

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
November 28, 2017**

Roll Call:

Present:

Mayor Matthew Anesh
Council President Derryck White
Stephanie Bartfalvi; Alt. 1
Brian Bythell; Alt. 2
Paul Grzenda
Rich Houghton
John Mocharski
Michael Pellegrino
Jack Pedersen; Vice Chairman
Bob Ackerman; Chairman

Absent:

Peter Smith

Also Present: Alex Fisher, Esq.; Donna M. Bullock, PE; Stan Slachetka, PP, AICP

Chairman Ackerman opened the meeting at 7:00 pm saying that this meeting is being held in accordance with the Open Public Meetings Act, by posting a notice to The Observer and The Courier News and providing the same to the Borough Clerk.

It is the policy of the Borough of South Plainfield's Planning Board not to hear any new cases after 10:00 pm and no new witnesses after 10:30 pm.

Minutes: (1) October 24, 2017 Meeting

Chairman Ackerman calls for a motion to *approve* the above listed Minutes. Mr. Mocharski made motion, seconded by Mr. Pellegrino. Those in favor: Mayor Anesh; Miss Bartfalvi; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Mr. Pellegrino and Vice Chairman Pedersen. Opposed: None

Resolutions:

- A. Case #17-04 - Filomeno & Ivana Palma**
Block 364; Lot 8.01, 5, 6; R-10 Zone
805 Lorraine Avenue

Chairman Ackerman calls for a motion to *approve* the above listed Resolution. Mr. Mocharski made motion, seconded by Miss Bartfalvi. Those in favor: Mayor Anesh; Miss Bartfalvi; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Mr. Pellegrino and Vice Chairman Pedersen. Opposed: None

Current Files: None

Informal Hearings:

- A. Case #17-06 - Joseph Risoli & Sandra Erb**
Block 308; Lot 4 & 5; R-1-2 Zone
428 Highland Avenue

The applicant is requesting a subdivision approval

Mr. Fisher stated that the Board Planner determined that the applicant did not submit sufficient information to proceed as a formal subdivision application. The applicant has requested to be converted to an Informal Review under the Section 10.1 in the MLUL. The informal review process allows an applicant to informally present a proposed site plan or subdivision to the Board. No decision is made. Instead the Board and the Public can make

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comments. Again, no decision can be made in an Informal Review. Nothing that the applicant says or the Board says is binding. No resolution is passed. No vote is taken. This is a chance for an informal presentation instead of completing all the documents necessary to formally apply.

Joseph Risoli – 428 Highland Avenue, South Plainfield, New Jersey – owner, is sworn in.

Mr. Fisher confirmed with Mr. Risoli that this application will be treated as an informal application converted from a formal subdivision application. Mr. Risoli stated yes. Mr. Fisher continued... therefore, the applicant will have to re-file a subdivision application if he chooses to go forward with the subdivision. Mr. Risoli stated yes.

Mr. Risoli distributed a packet of Exhibits to the Board Members.

Chairman Ackerman stated that the items that were submitted is confusing and asked Mr. Risoli to reiterate what he would like to do. Mr. Risoli stated the property is 130' of frontage and the house is on one (1) side of the property. He would like to have two (2) lots at 65' wide each. The existing house is 11' 11" from the proposed subdivision line. Chairman Ackerman asked if there would be two (2) homes. Mr. Risoli stated one (1) home exists... but would be two (2) homes. Chairman Ackerman asked if the existing home a two-family. Mr. Risoli stated yes... a three (3) bedroom two-family home. Mr. Risoli has a sketch of the inside of the house. It is two (2) bedroom downstairs and one (1) bedroom upstairs.

Mr. Fisher asked Mr. Risoli to go through the packet.

Mr. Risoli begins reviewing the packet:

- Exhibit A-1 – hand drawn by Mr. Risoli a picture of the existing house and garage the proposed subdivision line. This was submitted with the application.
- Exhibit A-2 – survey with all current dimension. The current lot width is 125' plus purchased 5' from the Borough years ago for a total of 130'.
- Exhibit A-3 – list of lots in South Plainfield that are 50' X 100'. Mr. Risoli stated the first listing - 607-609 Hamilton - stands out to him. It was built in 2011.
- Exhibit A-4 - picture of existing house. Mr. Risoli stated he wanted to show the driveway and that there is plenty of parking.
- Exhibit A-5 - layout of the existing house. First and second floor.
- Exhibit A-6 - The Cape. The type of home Mr. Risoli would like to build. Retired a year and half ago. Wants to stay. Has been at the same location for twenty-six (26) years. Does not want to move.
- Exhibit A-7 – tax maps pages showing the homes on undersized lots with indication where the house is, address, block lot, zoning, lot size, owner occupied and one (1) or two (2) family. Mr. Risoli stated they are all through streets. His is a dead end.

