



**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 JULY 12, 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 7:09 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	P	P						12/31/2018 (4 year term)
Alejandro "Alex" Ruiz, Vice Chairman	P	P	P	P	P	E	P						12/31/2020 (4 year term)
Mary Burgwinkle	P	E	P	P	P	P	P						12/31/2020 (4 year term)
Robert Graham	P	P	P	P	P	P	P						12/31/2019 (4 year term)
Nancy Jordan	P	P	P	P	P	P	P						12/31/2017 (4 year term)
Jim Spear	-	P	P	P	P	P	P						12/31/2020 (4 year term)
Rich Sudol	P	P	E	E	E	P	E						12/31/2018 (4 year term)
Nancy Gerald, Alternate No.1	V	V	V	V	P	P	P						12/31/2018 (2 year term)
Ian Marshall, Alternate No.2	V	V	V	V	P	E	E						12/31/2017 (2 year term)
Attendance Total	6	6	6	6	8	7	7						

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** – none

**VII. RESOLUTION (MEMORIALIZATION(S))** - none

**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 carried; 7/12/17 carried; 8/2/17					

- Board Attorney Vignuolo read for the record correspondence dated 7/11/17 from Ms. Francine Gargano, Esq. representing the applicant is requesting adjournment for additional time to prepare engineering plans. He advised the board that the applicant has previously provided the notice of publication and mailing, but if the applicant has made any changes from the prior notice of publication, they will be required to renotice. The board carried this application to August 2, 2017 board meeting at which time Board Attorney Vignuolo will forward correspondence advising the applicant of the board’s action to renotice for the August 2, 2017 and that there will be no further adjournments of this matter after the August 2, 2017 hearing date.
- Chairman Belin entertained a motion. On a motion by Board Member Burgwinkle and seconded by Vice Chairman Ruiz, the board voted as follows granting adjournment to the August 2, 2017 board meeting and that there will be no further adjournments required.

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

2)

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

- Jay Bohn, Esq., of Schiller & Pittenger, 1771 Front Street, Scotch Plains N.J. represented on behalf of the applicant. Mr. Bohn explained that the applicant was granted final site plan approval in 2011 for first floor retail and construction of twelve apartments on the second, third and fourth floors. The applicant is seeking amendment to the final site plan approval proposing to construct a studio apartment on the ground floor instead of the approved retail space.
- Jose Carballo, Registered Architect, of JCA Architectural Group, 171 Main Street, Hackensack, N.J. was sworn in on behalf of the applicant. Mr. Carballo reported that he was the original architect on the approved plans, obtained Certificate of Occupancy, and constructed twelve apartment units, currently with tenants. He explained that after the construction was complete, he indicated that the elevator was not constructed at which time, he was not part of the construction management was to meet ADA requirements. Mr. Carballo talked about a number of options in order to meet the ADA requirement that is a stairwell lift, construct a platform from the first floor going up to the second floor, construct exterior elevator or construct a ground floor studio apartment. Mr. Carballo addressed sheet A2 of the plans and said that the applicant is proposing a first floor studio apartment.
- Gabe Bailer, Licensed Professional Planner, of Landmark Developers, 675 Garfield Avenue, Jersey City N.J. was sworn in on behalf of the applicant. Mr. Bailer presented Exhibits A1 depicting certificate of occupancy for the twelve (12) residential apartments; Exhibit A2 depicting the existing conditions; Exhibit A3 depicting a google map of the area; Existing A4 and A5 depicting proposed ground floor apartment. He reported that the contractor was no longer with the company after this error.
- The Board, Board Attorney Vignuolo, Planning Director Nierstedt and Mr. Bailer addressed the city's Planning report dated December 2, 2016 discussing parking regulations, design standards, loading, refuge, buffering and screening, windows facing the alleyway, laundry facilities/HVAC units. Mr. Bailer responded to questions and/or comments in regards to parking requirements and that the applicant will provide for parking permits, loading, refuge, buffering and screening, windows will open out, and the applicant will provide for washer and dryer hook-ups as well as washer and dryers as stipulated in the original approvals.
- Public comment: Ms. Nancy Piwowar, of 1129 Myrtle Avenue made a comment in regards to provision of safety type windows. After there being no further public comments, the public portion for comments was closed.
- Board Member Burgwinkle expressed concern that the negative criteria outweigh the positive criteria and that the applicant's should build according to board approved plans; Board Member Graham made comment that he is not in favor of a studio on the first floor inclined to deny application; Board Member Jordan made comment no issue; Board Member Spear expressed concern that the applicant should take responsibility for their oversight; Board Member Gerald made comment that a more of a win win situation with all development and setting a higher standards; Vice Chairman Ruiz made comment that the location is adequate for an apartment, but the plans need to build according to board approvals; Chairman Belin made comment from a professional all project and manage development should go according to plan and that he is insulted that the applicant testified on the error of their contractor. In his opinion it is a detriment to the tenant on the first floor.

