



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

REORGANIZATION MEETING MINUTES

DATE: WEDNESDAY JANUARY 18, 2017
TIME: 7:00 P.M.
LOCATION: PLAINFIELD CITY HALL LIBRARY
515 WATCHUNG AVENUE, PLAINFIELD N.J. 07060
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I. CALL TO ORDER – Director of Planning Division Bill Nierstedt called the meeting to order at 7:04 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												12/31/2018 (4 year term)
Alejandro "Alex" Ruiz, Vice Chairman	P												12/31/2020 (4 year term)
Mary Burgwinkle	P												12/31/2020 (4 year term)
Robert Graham	P												12/31/2019 (4 year term)
Nancy Jordan	P												12/31/2017 (4 year term)
Jim Spear	-												12/31/2020 (4 year term)
Rich Sudol	P												12/31/2018 (4 year term)
VACANCY, Alternate No.1	V												12/31/2016 (2 year term)
VACANCY, Alternate No.2	V												12/31/2015 (2 year term)
Attendance Total	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. EXECUTIVE SESSION – Personal Matters

VI. REORGANIZATION

1) Election of a Chairperson – Director of Planning Division Bill Nierstedt asked the board for nominations for the position of Board Chairperson. Nominations are made by Board Member Robert Graham, seconded by Board Member Mary Burgwinkle to elect Board Member Scott Belin. Hearing no further nominations offered Planning Director Nierstedt closed the nominations for Chairperson. A motion was made by Board Member Graham and seconded by Board Member Burgwinkle to elect Board Member Scott Belin as Chairman for the Zoning Board of Adjustment Chairman for the year 2017. All in Favor. None Opposed. None Abstained. Chairman Belin thanked the board for their continued support.

2) Election of a Vice Chairperson – Chairman Belin asked the board for nominations for the position of Board Vice Chairperson. Nominations are made by Board Member Graham, seconded by Board Member Burgwinkle to elect Board Member Alex Ruiz. Hearing no further nominations offered Chairman Belin closed the nominations for Vice Chairperson. A motion was made by Board Member Graham and seconded by Board Member Burgwinkle to elect Board Member Alex Ruiz as Vice Chairman for the Zoning Board of Adjustment for the year 2017. All in Favor. None Opposed. None Abstained. Vice Chairman Ruiz thanked the board for their continued support.

3) Appointment of Board Attorney - Chairman Belin asked the board for nominations for the position of the Zoning Board of Adjustment Attorney. Nominations are made by Board Member Burgwinkle, seconded by Vice Chairman Ruiz to appoint Peter A. Vignuolo, Esq. of Clarkin and Vignuolo, P.C., Piscataway New Jersey as the Attorney for the Zoning Board of Adjustment. Hearing no further nominations offered Chairman Belin closed the nominations for the position of Board Attorney. A motion was made by Board Member Burgwinkle and seconded by Vice Chairman Ruiz to appoint Peter A. Vignuolo as the Zoning Board of Adjustment Attorney from January 1, 2017 through December 31, 2017 not to exceed the amount provided in the budget of the Board unless authorized by resolution of the Board. All in Favor. None Opposed. None Abstained. Board Attorney Vignuolo thanked the board for their continued support.

4) Appointment of Board Engineer - Chairman Belin asked the board for nominations for the position of the Zoning Board of Adjustment Engineer. Nominations are made by Board Member Burgwinkle, seconded by Vice Chairman Ruiz to appoint Pennoni Associates Inc., of Newark New Jersey as Board Engineer. Hearing no further nominations offered Chairman Belin closed the nominations for the position of Board Engineer. A motion was made by Board Member Burgwinkle and seconded by Vice Chairman Ruiz to appoint Pennoni Associates as the Zoning Board of Adjustment Engineer from January 1, 2017 through December 31, 2017 not to exceed the amount provided in the budget of the Board unless authorized by resolution of the Board. All in Favor. None Opposed. None Abstained.

5) Appointment of Board Secretary-Chairman Belin asked the board for nominations for the position of the Zoning Board of Adjustment Secretary. Nominations are made by Board Member Burgwinkle, seconded by Vice Chairman Ruiz to appoint Rosalind Miller as Board Secretary. Hearing no further nominations offered Chairman Belin closed the nominations for the position of Board Secretary. A motion was made by Board Member Burgwinkle and seconded by Vice Chairman Ruiz to appoint Rosalind Miller from January 1, 2017 through December 31, 2017 not to exceed the amount provided in the budget of the Board unless authorized by resolution of the Board. All in Favor. None Opposed. None Abstained. Board Secretary Miller thanked the board for their continued support.