Using Exhibit A-2 (survey), Mr. Risoli stated he drew in the subdivision line... not the surveyor.

Mr. Fisher asked if the lots would be conforming. Chairman Ackerman stated no... they both should by 75'.

Mr. Mocharski stated that on the top of the survey indicates a metal pipe. Mr. Risoli stated when the survey was done, there was already an iron pipe in place as a marker. Mr. Mocharski stated since the lot was purchased from the Borough, that was a sewer pipe or something the Borough put in.

Mr. Risoli stated he can fit six (6) cars tightly in the driveway... two (2) in the garage and four (4) in the driveway.

Using Exhibit A-3, Mr. Risoli stated this is a list of undersized lots in the area. One was built in 2011 on an undersized lot.

Mr. Fisher asked what is the proximity of these lots. Mr. Risoli stated within blocks... under a mile away. All by New Market. Exhibit A-7 shows the location of these homes. Elsie Avenue is two (2) blocks away – two (2) on Hamilton... side by side – four (4) on Hancock – two (2) on Arlington.

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Mr. Fisher asked Mr. Risoli to explain that Highland Avenue is a dead end. Mr. Risoli presented Exhibit A-8 – picture of each house on Highland Avenue including his existing house. The Board Members review the Exhibit.

Mr. Risoli stated that on Highland, there are three (3) lots that are 50' wide. There is one (1) that is 66.9' which is 20" larger than he is proposing.

Mr. Fisher asked Mr. Slachetka from what he has seen so far, the variances would be lot area, lot width and pre-existing front yard setback. Mr. Slachetka stated correct. Ms. Bullock stated there would be two (2) lot area variances.

Mr. Fisher stated therefore taking one (1) conforming lot and creating two (2) non-confirming lots. Ms. Bullock stated yes.

Mr. Grzenda questioned the distance from the property line to the driveway. He believes there is a width requirement from the property line. It is determined that the ordinance is five feet (5') from the property line.

Mr. Risoli stated that the existing house is close to the road. There is a sidewalk and two (2) to three (3) feet of grass. The house was built in 1938.

Chairman Ackerman stated that the existing house does not meet today's standard.

Chairman Ackerman asked the driveway currently, how close is it to the property line? Mr. Risoli stated approximately eight feet (8'). The garage is approximately nine feet (9') and the driveway is slightly larger than the garage.

Ms. Bullock stated it is approximate six (6) to seven (7) feet on the actual survey. Chairman Ackerman stated that meets the five foot (5') requirement. Ms. Bullock stated that the driveway would be in conformance.

Mr. Grzenda stated there is a driveway on the other side. Mr. Risoli stated he put that in and realizes that would need to be removed.

Chairman Ackerman stated there is almost twelve feet (12') from the house to the side yard setback.

Mr. Grzenda stated that Mr. Risoli mentioned an architect. There is no architect... and Mr. Risoli is doing this on his own. Mr. Risoli responded that he would hire an architect or engineer if the subdivision was granted. Would like to a professional do to all the off-sets. Doesn't want to pay the professionals if the subdivision doesn't go through.

Mr. Fisher advised Mr. Risoli if he would like a subdivision application deemed complete, he would have to hire an engineer who can provide the building envelope on the plans.

Ms. Bullock suggested to use the architect or engineer who prepared the survey. As well as a schedule that will show what does or does not meet the zone criteria. Mr. Slachetka stated that they are not mandating anyone specific to use.

Chairman Ackerman stated that the setback for the proposed new home would have to meet the requirements today. Mr. Risoli stated he understands it is thirty feet (30') in the front... eight feet (8') on the sides. Is not looking to build a large home. It's for retirement.

