



CITY OF PLAINFIELD
ZONING BOARD OF ADJUSTMENT
515 WATCHUNG AVENUE, ROOM 202
PLAINFIELD, NJ 07060



ADRIAN O. MAPP
MAYOR

D. Scott Belin, Chairman
Alejandro Ruiz, Vice Chairman

ZONING BOARD OF ADJUSTMENT
MINUTES

DATE: WEDNESDAY MARCH 1, 2017
TIME: 7:00 P.M.
LOCATION: PLAINFIELD CITY HALL LIBRARY
515 WATCHUNG AVENUE, PLAINFIELD N.J. 07060

I. CALL TO ORDER – Chairman Scott Belin called the meeting to order at 7:06 p.m. at which time he then read the following statement:

II. OPEN PUBLIC MEETING STATEMENT

“The annual schedule of this meeting has been duly noted in the Courier News and the Star Ledger. In addition, a copy of the notice is posted in the City Clerk’s office, the Planning Division office and the City’s website in accordance to the regulations of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.
 This is a regularly scheduled meeting of the Board.

III. ROLL CALL

Membership	Jan 18	Feb 1	Mar 1	Apr 5	May 3	Jun 7	Jul 12	Aug 2	Sep 6	Oct 4	Nov 1	Dec 6	Term of Office
D. Scott Belin, Chairman	P	P	P										12/31/2018 (4 year term)
Alejandro "Alex" Ruiz, Vice Chairman	P	P	P										12/31/2020 (4 year term)
Mary Burgwinkle	P	E	P										12/31/2020 (4 year term)
Robert Graham	P	P	P										12/31/2019 (4 year term)
Nancy Jordan	P	P	P										12/31/2017 (4 year term)
Jim Spear	-	P	P										12/31/2020 (4 year term)
Rich Sudol	P	P	E										12/31/2018 (4 year term)
VACANCY, Alternate No.1	V	V	V										12/31/2016 (2 year term)
VACANCY, Alternate No.2	V	V	V										12/31/2015 (2 year term)
Attendance Total	6	6	6										

Ledger: Present (P); Absent (A); No Meeting (-); Vacancy (V);

IV. OTHERS IN ATTENDANCE

Name	Affiliation
Peter Vignuolo, Esq.	Board Attorney
Bill Nierstedt	Planning Director
Rosalind Miller	Board Secretary

V. PUBLIC COMMENT(S) ON NON-AGENDA ITEMS – Limited to 2 minutes maximum per comment. (Subject to change by the Board Chairman) The meeting was opened for public comment(s) on non-agenda items. Ms. Nancy Piwowar, of 1129 Myrtle Avenue asked about historical records regarding a revolutionary war trail. She said that some towns have a marked trail and she opined that our city she have a marked revolutionary trail also. Board Attorney Vignuolo responded on some online historical records from Princeton and Vice Chairman Ruiz responded that Rutgers University may have some historical records also. Ms. Piwowar thanked the board for the information. After hearing no further statement and/or comments the public portion of the hearing was closed.

VI. MINUTES – On a motion by Board Member Burgwinkle and seconded by Board Member Spear, the board accepted the meeting minutes of October 5, 2017 as presented by voice vote from eligible members.
 On a motion by Board Member Burgwinkle and seconded by Board Member Spear, the board accepted the meeting minutes of November 2, 2017 with the correct spelling of a citizens name by voice vote from eligible members.
 On a motion by Board Member Burgwinkle and seconded by Board Member Spear, the board accepted the meeting minutes of December 7, 2017 as presented by voice vote from eligible members.

VII. RESOLUTION (MEMORIALIZATION(S))

1)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-34	41 Rock Avenue, LLC	41 Rock Avenue	203	6	R-3 Low/Moderate Density Residential

- Chairman Belin asked if there were any questions and/or comments regarding the resolution. Planning Director Nierstedt made comment that in a few days the city parking bureau issued parking permits to the home owners for additional parking space. After hearing no further comments, Chairman Belin entertained a motion.
- On a motion by Vice Chairman Ruiz and seconded by Board Member Graham, the board voted as follows granting a reduction of the paved front yard parking on an existing single family dwelling as stipulated.

Belin	Ruiz	Burgwinkle	Graham	Jordan
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Five in Favor. None Opposed. None Abstained

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2012-10	Joseph & Adele Albanese	1359-1367 South Avenue	624	11	NC Neighborhood Commercial Zone District

- Chairman Belin asked if there were any questions, corrections and/or comments regarding the resolution. Hearing none, he entertained a motion. On a motion by Board Member Burgwinkle and seconded by Board Member Graham, the board voted as follows granting variances to permit a ground sign, a roof sign, a wall sign and outdoor dining as stipulated.

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Belin	Ruiz	Burgwinkle	Graham	Jordan
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Five in Favor. None Opposed. None Abstained

VIII. DEVELOPMENT APPLICATION(S)

1)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2014-19	Jose Mora	1116 West Front Street	221	18	R-4 Moderate Density Residential Zone

- Board Attorney Vignuolo advised the board that the applicant is required to provide proper notices for the board's next available date of hearing. The board carried this application to April 5, 2017 provided that the applicant provides proper notices.

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-22	Danny Dominguez	558 West 5 th Street	772	33.01	R-4 Moderate Density Residential Zone

- Planning Director Nierstedt reported that he has met with the applicant Danny Dominguez. Mr. Dominguez made a draft of some changes to the site plan and should be submitting those changes in time for the Board's April 5, 2017 board meeting. Board Attorney Vignuolo advised the board that the applicant served notice and that no further notices are required. The board carried this application request for front yard paving and chain link fencing approval in the front yard for the two-family dwelling to April 5, 2017 board meeting.

3)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2013-37	Alvin C. Hannah & Venus Hannah	430-432 West Second Street	238	15	MU Mixed Use Zone District

- Planning Director Nierstedt reported that the applicant is requesting an interpretation of §17:9-42.C of the city Land Use Ordinance concerning outdoor storage requirements, and §17:8-1.A.1 concerning use for a motorcycle repair/towing business/moped and scooter sales with accessory storage without obtaining a development permit of Certificate of Occupancy for those uses. In addition, an interpretation is not required to provide public notice. Also, the applicant was scheduled for court, but did not show for a court hearing; therefore a bench warrant will be issued.

4)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-03	Chic's Auto Collision, LLC	521 North Avenue	304	10	MU Mixed Use Zone District

- Chairman Belin asked if the board has jurisdiction to hear the applicant's request for waivers from completeness checklist requirements, a d(1) use variance, variances from supplementary zoning regulations, design/performance standard, preliminary and final site plan approval to operate an auto collision body shop with 4 work bays including 9 on-site parking spaces. Planning Director Nierstedt reported that the applicant is a corporation and will need to hire an attorney. He reported that the applicant also had not provided notice. Board Attorney Vignuolo stated the statute on the time frame and that some applications will have to be dismissed without prejudice. The board does not have jurisdiction to carry this application.

5)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-29	Gavett Place Properties LLC	130-140 East Second Street	315	4 and 5	NAHD North Avenue Historic District Zone
12/7/16 carried; 1/18/2017 carried; 2/1/2017					

- Board Attorney Vignuolo read for the record a letter dated 2/27/17 from the applicant's attorney regrettably submitting a letter withdrawing the application, but request to adjourn to the board's June 2017 meeting. The Board carried this application, but the applicant will need to renote for the June 2017 meeting.

6)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-33	Front Street Realty, LLC	400-406 West Front Street	241	3	TOD/CBD Zone District

- Board Attorney Vignuolo advised the board that the applicant made amendment to the site plan approval and that the board has jurisdiction.
- John Sullivan, Esq., of Vastola & Sullivan, 495 Union Avenue, Middlesex, New Jersey represented on behalf of the applicant. Mr. Sullivan addressed a 2010/2011 preliminary and final site plan approval, use variance, bulk requirements of a mixed use retail/commercial on the first floor and residential on the upper floors. He reported that the applicant made an attempt to lease the first floor of retail space, but with no success. He explained that the applicant is seeking an amendment proposing a laundromat consisting of 32 washers and 18 dryers on the first floor retail space.

- Mr. Satyapal Pareddy, of Front Street Realty, LLC, 279 Reynolds Avenue, Parsippany New Jersey was sworn in to provide testimony on behalf of the application. Mr. Pareddy is the manager and owner of the building owned for about 7 years, 18 stackable dryers in total 36, hours of operation will be from 7:00 A.M. to 10:00 P.M., number of employees no more than 1 or 2, services wash and fold, card operated no coin, deliveries weekly or he purchase include soap, softeners, van type, control time of delivery. Mr. Pareddy said that there is a need, he visited other laundromats in the area and noted the washers/dryers are over 10 years or older and some machines were not working. He notices several apartments that do not have washer and dryers close by in the area, he said that this laundromat will do very well. He attempted to rent the retail space, but there were responses for restaurant and he said there to many restaurants in the area. He said the residential units are not rented yet. In regards to parking he will purchase parking permits for city parking lot No.9 located across the street and there are additional parking spaces in the area.
- The board addressed the City Planner's report dated February 23, 2017 regarding the sign variance and LED internal lighting and the City Planner's report January 31, 2017. Mr. Pareddy replied that he will comply with both the reports in regards to the sign regulations and change the lighting proposal to Gooseneck type lighting fixtures. Mr. Sullivan addressed both the Police report dated January 31, 2017 and PMUA report dated December 27, 2016. Mr. Pareddy responded in regards to the city official reports that the issue of the sprinkler system and fire alarm system has been approved and that the PMUA report indicate adequate capacity.
- The Board, Board Attorney Vignuolo, Planning Director Nierstedt, the applicant's attorney Mr. Sullivan and Mr. Pareddy addressed the City Planner's report dated January 24, 2017. Planning Director submitted Exhibit B1 depicting the approved site plan vs. the changes made of the buffer area between the parking lot curbing that was reduced from the approved six feet to four feet, ADA, striping, landscaping, exterior doorways installed, elevation plans are different from the as-built plans, window sizes, balcony details and front façade of the building. Mr. Pareddy reported that the contractor made the changes. Mr. Sullivan advised that the contractor reduced the buffering to increase parking turnaround space.
- David Karlebach, Licensed Professional Planner, of Ridgewood New Jersey was sworn in to provide testimony on behalf of the application. Mr. Karlebach addressed the surrounding area of mixed uses, residential, retail, restaurants and the availability of the city parking lot with the purchase of parking permits, on-street parking and it is a high walkable and pedestrian friendly area. He noted that many of the merchants have a parking lot area adjacent to the site. Mr. Karlebach reported that he consulted with the American Planning Associations a planning advisory bulletin, specifically on parking standards. He read a quote from a "states strategic plan", reporting on existing redevelopment infill and existing infrastructures by encouraging development of land. In conclusion, Mr. Karlebach made comment that the applicant is providing a positive investment in the community, an opportunity to use this vacant retail space to a more practical use, parking space mitigated, satisfy the statutory requirement in that it is a permitted use and it adds no detriment to the surrounding neighborhood.
- The board expressed concern that they are not in favor of the contractor/builder that made changes to the board's approved site plan and opined that a walkable community of window shopping and restaurants does not seem like a positive outlook by sharing the sidewalk with pedestrian walking with laundry bags and carts.
- After there being no further testimony from the professionals, Chairman Belin opened the meeting for public comment. Ms. Nancy Piwowar, of 1129 Myrtle Avenue, made comment in regards to the surrounding area and that there are older buildings that may or may not have laundry facility in the apartments or in short walking distance. She personally travels that area and there are people are walking, biking, rolling carts,

and carrying laundry bags to the nearest laundromat. She said there are laundromats that have parking areas, but you still see people walking with bags of laundry. There are many people that really do not drive or have a car and so the reality is that many retails are done online and the retail stores are getting smaller spaces. After there being no further comments and/or statements, the public portion of the meeting was closed.

- Mr. Sullivan made a summation that the application is a permitted use, number of mixed uses including residential apartment buildings in the area, walkable community, people may not give up a parking space, if smaller service establishment are close proximity, retail is going away, downtown areas include entertainment and the eateries and asked that the board consider that the use conforms with the neighborhood.
- The Board expressed concern about developers deviating from board approved plans and may be determined to make sure the applicant follow through on their approvals. The board members made comment considering a drop off area with limited time for people who take a taxi, expressed concern in regards to parking a burden to the tenants that live in the area, many people will drive to a laundromat where there is parking, there will be new development that will provide washers/dryers in the units for tenants, some members said there is a need for this type of facility, and the market usually will control and/or determine the type of use in a neighborhood, in favor for this type of facility it will provide for pedestrian friendly traffic to other businesses, because while waiting for your clothes if there is an eatery, retail to shop a little along the strip can give people something to do and many board members opined that the parking will remain an issue until something is done about it.
- The board made recommendation to complete all site plan conditions prior to a Certificate of Occupancy for the laundromat.
- After there being no further comments and/or recommendation, Chairman Belin entertained a motion to approve or deny this application. On a motion by Board Member Burgwinkle and seconded by Vice Chairman Ruiz, the board voted as follows granting an amended site plan approval to permit the conversion of the first floor retail space to a laundromat consisting of 32 washers and 36 stackable dryers with conditions.

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Ruiz	Burgwinkle	Jordan	Spear
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Four in Favor. Two Opposed. (Belin, Graham) None Abstained

IX. OLD BUSINESS - none

X. NEW BUSINESS – Planning Director Nierstedt reminded the board regarding the Land Use Board Meeting to be held on Saturday March 4, 2017 from 9:00 a.m. to 12 noon in the City Hall Library, 515 Watchung Avenue.

- **Review and Adoption of the board's 2016 Annual Report** – After review of the 2016 annual report, Chairman Belin entertained a motion. On a motion by Board Member Graham, by Vice Chairman Ruiz, the voted to adopt the 2016 annual report as presented by general consensus.

XI. ADJOURNMENT – There being no further business, the meeting adjourned on a motion by Board Member Graham and seconded by Board Member Johnson at 10:10 p.m.

Respectfully submitted,

Rosalind Miller
Board Secretary

NOTE: The Board will not hear any cases after 10:30 p.m. All documents are available for inspection at the City Hall, Division of Planning, Second Floor-Room 202, 515 Watchung Avenue between 9:00 a.m. to 4:30 p.m. For further assistance please call (908) 753-3486.

Phone: (908) 753-3486 * Fax: (908) 226-2587 * Website: www.plainfieldnj.gov