6) Designation of the Official Newspaper of the Board - The Board resolved that the Courier-News be designated as the official newspaper of the Board for the publication of official notices and the Star Ledger as the second official newspaper to receive the annual schedule for the purpose of the Open Public Meetings Act. All in favor. None opposed. None abstained.

7) Adoption of Procedures, Forms and Bylaws- the Board resolved to adopt the procedures, forms and by-laws for the year 2016. All in favor. None opposed. None abstained.

VII. 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.

VIII. MINUTES - none

IX. RESOLUTION (MEMORIALIZATION(S))

1)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-35	New Cingular Wireless PCS LLC	908 -924 North Avenue	344	1	TODN/TSC District Zone

➤ Chairman Belin asked if there were any questions and/or comments regarding the resolution. Board Attorney Vignuolo advised the board that shortly after the December meeting he was provided a copy of a letter from the applicant to the property owner indicating the site is to be cleaned-up in accordance to the resolution. After there being no further comment, Chairman Belin entertained a motion to memorialize the resolution with the condition to clean up the site. On a motion by Board Member Burgwinkle and seconded by Board Member Graham, the board voted as follows granting an interpretation from zoning and site plan reviews to replace six (6) existing antennas on the monopole, add a surge suppression dome at 88 feet and three (3) additional remote radio head units indicating no ground disturbance with conditions.

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

X. 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					

- The applicant is proposing 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 Secretary Miller read in for the record a letter dated January 11, 2017 from the applicant's attorney Francine A Gargano, Esq. requesting that the application be carried to February 1, 2017 board meeting. Board Attorney Vignuolo advised the board that the applicant is required to provide proper notices at which time he has not received, unless the applicant has renotices for the February 1, 2017 board meeting date at which time he has not received those notices.

2)

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
1/18/2017 carried; 2/1/2017					

- The applicant is proposing a laundromat consisting of 32 washers and 18 dryers on the first floor retail space. Board Secretary Miller read in for the record a letter dated January 5, 2017 from the applicant's attorney John J. Sullivan, Esq. requesting that the application be carried to February 1, 2017 board meeting. The Board carried this application to the February 1, 2017 meeting at which time Board Attorney Vignuolo announced that there will be no further notice required.

3)

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					

- The applicant is requesting amendment to final site plan approval for retail space on the first floor and twelve (12) apartments on the upper floors. The applicant is seeking to construct a studio apartment on the ground floor. Board Secretary Miller read in for the record a letter dated January 17, 2017 from the applicant's attorney Jay B. Bohn, Esq. requesting that the application be carried to February 1, 2017 meeting at which time Board Attorney Vignuolo announced that there will be no further notice required.

4)

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

- Board Attorney Vignuolo advised that the board has jurisdiction to hear this application.
- Wayne Menz, Esq., of Menz and Luxenberg, 3176 Route 27, Kendall Park, New Jersey represented on behalf of the applicant. Mr. Menz explained that the applicant is requesting that the expansion of the driveway remain at the single family dwelling.
- Property Owner Christina Kumar was sworn in to provide testimony on behalf of the application. Ms. Kumar said that one of the reasons they purchased the house was because of the wide driveway for two cars and they can turn around and face forward to pull out of the driveway. She said that there is no parking on Rock Avenue and when family comes over they have to park far away. She responded to questions about the existing six foot height fence that is next to her driveway and if it was on her property. She replied no.
- The Board, Board Attorney Vignuolo and Planning Director Nierstedt addressed the city Planner's report dated November 30, 2016. There was discussion about the width of the driveway, the neighboring fence that appears to be installed without a fence permit on her property and the pavement shown up to the property line and foundation of the garage and the walkway.
- After review of the city official report and the photos, the board considered a hardship to the property owner a safety issue. They made recommendation that a violation notice is to be sent to the next door neighbor to remove the six foot height fence, the applicant is to remove two feet of pavement after the removal of the neighbors six foot height fence and add 2 foot of pavers alongside of the walkway for aesthetics. The work is to be completed by November 30, 2017. There being no further discussion from the board, Chairman Belin opened the meeting for public questions and/or comments. Hearing none, the public portion of the hearing was closed. A motion was entertained by Vice Chairman Ruiz and seconded by Board Member Jordan, the board voted as follows granting to reduce the expansion of a driveway at a single-family dwelling and relief from supplementary zoning regulations in the city land use ordinance § 17:9-42.P as stipulated.

