

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

**Gino 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 Adjustments, not to hear any new applications after 10:00 pm and no new witnesses after 10:30 pm.

**ROLL CALL:**

**Present:**

**Gino Leonardis, Chairman**  
**James Gustafson, Vice Chairman**  
**Cindy Eichler**  
**Frank Lemos**  
**April Wasnick, 2<sup>nd</sup> Alternate**

**Absent:**

**Ken Bonanno**  
**Maria Campagna**  
**Darlene Cullen, 1st Alternate**  
**Robert Hughes**

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

**MINUTES:** June 6, 2017

Mrs. Eichler made motion, seconded by Vice Chairman Gustafson to accept the above listed Meeting Minutes. Those in favor: Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

**RESOLUTION:** None

1. **HEARING:** (6 residential and 1 commercial application)

**A. Case #21-17 -- Chambers VP LLC**  
**Block 99: Lot 10: R-10 Zone**  
**111 Chambers Street**

The applicant requested bulk variances to construct an Add-A-Level to a pre-existing non-conforming structure. Variances requested: Front yard setback: Existing 25.1'...Required 30'...Variance 4.9' -- Side yard setback: Existing 5.7'...Required 8'...Variance 2.3' -- Lot size: Existing 5,000 square feet...Required 10,000 square feet...Variance 5,000 square feet -- accessory structure (shed) setback: Existing under 1'...Required 2'.

Edward Santoro – Santoro & Santoro, 304 Maple Avenue, South Plainfield, New Jersey – attorney for applicant addressed the Board. Has provided proof of service and publication. Confirmed by Mr. Lavender. Mr. Santoro continued... the property is located at 111 Chambers Street - Block 99 Lot 10. Currently, a vacant single family cape cod on a 50X100 lot. The proposal is to convert it to a single family colonial. There was a prior application in 1995 where the variances had been granted. The variance that are being requested are: lot size existing five thousand (5,000) square feet where ten thousand (10,000) square feet is required; Side yard setback existing is 5.7' where eight feet (8') is required; Front yard setback existing is 25.1' where thirty feet (30') is required. The shed has an existing setback of one foot (1') where two feet (2') is required.

Chairman Leonardis asked Mr. Santoro if he had any witnesses. Per Mr. Santoro, the only witness is the architect – Mr. Agnew, who can briefly describe the proposal.

David Agnew – 150 Maple Avenue, South Plainfield, New Jersey – the architect for the applicant is sworn in and accepted as a Professional Architect.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

Chairman Leonardis asked who is the applicant. Mr. Santoro stated that the applicant is Chambers VP LLC. The principle is currently working in Abu Dhabi. Mr. Santoro requested that the application be heard with the architect since it is a straight forward application. Board agreed.

Mr. Santoro questioned Mr. Agnew:

- Prepared the site survey and drawings.
- Existing structure is a single family house with a small attic. Proposing to remove the attic and add a full second floor. To gain additional square footage, the applicant would like an overhang in the front and back of the house.
- With the addition, the house will be approximately one thousand five hundred (1,500) square feet.
- Variances that are being requested are pre-existing.
- Taking a cape cod to a colonial.

Chairman Leonardis questioned the overhang. Mr. Agnew stated the applicant wants to get more square footage. Cantilevering the second floor in the front and back for larger bedrooms. The first floor will be the same. Chairman Leonardis continued... How much of a cantilever? Per Mr. Agnew, one foot (1') cantilever in the front and three foot (3') cantilever in the back. Total of four foot (4') cantilever. Nothing on the sides.

Chairman Leonardis asked if siding will match. Mr. Agnew stated all new siding, new windows etc.

Mr. Santoro asked Mr. Agnew the condition of the property currently. Mr. Agnew responded that the property is currently vacant. There may have been some demolish started. The exterior is still the same.

Chairman Leonardis asked Mr. Agnew if there are residences on either side of the home. Per Mr. Agnew, yes. Chairman Leonardis continued.... How far away are the other homes from this home? Mr. Agnew stated he does not know. Only knows how far the existing house is to the property line. Facing the home, on the right side 5.7' to the property line. On the left side, there is 16.3'.

Vice Chairman Gustafson asked if the plans that Mr. Agnew is referencing is the same plans before the Board. Per Mr. Agnew, yes. Vice Chairman Gustafson continued... Will this be a four (4) bedroom home? Mr. Agnew stated yes. What are the driveway dimensions? Single car? Mr. Agnew replied it is a single car existing driveway, one in front of the other. No garage? Mr. Agnew stated no.

Chairman Leonardis asked if the purpose is to sell the home. Mr. Agnew stated to his knowledge, yes.

Mr. Lemos asked for a clarification... the second floor will be cantilevered in the front and back. Mr. Agnew stated yes. Mr. Lemos continued... the drawing shows 25.1' setback with the cantilever? Mr. Agnew stated no... that is existing. The cantilever is two feet (2')? Mr. Agnew stated in the front it is one foot (1') and the back three feet (3').

Chairman Leonardis stated the windows on the second floor are close to the neighbors. Don't want to have neighbors looking into neighbors bedrooms. Mr. Agnew stated the windows on the right can be eliminated. There are windows in the front and back. Chairman Leonardis continued... if you want to continue with windows on the right for lighting, to use high windows for lighting not for egress. Mr. Agnew stated that he is able to do so.

With no further questions or concerns from the Board Members, Chairman Leonardis opens the discussion to the public.

Walter Kalman - 112 Chambers Street, South Plainfield, New Jersey – neighbor across the street. He is concerned about an oil tank under the driveway. Mr. Lavender stated it is not a Board issue. It is a town issue. Mr. Slachetka stated that it is indicated on the building record card that there was a five hundred fifty (550) gallon tank removed on December 14, 2016. Chairman Leonardis stated there was another tank removed from the basement in 2004.

No further questions from the public.