Mr. Grzenda asked the reason for doing this is that Mr. Risoli would have income during retirement. Mr. Risoli replied yes. Would like his mother to come and stay. She is 87 and goes to Middlesex five (5) times a week. The house he is looking at is a pre-fabricated. Looking at pre-fabricated house to get it done faster.

Chairman Ackerman asked if the existing home will become rental property. Mr. Risoli stated he is not going to sell it.

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Mr. Grzenda asked how long has he lived in the house. Mr. Risoli responded twenty-six (26) years.

Mr. Fisher asked if Mr. Risoli lives in the house now. Mr. Risoli stated yes... he lives downstairs and rents the upstairs.

Chairman Ackerman stated from the picture, it appears that the driveway can accommodate four (4) cars.... Plus, the garage. That does not seem to be a problem.

Mr. Fisher suggested to Mr. Risoli to look at some previous resolutions regarding subdivisions... approvals and denials. The Board is disinclined to take a conforming lot to create non-conforming lots. It is not an easy task.

Mr. Slachetka stated that there is a different lot area and lot width standard for the two (2) family. It is pursuant in this district to the R-10 zone which is ten thousand (10,000) square foot lot and one hundred foot (100') lot width. Single family would be designed to the R-7.5 standards. Mr. Fisher reiterated that it would be significant below the lot area for the two (2) family. Per Mr. Slachetka, yes assuming that the subdivision line remains where it is proposed. Mr. Slachetka asked Mr. Risoli if there are any other two (2) family homes on this block. Mr. Risoli responded no. Mr. Risoli stated it is only a three (3) bedroom. If the existing house is turned back to a single family, there would be three (3) bedrooms up and two (2) bedrooms down. Bigger house with more people.

Mr. Risoli stated several years ago two (2) news homes went up on the street but they are in water. He hasn't had any water since Irene.

Mr. Grzenda stated that the Board Attorney suggested to look at some older resolutions. Do you know where to get them? Mr. Risoli stated no. Mr. Fisher stated that he can ask the Board Secretary to provide copies of the subdivision resolutions.

Council President White asked Mr. Slachetka if the application for subdivision is moved forward, the lots will be non-conforming. The two (2) family is non-conforming. Mr. Slachetka stated the two (2) family is permitted in the district but the lot size is 10,000 square feet with a one hundred foot (100') width. Vice Chairman Pedersen asked where one hundred feet (100') is required, he is proposing sixty-five feet (65')? Mr. Slachetka stated that is correct. For the single family, seventy-five feet (75') is required where sixty-five feet (65') is proposed.

Ms. Bullock showed concern for lot coverage. Mr. Slachetka stated the requirement for both the single family and two (2) family is 25%. Ms. Bullock stated she did a very rough calculation and without knowing if the porch is covered or if the patio is covered... it would be close on the existing dwelling. Mr. Slachetka stated that the existing dwelling has a rectangle orientation having the narrow side of the building facing the street edge.... It a long building. The Board would have to make sure that it felt that this is not a too intense of a use.

Chairman Ackerman stated the Board Members would have to consider how it fits into the neighborhood. A lot of the lots in that neighborhood are considerably smaller.

Mr. Fisher addressed the Public. There will be no vote today. There is nothing binding. However, the Public is welcomed to address the Board on this matter

Chairman Ackerman opens the discussion to the Public.

Robert Cusick – 1055 New Market Avenue, South Plainfield, New Jersey – is sworn in and addressed the Board. His house is on the corner of Highland Avenue and New Market Avenue. The house entrance is on Highland Avenue. His house is a two (2) family house. Was before the Zoning Board on January 17, 2017. Mr. Risoli came before the Zoning Board at that time and stated the following:

- That there are all single family homes on Highland Avenue.
- Mr. Risoli has a two (2) family house and five (5) cars... four (4) of which are Mr. Risoli's (his, his son, his wife and a truck in the back) and one (1) is the tenant.
- 'Flooding is bad in the area and there are times they cannot get out'. But now in his case the flooding isn't bad.

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- Mentioned truck traffic is bad... hard to get out of Highland Avenue. There is a trucking company across the street on New Market at the entrance of Highland Avenue.
- His property slops down. Is he going to bring back fill in to bring the property up to a better height?
- Mr. Cusick stated the existing house is non-conforming but yet wants to subdivide and add more to it.
- It is Mr. Cusick's belief that Mr. Risoli needs four (4) to five (5) parking spaces. If he removes the parking on the other side, he may not have enough spaces.

