



**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**  
**REORGANIZATION MINUTES**

**DATE: WEDNESDAY JANUARY 20, 2016**  
**TIME: 7:00 P.M.**  
**LOCATION: PLAINFIELD CITY HALL LIBRARY**  
**515 WATCHUNG AVENUE, PLAINFIELD N.J. 07060**

I. **CALL TO ORDER** – Director of Planning Division Bill Nierstedt 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	Feb 10	Mar 4	Apr 1	May 6	Jun 3	Jul 13	Aug 5	Sep 2	Oct 7	Nov 4	Dec 2	Term of Office
D. Scott Belin, Chairman	P												12/31/2018 (4 year term)
Alejandro "Alex" Ruiz, Vice Chairman	P												12/31/2016 (4 year term)
Mary Burgwinkle	P												12/31/2016 (4 year term)
Lana Carden	P												12/31/2019 (4 year term)
Charles McRae	P												12/31/2017 (4 year term)
Jim Spear	P												12/31/2016 (4 year term)
Rich Sudol	P												12/31/2018 (4 year term)
Robert K. Graham, Alternate No.1	P												12/31/2016 (2 year term)
VACANCY, Alternate No.2	V												12/31/2015 (2 year term)
Attendance Total	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. REORGANIZATION**

1) **Election of a Chairperson** – Director of Planning Division Bill Nierstedt asked the board for nominations for the position of Board Chairperson. Nominations are made by Board Member Burgwinkle, seconded by Board Member Johnson to elect Board Member Scott Belin. Hearing no further nominations offered, Planning Director Nierstedt closed the nominations for Chairperson. A motion was made by Board Member Burgwinkle, seconded by Board Member Johnson and accepted by Chairman elect Belin of the Zoning Board of Adjustment for the year 2016.

Name	Aye	Nay	Abstain	Excused
D. Scott Belin, Chairman	X			
Alejandro "Alex" Ruiz, Vice Chairman	X			
Mary Burgwinkle	X			
Lana Carden	X			
Charles McRae	X			
Jim Spear	X			
Rich Sudol	X			
Robert K. Graham, Alternate No.1	X			
VACANCY, Alternate No.2				

Seven in favor. None opposed. None abstained.

➤ Chairman Belin thanked the board for their continued support.

2) **Election of a Vice Chairperson** – Chairman Belin asked the board for nominations for the position of Board Vice Chairperson. Nominations are made by Board Member Burgwinkle, seconded by Board Member Spear to elect Board Member Alex Ruiz. Hearing no further nominations offered, Chairman Belin closed the nominations for Vice Chairperson. A motion was made by Board Member Burgwinkle, seconded by Board Member Spear. Vice Chairman elect Ruiz of the Zoning Board of Adjustment was not present, as the board voted as follows to nominate Board Member Ruiz as Vice Chairman for the year 2016.

Name	Aye	Nay	Abstain	Excused
D. Scott Belin, Chairman	X			
Alejandro "Alex" Ruiz, Vice Chairman	X			
Mary Burgwinkle	X			
Lana Carden	X			
Charles McRae	X			
Jim Spear	X			
Rich Sudol	X			
Robert K. Graham, Alternate No.1	X			
VACANCY, Alternate No.2				

Eight in favor. None opposed. None abstained.

3) **Appointment of Board Attorney**-Chairman Belin asked the board for nominations for the position of the Zoning Board of Adjustment Attorney. Nominations are made by Board Member Burgwinkle, seconded by Board Member McRae to appoint Peter A. Vignuolo, Esq. of Clarkin and Vignuolo, P.C., Piscataway New Jersey as Board Attorney. Hearing no further nominations offered Chairman Belin closed the nominations for the position of Board Attorney. A motion was made by Board Member Burgwinkle and seconded by Board Member McRae and accepted by Board Attorney Vignuolo for the position as the Zoning Board of Adjustment Attorney from January 1, 2016 through December 31, 2016 and including the first month of the following year not to exceed the amount provided in the budget of the Board unless authorized by resolution of the Board.

Name	Aye	Nay	Abstain	Excused
D. Scott Belin, Chairman	X			
Alejandro "Alex" Ruiz, Vice Chairman	X			
Mary Burgwinkle	X			
Lana Carden	X			
Charles McRae	X			
Jim Spear	X			
Rich Sudol	X			
Robert K. Graham, Alternate No.1	X			
VACANCY, Alternate No.2				

Eight in favor. None opposed. None abstained.

