



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

MEETING MINUTES
WEDNESDAY MAY 6, 2015 AT 7:00 P.M.
PLAINFIELD CITY HALL LIBRARY
515 WATCHUNG AVENUE, PLAINFIELD N.J. 07060

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I. **CALL TO ORDER** – Chairman Belin called the meeting to order at 7:11 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 22	Feb 4	Mar 4	Apr 1	May 6	Jun 3	Jul 1	Aug 5	Sep 2	Oct 7	Nov 4	Dec 2	Term of Office
D. Scott Belin Chairman	P	P	--	P	P								12/31/2018 (4 year term)
Alejandro "Alex" Ruiz Vice Chairman	-	P	--	P	-								12/31/2016 (4 year term)
Mary Burgwinkle	P	P	--	P	P								12/31/2016 (4 year term)
Frank Johnson	P	P	--	-	-								12/31/2015 (4 year term)
Charles McRae	P	P	--	P	P								12/31/2017 (4 year term)
Jim Spear	P	P	--	P	P								12/31/2016 (4 year term)
Rich Sudol	P	P	--	P	P								12/31/2018 (4 year term)
Robert K. Graham Alternate No.1	P	P	--	P	P								12/31/2016 (2 year term)
Lana Carden, Alternate No.2	V	V	V	V	P								12/31/2015 (2 year term)
Attendance Total	7	8	--	7	7								

Ledger: Present (P); Absent (A); Meeting Cancellation; (--); Vacancy (V);

IV. OTHERS IN ATTENDANCE

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

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS – Chairman Belin opened the meeting for public comments and/or statements on items that are not on the agenda and limited 2 minutes maximum per comments/statements. Hearing none, the public comments on non-agenda items was closed.

VI. MINUTES – none

VII. RESOLUTION (MEMORIALIZATION(S)) - none

VIII. DEVELOPMENT APPLICATION(S)

1.

ZBA-15-04	Dimitris Pierce & Kesi Diaz	827 Third Place	829	14	R-CA Crescent Area Historic Zone District
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- Board Attorney Vignuolo advised the board that the applicant provided improper public notice, therefore the board does not have jurisdiction to carry this application. The Board acknowledged the improper notice and upon receipt of the applicant providing proper notice this applicant can be rescheduled. There was no further discussion.

2.

ZBA-2015-01	H&S Fuel Inc., c/o Ramon & Jill Adoni	1100 South Avenue	623	1	TODN-TSC/Train Side Commercial Zone District
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- The Planning Division office was in receipt of a letter dated April 28, 2015 requesting adjournment. The Board carried this application to the June 3, 2015 board meeting.

3.

ZBA-13-11	M & W Towing Services, LLC	413-421 West Second Street / 201-205 New Street (corner lot)	243	1	MU Mixed Use Zone District
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- Board Attorney Vignuolo advised the board that the applicant requested adjournment to the June 3, 2015 meeting. The Board carried this application to June 3, 2015 with no further notice required.

4.

ZBA-2015-07	Otis Coney	710-716 Belvidere	903	2	R-NH Netherwood
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		Avenue			Heights Historic Zone District
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- The Board carried this application to June 3, 2015 meeting until further notice from the applicant's attorney.

5.

ZBA-2015-05	Diana McCague	55 Laramie Road	730	10	R-3 Low/Moderate Residential Density Zone District
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- Board Attorney Vignuolo advised the board that he has reviewed the notice of affidavit and mailings of publication and find them to be in order.
- Property Owner Diana McCague was sworn in to provide testimony on behalf of the application. Ms. McCague said that she purchased the house as a fix up, but she is now disabled and on a fixed income, therefore unable to have the funds to rebuild a new garage. She reported that she does not need a garage. She said her car is parked on the street.
- Andrea Blythe, of 11 Wellesley Road, Maplewood New Jersey was sworn in to provide testimony on behalf of the application. Ms. Blythe said that there was a garage, but it became an eyesore.
- The board asked about parking car on the street and if there is a driveway, existing slab of former garage and if a demolition permit was obtained. Ms. McCague responded to the demolition permit saying she did not know she needed a demolition permit.
- Public Comment – Laura Johnson, of 1249 Cameron Avenue reported that that property was in foreclosure for a long time, the garage was deteriorating and animals started to live in it. Kim Duhart, of 51 Laramie Road, said her mother lives next door and reported ponding and rodents/possums it's unsafe. Victoria Taylor, of 57 Laramie Road said that many of the property owners do not have a garage anymore on Laramie Road and 55 Laramie was one of the few garages that became an eyesore in the neighborhood. Ms. Taylor suggested a shed to be put up. Leslie Uslan, of 1075 Field Avenue, reiterated that the applicant and the public said that many property owners do not have or use their garages, therefore why make a property owner replace one. After there being no further public comment and/or statements, the public portion of the meeting was closed.
- City Planner Nierstedt explained the consequences of not adhering to code can set a, extension of time can be granted and an escrow account of \$500.00 can be held with the city until garage is rebuilt.
- The board advised the applicant that the land use ordinance require that a garage should be rebuilt and recommended granting a ten (10) year additional time to build a garage and the posting of a \$250.00 escrow fee to be posted with the city. After hearing no further recommendation from the board, Chairman Belin entertained a motion. On a motion by Board Member Graham and seconded by Board Member McRae, the board denied relief from §17:9-34.E of the City Land Use Ordinance, but granted additional time to construct a new garage with ten (10) years from the date of the resolution in addition escrow fee posted with the city.

