



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 MAY 3, 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 7:08 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	P	P								12/31/2018 (4 year term)
Alejandro "Alex" Ruiz, Vice Chairman	P	P	P	P	P								12/31/2020 (4 year term)
Mary Burgwinkle	P	E	P	P	P								12/31/2020 (4 year term)
Robert Graham	P	P	P	P	P								12/31/2019 (4 year term)
Nancy Jordan	P	P	P	P	P								12/31/2017 (4 year term)
Jim Spear	-	P	P	P	P								12/31/2020 (4 year term)
Rich Sudol	P	P	E	E	E								12/31/2018 (4 year term)
Nancy Gerald, Alternate No.1	V	V	V	V	P								12/31/2018 (2 year term)
Ian Marshall, Alternate No.2	V	V	V	V	P								12/31/2017 (2 year term)
Attendance Total	6	6	6	6	8								

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. Hearing none, the public portion of the hearing was closed.

VI. MINUTES – On a motion by Vice Chairman Ruiz and seconded by Board Member Burgwinkle, the board accepted the meeting minutes of March 1, 2017 as presented by voice vote from eligible members.

VII. RESOLUTION (MEMORIALIZATION(S))

1)

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

- Board Attorney Vignuolo advised the board that the applicant failed to request an adjournment and appear for a hearing. The Board took appropriate action to dismiss the application without prejudice. Chairman Belin entertained a motion. On a motion by Vice Chairman Ruiz and seconded by Board Member Burgwinkle, the board voted as follows to dismiss this application without prejudice concerning an interpretation of the city Land Use Ordinance in regards to outdoor storage requirements as written.

- | | | | | | |
|-------|------|------------|--------|--------|-------|
| Belin | Ruiz | Burgwinkle | Graham | Jordan | Spear |
|-------|------|------------|--------|--------|-------|

Six in Favor. None Opposed. None Abstained

2)

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

- Board Attorney Vignuolo advised the board that the applicant failed to request an adjournment and appear for a hearing. Chairman Belin entertained a motion. On a motion by Vice Chairman Ruiz and seconded by Board Member Jordan, the Board took appropriate action and voted as follows to dismiss this application without prejudice concerning preliminary and final site plan approval to operate an auto collision body shop with 4 work bays including 9 on-site parking spaces as stipulated.

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|-------|------|------------|--------|--------|-------|
| Belin | Ruiz | Burgwinkle | Graham | Jordan | Spear |
|-------|------|------------|--------|--------|-------|

Six in Favor. None Opposed. None Abstained

3)

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

- Chairman Belin asked if the board had any questions and/or comment in regards to this resolution. Hearing none, he entertained a motion. On a motion by Vice Chairman Ruiz and seconded by Board Member Jordan, the board voted as follows granting a variance from maximum impervious lot requirements with conditions.

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|-------|------|--------|--------|
| Belin | Ruiz | Graham | Jordan |
|-------|------|--------|--------|

Four 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
12/7/16 carried; 1/18/2017 carried; 2/1/2017 carried; 3/1/2017 carried; 4/5/17 carried; 5/3/2017 carried; 6/7/17					

- Board Attorney Vignuolo has spoken with the applicant's attorney Francine Gargano, Esq. at which time Ms. Gargano is requesting adjournment to the board's next available meeting in order to address issues in the city official reports. The proposal is to convert a four-unit residential apartment building to a 6-unit residential apartment building with fifteen on-site parking spaces, relief from expansion of a nonconforming use, a variance to increase in density, bulk requirement lot coverage, relief from supplementary zone regulations and waivers from design and performance standards. Board Attorney Vignuolo advised the board that he has reviewed the notice of publication and mailing and that the board has jurisdiction to hear this application. The board carried this application to June 7, 2017. Board Attorney Vignuolo announced that this application has been carried to June 7, 2017, City Hall Library, 7:00 p.m. and that no further notices are required.

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-17-07	T-Mobile Northeast LLC Muhlenberg Hospital	1204-1248 Park Avenue & Randolph Road	13	38.03	PO-1 Professional Office

- Board Attorney Vignuolo advised the board that this is a request for interpretation and that it does not require notices. He stated the statute on Federal and N.J.S.A laws about wireless communication support structure.

- Mr. Kevin Boris, Esq., of Price, Meese, Shulman & D'Arminio, 50 Tice Boulevard, Woodcliff Lake, New Jersey represented the applicant. Mr. Boris explained that the applicant is requesting an interpretation of § 17:9-42 of the city Land Use Ordinance concerning a wireless communications facility. He said that the applicant is a FCC licensed telecommunication carrier. He said the applicant is seeking to replace three (3) existing antennas with new ones, replace old equipment cabinet and new cables.
- Mr. Robert Marsac, Registered Architect, of 30 Ramar Street, Landers, New Jersey was sworn in to provide testimony on behalf of the application. Mr. Marsac reported that he has testified as a registered architect throughout New Jersey in Fort Lee, Bridgewater, Englewood, Woodcliff and other municipalities. The Board accepted Mr. Marsac qualifications as a registered architect. Mr. Marsac presented Exhibits A1 and A2 depicting existing roof plan, existing three (3) balance mounts and nine (9) antennas. The proposal is for a total of ten (10) antennas. He said that the existing equipment cabinet is located in one of the rooms in the hospital. He presented Exhibits 2 thru 7 depicting documents of code enforcement permit record, letter from Sprint Spectrum LP wireless facility requesting zoning approval, construction permit to modify existing equipment, building permit approval record and zoning approval issued to T-Mobile.
- The Board, Board Attorney Vignuolo and Planning Director Nierstedt had some discussion in regards to existing collocation vs. support structure, swapping out of equipment and the time period. Board Attorney asked if the applicant checked with the property owner of a prior board resolution granting site plan approval.
- Planning Director Nierstedt explained that prior to year 2005 wireless telecommunications upgrades were approved by issuance of building permits and that the zoning officer approved as an upgrade to an existing approval.
- Public comment: Ms. Nancy Piwowar, of 1129 Myrtle Avenue reported that she was aware of the antennas and in her opinion that the antennas should remain to be allowed. In addition, she reported that Union County's land use records on lease agreements dates back to 1996.
- Board Member Marshall asked if the applicant checked with the prior collocation provider, Board Member Graham no objections, Board Member Jordan made comment that the applicant stay within the requirements, Board member Gerald no objections, Board Member Burgwinkle made comment that there are no substantial changes, inclined to grant the interpretations, but would be ideal for site plan approval, Board Member Spear concur with colleagues, Vice Chairman Ruiz made comment that applicant has met the criteria by providing some history of facts, inclined to grant approval and Chairman Belin presentation of evidence provide a need for public service. After there being no further discussion, Chairman Belin entertained a motion. On a motion by Vice Chairman Ruiz and seconded by Board Member Burgwinkle, the board voted as follows granting approval and determined that the replacement antennae and replacement of one (1) equipment cabinet are exempt from zoning and site plan approval as written.

➤	Belin	Ruiz	Burgwinkle	Graham	Jordan	Spear	Gerald
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Seven in Favor. None Opposed. None Abstained

3)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2017-02	PNC Bank, LLC	135-139, 141-145 and 201-209 West Second Street	245	3, 4 and 5	TODD/CBD Transit Oriented Development Downtown/Central Business District

- Board Attorney Vignuolo was advised that Board Member Burgwinkle was a former employee by the applicant and nominal shareholder, but appropriate to disclose the facts, but not necessary to recuse herself from the application. The applicant responded they do not object to the participation of Board Member Burgwinkle.
- Ms. Diane Hickey, Esq. Riker, Danzig, Scherer, Hyland, Perretti, LLP, of One Speedwell Avenue, Morristown, New Jersey represented the applicant. Ms. Hickey explained that the applicant is proposing minor subdivision approval and installation of two remote ATMs with drive-thru lanes, parking and site improvements.
- Mr. William H. Michelson, Esq., of 556 Belvidere Avenue, was sworn in on behalf of the Historic Preservation Commission (HPC). Mr. Michelson made comment in regards to a brief history on the Sutphen House, although not part of the historic district, but which is a property landmarked as an historic site. Mr. Michelson reported that HPC has no objection to the subdivision. He addressed the conditions that was determined at the HPC's April 25, 2017 meeting which includes painting, repair/replace damaged windows/shutters, install a lantern at the entrance, install iron gates, and tree plantings/shrubs.
- The Board reviewed the city Planner's report dated 4/26/17 and granted the two (2) waivers listed by general consent.
- David Wisotsky, Licensed Professional Engineer, of Bohler Engineering, 35 Technology Drive, Warren New Jersey was sworn in to provide testimony on behalf of the applicant. Mr. Wisotsky briefly addressed his qualifications as a Licensed Engineer for over 25 years. He said that he has appeared to over 200 land use boards throughout New Jersey and he has testified as a licensed professional engineer. The Board accepted Mr. Wisotsky's qualifications as a Licensed Engineer. Mr. Wisotsky presented Exhibit A1 depicting an aerial map of the existing site bounded by a railroad line, commercial buildings, Public Service Electrical substation, existing two teller windows and a thru lane that goes past the teller windows exit towards Park Avenue, parking lot to the right no access and property landmarked as an historic site surrounded by a chain link fence. He presented Exhibit A2 depicting a rendering of the site plan showing proposed minor subdivision of Lots 3.01 and 3.02 to be subdivided by deed. He explained that the applicant is proposing two (2) drive-up ATM machines under canopy with drive-through lane, lighting, parking including handicap accessible, landscaping, and reduced impervious coverage, six foot height wrought iron fence, public improvements and signage. Mr. Wisotsky reported that PNC Bank will relocate branch and lease a smaller retail space. Planning Director Nierstedt responded that PNC Bank will relocate in the Park-Madison retail center on West Front Street. Chairman Belin asked about retention of deed and ownership for both Lots 3.01 and 3.02. Ms. Hickey replied that PNC Bank will retain deed and ownership of both lots and Lot 3.01 containing the property landmarked as an historic site, but intend to sell Lot 3.02 to a potential developer to develop.
- Mr. Wisotsky explained the operation of the ATM drive-up accessible 24-hours a day. He said that they do not encourage walk-up. Board Member Spear asked about security cameras. Ms. Hickey responded that they are proposing surveillance cameras on-site. The Board recommended that the applicant work with the Police Division with regard to securing the site. Mr. Wisotsky explained in regards to the improvement of the historic property (Sutphen House) proposal to be repainted, repair shutters, broken windows and

