

Board of Adjustment

Virtual Meeting

June 2, 2021

Meeting called to order at 7:16pm.

Statement of compliance read by Joel Kenderdine.

Roll Call

Present:

Dr. Harry Allen
Basil D'Armiento
Herminio Estrella
Gary Lewis
Daniel Battista
Michelle Brown
Chairman Joel Kenderdine

Absent:

Maria Paola Castro
Roger Graubard

Also present were Board Attorney Brian Schwartz, and Planning Consultants, Paul Grygiel and Ms. Trahan, Engineering Consultant Dave Testa.

There are 7 voting members present.

Approval of Minutes:

March 3, 2021 minutes were approved as submitted with no additions or corrections.

Resolutions:

None

Old Business:

None

New Business:

BA 21-001 29 Pearl Street. Applicant is proposing a 3-story building with a medical office on the first floor, 4 apartments on the 2nd floor, and 4 apartments on the 3rd floor.

John Sullivan from the Offices of Vastola and Sullivan representing the applicant, Dr. Omobola Oji.

Waivers:

Numbers 19, 20, and 31 are not applicable to this application.

Number 21, utility, sewer lines in the street were not shown.

Number 26, proposed signage was not indicated on the site plan, however it is shown on the architectural plan but the actual size of the signage is not indicated.

Numbers 21 & 26 will have to be provided to confirm compliance.

The waivers can be granted subject to the applicant providing them later. Dave Testa is aware of sewer at 29 Pearl Street so it's just a matter of showing it and the depth of the sewer. The signage can also be worked out should the application be approved.

Motion to approve the two waivers made by Dr. Allen.

Seconded by Mr. D'Armiento.

All in favor.

None opposed.

Motion passed.

John Sullivan is representing Dr. Omobola Oji, a medical doctor engaged in the practice of medicine. She is the owner of 29 Pearl Street. The property is located not far from the Warren Street intersection. It is currently a vacant lot, located in the B1 Business Zone, designated as lot 20, block 85. The proposal is to construct a 3-story building with related site improvements, including a parking area. The 1st floor would be Dr. Oji's medical office. The 2nd and 3rd floors would have residential apartments on each of the floors. They are requesting approval for a conditional use variance, preliminary and final site plan, and several bulk variances.

The plans and reports submitted are: a 5-page site plan prepared by Guarriello & Dec Associates dated January 5th, 2021, an 11-page, Architectural Plan prepared by Robert Blakeman, dated November 22, 2020, last revised January 15th, 2021, a Field Percolation Test Report prepared by ANS consultants dated October 15, 2019 and a Drainage Report prepared by Guarriello & Dec Associates dated October 20, 2018. Board professional reports and department reports that have been received are: Mr. Testa's report dated May 5th, Mr. Grygiel's report dated May 21st, Chief Eaton's email dated May 5th, Chief Parenti's email dated May 3rd, and the Mott, McDonald report dated June 2nd.

The witnesses are: Dr. Oji, Architect Robert Blakeman, Engineer Edward Dec, and Professional Planner Michael Pessolano.

Dr. Oji sworn in by Attorney Brian Schwartz.

Dr. Omobola Oji
25 Craig Place
North Plainfield, NJ

Dr. Oji is a licensed medical doctor who has been practicing medicine for 20+ years. She is a family physician. She is the owner of the property. Dr. Oji is currently located at 25 Craig Place. She is the only physician currently but there were previously 2 physicians practicing at once. There were 16 parking spaces at 25 Craig Place while 2 physicians were practicing at the same time which was sufficient for their parking needs. Dr. Oji usually has 2 employees working with her on a daily basis. There could be 8 patients in the building at one time. There are occasional walk ins but the practice operates mostly by

appointments. Dr. Oji stated she would need 7 parking spaces to accommodate employees and patients. Most of Dr. Oji's patients walk to the practice. They occasionally receive deliveries of medical supplies and stationary, about twice a month. Deliveries are made by UPS type trucks. Proposed hours of operation are 9 to 5, Monday – Friday and every other Saturday 9-1. On Wednesdays the doctor has evening hours until 7pm. There is a lighter volume of patients on Saturdays.

There are 18 parking spaces proposed. 9 parking spaces are proposed for the tenants as assigned spaces and 9 spaces will be designated for the medical practice. There are 2 municipal parking lots approximately a block from the office. There is also street parking. The municipal lots are on the same block as the building on Pearl Street.

The sign proposed is on the architectural plan. All the details about the sign will be provided.

Brian Schwartz asked if there were arrangements to have assigned parking spaces in the municipal lots for her building. Dr. Oji wasn't aware she could do that but will approach the town about it if needed.

Chairman Kenderdine asked if Dr. Oji was going to be the sole physician. She stated she is currently the sole physician and LabCorp will do phlebotomy for the patients.

Mr. Testa asked Dr. Oji how long she has had her office in North Plainfield. She started her practice in North Plainfield in 1999. It will be her and 2 employees. Occasionally she has a nurse practitioner but right now she does not have one. There is a phlebotomist for the lab. There would be 4 maximum staff at one time. None of the proposed medical space would be leased to other physicians.

Brian Schwartz pointed out a separate space for pediatrics in her plan. Dr. Oji has a separate office for pediatrics. She sees both adults and children. She wanted to separate pediatrics from adults for convenience and comfort to all the patients. Dr. Oji also stated she would like to have a play room for the kids. It will be one physician for 2 different age groups. Brian Schwartz stated it looks like 2 different practices operating in the building, easily 2-3 doctors could be practicing medicine here. Typically, a condition would be put in saying there is only going to be one practice or one doctor and he isn't sure she will want to agree to this. Dr. Oji stated she just wanted to be able to see kids and adults without being in a limited space.

Mr. Sullivan stated Mr. Schwartz is suggesting as a possibility if the application is approved, there would be a condition that only one physician can practice onsite at any particular time due to parking. Dr. Oji said she doesn't plan on bringing in another physician. She works with a nurse practitioner when needed but she doesn't see herself bringing in another physician.

