maximum Density (du/acre)	8.7	5.34	5.34
Minimum Lot Width (feet)	80	98	98
Minimum Lot Frontage (feet)	80	98	98
Minimum Lot Depth (feet)	100	350.1	350.1
Minimum Front Yard Setback (feet)	25	94	94
Minimum Rear Yard Setback (feet)	30	190	190
Minimum Side Yard Setback - One/ both (feet)	10 / 25	24.9 / 49.9	24.9 / 49.9
Maximum Number of Stories	2.5	3	3 (E)
Maximum Building Height (feet)	35	38	38 (E)
Maximum Percent Building Cover	25%	9.4%	9.4%
Maximum Percent Total Lot Cover	40%	TBD	TBD
Minimum Improvable Area – MIA (square feet)	2,400	17,877	17,877
MIA – Diameter of Circle	34	73	73
<i>(V) Variance (E) Existing Non-conforming Condition NA- Not applicable</i>			

The table identifies just two existing non-conforming conditions related to the development on the subject property, both related to the height of the primary structure. One is for the maximum number of stories (3 exist where 2.5 are permitted) and the other is for maximum building height (38 feet exists where 35 is permitted). ***Applicant will need to provide evidence indicating how long these non-conforming conditions have existed to show that they pre-dated the ordinance creating the non-conformity, or show that the variances were previously approved. If no evidence can be provided variances will be required.***

Applicant shall provide a tabulation of all existing lot coverages, including stone drive, parking area, and buildings to help determine the lot coverage.



Maritza Brackman
 Re: ZBA 2021-35 (1110-1116 Myrtle Avenue)
 Completeness Review #1

August 18, 2021
 Our File No. HPFZ0222.01
 Page 6

- c. Per §17:9-19.D, accessory structures shall not have a ground area greater than 35% of the ground area of the structure to which it is accessory. The existing plot plan indicates that the garage has ground area of 1,200 square feet, while the primary building has about 1,875 square feet of ground area. The garage is about 64% of the ground area of the main building. **A variance is required.**
- d. Per §17:9-24.C.1, a buffering area of ten (10) feet is required between a parking lot and adjacent residential property. Per the Existing Plot Plan, only a five (5) foot buffer is provided. **A variance is required. Information on the type and design of the wood fence used as a screen of the parking lot should be provided.**
- e. Applicant should clarify if any HVAC is provided for the dwelling and, if present, of what kind (central, window, etc.).
- f. Per §17:9-42.A, a residential driveway shall not be located closer than two (2) feet from a property line. The Existing Plot Plan indicates the driveway on both side lines of the property is located along the property boundaries (0 foot setback). **A variance is required.**
- g. Per §17:9-42.I, driveways must be constructed of a durable and dustless asphalt or cement surface. The Existing Plot Plan indicates the driveway is stone. **A variance is required.**
- h. Per §17:9-42.J.2 and by reference to the New Jersey RSIS the total number of parking spaces required for the existing development is:

Use	Standard (Minimum)	Required	Proposed
Superintendent's Office	1 / 400 sq. ft. gross floor area	415 sf/400 = 1.04 spaces	
Residential (Garden Apartment)			
One-Bedroom	1.8 spaces / unit	1.8 x 1 = 1.8	
Two-Bedroom	2.0 spaces / unit	2.0 x 1 = 2.0	
Three-Bedroom	2.1 spaces / unit	2.1 x 2 = 4.2	
Residential Total		8.0 spaces	
Residential + Office Total		9.4 spaces	10
(V) Variance (e) Existing Non-Conformity			



Maritza Brackman
Re: ZBA 2021-35 (1110-1116 Myrtle Avenue)
Completeness Review #1

August 18, 2021
Our File No. HPFZ0222.01
Page 7

Per the plans, 9.4 spaces are required and ten (10) spaces are provided on the site (seven in the parking area and three in the garage). **This complies.**

- i. The Board will need to determine if there is adequate landscaping surrounding the parking lot. **If not, §17:9-43.B will apply and require a variance if conditions are to remain as they are.**
- j. Of the four apartments in the building, three do not comply with the size requirements under §17:9-48.A of the LUO. The one-bedroom apartment is 735 square feet where 750 square feet is required; the two-bedroom apartment provides just 923 square feet where 1,000 square feet is required; and one of the two three-bedroom apartments provides 1,045 square feet where 1,100 square feet is required. **A variance is therefore required for apartment size.**
- k. Per §17:11-8.B.8, each dwelling unit shall be provided with 350 cubic feet of enclosed and covered storage space in addition to the usual closet storage space. No such storage space is provided. **A design waiver is required.**
- l. Per §17:11-8.B.9b, each dwelling unit shall be provided with at least 64 square feet of private open space. Such private open space is not provided. **A design waiver is required.**

We reserve the right to amend the list of variances/waivers pending the identification of additional variances during our full technical planning review.

5. Recommendation

Pursuant to §17:8-2 of the Land Use Ordinance, the applicant's submission is incomplete at this time. Please review the items noted in the Completeness section and provide any requested documents and revisions.

We also reiterate that a TRC meeting is recommended for this application. A separate letter will be issued indicating the date and time and any additional requirements for the TRC.

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



Maritza Brackman
Re: ZBA 2021-35 (1110-1116 Myrtle Avenue)
Completeness Review #1

August 18, 2021
Our File No. HPFZ0222.01
Page 8

MA:nf

cc: Daniel White, Zoning Board Secretary
Peter Vignuolo, Esquire, Zoning Board Attorney
Carlos Fuentes, PE, CME, Board Engineer
Valerie Jackson, Director, Department of Economic Development
Maritza Brackman, Applicant
Steven J. Druga, AIA, Applicant's Architect