➤ Board Attorney Vignuolo thanked the board and appreciates their support.

4) **Appointment of Board Engineer**-Chairman Belin asked the board for nominations for the position of the Zoning Board of Adjustment Engineer. Nominations are made by Board Member Burgwinkle, seconded by Board Member McRae to appoint H2M Associates of Parsippany New Jersey as Board Engineer. Hearing no further nominations offered Chairman Belin closed the nominations for the position of Board Engineer. A motion was made by Board Member Burgwinkle, seconded by Board Member McRae, the board voted as follows to accept H2M Associates for the position as the Zoning Board of Adjustment Engineer from January 1, 2016 through December 31, 2016 and including the first month of the following year not to exceed the amount provided in the budget of the Board unless authorized by resolution of the Board.

Name	Aye	Nay	Abstain	Excused
D. Scott Belin, Chairman	X			
Alejandro "Alex" Ruiz, Vice Chairman	X-			
Mary Burgwinkle	X			
Lana Carden	X			
Charles McRae	X			
Jim Spear	X			
Rich Sudol	X			
Robert K. Graham, Alternate No.1	X			
VACANCY, Alternate No.2				

Eight in favor. None opposed. None abstained.

5) **Appointment of Board Secretary**-Chairman Belin asked the board for nominations for the position of the Zoning Board of Adjustment Secretary. Nominations are made by Board Member Burgwinkle, seconded by Board Member Spear to appoint Rosalind Miller as Board Secretary. Hearing no further nominations offered, Chairman Belin closed the nominations for the position of Board Secretary. A motion was made by Board Member Burgwinkle, seconded by Board Member Spear and accepted by Board Secretary Miller for the position as the Zoning Board of Adjustment Secretary from January 1, 2016 through December 31, 2016 and including the first

month of the following year not to exceed the amount provided in the budget of the Board unless authorized by resolution of the Board.

Name	Aye	Nay	Abstain	Excused
D. Scott Belin, Chairman	X			
Alejandro "Alex" Ruiz, Vice Chairman	X			
Mary Burgwinkle	X			
Lana Carden	X			
Charles McRae	X			
Jim Spear	X			
Rich Sudol	X			
Robert K. Graham, Alternate No.1	X			
VACANCY, Alternate No.2				

Eight in favor. None opposed. None abstained.

- Board Secretary Miller thanked the board for their continued support.

6) **Designation of the Official Newspaper of the Board** - The Board resolved that the Courier-News be designated as the official newspaper of the Board for the publication of official notices and the Star Ledger as the second official newspaper to receive the annual schedule for the purpose of the Open Public Meetings Act. All Seven Board Members are in favor by general consent. None opposed. None abstained.

7) **Adoption of Procedures, Forms and Bylaws**- the Board resolved to adopt the procedures, forms and by-laws for the year 2016. All Seven Board Members are in favor by general consent. None opposed. No abstentions.

**VI. 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.

**VII. MINUTES** - none

**VIII. RESOLUTION (MEMORIALIZATION(S))**

1)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-12-01	Plainfield South Avenue Center, Inc.	1405-1479 South Avenue	624	13	NC Neighborhood Commercial Zone

- Board Attorney Vignuolo advised the board that the applicant's attorney requested the resolution for a variance relief from signage requirements in the Neighborhood Commercial Zone to be carried to the board's next available board meeting. The board carried this resolution to February 10, 2016 board meeting.

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2014-30	Michael & Sharmain Sylvester	730 West Fourth Street	114	28	R-4 Moderate 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 Board Member Spear, the board voted as follows granting preliminary and final site plan approval waivers from completeness checklist, relief from R-4 zone bulk requirements, and relief from supplementary zoning regulations to convert a vacant warehouse building to a single-family that is a substandard non-conforming lot as written.

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

3)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2015-23	201 Clinton Ave Management LLC	201-215 Clinton Avenue	131	1	NC Neighborhood Commercial 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 Spear, the board voted as follows granting a D2 use variance, relief from supplementary zoning regulations, waivers from site plan performance standards, preliminary, and final site plan approval to construct a 35' x 45', two-story addition to accommodate an oil change facility to an existing one-story car wash as stipulated.

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

4)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2015-26	Dipen R. Patel	351-353 Hill Street	902	2	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 Board Member Spear, the board voted as follows granting preliminary and final site plan approval to construct a new two-family duplex home on a vacant, undersized lot as written.