Dr. Oji asked the Board if she brings in another physician, how does it impact her application. Brian Schwartz stated that it looks like she is planning to expand her practice by the way the plans look. Dr. Oji said she does not plan to bring in another physician at this point.

Gary Lewis asked if the property is on the north side or south side of Pearl Street. The property is on the north side.

Dr. Allen asked where Dr. Oji's patients are from. Dr. Oji said she gets most of her patients from North Plainfield and Plainfield and most of them walk to the office.

No questions from the public.

Robert Blakeman was sworn in by Attorney Brian Schwartz.

Robert Blakeman
144 Fresh Ponds Road
East Brunswick, NJ 08816

Mr. Blakeman has 40 years of practice. He graduated from Pratt Institute with a Bachelor of Architecture. He has over 100 successful Planning Board applications over his career. He is licensed in NJ. He is the architect of record for many of those projects. He has worked on 2 of the largest national firms providing complete design services. He's worked with Planning Boards in Edison, Woodbridge, New Brunswick, Robbinsville, East Brunswick, and Long Branch. He has not testified in front of the Board in North Plainfield.

The Board accepts the qualifications of Mr. Blakeman.

Mr. Blakeman prepared the architectural plans that were submitted to the Board. He showed a picture of the building on the north end of the property. He explained the property slopes slightly from the back of the property to Pearl Street. Currently the property is a vacant lot. There are buildings surrounding that are very close if not on the property lines. The proposed building has a covered entrance with a canopy. The bottom 2 drawings on the screen were location maps.

The next drawing is a drawing list, abbreviations, and general notes.

The next drawing shows all the handicap issues and how they are compliant with all code issues in regards to access, door widths, stairs, egresses, etc. There is an elevator that serves the apartments on the 2nd and 3rd floors.

The next drawing is a 3D drawing from the street. The base of the building has a thin brick base with a cast stone on top. It has a wood veneer and cast stone on the first floor. The 2nd and 3rd floors are a premanufactured painted stucco façade. A metal canopy goes around the entire building. There are a lot of windows allowing natural light. Sustainable design elements are being used such as insulation that exceeds the standards, 2 by sticks framing at the perimeter, a white reflective roof, warm and rich colors, canopies for coverage, water saving devices throughout the facility, LED fixtures to reduce electric, a lobby that maintains thermal control, automatic door openers, sustainable materials throughout the facility such as thin brick and hardy planks, large windows for strong natural light, solar panels on the roof in 2-3 years. Air conditioning condensers and solar panels are hidden from view by a parapet that goes around the building.

Mr. Estrella asked with the exterior insulated finish system on the front of the building, what are the components on the other 3 walls. Mr. Blakeman answered the other 3 walls are a hardy plank.

Mr. Lewis asked how high the parapet wall was from the roof. Mr. Blakeman answered 3 feet going around the whole building.

The next slide shows the site which the civil engineer will go over in his presentation.

The next slide shows the 1st fl. There will be 2 different units, the general patient medical suite on the west side and the pediatric medical suite on the east side. There are 2 entrances with automatic doors

for handicapped entrances. There is a lobby in the center of the building for people living on the 2nd and 3rd floors with an elevator and stairs. There is a lobby for seating and working areas and labs toward the back. There is an egress on the west side and one on the north side of the building, both of which are covered.

The next slide shows the second floor with elevator and stairs, 2 studio apartments, and 2 1-bedroom apartments. The studios are 450 square feet, the 1-bedroom apartments are 595 square feet. They are in compliance with the size of units requested in the code. There is an open frame kitchen in each apartment, a handicapped bathroom, closets to store hot water heaters, and a bedroom in the back in the 1-bedroom apartments which has glass across the back face, with egress for fire. There are double stud walls in between the units that are 1 hour, which meet code. They provide both fire and acoustic separation. The wall on the east side is 2 hour rated.

The next slide shows the 3rd floor which has the exact same layout of the 2nd floor.

The next slide shows the roof which is sloped to collect water in the center and run down to areas to pick up the storm water. Condenser units are on the north and south sides. There is an access hatch to the roof for maintenance. The dotted line assigns the area for the solar panels which will be installed in 2-3 years.

The next slide shows the north and south elevations. The south elevation is seen from Pearl Street. It is a strong elevation with lots of glass. There is a canopy across the front for protection. The thin brick at the base gives a strong foundation to the building. There is cast stone that goes across the top and on the top of the windows next to it, the canopy above, and the EIFS on top of the 2nd and 3rd floors. There is a Providence Medical Center sign on top and a canopy along the top. The elevation is 37 feet 10 inches. They kept it to 3 stories to make it blend into the surrounding buildings. Painted metal rails are used outside the sliding doors for the apartments. There are pendant light fixtures and bollards which the civil engineer will talk about. There are automatic door push plates for building access.

Gary Lewis asked how high the solar panels will be above the parapet. Mr. Blakeman said they shouldn't be above the parapet at all.

The north elevation has hardy plank all around the building. There are casement windows and egress windows. The second and third floors come out over the first floor to give it cover. There are sconce type light fixtures. There is metal flashing on top of the building.

The west elevation has an egress from the medical facility with a canopy. There are wood like veneers across the space and windows in the bathrooms and living spaces.

The same materials are on the east elevation.

Mr. Sullivan referred to Chief Eaton's report which talks about a knox box and fire protection system. Mr. Blakeman said the building is totally sprinklered and a knox box will be provided.

Mr. Testa pointed out there were no windows on the drawings on the east elevation. Mr. Blakeman confirmed there were no windows on the east elevation in the drawing but it was an error, there will be the same windows as the west elevation.

