

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
September 20, 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, 1st Alternate
Darlene Cullen, 2nd Alternate**

Absent:

**David Miglis, Vice Chairman - Excused
James Gustafson - Excused**

Also attending: Larry Lavender, Esq.; Stan Slachetka, PP, AICP

MINUTES: None

RESOLUTIONS: None

HEARING: 2 (1 residential – 1 commercial)

**A. Case # 14-16 -- Sharon Vastano
Block 222: Lot 9: R-15 Zone
3165 Clark Lane**

The applicant is requesting an appeal of the Zoning Official denial for shed exceeding maximum area of two hundred (200) square feet. Proposing two (2) sheds with a total area of two hundred eight (208) square feet. Eight (8) foot square variance is being requested.

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

Sharon Vastano – 3165 Clark Lane, South Plainfield, New Jersey – is sworn in. Currently, she owns two (2) sheds on her property with a total area of two hundred eight (208) square feet. According to the Ordinance, the maximum area is two hundred (200) square feet. She had an issue with a neighbor which prompted her to get a Zoning Permit which got denied.

Chairman Leonardis questions Mrs. Vastano:

- Is the survey that is in front of the Board the survey accurate? *Yes.*
- The size of the sheds indicated in the application is the actual size of the sheds? *Yes.*
- Do you have pictures of the sheds? *Yes... on my phone.* Per Chairman Leonardis and Mr. Lavender the Board cannot look at those.
- Real pictures? *No... did not think about that.*
- How are the sheds constructed? *Wood structures on cinder blocks.*

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Mrs. Vastano advised the Board that she purchased the home in June 1994 and then purchased the first shed. They purchased the second shed a few years later when her father-in-law who was a truck driver needed to put his stuff somewhere. Father-in-law has since passed.

Chairman Leonardis continues to question Mrs. Vastano:

- Do you know how high the sheds are? *Yes, I have the receipts. The first shed was purchased November 1994 - 8' X 16' A Frame. The second was purchased in 2007 – 8' X 10'. Doesn't state the height.*
- Typical shed height? *Yes.*

Mrs. Campagna states she drove pass the location. The sheds look like standard height and in good condition. Are they five (5) feet from the back property line? *Yes... we own the back wooded area against Woodland Avenue.*

Chairman Leonardis asks Mrs. Vastano if she replaces either shed, would she agree to keep it under the two hundred (200) square foot requirement. Mrs. Vastano agrees.

Mrs. Vastano ask the Board for a clarification... does she have to take one of the sheds down. No... only if you need to replace one of the sheds due to damage or decide to take it down and replace it. The total area must be under two hundred (200) square feet.

With no further questions from the Board or audience, Chairman Leonardis calls to vote... Eight (8) square foot shed variance. Mr. Bonanno made motion, seconded by Mrs. Cullen. Those in Favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Hughes; Mr. Lemos; and Chairman Leonardis. Those Oppose: None

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

The applicant is requesting a Use Variance to use the existing building for maintenance and service of its vehicles as well as outdoor storage of dump trucks, pick-up trucks and tractor-trailer.

Continued from August 16, 2016 meeting.

Steven S. Polinsky, Esq., (Deutch & Associates, LLC) applicants' attorney; Christian M. Kastrud, PE, CME, (Kastrud Engineering LLC) applicants' engineer; Keith S. Ottes (Langan Engineering) applicants' planner; and Joseph Porchetta, principle owner of GMP Contracting LLC, the applicant are present.

Mr. Polinsky addresses the Board. From the comments from the last meeting, Mr. Polinsky has amended the application. With the amendment, he had the opportunity to include 2240 South Clinton LLC – the contract purchaser of the property. The use variance will not include the entire premises not one particular area. With the amendment, Mr. Polinsky has Noticed the paper and neighbors which he handed the Affidavit of Publication from the Courier News to Mr. Lavender to review. Along with the submitted amendment, there is a signed letter from the current owners, Thomas and Linda Malinowski, consenting to the application. The site plan has not yet been completed. Therefore, Mr. Polinsky would like to bifurcate the application and proceed with the use variance to use the property for maintenance and repair of construction equipment inside the warehouse and storage of construction equipment outside. The use will be used by GMP Contracting and by the contract purchaser of the property 2240 South Clinton LLC. He understands that expanding the use to the empty portion of the property in the back will require extensive site plan approval.