With no further questions or concerns, Chairman Leonardis calls for a motion to approve the requested variances. Mrs. Eichler made motion, seconded by Mr. Lemos. Vice Chairman Gustafson added he would like the condition of new siding, new windows, new shutters, new roof all matching and esthetically pleasing along with the high windows for light on the right side. Board agrees. Amended motion made by Mrs. Eichler and seconded by Mr. Lemos.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

Those in favor: Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

**B. Case #19-17 -- Darin & Michelle Larsen**  
**Block 160: Lot 8: R-7.5 Zone**  
**230 Ledden Terrace**

The applicant requested a side yard setback to construct a one story addition. Side setback: Proposed 5.1'... Required: 8'...Variance: 2.9'

Darin & Michelle Larsen – 230 Ledden Terrace, South Plainfield, New Jersey – are sworn in. Mrs. Larsen stated that they would to construct an addition to their home. The addition will go beyond the required setback. The plans for the addition are before the Board. Looking at the home, the addition will be to the left.

Chairman Leonardis asked what the addition will include. Per Mrs. Larsen, the addition will be a family room. There will be three (3) steps down from the dining room. Will be forward of the house to even out the house with the garage and run along the length of the house. The home to the left is at least eight feet (8') from the property line. Mr. Larsen stated there are two (2) four foot (4') sections of fence. Mr. Larsen stated there will be no windows on the side facing the neighbor. Mr. Larsen stated the whole house will have all new siding, new roof and new windows.

Chairman Leonardis asked if there will be an addition to the rear of the home. Mr. Larsen stated the addition will go to the back where the deck is currently. It will be six feet (6') out from the dining room and kitchen. The prints have not been revised. The garage is not being constructed. Mrs. Larsen stated a bigger kitchen, dining room and adding the family room.

Chairman Leonardis reiterated... an addition and extending the deck. Mrs. Larsen stated that deck is being removed. Eventually, would like a deck, but not now. Mr. Larsen stated extending the kitchen and dining room six feet (6') back.

Mr. Slachetka asked if the proposed driveway will be constructed. Mr. Larsen stated not doing the driveway. Not touching that side of the house. The garage is off the plans.

Mr. Lemos questioned Mr. and Mrs. Larsen:

- Is there a house to the left of your house? *Correct.*
- How far is that house from the property line? *Roughly eight feet (8').*
- Is the eight feet (8') to the garage or to the house? *To what would have been the garage but it was converted to a family room.*
- Is it a one story? *No... it's a split level.*
- Can the addition be reduced in size? 5.1' is very close. *Would not be worth to do the addition. It would turn into a hallway and not into a room.*
  - Mr. Lemos stated he does not like to see the houses to close and looking like row houses.

Vice Chairman Gustafson questioned Mr. and Mrs. Larsen:

- Would like more information regarding the house to the left.
  - Is there a driveway on the right side? *Correct.*
  - Is it approximately twelve feet (12') from the property line but they converted that into a family room with no windows on that side. If you had windows, you would be looking at another family room? *Correct. Neighbors do not have windows on that side either.*
  - Does that house have some modification? *Yes.*
  - Is that the house that usually has trailers on the property? *That is the state trooper. That house is the other way.*

Chairman Leonardis stated that these lots are smaller and these split levels do not have much of a family room. Adding a family room in his opinion adds value to the home and the family. The situation is that the way the house was designed and located, it puts you over to the left. There is approximately twenty feet (20') on the right side. If the house was done over, it would be more centered on the property. People typically do not build off their garages.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

They build off their living room. With Vice Chairman Gustafson's insight of the area and the house next door, he feels more comfortable about the variance than just looking at it on paper.

Vice Chairman Gustafson stated as a condition, everything to match... family room will not be converted into bedrooms. Mr. and Mrs. Larsen agreed. Vice Chairman Gustafson stated the addition is thirteen feet (13') wide. If you minimize that like Mr. Lemos would like, technically it would be a long room versus a wide room.

Chairman Leonardis stated the hardship is the location of the house. It is not centered on the lot.

With no further questions or concerns, Chairman Leonardis calls for a motion to approve the requested variance. Mrs. Eichler made motion, seconded by Vice Chairman Gustafson. Those in favor: Mrs. Eichler; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: Mr. Lemos.

**C. Case #20-17 -- Peter Lauria**  
**Block 166: Lot 10: R-7.5 Zone**  
**521 Melrose Avenue**

The applicant requested bulk variances to construct a deck to a pre-existing non-conforming structure. Variances being requested: Front yard setback: Existing 25'...Required 30'...Variance 5' -- Side yard setback: Existing 5.62' & 4.14'...Required 8'...Variance 1.38' & 3.96' -- Lot Width: Existing 60'...Required 75'...Variance 15' -- Lot size: Existing 6,000 square feet...Required 7,500 square feet...Variance 1,500 square feet.

Peter Lauria – 521 Melrose Avenue, South Plainfield, New Jersey – is sworn in and addressed the Board. Would like to add a 14'X16' deck in the back yard.

Chairman Leonardis asked Mr. Lauria to describe the house. Mr. Lauria stated the house was built in 1953. The house has been redone except the deck. The deck is eight feet (8') from the property line. Mr. Lavender asked if he had measured it. Mr. Lauria stated yes. Mr. Lavender continued... that would be a condition that the deck cannot be closer than the eight feet (8'). Mr. Lauria agreed.

Chairman Leonardis asked if the deck goes from the enclosed existing porch. Mr. Lauria stated there is a sliding glass door. There is the kitchen, the dining room and the sliding glass door. The deck will end where the sliding glass door is. Then go sixteen feet (16') to the right.

Vice Chairman Gustafson asked if the sliding glass door is from the enclosed porch or from the existing house. Mr. Lauria stated there is no porch. The inside is the same. The dining room is connected to the kitchen. It was a porch but no longer. Mr. Lavender asked Mr. Lauria what is shown on the survey as a porch is not a porch any longer. Mr. Lauria stated it is not a porch. It is a dining room. Vice Chairman Gustafson stated it is an enclosed room. Mr. Lauria stated it connects to the kitchen and into the rest of the house.

Chairman Leonardis asked if the steps are still in the front. Mr. Lauria stated no. There is a front bay window. The survey that is before the Board shows the steps in the front, steps off the enclosed porch, steps off the back. Mr. Lauria stated that is the original survey. Chairman Leonardis continued... Is the deck going any further than the existing porch closer to the left property line? Mr. Lauria stated no it will not. On the inside, there will be a gutter then space and then the edge of the property. What will the deck be made of? Mr. Lauria stated wood.

