

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
December 6, 2016

Chairman Leonardis opened the meeting at 7:00 pm.

Please stand for the PLEDGE OF ALLEGIANCE.

This meeting was held in accordance with the Open Public Meeting Act and as such, proper notice of this meeting was published in The Observer and The Courier News and providing same to the Borough Clerk.

It is the policy of the South Plainfield Zoning Board of Adjustment, not to hear any new applications after 10:00 pm and no new witnesses after 10:30 pm.

**ROLL CALL:**

**Present:**

**Gino Leonardis, Chairman  
Ken Bonanno  
Maria Campagna  
Cindy Eichler  
Robert Hughes  
Frank Lemos, 1<sup>st</sup> Alternate**

**Absent:**

**Darlene Cullen, 2<sup>nd</sup> Alternate  
James Gustafson  
David Miglis, Vice Chairman**

**Also attending:** Larry Lavender, Esq.; Nicholas Dickerson, PP, AICP; Bob Bucco, PE, CME, CPWM

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Mrs. Eichler made motion, seconded by Mrs. Cullen to accept the above stated Meeting Minutes. Those in Favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Gustafson; Mr. Lemos and Chairman Leonardis. Those oppose: None.

**RESOLUTIONS:** (2)

- A. Case # 5-16 -- Mastrocola Partners  
Block 328: Lot 6.01: OBC-1 Zone  
430 Hamilton Boulevard**

Mr. Lemos made motion, seconded by Mrs. Cullen, to accept the above stated Resolution. Those in Favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Gustafson; Mr. Lemos and Chairman Leonardis. Those oppose: None.

- B. Revision of previous approved resolution on October 18, 2016**

- Case # 10-16 -- GMP Contracting LLC  
Block 297: Lot 4: M-3 Zone  
2240 South Clinton Avenue**

Mr. Eichler made motion, seconded by Mr. Bonanno, to accept the above stated Resolution. Those in Favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos and Chairman Leonardis. Those oppose: None.

**HEARING:** (2 - Commercial)

- A. Case #11-16 -- A-Tech Landscape Design Inc.  
Block 294: Lot 1: M-3 Zone  
1525 New Market Avenue**

*The applicant is requesting Use Variance only. Preliminary and Final Site Plan to follow – bifurcated.*

Vice Chairman David Miglis abstains from hearing this case.

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Mr. Lavender has reviewed the Affidavit and Notice of Publication. The Board has jurisdiction.

Edward J. Santoro, Jr., Esq. - Santoro & Santoro – attorney for the applicant addresses the Board. This is an application for use variance, bulk variance and site plan approval - bifurcated. There are three (3) witnesses.

Mr. Santoro calls upon his first witness, Jon Dean – 3321 Evergreen Avenue, South Plainfield, New Jersey – is sworn in. He is one of the principles of A-Tech Landscaping Design Inc. The business is located at 1910 Roosevelt Avenue, South Plainfield, New Jersey. They are landscape contractors, landscape maintenance, and snow removal. Has been in business for ten (10) years. Currently has twenty-eight (28) employees. The location of subject property is across the street from existing site used by A-Tech Landscaping Design Inc. Is in need to rent additional space to store construction vehicles, back hoes, front end loaders, salt trucks and bulk storage bins. The current condition of the subject property is empty stone lot. There is a house on the property that is being rented. However, the occupants are looking to move. When house is no longer occupied as a residence, will be converted to office space. Hours of operation are 7 am to 6 pm Monday through Friday. During the winter, the hours of operation is when it snows. There is no intension to hold any business operations on subject property. All business operations will be conducted across the street at existing location. The applicant intends to re-curb the area from side of Astor Street and around Roosevelt Avenue up to the existing curbing; fence the area with black chain link fence; add landscaping - shade trees, Arborvitae etc. Applicant has agreed to make all improvements that are being recommended by the Borough's Engineer.

Mrs. Campagna asks Mr. Dean if the owner of the property lives in the existing house. Mr. Dean states no. The owner of the property, Harris Steel, has the house rented. The applicant is leasing the property with the option to buy in three (3) to four (4) years. Mr. Dean nor Harris Steel have any intension to evict the renters. However, the renters have stated that they are looking to move. When the current renters leave, then the house will be converted into an office.