add fence material to match the neighboring PSEG property in the rear to prevent access and vandalism and provide for some landscaping.

- Mr. Wisotsky talked about the dimensions of the proposed monument ground sign. Planning Director Nierstedt explained the standards for monument signs are not permitted in this zone and secondly there are standards for the ground signs in the NC zone. The board expressed concern of monument sign in the downtown area and its setback from the street. Mr. Wisotsky said that the sign is to indicate ATM only. Chairman Belin asked about the chain link fence around Lot 3.02 that the applicant is selling for future development. The applicant request the fence to remain. The board recommended that the fence be removed as it looks a lot better without it.
- Keenan Hughes, of 33 North Street, Hoboken New Jersey was sworn in to provide testimony as a Licensed Professional Planner. Mr. Hughes explained that the applicant is requesting a minor subdivision, relief from supplementary zoning regulations, and preliminary and final site plan approval to subdivide Lots 3, 4 and 5 by deed to two (2) lots to 3.01 and 3.02. Mr. Hughes reported on the way of the banking business international is moving toward the use of ATM's are safer and more efficient. He talked about the existing surrounding uses of mixed use development. He said in his opinion this site is suitable for the proposed ATMs use in that it provides a more efficient banking service. Mr. Hughes concluded that the negative criteria can be satisfied, there is no substantial detriment to the public good, and that each of the bulk variances satisfy both the negative and positive criteria for this use. Board Member Marshall expressed concern on the testimony in regards which of the negative criteria can be turned into a more positive criteria. Chairman Belin expressed concern about the proposed minor subdivision which creates a narrow Lot to be developed and leaving an unimproved vacant lot with a chain-link fence around it. He made comment to improve the vacant lot into a parking lot creating a positive criteria.
- The Board had some discussion in regards to the cueing of cars and spill over into the street. City Planner Nierstedt made comment in regards to pedestrian safety recommending to install a rumble strip for pedestrian safety to hear vehicles coming if they are walking through that passage.
- Public comment: William Michelson, of Belvidere Avenue expressed that there should be no walk up ATM. After hearing no further comments from the public, the public portion of the hearing was closed.
- Board Member Spear made comment that this project is unique provided that an historic property is on the site. He expressed concern that by not knowing how the vacant lot will be improved, but he is grateful and appreciative that PNC bank for stayed and made an investment in the city; Board Member Gerald made comment in favor of this site improvement; Board Member Graham made comment in regards to public safety and that he is not in favor of the stand-alone ATMs with no walk-in bank service, especially if the ATMs is out-of-order and/or one or none ATM is working, it is a good idea to have a walk-in ATM; Board Member Jordan made comment that she personally experienced the cueing of cars on the street, but is in favor of the parking improvement, especially if it could eliminate cueing of cars; Board Member Burgwinkle made comment in regards to the sutphen house that has been neglected for many years, she see the protected balancing of the negative and positive criteria of the improvement and that she is inclined to favor the project; Vice Chairman Ruiz made comment that there is opportunity for walk-in banking in the area and the positive criteria is cleaning up the area is a benefit to the public and that he is inclined to be in favor of this project; Chairman Belin concur that the ATM will serve as a benefit to the neighboring businesses in the area including the county building. After there being no further comments from the Board, Chairman Belin entertained a motion to approve or deny the application.

- On a motion by Board Member Burgwinkle and seconded by Vice Chairman Ruiz, the board voted as follows granting minor subdivision approval, relief from supplementary zoning regulations, and preliminary and final site plan approval to subdivide Lots 3, 4 and 5 by deed to two (2) lots to 3.01 and 3.02 with conditions.



Belin	Ruiz	Burgwinkle	Jordan	Spear	Gerald
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Six in Favor. One Opposed (Graham). None Abstained

IX. OLD BUSINESS - none

X. NEW BUSINESS – none

XI. ADJOURNMENT – There being no further business, the meeting adjourned on a motion by Vice Chairman Ruiz and seconded by Board Member Graham at 11:00 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.