Chairman Leonardis reiterates.... The deck will not go any closer than the existing enclosed porch wall towards the property line. Mr. Lauria stated no it will not. It will go straight back. Fourteen feet (14') back and sixteen feet (16') across.

Mr. Lemos asked if the steps in the back are masonry steps. Mr. Lauria stated they were. They have been removed. Mr. Lemos continued... where will be the steps off the deck? Mr. Lauria stated the steps off the deck will be to the right. There is a paver walkway that will connect to it.

With no further questions from the Board, Chairman Leonardis opens the discussion to the audience.

517 Melrose Avenue, South Plainfield, New Jersey – neighbor next door the side where the deck will be. She stated that Mr. Lauria showed her where the deck will be and she is fine with it.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

With no further questions or concerns, Chairman Leonardis calls for a motion to approve the requested variances. Mrs. Eichler made motion, seconded by Vice Chairman Gustafson. Those in favor: Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None.

**D. Case #22-17 -- Lee R. Honeycutt**  
**Block 199: Lot 28: R-7.5**  
**515 Brett Place**

The applicant requested bulk variances for a 597 square foot rear addition and deck to a pre-existing non-conforming structure. Variances being requested: Front yard setback: Existing 15'...Required 30'...Variance 15' -- Side yard setback: Existing 3.9'...Required 8'...Variance 4.1' -- Lot size: Existing 5,000 square feet...Required 7,500 square feet...Variance 2,500 square feet.

Lee and Abigail Honeycutt – 515 Brett Place, South Plainfield, New Jersey – are sworn in. Mrs. Honeycutt gave Mr. Lavender the Affidavit of Publication. Mrs. Honeycutt addressed the Board. They are seeking a lot size variance. The house was built in 1905 and completely non-conforming. Would like to add a second floor on top of the existing first floor and go back approximately thirteen feet (13'). Currently upstairs are two (2) bedrooms. The roof is pitched you are sideways when you walk. Instead adding onto the back, it would look better to knock down the whole second floor and make it one cohesive look so the house would not look patchworked. Upstairs will still have the two (2) bedrooms and bathroom. Would be able to have a dining room by extending back.

Chairman Leonardis asked how deep is the lot. Thirty-five feet (35') in the back. Chairman Leonardis continued... anything being done to the front? Mrs. Honeycutt stated not touching the front. All new siding and roof.

Vice Chairman Gustafson asked about the house to the right. Mrs. Honeycutt stated she is eight feet (8') from the property line. Will be going back with what is existing. Vice Chairman Gustafson continued.... How deep is her home? Mrs. Honeycutt stated it is even with their house currently.

With no further questions from the Board, Chairman Leonardis open the discussion to the audience. No questions or concerns from the audience.

Chairman Leonardis stated these homes were built to one side or the other. The existing foundation are where they are. It is already an existing two story. The entire outside to match.... uniform look.

With no further questions or concerns, Chairman Leonardis calls for a motion to approve the requested variances. Mrs. Eichler made motion, seconded by Vice Chairman Gustafson. Those in favor: Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

**E. Case #24-17 -- Performance Building Enterprises LLC**  
**Block 199: Lot 29: R-7.5 Zone**  
**511 Brett Place**

The applicant requested bulk variances to construct dormers off both sides to a pre-existing non-conforming structure. Variances being requested: Front yard setback: Existing 9'...Required 30'...Variance 21' -- Lot size: Existing 5,000 square feet...Required 7,500 square feet...Variance 2,500 square feet.

Lawrence Sachs, Esq, attorney for the applicant addressed the Board. The application is for 511 Brett Place, Block 199 Lot 29. Located in the R-7.5 zone. The applicant is seeking to add dormers to each side of the existing house. There are some bulk variances required for front yard setback and lot size. Has two (2) witnesses. The contractor will give an overview of what is existing and what is being proposed. There are plans that have been submitted. There is a planner to provide the necessary testimony to supply the bulk variance relief.

Peter Haborak – 235 Grove Street, Woodbridge, New Jersey – is sworn in. Mr. Sachs questioned Mr. Haborak:

- Contractor for this project.
- Architectural plans submitted with application. Three (3) sheets.
  - Using the second page of the plans that are before the Board:

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

- Currently a two (2) bedroom house.
- Interior completely “shot”.
- Looking to have a master bedroom and bath. A three (3) bedroom home.
- Proposing:
  - First floor -- Living room, dining room, bedroom, kitchen, bathroom.
  - Second floor -- Two (2) bedrooms and a bathroom.
- Elevations:
  - Front elevation -- stay as it is. Dormers start eight feet (8') back from the house.
  - Right side -- Smaller dormer to accommodate the stairs to the second floor.
  - Left side -- Dormer to accommodate head room in the bedrooms.
- Exterior house: Dormer will match.
- Existing house approximately eighty (80) years old.
- Remodel of existing.

Chairman Leonardis questioned Mr. Haborak:

- How close are the windows to the property next door on the second floor? Right side is eight feet (8') and the left side is twenty-one feet (21'). *The window on the right is a window in the stairwell not in a bedroom.*
- Siding the whole house, new gutters, new roof? *Yes. The siding is fairly new... approximately three (3) years. Will match the second floor.*
- Is this a project house? *Yes.*

Vice Chairman Gustafson questioned Mr. Haborak:

- Will this house be up for sale? *Yes.*
- Any enhancements to the exterior, landscaping or buffers to the road? *There is not a lot of room. Nine feet (9') is to the right-a-way.*
- These are not finished streets? No sidewalk? *No sidewalks.*
- Is there ten to fifteen feet (10'-15') to the road? *Ten feet (10')*
  - Mr. Sachs stated if the Board is inclined they can put in some landscaping.
- What color is the existing siding? *Greenish.*
- That color is still available by the supplier? *Yes.*
  - Mr. Lavender stated the building card states the siding was done in 2006. Will it match? Mr. Haborak stated if it does not match, will reside the whole house. Mr. Lavender asked if that can be a condition. Mr. Haborak stated yes.

Mr. Lemos stated that the dormers show a slope of twelve (12) on two (2). Is that a roll roofing? Mr. Haborak stated yes. Now a days they make a granular roll roof.

With no further questions from the Board, Chairman Leonardis opens the discussion to the audience. No questions or concerns from the audience.