Mrs. Cullen questions Mr. Dean as to the number of equipment that would be stored. Per Mr. Dean - three (3) front end loaders, a couple of back hoes, skid steers and two (2) salt trucks. The equipment comes and goes depending what jobs are being done.

Chairman Leonardis requests Mr. Dean to review the proposed improvements. Curbing from the property line along Astor Street around Roosevelt Avenue and connect to New Market Avenue. Chain link fence with shade trees and screen planting. Per Police Department, no privacy slats so the Police can see into the yard. Re-grading the yard. Shade trees will be between the fence and curb on Astor Street and Roosevelt Avenue. The house faces New Market Avenue. There is an existing stockade fence between where the house is located and the gravel yard.

Chairman Leonardis asks Mr. Dean if will there be complete separation between the house and the yard. According to Mr. Dean, yes. The yard will be accessed through Roosevelt Avenue. The driveway is directly across from the driveway of the applicants existing property at 1910 Roosevelt Avenue.

Mr. Lemos asks where will the employees park. Mr. Dean states that most of the employee's carpool. There is usually seven (7) vehicles and will park at their existing location. Currently, there is no need to increase the number of employees. The property in question will only be used for equipment and supply storage.

With no further questions from the Board or audience, Mr. Santoro calls upon Stephen Parker, applicants engineer.

Stephen E. Parker, PE – Parker Engineering, Somerville, New Jersey – is sworn in and accepted as a Professional Engineer. Mr. Parker addresses the Board. Currently, the lot is gravel. The applicant would like to construct several storage bins and store equipment on the property. Will construct a fence around the property. It is a developed property. Will install curbing.

Chairman Leonardis requests a clarification on the location and height of the fence. Mr. Parker states that there is a six (6) foot stockade fence that separates the residential use from the yard that runs perpendicular to Roosevelt Avenue. That will remain. The remaining fence around the yard will be a ten (10) foot chain link fence.

Chairman Leonardis questions Mr. Parker.

- How high will the bins be? They will be six (6) feet high... three (3) bins high.
- Any lighting? No lighting is being proposed. The property is being used for storage and during day light hours.
- Any security cameras? No cameras being proposed. The only security is a locked gate.

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- Any automatic slide gates? No. Manual lock gates? Yes... correct.
- Will there be any equipment maintenance on site? Maintenance is done at 1910 Roosevelt, not on this site.

Mrs. Eichler would like a clarification. The hours of operation are 7 am to 6 pm. It is dark at that hour. They are not doing those hours when it is dark at that time of the year - seasonal. When it's snows, they will be at the yard and using headlights to get into the salt trucks.

Mr. Lemos re-confirms with Mr. Parker.... There will be trees on Astor Street and Roosevelt Avenue. Do we need a sight triangle on the corner? Mr. Parker states street trees are not considered obstruction at corners. Mr. Lemos states he understands that however, the plans indicate vehicle and equipment storage area at that corner. Mr. Parker states there is adequate sight distance given the vehicle volume and speed of traffic. Chairman Leonardis refers to Board Engineer. Mr. Kuhne states he would have to look into the speed on that corner. Chairman Leonardis continues, if there is a need for a sight triangle after further review, is the applicant willing to cut the fence to create the sight triangle. Mr. Parker states yes.

Mr. Gustafson states that Mr. Dean testified that the Police Department stated that they do not want screening. Is there anything in writing? Mr. Dean states that when he was discussing what he wanted to do, he was told by the Police Department that they prefer no slats in the fencing so they had visibility into the yard since there have been break-ins in the area. Mr. Gustafson continues... previous contractor storage yards presented to the Board have never received a request like this from the Police Department. There is a church across the street.

Chairman Leonardis suggests using slats in the fence. Mr. Dean states that his existing property has a chain link fence with black slats all around except for the front entrance gate. He would like to do the same for this property. Front entrance gate that will be facing Roosevelt without the slats. The Board agrees.

