



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 AUGUST 5, 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 read the following open public meeting statement:

- II. **OPEN PUBLIC MEETING STATEMENT** - "This meeting has been duly advertised in accordance with the open public meetings act, 10:4-6 et seq. The annual schedule of board meetings has been published in the Courier News and the Star Ledger. In addition, copies of the notice have been posted in the City Clerk and Planning Division offices. 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 23	Aug 5	Sep 2	Oct 7	Nov 4	Dec 2	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					12/31/2016 (4 year term)
Mary Burgwinkle	P	P	--	P	P	P	P	P					12/31/2016 (4 year term)
Frank Johnson	P	P	--	-	-	P	-	P					12/31/2015 (4 year term)
Charles McRae	P	P	--	P	P	P	P	P					12/31/2017 (4 year term)
Jim Spear	P	P	--	P	P	P	P	P					12/31/2016 (4 year term)
Rich Sudol	P	P	--	P	P	P	P	P					12/31/2018 (4 year term)
Robert K. Graham Alternate No.1	P	P	--	P	P	P	P	P					12/31/2016 (2 year term)
Lana Carden, Alternate No.2	V	V	V	V	P	P	P	-					12/31/2015 (2 year term)
Attendance Total	7	8	--	7	7	9	7	8					

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 a maximum of 2 minutes per comments/statements. Hearing none, the public comments on non-agenda items was closed.

VI. MINUTES – On a motion by Board Member Burgwinkle and seconded by Board Member Johnson, the board accepted the meeting minutes of January 22, 2015 reorganization meeting as presented by members eligible to vote. On a motion by Board Member Burgwinkle and seconded by Board Member Graham, the board accepted the meeting minutes February 4, 2015 as presented by members eligible to vote. On a motion by Board Member Burgwinkle and seconded by Board Member Graham, the board accepted the meeting minutes of April 1, 2015 as presented by members eligible to vote.

VII. RESOLUTION (MEMORIALIZATION(S))

1)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-15-04	Dimitris Pierce & Kesi Diaz	827 Third Place	829	14	R-CA Crescent Area Historic District Zone

- Chairman Belin asked the board, if there were any questions/comments in regards to the resolution memorialization. Hearing none, he entertained a motion.
- On a motion by Vice Chairman Ruiz and seconded by Board Member Graham, the board voted as follows granting approval for relief from permitted lot coverage requirements to construct an in-ground swimming pool with patio in the rear yard as stipulated.

Belin	Ruiz	Burgwinkle	Johnson	McRae	Spear	Graham
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Seven in favor. None opposed. None abstained.

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-15-08	Greater Refuge Church Inc. c/o Kelvin Randolph	600 Grant Avenue	552	7	R4 Residential Zone

- Chairman Belin asked the board, if there were any questions/comments in regards to the resolution memorialization. Hearing none, he entertained a motion.
- On a motion by Board Member McRae and seconded by Board Member Spear, the board voted as follows denying a request for relief from bulk requirements to install a LED (Light-emitting diode) sign which uses intermittent electrical pulsation as written.

Belin	McRae	Spear	Sudol
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Four in favor. None opposed. None abstained.

3)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-15-16	Union County College	225 Roosevelt Avenue	307	1.01	TODD/CD Transit Oriented Development Downtown/College District Zone

- Chairman Belin asked the board, if there were any questions/comments in regards to the resolution memorialization. Hearing none, he entertained a motion.
- On a motion by Board Member Johnson and seconded by Board Member Spear, the board voted as follows granting the requesting for relief from bulk requirements to permit a fifty-six (56) square foot sign facing Roosevelt Avenue.

Belin	Ruiz	Burgwinkle	Johnson	McRae	Spear	Sudol
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Seven in favor. None opposed. None abstained.

4)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-08-01	Sumo Urban Renewal Corporation	1024-1034 South Avenue	622	5	R-3 Low/ Moderate Density Residential Zone District

- Chairman Belin asked the board, if there were any questions/comments in regards to the resolution memorialization. Hearing none, he entertained a motion.
- On a motion by Board Member Spear and seconded by Vice Chairman Ruiz, the board voted as follows granting Final Site Plan approval for revised South Avenue elevations as stipulated.

Ruiz	Burgwinkle	Spear	Sudol
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Four in favor. None opposed. None abstained.

5)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-14-31	314-316 Terrill Road, LLC	314-316 Terrill Road	458	40	R-2 Low Density Residential Zone

- Chairman Belin asked the board, if there were any questions/comments in regards to the resolution memorialization. Hearing none, he entertained a motion.
- On a motion by Board Member Burgwinkle and seconded by Vice Chairman Ruiz, the board voted as follows granting approval for relief from R-2 bulk requirements to construct first and second floor additions to a one-family dwelling as stipulated.

Belin	Ruiz	Burgwinkle	Johnson	McRae	Spear	Sudol
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Seven in favor. None opposed. None abstained.

6)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-14-38	Plainfield Madison Park, LLC	305-323 East Front Street	323	6.01	TODD/TD Transit District Zone

- Chairman Belin asked the board, if there were any questions/comments in regards to the resolution memorialization. Hearing none, he entertained a motion.
- On a motion by Board Member Burgwinkle and seconded by Board Member McRae, the board voted as follows denying the request for relief waivers from completeness checklist items, relief from a d (4) "floor area ratio" variance, a d(5) "density" variance, a d(6) "height" variance, relief from bulk requirements, relief from supplementary zone regulations, waivers from design and performance standards, preliminary and final site plan approval for the 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. None opposed. None abstained.

VIII. DEVELOPMENT APPLICATION(S)

1)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-14-19	Jose Mora	1116 West Front Street	221	18	R-4 Moderate Density Residential Zone

- Board Attorney Vignuolo reported that the applicant has requested adjournment upon receipt of proper notice of publication. The applicant is requesting waivers from completeness checklist requirements, a d(2) "expansion of a nonconforming use" variance, a d(5) "increase in permitted density" variance, relief from one (1) R-4 bulk requirement (maximum permitted lot coverage), relief from supplementary zone regulations, waivers from design and performance standards, preliminary and final site plan approval to convert a four-unit residential apartment building to a 6-unit residential apartment building with fifteen (15) on-site parking spaces are proposed. The Board carried this application to the September 2, 2015 board meeting.

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-12-33	109 East 4 th Street, LLC	109 East 4 th Street	840	8	CBD Central Business District

- Board Attorney Vignuolo advised the board that the applicant had not provided public notice, therefore the board does not have jurisdiction to hear this request for relief from zone requirements to construct a parking lot accessory to an existing eight (8) unit

apartment complex. The applicant requested that the application be carried to September 2, 2015 upon receipt of the public notice.

3)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-15-07	Lawrence A. Vastola Vastola, Fackelman & Sullivan	710-716 Belvidere Avenue	903	2	R-NH Netherwood Heights Historic District

- Board Attorney Vignuolo advised the board that the applicant's attorney Lawrence Vastola, Esq. made a request to withdraw this application for waivers from completeness checklist requirements, and relief from six (6) bulk requirements of the R-NH Netherwood Heights Historic District. Also, proposing to construct a 2.5 story single family dwelling on an existing concrete slab. The new single-family dwelling will replace a single-family dwelling that was destroyed by fire.
- On a motion by Vice Chairman Ruiz and seconded by Board Member Burgwinkle, the board voted as follows at the request of the applicant's counsel to construct a 2.5 story single family dwelling on an existing concrete slab. The new single-family dwelling will replace a single-family dwelling that was destroyed by fire.
- to dismiss with prejudice.

Belin	Ruiz	Burgwinkle	Johnson	McRae	Spear	Sudol
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Seven in favor. None opposed. None abstained.

4)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-15-01	H & S Fuel Inc., c/o Ramon & Jill Adoni	1100 South Avenue	623	1	TODN-TSC-Train Side Commercial District Zone

- Board Attorney Vignuolo advised the board that the applicant is requesting adjournment to the next available meeting. The applicant is seeking interpretation of the zoning ordinance to continue an automobile repair facility use. The property is located in the TODN-TSC zone district which does not permit automobile repair facilities. The Board carried this application to the September 2, 2015 board meeting.

5)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-13-08	Carl's Towing	412-414 East Second Street	307	20	East Third Street / Richmond Street Plan for Redevelopment

- Board Attorney Vignuolo advised the board that the applicant had not provided public notice, therefore the board does not have jurisdiction to hear this request for a use variance, relief from bulk requirements, relief from supplementary zoning regulations, waivers from design/performance standards, preliminary and final site plan approval for

an automobile repair, automobile dealership, and automobile towing/storage facility. The Board carried this application to September 2, 2015 upon receipt of the public notice.

6)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-15-22	Queen City Academy Charter School	815 West Seventh Street	533	8	R-4

