

**Planning Board
May 22, 2024**

Meeting called to order by Chairman Giordano at 7:03pm.

Statement of compliance read by Chairman Giordano.

Roll Call

Present:

Dave Hollod
Aimee Corzo
Tom Fagan
David Branan
Frank Kreder
Andre Mitchell
Michael Haggerty
Madeleine Olivo Reinoso
Mayor Lawrence La Ronde
Chairman Michael Giordano

Absent:

Cheryl McKeever

Also present is Board Attorney Brian Schwartz, Borough Engineer Dave Testa, and Planning Consultant Paul Grygiel.

Pledge of allegiance.

Approval of Minutes

Mayor La Ronde made a motion to approve the minutes from the October 11, 2023 and the May 8, 2024 meetings. Seconded by Tom Fagan.

All in favor.

None opposed.

Aimee Corzo abstained from the October 11, 2023 minutes.

Resolution

None

Old Business

None

New Business

SPR 24-001 Villa Maria Property – 430 Grove Street

The applicant is proposing to consolidate individual lots into one with eight separate multi-family units containing 32 rental dwelling units.

Joe Paparo from Porzio, Bromberg, and Newman represents the applicant, Villani Realty Group. The application involves the property at 430 Grove Street, block 110, lots 2.02-2.13. The applicant is the designated redeveloper of the Villa Maria site. There is a redevelopment in place with the Borough dated September 20, 2023. The applicant and the Borough have been collaborating on the project for over a year and a half. The application is a request for preliminary and final site plan approval with associated variance relief for a multi-family inclusionary development which will consist of 32 rental units, 13 of which are affordable and be counted towards the Borough's affordable housing obligations pursuant to settlement agreement with the NJ Courts and the Fair Share Housing Incorporation. The other 19 units will be market rate units. The site is located in the Villa Maria site redevelopment area which is subject to a specific redevelopment plan that the Borough put in place for any development of the site. The plans are in full compliance with the redevelopment standards. This is a variance requested pertaining to a proposed retaining wall and fence. The applicant submitted proof of notification to the public for the hearing by publishing in the newspaper and service on all residents within 200 ft of the site to the Board Secretary and Council. Mr. Paparo asked for confirmation on the record that this Board has jurisdiction to proceed.

Board Attorney, Brian Schwartz reviewed the notice of publication and they are in order. This Board has jurisdiction. There is no use variance or any 70d variance.

Witness:

Mikayla Maguire
Civil Engineer/Project Manager
Stonefield Engineering & Design
92 Park Avenue
Rutherford, NJ

Ms. Maguire was sworn in by Brian Schwartz.

Ms. Maguire is a licensed Professional Engineer in the State of NJ. Her license is in good standing. She received her Bachelor of Science in Civil Engineering from the University of Delaware. She has over 6 years of experience in Land Use Development in the State of NJ, specifically for site Civil Engineering. She's been accepted as an expert in front of multiple Boards in the State of NJ.

Ms. Maguire was accepted as an expert in the field of Civil Engineering.

Ms. Maguire showed an aerial exhibit, marked Exhibit A-1, SPR 24-001, May 22, 2024. The exhibit was prepared by her office and it depicts the site area outlined in yellow on top of an aerial of the surrounding neighborhood. The site address is located at 430 Grove Street, Block 110, Lots 2.01-2.03. The site is 90,000 square ft, which equals about 2 acres. It is located in the zoning district Villa Maria redevelopment plan area. Exhibit A-1 had not been previously

submitted to the Board. Exhibits A-1 and C-1 are similar but Exhibit C-1 doesn't have the site property outlined in yellow. The properties to the north and east of the site, which is currently vacant, are also part of the Villa Maria redevelopment plan. The properties to the south, across Grove Street are in the R2, residential zone 2 and are a mix of single family and multi-family houses or developments. The property to the west is also located in the R2 zone and it is a single family home.

The site itself has one frontage along Grove Street, which is about 643 ft long. It is a mostly vacant site with 2 gravel driveways that are in disrepair. The site used to be a nursing home and rehabilitation facility but has since been demolished. The site drops significantly about 40-50 ft from the west or left side of the page to the east or right side of the page. There are no stormwater facilities existing onsite or within Grove Street. The runoff sheet flows onto adjacent properties or onto Grove Street and eventually ends up in the Route 22 system or Stonybrook, which is a stream to the north of the site.

There is an existing 10 ft easement along the frontage of the property that was put together when the property was subdivided. There is no infrastructure in the easement today.

Exhibit A-2 is a colorized version of the Site Plan submitted as part of the application. It was prepared by her office dated May 14, 2024. They are proposing a multi-family development with a total of 32 units. There is a mixture of 1, 2, and 3 bedroom units. They are complying with the density in the redevelopment plan. Each of the 8 buildings are proposed 2 stories and compliant with the building height requirement, a maximum of 35 ft. Each building has a different height ranging from 30-34 ft and that is because of the grade change across the site and how the buildings populated but they are all compliant with the redevelopment plan.

The building locations all meet the setback requirements, the 20 ft front yard setback requirement, along with the side and rear yard setbacks. They also meet any building coverage or impervious coverage requirements as part of this application.

The building locations themselves are all centered on the site and towards the front of the site with the surface parking area in the rear and the 2 access points on the east and west or left and right of the buildings. They are proposing an 18 ft ingress only driveway on the right side or east side of the buildings that ramps up into the site. On the left side or west side of the buildings, they are proposing an egress only driveway that is also 18 ft. They are proposing 58 surface parking spaces, inclusive of 3 ADA parking spaces, and 9 electronic vehicle make ready spaces. The parking requirement on site is 62 for the proposed unit count with the 4 extra bonus they get for the EV they are meeting parking requirement on site.

They are proposing a new sidewalk along the Grove Street frontage as well as new curbing. They are also proposing pedestrian access into the front of each building on site as well as in the rear, adjacent to the parking facility, they have ADA compliant sidewalks that enter each building. All are ADA compliant designed with ramps and hand rails as needed.

