



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 MAY 4, 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 7:06 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	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								12/31/2016 (4 year term)
Lana Carden	P	P	P	P								12/31/2019 (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)
VACANCY, Alternate No.2	V	V	V	V								12/31/2015 (2 year term)
Attendance Total	8	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))

1)

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

- On a motion by Board Member Burgwinkle, seconded by Board Member McRae, the board memorialized this resolution granting preliminary and final site plan approval for a use variance for an automobile repair, automobile dealership, and automobile towing/storage service facility with twelve parking spaces on-site with conditions.

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

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

- Board Attorney Vignuolo advised that the applicant had not provided notice of publication, therefore the board does not have jurisdiction. The board carried this application to June 1, 2016 upon receipt of notice of publication. No further announcement made.

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-05	Genise Joseph	217 Morris Street	127	17	R-4 Moderate Density Residential Zone

- Board Attorney Vignuolo advised the board that the applicant published notice, but had not received publication from the newspaper. He advised the board that the applicant is not required to re-mail notice, but required to provide notice of publication. The board carried this application to June 1, 2016, no further announcement required.

3)

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 that the board has jurisdiction to hear this application.
- Paul Gauer, Esq., of 347 Franklin Street, Bloomfield, New Jersey represented on behalf of the applicant. Mr. Gauer reported that the applicant offered to abutting property owners an interest letter to acquire additional land or sell land, but received no response.
- Property owner Darren Brown, of 705 West Front Street, Plainfield New Jersey was sworn in to provide testimony on behalf of the application. Mr. Brown replied to questions regarding submission of building permits and opined that he was in compliance.
- Geeta Shah, Registered Architect, of 5 Smoke Tree Close, Piscataway New Jersey was sworn in to provide testimony on behalf of the application. Ms. Shah addressed sheet A2 of the first and second floor architectural plan depicting the foyer showing a double staircase, living room, dining room, kitchen, three bedrooms and family room. She talked about the exterior indicating front façade made of brick material and stucco for the sides of the house, location of the driveway to the garage, a turning radius and noted on the plans indicating that a deck to the rear will be later added with filing of the appropriate application.
- Board members noted a difference in the submission of a prior architectural plan and asked if there were similarity of homes in the surrounding neighborhood, the dimension between driveway and the side yard setback from the property line, the elevation of the windows. Ms. Shah said that she did not have the original plan that was submitted and so she presented Exhibit A1 depicting an architectural design plan and Exhibit A2 of a property survey.
- Joseph Schaffer, Licensed Professional Planner, of 44 Hill Street, Kentucky was sworn in to provide testimony on behalf of the application. Mr. Schaffer explained that the applicant is seeking relief from R-2 bulk requirements zone, relief from supplementary zoning regulations to construct a single-family dwelling on an existing undersized vacant lot. Mr. Schaffer addressed the "C"1C variance stating that initially a building permit was issued; the foundation completed and was ready for framing when the work was stopped. He addressed the "C" 1A variance stating the undersized lot width, lot frontage, side yard setback and the narrowness of the lot. He talked about the character of the neighborhood and indicated all of the homes have detached garages in the rear of the property and observed two existing homes that have attached garages facing the front.
- A representative for the builder Gary Owens was sworn in to provide testimony on behalf of the application. Mr. Owens said that plans were submitted to the city, the builder completed excavation and footing inspection.

- The board noted some discrepancies in the drawings, dimensions of the side yard setback, bilcor doors, driveway width, lot coverage and landscaping. City Planner Nierstedt addressed the city report dated February 25, 2016 citing §17:9-45 of the Land Use regarding projected signs relating it to the bilcor door which extends into the side yard setback requirement, revise landscaping plan. The applicant agrees to change the location of the bilcor doors so that a variance will not be required, reduce the width of the driveway, agree to propose shade trees and provide a front walkway.
- The Board asked about the stop work order. Planning Director Nierstedt explained that there was an error made by the Zoning Officer regarding the side yard requirement, issued zoning approval and the building office performed the inspection, but discovered after the foundation was laid issued a stop work order.
- After there being no further discussion of the board, Chairman Belin opened the board meeting to the public.
- Mr. Andrew Hamilton, of 1330 Highland Avenue, Plainfield New Jersey was sworn in to provide testimony regarding the application. Mr. Hamilton made comment in regards to the driveway at which time has been constructed of gravel and is very close to the property line five feet or less. Mr. Richard Cohen, of 1345 Highland Avenue was sworn in to express concern that Ms. Shah did not take note of the zoning regulations, make observation of similar single family design of homes in the neighborhood, and provide adequate dimensions. He said that he objects to the variance of the side yard setback. Mr. Jay Jones, of 1350 Highland Avenue expressed concern about the drainage, foundation less than ten feet and he asked if the city could make the applicant correct and conform. Mrs. Stephanie Jones, of 1350 Highland Avenue said that when she looks out the window from her dining room, the foundation is so close. She said when the trees were removed it became a mess and the plan of the house looks a monstrosity. She said that their house is the smallest on the street. Ms. Pamela Hattem, of 1345 Highland Avenue briefed on the history of the lot and that at one time was one lot and when subdivided that area remained a beautiful wooded area. Mr. Charlie Ferguson, of 1420 Highland Avenue asked about the error made and if the city is responsible to make applicant conform to the zoning laws. Ms. Anne Robinson, of 1330 Highland Avenue made comment of the number of houses on the market and not one offer has been made because of this site. Mrs. Darlene McWilliams, of 1341 Prospect Avenue, also a Licensed Realtor made comment that the applicant is doing a good thing, but not a good thing by making the foundation uncomfortably close to the neighboring property. Mrs. McWilliams reported on the amount of dirt piled there is over an easement that was designed to drain water off the existing property. Ms. Carmencita Pile, of 1440 Highland Avenue made comment that many of the homes are Colonial and Tudor homes. Ms. Pile said the design of the house looks beautiful, but to large in this area and the façade does not fit in the neighborhood. Ms. Ellen Livingstone, of 1401 Prospect Avenue asked about a letter to buy property or sell property. Planning Director Nierstedt stated the land use on undersized substandard lots and that it is a requirement to send notice to property owners to sell or buy lot for conformity, but if there is no interest the applicant can proceed with a variance application and if there is an interest the property owner should reply in writing of the interest. Mr. Anthony Pizzuto, of 1411 Prospect Avenue, addressed the after-the-fact built foundation, the aesthetic and type of home proposed is a disruption in the neighborhood and once built it will be more of a concern for the future of the neighborhood.
- After there being no further comments/statements from the public, the public portion of the hearing was closed.
- Planning Director Nierstedt reported that the city issued a violation to the property owner regarding the soil conversation regulations that will need to be addressed. He made recommendation to direct the applicant to immediately make application to the Somerset Soil Conservation and the city in order to take care of the soil erosion on the property and on adjacent properties.

- After there being no further recommendations, a motion was made to approve or deny this application. On a motion by Board Member Burgwinkle and seconded by Vice Chairman Ruiz, the board voted as follows granting relief from R-2 bulk requirements and relief from supplementary zoning regulations to construct a single-family dwelling on an existing undersized vacant lot with conditions.

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| Belin | Ruiz | Burgwinkle | Carden |
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Four in favor. Three opposed (McRae, Spear, Sudol). None abstained.

IX. OLD BUSINESS - none

X. NEW BUSINESS - none

XI. ADJOURNMENT – There being no further business, the meeting adjourned at 10:37 p.m. on a motion by Vice Chairman Ruiz and seconded by Board Member McRae.

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.