John Leoncavallo – 385 Washington Road, Suite E, Sayreville, New Jersey – is accepted as a professional planner and sworn in. Mr. Leoncavallo addressed the Board:

- Lot size - 50' X 100'.
- Front yard setback variance. Thirty feet (30') required – nine feet (9') existing.
- Lot size variance. Five thousand (5,000) square feet existing – seven thousand five hundred (7,500) square feet required.
- Surrounding area is primarily residential.
- Looked at Master Plan and the 2014 Re-Examination Report. One of the major goals is preservation of the integrity and preservation of the existing residential neighborhoods. When necessary, required revisions to layout of location improvements and supplement landscaping to minimum conflicts and protect the character to the existing neighborhood.
- Zone R-7.5.
- Permits family homes. Mostly on larger lots.
- Using Exhibit A-1 – 511 Brett Place, South Plainfield, New Jersey – aerial photo of the neighborhood.
  - A split zone on Brett Place.
    - South-east is R-10 zone.
    - North-west is R-7.5 zone.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

- Hatch marks represent non-conforming fifty feet (50') lot widths.
  - Pink marks less than seven thousand five hundred (7,500) square foot lots.
  - White marks more than seven thousand five hundred (7,500) square foot lots.
  - Lots of non-conformity in the area. Therefore, impossible to provide more property.
- Negative criteria will be met by terms what is proposed – promotes and enhances the character of the neighborhood and not a detrimental to the public good.
  - New construction to the whole house will be in concurrence with the uniform construction code.
  - Project will not substantially impair the purpose and intent of the zone plan.
  - The new addition is consistent with the houses and structures on Brett Place.
  - Surrounding area is good. No substantial impact on the residential neighbors.
  - Does not negatively affect the quality and character of the neighborhood.
  - Promotes the theories of the Master Plan by maintaining and protecting residential neighborhoods
  - Flexible C variance.
  - Both variances are considered as pre-existing non-conforming with the site.

Chairman Leonardis stated the only items that are going up are the two (2) dormers. Mr. Sachs stated correct. No cantilever... going straight up. Chairman Leonardis stated therefore, the footprint is staying the same. What is the clearance on the left side for the windows. Mr. Leoncavallo stated 21.7' and a garage.

Chairman Leonardis stated that exterior will be uniform. The siding will be replaced if it cannot be matched.

With no further questions from the Board, Chairman Leonardis open the discussion to the audience.

Carlos Rodrigues – 706 Maple Avenue, South Plainfield, New Jersey – neighbor. Mr. Rodrigues stated he has no objection with the proposed construction. His backyard faces the applicants back yard.

Chairman Leonardis reiterates the conditions... new siding if the siding cannot be matched. New Roof.

With no further questions or concerns, Chairman Leonardis calls for a motion to approve the requested variances. Mr. Lemos made motion, seconded by Mrs. Eichler. Those in favor: Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

**F. Case #18-17 -- Performance Building Enterprises LLC  
Block 43: Lot 11: R-7.5 Zone  
125 Rahway Avenue**

The applicant requested a side yard setback and lot width for an existing non-conforming structure for a rear addition and front porch. Side setback: Existing 6' -- Required 8'. Lot width: Existing 50' -- Required 75'. Previously heard on June 6, 2017.

Vice Chairman Gustafson was a neighbor and his mother currently a neighbor of the residence. He believes he cannot fairly evaluate this case. Therefore, he has recused himself.

Lawrence Sachs, Esq, attorney for the applicant addressed the Board. Property located at 125 Rahway Avenue, South Plainfield, New Jersey. Block 43 Lot 11 located in the R-7.5 zone. A continuation from June 6, 2017. Some comments made and revisions previously requested. Seeking bulk variances relief for side yard setback and lot width. Both are pre-existing conditions. There are two (2) witnesses... Peter Haborak the contractor and John Leoncavallo the planner.

Mr. Sachs reminds Mr. Haborak that he is still under oath from the previous hearing.

Chairman Leonardis asked Mr. Haborak to go through the revisions. Mr. Haborak stated the revised plans show the walk-up attic. The house has been lowered by three feet (3'). Eliminated the big windows on the side of the house. Will use awning windows on the side of the house as requested by the Board. Added a window to the front of the house. Changed the three (3) bedroom windows on the left side of the house to awning windows.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

Mr. Sachs stated that Mr. Haborak is referring to the last page of the revised plans... elevations page. Mr. Sachs asked Mr. Haborak if the layout of the house will remain the same based upon the testimony from the last hearing but made some significant exterior changes to address the concerns from the last hearing. Mr. Haborak stated correct.

Chairman Leonardis questioned Mr. Haborak:

- What was the height of the house at the least hearing? 32.5'.
- Down to 29.4'? Yes. *Mr. Sachs stated a ten percent (10%) reduction.*
- Any enhancement to the property? *There will be landscaping, taking down the big oak tree in the rear and burned garage will be repaired.*
- Will the garage match the house? Yes.
- What was going to happen to the shed? *The shed is being removed.*
- Any upgrades to the fences? *No... they are in good shape. They are chain link fences.*
- Any landscaping around the back and sides? *Just the front. The rest will be seeded or sodded.*
- Will it be a rental property? No.

Mr. Lemos asked Mr. Haborak if there is any debris in the back? Mr. Haborak stated he does not believe that there is any. Mr. Sachs stated everything will be cleaned up.

Mrs. Wasnick asked if Mr. Haborak will be removing the big tree in the front. Mr. Haborak replied no. Mrs. Wasnick stated it is very tall. Mr. Haborak stated there is one in the back that is about the same size and that one will be removed.

Mr. Sachs reminds John Leoncavallo that he is still under oath from the previous hearing.

John Leoncavallo addressed the Board.

- 125 Rahway Avenue.
- Smaller property than what surrounds it.
- Exhibit A-1 – aerial view of the subject property and the surrounding area.
- Property not large enough for the zone.
- The right side of the property is six feet (6') existing. Cannot purchase more property. Therefore, requesting the two foot (2') variance.
- Master Plan Re-Examination discussed the preservation of the integrity of the existing neighborhood.
- This house has come to the point that it needs renovations.
- Property is in the middle of the block
- One (1) non-conforming lot to the west and several to the south off Rahway.
- Negative criteria
  - Satisfied by the promotion of the character of the neighborhood.
  - No substantial impairment to the zone plan.
  - Consist with the structures on Rahway Avenue.
  - Will not have a negative impact.
- Justify the variances by C-2 - the benefits outweigh the detriments.