They are proposing a trash enclosure on the northeast corner of the parking field. They submitted a vehicle circulation exhibit showing how a vehicle can access the enclosure and

access the site. She noted that the trash enclosure is next to the retaining wall that is 4 ft high. It is on the lower side of the retaining wall and the wall is acting as a buffer for the enclosure. They also have evergreen screening on the high side of the retaining wall that is 6 ft high. There is a total of at least 10 ft buffer for the trash enclosure location. It is her opinion that a substantial portion of the enclosure will be screened from view by the public.

They are proposing a shed as well as a transformer on the eastern side in the rear of building 8.

The site drops significantly as you're moving on the page from left to right. They wanted to design the layout to make it very safe for pedestrians and vehicles to use the site and access the site. Their design intention was to propose a ramp on the ingress driveway on the east side that ramps up into the parking field. On the opposite end, the ramp goes down in order to level out the parking facility in the rear of the building. Because of this, they are requiring retaining walls surrounding the parking facility. On the west side they are cutting that area so they are on the lower side of the retaining wall. On the east side they are filling that area so they are on the higher side of the retaining wall. Because of this, they are seeking variances for the retaining wall heights as part of the Borough's Zoning Code. There are 4 different requirements, 2 of them are located in the front yard. The first is any fence or wall that's parallel to the front yard property line can only be a maximum of 3 ft. They are proposing a 4 ft retaining wall with a 4 ft protection fence on top in front of building 8. That is where the first relief is coming from of 8 ft. The second, in the front yard, is for any fence or wall that is running parallel to a side lot line. The maximum is 4 ft. In that same location, in front of building 8, they have a 5 ft wall with a 4 ft protection fence on top. The other 2 variances are any side or rear property, the max wall or fence height is 6 ft. In the northern corner of the site, they are proposing a 10 ft retaining wall with a protection fence on top. That is where the 2 final variances are coming from of 14.5 ft and 14 ft. The reason for this relief is to make sure the parking facility and the pedestrian walkways are ADA compliant, the site is accessible, and there isn't excess grading in the rear area.

From a stormwater management perspective, they are a major development and they are triggering water quantity and quality requirements. To meet the Borough and NJ DEP standards, they are proposing a series of permeable asphalt systems within the parking field. There are 8 different systems. The first 7 facilities are treating for water quality for the water quality storm event. The 8th facility is treating for quantity and quality on the eastern side. The last facility has a deeper stone storage and piping underneath to really hold back the water to meet the requirements of the Borough and the DEP. There is no existing storm system within Grove Street. They are proposing a 15 inch stormwater main to connect into the existing system within group 22, about 300 ft to the east of this site. They are connecting to an 18 inch line that already exists. Currently drainage sheet flows onto the properties nearby or the roadway. This proposal will have a substantial improvement to adjacent properties.

An Environmental Impact Assessment was also prepared based off of the Borough's code, submitted, and was reviewed by the Board's professionals. This site is not impacted by wetlands, flood plains, any endangered species, and they don't anticipate any negative environmental impact based off the proposed development.

Regarding the utilities, they are proposing all connections into Grove Street where there are existing systems. They are proposing them to run in the rear of the buildings with one connection on the eastern corner of the site into Grove Street. For the sanitary, they are proposing it to run in front of the buildings with a connection into each building. There will be one connection into Grove Street into an existing 8 inch main that is running within that right of way. For the water, they are proposing a water main for each building separately to connect into the 6 inch main on Grove Street.

Regarding lighting, all lights are proposed to be LED, downward facing fixtures. They were designed to make this a safe pedestrian and vehicle access as you travel around the site. They are meeting all of the redevelopment plan requirements as well as the Borough requirements. One specifically is a minimum of 0.33 within any of the parking areas, the drive aisles, which they are meeting on site, and all the lighting has been designed to mitigate any impacts to surrounding properties.

Regarding landscaping, they are proposing 20 trees on site, 4 of them will be deciduous or shade trees and there will be 16 evergreen trees. The evergreens will buffer the trash enclosure, the rear yard where there is a break in the retaining wall, and the transformer on site. They are also proposing 173 shrubs that are mostly locating in front of the buildings. In the Engineer review letter there is a comment regarding the tree removal and requirements. The applicant agrees to meet the requirements and pay the necessary fee. They are reviewing the trees on site to see if there are mature trees on site that they can maintain as part of the development as well as looking for areas to put additional landscaping. They will also look into relocating utility infrastructure to allow for more trees, specifically along the frontage along Grove Street to maintain the more mature 24-36 inch trees. They will work with the Borough Engineer for this.

There was a comment in the fire official review letter regarding the fire access path around the site. They submitted a vehicle turning exhibit that showed the North Plainfield Fire truck in their system. It does work with the current design but they agree to work with the Fire Official regarding the access points if they wanted it increased from 18 ft to 20 ft. It would not impact any of the zoning, impervious coverage, a variance, or driveway requirements.

Regarding the Engineering letter, they agree to work with the Engineer to meet all the comments. There is nothing in the letter they cannot agree to.

The truck turning template sheet of the plan submitted to the Board is identified as sheet C-21. The turning movements demonstrate the North Plainfield Fire apparatus can maneuver as designed. The refuse truck was also modeled in sheet C-19.

Aimee Corzo asked if any pictures of the proposed fence were submitted. Ms. Maguire stated there is a black and white detail on sheet C-13, detail number 9, but there is not a picture submitted on record. They will provide one.

Tom Fagan asked if there were 58 parking spaces. Ms. Maguire stated there are 58 physical spaces and with an EV bonus it brings it up to 62, which meets the requirement. Tom Fagan asked what the requirements are for the number of ADA parking spaces. Ms. Maguire stated it's

1 space per 25 spaces for ADA. It's 3 ADA spaces if they are under 75 spaces. One space will be van accessible and 2 spaces are standard.