Council President White asked Mr. Cusick if the information he is reading from are from the Zoning Board minutes. Mr. Cusick stated yes.

Mr. Fisher asked if there are any further comments or questions from the Public. Mr. Fisher advised Mr. Risoli that there will be no back and forth about the Zoning Board meeting from almost a year ago.

Mr. Risoli stated Mr. Cusick's house is on the end of the street on Exhibit A-8.

Vice Chairman Pedersen stated that at the end of Highland there were two (2) new homes built. Mr. Risoli stated on the other side approximately five (5) or six (6) years ago. Vice Chairman Pedersen continued... the person who built them still owns them. Flood insurance is a huge expense. Mr. Risoli stated he spoke with the owner and the flood insurance is \$1,500 a year. The houses were built higher than the water plain. As long as the house is over four (4) feet they do not consider the space as storage. Vice Chairman Pedersen stated he wanted to bring that to Mr. Risoli's attention. Vice Chairman Pedersen continued... if you receive the approval, the construction will be more expensive and require flood insurance.

Mr. Fisher addressed Mr. Risoli. He has a good idea as to what is needed to have a formal application before this Board. Strongly advised to look at previous subdivisions resolutions... granted and denied.

Public Hearings: (1)

A. Master Plan Amendment – Housing Plan Element and Fair Share Plan Consistency Review – Ordinances #2097, #2098 and #2099.

Mr. Fisher confirms with Mr. Slachetka that these are Consistency Review of Ordinances not a Master Plan adoption.

Mr. Slachetka stated these Ordinances have been previously before this Board for Consistency Review. The Board previously determined these Ordinances were consistent with the Master Plan because they were consistent with the Housing Plan Element of the Master Plan. Discussions with the Court Master, Elizabeth McKenzie, had recommendations for some technical revisions to three (3) of the Ordinances that the Borough has already adopted.

- Ordinance #2097 – has a very simple technical amendment. A change to one of the words that were incorrectly added to the Ordinance. Nothing of substance is being changed in this ordinance or the subsequent ordinances. Again, the Board had found that Ordinance #2097 amending what is commonly known as Harris Steel Ordinance is consistent with the Master Plan. This is a simple technical correction to the Ordinance.
- Ordinance #2098 - amends the existing Affordable Housing Ordinance that sets forth the various administrative procedures that are required for the implementation of the House Element. It sets forth the standards and criteria that affordable housing is provided inclusionary developments. Inclusionary developments are developments with affordable housing. Again, there are technical changes that were recommended by the Court Master to make the Ordinance more conforming to current court regulatory provisions. Ordinance #2098 effectuates those changes. Approximately eleven (11) changes. Nothing of substance that is changing. The Board found this ordinance previously conforming to the Master Plan.
- Ordinance #2099 amends the previous adopted mixed use affordable housing overlay ordinance that is required to address the Borough's unmet need. It is providing an option in the downtown – OBC-1 - district and north-west portion of the Borough. It provides for a certain optional development for a mix use development that would include affordable housing units as part of the residential component. These

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amendments are in technical nature. They have been recommended by the Court Master. Not changing any of the substance of the ordinance.

Mr. Fisher stated he had prepared Consistency Resolutions for each Ordinance. If there are no questions, the Board can adopt the Resolutions for Consistency for each of those Ordinances.

Chairman Ackerman asked the Board if any member had a question. No questions.

Mr. Fisher stated that the first resolution finding that Ordinance #2097, #2098 and #2099 are consistent with the Master Plan pursuant to the referral from Council under NJSA 40:55D:26 and the Board has no further recommendations.

