

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
April 24, 2018**

Roll Call:

Present:

Councilman Derryck White
Brian Bythell; Alt. 2
Paul Grzenda
Rich Houghton
John Mocharski
Peter Smith (*arrived 7:05*)
Michael Pellegrino
Jack Pedersen; Vice Chairman
Bob Ackerman; Chairman

Absent:

Mayor Matthew Anesh - Excused
Stephanie Bartfalvi; Alt. 1

Also Present: Alex Fisher, Esq.;

Chairman Ackerman opened the meeting at 7:00 pm stating 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: April 10, 2018 Meeting

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

Resolutions: None

Current Files: None

Informal Hearings: None

Public Hearings: (1)

A. Case #18-01 - Daniel Chin
Block 318; Lot 2; R-10 Zone
303 New Market Avenue

The applicant is requesting a *Minor Subdivision* approval to construct a new home. The existing home to remain. The following variances are being requested:

Proposed lot A: *Lot Area* – Proposed 8,090 square feet – Required 10,000 square feet - Variance 1,910 square feet; *Lot Depth* – Proposed 61.8' - Required 100' – Variance 38.2'; *Rear Setback* Proposed 19' - Required 20' – Variance 1'.

Proposed lot B: *Lot Area* – Proposed 7,500 square feet – Required 10,000 square feet - Variance 2,500 square feet; *Lot Width* – Proposed 75' - Required 100' – Variance 25' .

Chairman Ackerman announced that the case will not be heard and rescheduled to May 22, 2018.

Mr. Fisher stated that we have been informed that the newspaper failed to publish the Notice despite of the request. May 22, 2018 will be contingent to the Publication. No further notice to homeowners. If they do not meet that

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES**

April 24, 2018

contingency or want to reschedule, a full re-notice will be required. Mr. Fisher asked Joanne to forward this information to the applicant's attorney. Joanne responded that she will.

Chairman Ackerman calls upon a motion to approve the above. Mr. Mocharski made motion, seconded by Vice Chairman Pederson. Those in favor: Councilman White; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Mr. Pellegrino; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None.

Mr. Fisher stated that Daniel Chin will be heard on May 22, 2018 subject to meeting the conditions that the Board has imposed.

B. Case #709 – JRB Properties, LLC
Block 409; Lot 15; M-3Zone
111 Snyder Road

The applicant is requesting an *Extension of Time (third extension)* to construct a 15,703 square feet office/warehouse addition to an existing office/warehouse. The original approval was March 11, 2008 – Memorialized on May 3, 2008. Extensions granted on May 25, 2010 and December 7, 2010.

Mr. Fisher gives a background on the case. Originally, this was approved 2008 for a Final Major Site Plan with variances. The applicant received two (2) extensions that were captured by the Extension Act which extended out to June 30, 2016. There is an additional one (1) extension for Hurricane Sandy impacted counties which Middlesex County was considered to be one which took it out to June 30, 2017. The Board has the authority under section 52C of the MLUL to provide one (1) more extension for one (1) year which would take it out to June 30, 2018. This means they would have to vest their approvals within the next two (2) months.

Diane Stolbach, Esq. – Law Firm of Hehl & Hehl – attorney for the applicant, confirms the above. Ms. Stolbach addressed the Board. Is aware they must commence quickly to meet the June 30, 2018 timeframe. This application was approved unanimously. This is for an extension of an existing warehouse. The owner will explain what has happened during this time regarding the ramifications of the economy and what is new now that is prompting the expansion and the real estate construction costs. Also, present is Victor Vinegra, Harbor Consultants, who will go through the drawings and answer any questions.

Mr. Fisher stated the applicant is requesting if the Board is inclined to grant the extension that it would be effective immediately at the applicant's own risk rather than wait the extra two (2) weeks for a resolution that would shorten your time. Ms. Stolbach thanked Mr. Fisher.

Jeet Singh - 111 Snyder Road, South Plainfield, New Jersey - applicant, president and owner, is sworn in. Ms. Stolbach asked Mr. Singh to describe the nature of business. Per Mr. Singh:

- Wholesale distribution of perfumes.
- Started online/internet business.
 - Need additional space.
- More sales online.

Chairman Ackerman asked Mr. Singh the space that is being expanded is the warehouse. Mr. Singh stated yes.

Mr. Fisher stated that there was an approval for a 15,000 square foot expansion of warehouse and office. Mr. Singh stated yes. Mr. Fisher continued... is there anything changing? Mr. Singh stated no.

Ms. Stolbach asked Mr. Singh the name of the company. Per Mr. Singh, the name of the company is French Perfumes who leases the building. JRB Properties, LLC is the property owner. Both owned by Mr. Singh. The online business started three (3) years ago is also owned by Mr. Singh.

Ms. Stolbach asked Mr. Singh what has changed that prompted the expansion and the request for extension. Mr. Singh stated the market was bad. The value of the building was less. Business is expanding and market is good.

BOROUGH OF SOUTH PLAINFIELD PLANNING BOARD MINUTES

April 24, 2018

Mr. Fisher asked was there difficulty in financing? Mr. Singh stated yes at that time. Now we have a bank ready to finance.

Mr. Grzenda asked why if you sales are expanding online, why do you need more space. Per Mr. Singh, the online sales are retail. The wholesale sales are sold in bulk. They get put on skidplates and shipped out. The retail portion requires more variety therefore more space. Mr. Grzenda asked if the online sales is wholesales. Mr. Singh stated no... retail sales. We have a website, sale on ebay and amazon.

Councilman White stated there is a need for distribution space to hold the product until it is purchased online. Also ship to your retail locations from the same space. Mr. Singh stated yes.

Mr. Fisher confirms with Mr. Singh that this is the same use that was approved originally in 2008.

Mr. Fisher asked that it appears from the memo on August 10, 2009 that you are approximately 99% complete for compliance. Has anything been done since then or do you believe you are able to get it done by June 30, 2018 if this Board grants the extension. Ms. Stolbach stated that is better to be addressed with the next witness. However, that is our plan to go the extra 1%.

Mr. Mocharski asked if new plans or paperwork need to be reviewed by the Board Professionals. Mr. Fisher stated with the extension acts, there is no requirement for further professional review if the Board grants the extension. If not, their site plan approval would have expired and they would have to reapply and receive a new approval. Mr. Mocharski asked if the applicant would have to renotice. Per Mr. Fisher, there is no need to notice for an extension. Chairman Ackerman stated only would have to send notice if they reapplied.

Anthony Gallerano – Harbor Consultants, 320 North Avenue East, Cranford, New Jersey – Professional Engineer and Professional Planner for the applicant. Testified at the original hearing in 2008. Mr. Gallerano addressed the Board. There was a question regarding the status of approval. Mr. Fisher stated it looks like you got close in 2009... about one (1) letter away from signing of the site plan. Mr. Gallerano stated Middlesex Planning Board was obtained. Freehold Soil Conservation approval was obtained but will probably have to be renewed. Will have it renewed. Thought received a letter from the Fire Inspector. Will contact him to get a copy of the letter. Will provide the bonds, performance guarantees etc prior to obtaining building permits.

Mr. Fisher asked if any letters were provided regarding the status of the environmental cleanup. Mr. Gallerano stated he does not know. His firm was not involved in the environmental cleanup. Mr. Fisher suggested that they may want to submit to the Board Engineer. Assuming you received a NAF or something LSRP. Mr. Gallerano will look into that and will get the appropriate letters. Mr. Fisher stated you will have to finish compliance and get your permits for site work and a shovel in the ground by June 30, 2018. The Board has no jurisdiction to give an extension beyond then if the Board is so inclined to grant the extension.

Chairman Ackerman asked Mr. Gallerano if there was a drawing. Mr. Gallerano stated yes and begins to describe the drawing:

- The original rendering with the latest revision date of January 14, 2008.
- Existing building is shown in yellow. The proposed addition is shown in salmon.
- Current access is from Snyder Road.
- There are four (4) loading bays.
- Some parking spaces in the front which will be reconfigured and more organized.
- Seven (7) parking spaces in front of the existing building.
- An additional twenty-four (24) new parking spaces in front of the new addition.
- Two (2) new loading areas.
- An additional driveway off of Snyder.
- Two (2) handicap accessible parking spaces in accordance with the ordinance.
- Full storm water management system.
- An underground retention system with water quality design in accordance with DEP storm water management regulations.
- Full lighting in the parking area.
- Perimeter landscape.

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES**

April 24, 2018

Mr. Fisher stated that there was a fair amount of work in response to Mr. Russo's letter getting this almost to compliance. Mr. Gallerano stated that the actual site plans have gone through several reiterations back and forth with the Board Professionals and provides as of January 30, 2009 to reflect all the various requirements and conditions from the Board approval and professionals conditions.

Mr. Fisher requested Mr. Gallerano to mark the rendering as Exhibit A-1.