David Branan referred to the Deputy Chief's report and the requirement for automatic sprinkler system in the buildings, and the road around the buildings requirement to be 20 ft and it's less than that. He asked if they are willing to address those issues. Mr. Paparo stated the fire comments, other than the circulation pattern will be addressed by the architect. He stated the driveway is currently 18 ft but Ms. Maguire stated they will increase it to 20 ft as requested.

Michael Haggerty asked what the retaining wall looked like because there are no pictures. Ms. Maguire stated it hasn't been designed at this point by a structural engineer. It could be designed as a block retaining wall or a concrete retaining wall. Mr. Paparo said they can work with the professionals on the design.

Mr. Haggerty asked if there is an entrance in the back of the building as well as the front. Ms. Maguire stated there is one main entrance into the front of the building but there is a sidewalk coming from the parking area that brings you to the front as well as a sidewalk from Grove Street that brings you into the building. There is one entrance into the building, sidewalks from the front and back.

Mr. Haggerty asked if her firm did the community impact report. Mr. Paparo stated one of the next witnesses will talk about the community impact.

Dave Testa stated the plan shows a concrete retaining wall and clarified that no determination was made as to what it would be made of. Ms. Maguire stated that is correct. Mr. Testa also asked if approval was needed from the DOT to connect into the system on Route 22 and if approval has been obtained yet. Ms. Maguire stated they do need approval but it has not been obtained yet.

Mr. Haggerty asked if part of the wall and fence sits in front of one of the buildings. Ms. Maguire stated in front of building 8, to the east, there is a small 4 ft retaining wall that runs along the front and up the side of that building because of the grading.

Mr. Schwartz asked if utilities are being installed underground. Ms. Maguire answered yes.

Questions from the public:

Thomas Jones
673 Greenbrook Road
North Plainfield, NJ

Mr. Jones asked what is in place to make sure there isn't going to be a flooding problem at the intersection of Grove and Route 22. Ms. Maguire stated the existing runoff is going in different directions onto adjacent properties but it is all ending up in the system they are sending the current flow to, it's just traveling a different path either through adjacent properties or sheet flowing down Grove Street vs. being piped underground. They are not displacing any

stormwater runoff that was previously going to a different location to this storm system. They are proposing a development that is increasing impervious coverage but because of that they need to meet certain DEP and Borough stormwater standards, which mean meeting reductions for each storm event. For the 2 year storm, which is a more common storm event, they have to take the flow that's leaving and reduce it to 50%. They are reducing the flow or the speed at which the water is going.

Jerry Camb
VIP Honda – 765 Route 22

Mr. Camb stated the VIP property adjoins to the property. He stated when it rains it floods. Ms. Maguire pointed out an area on her exhibit that is 10 ft higher and the water is collected in the reservoir. She pointed out the river as 200-300 ft away. He stated from his property to their property it's roughly 30 ft at the highest point and asked if they are putting up a wall that's 30 ft high. Ms. Maguire stated the wall is 10 ft high from the grade. It's 10.5 ft at its highest point. They are capturing all the runoff and sending it into their storm system. The area that Mr. Camb is saying is flooding will now be captured. Ms. Maguire stated part of the design intent is to have it higher to capture the runoff, treat it, and send it out. Mr. Camb stated it's a dirt cliff and asked if they are doing anything with that. Ms. Maguire stated no. Ms. Maguire stated there is no pump but happens by gravity.

Mr. Testa asked if the system they are proposing is pervious paving. Ms. Maguire stated that's correct. Mr. Testa stated one of the requirements is to provide a stormwater maintenance manual and asked if it will be provided. Ms. Maguire stated yes. Mr. Testa asked what kind of maintenance will be required to make sure the pervious paving is functioning as designed and how often will that happen. Ms. Maguire stated it usually ranges between 3-6 months maintenance to make sure it's being cleaned and maintained and any of the porous or open areas aren't filling with dirt or debris. The applicant would be responsible for doing that.

Phil Bielski
450 Grove Street
North Plainfield, NJ

Mr. Bielski asked if there would be a retaining wall that is 4 ft lower than the current level of the ground. Ms. Maguire stated correct. Mr. Bielski asked if the egress is going to be an incline. Ms. Maguire stated that is correct. Mr. Bielski asked if it would be louder for vehicles exiting. Ms. Maguire stated it's an 8-10% slope which isn't very significant compared to some inclines you would see on a single family driveway.

Mr. Bielski asked if the first house would be at the same level, 4 ft lower than it currently is. Ms. Maguire stated on the left side of the first building there are two ramps where they are ramping up so the building isn't also 4 ft lower. They are ramping up into the front entrance from the sidewalk.

Mr. Bielski asked if the downslope between the western and eastern ends of the property is 40-50 ft. Ms. Maguire stated that's correct. Mr. Bielski asked if the houses will gradually go down every few feet. Ms. Maguire stated that's correct.

Witness:

Andrew Vischio
Traffic Engineer
Stonefield Engineering and Design
92 Park Avenue
Rutherford, NJ

Andrew Vischio was sworn in by Brian Schwartz.

Mr. Vischio is a licensed Professional Engineer in the State of NJ. He is a nationally certified Professional Traffic Operations Engineer. He received his Bachelors and Masters Degrees in Civil Engineering from Georgia Tech. He has been practicing for 13 years. He has been accepted as an expert for several Land Use Boards throughout the State of NJ.

Mr. Vischio prepared and submitted a traffic and parking assessment report dated March 18, 2024. He is familiar with the Site Plan Ms. Maguire submitted in great detail.

Mr. Vischio stated the site is located between Route 22 to the right of the page and Interhaven Ave to the left of the page, to the east and to the west. The site itself is generally centered on Ridge Avenue. The ingress access point is located around the multi-family apartment building at 339 Grove Street. The egress driveway is located about 125 ft from Interhaven Ave. The site is comprised of 8 buildings, 32 total units. They are projecting a total trip generation during the busiest peak hour of 18 vehicles. That would be during the evening peak hour. They are anticipating 11 people coming home and another 7 people leaving. 18 vehicles in an hour roughly translates to 1 vehicle every 3-4 minutes either entering or exiting their site driveway. The rule of thumb in the industry is anything under 50 trips during a peak hour does not have an appreciable impact on the operations of the surrounding network and they are far below that. They can safely conclude that this development would not change the character of Grove Street or the surrounding roadway network.

As far as onsite parking supply, there are 58 physical parking spaces provided, which is a ratio of 1.8 parking spaces per unit. It is generous and conservative and will meet the demands of the development. With respect to parking calculations, in NJ relative to RSIS standards, there is a half space per unit for visitors that is incorporated into those rates. They feel the site has been designed not just to accommodate the parking demand of the day to day use of the residents but also if they have visitors over.

Site driveways have been designed safely from a geometric perspective. They would operate adequately from a level of service perspective. The parking supply is adequate to accommodate the anticipated demand. There would generally be no impacts to Grove Street or Ridge Avenue.

Mr. Schwartz asked Mr. Vischio to explain in his letter dated March 18th, make ready parking spaces which are for electric vehicle charging stations and how it impacts the total number of parking spaces. He asked if it reduces the number of non-electric spaces because non-electric cars cannot park in the EV spaces. Mr. Vischio stated for calculation purposes, the EV spaces count as 2 parking spaces towards the proposed supply up to 10% of the parking requirement and that is by State Statute. Mr. Schwartz stated 10% of the spaces are set aside for EV vehicles and asked if it reduced the real number of non-electric vehicles to less than 1.8. Mr. Vischio stated yes. Mr. Schwartz asked if there is on street parking anywhere. Mr. Vischio stated there is on both sides of Grove Street. Mr. Schwartz asked if he did a study of how available parking is. Mr. Vischio personally visited the site and he would say the parking availability is ample. He did not check on a weekend but rather at 6:30pm. Mr. Schwartz stated he is asking because of parking issues in town and the Board would like to see a proposal that has enough parking. Mr. Vischio stated his understanding is that they have achieved the maximum amount of parking that they are allowed to provide on the site. Mr. Paparo stated the proposal complies with the parking requirement. They are not seeking relief. They are following the redevelopment plan, the RSIS, and the State EV statutes.

Mr. Grygiel stated his report, dated May 3rd has some photos. It's a one time sample showing spaces available on street at 7pm on April 22nd.

Mr. Testa asked Mr. Vischio to elaborate on what make ready means. Mr. Vischio stated make ready means the underground infrastructure such as conduit is provided such that it could be electrified when the physical charging equipment needs to be installed. The charging stations wouldn't be put in until it's determined that there are people in the development that need them. Mr. Vischio stated there is a time frame with State law when a certain percentage need to be electrified. The infrastructure will be there for when they need to be put in. Mr. Paparo asked if there are penalties for parking in a make ready space. Mr. Vischio stated not for a make ready space when the charging equipment is not there.

Madeleine Reinoso asked if there is an exact number of spaces available on Grove Street. Mr. Vischio doesn't anticipate any overflow parking onto Grove Street because they are providing ample parking meeting the redevelopment plans requirement and they are not seeking relief from parking. There wouldn't be a situation where someone couldn't find parking in the parking lot to the rear of the buildings and they have to seek on street parking. The parking requirements include an allocation for visitors. Mr. Reinoso asked if would be assigned parking for each unit. Mr. Vischio's understanding is that at this point it is not assigned.

Mr. Testa asked if he had an opinion on 18 cars an hour exiting or if that's total. Mr. Vischio stated that's total. During the morning peak hour there would be 11 vehicles exiting in 1 hr and during the evening peak hour 11 vehicles would be entering. Mr. Testa asked if he had any idea if those vehicles would make a left or a right and go to Interhaven or 22 or down Ridge. Mr. Vischio stated it would probably going to be a 50/50 split east west on route 22. There will certainly be some vehicles that use Wilson Avenue to head to the use. A relatively small proportion of the exiting vehicles will travel towards the north on Somerset Street but generally speaking the majority of people commuting to work would be using Route 22.

Mr. Branan asked if the street sweeping regulations are in effect on that side of Route 22. Mayor La Ronde stated yes. Mr. Branan asked if that would impact the parking availability because there would be one day when one side is available and another day when the other side's not available. Mr. Vischio stated in his observations and the Phillips, Price, Grygiel report, there were no signs indicating parking restrictions on either side of Grove Street due to street sweeping. Mayor La Ronde corrected himself stating they do not have street sweeping on Grove, north of Route 22.

Mayor La Ronde asked if it was correct that the driveways will be circular motion and there won't be 2 way traffic coming out of the driveways coming and going, there will be one way in and out. Mr. Vischio stated that's correct.

Mr. Paparo stated the applicant would agree to designate one spot per unit in the lease to guarantee when someone comes home at night they have their spot.

Questions from the Public:

Tom Jones
673 Greenbrook Road
North Plainfield, NJ

Mr. Jones is representing the North Plainfield School Board. Mr. Jones asked if a traffic study was done prior to existing conditions now. Mr. Vischio stated their study looked at what will be generated by the proposed development and they drew conclusions based on the level of trip generation of the 32 units. Mr. Jones stated they indicated there is minimum impact and how would they know what the impact is if they didn't do a study beforehand and how it will affect now. There is a school across the street, baseball and football games, as well as different events. There is a major concern because there are kids. Mr. Vischio stated that's not necessarily a volume or capacity type of concern, it's more geometric and the potential for conflicts between motorists and pedestrians. As far as pedestrian accommodations, they are proposing sidewalk along the entire site frontage where there is none today. They have drawn site triangles at the egress driveway showing there are clear lines of site so motorists leaving the site will be able to see cars or pedestrians that are walking in the street before they leave the site and enter Grove Street. Mr. Jones asked if this has anything to do with the Grove/Route 22 intersection. Mr. Vischio stated he is talking about the geometric design of the proposed driveway. Mr. Jones asked if the 11 cars per hour was at a particular time of day and if it's a formula or if it's generally used throughout the state. Mr. Vischio stated it's two different resources. The Institute of Transportation Engineers publishes rates for these types of developments. The numbers cited were for the morning peak hour and the evening peak hour. The NJ residential site standards also publishes rates for how many trips a particular type of development would generate over the course of the day. When looking at time of day factors, both the NJ specific rates and the RSIS and the national standards for the Institute of Transportation Engineers land on the same exact number of peak hour vehicles for both the morning and evening peak hour. Mr. Jones asked if that is based on the number of parking spaces they have in that unit. Mr. Vischio stated they are basing it on the number of units, not parking spaces.

Lynn Bielska
450 Grove Street
North Plainfield, NJ

Ms. Bielska stated Interhaven and Grove is used as a cut through. In the peak times the neighborhood is used to get to other locations. She asked if that was considered with the extra traffic during the peak hours. Mr. Vischio stated it was absolutely considered. Sheet C-19 is a truck turn for an SU30 vehicle that shows a site triangle for a motorist that would be at the stop bar waiting to leave the development. The retaining wall that they are proposing ends prior to where the driveway meets Grove Street and would not be a physical impediment.

Ms. Bielska stated people park on both sides of Ridge and when you are coming out of the street you can't have two cars because it is too crammed.

Mr. Schwartz asked why they didn't do actual traffic counts. Mr. Vischio stated they didn't because of the level of trip generation for the proposed development. They are anticipating a maximum of 18 vehicles being generated during the busiest peak hour and the Institute of Transportation Engineers established 50 vehicles as the threshold for what is a level of trip generation that may impact the level of service and operations of the surrounding roadway network. They are well below that threshold and that's how they made their decision.

Witness:

Brian Taylor
Project Architect
95 Watchung Avenue
North Plainfield, NJ

Brian Taylor was sworn in by Brian Schwartz.

Brian Taylor previously testified before the Board.

All of Mr. Taylor's drawings were previously submitted to the Board. The proposed development has 32 units. There are 8 buildings, 4 dwelling units per building. There are 3 different building types, building A, B, and C. The ground floor of all buildings is ADA adaptable. 13 of the units are affordable units and are also required to be ADA. All buildings are constructed of wood and will be constructed with fire protection construction. They will all be sprinklered. They are designed to look like single family homes per the redevelopment plan. The footprint area of each building is roughly 2,400 square ft. In looking at the front elevation of the buildings, you don't see 4 doors, they were hidden so it doesn't indicate they are multi-family properties. The buildings were designed to look like a colonial style home and they all have a wrap around front porch. There are 3 type A buildings. Each building has one 3 bedroom and three 2 bedrooms. There are 4 type B buildings. Each building has two 2 bedrooms and two 1 bedrooms. There is 1 type C building that has three 1 bedrooms and one 2 bedroom.

The inclusion of the 3 bedroom units was done to be in conformance with the State's Uniform Housing which governs Affordable Housing. There are no market rate 3 bedrooms.

Mr. Taylor discussed the floor plans of Building A. There are 2 units on the ground floor and 2 units on the upper floor. The buildings are designed from the building code perspective as two 2 family homes that are joined together and separated by a fire wall. The first unit is a 3 bedroom with a living area, a dining area, and kitchen. Each unit will have its own washer and dryer. All units are 1 floor. The unit next to it is a 2 bedroom unit with a similar layout. The units on the first floor have the adaptable kitchen and bathroom and someone that is disabled can be accommodated. The second floor units are accessed through the middle of the building behind a wall that shields the entry doors. To the left is a 2 bedroom unit and there is another 2 bedroom unit to the right. The smallest bedroom size is 10x12. The units are all similar in scale and the features they offer. Each building type is a little bit different in their floor plan configuration because of the different unit sizes. Units are about 1200 sq ft each. Each building has a setback where part of the building is protruding. As you look at the rendering there is variety in the way the facades push and pull and the alternating porches as well. There will be different colors integrated to offer some variety.

They will use fiberglass shingle roofing. The exterior material will most likely be a fiber cement placard and azek composite trim for all the columns and fascia boards. These are typically low maintenance materials.

Mr. Taylor spoke to the Deputy Fire Chief and discussed his report. He let him know that they can comply with everything listed and the buildings will meet all of NJ construction codes and will be fully sprinklered. The buildings will be a type 5A construction, which is a type of construction where all the floors and walls are 1 hour rated. This is not required but that's what they are doing.

Chairman Giordano asked where the International Building Code came from. Mr. Taylor stated BOCA. The last BOCA was in 1996 and sometime after that they changed to the International Code Council, which writes all the International Codes. Before that, every state would write their own code. Now all the codes are pretty much the same in all states but each state has the right to modify the code. Chairman Giordano asked if the NJ code trumps this one. Mr. Taylor stated no. There is the NJ Uniform Construction Code that includes sub codes building, fire, plumbing, and mechanical. They are all adopted by the NJUCC. It's a statewide code that every municipality in NJ complies with. Chairman Giordano asked if the building will be flame retardant. Mr. Taylor stated not flame retardant but the floors and walls will be 1 hr fire resistant rated construction.

Mr. Testa asked if the buildings will be all different colors. Mr. Taylor referred to the rendering and stated it would be a fair depiction of the colors. The tones and colors may change but the intent is to make them different colors. Mr. Testa asked if it will be fiber cement board and not vinyl siding. Mr. Taylor stated yes.

Mr. Grygiel stated as far as condition of approval potentially, the applicant isn't going to be held to the exact colors but potentially the range that is similar to what's shown. There should be

language to that effect. With regard to building materials it should be what was stated on the record or a similar range of fiber cement.

Ms. Reinoso asked how many ADA compliant apartments there will be. Mr. Taylor stated all of the lower floor units will be ADA adaptable so there are 16.

Questions from the public:

Phil Bielski
450 Grove Street
North Plainfield, NJ

Mr. Bielski asked how long they anticipate how long the project will take. Mr. Taylor stated that would have to be discussed with the applicant. Mr. Bielski asked if the colors were negotiable. Mr. Taylor stated the intent was to have a variety of color. Mr. Bielski asked if they could be beige or green, rather than blue. Mr. Taylor stated that's possible but the intent is just to not have them all the same color.

Mr. Paparo stated they are looking to see what was stipulated in the redevelopment agreement with the Borough as far as the construction schedule. There was a time frame. They will get that answer before they are done this evening. All buildings will be done at one time.

Witness:

Thomas Ricci
Licensed Professional Planner
92 Park Avenue
Rutherford, NJ

Mr. Ricci is a licensed Professional Planner in the State of NJ. He is nationally certified by the American Institute of Certified Planners. He has a Bachelor of Arts Degree from Rutgers University. He has a Master's Degree in City and Regional Planning from Rutgers University. He has been accepted as an expert witness in the field of Professional Planning by well over 75 Boards throughout the state. All his licenses are active and in good standing.

Mr. Ricci reviewed the Villa Maria redevelopment plan that was adopted for any development of the site. He is also familiar with the Borough of North Plainfield's Land Development Ordinance, the underlying zone. He has reviewed the plans that were prepared from the site perspective as well as architecture.

In regard to the relief they are seeking, they are showing it as 4 relief items on the plan because it relates to all sides of the lot frontage but it's really for the retaining walls as a whole. Ms. Maguire did a great job talking about the need or necessity for the retaining walls. It's a pretty sloped site, it's about 2 acres and fronts on Grove Street. It's sloped about 48 feet from top to bottom. You have to flatten the land and put up a retaining wall. These existing conditions are necessitating the need for relief items. Those are the only relief items needed and it is essentially

out of their control. Under the Municipal Land Use Law they look to see if the relief can be granted under the C-1 or C-2 criteria. The C-1 criteria is the hardship criteria. The Municipal Land Use Law specifically talks about exceptional topography or unique conditions affecting the property which is exactly what we have here. This variance truly falls under the C-1 hardship criteria and can be granted.

The Villa Maria site redevelopment plan's overall goal is to promote the creation of affordable housing in a portion of the redevelopment area and also preserve the remainder of the site, the back part of the lot as an open space. That is exactly what they are doing here. They reviewed all the standards for the use and the bulk requirements of how the site is governed, all of those rules, and they aren't seeking a single deviation from the redevelopment plan. In his review of the plans and the goals itself, as well as the proposal on the architectural and site plans, it is more than substantially consistent with that because they don't seek any deviations. The plan calls for 32 dwelling units with 13 of them being affordable and those are the exact numbers they are proposing. It is inline with the use, the setbacks, and the number of parking required. He thinks the proposal carries out the vision for the redevelopment plan.

The Community Impact statement was prepared and summarizes the potential impacts of this proposal on the surrounding community. Their conclusions are that it's a substantially consistent proposal with the zoning code as well as the redevelopment plan which governs this property. This property is surrounded by other areas that are pretty well developed so it's already being served by roadways, utilities, and existing infrastructure, police, fire, and ems services. When you look at the potential impacts of this new development, there's not a lot that has to be done or adjusted because it's already in a developed part of the Borough. With regard to the people generated or the school generated, it's 32 units. They calculated 86 people generated for the property. It's a conservative analysis because it doesn't always mean 86 people are new to the town. He doesn't see any substantial impacts with this project, especially given that it's a permitted use and density, has enough parking, etc.

Mr. Grygiel asked the source utilized for the population projections overall in the schools. Mr. Ricci stated for the school age children to be generated he used the Rutgers Center for Real Estate. They surveyed many multi-family apartment buildings based on the type of unit, income, whether it was a low, medium, or high rise. They generate a number, an average of how many people exist in all different types of developments. They applied that to the unit mix and unit count of this project and they can get close to generating what the anticipated number of both people and school age kids in these developments. Mr. Grygiel agreed that is a standard source and they are based on actual developments in NJ that were catalogued by Rutgers Center for Real Estate. 2018 is the most recent. Mr. Grygiel stated it's the best source you can have as real data from NJ.

Chairman Giordano asked how many kids are anticipated to be going to the schools. Mr. Ricci stated 16.

Mr. Haggerty asked if that source is used for school counts for other projects and whether it holds up. Mr. Ricci stated they have used it for other projects and it's an industry accepted standard. The data has been validated in the industry and used for some time. It comes from a

reputable source and the data has some validity to it. Mr. Haggerty feels like 16 is an incredibly low number. Mr. Grygiel stated the multipliers are highest for the 3 bedroom units which are required under the Affordable statute. It's 1.1 per unit but his experience is with the 1 or 2 bedroom units, in this newer type of multi-family it's typically in line with that you are seeing there. Mr. Haggerty stated the statement also references conversations with the Superintendent and asked if there was a report from her. Mr. Paparo stated there were conversations with the Superintendent and she requested copies of the Community Impact statement and his office directly sent them to the Superintendent and the Business Administrator of the School Board. He also advised them of the hearing date this evening.

Questions from the Public:

Thomas Jones
673 Greenbrook Road
North Plainfield, NJ

Mr. Jones is a representative from the Board of Education. Mr. Jones how they came up with the number 16 for the number of students. Mr. Ricci explained Rutgers released these metrics. They survey multi-family houses in NJ and they come with a number on average of how many kids exist in all these types of developments. They applied those numbers to this project and that's how they come up with 16. All Planners in the state use this and it's widely accepted. It is the most up to date data they use.

Mr. Jones asked if there is a tax abatement on this property. Mr. Paparo stated yes for 20 years. Mr. Jones asked how they can say this will be a low impact and if they know how much it costs to educate a student in North Plainfield per year. Mr. Ricci stated he does not know that. Mr. Jones stated other services besides education are provided to the city such as police, fire, and recreation. Taxes pay for this. As a tax payer that is not low impact. Mr. Paparo stated with a payment in lieu of taxes, the Borough actually has control of all of the funds with the exception of the 5% that has to go to the County so the funds that are paid by the developer are paid directly to the Borough as opposed to the mandated dividend or dividing mechanism. Mr. Jones asked who is going to pay for the education of the students coming in to the school system. Mr. Paparo stated that's not for the developer to decide, the developer will be providing payment in lieu of taxes to the Borough and the Borough would have that authority.

Mr. Schwartz stated this is a Land Use Board and when the Mayor and Council decided on the zoning of this property, financial issues may have come into play but they only look at the land use issues.

Mr. Fagan asked if there are 58 parking spaces, with the possibility of going high if needed. Mr. Paparo stated there will be 58 parking spaces on site. Mr. Fagan asked what would happen if they needed more ADA spaces. Mr. Ricci stated that would probably be management's issue to deal with.

10 minute break at 8:48pm

Returned from break at 8:58pm

Roll Call

Present:

Dave Hollod
Aimee Corzo
Tom Fagan
David Branan
Frank Kreder
Andre Mitchell
Michael Haggerty
Madeleine Olivo Reinoso
Mayor Lawrence La Ronde
Chairman Michael Giordano

Absent:

Cheryl McKeever

Mr. Testa and Mr. Grygiel are also present.

Mayor La Ronde asked if closing arguments could be postponed so they can get drawings of the retaining wall and fence so they have a better feel for what that will look like.

Mr. Schwartz suggested if the Board is inclined to do that, that the public is given a chance to be heard to the extent that they might not be here another time. Also, if they want to hear from the professionals with the thought that the applicant may hear something that will cause them to revise plans.

Mr. Testa stated his site review letter of May 6th has been addressed by the witnesses this evening with the exception of the wall. He thinks they have done a good job addressing everything in his letter.

Mr. Grygiel has a May 3, 2024 letter as well which outlines some of the history of the site and the development and regulations and how they came to be. Since 2015 he has been representing the Borough. This property has been subject of development proposals for affordable housing compliance since then and prior to that there was some history. It's an integral part of North Plainfield's compliance plan. All the new units proposed to be built are on the site so the Borough has been relying upon it to Court certify that plan. They still need to come to the Board for approval but the redevelopment plan is written with the explicit purpose of providing for the 13 affordable units and the market units to help pay for them.

Mr. Paparo asked if they are going to do the public now and the Board decides they want to come back to show the retaining wall, are they going to do the public again. Mr. Schwartz stated typically they would not let somebody who has already spoken come up and speak other than on any revisions.

Public comments:

Thomas Jones
673 Greenbrook Road
North Plainfield, NJ

Mr. Jones represents the Board of Ed and read a statement from the Board of Ed attorneys.

Mr. Paparo objected to the statement being entered into evidence because it's hearsay and the author is not present to be cross examined.

Mr. Schwartz asked Mr. Jones if the school board took a position on the zoning when there were public hearings. Mr. Jones said he doesn't know.

Mr. Haggerty stated from what he read he believed in the community impact statement, there was a review of school capacity and they had the capacity to take 56 more students. Mr. Jones just stated there is no capacity. Mr. Jones stated that might have been a misstatement on his part but it's close to capacity. The cost per student is \$20,000/yr and asks who pays this because their budget is \$90,000,000 and 70% of it comes from the State of NJ. The business administrator and Superintendent ensures the paperwork is filed appropriately to get the necessary grants.

Mr. Haggerty stated Mr. Jones is assuming that with the tax abatement, there will be no tax revenue coming to the school system. He asked if that is true. Mayor La Ronde stated that is correct. Mr. Jones stated they will be taking on more students with no tax revenue to support. Mr. Jones stated the stress is there and could be somewhere else in the community. They have zoning and code violations are there already and the school district deals with effectively and appropriately and within the law.

Andre Mitchell asked if the Superintendent is able to respond with a report since they have been provided a copy of this report and respond with factual evidence. Mr. Jones stated she could speak to that. Mr. Mitchell thinks it would be beneficial to the Board rather than reading and accepting whatever might have been submitted but not actually accept it into evidence. Since the report was provided to the Superintendent, in fairness to everyone, it would be nice to see all those concerns documented so they can review them.

Aimee Corzo stated they are concerned with land issues. The Council deals with the financial issues and it was already voted on. If there is a report, it has to be about land issues. Mr. Schwartz is of the opinion that the Board should accept anything that is anyway possibly relevant and then they can decide how to deal with it. The Board has a zoning ordinance and the applicant is not asking for either a use variance or a density variance. The applicant is not trying to exceed the number of units they are allowed to put in. The time for that was when the property rezoned. In connection with the rezoning there's a lot of things at play having to do with affordable housing. There are a lot of factors that caused the Mayor and Council to want to rezone the property the way it did. The Planning Board approved the plan and it went back to the Mayor and Council where they had a second hearing but that was the time to deal with density issues and use issues. This Board is looking at a Site Plan and Bulk Variances and that is the scope of what this Board can do.

Mr. Paparo stated his office provided the Superintendent and the Business Administrator directly with the Community Impact Statement on April 30th. It's May 22nd. He also notified her of this meeting, which he had no obligation to do. He doesn't think it's fair to delay this so the Superintendent who didn't take time to come this evening when everyone else did. Mr. Jones stated he is representing the Board and he is somewhat conflicted as a taxpayer and a Board of Ed member when you look at what this actual property may do to the real estate value around you or how it affects the school system. An effective school system makes your community.

Mary Liebau
20 Interhaven Avenue
North Plainfield, NJ

Ms. Liebau stated there are no street trees in front of the property, just bushes. Right now there are a lot of trees on Grove Street. Ms. Liebau asked if they can consider putting in some street trees or keep some. Mr. Paparo stated they will work with Mr. Testa and his report raises this very issue. The applicant will see if additional street trees can be added and if it requires relocating utilities, the applicant will be happy to do that. They will do the best they can with Mr. Testa's guidance.

Mr. Paparo stated the redevelopment agreement that was entered with the Borough provides the redeveloper with 3 years from commencement to finish but the applicant is confident it can be finished in 2 years.

Phil Bielski
450 Grove Street
North Plainfield, NJ

Mr. Bielski asked when the project is going to begin. Mr. Paparo stated this is one of the approvals the applicant needs to obtain. There are other governmental agencies that have to approve it. He doesn't know how long that process will take but when all the approvals are obtained, there is a certain time period where construction has to commence. There is that requirement in the redevelopment agreement. Mr. Bielski asked if there is any timeline that can be given. Mr. Paparo stated he would have to talk to other team members about the DOT and the other governmental agencies but he would have to speak to them.

Mr. Paparo stated they have something to present to the Board regarding the retaining wall and the fence if the Board is interested in seeing it. They have a photograph of the design. They apologize for not having it superimposed on the plans but can share it.

Ms. Maguire obtained a photograph of the material and the visual of what the retaining wall with the decorative fence above it would look like. Ms. Maguire stated it is similar to what it would look like. They agree to do a modular block or an allan block retaining wall with a black wrought iron or aluminum fence on top. Ms. Maguire showed an image of what it would look like and stated they are agreeable to specifics.

Mr. Schwartz stated they are asking for variances for the height of the fence he thought because of the retaining wall but the picture shows quite a bit of fence above the retaining wall. He doesn't remember this Board ever approving a 14 ½ ft fence of that height unless it's connected with a retaining wall. Mr. Paparo stated it's on top of the retaining wall. Ms. Maguire stated the fence on top is 4 ft but the calculation for the code is the height of the retaining wall plus the fence on top. Mr. Schwartz asked if the ground behind the retaining wall that the retaining wall is retaining is going to be close to the top of the retaining wall. He asked how close the ground is going to come to the high side of the retaining wall. Mr. Testa stated it will be level on the parking lot side. Ms. Maguire stated where the drive aisle is the low side it will be a couple inches, the high side will be level with the retaining wall. Mr. Schwartz asked if the 14 ½ ft part is the low side and the high side will be the height of the fence. Ms. Maguire stated that's correct. Mr. Testa stated except for the one in the front where it's going to be a 4 ft fence where only 3 ft is allowed. Ms. Maguire stated that's correct. Mr. Schwartz stated the Board has routinely considered that.

Public portion of the meeting was closed.

Mr. Paparo thanked the Board and the Board's professionals and the public for their input and consideration. This is an exciting project for the Borough. It's a site that's remained undeveloped or underutilized for some time. It's part of the affordable housing compliance plan. The proposal and the redeveloper have gone to great lengths with the Borough's assistants and collaboration to come up with a plan that furthers the goals and objectives of the redevelopment plan that was adopted. The plan is fully compliant with the exception of the retaining wall and fence. As the Planner testified, that is solely due to the grading and the topography. Per the Municipal Land Use Law, that is considered a hardship. All other aspects of the project are fully conforming with the standards that the Board's professionals, with the assistance of the Mayor and Council have put together for the redevelopment of this project. The units have been appropriately sized and the aesthetics of the buildings are very complimentary to the neighborhood. The design has a more residential look and that is a compliment to the Borough and to the Board's professionals. They feel what they have put forward is consistent with the redevelopment plan with the exception of the fence and retaining wall variance. With the stipulations they've agreed to on the record, one very comment and one they agreed to do is designate 1 parking space per unit by lease. The other condition is ensuring what they presented this evening is what is going to be built as far as building materials and colors differentiating the houses. With those stipulations and the information submitted to the Board, they respectfully request the application be approved.

Mr. Schwartz stated the Board is being asked to approve an application for preliminary and final Site Plan approval and C variances. If the Board has reviewed Mr. Grygiel's report, it tells you exactly what the Board is being asked to approve. On pages 6 and 7 of Mr. Grygiel's report he says that the application does not require a D variance, meaning use or density but rather a C-1 variance, which is a hardship variance. The negative criteria which is that the variance can be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the zone plan and zoning ordinance of the municipality. Those are the variances the applicant is requesting. Mr. Schwartz has listed standard conditions such as revised plans showing any changes required by the approval and construction shall match the

plans as submitted and revised, including the materials and the color on the architectural plans. Mr. Schwartz questioned whether the applicant has to pay development fees. It is waived because of COA. They do have to comply with posting performance bonds and guarantees. The applicant will comply with the conditions in the Engineering report dated May 6th and the Planning report dated May 3rd, the Mott McDonald report that Board got this evening. It was not mentioned but it has to do with sewer and infrastructure. Mr. Paparo did not see that report so a copy was provided to him. Construction will comply with the RSIS standards and uniform commercial code, pre-construction meeting will take place between the Engineer and the applicant. The applicant will pay all escrows prior to the Borough signing off on the plans. All necessary approvals will be obtained from all governmental agencies. The satisfaction of all conditions will be subject to the approval of the Borough Engineer and Planning Consultant. No CO shall be issued until all conditions are satisfied. One parking space shall be allocated to each unit. The applicant will comply with the fire official's recommendations in its memorandum dated May 16th. Additional street trees shall be installed subject to approval of the Borough Engineer. Trucks and heavy equipment and machinery used in connection with construction shall not be used prior to 7:30am or continue later than 6:00pm Monday – Friday.

Mr. Paparo stated he and the Architect spoke to the fire department's letter. They do not object to widening the driveway. There will be a sprinkler system based on whatever the code requires. They are fine with the Mott McDonald letter.

Tom Fagan made a motion to approve the application with conditions.
Seconded by Aimee Corzo.

Mr. Mitchell has not yet been sworn in to his position on the Board so he cannot vote.

Roll Call Vote

Dave Hollod - yes
Aimee Corzo - yes
Tom Fagan - yes
David Branan - yes
Frank Kreder - yes
Michael Haggerty - yes
Madeleine Reinoso - yes
Mayor La Ronde - yes
Chairman Giordano - yes

Application approved 9-0.

Mayor La Ronde made a motion to adjourn the meeting.
Seconded by Tom Fagan.

All in favor.
None opposed.
No abstentions.

The next meeting will be the 4th Wednesday in June.

Meeting ended at 9:34pm.