Mr. Sachs stated to summarize Mr. Leoncavallo... there are two (2) pre-existing non-conforming variances. There is no additional land available to abate those variances. There are existing homes on each of the side of the property. There are some lots to the south that are similar size, similar widths.

Chairman Leonardis requested a clarification.... It was stated earlier that the homes along the street are uniformed and consistent with what you are looking to build. What do you mean by that? Mr. Sachs stated some of these homes are larger. Adding a rear addition, making this home larger and more accommodating to other homes which are split levels and two story houses. Mr. Leonardis reiterated... your testimony is that there is a good amount of two story homes in the area. Mr. Sachs stated yes.

Mrs. Eichler stated during the previous meeting which is also stated in the minutes, Mr. Haborak stated he would need twenty-eight feet (28'). Now, it is 29.4'. Mr. Haborak replied it wouldn't work at 28'. Mr. Sachs asked Mr. Haborak, from a construction standpoint, it works better. Mrs. Eichler continued.... At the last hearing, Mrs. Campagna asked you if twenty-eight feet (28') would be acceptable. At that time, Mr. Haborak stated yes. It is even recorded on the minutes. It was 32.5' to 28' and now its 29.4'.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

Mr. Sachs asked Mr. Haborak to explain why it is 29.4'. Mr. Haborak stated it's the height from the ground. Eight feet (8') per floor and two feet (2') floor space. The house has five (5) steps off the ground which adds another three (3') feet. Mr. Sachs continued... so if you go twenty-eight feet (28') there may be a floor that is not eight feet (8'). Mr. Haborak stated correct.

Chairman Leonardis asked what will be in the attic? Will it be finished? Per Mr. Haborak, it will be finished. Like previously, a flex room. Mrs. Eichler stated that at the last hearing, it was called a bonus room.

Mr. Sachs stated one of the concerns is the windows. The side window in that room is just for light. It's up high. Mr. Haborak replied correct.

Mr. Lemos asked what size is the window. Mr. Haborak stated 1.7' X 3'. A regular awning window. Mr. Lemos asked if there is a smaller window on the floor. Mr. Haborak stated no. Mr. Lemos continued... they are all egress windows. Mr. Haborak stated yes. That room can be used as a bedroom. Mr. Sachs stated it could be but it is not their intention.

Chairman Leonardis stated there is still concern about the attic. The idea is that it will have four (4) bedrooms and have the potential of more people living there. Undersized lots with four bedrooms, children, extra cars, etc. We are not looking at a four (4) bedroom - we are looking at a five (5) bedroom. From a business side, it is a great feature. Mr. Sachs stated he understands the Board concerns. Mr. Sachs asked Mr. Leoncavallo if there is adequate parking. Per Mr. Leoncavallo, there is no parking variance. There is a large driveway and meets the residential site improvement standards with regard to parking. Mr. Sachs stated that any room could be converted to a bedroom...even a basement. Presently, there is four (4) bedrooms. It will continue to be four (4) bedrooms with a flex room. Mr. Sachs stated he would like the Board to accept the application as it is.

Mr. Lemos stated if it is a flex room, take the windows out and put vents. Then put skylights. Mr. Haborak stated that the windows are small awning windows for light. There is no big window in that room.

Chairman Leonardis asked Mr. Haborak if they need two (2) egress. Mr. Haborak stated it's not a bedroom so you do not need two (2) ways of egress. Therefore, the stairs are way of egress. The stairs are open to the downstairs hallway. There is no doorway.

Mr. Lemos stated you could put a bedroom in the basement. Of course, it is illegal, but you can do so. If someone uses it as a bedroom and there is a fire, we have a problem. Mr. Sachs stated that's why we show the egress windows.

Chairman Leonardis stated at the last hearing, the discussion was about getting down to twenty-eight feet (28'). Not sure why you can't. Can't get seven foot (7') clearance. Mr. Haborak stated that is correct. That is the minimum requirement for habitable space.

Mr. Sachs asked for a short recess.

Mr. Sachs addressed the Board. During the recess, he spoke to the applicant and believe they have come to resolution on how to address the Boards concerns. The height of the house can be lowered to twenty-eight feet (28'). Obviously, will eliminate the habitability of the attic. Will have pull down stairs and be for storage. It will not be a finished attic. Would like to bump out the house in the rear which will enable to add approximately one hundred fifty (150) square feet to two (2) of the bedrooms. We will agree it will be a four (4) bedroom house. for. Will submit new architectural plans.

Chairman Leonardis asked how many feet are going back. Mr. Haborak stated about ten feet (10'). It will be approximately three hundred (300) square feet. Mr. Sachs stated it will not trigger a rear yard setback. Mr. Leonardis continued... If you go back ten feet (10') it would give you four hundred (400) square feet. Could you go back eight feet (8'). Mr. Haborak stated yes. Chairman Leonardis continued... that would give you three hundred (300) square feet including the second floor.

Mr. Haborak the front façade will change. The dormer will be removed. There will be no windows in the attic

Mr. Slachetka stated the revisions are appropriate. This lot and one other lot are the only lots that have this lot width. The negative impact for the adjoining properties is the height. The Board is clearly in its purview on its height and the

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

limitation of the living space. Specifically, as Mr. Leoncavallo had mentioned one of the goals in the Master Plan Re-Examination Report of 2014 is protecting residential neighborhoods. Goal #2 on page three (3) of the 2014 Re-Examination Report is identified to preserve the integrity of the existing neighborhoods. Goes further to say... the Planning and Zoning Boards review the compatibility of each application for development with respect to the compatibility with the neighboring development and when necessary, require a revision to the layout, location, improvements and supplemental landscape to minimize conflicts and protect the character of the Boroughs existing residential neighborhoods. As per testimony, as originally proposed this building will be significantly higher than the adjoining residential structures exasperated with the non-conforming lot width, when compared with the vast majority of lots within five hundred feet (500') are conforming lots. Clearly, based the goals in the Re-Examination Report the Board's ability to review the application, its contents, proposed in contacts of the existing residential character and its authority to address the issues of the negative criteria. The Board has clear authority to push down the and the minimization of the living space by terms of the variance.