Mr. Gustafson questions what is behind the property. According to Mr. Dean, it is a detached garage. He was approached by the owners who asked if Mr. Dean would remove the neighbors wooden fence and only utilize Mr. Dean's fence as the neighbors' barrier.

With no further questions for Mr. Parker, Mr. Santoro calls upon his next witness - Mr. Angelo J. Valetutto.

Angelo J. Valetutto – 424 Amboy Avenue, Woodbridge, New Jersey – is a Professional Engineer and Professional Planner. Mr. Valetutto is sworn in and accept by the Board as a Professional Engineer and Professional Planner. Mr. Valetutto address the Board as a Professional Planner. He has done a survey of the property and the surrounding area including the uses and traffic.

- Located on the southerly side of New Market Avenue.
  - M-3 Industrial zone.
  - Lot has three (3) frontages... New Market Avenue, Roosevelt Avenue, Astor Street.
  - Lot size – twenty-four thousand two hundred eight and a half (24,208.5) square feet.
  - Irregular lot: 125' X 215'.
  - Lot does not meet the required M-3 lot size of forty thousand (40,000) square feet or width.
  - Since the property has three (3) frontages on public right-of-way and the surrounding adjoining area is fully developed, the owner is unable to acquire additional property to eliminate the existing bulk variances.
  - Property is developed with a single-family dwelling along New Market Avenue with a gravel driveway that can accommodate approximately four (4) off street parking spaces.
  - South of the gravel driveway is a six (6) foot stockade fence that extends approximately the entire property – east to west.
  - South of the existing stockade fence... compacted gravel.
  - Applicant use of property is to supplement their existing use which is directly across the street.
  - Existing property (across the street) is approximately 40' X 45'.
  - Proposing five (5) storage bins – six (6) foot high. Items stored will not be above that height.
  - Proposing ten (10) foot fence buffer from residential neighbor to the east who has a detached garage.
  - South-easterly corner has a large container.
  - Approximate area of 35' x 55' and 35' x 45' along Roosevelt Avenue and Astor Street respectively, will be used as storage for vehicles and equipment.
- 
- Proposed improvements:

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- Concrete curbing along Roosevelt Avenue and Astor Street.
- Concrete apron for two (2) driveways... one (1) directly opposite of applicant's current use on Roosevelt Avenue and one (1) on Astor Street.
- Existing gravel will be leveled.
- Currently, able to access the property from anywhere along the property. Will limit the access area to eighteen (18) foot wide - sliding gates. Black galvanized fence.
- Tree planting of five (5) Northern Red Oak Trees. Existing trees will remain.
- Suitability of Use of the property
  - Current use across the street.
  - Similar uses in the area – Tele Cable Yard with outside storage.
  - Along Roosevelt Avenue and Astor Street - Baker Contracting Service. Contractor service use with outside storage.
  - Evergreens along the property – approximately ten (10) feet on center apart. Adds to the green area... softens look. Grow tall and gives visual access to the yard for security purpose that the Police Department and applicant are seeking.
  - Tele Cable Yard and Baker Contracting Service have parking in their front yard. Harris Steel - dominant use in area – Area is completely open with many parked tractor trailers.

The Board agrees that the tree plantings and fence with slats are acceptable.

Mr. Parker is asked to review the Najarian Associates review letter dated September 21, 2016.

- Section C – 1<sup>st</sup> Engineering Review
  - Items 1, 2 and 3 – will comply.
- Section D – Variances / Design Waivers
  - Item 1 – previously addressed.
  - Item 2a – 2c previously addressed.
  - Item 2d – per Mr. Dean... bulk mulch, top soil, road stone, stone dust will be stored in the bins. Dumpster is stored in the existing location.
- Section E, F, G, H, I, J, K – previously addressed.
- Section L – will look into sewer connection and clean out.
- Section M – previously addressed.

Mr. Parker reviews the T&M Associates review letter dated October 24, 2016.

- Mr. Dickerson questions the previous use - why is the yard completed gravel? Parking area.
- Planning Comments (page 3)
  - Section a – miscellaneous use.
  - Section b, c, d – previously addressed.
  - Section e – variance is required (storage of items on front yard).
  - Section f, g – previously addressed
  - Section h – there will be no paving between fence and property line.
  - Section i – previously addressed.
  - Section j – no signage proposed.
  - Section k, l – previously addressed.