Ms. Trahan asked if the roof will be accessible to tenants. Mr. Blakeman stated the only accessibility will be for maintenance, tenants will not have access. Ms. Trahan asked when solar panels are installed, is it going to be for the medical office and the tenants. Mr. Blakeman stated it hasn't been determined yet but his first reaction is it will service the doctor's offices. Ms. Trahan asked about affordable housing and where that unit would be located if provided. Mr. Blakeman stated the attorney will speak on that.

Mr. Blakeman pointed out the windows that are shown on the west elevation on the 3D model. Mr. D'Armiento asked for confirmation that the windows on the east elevation will mirror the windows on the west elevation. Mr. Blakeman stated yes and there will not be another door on the east elevation.

Mr. Battista mentioned the 2 hour burn time on the east elevation and if there is any difference in the windows from the west elevation. Mr. Blakeman stated they would be 1 hour rated and a sprinkler head would be directly centered on the any window on that face. That would meet fire code.

Mr. D'Armiento asked if there was access to the residential stairwell from the medical office. Mr. Blakeman stated there was no access and you would have to exit the building to get into that lobby. This would make the doctor's offices more secure.

Mr. Testa asked if the color of the building is grey. Mr. Blakeman stated the color of the building has not been determined yet but it's in a warm tone. The base of the building is a brownish brick and the EIFS and wood siding will be in a warm color.

Chairman Kenderdine asked if the studio apartments only had the one window in the back. Mr. Blakeman stated yes but it's a big window close to 7 feet high and 6-7 feet wide. They are bigger than the windows in the 1 bedrooms. Chairman Kenderdine asked Mr. Blakeman to explain the egress window. Mr. Blakeman stated it is a hopper window that's a knockout and you can get out from the inside and use a foldable ladder to get out or have a fire ladder bring people down. It's by code. The egress window cannot be opened for air but the large window next to it can be. The units will be air conditioned.

Mr. Testa asked if there were laundry facilities. Mr. Blakeman stated they would have to go in the closet and the tenant would have to provide it.

Mr. D'Armiento asked if there was any desire to put sliding glass doors for the studio apartments in the back like the 1-bedrooms have in the front. Mr. Blakeman agreed that would be a good idea and he will talk to his team about it. Mr. Testa pointed out that the only negative might be the residences behind it. Mr. Blakeman said it's further back and not right up against the development.

Mr. Battista sees no provision for utility. What is the plan for gas and electric, will it be individual, is there a meter room, is there a closet, is there an exterior closet? Where would a meter reader access all of the meters? Mr. Blakeman stated the units will be heated by individual units in the apartment. It will be like HVAC with the meters in one of the closets. The meters themselves could be in the back on the north elevation. It is not planned yet.

Mr. Estrella asked if it's going to be natural gas or a heat pump electrical. Mr. Blakeman stated more than likely it will be a heat pump. If it's a heat pump meters will not be required.

Mr. D'Armiento asked if the mechanical room in the rear of the doctor's office will be sized for the sprinkler system as well. Mr. Blakeman stated yes. Mr. D'Armiento asked how the water will get to the

mechanical room if it's coming from the front of the building. Mr. Blakeman stated the civil engineer will have to answer that.

No questions from the public.

Mr. Edward Dec was sworn in by Attorney Brian Schwartz.

Edward S. Dec
131 North Michigan Avenue
Kenilworth, NJ 07033

Mr. Dec is a graduate of New Jersey Institute of Technology. He has a license as a professional civil engineer in the State of New Jersey. He is also a certified municipal engineer. He has been a municipal engineer in the Borough of Roselle Park and the Township of Cranford. He has been licensed since 1993 and a member of Guarriello & Dec and now the principal of that firm since 1998. He has been in front of numerous Boards throughout Union, Somerset, Middlesex, and Essex counties. He has never appeared in front of the North Plainfield Board. He has been in front of numerous Boards with similar applications and site plans for commercial and residential properties.

The qualifications of Mr. Dec were accepted by the Board with no objections.

Mr. Dec is familiar with the site and the proposal. He prepared the site plan and site drawings. The site is 29 Pearl Street, block 85, lot 20. The 1st page of the plan shows a list of adjoining property owners, the 200-foot radius map, the zone map, and a chart with the bulk requirements. They will be looking for bulk variances with regard to the location of the building and the parking area.

The existing conditions plan shows the property which is 58.75 feet wide and 157.42 feet long. It's 9,248 square feet. There is a slight change in grade from the back of the property going towards the street of 2-3 feet. The existing property has fencing along the front and fencing along the right side of the property, and also along the rear of the property. He pointed out the proximity of the buildings on the left property line and in the rear on lot 16 along the right property line.

The next drawing shows the dimensions and locations of the building and the parking area. On the east side of the property there is ½ foot between the building and the property line. On the north side there is a 9-foot setback to the 1st floor of the building and the 2nd and 3rd floors extend 2 feet closer at 7 feet. The west side has a 5 ½ foot side yard setback. The variances they will be seeking will be gone into with further detail by the Planner. There is an access door in the rear, one on the side, and the main entrance is in the front. The medical entrance is in the center with separate entrances to the medical building and residential units. They are proposing a trash enclosure in the rear of the building for the residential units and bulk waste from the medical office. Medical waste will be separated and kept inside the medical area and removed by a special waste carrier. The residential waste will be removed by a private hauler that will coordinate with the owner of the building for times of removal. There will be a concrete sidewalk area on the side of the building. There will be a small planter area on either side of the lobby and in front of that is a concrete sidewalk out into the parking area. Access to the main building and the driveway meets all ADA standards and there are 2 ADA parking areas on either side of the parking lot. There are 9 stalls on each side of the parking lot. There is 58.75 feet from property line to property line. The length of the parking stalls and aisle width had to be reduced. There is an 18-foot dimension from the outside of the stall to the property line. In Mr. Testa's report, he pointed out the stall is actually 16 feet but they are accounting for a 2-foot overhang. The aisle width is 22.75 feet

where 24 feet is the required minimum. Even though it is tight, it will be accommodating regular car traffic, not commercial traffic. Most of the stalls will be residential assigned stalls. The volume of traffic expected in and out of the parking lot is very small. The areas will be open where the residential stalls would be so there is more room for maneuverability for the medical stalls. More than likely the residential parking area will not have cars there during the day and the medical parking area will not have cars there in the evening. Theoretically both sides of the lot will not be utilized completely at the same time. The parking area is extended up to the front property line. The bulk variances will be discussed further by the Planner. There is an access way in the center of the driveway area and goes out into the street. There is a 26-foot-wide depressed curb area for access in and out of the parking area.

The Drainage and Grading Plan shows the underground detention system and proposed utilities. The access and location of the utilities will be determined upon where they have to enter the site for sanitary sewer and for water. Water and gas have some flexibility where it's entering the site and the building. The sanitary sewer will connect all the units from the 2nd and 3rd floors and the medical offices on the 1st floor out to a sanitary sewer that is located within the center line of the street. The manhole is to the east at the intersection and there is another manhole further to the west and that is the system they would be connecting to. It is deep enough for the connection. The underground detention system is a system of plastic pipe. It could be perforated. They have a soils test that allows for some infiltration to reduce the amount of the system and to help recharge the ground underneath the parking area. Mr. Testa's report pointed out conflicts between what the Drainage report called out for different elevations of the weir elevations and the number and sizes of the underground detention. Those conflicts are a matter of these plans as far as detention system not being updated with the latest Drainage report that was submitted. The Drainage report is correct. The schematics would have to be revised to meet the Drainage report. The Drainage report does prove they are able to collect the runoff from the building and the driveway, retain it, and discharge it at the allowable rates and the discharge is proposed to go out to the street but some of it can also be recharged into the underground system. There is a trench drain across the front which collects water coming out of the site, collected, and going into the underground detention system.

The site lighting and landscaping drawing shows wall lights mounted on the rear and on the west side. There is nothing mounted on the east side. Low level lighting is on the front entranceway. There is lighting on both sides of the parking lot. The lighting requirements of the Borough will be met and LED fixtures will be used to reduce electricity and the intensity will be more even. There are proposed landscaping beds in the front on either side of the lobby and there are shrubs on the south side of the curb.

Mr. Sullivan asked Mr. Dec if there is anything in Mr. Testa's report they can't comply with or requires further discussion. Mr. Dec stated barring any of the variances and waivers on the technical issues, no, the sanitary sewer which Mott, McDonald had comments on will also be met. The site grading deficiencies will be corrected and the Drainage report proves that they can detain the runoff as required by the Borough and the State. The lighting will be LED lighting and minimum and maximum standards will be met within the parking lot area. Mr. Testa's recommendations for stop signs will be met. They have not gotten a finalized size of the wall sign on the architectural. They will meet the requirements on that or go before the Board for a variance on the sign.

Mr. Sullivan asked Mr. Dec to address item 8 of Mr. Grygiel's report about the possibility of green space or landscaping behind the building. Mr. Dec said they could make a buffer area in the rear of the building. Mr. Schwartz asked if that could be done on the west side as well. Mr. Dec said they could

probably make a 2-foot-wide open space strip with a 3-foot-wide sidewalk. Mr. Schwartz also asked about the front of the building and the planters. Mr. Dec stated it would be a planting bed in front.

Mr. Sullivan mentioned the Mott McDonald report and if it could be complied with. Regarding the sanitary sewer there were comments made that would be incorporated in their plans. They will be able to do the connections and service the units at approximately 1500 gallons per day.

Mr. Testa asked if the fencing is the applicant's fence. Mr. Dec stated the chain link fence on the east side is the applicant's fence. It butts up to a wooden fence adjacent to it from the adjoining property. There is no intention of changing the fence but upon the Board's recommendation it can be done.

Mr. Testa mentioned there was no lighting on the side and rear of the building and asked if there was wall lighting proposed. Mr. Dec stated on the architectural plans it showed the wall sconces around the perimeter of the building along the west side and the north side.

Mr. Testa asked if it is the intention to replace all the curbing and sidewalk on the front of the side. Mr. Dec said it is.

Mr. Testa asked if 22.75 width of the aisles will be adequate to allow cars to enter and exit safely. Mr. Dec stated the standard is 24 feet so they are short. The parking will be assigned and during the day the medical side will have more parking demand than the residential side. He said cars these days are a lot smaller. It's not optimal but if they did one side 90 degree parking and one side parallel parking they would lose about 5 stalls. They would have about 13 stalls as opposed to 18 on site. He doesn't believe the tradeoff is better for accessibility to the building. He believes the shared parking scenario works well in this case. Mr. Testa was concerned with the work from home trend. Mr. Testa asked if he thought it would be better without the wheel stops. Mr. Dec likes the wheel stops there so people don't go too close to the building or the fence. A 16-foot car with a 2-foot overhang would fit easily in the space. Mr. Testa asked if it would be laid out one side for the medical and one for the residents. Mr. Dec believes that's how it would be best laid out.

Mr. Grygiel had a question regarding the setback to the rear property line. It is listed as a 5-foot setback to the upper floor and the bulk table is scaled to 6 feet. Is 6 feet the correct dimension? Mr. Dec stated it's 9 feet to the 2nd floor and it should be 7 feet because it's a 2-foot overhang. Mr. Grygiel stated the architectural plans have a 3-foot difference from the 1st floor and the upper floors. It would be correct as shown on these plans.

Mr. D'Armiento asked if it would be a bulk pickup for trash rather than cans because it is a business area. The residents would also have to go to the back of the building to get rid of their trash. Mr. Testa stated he didn't think there was any stipulation that they would have to have a dumpster as long as it is in containers, screened, and picked up regularly. He thinks 5x5 might be small for 8 apartments and a doctor's office but there is no other space to put it on the site. Mr. Dec stated the size of the enclosure could be enlarged to accommodate additional containers but a dumpster would have to be rolled out and rolled in and would probably be too big. Mr. Testa stated it would make sense to have the doctor's parking on the left side and the residence parking on the right side so the trash hauler could have access prior to the doctor's office opening.