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

5)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2015-27	639 South Avenue, LLC	639-661 South Avenue	611	2	LI Light Industrial 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 Spear, the board voted as follows granting preliminary and final site plan approval for a D1 use variance, relief from bulk requirements, to convert a vacant industrial building and construct a three-story building to house a new 111,572 square foot self-storage facility with 15 parking spaces.

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

**IX. DEVELOPMENT APPLICATION(s)**

1)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2015-06	Noble Way, Inc.	1437-1439 Park Avenue	25	3	R-3 Low/Moderate Density Residential Zone

- Warren Fink, Esq., of 707 Raritan Avenue, Highland Park, New Jersey represented on behalf of the application. Mr. Fink explained that the preceding hearing the board questioned if other two-family dwellings existed in the surrounding area, certificate of occupancy indicating two-family, marketability and revised floor plans.
- Tarannum "Tara" Rehan, a Licensed Realtor, of Weichert Realtors, 1394 Route 9 South, Old Bridge New Jersey was sworn in to testify on behalf of the application. Ms. Rehan said she has been a Licensed Realtor for eleven years. The board accepted Ms. Rehan's credentials as a Licensed Realtor. Ms. Rehan explained that she market the property as mixed use indicating first floor office and the second floor residential apartment. She reported that there were no inquires for the first floor office and second floor residential unit, but that there were inquires for rental of first and second floor apartment units. She replied to the question in regards to marketing the property as a single family dwelling and stated that the property is large and will not be affordable selling the property as one-family dwelling.
- Board members asked if the property had been listed for a single family. Ms. Rehan replied that she did not list property as a single family because the entrance has a second floor entrance.
- Property Owner Nure Kamal, of 57 Preston Street, Edison New Jersey remains under oath on behalf of the application.
- Kevin Page Licensed Professional Engineer, of Page Engineering Consultants, 5 Powderhorn Drive, Warren New Jersey. Board Attorney Vignuolo credentials have not been detrimental affected as a professional planner. Mr. Page replied no. He remains under oath as previously sworn in on behalf of the application. Mr. Page explained that he is providing additional information and presented Exhibits B1 through B4 of aerial photos from a website "historical aerial" indicating 1979, 1987 and 1995 showing conversion of the property on the South Plainfield township, city tax map pointing out

two (2) properties listed as two-families from the city tax office records and other uses in the surrounding area consist of professional offices, a church and medical offices. After hearing no further testimony from the professionals, the meeting was opened for public questions and/or comments. Hearing none, the public portion of the hearing was - closed.

- The board made comment in regards that the applicant did not make an effort to consider single family dwellings, some members were inclined to support if reduce the density, square footage and reduce to two bedroom units, appropriate as a single family, a single family dwelling will be properly maintained than a two family dwelling and in keeping with the integrity of neighborhood in the R-3 residential zone consisting of single family dwellings.
- After there being no further comments from the board, chairman entertained a motion to approve or deny this application.
- On a motion by Board Member Burgwinkle and seconded by Board Member McRae, the board voted as follows granting of the waivers from checklist requirements, relief from bulk zoning requirements, relief from supplementary zoning regulations use variance, density variance to convert an existing mixed use structure housing a medical office on the first floor and an apartment on the second floor and convert to a two family dwelling as stipulated.

	Burgwinkle	Ruiz	Spear	Graham
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Favor: Four  
 Opposed: Three (Board Member McRae, Board Member Sudol and Chairman Belin)  
 Abstentions: None

- The application has been denied due to the application needed a majority of five (5) affirmative votes for granting approval, therefore the application has been denied to convert an existing mixed use structure housing a medical office on the first floor and an apartment on the second floor and convert to a two family dwelling as stipulated.

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2015-30	Plainfield Gas Realty, LLC	190-198 Terrill Road / 1468-1474 McCrea Place / 1465-1475 East Third Street	451	14	NC Neighborhood Commercial Zone

- Board Attorney Vignuolo advised the board has jurisdiction to hear this application.
- The board addressed Planning Director Nierstedt's planning report dated November 25, 2015 regarding one (1) waiver. There being no questions and/or concerns regarding the waiver, the board granted the waiver by general consent.
- James Turteltaub, Esq., of 25 Vreeland Road, Florham Park New Jersey represented on behalf of the application.
- James E. Henry, Licensed Professional Engineer, of Dynamic Engineering, 1904 Main Street, Lake Como New Jersey was sworn in to provide testimony on behalf of the application. Mr. Henry briefly stated his qualifications as both a licensed professional engineer in the State of New Jersey. Mr. Henry said that the property site is unique, he indicated that it has three (3) front yards, former uses as a garden market and prior gas station, existing condition of the property contains a one-story building, abandon gazebo, broken fence, asphalt pavement, cracked sidewalk/curbing and driveways on both Terrill Road and East Third Street and over grown weeds all in poor condition. He explained that the applicant is requesting preliminary and final site plan approval to



demolish a one-story retail building and construct a Dunkin Donuts restaurant with drive-thru and a Shell gas station with canopy fifteen (15) parking spaces, proposed eight (8) height fence, but the applicant considered to reduce the height six (6) feet removing a variance, proposed lighting LED green technology, landscaping/street trees with evergreen buffering toward the residential side and proposed signage.

- The board had some extensive discussion regarding the signs and is not in favor of pylon type signs, but in favor of monument type signs are more in compliant to the sign code. There was discussion about the hour of operation, the board is not in favor of 24 hour service.
- Nicholas Verderese, Licensed Professional Engineer, of Dynamic Engineering, 1904 Main Street, Lake Como New Jersey was sworn in to provide testimony as a traffic engineer on behalf of the application. Mr. Verderese briefly explained his qualifications as a Licensed Professional Engineer and Institute of transportation of engineers in the state of New Jersey. The board accepted Mr. Verderese qualifications. Mr. Verderese talked about a traffic study for the site between the peak hours morning and evening hours, existing traffic that already travels this roadway and that the site will pull the already existing travelers make a right onto the site and leaving the site back on to the roadway to continue its travel. He reported that the applicant has met the Union County's standards regarding the driveway on the county road, traffic circulation on the site, deliveries take place for the Dunkin Donuts occur in one of the parking spaces prior to activity on the site and location of the dumpster in the rear.
- John McDonough, Licensed Professional Planner, of 101 Gibraltar Drive, Morris Plains New Jersey was sworn in to provide testimony on behalf of the application. Mr. McDonough briefly explained that he is a Licensed Professional in the State of New Jersey and that he has previously testified before this board. The Board accepted Mr. McDonough's credentials. Mr. McDonough explained Exhibits A3 of photographs of the surrounding area, vacant properties, requirement of the statute one use variance, bulk variance, supplementary, positive criteria site suitability, location, commercial corridor, reuse of land and gas and coffee is very popular and reduction in impervious conditions, making the site offer green space and there is no potential detriment to the area.
- After there being no further testimony from the professionals, the meeting was opened for public questions and/or comments. Hearing none, the public portion of the meeting was closed.
- Board members asked about security cameras. Mr. Turteltaub replied that the applicant will provide security cameras around the outside and inside of the site. Board members made comment that the applicant made an cooperative effort to make site attractive, an asset, benefit to the community, provides for a safe community, appreciate the investment to the city, great project and appreciate the willingness, professional provide a good presentation and asked one final question in regards to the timeline. Mr. Turteltaub replied that if all goes well, the applicant is seeking to open by September of 2016.
- After there being no further discussion and/or testimony, Chairman Belin entertained a motion to approve or deny this application. On a motion by Board member Burgwinkle and seconded by Board member Spear, the board voted as follows granting preliminary and final site plan approval to demolish a one-story retail building and construct a Dunkin Donuts restaurant with drive-thru and a Shell gas station with canopy and fifteen (15) parking spaces with conditions.

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



X. **OLD BUSINESS** - none

XI. **NEW BUSINESS**

1. **Review and adoption of the board's 2015 annual meeting schedule** – The board reviewed the 2016 calendar dates for the first Wednesday of the month. The board had some discussion regarding amendments to the month of February and the month of July 2016. The amendments include holding the February and July 2016 meetings to the second Wednesday of those months. There being no further discussion, Chairman Belin entertained a motion to adopt the 2016 annual meeting schedule of the board. On a motion by Board Member Burgwinkle and seconded by Board Member McRae, the board adopted the 2016 annual meeting schedule as amended to be posted in both the Courier News and the Star Ledger newspapers.  
All eight members were in favor. None opposed. None abstained.

XII. **ADJOURNMENT** – There being no further business, the meeting adjourned on a motion by Board Member Graham and seconded by Board Member Johnson at 11:29 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. For further assistance please call (908) 753-3486.