Mr. Parker reviews Environmental Commission - Dr. Alice Tempel's review letter dated August 2, 2016 with the Board. Will comply.

No objection from Office of Health Services, Bureau of Fire Prevention and Traffic Safety Commission.

Chairman Leonardis re-iterates:

- A-Tech equipment only to be stored on this property.
- When the current rental residents move out of the existing home, the home will be converted to an office. The home can no longer be a residential rental property. At that time, the applicant must return for site plan modification.
- Upon Board Engineers, further review, if there is a need for the sight triangle, the applicant agrees to move the fence to create the triangle.
- The applicants agree to install a Knox Lock per Bureau of Fire Prevention request.

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With no further questions from the Board or audience, Chairman Leonardis calls to vote. Mrs. Eichler made motion, seconded by Mrs. Cullen. Those in Favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Gustafson; Mr. Lemos and Chairman Leonardis. Those Oppose: None

**B. Case # 6-16 -- Peak Equipment, LLC**  
**Block 284: Lots 19 & 24: M-3 Zone**  
**512 New Market Avenue & Dover Place**

*The applicant is requesting Use Variance only. Preliminary and Final Site Plan to follow – bifurcated.*

Walter K. Abrams, Esq. attorney for the applicant addresses the Board. He requests to have the applicant sworn in.

Emil Pescatore – 503 Springhouse Drive, Whitehouse, New Jersey – Sole owner of Peak Equipment is sworn in. Business began in 2013 as a small construction equipment dealership – sell and rent heavy construction equipment. Also, the purchaser under contract for the property. The outcome of this application will determine if the purchase is to continue. Heavy construction equipment are backhoes, loaders, dozer's, excavators, skid steer – off-road construction equipment. Mr. Pescatore owns the equipment which he sells or leases. Currently owns approximately twenty (20) to thirty (30) pieces of equipment. All equipment will be kept on this site. On average, one (1) piece of equipment comes into the site and one (1) piece of equipment goes out. Has four (4) backhoes, ten (10) wheel loaders, six (6) skid steers, ten (10) excavators. On average, twenty (20) pieces of equipment to be stored on site. Outside vender comes in to do repairs... general maintenance no heavy-duty repairs. Proposing a structure. The repairs will be done in the structure. Does not maintain any fluid on-site. Outside vender brings the fluids with them and takes them. The equipment is delivered to the site with a truck and trailer.

Chairman Leonardis questions Mr. Pescatore:

- Where is fuel stored? Does not store fuel on-site. Nischwitz comes to the site and fuels the equipment approximately once a month.
- Any fluid storage? No... an outside vender comes to the site with fluids and takes it with them... mobile service.
- What is currently on the property? His equipment is currently on the property.
- Proposed building? There is no building onsite currently. Would like to erect a building with office space and garages for the equipment service.
- What would be stored in the building? No storing of equipment. Building will be used to do the maintenance and prepare equipment for delivery.
- Office in the building? Yes.
- Will it be an insulated metal paneled structure? Yes.
- Wood or steel structure? Steel.
- Is the exhibit before the Board the actual structure to be built? No... just an idea of what it will look like. Exact structure has not been decided upon.
- How many garage doors? Windows? Two (2) garage doors and windows on all sides of the building.
- What color will the building be? Something that blends into the area... possibly tan. No preference.
- Esthetics around the building? Would like to make it as nice as possible.

Vice Chairman Miglis questions Mr. Pescatore:

- Would he be opposed in having some brick in the front? Not opposed in doing so.
- Number of employees that would occupy the building? Two (2) - Administrative Assistant and himself.
- How are the lowboys getting onto the property? The engineer has it marked out on the plans... they will come in from New Market Avenue and turn around in the lot. No access from Dover Place.
- Is there room enough for them to turn around? Yes.
- The equipment storage is in the back – northerly portion of the property where the two (2) bay doors are? Yes

Mrs. Campagna questions Mr. Pescatore:

- What does Peak stand for? Peak was supposed to be his initials (EP) and his partner (AK). However, the partner decided not to join him. Kept the name. Also, son's initials.
- How long have you been in business? Started December 2012.
- Have you been in South Plainfield the whole time? Since July 2013. Has been leasing the property from current owner, Dennis Hado.
- What is the existing house used for? Unaware of what the house is currently used for.

