The City of New Brunswick
DEPARTMENT OF PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT

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January 10, 2020

Attn: Thomas F. Kelso, Esq. (Applicant’s Attorney), tkelso@kelsoburgess.com
Robert A. Hernandez, AIA (Applicant’s Architect), NJArchitectNJ@gmail.com

RE: 75 Plum LLC (75 Plum Street)
Site Plan Exempt, FAR, Height and Bulk Variances
Block 417, Lot 28
Application #ZB-2019-15
Technical Review #1

Dear Sir/Madam:

We have reviewed the following items:

- Plan of Survey, 75 Plum Street, Tax Lot 28 in Block 417, City of New Brunswick, Middlesex County, New Jersey, consisting of 1 sheet, prepared by Formosa Engineering Inc., dated September 11, 2019

- Architectural Plans, 75 Plum Street, Lot 28, Block 417, New Brunswick, consisting of 4 sheets, prepared by Robert A. Hernandez Architect LLC, dated November 21, 2019

The following comments represent observations and recommendations resulting from our review.

1. Property Description

The property is designated as Block 417, Lot 28 on the tax maps of the city of New Brunswick and measures 3,935.15 square feet (0.09 acres) in area. The property is rectangular in shape and has 37.30 feet of frontage along Plum Street and a depth of 105.5 feet. It is located along the east side of Plum Street, between Hamilton Street to the north and Somerset Street to the south.

The property is developed with an existing 2½-story one-family residence. There are one-story additions at the front and rear of the building. There is a macadam driveway along the left side of the building that measures approximately 30 feet long by 13 feet wide. There is a macadam walkway along the right side of the building that extends along the rear of
the building and provides access to the basement via what appears to be a cellar door at the rear left corner for the building. The rear yard is comprised of a grass lawn area. There is an existing chain link fence (4 feet high) that encloses the rear yard area. The survey shows that the fence is partially on adjoining Lot 29.

2 Development Proposal

The applicant is proposing to convert the existing one-family residence into a two-family residence with one three-bedroom unit and one five-bedroom unit. The applicant is proposing interior renovations, a first floor addition at the front right corner of the building and second floor additions to the front and rear of the building. An open porch is proposed at the front of the building, and a wood deck is proposed at the rear of the building.

Floor plans indicate that the basement will be comprised of existing, unfinished area and crawl space. A boiler, gas meter, electrical panel, sump pump, and laundry facilities are shown in the basement.

The first floor will be comprised of one unit with a kitchen/dining area, living room, hallway, and three bedrooms (104 square feet, 120 square feet, 120.9 square feet). Each bedroom will have an en suite bathroom with shower. An addition measuring 36.4 square feet is proposed at the front right corner of the building and will be used as an entrance vestibule for the second floor unit.

The second unit will be comprised of the second floor and attic level. The second floor will contain a kitchen/living room and three bedrooms (94 square feet, 120 square feet, 120.9 square feet). The attic level will contain common area and two bedrooms (138 square feet, 160 square feet). Each bedroom will have an en suite bathroom with shower.

The second floor addition at the front of the building will measure 5.75 feet wide by 19.6 feet long (112.6 square feet), and the addition at the rear of the building will measure 7.8 feet wide by 24.4 feet long (190.9 square feet) for a total of approximately 303 square feet of additional area. Plans indicate that 630 square feet of new finished space is proposed at the attic level.

Each unit has a separate entrance at the first floor level of the building via the front porch. The attic is accessed via stairs from the interior of the second floor unit.

There are no apparent changes proposed to the existing driveway, landscaping, lighting, or fencing.

3 Zoning District Description

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>R-5A Single-Family and Two-Family Residential District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the property in a redevelopment area?</td>
<td>No</td>
</tr>
<tr>
<td>Do the redevelopment area standards apply to this application?</td>
<td>N/A</td>
</tr>
<tr>
<td>Is the use permitted in the zone/redevelopment area?</td>
<td>Yes</td>
</tr>
<tr>
<td>Is the use a conditional use in the zone/redevelopment area?</td>
<td>N/A</td>
</tr>
<tr>
<td>Zoning District</td>
<td>R-5A Single-Family and Two-Family Residential District</td>
</tr>
<tr>
<td>----------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>Pre-existing legal non-conforming use?</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### 4 Master Plan Consistency

The 2004 Master Plan recommends this lot for medium density single- and two-family residential. The proposed use is consistent with this land use recommendation.

### 5 History of the Subject Property

Construction permits were issued in November 2019 for demolition related to tank removal work, which was completed as of December 2019.

A Conditional Certificate of Code Compliance was issued in October 2019, and the expiration date of which was noted as November 2019.

There are no registered rental units. The residence was owner-occupied prior to its purchase by the applicant.

### 6 Existing Property Conditions

Front Façade of the Existing Residence on the P.I.Q. from Plum Street (Google Street View, June 2018)
7 Bulk Standards Zoning Review

The proposed two-family residential use is permitted in the R-5A Single-Family and Two-Family Residential District.

The bulk standards for two-family dwellings in the R-5A district are shown in the table below.