Chairman Leonardis stated the existing home has been abandoned for a long time. The property is a mess. Always hear that it will look nice to sell. Would like to "book end" of what we call nice. Mr. Sachs responded that they can put additional landscaping. There will be new roof. There will be a new exterior. In the back of the property after the addition, there is still approximately seventy feet (70') that can be overgrown. Mr. Haborak stated all the little trees and brush will be gone. The yard will be graded. Grass. All overgrown areas will be removed.

Chairman Leonardis asked about the blacktop driveway. Mr. Haborak stated it will be top coated. How does the curb look on Rahway? Mr. Haborak stated not bad. Mr. Sachs shows pictures on his phone of the curbing.

Mr. Lavender asked if there will be siding on the garage to match the house. Mr. Haborak stated yes.

Mr. Lemos stated there was a fire in garage. Any repairs? Mr. Haborak stated new roof rafters and roof. The rafters are burnt. It's a concrete garage. The walls are not damaged. The sides are block. Will be putting siding on the garage to match the house.

Mr. Lemos asked about the need for the skylight in the house. Mr. Haborak stated that is gone. It is not needed.

Chairman Leonardis stated the house will be twenty-eight feet (28') high; no habitable attic space; all the conditions earlier. Any further questions.

With no further questions from the Board, Chairman Leonardis opens the discussion to the audience. No comments or concerns from the audience.

With no further questions or concerns, Chairman Leonardis calls for a motion to approve the requested variances with the conditions previously mentioned. Mr. Lemos made motion, seconded by Mrs. Eichler. Those in favor: Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; and Chairman Leonardis. Those oppose: None

**G. Case #13-17 -- Teitelbaum Partners LP  
Block 518: Lot 1: OPA-1 Zone  
140 South Avenue**

The applicant requested an Interpretation and a Temporary Use Variance. Previously heard on June 6, 2017.

Aravind Aithal, Esq. – Bob Smith & Associates, 216 Stelton Road, Suite B1, Piscataway, New Jersey – attorney for the applicant addressed the Board. Last before the Board on June 6, 2017. As a procedural matter, this is a two (2) part application. Hoping will vote favorable on that application, which is for a pre-existing non-conforming use then we do not have to go to the other part. Are seeking relief under Section 68 of the Municipal Land Use Law which is a pre-existing non-conforming use. Since there is only five (5) members, asked not go to a vote today. Wants a full

compliment. To remind the Board members, this is the Restaurant Depot site. Restaurant Depot went to another location but still use the facility. Looking to rent it out. Had several people to testify. One said they couldn't wait... The market is hot. Anxious to get a resolution either pre-existing non-conforming or a use variance which may have to wait to next month. Know the Board deals with pre-existing non-conforming all the time. Wants the Board to be aware why they can grant this application as a pre-existing non-conforming use. Under Section 68, took some liberties to language but basically this Board has the power after a zone has been changed to grant the relief. This

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

case the Board members know that in 2007 the Governing Body acted to change the zone in this area. This was to be the gateway to South Plainfield. Our planner testified that that was a place hold. They wanted to revisit the Master Plan to determine if this area was in need of redevelopment. This building has been in existence since 1984. It has always been used as it is currently being used. It has been in the M-3 zone for all tense and purposes since 1984. The burden is entirety on the applicant if we can show three (3) things affirmatively. 1) the use itself which is now prohibited was actually permitted before the zone change. The zone changed in 2007 and prior to 2007 as recent as 2006, Restaurant Depot came in and expanded the use to reconfigure the parking lot. Since 1984, this has been used for warehouse and that is what the building was designed for.

Mr. Lavender stated that point one (1) is was it used as warehouse distribution prior to the zone change. Mr. Aithal stated yes... We have provided testimony it was.

Mr. Aithal continued... second is whether Section 68 was meant to protect this type of use. Section 68 is pre-existing non-conforming use. After the zone is changed, you own a home in a residential zone. You decide to do some work to it because there was some damage. So, you leave the house. You try to get a CofO and long a behold the zone change. You can no longer live in the house because it is no longer residential. It is now industrial... light industrial. You would not expect that. The Municipal Land Use Law takes that specifically into consideration. Section 68 to protect someone in that situation. That is the exactly the same situation. We did not move out. We continued to use it as a warehouse and are trying to get a tenant to replace a tenant that is going to be moving out. The answer to the second prong is yes. This is the specific situation that Section 68 means to protect. The third is whether the use we are seeking was ever abandoned or whether it was continuous since the zone change. Since 2007, we have been using as a M-3 zone use. Zone changed in 2007, we continued to use it up until today. If you go there today, it is still being used as though it is in a M-3 zone. We are protected by Section 68.

Mr. Lavender stated that if one tenant moves out does not mean the use was abandoned. Abandonment means that someone left and never was going to use it as the same. Just because a tenant moves does not mean any of it was abandoned. My job is to advise the Board what the law is. There are three (3) prongs to satisfy. Now it is down to the facts.

Chairman Leonardis stated Jimmies Trucking and Restaurant Depot are in the building. Therefore, two (2) uses in one (1) building. Mr. Aithal stated that is correct. Restaurant Depot is currently there. Mr. Aithal stated they are using a portion of the structure for an outside storage area. If grant an approval for a use variance, that use variance goes on forever. Mr. Aithal stated it could go on forever. Mr. Aithal continued... there is a remedy to that. This is the only Board that can hear this type of application. There is a case that addressed that point specifically. That is Fred McDowel Inc vs Board of Adjustment of Wall Township. The Municipality was told by the court that they cannot deny a Section 68 application if they meet all three (3) prongs. The court used some very telling language "the municipality may not take active steps to extinguish non-conforming uses but instead wait for forfeit hope that the non-conforming use may wither and die". Mr. Lavender stated this means that it becomes abandoned. Mr. Aithal stated that the M-3 no longer operative. For example, converted to lofts. The second way is if there was an eminent domain... a taking.

Chairman Leonardis stated that currently have a trucking company use.