Belin	Burgwinkle	McRae	Spear	Sudol	Graham	Carden
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Seven in favor. None opposed. None abstained.

6.

ZBA-14-38	Plainfield Madison	305-323 East Front	323	6.01	TODD/TD Transit District
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	Park, LLC	Street			
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- Lawrence Vastola, Esq., of Vastola, Fackelman & Sullivan, 495 Union Avenue, Middlesex, New Jersey represented the applicant. Mr. Vastola presented Exhibits A1 thru A4 of a rendering indicating elevations, a document on age restriction, a parking bureau report dated 3/26/15 indicating 35 parking spaces available and a sun study analysis for a proposed six-story building.
- Thomas J. Olenik, Licensed Professional Engineer, of Fisk Associates, 631 Union Avenue, Middlesex New Jersey was sworn in to provide testimony on behalf of the application. Mr. Olenik explained that construction of a six-story mixed-use commercial /residential building with 69 parking spaces. The first floor will contain 12,821 square feet of commercial, and the upper five floors will contain 100 age restricted residential apartments for 80 one-bedroom and 20 two-bedroom units. He talked about the proposed use is supported by parking, sewer, water and stormwater improvements, landscaping, lighting, traffic circulation and improve curbs/sidewalks. After hearing no further testimony from the licensed professional engineer, the board opened the hearing for public comment.
- Public comment: Howard Brown, represented on behalf of his mother, of 306 Orange Place said that his mother has lived there for over 30 years. He said her property is behind the proposed project. Her concern is that the building height will affect her garden areas which need the sun. She said this building will block all the sun light from her garden and heating to her home.
- Michael Elliston, of 304 Orange Place expressed concern about the height of the building, privacy in the rear yard of his property and there is already a parking issue in the area.
- The board expressed some concern about the height of the building, density, apartment sizes, quality of apartments and a detriment to the public good. After there being no further concerns of the board, Chairman Belin entertained a motion.
- On a motion by Board Member McRae and seconded by Rich Sudol, the board voted as follows to deny construction of a six-story mixed-use commercial /residential building with 69 parking spaces. The first floor will contain 12,821 square feet of commercial, and the upper five floors will contain 100 age restricted residential apartments for 80 one-bedroom and 20 two-bedroom units as stipulated.

Belin	Burgwinkle	McRae	Sudol
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Four in favor. Two opposed. (Spear, Graham) None abstained.

7.

ZBA-12-14	Edgar Solano, of Solano's Auto Repair	414-418 Madison Avenue	702	6	MU Mixed Use Zone District
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- Board Attorney Vignuolo advised that he has review the notice of services and mailing of publication, the board has jurisdiction. Andrew Wolfenson, Esq., of 2414 Morris Avenue, Union New Jersey. Mr. Wolfenson explained that the applicant is requesting to continue operating an automobile auto repair shop in a MU Mixed Use Zone.
- Karen DaSilva, 2414 Morris Avenue Union New Jersey fluency in Spanish language interpreter
- Property owner Edgar Solano, 1081 Arlington Avenue Plainfield New Jersey was sworn in on behalf of the application. Mr. Solano said that the auto repair business has been there for 12 years.

- Richard Nacamuli, Licensed Professional Engineer, of Nacamuli Associates, LLC, 100 Jefferson Avenue, Elizabeth New Jersey was sworn in to testify on behalf of the application. Mr. Nacamul explained that the applicant is seeking relief from lot coverage to expand an existing non-conforming use by constructing a freestanding canopy in the front of his 1.5 story automobile repair shop that does not comply with city sign ordinance. He talked about buffering, size of canopy, a request for front of chain link fence to remain and landscaping.
- After hearing no further testimony from the licensed professional, the meeting was opened for public comments and/or questions. Hearing none, the public portion of the hearing was closed.
- The board addressed both the City Planners and the Board Engineers reports and discussed drainage. Mr. Nacamuli responded that there is an existing drainage and do not anticipate more water run-off. City Planner Nierstedt explained the variances sought and has removed three of the variance that the applicant will comply with.
- After there being no further testimony, the Board made recommendations to indicate some landscaping on site, satisfy lighting requirements, refuse/recycling locations, remove chain link fence and add aluminum wrought iron type fence, security cameras, installation of an oil/water separator drainage system and a conforming ground sign located in the front of the property. There being no further recommendations, Chairman Belin entertained a motion to approve or deny this application. On a motion by Board Member Burgwinkle and seconded by Board Member Carden, the board voted as follows granting preliminary and final site plan approval to construct a freestanding canopy in front of an existing 1.5 story automobile repair ship with conditions.
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| Belin | Burgwinkle | McRae | Spear | Sudol | Graham | Carden |
|-------|------------|-------|-------|-------|--------|--------|
- Seven in favor. None opposed. None abstained

IX. OLD BUSINESS - none

X. NEW BUSINESS - none

XII. ADJOURNMENT – There being no further business, the meeting adjourned on a motion by Board Member Burgwinkle and seconded by Board Member Spear at 11:07 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.

ZBA meeting.5/6/2015

Phone: (908) 753-3486 * Fax: (908) 226-258 * Website: www.plainfieldnj.gov