

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
April 17, 2018

Vice Chairman Gustafson 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:

James Gustafson, Vice Chairman
Ken Bonanno (arrived 7:06 pm)
Darlene Cullen (arrived 7:10 pm)
Cindy Eichler
Frank Lemos
April Wasnick, 1st Alternate
Joseph Scudato, 2nd Alternate

Absent:

Gino Leonardis, Chairman
Maria Campagna

Also attending: Larry Lavender, Esq.

MINUTES: April 3, 2018.

Mrs. Eichler made motion, seconded by Mr. Lemos to accept the above stated *Meeting Minutes*. Those in Favor: Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Mr. Scudato. Those oppose: None.

RESOLUTIONS: None.

HEARING: (2 Residential)

A. Case # 11-18 -- Elizabeth Bach
Block 222: Lot 24: R-7.5 Zone
3301 Clark Lane

The applicant requested to construct a new home to replace her home that was destroyed by fire. Variances requested: Front Yard Setback: Proposing 23' -- Required 30' -- Variance 7'; Front Yard Setback (2nd Front – Corner Lot): Proposing 21' -- Required 30' -- Variance 9'; Rear Yard Setback: Proposing 13' -- Required 20' -- Variance 7'.

Elizabeth Bach – 322 Rahway Road, Edison, New Jersey – applicant and property owner, is sworn in. Ms. Bach had a house fire in 2010. House has since been demolished. Would like to build a new home. Is in need of three (3) variances.

Mr. Lavender confirmed that the Notices are acceptable.

Vice Chairman Gustafson questioned Ms. Bach:

- What type of home would be built? *A ranch.*
- What are the variances required? *Need three (3) variances:*

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- o *Front yard setback = Required 30' – Proposed 23' – 7' Variance.*
- o *Front yard setback (corner lot) = Required 30' – Proposed 21 – 9' Variance.*
- o *Rear yard setback = Required 20' – Proposed 13 – 7' Variance.*

Vice Chairman Gustafson reiterated that the property is a corner lot - two (2) front yards.

Vice Chairman Gustafson stated that the first front yard set back is 23' to the front porch. Vice Chairman Gustafson continued to question Ms. Bach regarding the porch:

- Is the porch a closed porch or an open porch? *Open porch.*
- How deep is the porch? *Six feet (6').*
- If you did not have the porch, only a one foot (1') variance would be required. *Yes.*
- Any intention of enclosing the porch? *No.*

Vice Chairman Gustafson stated that the left side of the house – the second front - requires a 9' foot variance. Not uncommon with a corner property.

Vice Chairman Gustafson questioned Ms. Back regarding the backyard setback:

- What is currently on lot 23? *A house.*
- What direction does the house face? *It faces Elissa.*
- The back of your home would look at the side of that home. *Yes.*
- Any other structures... pool, shed, lots of windows etc... on lot 23 facing your property? *It is the garage side of the other house.* Ms. Back stated she has a picture.

Mr. Lavender advises Ms. Bach that she can submit pictures to the Board as evidence. Ms. Bach stated this picture shows what the back of her house would face.

- Exhibit A-1 – Shows the empty lot of the applicant and the side of the house behind with a fence and bushes separating the properties.

Mr. Scudato asked if there is a house existing on the property. Per Ms. Bach, no, it was knocked down.

Mr. Lemos asked if a foundation remains. Per Ms. Bach, no... everything is gone.

Mr. Scudato asked if the tree in Exhibit A-1 will be removed. Ms. Bach answered yes.

Vice Chairman Gustafson explains to the Board Members that with the new construction, there will be redevelopment plan. Dr. Temple will determine if there will be a need for new trees at that time. Ms. Bach stated the tree has fire damage and does not trust it. Would prefer not to build a new house and have the tree fall on it.

Mr. Lemos asked if the shed on the plans exist. Ms. Bach stated she did put a shed on the property. The people who demolished the house took the shed and its contents. They were not supposed to. Therefore, she placed a new shed on the property. Since she is homeless, the shed is used for storage. It is the same size and shape as the original shed. In the same location. Mr. Scudato stated that on the plans it states that the shed is being relocated. Ms. Bach stated it will be closer to the front. Vice Chairman Gustafson stated that the shed can be 3' from the property line. It will be on the as-built survey. Therefore, it will have to be in conformance.

Vice Chairman Gustafson opened the discussion to the Public. There were no questions or concerns.

Vice Chairman Gustafson stated that it is nice to see someone build a ranch. Since the front setback is to the porch and it is not enclosed, there seems to be no issue with the front setback. The corner lot presents its own hardship. The concern is the thirteen feet (13') in the rear. If a deck is added, it will be in front of this Board and most likely will have a hard time making the case. The plans show the removal of the back patio. If it will be grass and steps to the yard that would be good. Ms. Bach stated that is all she was going to do.

Vice Chairman Gustafson call for a motion of *approval* with the following conditions: front porch cannot be enclosed, removal of the burnt tree and landscaping. Mrs. Eichler made motion, seconded by Mr. Bonanno. All those in favor: Mr. Bonanno; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Mr. Scudato and Vice Chairman Gustafson. Those oppose: None.

BOROUGH OF SOUTH PLAINFIELD
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Mr. Lavender explains the post hearing process to Ms. Bach.

B. Case # 12-18 -- Vincent DiNizo
Block 198: Lot 10: R-7.5 Zone
501 Maple Avenue

The applicant requested to construct a 2nd story balcony and two (2) air conditioning condensers to a pre-existing non-conforming situation. Variance being requested: Side Yard Setback: Existing 5.2' – Required 8' -- Variance 1.8'.

Vincent DiNizo – 501 Maple Avenue, South Plainfield, New Jersey – applicant and owner is sworn in. Applied for permits. Was told the house is pre-existing non-conforming. Purchased the home approximately four (4) years ago.

Vice Chairman Gustafson reiterates that the applicant has a pre-existing non-conforming situation where the house is tight on the right. What are the alterations being requested? Mr. DiNizo stated that most of the work is interior. Would like to put a balcony off the back bedroom which is in the variance requirements as well as AC condensers.

Vice Chairman Gustafson asked Mr. DiNizo what was he told about the AC condensers? Mr. DiNizo stated nothing.

Pete DiNizo – applicant's father – stated that he helped the applicant with the permits. The Building Department had told him he had to show where the condensers will be located. The right side of the house is only five feet (5') and wouldn't want the condensers on that side being so tight.

Vice Chairman Gustafson reiterated that the AC condensers are going on the left side of the house. Assuming, the Building Department thought you might have wanted to hide them on the five foot (5') side. Since they are on the left side, that is not a problem. Anywhere on the three (3) sides of your home is good.

Vice Chairman Gustafson asked Mr. DiNizo if the other item is a second-floor balcony. Mr. DiNizo stated yes. Vice Chairman Gustafson asked how far the balcony will be from the right-side property line. Mr. DiNizo stated fourteen feet (14').

Vice Chairman Gustafson stated the alterations are for the improvement of the home and to take the benefit of the park with the second-floor balcony.

Vice Chairman Gustafson calls for a motion of *approval*. Mr. Lemos made motion, seconded by Mrs. Cullen. All those in favor: Mr. Bonanno; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Mr. Scudato and Vice Chairman Gustafson. Those oppose: None.

INFORMAL HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDENCE: None

EXECUTIVE SESSION: None

ADJOURNMENT: 7:25 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary