



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 JULY 13, 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	P						12/31/2018 (4 year term)
Alejandro "Alex" Ruiz, Vice Chairman	P	P	P	P	P	P						12/31/2016 (4 year term)
Mary Burgwinkle	P	P	P	P	P	P						12/31/2016 (4 year term)
Lana Carden	P	P	P	P	E	E						12/31/2019 (4 year term)
Charles McRae	P	P	P	P	E	P						12/31/2017 (4 year term)
Jim Spear	P	P	P	P	P	P						12/31/2016 (4 year term)
Rich Sudol	P	P	P	P	P	7:13 p						12/31/2018 (4 year term)
Robert K. Graham, Alternate No.1	P	P	P	P	P	P						12/31/2016 (2 year term)
VACANCY, Alternate No.2	V	V	V	V	V	V						12/31/2015 (2 year term)
Attendance Total	8	8	8	8	6	7						

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 Board Member Burgwinkle and seconded by Board Member Spear, the board accepted the meeting minutes of April 6, 2016 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-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

- Chairman Belin asked if there were any questions and/or comment concerning the resolution. Hearing none, he entertained a motion. On a motion by Board Member Burgwinkle 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.

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Belin	Ruiz	Burgwinkle	Spear	Graham
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Five 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

- Chairman Belin asked if there were any questions and/or comment concerning the resolution. Hearing none, he entertained a motion. On a motion by Board Member Burgwinkle 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.

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

- Chairman Belin asked if there were any questions and/or comment concerning the resolution. Hearing none, he entertained a motion. On a motion by Board Member Burgwinkle and seconded by Board Member Graham, 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 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

- Chairman Belin asked if there were any questions and/or comment concerning the resolution. Hearing none, he entertained a motion. On a motion by Board Member Burgwinkle and seconded by Board Member Graham, 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.

4)

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

- Chairman Belin asked if there were any questions and/or comment concerning the resolution. Planning Director Nierstedt reported that the applicant has submitted as built survey, foundation plan, grading plan and application to the soil conservation, but the condition of the resolution calls for removal of stock pile dirt at which time the applicant is waiting for the approval from the soil conservation commission. After there being no further discussion, Chairman entertained a motion. 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 approvals from the soil conservation condition.



Belin	Ruiz	Burgwinkle
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Three in favor. None opposed. None abstained.

VIII. DEVELOPMENT APPLICATION(S)

1)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2013-20	Queen City Academy	815 West Seventh Street	533	8	R-3 Low/Moderate Density Residential Zone

- Vice Chairman Ruiz recused himself from the application.
- Richard Angowski, Esq., of Schwartz Simon Edelstein & Celso, 100 South Jefferson Road, Whippany New Jersey represented on behalf of the applicant. Mr. Angowski responded to the Planning Division correspondence dated June 10, 2016 in regards to Res judicata, if the application was same as prior. He explained that this is a new application because of playground safety issues regulations. In addition, the applicant is requesting to retain an existing 8 foot high chain link fence which shall be prohibited in front yards in all zone districts, relief from 17:9-29A1 of the Plainfield Land Use Ordinance requirement that front yard fences in residential zones shall not exceed four (4) feet in height.
- Board Attorney Vignuolo stated the statute in regards to res judicata if the prior application is similar or if changes have been made to the application.
- Charlene Jones, Business Administrator, of 815 West Seventh Street, Plainfield New Jersey was sworn in to provide testimony on behalf of the application. Ms. Jones reported that the playground was installed on October 25, 2014 for educational and recreational uses and is open to the community after school hours.
- Danielle West, Director, of Queen City Academy, 815 West Seventh Street, Plainfield New Jersey was sworn in to provide testimony on behalf of the application. Ms. West made comment that she supports the application and that the fence serves as a protection of the children and adults when using the playground and it keeps flying objects from going into travelling vehicles on a busy street. She reported that the school is inspected annually and she has made a request that the eight (8) foot fence remain.
- Martin Bercaw, a Certified Safety Expert, of Safety Down Under, Inc., of 17 Woodlawn Road, Pittstown New Jersey was sworn in to provide testimony on behalf of the application. The board accepted Mr. Bercaw's expertise as a certified Safety Expert. Mr. Bercaw presented Exhibits A1 and A2 depicting playground equipment. He explained that he observed high traffic area and the various playground safety criteria that are regulated for schools. He also commented that the existing eight (8) foot fence is appropriate for the safety of the school.
- After hearing no further testimony from the professionals, the meeting was opened for public comment. Hearing none, the public portion of the meeting was closed.
- After the board reviewed exhibits and hearing no further testimony of the application, Chairman Belin entertained a motion. On a motion by Board Member Burgwinkle and seconded by Board Member McRae, the board voted as follows to determine that the application did not make substantial changes, therefore denying the application as written.



Belin	Burgwinkle	McRae	Spear	Sudol
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Five in favor. None opposed. One abstained (Board Member Graham)

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2015-32	Shiloh Baptist Church	523-527 W. 4 th St. 501-521 W. 4 th St. 408-410 Liberty Street 508-510 W. 5 th St. 530 W. 5 th St. 545-559 W. 4 th St.	772	9, 10.02, 15, 19, 25 and 36.01	R-2 Low Density Residential Zone

- Board Attorney Vignuolo advised that the board has jurisdiction to hear this application.
- Daniel Bernstein, Esq., of Bernstein & Hoffman, P.A., 2253 South Avenue, Scotch Plains New Jersey represented on behalf of the applicant. Mr. Bernstein reported on a 2002 board approval for a use variance and parking requirements for a house of worship. He explained that the applicant is requesting use variances, variances from supplementary zoning regulations, waivers from site plan design and performance standards, preliminary and final site plan approval for the consolidation of Lots 10.02, 15, 19, and 25 into one (1) lot and constructs four (4) parking lots. He submitted exhibits A1 thru A7 depicting a rendering/photographs of the existing conditions of proposed parking lots.
- Patricia Fields, Board of Trustee, of 207 Warrentville Road, Hillsborough New Jersey was sworn in to provide testimony on behalf of the application. She talked briefly about the history of the church and the properties the church has
- acquired. She reported on the one particular site that already has parking on the property which is the Mt. Zion A.M.E. church.
- Mr. Bernstein presented Exhibits A8 and A9 depicting both letters of agreements from Brown and Judkins funeral homes. Ms. Fields indicated that the church members have not had to use the parking lots of any of the funeral homes.
- Besrick Plummer, Licensed Professional Engineer, of 30 Bernard Drive, Ewing New Jersey was sworn in on behalf of the applicant. Mr. Plummer briefly addressed his credentials as a Licensed Professional Engineer. He reported that he has testified before several planning/zoning boards including Maplewood, East Orange. The board accepted Mr. Plummer's credentials as a Licensed Professional Engineer. Mr. Plummer described the surrounding neighborhood consist of residential, apartments, mixed uses and a cemetery. He addressed the existing conditions of the parking lots as partially gravel and asphalt and that the proposal include landscaping, drainage, striping, signage to improve traffic flow and pedestrian safety.
- The board addressed both the Planning Director's report dated June 21, 2016 and the Board Engineer's report dated June 27, 2016 had some discussion of the required parking spaces total 246 vs. the variance on additional parking spaces if property on Plainfield Avenue is to be sold. Mr. Plummer replied that the proposed parking lots to be improved total 125 parking spaces. He indicated that there are 50 or 60 additional parking spaces at the funeral homes. He mentioned that they have not been used as much. Mr. Plummer addressed the lot size and dimension of the parking spaces as indicated in the Planning Director's report, proposed lighting that is shielded, street trees, landscaping as recommended from the city's Shade Tree Commission and the Engineer's concern in regards to stormwater management at which time he indicated the application will meet the DEP standards and meet the city's sidewalk and curbing requirement. The board asked about buffering/screening and type of fencing proposed. Mr. Plummer replied that the existing six-foot height chain link fencing to be removed place with standard type fencing including front yard to be four-foot height. Mr. Plummer agreed to work with the Planning Director to comply with angle parking, fencing, lighting and landscaped areas. Planning Director Nierstedt expressed concern about the flashing signage that was installed without a sign permit and asked if the board can make an determination if sign remain or not. The board determined that sign be removed and comply.

- After hearing no further testimony from the professionals, Chairman opened the meeting for public questions and/or comments. Steve Holmes, a member, deacon and trustee, of 1234 Salem Road, Plainfield New Jersey made comment that he would like to park on asphalt instead of dirt. Deputy City Administrator of Economic Development Carlos Sanchez to bring this application to comply and encouraging more economic development in the area. Mr. Sanchez reported that the Church has opened the doors for the city's Economic and Community Development offices to hold various seminars and workshops. After there being no further public comments, the public portion of the hearing was closed. Chairman Belin asked if the board has any further discussion, hearing none, he entertained a motion. On a motion by Board Member Sudol and seconded by Board Member McRae, the board voted as follows granting use variances, relief from supplementary zoning regulations, preliminary and final site plan approval for consolidation of Lots 10.02, 15, 19 and 25 into one (1) lot and the construction of four (4) parking lots with conditions.

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

3)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-12	1369-1403 South Avenue, LLC	1369-1403 South Avenue	624	12	NC Neighborhood Commercial Zone

- Board Attorney Vignuolo advised that the board has jurisdiction to hear this application.
- Joseph Paparo, Esq., of Hehl & Hehl, P.C., 370 Chestnut Street Union New Jersey represented on behalf of the application. Mr. Paparo explained that the applicant is requesting use variances, relief from bulk requirements, relief from parking requirements, variances from supplementary zoning regulations, waivers from site plan design and performance standards, preliminary and final site plan approval to construct a new 3-story, mixed-use building consisting of 19 apartments and retail space.
- The Board, Board Attorney Vignuolo and Planning Director Nierstedt addressed waivers of the city planning report dated August 29, 2016. The board granted the waivers.
- Maurice Brown, P.E., of 391 Clifton Avenue, Newark New Jersey was sworn in on behalf of the application. Mr. Brown briefly stated his credentials as a licensed professional engineer in the State of New Jersey and New York. He presented exhibit A1 of a photo board depicting location of the property site in the Neighborhood Commercial Zone and the current uses in the surrounding neighborhood. He presented exhibit A2 of a site plan rendering. Mr. Brown talked about square footage, front yard, side yard and rear yard setbacks, proposed 26 total number of parking spaces including one (1) ADA compliant in the rear, access to and from the site, first floor of retail space, lobby area, proposed bicycle racks, storage area, shared parking space for loading/unloading zone, refuse/recycling containers maintained by property management, on-site storm water management, landscaping along the perimeter and fencing. Mr. Brown addressed the Fire Department's report in regards to access to the property, but the applicant has an easement issue with the adjacent property owner which will not allow the applicant access.
- James Guerra, Registered Architect, of 55 Jefferson Avenue, Elizabeth New Jersey was sworn in to provide testimony on behalf of the application. Mr. Guerra addressed the front, side and rear elevations of the building, building material indicating stucco, brick façade, hardi planks, asphalt shingles and six-over-six windows. He addressed the floor plans indicating eight one bedroom apartments, eleven two bedrooms, living room, kitchen, den, balcony, washer/dryers, HVAC on the roof and elevator.

- John McDonough, Licensed Professional Planner, of Parsippany New Jersey was sworn in to provide testimony on behalf of the application. Mr. McDonough said he has testified prior with this board and various municipalities. Mr. McDonough explained that the application requires use variances, relief from d(5) bulk requirements, relief from parking requirements, variances from supplementary zoning regulations, waivers from site plan design and performance standards, preliminary and final site plan approval to construct a new 3-story, mixed-use building consisting of 19 apartments and retail space.
- After hearing no further testimony from the professionals, the meeting was opened for public questions and/or comments.
- Donna Albanese, of the Dairy Queen, 1367 South Avenue, Plainfield New Jersey expressed concern about the parking and that parking will end up parking in the Dairy Queen parking lot. Ms. Albanese reported that down the block there is an Islam Community Center and when they hold events there is no parking. She said the Director of the community center asked if they can use her parking lot when they hold large. She also, reported that there are twenty-two parking spaces for the Dairy Queen and a new coffee shop that will share the twenty-two parking spaces.
- Ron Scott Bey, of 1070 Rose Street, Plainfield New Jersey, expressed concern that the building is too large for the site. He observed trash containers sprawled along South Avenue and in his experience for every two bedroom is two cars.
- Deputy City Administrator for Economic Development Carlos Sanchez made comment on development in the city as it continues to explore new developments, we will continue to hear the same issues. He said the proposal is an opportunity to improve an eyesore, multiple Technical Review Committee (TRC) meetings were held with the applicant which formerly requested 29 apartment units, but the applicant reduced to 19 units. An attempt by the applicant to make this project work is encouraging. He made comment on his travels to Westfield New Jersey and the time it took him to find parking, he did not see it as an issue, he saw it traffic, economic development and the amount of revenue to help resident with the taxes. He said that he encourages the board to consider the project. After there being no further public concerns and/or comments, the public portion of the hearing was closed.
- The board expressed concern that these will be the only apartments are on the north side which will not be consistent, but consistent if on the south side area is considered smart growth development, the building is nice, but car sharing/parking are issues, trash issue specifically in multi-housing areas, the lot is small for the type development proposed, no parking on street from Leland Avenue to Terrill Road, consider agreement with fine fare supermarket which can alleviate some of the parking issues and space is tight almost claustrophobic. After hearing no further concerns of the board, Chairman Belin asked Mr. Paparo for summation.
- Mr. Paparo is requesting to carry this application to address the concerns of the board regarding parking, refuse/recycling plan, unloading/loading, retail vs. residential parking, etc.
- After there being no further testimony and no further concerns of the board this application has been carried to September 7, 2016 with no further notices required.

IX. OLD BUSINESS - none

X. NEW BUSINESS - none

XI. ADJOURNMENT – There being no further business, the meeting adjourned at 12:04 p.m. on a motion by Vice Chairman Ruiz and seconded by Board Member Graham.

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