- After there being no further comments, Chairman Belin entertained a motion to approve or deny this application. On a motion by Board Member Graham and seconded by Chairman Belin, the board voted as follows to deny this application.

Belin	Graham
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Two in Favor. Five opposed. (Burgwinkle, Ruiz, Jordan, Spear, Gerald) None Abstained.

- Chairman Belin entertained a motion to approve this application. On a motion by Vice Chairman Ruiz and seconded by Board Member Burgwinkle, the board voted as follows granting approval for a studio apartment on the first floor with conditions.

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

3)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2017-10	NJ Conference of Seventh Day Adventists, Inc.	700-712 West Third Street / 214-216 Spooner Avenue (Corner Lot)	113	14.01	R-4 Moderate Density Residential Zone

- Board Attorney Vignuolo advised the board that he has reviewed the affidavit of mailings and publication of notice and that the board has jurisdiction to hear this application.
- Board Member Gerald reported as a member of the seventh day Adventist and have visited the church several times, therefore she recused herself from this application.
- Matthew Bach, Esq., of 1566 Route 130, North Brunswick, NJ 08902 represented on behalf of the applicant. Mr. Bach explained that the applicant is requesting preliminary and final site plan approval to construct a parking lot for 15 parking spaces accessory to a house of worship. The application is seeking use variance, lot coverage, supplemental zone variances and design waivers.
- David Fantina, Professional Engineer, of 15 Sunset Drive, Bernardsville, New Jersey was sworn in to provide testimony on behalf of the application as a Licensed Professional Engineer.
- David Karlebach, Professional Planner, of 38 East Springfield Avenue, Ridgewood New Jersey was sworn in to provide testimony on behalf of the application as a Licensed Professional Planner.
- Board Attorney Vignuolo asked if the Professional appeared before boards and qualified as an experts and if credentials detrimentally effected. Mr. Fantina and Mr. Karlebach both replied has appeared previously before this board and credentials have not been detrimentally effected. Board accepted both the qualifications of the experts.
- Mr. Fantina explained that the proposal include a parking lot for 15 parking spaces for the church, the entrance and exit is one-way in and one-way out, proposing landscaping, board on board fence, a security fence, driveway and curb cut reduced and reduced lot coverage. He addressed the City Planner's report dated June 28, 2017 in regards to the supplementary zoning regulations.
- Mr. Karlebach explained that the applicant is seeking a use variance to construct a parking lot accessory to a house of worship which is not permitted in the R-4 moderate density zone, pre-existing nonconforming use, houses of worship is an inherently beneficial use, stated case law Sica vs. Wall Township, no proposed increase in building area, no change in hours of operations, no increase in refuse, providing additional parking will enhance the benefit for community services provided by the church and concluded that the additional parking will aid the church and the detriment is a fully functional house of worship with no parking.
- After there being no further professional testimony, Chairman Belin opened the meeting for public questions and/or comments. Ms. Nancy Piwowar, of 1129 Myrtle Avenue asked how long church has been there. The applicant replied since 2006. Ms. Piwowar made comment that she

appreciate the improvements, specifically in the fourth ward and that it is not a stand-alone or store front church. After there being no further public comments, the public portion of the hearing was closed.

- Board Members made comment that the parking is a benefit and it is a great improvement from a property that has been vacant and dumped on for many years.
- Board Attorney Vignuolo advised the applicant and the board that this is a use variance application which requires five affirmative votes. He advised the applicant they can continue with the six board members and/or carry this application for the board to have seven members or they may continue for a vote. The applicant replied they are willing to continue for a vote.
- Chairman Belin entertained a motion. On a motion by Vice Chairman Ruiz and seconded by Board Member Burgwinkle, the board voted as follows granting site plan approval to construct a parking lot for 15 parking spaces accessory to a one-story house of worship subject to conditions.

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

**IX. OLD BUSINESS - none**

**X. NEW BUSINESS – none**

**XI. ADJOURNMENT** – There being no further business, the meeting adjourned on a motion by Board Member Graham and seconded by Board Member Jordan at 10:37 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.