



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 JUNE 1, 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 7:08 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	P							12/31/2018 (4 year term)
Alejandro "Alex" Ruiz, Vice Chairman	P	P	P	P	P							12/31/2016 (4 year term)
Mary Burgwinkle	P	P	P	P	P							12/31/2016 (4 year term)
Lana Carden	P	P	P	P	E							12/31/2019 (4 year term)
Charles McRae	P	P	P	P	E							12/31/2017 (4 year term)
Jim Spear	P	P	P	P	P							12/31/2016 (4 year term)
Rich Sudol	P	P	P	P	P							12/31/2018 (4 year term)
Robert K. Graham, Alternate No.1	P	P	P	P	P							12/31/2016 (2 year term)
VACANCY, Alternate No.2	V	V	V	V	V							12/31/2015 (2 year term)
Attendance Total	8	8	8	8	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. 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 – On a motion by Vice Chairman Ruiz and seconded by Board Member Graham, the board accepted both the meeting minutes of January 20, 2016 reorganization meeting and March 2, 2016 meeting by members eligible to vote has been approved as presented.

VII. RESOLUTION (MEMORIALIZATION(S))

1)

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

- Planning Director Nierstedt reported that the applicant has not submitted certain items the board previously requested. The applicant needs to submit the following documents regarding foundation survey and the soil conservation permit. The board tabled this resolution to the July 13, 2016 upon receipt of requested documents.
- Public Comment: A concerned resident asked if the resolution could pass so that the applicant could somehow proceed. She expressed concern as a property owner that she is trying to sell property.

VIII. DEVELOPMENT APPLICATION(S)

1)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2012-28	HOPES Community Action Partnership, Inc.	1201-1223 East Seventh Street 517-535 Leland Avenue	625	84	R-3 Low Moderate Density Residential Zone

- Board Attorney Vignuolo advised the board that the applicant is seeking an extension of preliminary site plan approval. He stated the statute regarding the permit extension act on extended preliminary site plan approvals and that the extension period ended 12/31/15 and all approvals were extended to June 30, 2016 which protects the applicant to move forward on the application.
- Brian Scharzt, Esq., representative on behalf of Daniel Bernstein, Esq., of Bernstein & Hoffman, 2253 South Avenue, Scotch Plains, New Jersey represented on behalf of the applicant. Mr. Scharzt explained that it has taken an extended period of time to obtain financing at which time is contingent upon the granting of this extension. After there being no further discussion, a motion was entertained. On a motion by Vice Chairman

Ruiz and seconded by Board Member Spear, the board voted as follows granting a one (1) extension of time from the date of the resolution as written.



Belin	Ruiz	Burgwinkle	Spear	Sudol	Graham
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Six in favor. None opposed. None abstained.

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2014-32	Manuel & Maria Ruano	530-534 & 536-538 West Front Street	234	7 & 8	R-4 Moderate Density Residential Zone

- Board Attorney Vignuolo advised that the board has jurisdiction to hear this application.
- Thomas Lanza, Esq., of Lanza & Lanza, 2416 Plainfield Avenue, South Plainfield New Jersey represented on behalf of the applicant. Mr. Lanza explained that the applicant previously received a use variance approval and now the applicant is proposing to construct a shared parking lot.
- Edward Bogan, Licensed Professional Engineer and Professional Planner, of Grotto Engineering Associates, LLC, 340 North Avenue, Cranford New Jersey has remained under oath as previously as a licensed professional engineer and planner on behalf of this application. Mr. Bogan explained that the applicant is requesting preliminary and final site plan approval, relief from impervious lot coverage bulk requirement, relief from supplementary zoning regulations, waivers from site plan design and performance standards to convert a two-family dwelling into a three-family apartment on Lot 8 and construct a shared parking lot with adjacent Lot 7 which contains a two-family dwelling. He said there existing three (3) parking spaces. They are proposing ten (10) parking spaces.
- The board addressed the City Planner's report dated April 18, 2016. There was some discussion in regards to impervious coverage, proposed number of parking spaces and handling of trash/recycling containers. Mr. Bogan replied in regards to the impervious coverage will be decreased, the proposed number of parking spaces is ten (10) and trash/recycling will be located in the rear to be brought to the front during time of garbage pick-up.
- Property Owner Manuel Ruano explained in regards to impervious coverage said if he removes the concrete portion then the water will go into his basement so he asked if concrete could stay. Mr. Bogan explained that a seepage pit area is proposed with an over flow pipe. He replied that there will be a decrease in the depth of the parking spaces. He addressed the Board Engineer's report dated May 2, 2016 in regards to curbing and bollards. He said that the applicant is concern about the expense of providing curbing and/or bollards. After there being no further discussion, the board made recommendations to provide revised site plans to indicate a landscaping plan subject to the Shade Tree Commission report, street tree plantings, relocate a six-foot height fence on the property owner's side, provide parking lot screening and provide storage space.
- After there being no further testimony from the professionals, the meeting was opened for public questions and/or comments.
- Genise Joseph, of 217 Morris Street, Plainfield New Jersey stated that she frequently travels West Front Street and that it is always congested. Ms. Joseph asked if the ten (1) parking space may control some of the congestion.
- The applicant's son Ronald Ruano concur with Ms. Joseph's statement and added if honest people comply with the rules of regulation and bring attention to others that are not following the rules the street will not be congested.

- After hearing no further statements and/or comments, the public portion of the hearing was closed.
- Chairman Belin asked if the board have any further comments. The board commends the applicant for complying with the zoning regulations and consideration to the parking issues by providing adequate parking spaces. Board members recall in regards to the prior application on a neighbor that supported the application and the comment was made that the property is well maintained and that this application could serve as a model to encourage others to comply and make their properties attractive. After there being no further comments from the board, Chairman Belin entertained a motion. On a motion by Vice Chairman Ruiz and seconded by Board Member Sudol, the board voted as follows granting preliminary and final site plan approval, relief from impervious lot coverage, bulk requirement, relief from supplementary zoning regulations, to construct a shared parking lot with adjacent Lot 7 which contains a two-family dwelling providing ten (10) parking spaces as stipulated.

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Belin	Ruiz	Burgwinkle	Spear	Sudol	Graham
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Six in favor. None opposed. None abstained.

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 that the board has jurisdiction to hear this application.
- The board reviewed the waivers and has accepted them as presented.
- Property Owner Genise Joseph, of 217 Morris Street, Plainfield New Jersey was sworn in to provide testimony on behalf of the application. Ms. Joseph explained that her mother's illness restricts her from going up and down the stairs and so she hired a contractor to do the patio doors and another contractor to install the deck. She assumed that the contractor was going to take care of all permits until she contacted the city for an inspection.
- The board asked about when the deck and the patio were built. Ms. Joseph replied the patio door was installed July 2015 and the second story deck was built October 2015. She reported after the patio door and the deck was built she was waiting for an inspection. She then came to the city inquiring about an inspection and was told that there were no permits taken out, she applied, but was denied by the Zoning Officer. Ms. Joseph is requesting to keep the patio door and the second story deck.
- Planning Director Nierstedt addressed the city ordinance in regards to the purpose of not permitting second story decks because of privacy. He made recommendation to provide screening for the privacy of the neighbors and also subject to the Shade Tree Commission's recommendation in regards to planting one street tree.
- After there being no further testimony from the applicant, the meeting was opened for public comments and/or statements. Hearing none, the public portion of the hearing was closed.
- After there being no further recommendations, the board made comment that it is common for split-level homes widely designed with the kitchen on the second floor in the rear, the deck is not an obnoxious size, a nice improvement and that the applicant willingly provide for screening. After the board having no further recommendations, Chairman Belin entertained a motion.

- On a motion by Vice Chairman Ruiz and seconded by Board Member Graham, the board voted as follows granting relief from § 17:9-44.B of the city and use ordinance to construct an 8' x 20' wooden deck on the second level of the rear elevation to a single-family dwelling with conditions.

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Belin	Ruiz	Burgwinkle	Spear	Sudol	Graham
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Six in favor. None opposed. None abstained.

3)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-06	Mauricio Ramos	515 Grant Avenue	555	26	R-3 Low Moderate Density Residential Zone

- Board Attorney Vignuolo advised that the board has jurisdiction to hear this application.
- Walter D. Ramos, of 515 Grant Avenue, Plainfield New Jersey was sworn in to provide testimony on behalf of the application.
- The board reviewed the waivers and has accepted them as presented.
- Mr. Ramos explained that the second story deck was built in 2006 to a one family home. He said that his parents, brothers and sisters and grandparents live there. The second story deck is used as a rear entrance. Mr. Ramos submitted Exhibits A1, A2 and A3 of recent photos depicting a right, left and front view of the second story deck, Exhibit A4 is a copy of the contract and Exhibit 5 is a copy of an inspection approval.
- The Board asked if standing on the deck can they see into their neighbor's properties. Mr. Ramos replied that they may see a little grassy area of their neighbor, but their property is surrounded by trees and they use the deck for entrance and exit and to take the trash out.
- After there being no further questions, the meeting was open for public questions and/or comments. Hearing none, the public portion of the hearing was closed.
- The Board expressed concern of the number of after-the-fact second story decks, but inclined to accept the hardship of the applicant subject to the privacy of the neighbors by providing screening and subjected to the Shade Tree Commission's recommendation in regards to the type of tree planting.
- After there being no further recommendations, Chairman Belin entertained a motion. On a motion by Vice Chairman Ruiz and seconded by Board Member Sudol, the board voted as follows granting relief from § 17:9-44.B of the city land use ordinance for an 8' x 20' wooden deck on the second level of the rear elevation to a single-family dwelling to remain with conditions.

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Belin	Ruiz	Burgwinkle	Spear	Sudol	Graham
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Six 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 9:38 p.m. on a motion by Board Member Burgwinkle and seconded by Vice Chairman Ruiz.

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