Mr. Estrella asked where the garbage is going to be placed. Mr. Lewis asked what the depth was from the street to the back where the garbage would be picked up. Mr. Dec stated the hauler would drive to

the back of the parking area so it would be the distance from the back of the parking area to the back of the property.

Dan Battista has heard no mention of recycling. Where would the space be for the recycling cans? Pertaining to snow removal, how do you cope with the loss of spaces if stacking snow? Mr. Dec stated it could be a condition of approval that snow be removed from the site if more than 3 inches so traffic and parking are not obstructed. He also stated the number of cans for garbage needed would depend on how often it's picked up. Mr. Dec asked for the architect's input on where recycling cans would go. Mr. Testa stated Somerset County picks up recycling and it would have to be worked out with the county how many containers they would need and how they would be picked up. Chairman Kenderdine stated for the last application that was mixed use they weren't required to do recycling. Mr. Dec stated that maybe the trash hauler could provide for separate containers for glass and plastic and other trash. Chairman Kenderdine stated he would like the trash hauler to drive into the parking lot and an individual would have to walk back to the cans and transfer the garbage into another can or bring the cans up to the truck and return the cans back to the enclosure. It will be a manual effort with a smaller vehicle because a typical trash truck would not fit in the lot. This would probably be a condition to control the size of the trash hauler.

Mr. D'Armiento asked if there was any communication with the water utility regarding service to the building because it has sprinkler and individual apartments. If the mechanical room is in the back and if the intent was to individually meter these properties or have a master meter, every utility has different requirements. Mr. Dec has not had contact with the water company but as far as availability to provide a sprinkler and domestic connection, he didn't foresee it as an issue. He would have to coordinate with the architect about the location of the meters. M. D'Armiento stated he is asking because a lot of utilities now require a hot box which is located at the curb line, which is where you put the meter and the backflow preventers. If that is a requirement for the water utility, they would lose one of their parking spaces. A hot box goes above ground. It is a long run from the street to the building and you would want to have it metered before you got into the property. Mr. Dec stated they will have to look into that.

Mr. Testa mentioned if a transformer is needed for power, that would take up a parking space as well. Mr. D'Armiento stated there is an elevator and HVAC units on the roof so there is high usage. Mr. Testa suggested the applicant look into this as well. Mr. Sullivan stated if that were to occur, they would need to come back before the Board.

Mr. Battista asked about the north side of the property and the distance from the back line of the fence to the building. Mr. Dec stated 9 feet to the 1st floor, 6 feet to the 2nd and 3rd floors. It is a height of at least 9 feet. Mr. Battista asked if there was any way to figure in a paver area or picnic area for outdoor space and quality of life. Mr. Dec didn't think they could accommodate that.

Questions from the public:

Wendy Schaefer
110 Willow Avenue
North Plainfield, NJ

She is very concerned about the garbage. They County requires 2 recycling bins per household. In other apartment complexes, every apartment has their own recycling and it's always a mess. There is not a lot

of space for garbage cans. You don't want garbage sitting in the bag, it's not sanitary. Mr. Schwartz stated they will put it on the Borough Engineer to fashion a way to deal with garbage and recycling. He also mentioned he doesn't know how they get rid of medical waste so there will have to be a provision for that as well. Mr. Testa stated it's a small site so there are not a lot of options. They designated an area for garbage and the inspectors will have to be on top of it. Dr. Oji stated the medical waste will not be outside per State Law. She has a company pick it up once per month. Because of HIPAA laws, paperwork is also picked up to be shredded.

Ms. Schaefer asked about parking and if there are 8 apartments should there be 16 spaces. Mr. Dec stated they are short by 6 spaces. They should have 24 spaces but they only have 18. There is a deficiency but there is on street parking, a municipal parking area close by, and shared parking between the medical facility and the residences. Mr. Schwartz mentioned his concern about assigned parking spaces for the tenants and how it would take away from parking for the medical facility during the day. Mr. Dec stated the Dr. testified that 8 or 9 spaces is more than adequate for her practice but there is also on street parking and municipal parking close by. Mr. Dec suggested a possible condition that employee parking be at the municipal lot off site. Mr. Schwartz stated they have conditioned other applications with using the Craig Place lot.

Ms. Schaefer asked how many handicapped spaces there are. Mr. Dec stated out of 18 spaces, 2 are handicapped.

Five-minute break at 9:16pm.
Returned from break at 9:22pm.

Michael Pessolano sworn in by Attorney Brian Schwartz.

Michael J. Pessolano
140 Elmwood Avenue
Bogota, NJ

Mr. Pessolano was originally licensed as a Professional Planner in the State of NJ in 1984 practicing continuously at the municipal level as a Professional Planner in Massachusetts and NJ. He has been active for roughly 4 decades, 3 years before licensing. His focus has been at the municipal level. The early portion of his career was spent as an in-house Professional Planner. Midway through his career, he spent time with a consulting firm as a Senior Planner and in that capacity, he served as Board Planner and Municipal Planner to about 6 North Jersey municipalities, the nearest one being Livingston. Most recently he's appeared before zoning boards and planning boards on development applications representing both applicants and objectors. His license is in good standing. He is a member of the American Institute of Certified Planners and he's never been rejected for qualification as an expert in hundreds of appearances.

The Board accepts Mr. Pessolano's qualifications.

Mr. Pessolano is familiar with the site, the neighborhood, the applicable ordinances and Master Plan, as well as this proposal. He was curious as to why the site was vacant. He accessed a resource called historicaerials.com. This resource has images going back to the 30s. This property last had a structure on it in 1947. Between 1947 and 1956 that structure went away. The site has not had a principal structure on it in the last 64 years. The only use consistently observed was in the form of perpendicular

parking on either or both sides of the center aisle much like the proposed parking for this mixed-use building. He concluded this site has not been serving the economic vision for the community for quite some time. He was impressed with the location on an interior lot flanked by 2 commercial type streets, Somerset and Watchung. The interior part of the blocks are more residential and random businesses rather than core retail businesses. The proposal makes for a good fit for the reason that it is an appropriate location for residential use to not just provide needed housing but medical offices as well. The residential location within walking distance to businesses in the B1 business district are bolstered by the presence of 8 more apartments. The commercial corridor is not particularly outfitted for the parking that goes with residential. It's a symbiotic relationship to have residential on the interior of the block with an easy walk to retail and service uses along Somerset and Watchung.

Mr. Pessolano showed his 10-page map and photo Planning Exhibit which he prepared. It provides on each page either a map, an aerial image, or ground photo. It is marked A1 with today's date.

Sheet 1 of A1 shows an excerpt from the Borough of North Plainfield zoning map. The subject property is highlighted in yellow, showing its central location within the B1 zoning district. The site is 29 Pearl Street. Mr. Pessolano pointed out the public parking areas on Pearl Street and Craig Place. The furthest distance is estimated to be 500-550 feet from 29 Pearl Street to the Craig Place lot. The Pearl Street lot is roughly 300 feet from 29 Pearl Street. Parking is permitted on both sides of Pearl Street but not overnight. Pearl Street is a little wider than typical streets.

Sheet 2 is an aerial image with annotations about the land uses surrounding 29 Pearl Street. The east side is occupied by 1 and 2 family dwellings. Across the street is a mixed commercial and apartment building and a commercial storage yard that has no building on it. There are also 2 multifamily structures on an integrated development. To the west is a commercial electrical contractor that possibly has an apartment on the 2nd floor. All the rest are 1 story buildings on that property. There is a 3-family use on the adjacent property. On the north end of the property is another set of 2 story buildings with multifamily use. He believes it's 7 units in each structure.

Sheet 3 is a ground photo shows the south side or front of the site.

Sheet 4 shows the land use to the west, the electrical contractor.

Sheet 5 shows the land use to the east, a 2-family dwelling.

Sheet 6 shows the 2 2-story apartment buildings to the north.

Sheet 7 shows the contractor yard with no building and 1 of the 2 apartment buildings that are on the south side of Pearl Street.

Sheet 8 is a representation of the tax parcel lines and in faded imagery the existing structures are shown.

Sheet 9 is the same as sheet 8 with an outline around the existing structures.

Sheet 10 shows the proposed building with the surrounding buildings. There is a modest increase in building coverage in the overall portion of the block and a common way of siting a building. Within this

area there are other buildings abutting each other on the same site and adjoining sites as well as more recent construction that have front and rear yards and spacing around them.

The B1 zone permits apartments over offices. The list of conditions is fairly lengthy. Because they have a lot that is a quarter of the size of the 40,000 square feet that is wanted by the ordinance for this type of mixed use, they are coming up short with dimensional issues relative to that arrangement. Mr. Pessolano showed an area encompassing approximately 60,000 square feet for reference. He showed an industrial building that represents the proportionality of building coverage to a larger lot for comparison to the proposed building.

It is a proposed 3 story building. Section 22 108.3 requires that this type of conditional use allows 4 or 5 story buildings. They think the 3-story building is a better fit with this setting with the property being surrounded by 2 -2 ½ story structures. A 3-story structure at 37 feet represents a nice in between to the maximum 5 stories and the current structures. With 5 stories there are deeper setbacks required and a limitation on lot coverage. It is his opinion a 4 or 5 story building would be overwhelming to the surrounding land uses. A 3-story structure, although not conforming to the ordinance, is an appropriate size structure to place on the undersized lot.

They are requesting D3 relief, subsection D of forty fifty-five D-70 to relate to an application not meeting the conditions associated, the required conditions for permitted conditional use. The use itself, the highest tier of zoning evaluation is permitted, a mixed residential and office structure. It is the dimensional aspects that aren't fully compliant with the ordinance.

This site may not see development of any conforming nature if strict adherence to the ordinance was the absolute requirement. There is no opportunity to increase the area for the longstanding vacant lot because of surrounding development. The applicant is coming before the Board with exhaustive evaluation and discussion between the design team, himself, and the applicant to arrive at a right fit proposal for the 9200 square foot lot.

They have non-compliance to the 4-5 story height, they are proposing 3 stories. That is one D3 variance. They are short on the setbacks. The front setback complies, they are proposing 87 feet to the street. It is typically what happens with a long, narrow lot. The building in the back and the parking in front of it is the only configuration that made sense for the property. On the short side, they have setbacks to the side and rear that are non-conforming to the ordinance, not just to the conditional use standards, but also the general bulk requirements for the B1 zone. The deviation is greater from the conditional use standard so if that passes, he doesn't think there is a need for the Board to consider the C variances that would be implicated if there were no D3 relief. For C variances, side setbacks are required to be 10 feet plus 5 feet for every additional story over 2, so that would make it 15 feet on either side and the rear is 25 feet required where you have 20 feet as the minimum plus 5 feet for each story above 2. The requirement for side and rear yards is 25 feet for conditional uses for the mixed use. That constitutes 3 more D3 items plus 2 C variances under the bulk analysis right side, left side, and rear deficiencies. Building coverage, since it is a 3-story building, the table for building coverage in the ordinance only applies to 4 and 5 story buildings but most properties need a coverage limit. A 4-story building would have 22% coverage and a 5-story building would have 20% coverage. They are proposing a building coverage of 31.5%. For the landscaped area, there was discussion about increasing that. He concurs that would be moving toward the minimum of 20% of the lot. They are proposing 1.3% due to the limitations size wise and the narrowness of the property. They are also proposing an elevator, 5x7 is the minimum for a 4 or 5 story building. They are proposing an elevator small than that so that would