Mr. Mocharski asked if the dirt piled in the back ever been tested. Mr. Gallerano stated they did not however, whomever was doing the environmental work had that done. Mr. Gallerano has to do some investigative work to find out more. Mr. Mocharski continued... there are also monitoring wells. Does not know how close the addition is to the wells. There is one in the back corner and not sure about others. They were put in while ProSo was utilizing the building. Mr. Fisher asked if they were existing prior to the original approval. Mr. Mocharski stated he believed so. Mr. Gallerano stated that the well is listed on the site plan and if needed it can be moved.

Mr. Grzenda asked what was to happen with the contaminated dirt. Mr. Mocharski stated it had to do with the loading area. Mr. Gallerano stated he does not know if it was to be removed or capped depending upon the levels and what it is. Mr. Mocharski stated it is in the back of the building by the apartments.

Mr. Fisher stated it appears it has not been addressed.

Mr. Singh stated that it has almost ten (10) years. Mr. Mocharski stated he is referring to the dirt pile. Mr. Singh replied that has been moved and everything has been cleaned up. The

Mr. Fisher stated that looking at the original resolution and Borough Engineers memo, the removal of dirt was not addressed. Chairman Ackerman stated that there was more than one (1) well. Reading a letter from September 24, 2007, from Dr. Temple, Environmental Department, 'proposed construction might prevent access to one or more of the existing monitoring wells'. Spoke to John Colval a commission member who encountered a hydrologist from the Witman Company, Mr. Michel Perseplag. Mr. Colval reported seeing three (3) monitoring wells that are not indicated on the site plan. Asked the Board to receive testimony on the status of the cleanup.

Mr. Fisher stated there is a July 30, 2009, second review from the Environmental Commission that they are satisfied.

Mr. Grzenda stated that inconclusion, the contaminated soil has been dealt with? Or needs to be dealt with? Vice President Pedersen stated no one has determined that it is contaminated soil. Mr. Mocharski said the pile has been left onsite. Mr. Fisher stated that when the Planning Board granted the approval they accepted that the pile as dirt.

Mr. Fisher asked if the County Planning Board approved still good. Per Mr. Gallerano, that should run with the municipal approval. As long as we have a valid municipal approval, the county approval should be good.

Mr. Fisher stated the County will run with the Municipal approval.

Chairman Ackerman asked Mr. Mocharski if the dirt pile still remains. Mr. Mocharski stated yes. It is in the back of the building.

Chairman Ackerman stated the Environmental Commission signed off on July 30, 2009.

Chairman Ackerman asked if anything will be done with the dirt pile? Is it going to be spread out? Mr. Singh stated that they will be used for the grading for the addition.

Chairman Ackerman opens the discussion to the public. No questions or presence of the public.

Chairman Ackerman stated they are looking for the third extension. Must have a shovel in the ground by June 30, 2018. Mr. Fisher stated that is the best thing and recommend to have a shovel in the ground by then which you are allowed to do retroactively but by June 30, 2018. At which point the Board has no further extension to be allowed to consider to finish their compliance. All conditionals of the prior resolutions. Mr. Bucco for compliance.

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES**

April 24, 2018

Mr. Grzenda asked if the applicant agreed to get a shovel in the ground in that time period? Mr. Fisher cannot make them. Mr. Grzenda continued... is it feasible? Mr. Fisher stated they testified they can do it.

Chairman Ackerman asked if the Board is inclined to grant or deny the extension. Mr. Mocharski motioned to GRANT the extension, seconded by Vice Chairman Pedersen. Those in favor: Councilman White; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Mr. Pellegrino; Mr. Smith; Vice Chairman Pedersen and Chairman Ackerman. Those oppose: None.

Old Business: None

Committee Reports:

- A. **Street Naming Committee** – Bob Ackerman – report progress. There are two (2) names pending but do not have any streets to name.
- B. **Environmental Committee** – Rich Houghton & Bryan Bythell - report progress.
- C. **Council Reports** – Councilman White – Congressman Pallone met with the Mayor regarding the Hollywood Avenue truck route. He is looking into possible grants to fund the project. Fit Body Boot Camp will be going into the vacant area which was once occupied by Closeout Corner. Portion of the former Walgreens in the same strip mall will become Dollar General. Rite Aid on the corner of Park and Maple is transitioning to Walgreens. The exterior and sign will remain as Rite Aid until the final transition. The owners of the former Acme location is currently in negotiations with a possible lease. An announcement will be made shortly regarding the opening of the MVC at its new location.
- D. **Mayoral Updates** - Mayor Anesh – absent.

Minor Site Plan: None

New Business: None

Correspondence: None

Audience Comments: None

Executive Session: None

Adjournment: 7:35 pm.

Respectfully Submitted,
Joanne Broderick
Planning Board Secretary