Mr. Lavender stated the Board would like some assurances that it will be a warehouse and nothing more than a warehouse.

Chairman Leonardis stated the biggest concern is that there are condominiums next door. Progressive did a beautiful job cleaning up that area. Quick Chek expanded, cleaned up their area and added curbs. There are several applications forthcoming redo the corner on Durham. The air condition company is now a solar company and renovated their area. The point is the area is looking nice. Better than it used to be with abandoned buildings, construction equipment, beat up roads, no curbs... its starting to look good. Do not want to go back to heavy industrial trucks there.... No chemicals. How do we make sure we do not get into that kind of stuff?

Mr. Lavender stated that we can only say warehouse and what is Jimmie's Trucking classified as. Any other use would not be existing. No other use in the M-3 zone except those two (2) uses that are currently going on.

Vice Chairman Gustafson stated no one wants that use to disappear. Jimmie's Trucking is a local guy. It appears from South Avenue that it is expanding. There are two (2) uses

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

Mr. Aithal stated that the non-conforming use cannot be expanded. Would have to come back. If Jimmie's Trucking was permitted to have thirty (30) trucks and they want sixty-nine (69) trucks, they have to come back.

Mr. Slachteka stated that the Chairman got it right as far as the transformation of the area. The Planning Board and the Governing Body is looking at this area as a gateway. It is not for this Board to go against the Planning Board or the Governing Body in determination for what is going on in the area. There is a logic for what is going on did have an area rezoned for multi-family residential purposes because of the affordable housing plan and obligation of the Borough. The Chairman has itemized that there are been a number of applications in the area to where the primary focus was in design and esthetic quality of the area. It is visible from variety of areas including Route 287. The foundation of making that a gateway area makes some sense. The concern and protections this Board has to consider in granting a use variance it has to be in the context of Planning Board and Governing Body intent for the zoning of this area. If this is a continuation of a non-conforming use, which that is the case, that agreement must be careful of any changes or variations that affect the purposes of this area... How is this site going to function? Is it going to be an attractive site? Esthetics? What happening in terms of circulation and parking? How is the enforcement of the Borough? That is the concern. Granting a variance is site specific and related to the suitability of the site.

Chairman Leonardis stated he knows the area. That was the 'woods'. No Quick Chek, no condos, no apartments across the street, no Progressive... just a junk yard of equipment. Having trucking and warehousing was a good mix back then. Today that's gone... the woods are gone. There are condominiums, townhouses and residential areas in Edison through the back. The landscape in the area has changed. Durham Avenue has become much more congested. The question is does this area support more trucking. With Restaurant Depot, there were trucks but the parking lot was predominately vans and cars. Traffic was not heavy tractor trailers.

Mr. Slachteka stated the other side caddy corner where the former Motorola building will be multi-family housing according to the affordable housing. There will be four (4) story buildings that will have direct view of the site. The zoning has changed. The nature of the land use is changing.

Mr. Teitelbaum addresses the Board. He is still sworn in from the previous meeting. The parking in the front that is being discussed was configured as such that a tractor trailer cannot enter. There are islands so they are unable to turn. It was done on purpose.

Vice Chairman Gustafson asked Mr. Teitelbaum if he had gone to the property today. Mr. Teitelbaum stated no. There were numerous cabs and trailers that were parked out front. Mr. Teitelbaum stated maybe the short ones. Vice Chairman Gustafson continued.... Jimmie's Trucking is in the middle of the lot. Restaurant Depot has not opened the main door in months. It has overgrown weeds.

Mr. Teitelbaum stated that was never the intent of the parking lot. The neighbor has called and complained every time the trucks are parked there. Jimmie's Trucking is using the whole area because Restaurant Depot is not. It can be put it into the lease. Vice Chairman Gustafson stated that is why we like the applicant to come before us for a site plan use. Mr. Teitelbaum stated it takes so long to get to that point that I cannot keep the deal alive.

Mr. Aithal stated that the Board has some concerns. There are certain enforcement issues not just to this property but any town that you can find violations that happens all the time. The problem is the building is partially empty. The law says that you cannot say that you cannot use your property anymore because it just doesn't work anymore. A property owner is entitled to use his property. The Board cannot say we don't like your use anymore.

Chairman Leonardis stated we are not saying we do not like the use. We are saying when we have an applicant come in looking for a use variance, we have the opportunity to ask... how many tractor trailers are you going to park? How many spaces will be provided? How many trips per day? How many deliveries? What are the hours of operation? There is a better understanding.

Mr. Aithal stated we are not looking for a use change. This Board cannot function as a tenancy review. There are safe guards in place. When someone wants to occupy a building, they got to get a zoning permit. Those questions are answered at that point. If we want to change the site, we come to you. If we want to change the use, we come to you. There has to be CofO to be issued.

Chairman Leonardis asked aren't we doing this to have any other business in the building. Mr. Aithal stated yes.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

Mr. Aithal stated that a Section 68 application is a type of relief that the Board can authorize to provide limited to saying these uses are permitted. This is a pre-existing now non-conforming use.

Chairman Leonardis stated the concern is when the tenants of the condominiums. When Restaurant Depot was there, at night there were no cars there. There were no trucks there. At night, it was a quite lot.

Mr. Slachetka asked for a clarification from the Mr. Aithal regarding the Section 68. You are not suggesting that the site carries with it all the uses that were previously permitted in that zone. That is not how I view a pre-existing non-conforming use.

Mr. Aithal stated that would be an issue with abandonment. Remember the pre-existing non-conforming states that the use must be in existence prior to the zone change.

Mr. Slachetka asked Mr. Aithal you are not asking the Board to grant a cart Blanche M-3 zone. Mr. Aithal would like to ask the Board what the uses were prior to the zone change, which was trucking, warehouse, distribution and wholesale sales.

Mr. Slachetka stated to be clear, the pre-existing non-conforming use is the portion that is being used by the trucking company and the remaining portion that was used for warehouse and wholesale sales.

Mr. Aithal stated if we go a few years without wholesale sales, we may have abandoned that. We are not looking for everything under the M-3 zone. It is what is pre-existing. What we did on the date the zone changed. The date prior to the change. If you have continued to use it and have not abandoned that use, you can still continue to use the use.