be another D3 conditional use relief. They are also going by parking standards that are conditional use standards for this use. The standard for studio spaces is 1 parking space per unit. There are 4 studios so that's 4 spaces. A 1-bedroom unit requires 1 ½ spaces so that's 6 spaces. The 2791 square foot medical office space requires 1 space per 200 square feet or 14 spaces. A total of 24 spaces are required for this use. They are proposing 18 spaces. This is also a D3 item. Parking setbacks are required to be consistent with section 22 117.5.i where the minimum setback is 5 feet from any property line or structural building wall. They have 0 feet on both the right and left sides and 0 feet from the front. They each constitute their own D3 deviation. Under section 22 117, there are more items dealing with parking aisle width. 24 feet is the standard. They have 22.75 feet. Parking space size is required at 9 feet by 18 by ordinance and RSIS. They are proposing all spaces except the handicapped spaces at 8 1/2x18 feet. Driveway width is required to be 24 feet for two-way travel. They have 22.75 feet. The last sections of 117 constitute C variance relief. The RSIS standard for minimum aisle width of 24 feet would require an exception to go to 22.75 feet.

He believes the items that matter are adequately handled by the site itself and its resources available to it. He believes the parking will serve the use adequately without any other resources but there is also an abundant supply of on-street spaces and pending arrangements that may be made for long term use of public parking which is no further than 500 feet away. There is also the proposed shared parking. Because of the availability of transit within walking distance, you really don't need a car to live in one of these apartments.

Side yard setback and rear yard setback are shorter than what the ordinance requires but the nearby impacts are to accessory structures that would be nearest to the side property line. To the rear is a distant 2 story structure with a generous rear yard behind it. The tradeoff on the setback is that the building will provide much needed housing on the lower cost end of the scale. There is an obligation to provide an affordable unit on site or off site pursuant to section 22-133 of the North Plainfield ordinance which was amended following the Fair Share Element and Housing Plan produced by Mr. Grygiel's office. Previously ten units or more required a set aside of 15% of rentals. Now 6 units or more require a 15% set aside. 15% of 8 units is 1.2 units which he believes is reasonable to round to a single unit.

In the 2014 Master Plan there were many references to mixed use development being appropriate to help support and bolster the merchants with a nearby customer base. People that support the nearby businesses come on foot. It makes sense to insert this use mid-block so it can serve this function. A medical practice that's been serving the community for 20+ years is a real plus for this application. D variances get evaluated on their technical merit as well as the benefits of the application outweighing the detriments.

This application has a lot of merit even though it has a number of variances to be considered. Most of them are driven by the smallness of the site and the narrowness of the site. It is more of a physical or dimensional thing than a use related item.

He has asserted that the site can accommodate the problems associated with the use. He believes with the quality of materials used on the building it will make it a pleasing structure, even though it's close to property lines. Overall, he sees no detriments of a substantial nature either from the D3 conditional use relief or from the bulk relief because of the unique ability of the site to accommodate the structure and the parking within its lot lines. This is an opportunity to fill the void with an active use that will contribute many benefits. Providing housing is a big benefit because of the housing shortage that has led to the Fair Share Settlement. It is an ongoing need for suitable housing.

He thinks the building fits nicely within the space without overwhelming it. The parking supply meets the actual demand and there are options to supplement the on-site supply if needed. He thinks the appearance of the new building will upgrade the visual appeal of the area. That is prong 1 of the negative criteria analysis, looking at the detriment to the public good.

Prong 2 is to look at the zone plan impact. He's already touched on the relationship of this use in this location being a part of the Master Plan to support the downtown with mixed use properties nearby and within the B1 district. He doesn't think it's overdone in terms of the number of units or the amount of office space. This is a good fit where mixed use is directly encouraged, desirable, and permitted by ordinance for downtown revitalization. A 4 or 5 story building height may overwhelm the area even if it were on a 40,000 square foot lot because of the surrounding structures. This building is supplementing rather than conflicting with the wishes of the Master Plan and the zoning ordinance for the taller buildings. He can find no impairment, only support for the zone plan and no impairment to the zone plan or zoning ordinance rising to the level of substantial.

Brian Schwartz stated Mr. Pessolano was rather dismissive of the applicability of the C variances, the dimensional variances. He doesn't understand why he is trying to say why this proposal fits within the conditional use but then he wants to disregard the dimensional requirements of the conditional use. Mr. Pessolano sees a balancing act. This site has limited capacity to be utilized and utilization with something as modest, maybe not fully compliant with the letter of the ordinance and the setbacks makes for a balancing of those competing interests. A fully conforming setback on the site would make for something the size of a shed. It's 59.4 feet wide so it's going to be constrained and not possible to conform to side and rear yard setbacks and have adequate parking. He isn't being dismissive of the requirement but acknowledging that it's a setting that won't suffer harm from the deficiencies.

Mr. Schwartz stated Mr. Pessolano wasn't aware of a case that the number of variances is necessarily fatally defective. Mr. Schwartz is less concerned with the number of variances than he is about the extent of the variances. Mr. Schwartz said Mr. Pessolano correctly said the real issue is the size and dimension of the lot. He is starting with a lot that is 23 or 24% of what's required. When you start with a lot that small, at what point do you get to where this conditional use just doesn't fit on this very small lot. Mr. Pessolano said in this case they did not get to that point because the design team fashioned a fit with those constraints that he believes are much more beneficial to happen than not happen. The community desires to have uses of this type to support the downtown. Not many opportunities exist in the B1 district unless you have massive lot assembly which is expensive, time consuming, and risky. If the zone plan is to be realized in its intention to bolster commercial uses with nearby supporting population, this is a worthy compromise.

Mr. Schwartz said in one of the exhibits Mr. Pessolano showed, he talked about the surrounding uses. There are a variety of uses in the neighborhood. Mr. Pessolano didn't talk about how those uses are meeting the bulk requirements of the ordinance in terms of building coverage and landscaping coverage. Mr. Schwartz asked if Mr. Pessolano did an analysis of that. Mr. Pessolano stated he did not look at the compliance of the adjoining uses.

Mr. Schwartz asked if Mr. Pessolano looked at the density of units per acre of properties with mixed use. Mr. Pessolano considered the apartments on Chatham Street. There are 8 units in 2 buildings. Mr. Schwartz stated there is Chatham Street, the apartments across the street, multi-family to the northwest, and mixed use to the west. He first considered their own application not overdoing the residential level of intensity desired by the ordinance. The requirement is for studio units of a certain

size to have at least 880 square feet of land area and 1-bedrooms less than 625 square feet to have 960 square feet of land area each. The land area requirement for those 8 units would be 7360 square feet. They have a lot area of 9248 square feet. While the density and dwelling units per acre would be high for their proposal, for the area, these are 1-bedroom units so 8 bedrooms in his thinking is more equivalent to 3 units, rather than 8 units. Each apartment could support 3 bedrooms. If you consider that 8 bedrooms translates into 14 dwelling units per acre, the density of the apartments on Chatham Street is 11.7 units per acre. It's not an exact match but not way out of range either.

Mr. Schwartz sees that if you make the units too large, they will accommodate more people. He questions the size of the units that are permitted under this zone is contemplating a 40,000 square foot lot area. The ordinance is contemplating a much lower density in terms of apartments and you end up with no green space for passive recreation. You are building to the lot lines. Mr. Schwartz asked if the site couldn't better accommodate the variances if the size of the building were reduced so you would have more open areas, you would be able to increase the rear yard and side yards, you'd reduce the building coverage, you'd increase the landscaping coverage. The extent of the variances would go down if the size of the building went down. Mr. Pessolano stated that is accurate. His analysis was to look at the proposed application. Mr. Schwartz stated it is for the Board to decide if there is a smaller building that could be accommodated here better.

Mr. Grygiel thinks the testimony addressed to proofs required. Mr. Pessolano put in thorough testimony as to his interpretation of them. It is a property that has been vacant for years. It's landlocked so the size isn't able to be increased easily. The Board has to consider lesser setbacks, lesser parking, lesser open space, or things that are not met. Even though there are a number of variances required, given the existing nature of this site and the shape it's been in for some time also the use mix as well, you could put retail and banks, and other commercial uses here. Is Pearl Street the appropriate location for that when you have more intense commercial corridors. Another factor is if there is anything the applicant can do to mitigate impacts. The Board has asked about additional landscaping. He heard it is being proposed along the rear lot line and the side lot line as well. Is it enough or would it require a much greater downside to reduce impacts? You reach a point where it doesn't make sense to redevelop the property. The applicant's Planner did outline the proofs correctly, it is just a matter of whether the Board agrees that all the deviations being sought can be accommodated given the conditions of the property and the surrounding area.

Chairman Kenderdine stated looking at the property map, the requirement is 40,000 square feet. There are no lots in the B1 area that would accommodate 40,000 square feet. Mr. Pessolano stated that is true in his estimation. Chairman Kenderdine stated any application for that lot would have to have a variance because it wouldn't meet the 40,000 square foot threshold.

Questions from the Public:

Wendy Schaefer
110 Willow Avenue
North Plainfield, NJ

Ms. Schaefer asked if the building was going to be directly against an existing garage on the east side. Mr. Pessolano stated yes. The garage has no openings facing the subject property and it's a common pattern for accessory structures to butt each other and oftentimes principal structures as well in this area because of the compact development nature of it. There is spacing for the other side of the

principal building. Ms. Schaefer asked if they are putting that property owner at risk. Mr. Dec stated the building on the east side is half a foot off the property line and their building is half a foot off that same line so there will be a foot between the 2 buildings. Ms. Schaefer stated we have an obligation to help existing residents. Mr. Pessolano states there are constraints on both sides of the lot because of buildings that were built on the property line. The applicant should not be penalized because those buildings are already on the property line. Measures have been taken for reasonable fire protection for the existing structure. Ms. Schaefer asked if the structure can be moved over a little because there could be a combustible engine in the garage. Her concern was if there was an explosion and her concern is for the resident that lives there now.

Mr. Testa asked how big will the footing be and will it encroach onto the adjacent property? Mr. Blakeman said it should be small enough so it doesn't hit the other property line at all.

Chairman asked Mr. Sullivan if it is okay to continue the meeting on June 16th due to the late hour. Mr. Sullivan stated as long as Dr. Oji didn't have any objection, he would agree. He stated it will give them time to discuss recommendations made by the Board in terms of a green area and other comments. They could report back at the next meeting. Mr. Sullivan requested no further notice be required.

Mr. Schwartz pointed out they also have not heard from the public. His suggestion is to leave the hearing open for the purpose of hearing from the applicant about revisions, the public can be heard, Mr. Sullivan gets to speak last to summarize, and then the Board will deliberate.

Mr. Schwartz stated to Mr. Sullivan the application was deemed complete tonight so they don't need an extension of time since they will meet in 2 weeks. If they can't meet in 2 weeks, Mr. Schwartz will be in touch with Mr. Sullivan.

Mr. D'Armiento made a motion to continue the hearing on June 16, 2021.

Seconded by Mr. Estrella.

All in favor.

No other business.

The hearing will be continued June 16th via zoom. The link to the zoom meeting will be on the Borough's website. Chairman Kenderdine will re-issue the invitation.

Mr. Sullivan wanted to confirm for the record that no further notice would be required. Mr. Schwartz confirmed no further notice would be required.

Motion to adjourn the meeting by Dan Battista.

Seconded by Dr. Allen.

All in favor.