<table>
<thead>
<tr>
<th>R-5A Single-Family and Two-Family Residential District</th>
<th>Required</th>
<th>Proposed</th>
<th>Conformity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>8,000 sf</td>
<td>3,935.15 sf</td>
<td>1 New Violation</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>80 ft.</td>
<td>37.30 ft.</td>
<td>1 New Violation</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100 ft.</td>
<td>105.5 ft.</td>
<td>Conforms</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>10 ft.</td>
<td>10.70 ft.</td>
<td>Conforms</td>
</tr>
<tr>
<td>Minimum Side Setback (one/both)</td>
<td>15 ft./25 ft.</td>
<td>1.12 ft./4.87 ft.</td>
<td>2 Existing</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>40 ft.</td>
<td>52.78 ft.</td>
<td>Conforms</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>30 ft.</td>
<td>34.1 ft.</td>
<td>“d(6)” Height Variance</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>20%</td>
<td>29.5%</td>
<td>1 New Violation</td>
</tr>
<tr>
<td>Maximum Impervious Coverage</td>
<td>50%</td>
<td>51.85%</td>
<td>1 New Violation</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>0.35</td>
<td>0.54</td>
<td>“d(4)” FAR Variance</td>
</tr>
</tbody>
</table>

Per Section 17.03.040.C of the Zoning Ordinance, an accessory structure attached to the principal building shall comply in all respects with the requirements of this title applicable to the principal building, except that open porches wherein the open porch is not more than one story in height, may project into the front yard but not closer than 10 feet to any front lot line.

The proposed open porch will be located 5.51 feet from the front property line, where 10 feet is required.
Violation.

8 Parking

The New Jersey Residential Site Improvement Standards (RSIS), per Section 5:21-4.15, stipulates that each off-street parking space shall measure 9 feet wide by 18 feet long. The existing driveway on the property measures approximately 30 feet long by 13 feet wide. As such, the driveway can realistically accommodate one vehicle.

The parking requirement for the applicant’s proposal is as follows:

One (1) three-bedroom unit: 2.0 spaces/unit
One (1) five-bedroom unit: 3.0 spaces/unit
Total off-street parking required: 5.0 spaces

One off-street parking space is proposed.

Violation. A de minimis exception from RSIS is required.

10 Landscaping Requirements

Section 17.07.070.C.1.c of the city Zoning Ordinance states: “Minimum Plantings. The equivalent of at least two shrubs and one shade tree of two- and one-half-inch caliper or greater shall be provided for each one thousand five hundred (1,500) square feet, or part thereof, in a residential development not covered by buildings or improvements and for each one thousand (1,000) square feet or part thereof of non-residential development.”

A minimum of two (2) shrubs and one (1) shade tree are required.

Details regarding existing and/or proposed landscaping has not been shown on plans.

More information needed.

11 Plan Review Comments

1. With regard to the Zoning Bulk Schedule Requirements table:
   - The front yard setback is shown to increase from 10.51 feet (existing) to 10.70 feet (proposed). The applicant should provide clarification.
   - An existing and proposed building height of 30 feet is shown on the table, where architectural plans show a proposed building height of 34.1 feet. The applicant should provide clarification and the table should be revised for consistency.

2. The applicant should confirm that the finished attic is proposed as part of this application. The letter of principal points, provided as part of the applicant’s submission, indicates two three-bedroom units are proposed, while plans depict one three-bedroom unit and one five-bedroom unit (inclusive of finished attic space).

3. Is any new lighting proposed? If so, fixture location(s) and details should be shown on plans.
4. The applicant should confirm that a floor to ceiling height of 8 feet is proposed at the attic level, as shown on building elevations.

5. What will basement be used for? Is the ceiling height of the basement known? This should be noted on plans.

6. A boiler is shown on the basement plans. The applicant should confirm that no outdoor HVAC units, generator, etc. are proposed.

7. A refuse area is not shown on plans. The applicant should describe how trash and recycling will be handled on the property.

8. The proposed impervious coverage is 51.85 percent, where 50 percent is required. We recommend the applicant reduce the proposed impervious coverage to conform with the ordinance requirements. The applicant may consider removing a portion of the driveway where it abuts the residence (i.e., reducing the length of the driveway) in order to provide additional landscaping.

9. We recommend the applicant comply with Section 17.07.070.C.1.c (Minimum Plantings) of the Zoning Ordinance and provide at least two shrubs and one tree on the property. Will landscaping be provided in the front yard area adjacent to the concrete entrance walk?

10. How would parking operate on the property in light of the proposed parking deficiency?

11. What is the condition of the existing chain link fencing on the property? The survey indicates that it is partially on the adjoining property. We suggest replacement with wood or vinyl fencing, to be installed fully within limits of the property.

12. We recommend the applicant consider a more durable siding material, such as cement board.

13. The building will need to be sprinklered due the creation of living space in the attic. We defer to Construction Official for any additional comment on this item.

14. Is the water supply adequate to service the building as proposed?

15. A maximum of five occupants would be permitted in first floor unit, which requires 315 square feet of common space per the city’s Property Maintenance Code. It does not appear that this threshold has been met. (Note that hallways do not count towards the common area.) We defer to the Construction Official for any additional comment on this item.

16. A maximum of nine occupants would be permitted in second floor/attic unit, which requires 380 square feet of common area per the city’s Property Maintenance Code. This threshold appears to be met. We defer to Construction Official for any additional comment on this item.
17. The applicant should explain why each bedroom has an en suite bathroom (a total of eight bathrooms). This configuration suggests potential for use as a rooming house.

18. In light of the requested variances for height, FAR and insufficient parking (i.e., one space provided where are five required), we recommend the applicant consider providing two three-bedroom units by eliminating the finished attic area.

19. The applicant should provide testimony in support of the requested bulk, height and FAR variances as per the criteria set forth in the Municipal Land Use Law and applicable case law.

Sincerely,

Katie Thielman-Puniello, PP, AICP
Principal Planner
City of New Brunswick