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

5)

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

- Board Attorney Vignuolo advised that the board has jurisdiction to hear this application.
- Richard Cohen, Esq., of Schiller & Pittenger, P.C., 1771 Front Street, Scotch Plains New Jersey represented on behalf of the applicant. Mr. Cohen explained that the applicant is seeking relief from the NC Neighborhood Commercial Zone District sign regulations to install three signs; a roof sign, a wall sign and a ground sign that does not meet the size, height, illumination and setback sign requirements. In addition to

new signage the applicant is proposing an outdoor dining area, a handicap accessible parking space, screening existing refuse/recycling dumpster, some landscaping and fencing.

- Property Owner Donna Albanese-DeMair, of 5 Pittingway Road, Scotch Plains, New Jersey was sworn in to provide testimony on behalf of the application. Ms. DeMair testified briefly on the history of a family owned Dairy Queen business since 1975 and how the building is setback 100 feet from the roadway. She talked about the vacant lot next door which formerly sold plants. She reported that the vacant property recently received approval to be developed with retail and apartments that abuts her property line. In addition, with the building setback by 100 feet and the new coffee box business, drivers are unable to see both businesses. She reported that the existing sign is a pole type with the Dairy Queen logo and she is requesting a ground sign to include the Coffee box shop sign added to it with LED lighting. She reported that there are certain sign specifications used by the Dairy Queen franchise.
- Jeff Spelman, of 1159 Gresham Road, Plainfield New Jersey was sworn in to provide testimony on behalf of the application. Mr. Spelman said that he is the business owner of the "Coffee Box" same building next to the Dairy Queen. Mr. Spelman talked about the type of sign for his business indicating smaller individual letters "Coffee Box" proposing indirect lighting.
- The board addressed the city planner's report dated January 4, 2017 regarding the roof sign, wall sign and ground sign/reader board, outdoor dining area for both the Dairy Queen and the Coffee Box, chain-link fence, refuse/recycling area and shade trees/landscaping. There was discussion about the height, width dimensions of permitted signs with reader boards in the NC Neighborhood Commercial zone. Mr. Sullivan presented Exhibit A1 depicting a ground sign. Ms. DeMair said that the chain link fence belong to the proposed development, but willing to install a new fence.
- Albert Anikwe, Registered Architect, of 341 Watson Avenue, Plainfield, New Jersey was sworn in to provide testimony on behalf of the application. Mr. Anikwe addressed the refuse/recycling and indicated that the dumpster has been moved close to the rear screened in by a wood fence and easily accessed. City Planner Nierstedt made comment that the dumpster is on macadam, but is required to be on concrete padding. There was discussion regarding street trees, but planting in the right-of-way but not enough room for it.
- After hearing no further testimony from the licensed professionals, the meeting was opened for public comment, statements and/or questions. Nancy Piwowar, of 1129 Myrtle Avenue made a statement regarding dumpsters that are half on or half off concrete padding.
- The Board made comment in support of the roof sign because it will offset the Dairy Queen ground sign and logo, appreciative in community improvement, willingness to work with the board giving the one year time frame to complete the work. Hearing no further comments, Chairman Scott Bey entertained a motion. On a motion by Board Member Burgwinkle and seconded by Vice Chairman Ruiz, the board voted as follows granting relief from the NC Neighborhood Commercial Zone District sign regulations to reduce the dimensions of a roof sign, a wall sign and a ground sign that did not meet the size, height, illumination and setback sign requirements with conditions

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

XI. OLD BUSINESS - none

XII. NEW BUSINESS

1. **Review and adoption of the board's 2015 annual meeting schedule** – The board reviewed the 2017 calendar dates for the first Wednesday of the month. The board had some discussion to amend the July 5, 2017 date to July 12, 2017 second Wednesday in the month of July. There being no further discussion, Chairman Belin entertained a motion to adopt the 2017 annual meeting schedule of the board. On a motion by Board Member Burgwinkle and seconded by Board Member Sudol, the board adopted the 2017 annual meeting schedule as amended to be posted in both the Courier News and the Star Ledger newspapers. All eight board members are in favor. None opposed. None abstained.

XIII. ADJOURNMENT – There being no further business, the meeting adjourned on a motion by Board Member Graham and seconded by Vice Chairman Ruiz at 10:03 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