Mr. Polinsky asks the Chairman and Mr. Lavender if everyone present on the Board was present during the last hearing. It was confirmed that all Board Members currently present were present at the August 16, 2016 meeting. Two (2) member who were not at this meeting were at the previous meeting.

The Board grants the bifurcation.

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Keith Ottes – Langon Engineering - 526 Gladstone, Langhorne, Pennsylvania - had testified on the August 16, 2016 meeting. Mr. Polinsky questions Mr. Ottes... You have reviewed my letter of amendment? Yes. Does the amendment change any conclusions from your testimony of August 16,2016? No.

Chairman Leonardis would like Mr. Ottes to review the site. Mr. Ottes states that GMP Contracting currently utilizes the one story warehouse building in the middle of the site. Using Exhibit, A-2, there is a building along South Clinton Avenue. GMP Contracting intends to use this building as offices. Moving back to the middle site the one story warehouse building will continue to be used for maintenance of equipment. The area to the west, towards the rear of the property that fronts on Parker Avenue would be used for outdoor storage of equipment and materials.

Chairman Leonardis questions Mr. Ottes as to how much equipment will be stored? Mr. Ottes states that is a question for Mr. Porchetta.

Joseph Porchetta - 7 Beverly Drive, Holmdel, New Jersey – is sworn in. Mr. Polinsky questions Mr. Porchetta:

- Is he the sole member of GMP Contracting LLC – the original applicant? Yes.
- Now that the application has been expanded to include 2240 South Clinton LLC – the contract purchasing company, are you the sole member of 2240 South Clinton LLC? Yes.
- You heard Chairman's question as to the back area – west end of the property? Yes.
- You testified that you actively use the site? Yes.
- What happens inside the one story warehouse building? *I repair my equipment and trucks.*
- Equipment carried by vehicle to construction sites? Yes.
- Do you do some vehicle storage in that area? Yes.
- Where does your storage presently extend to? *The eight (8) foot chain link fence.*
- At present, your activity does not go beyond the eight (8) foot chain link fence? No.
- You would like to extend your activities into that western portion? Yes.
- What would you anticipate doing in that western portion? *I would access the site from the back. It would be easier to get my tractor trailer in. I would be parking my tractor trailer and two (2) dump trucks. They come back to the yard every night. A couple of pick-up trucks. Store my snow plows. I would relocate my storage container. Possibly a few pieces of my equipment. Right now, there are two (2) pieces of my equipment there. I own forty (40) pieces of equipment. They only come back for repair.*
- Do you intend to store forty (40) pieces of equipment? *Absolutely not.*

Chairman Leonardis asks Mr. Porchetta... you will be using the entire lot for your business. Yes. Are you going to sublet it? No... it's too small to sublet.

Mrs. Cullen ask Mr. Porchetta... are you going to do repairs on anyone else's equipment? No... I have enough of my own stuff to repair.

Mr. Porchetta states that he wants to start beautifying the space – landscaping. However, is waiting until he closes on the property. This is not the way he maintains his properties.

Mrs. Campagna asks who is in the front building? Mr. Porchetta states he took that rent over. The owner was upset that he was losing the rent, so he took it over and pays the rent. He anticipates using the building as office space for two (2) estimators, a bookkeeper, a secretary and his office. He currently rents offices on the other side of town.

Mr. Bonanno questions Mr. Porchetta... the anticipated outdoor storage area, is that all gravel? Yes. Are you going to put black top? *I am going to keep the traffic area as black top but will leave the storage area as gravel except the entrance / exit area.*

Chairman Leonardis states that we are here to decide if the use fits the site.

Chairman Leonardis advises Mr. Porchetta that he does not want to have the back area used as a dump site of equipment. Mr. Porchetta states he will not. He keeps all his equipment including vehicles clean.

Chairman Leonardis states that when GMP Contracting returns for the site plan, he would like the storage area in detail.

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

INFORMAL HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDANCE: None

EXECUTIVE SESSION: None

ADJOURMENT: 7:30 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary