



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 APRIL 6, 2016
TIME: 7:00 P.M.
LOCATION: PLAINFIELD CITY HALL LIBRARY
515 WATCHUNG AVENUE, PLAINFIELD N.J. 07060

I. **CALL TO ORDER** – Chairman 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 20	Mar 2	Apr 6	May 4	Jun 1	Jul 13	Aug 3	Sep 7	Oct 5	Nov 2	Dec 7	Term of Office
D. Scott Belin, Chairman	P	P	P									12/31/2018 (4 year term)
Alejandro "Alex" Ruiz, Vice Chairman	P	P	P									12/31/2016 (4 year term)
Mary Burgwinkle	P	P	P									12/31/2016 (4 year term)
Lana Carden	P	P	P									12/31/2019 (4 year term)
Charles McRae	P	P	P									12/31/2017 (4 year term)
Jim Spear	P	P	P									12/31/2016 (4 year term)
Rich Sudol	P	P	P									12/31/2018 (4 year term)
Robert K. Graham, Alternate No.1	P	P	P									12/31/2016 (2 year term)
VACANCY, Alternate No.2	V	V	V									12/31/2015 (2 year term)
Attendance Total	8	8	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 – none

VII. RESOLUTION (MEMORIALIZATION(S)) - none

VIII. DEVELOPMENT APPLICATION(S)

1)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-01	Mike Eadeh	196 East Front Street	311	1	TODD/CBD Transit Oriented Development Downtown/Central Business District Zone

➤ City Planner Nierstedt reported that the applicant is seeking to apply for the sign and façade program at which time the applicant will comply with the sign regulations and may not need to appear before the board, therefore the board does not have jurisdiction. There was no further discussion regarding this application.

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2015-34	Darren Brown	1340 Highland Avenue	812	4	R-2 Low Density Residential Zone

➤ Board Attorney Vignuolo advised the board that the applicant must provide public notice requirement only, therefore the board does not have jurisdiction. He reported that the applicant retained an attorney and upon receipt of the publication the application can be heard. The Board carried this application to May 4, 2016 upon receipt of the affidavit of publication.

3)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2013-08	Carl's Towing, LLC	412-414 and 416 East Second Street	307	20 and 21	MU Mixed Use Zone

➤ Board Attorney Vignuolo advised that the board has jurisdiction to hear this application.

- Joseph Paparo, Esq., of Hehl & Hehl, 370 Chestnut Street, Union, New Jersey represented on behalf of the applicant. Mr. Paparo explained that the applicant is seeking relief from variances, bulk requirements and supplementary zoning and preliminary and final site plan approval for an automobile towing, automobile dealership and automobile repair facility. The applicant also, acquired Lot 21 proposing 16 on-site parking spaces.
- Property Owner Carl Charles, of 412 East Second Street Plainfield New Jersey was sworn in to provide testimony. Mr. Charles responded to questions regarding the operation of the auto towing business, operated a private towing business for over 10 years, hours of operation are from 9:00 a.m. to 5:00 p.m., have two flatbed towing trucks and keep cars no more than 2 or 3 days, usually same day pick up. He said that he is not a mechanic and he does not intend to hire a mechanic, but would like the opportunity to fix and do minor repairs, sell and junk cars for scrap. He recently acquired property on Lot 21. He talked about previous conditions in regards to an existing oil tank, but has been pumped out, wants it to remain considering an auto repair service in the future. Currently, no employees, but may consider one in the future.
- The board expressed concern in regards to the automobile dealership licensing, number of cars for sale; salvage of car parts, selling tires and if there is an easement in regards to the driveway. Mr. Charles replied that he will not sell tires, but remove car parts for sales and no more than twelve vehicles at a time on the property. Mr. Charles replied that the driveway is his property, but he allows the residents to use driveway.
- Babatunde Adewunmi, Licensed Professional Engineer, Land Surveyor, Planner, of BABS Engineering, 930 Stuyvesant Avenue, Union New Jersey was sworn in to provide testimony on behalf of the application. Mr. Adewunmi explained that the applicant originally submitted site plans for Lot 20, but the applicant acquired Lot 21, therefore resubmitting site to include Lot 21 proposing 16 parking spaces. He stated that he made changes to site plan to include comments after having a TRC meeting. He talked about the existing condition of the towing property, includes a 2-bay garage with a lift, twenty-foot driveway, fence, lighting and that the property is suitable for automobile towing service. He said the property is located in a Mixed Use Zone that does not permit automobile sales or auto repair service. He presented Exhibit A1 depicting a google map of the property, original property survey and photos of the property. He said if approved he will record the consolidation of Lots 20 and 21.
- The Board addressed both the City Planner's report dated March 29, 2016 and Fire Division report regarding the outdoor storage. There was a straw vote in favor of or not in favor of the D3 variances requested at which time majority in favor of all D3 variances with limitations.
- After hearing no further testimony from the professionals, the hearing was opened to the public. Hearing none, the public portion of the hearing was closed.
- Chairman Belin asked if the board had any further comments. The board made recommendations to limit the number of vehicle sales to five, provide screening/buffering from the street to make property more appealing, additional green space, appropriate fencing board-on-board or wrought iron, indicate parking spaces, include one (1) handicap, location of trash/recycling containers and other conditions subject to all city official recommendations.
- After hearing no further testimony and no further discussion, Chairman Belin entertained a motion. On a motion by Board Member Burgwinkle and seconded by Board Member McRae, the board voted as follows granting relief from D3 variances, relief from supplementary zoning regulations, preliminary and final site plan approval for an towing/storage facility, minor automobile repairs and limited automobile sales with conditions.

Belin	Ruiz	Burgwinkle	Carden	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 at 10:00 p.m. on a motion by Vice Chairman Ruiz and seconded by Board Member Spear.

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.painfieldnj.gov