Chairman Leonardis stated there is an issue with timing...finding a potential tenant...timing to follow the traditional steps.... a use variance. The whole process. Can approve it for a one time tenant so you can get someone in.... one, five, ten (10) year lease.

Mr. Lavender stated would you voluntarily agree to come before the Board to discuss the tenant. Mr. Teitelbaum stated no. Mr. Teitelbaum continued... a tenant is as good as last month's payment. If I have a tenant who has a ten (10) year lease and doesn't pay the rent he's out. The reality is, when I get a tenant they are looking to move in within the next ninety (90) days.

Mr. Slachetka stated at the time of the zone change, there were two (2) uses. One was for trucking facility which is there now and has not changed. Then a Planning Board approval for a wholesale sale at the time of the zone change. Essentially, what you are saying under Section 68 is that any use that falls within in those parameters and proportionally that is permitted. If you Google wholesale sales, you come up with a lot of different type businesses. Anything within that range would be permitted as a pre-existing non-conforming use, but if there is any change in that, wanted to expand, you would have to come back to the Board.

Vice Chairman Gustafson stated how do we know that Jimmie's Trucking hasn't expanded. From today's site visit, I have a hard time believing they have not expanded. Mr. Teitelbaum stated that he was expanding but lost a major customer that is why he cut back. All the stuff you saw in the front yard was for sale.

Mr. Teitelbaum stated one third of the property is used by Jimmie's Trucking and two thirds by Restaurant Depot as warehouse for wholesale sales.

Mr. Slachetka the Board needs a clear understanding as to what was previously non-conforming and what is not.

Mr. Aithal stated Restaurant Depot was warehousing and wholesale warehouse sales.

Mr. Teitelbaum stated that his expectation is a fulfillment center. They bring in trailer loads of products and break it down to small packages and are shipped out either by trailers or small vans. They receive stock... Put it on a rack... Someone orders... ship it. Mrs. Wasnick stated like a pick pack operation. Mr. Teitelbaum stated yes. Some have a small retail section. It is his understand many uses allow a two thousand (2,000) square foot counter for that. I would like that if possible because I do not know what type of tenant I would get.

Mr. Aithal stated as a condition no outside storage. Mr. Teitelbaum stated except for trucks.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

Chairman Leonardis asked Mr. Teitelbaum what type of trucks. Mr. Teitelbaum stated tractor trailers. Chairman Leonardis continued... that is a problem. There will be tractor trailers everywhere. Mr. Teitelbaum stated we can have no tractor trailer parking in the front parking lot. Mr. Teitelbaum stated they are backing up along 287. The other side is a narrow driveway. It is only a twenty foot (20') driveway. The rest of that is a pipeline easement. Chairman Leonardis stated Sun Oil Pipeline. Mr. Teitelbaum stated yes.

Vice Chairman Gustafson asked Mr. Teitelbaum if he has a prospective fulfillment center tenant. Mr. Teitelbaum stated no... but we have had several companies interested. They tell me to let them know when you get the use allowed. They can't just hang around. He does not believe the next tenant will not be as intense as Restaurant Depot. The only way to limit the number of trucks is to limit the number of loading docks.

Chairman Leonardis stated the concern for tractor trailers being parked on the property and on the street during the overnight hours. Mr. Teitelbaum suggested putting no truck parking signs in the front parking lot. Chairman Leonardis stated that could be a condition... no truck parking in the front parking lot with the islands. Chairman Leonardis asked how far does that parking lot go along 287. Mr. Teitelbaum stated it does not go down the 287 side of the building. The truck parking is along 287. Vice Chairman Gustafson stated the trucks are parked along 287, perpendicular to 287. Mr. Teitelbaum stated that there is some laziness but once a new tenant moves in Jimmie's Trucking will have to keep their trucks in one area.

Mrs. Wasnick asked if the Borough has any experience with a rezone to another building that had issues. Vice Chairman Gustafson stated they would come in with a site plan.

Mr. Slachetka stated that we can look to see if there were any perimeters established during the change. You can designate what proportions the site can be used.

Mr. Lavender stated that approximately thirty thousand (30,000) square feet for trucking and approximately seventy-one thousand (71,000) for warehouse for wholesale sales.

Mr. Teitelbaum stated he will put up 'No Idling' signs. Mr. Teitelbaum stated that he will except no tractor or trailer parking in the front parking lot with islands except loading area. There are five (5) loading docks when you pull into the property.

Mr. Slachetka stated that the complete site plan that was previously excepted should be part of this application. Chairman Leonardis stated he agreed. That is the intensity of the use that is present. Mr. Aithal stated to add the reviews as well.

Joanne, the Board Secretary will try to locate the previous approvals and the entire site plan for the entire site.

Chairman Leonardis stated that it is agreed that the area on the plan pages that were submitted labeled Block 522 Lot 2 will have no tractor trailer parking. Cars and vans only.

Vice Chairman Gustafson stated if there are any violations of the conditions, Zoning Officer or Code Enforcement, they would have to come to the Board. Mr. Aithal agreed.

Mr. Lavender reviews the conditions:

- No outside storage.
- No tractor trailers parked in the area marked Block 522 Lot 2. Cars and vans only.
- Refer back to the entire site plan – Restaurant Depot 2005.
- Overnight parking in loading docks and along Route 287 ONLY. South and north-east side of the property.
- No idling signs.
  
- Approximately seventy-one thousand (71,000) square feet for warehouse for wholesale sales and approximately thirty thousand (30,000) square feet for trucking.
- Approximately two thousand (2,000) square feet for retail sales.
- Two uses: trucking and warehousing.
- Any violations, will return to the Board.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 18, 2017

Vice Chairman Gustafson asked for a clarification that the use runs with the property not with ownership. Per Mr. Aithal, it runs with the property.

Chairman Leonardis opened the discussion to the audience. No questions or concerns form the audience.

With no further questions or concerns, Chairman Leonardis calls for a motion to approve with the above mentioned conditions. Mr. Lemos made motion, seconded by Mrs. Eichler. Those in favor: Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

**INFORMAL HEARINGS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**CORRESPONDANCE:** None

**EXECUTIVE SESSION:** None

**ADJOURNMENT:** 10:40 PM

Respectfully Submitted,  
Joanne Broderick  
Recording Secretary