- Board Attorney Vignuolo advised the board that he reviewed the notices of publication, therefore the board has jurisdiction.
- Vice Chairman Ruiz recused himself from this application.
- Richard Angowski, Esq., of Schwartz Simon Edelstein & Celso, LLC, 100 South Jefferson Road, Whippany New Jersey represented on behalf of the application. Mr. Angowski explained that the applicant is seeking conversion of an existing auditorium and four classrooms in an existing charter school.
- After the board reviewed the checklist waivers of the City Planner's report dated July 31, 2015, the board granted the waivers by general consent.
- Richard P. Scheick, Registered Architect, of Schwartz Simon Edelstein & Celso, LLC, 100 South Jefferson Road, Whippany New Jersey was sworn in on behalf of the application. Mr. Scheick briefly talked about his qualifications as a Licensed Professional Architect for over 20 years and he said he has testified before Planning and Zoning board in various municipalities in New Jersey. The Board accepted Mr. Scheick's expertise as a Licensed Professional Architect. Mr. Scheick presented Exhibit A1 depicting existing footprint will remain same, existing conditions include auditorium, cafeteria, several classrooms, and office area. He talked about the proposal to convert an existing auditorium to include four classrooms, replacing old HVAC unit. Board Members asked about the proposal regarding additional classrooms and questioned that there were no indication of windows and if there will be an increase in parking. Mr. Scheick replied that the proposal does not indicate windows; but that they are replacing old HVAC units and that the additional classrooms have a natural lighting which is sufficient lighting.
- Danielle West, School Director, 815 West Seventh, Plainfield New Jersey was sworn in to provide testimony on behalf of the application. Ms. West responded in regards to no windows the lighting is bright enough for the students, there are other classes in the building you will not realize that there are no windows because the classrooms are bright with light and decorations. Mr. Angowski said that the architect can look into the possibility if there is sufficient lighting for a classroom.
- Tonya Marione, Licensed Professional Planner, of 269F Arrow Street, Jersey City New Jersey was sworn in to provide testimony on behalf of the application. Mrs. Marione explained that the applicant is seeking expansion of the interior building, but the footprint remain the same, schools are inherently beneficial uses and in regards to parking no increase and is sufficient for this site.
- After hearing no further testimony from the professionals, the meeting was opened for public comments. Nancy Piwowar, of 1129 Myrtle Avenue made comment that in the 1950's during the cold war it was necessary to stay away from windows. Ms. Piwowar made comment that the applicant is to be commended on obeying by the board's recommendations alleviating the sign and fence issues. She said that parking/traffic of schools maybe city should look in to the future to alleviate parking issues, one side of the street parking. Carl Boykin, of 815 West Seventh Street, said that he has been teaches for 12 years. He made comment that the school administrator works with the teachers and parents, doing great things at the school. A parent that reside in the area had two

children that attended the charter school and reported that the school administrator assist in directing traffic, school crossing guard and agree that parking and traffic is an issue. Charlene Jones, Business Administrator made comment that the school is commissioned to build up the community and growth in the city. There being no further public comments, the public portion of the meeting was closed.

- The board expressed concern regarding not providing windows, lighting, traffic congestion continues to be a concern in regards to the city's public schools and that the schools in the city it continues to be a concern, but indicated that this is one of the charter schools that remain successful and that the positive criteria outweigh the negative criteria,
- The board made recommendations to indicate some form of windows on the outside wall and revised lighting plans. Board Attorney Vignuolo stated the statute in regards to 45 day notice of approval and that applicant will be at risk if proceeding with improvements prior to board approval.
- There being no further discussion of the board, Chairman Belin entertained a motion. On a motion by Board Member Burgwinkle and seconded by Board Member Graham, the board voted as follows granting the conversion of an existing auditorium and four (4) classrooms in an existing charter school with conditions.

Belin	Burgwinkle	Johnson	McRae	Sudol	Graham
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Six in favor. One opposed. None abstained.

7)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-14-32	Manual and Maria Ruano	530-538 West Front Street	234	7 and 8	R-4 Moderate Density Residential Zone

- Board Attorney Vignuolo advised the board has jurisdiction and that the applicant is seeking no site plan review.
- Thomas Lanza, Esq., of Lanza & Lanza LLP, 2416 Plainfield Avenue, South Plainfield New Jersey represented the applicant. Mr. Lanza explained that the property owners acquired both properties as is to fix up and repair.
- Edward Bogan, Licensed Professional Engineer, of 340 North Avenue, Cranford New Jersey was sworn in on behalf of the application. Mr. Bogan explained that the proposal is for a use variance, bulk variances to permit the conversion of an existing two family dwelling into a three family dwelling, two and three bedroom units on Lot 8, Block 234 and proposing shared parking in the rear. Mr. Bogan presented Exhibit A1 thru A7 of a photo board showing four (4) photos indicating single-family, two-family, three-family and four-family homes in the surrounding area, rendering of the parking area, city tax map sheets indicating other R-4 zone depicting similar patterns. He concluded that the proposal is consistent with the surrounding properties in the neighborhood.
- The Board reviewed the City Planner's report dated July 24, 2015 and talked about consolidate the Lots and concerned about the non-conforming and bifurcating. After there being no further testimony from the professionals and no further discussion from the board, Chairman opened the meeting for public comment and/or questions.
- Charles Page, of 19 Sycamore Avenue reported that his property is behind Mr. Ruano properties. Prior to Mr. Ruano buying the properties he said that it has been a disaster in his backyard. He said since Mr. Ruano purchased the properties he has cleaned it up put a fence. He said he appreciates how Mr. Ruano maintains his properties and in favor

the project. There being no further comment and/or statements from the public, the public portion of the hearing were closed.

- The board made recommendation that the applicant consolidate Lots 7 and 8 permitting two (2) principal structures on a consolidated lot with conditions. After there being no further recommendations and/or discussion, Chairman Belin entertained a motion to approve or deny. On a motion by Vice Chairman Ruiz and seconded by Board Member Spear, the board voted as follows granting the applicant to consolidate Lots 7 and 8 permitting two (2) principal structures as written.

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Belin	Ruiz	Burgwinkle	Johnson	McRae	Spear	Sudol
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Seven 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 Vice Chairman Ruiz and seconded by Board Member McRae 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.