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- Are you not purchasing the property that has the house? It does include the house. The house is to be demolished.

Chairman Leonardis would like a description of the proposed perimeter of the property. Per Mr. Abrams, the lot will be fenced around with landscaping. However, he did not go into detail so he can move forward with the bifurcated application.

Mr. Pescatore states the hours of operation are 7 am to 5 pm – Monday through Friday. Not open on weekends.

Chairman Leonardis asks if he gets emergency equipment calls. Mr. Pescatore states not usually... no.

Mr. Gustafson asks if the equipment would be idling. Mr. Pescatore states no. It is similar to car lot. People come and look at the equipment. When Mr. Pescatore was listing the equipment that he owns, there was thirty (30). However, he states there is usually twenty (20) pieces of equipment stored on site. Mr. Pescatore states he owns thirty (30) pieces... usually has twenty (20) on the property, ten (10) are leased out and on job sites. This is a dealership.

Vice Chairman Miglis asks Mr. Pescatore if this would be his main location? Mr. Pescatore states it's his only location.

Mr. Gustafson if the mechanics move the equipment in and out of the garages? Per Mr. Pescatore... that is correct. Mr. Gustafson clarifies that when an equipment is getting ready for sale or lease, the mechanic comes in and preps the equipment to leave the site. Mr. Pescatore states yes. I'm there to supervise. Nothing comes in or out without me being there.

Vice Chairman Miglis asks... the lowboy, is that a separate company. Mr. Pescatore states yes... uses local towing companies. He doesn't own tractor or trailer. Therefore, not included in the thirty (30) pieces. Calls an outside vender when needs to move equipment in or out.

Mr. Gustafson asks if Mr. Pescatore intends to remain a dealership and not expand uses to repair shop. Mr. Pescatore states that is correct. Mr. Gustafson request that this becomes a condition of approval.... That this is only a dealership and no maintenance.

Chairman Leonardis asks if Mr. Pescatore is a dealership for a particular manufacturer. He is not. Sells and leases varies manufacturers.

Mr. Lemos is questioning the roof trusses on the structure. Per Vice Chairman Miglis... as stated earlier the information on the structure is for informational purposes. When the applicant returns for site plan approval, the structure will be determined at that time. Mr. Abrams confirms, if the use variance is approved, Mr. Pescatore will return with the site plan and the specifics on the structure.

With no further questions from the Board, Chairman Leonardis asks if there are any questions from the audience.

Peter Calderone – owner of 502 New Market Avenue, South Plainfield, New Jersey – is sworn in. He would like a clarification... is this board meeting only discussing the use variance, not the bulk variance? Bulk variance is what his concern is. He owns the property next door and there is no screening between properties. There are no fencing, landscaping or screening proposed on the plans. The proposed building is practically on the property line. It's been determined that according to the drawings, the building is not on the property line. There is a ten (10) foot buffer.

Vice Chairman Miglis asks Mr. Pescatore is there a reason why the driveway is on one side of the property and not the other. Mr. Pescatore states that he does not know and best answered by the engineer.

Mr. Lavender and Mr. Abrams explain to Mr. Calderone that those items will be determined during site plan hearing.

Mr. Calderone questions if this hearing consists of bulk variances? After some discussion with the attorney's, it has been determined that the bulk variance concerns can be addressed but not the screening.

Mr. Calderone questions why can't the building width be smaller and the length of the building (back) be longer. Mr. Abrams states that there is a reason why the building is situated as it is and will be explained by the engineer.

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Chairman Leonardis states that the building position will be discussed during the testimony of the engineer.

Chairman Leonardis requests a clarification on lot 24. Are lots 19 and 24 being consolidated? Per Mr. Abrams, the lot line will be eliminated and the lots consolidated.

With no further questions from the board or audience, Mr. Abrams calls upon his next witness

Thomas Quinn – 328 Park Avenue, Scotch Plains, New Jersey – applicants engineer is sworn in and accepted as a Professional Engineer. Using the submitted plans that are before the Board:

- Application includes lot 19 and 24.
- With the two (2) lots combined - total approximately twenty-eight thousand five hundred (28,500) square feet.
- M-3 Zone.
- Surrounded by: North – contractors yard; East – residential properties; South – by New Market Avenue across from residential district; West – vacant lot.
- Existing site contains a single-family dwelling with a gravel drive. A large gravel area at the rear of the property.
- Total impervious coverage – forty-seven percent (47%).
- Presence of a flood plain.
- Slope of property approximately two and a half percent (2.5%).
- North portion of property is incumbent by the flood plain... north-east portion is outside of the flood plain.
  - Flood hazard boundary... 100-year storm – per FEMA depth of flood is foot and to foot and half deep (1' – 1.5').
  - Half of the property – north-west – in flood plain.
  - Will have to submit to NJDEP for Flood Verification and permit.
  - No permeant structures may be on the flood plain.
- Proposing to demolish existing buildings... dwelling, shed and gravel drive.
- Proposing to construct a one-story (1) building – approximately three thousand two hundred (3,200) square feet.
  - Eight hundred (800) square feet in the front – office space.
  - Approximately, two thousand four hundred (2,400) – garage space.
- Paved site and circulation area.
  - Six (6) parking stalls.
  - Twenty-four (24) foot driveway.
  - Drive area to back of building.
- Behind the building – large gravel area which will contain the storage area – 80' X 50'.
- Two garage doors.
- Monument sign proposed.
- Variances
  - Lot area – required forty thousand (40,000) square feet – proposed twenty-eight thousand five hundred (28,500) square feet.
  - Lot width.
  - Lot coverage -- required fifty percent (50%) -- proposed seventy-three and six tenths percent (73.6%).
  - Side yard set-back -- required thirty feet (30') -- proposed ten feet (10')

Chairman Leonardis requests a clarification from Mr. Quinn of 'Zero Net Fill'. Per Mr. Quinn, if a structure is put into the flood plain, that area is not available for flood waters. Therefore, a flood plain volume would have to be created elsewhere on the property by decreasing fill. In this particular property, decreasing fill elsewhere on this property will create drainage problems to the properties to the east... residential.

Mr. Quinn continues... There is a large grade differential across the front of the property. If the driveway is moved to the other side, it would require a lot earth work. There is a three (3) foot grade differential. If the structure was shifted towards and into the flood plain, the flood plain would have to be filled and created elsewhere on the property which will cause flooding to the neighbors – residential area. That's why the structure is proposed where it is situated on the plans.

Vice Chairman Miglis asks Mr. Quinn besides the flood plain, what was the determination for the size of the building? It was determined by the applicant's needs. There are two (2) bay doors and large area to the west. The ramps are where the garage doors will be. There is a grade differential. Trying to avoid grade work in the flood plain.

Chairman Leonardis request a narrative of the perimeter of the property starting at the south-east corner. Mr. Quinn states he will start at the right-a-way.

- Trench drain.

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- Eight-foot (8') buffer between the curb and proposed parking area. Box Woods as screening.
- Maintaining grade.
- Box Woods on east side of parking lot.
- Green area extends along the parking area and property line.
- Ten foot (10') from the building to property line – green area. May do plantings.
- Dumpster enclosure behind the building.
- Twenty-five foot (25') green area.
- Towards the north... equipment storage.
- West – fifteen foot (15') green area from the property line to the paved driveway.
  - Sanitary sewer runs in this proposed green area.
  - Currently, no easement. Will dedicate an easement.
- Six foot (6') chain link fence... no slats around the back where equipment stored.

Chairman Leonardis asks Mr. Quinn, what will be in the green area? The green area where the sanitary line will not have a lot of planting so not to damage the line. The other green area can have any type of plantings... whatever is suitable for the neighboring property.

Mr. Gustafson questions the distance from the proposed structure and the building next door. Mr. Quinn using the aerial photo it is approximately fifty feet (50'). There is a little structure and a larger structure. The larger structure is the home Mr. Calderone owns.