Chairman Ackerman calls for a motion to *approve* Resolution for Ordinance #2097. Mr. Mocharski made motion, seconded by Council President White. Those in favor: Mayor Anesh; Council President White; Miss Bartfalvi; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Mr. Pellegrino; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None

Chairman Ackerman calls for a motion to *approve* Resolution for Ordinance #2098. Mr. Mocharski made motion, seconded by Miss Bartfalvi. Those in favor: Mayor Anesh; Council President White; Miss Bartfalvi; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Mr. Pellegrino; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None

Chairman Ackerman calls for a motion to *approve* Resolution for Ordinance #2099. Mr. Mocharski made motion, seconded by Vice Chairman Pedersen. Those in favor: Mayor Anesh; Council President White; Miss Bartfalvi; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Mr. Pellegrino; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None

Mr. Slachetka stated that at the next meeting he is anticipating the amendments to the Housing Element. Was were hoping to have it on the agenda today. Have not received the feed back from the Court appointed Court Master with regards to couple of issues with crediting of group homes within the Borough. Has been doing follow-up research. Wanted it all cleared up before the advance of those amendments. The amendments will be technical in nature. Finalizing the Borough's efforts to get its affirmation from the Court that the Borough's plan is in place 2025.

Mr. Fisher asked if there is a final compliance hearing scheduled. Mr. Slachetka stated no... there is no need. There was a compliance hearing that determined the Boroughs Plans and Ordinances were in compliance with the requirements under the Mount Laurel doctorand. This was a condition placed upon the Borough to address some of the technical concerns that the Court Master had as part of her report to the Court. All these changes are a result from her report. Once all in place, the Borough does not have to go back to Court. The Court Master would tell the Court that the Borough have complied with all the requirements and therefore our Judgement Repose is finalized.

Old Business:

Mr. Mocharski stated his concerns regarding Shoppers World. The items need to be removed from the front sidewalk of the store before someone gets hurt. It was to be two times a year... January and June. Chairman Ackerman stated that is what he was told by the fire inspector. Mr. Pellegrino believes they were given permission for side walk sale twice a year through the Building Department. Vice Chairman Pedersen stated if is it dangerous, why do we allow it twice a year.

Mr. Mocharski asked about the status for the lane along the side by Tony's Pizza. Chairman Ackerman stated no updated status. It was brought to his attention by the Zoning Officer. Reviewed it with the attorneys. Went out and took some measurements. The attorneys informed him that it is not a Planning Board issue. That the Zoning Official can handle it administratively. The Fire Chief followed up with him. Joanne was present. The Fire Chief wondered why the Board was not handling the situation. Chairman Ackerman explained to the Fire Chief that it can be handled administratively. He did follow up with a phone call to the Zoning Officer. As far as he knows nothing

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has been done. Parking is still taking place. It is not the Boards issue. However, it is a dangerous issue. If it is to come before this Board, it would have to be a full application. Does not believe that the owner is willing to do so. But it can be handled administratively according to the Borough Attorney. Vice Chairman Pedersen asked what is it meant by handled administratively. Chairman Ackerman stated as an example... when John Pabst was on the Board, he would come to a meeting and state that he went and saw a company and they are looking to do whatever. He would hand a letter to the Board with a drawing. Handled like a Minor Site Plan. That is how Chairman Ackerman explained it to the Zoning Officer. Mr. Fisher stated according to the Borough's Code, certain Minor Site Plans can be handled administratively. Vice Chairman Pedersen doesn't understand the problem. Chairman Ackerman explained that the isle between Tony's Pizza and the parking area... Someone requested from the Fire Department to allow short term parking. Park, run inside Tony's to pick up their order and leave. Mr. Fisher stated the Board cannot do anything without a formal application. Chairman Ackerman stated he believes the Chief is in favor of it. Mayor Anesh asked who is requesting the parking. Chairman Ackerman stated he does not know. It came to him through the Zoning Officer and he believes the Zoning Officer got it from the Fire Department. Vice Chairman Pedersen asked if it was additional parking or temporary parking. Chairman Ackerman stated four (4) spaces for temporary parking. Currently, it is marked and signed as a Fire Lane.

Committee Reports:

- A. **Street Naming Committee** – Bob Ackerman – report progress.
- B. **Environmental Committee** – Rich Houghton & Bryan Bythell - report progress.
- C. **Council Reports** - Council President White – report progress. Chairman Ackerman asked what building Motor Vehicle is going to occupy. Per Council President White, 5000. Plans have been submitted. On target for a February opening.
- D. **Mayoral Updates** - Mayor Anesh – report progress.

Minor Site Plan: None

New Business: None

Correspondence: None

Audience Comments: None

Executive Session: None

Adjournment: 8:05 pm.

Respectfully Submitted,
Joanne Broderick
Planning Board Secretary