Chairman Leonardis asks Mr. Calderone to point out on the plans where his home is located. Using the aerial photo, Mr. Calderone states there is a two-family house, a detached garage and two (2) connected sheds. The driveway is on Pulaski Street. The garage doors face away from New Market Avenue. The house has a front door and back door.

Chairman Leonardis asks Mr. Calderone if there was a business in the garage previously? The house is over seventy (70) years old. He was told that once, not in his lifetime, that it was a grocery store.

Chairman Leonardis questions Mr. Calderone if he is aware that his property is in a M-3 zone? Mr. Calderone states that that is a problem for the area. There is no manufacturing by New Market Avenue and Pulaski Street. He has no objections to the use. However, believes tradesmen - electricians, carpenters etc. - are more appropriate for the area. The area along New Market Avenue and Pulaski Street should be rezoned. Mr. Lavender advises Mr. Calderone that this is not the Board to discuss rezoning.

Mr. Lavender asks Mr. Calderone his thoughts on the screening between the proposed structure and his property. Mr. Calderone suggests a high fence with slats to block the view from his property. Chairman Leonardis suggests staggered arborvitaes. Mr. Calderone is concerned about the upkeep of the plantings. Mr. Abrams states that the applicant has no issues of extending the fence. Mr. Calderone states for security purposes he would like to have the fence. He lives in Point Pleasant Beach and the house on New Market Avenue is a rental. The property has been in his family for many years.

Mr. Lavender states that the applicant agrees to the fence and Chairman Leonardis recommends a ten (10) feet high.

With no further questions from the Board and the audience, Mr. Abrams calls up his next witness.

Richard Lapinski – 554 Compton Avenue, Perth Amboy, New Jersey – is sworn in and accepted as a Professional Planner. Mr. Lapinski addresses the Board.

- Occupy and use a twenty-eight thousand four hundred eighty (28,480) square feet parcel.
- Located north of New Market Avenue
- Display and sale construction equipment.
- M-3 Zone.
- Variances required.
  - D1 variance – use not permitted in zone.
  - Several bulk variances.
    - Lot is undersize -- required forty thousand (40,000) square feet - existing twenty-eight thousand four hundred eighty (28,480) square feet.



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- Lot width along New Market Avenue -- required two hundred (200) feet - existing approximately one hundred eight (108) feet (107.9 to be exact).
- Front yard buffer -- required thirty-five (35) feet - proposed eight (8) feet between right of way and parking lot.
- Side yard (easterly) -- required thirty (30) feet - proposed ten (10) feet.
- 'L' shape land.
- One hundred twenty-six (126) foot frontage on Dover Place – partial paper street - North.
- Contractors yard to the north adjacent to this property is separate – no interaction. Will be separated by fence.
- Will have no access to property from Dover Place.
- Two lots will be combined – subdivision.
- Surrounding uses:
  - Vacant industrial land to the west – largely impacted by wetlands.
  - Across New Market Avenue to the south – large vacant residential zoned property.
  - Land to the east between New Market Avenue and the railroad – mixed use... New residential, New light industrial, New commercial development.
- New Market Avenue – a major truck route.

Chairman Leonardis requests a clarification for the side yard setback. Is the setback variance only for the proposed structure or for the entire side? Mr. Quinn states that it is only for the proposed structure.

Chairman Leonardis addresses the applicant. If the use portion of the application is favorable, when you return for your site plan approval the following will need to be addressed: Lighting, fencing, signage, architecture of the building, finish of the building.

With no further questions from the Board or audience, Chairman Leonardis calls to vote. Mrs. Eichler made motion, seconded by Mrs. Cullen. Those in Favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Gustafson; Mr. Lemos, Vice Chairman Miglis and Chairman Leonardis. Those Oppose: None.

Mr. Abrams requests Site Plan hearing date of December 20, 2016. Request granted and notices will carry.

**INFORMAL HEARINGS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**CORRESPONDANCE:** None

**EXECUTIVE SESSION:** None

**ADJOURMENT:** 9:30 PM

Respectfully Submitted,  
Joanne Broderick  
Recording Secretary