

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
August 21, 2018

**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 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  
Ken Bonanno  
Maria Campagna  
Darlene Cullen  
Cindy Eichler  
Frank Lemos  
April Wasnick, 1<sup>st</sup> Alternate  
Joseph Scudato, 2<sup>nd</sup> Alternate**

**Absent:**

**James Gustafson, Vice Chairman**

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

**MINUTES:** None.

**RESOLUTIONS:**

- A. Case #20-18 -- William J. & Lora J. McLean  
Block 210: Lot 12: R-7.5 Zone  
146 Jerome Avenue**

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

- B. Case #21-18 -- CarrolsBK  
Block 56: Lot 1: split zone – OBC-1 & R-7.5 Zone  
1517 Park Avenue**

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

**HEARING:** (2 Residential and 2 Commercial Applications)

- A. Case #31-18 -- Daniel VP, LLC  
Block 195: Lot 26: R-7.5 Zone  
145 Daniel Street**

The applicant is requesting to construct an Add-A-Level. Variance being requested: Secondary Front Yard Setback (Corner Lot) -- Required: 30' -- Existing: 14.9' -- Variance: 15.1'.

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Ed Santoro, Esq. – 304 Maple Avenue, South Plainfield, New Jersey – attorney for applicant addressed the Board. Confirmed with Larry Lavender that the Proof of Notices are in order and the Board has jurisdiction. An application for a home on 145 Daniel Street – Block 195 Lot 26. A single-family home on the corner of Daniel Street and Allison. The applicant is requesting a variance for the secondary front yard setback on Allison. The required setback is 30'... existing setback is 14.9'. Also requesting an approval for the build out of the home which has three (3) bedrooms and is in significant disrepair. The intention is to build out and up. Mr. Krawiec, the architect is present. He has supplied the architectural rendering for the property. He has been before this Board before.

Mr. Santoro questioned Joseph A. Krawiec:

- What is the condition of the home?
  - The condition of the home is not good.
  - A bathroom and laundry room in the back of the garage.
    - Hallway to it is approximately two feet (2') wide. Must walk sideways. Cannot stand up in the bathroom.
  - Roof condition is in sad shape. The roof is leaking.
  - There are cracked rafters.
- Proposing to add an entire second floor.
  - Three (3) bedrooms upstairs – one (1) will be a master bedroom.
  - First floor – one (1) bedroom can be used as guest room or office, etc.
- How many square feet will the proposed home?
  - Second floor – 1,225 square feet.
  - First floor – 1,069 square feet.
  - Basement.
- What type of construction?
  - 5B construction – light frame construction. 2'X4' exterior walls. 2'X10' floors. 2'X8' or 2'X10' rafters.
  - Will be updated to current code.
- Will it be consistent with homes in the area?
  - Will fit nicely into the neighborhood.

Chairman Leonardis confirmed that the applicant is before the Board for the second front yard setback which is an existing condition. Chairman Leonardis asked if this existing condition is being expanded? Per Mr. Santoro, no.

Chairman Leonardis confirmed with Mr. Santoro that he has received the letter from the Health Inspector. Mr. Santoro is certain that all the issues will be taking care of.

Mrs. Cullen questioned the drywell and a pipe draining into it. Mr. Lavender stated that it is indicated that the drywell will be filled in accordance to Middlesex County regulations. Mr. Santoro stated they will comply.

Chairman Leonardis asked if any landscaping is being proposed. Mr. Santoro stated that based on the applicants track record – have appeared two (2) other times before the Board – the landscaping has always been accepted. Any requirements requested by the Board will be accepted. No formal landscaping plan submitted.

Chairman Leonardis asked if the owner is going to live in the home. Per Mr. Santoro, no... representing a builder. Been before Board with two (2) other applications... Franklin Avenue and Lane.

Mrs. Cullen stated that she would like to make sure that there is no water going into the pipe. Would like re-assurance that this will be handled correctly. Mr. Lavender stated that they represented that this will be handled by these recommendations. One of the recommendations is to satisfy the County. That the very minimum there is no water going through the pipe and the well in filled in.

Chairman Leonardis asked Mrs. Cullen what is the concern... contamination? Mrs. Cullen stated contamination. Works for builders and knows what the builders must go through.

Mr. Lavender stated it will be up to the Borough Inspector. Chairman Leonardis stated that they can ask for a write up on what is being done. What is the purpose of this well. Mr. Santoro stated he understands the concern that no one knows what this well does. Would think if the Board puts a condition on the applicant that he must comply with the County. The county is who has the final say as to what is to happen.

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Chairman Leonardis asked how do we know that it falls under County Jurisdiction. Mr. Santoro stated his assumption is based on the property maintenance letter. They are the ones who took the position.

Chairman Leonardis stated that there is a pipe in the ground approximately 12" to 18" covered by a cable reel for a reason. Before moving forward, should investigate why it's there. Is it contaminated? Did someone dump motor oil in there? Mr. Santoro asked what would the Board like... an engineering report? Chairman Leonardis continued.... If there is an issue how is it going to be mitigated.

Mr. Bucco reviewed the pictures that were submitted by the Health Inspector. Mr. Bucco's recommendation is the applicant is to attain a LSRP and do a site investigation. Then return to the Board with a report as to what was found, if there is any contamination and what is needed to be mitigated.

Chairman Leonardis confirmed with Mr. Bucco that a LSRP is done primarily on commercial properties but it can be done on a residential property but not often.

Mr. Santoro stated what the LSRP will be required to do... Drilling? Mr. Bucco stated a Phase 1 is done. Mr. Lavender asked if Mr. Santoro can represent the suggestion. Mr. Santoro stated he does not know.

Chairman Leonardis asked if Phase 1 comes back with recommendations, does it go to Phase 2? Mr. Bucco stated that is what a Phase 1 is... to determine if there are issues that need to be mitigated. Then it goes to Phase 2 which tells what type of mitigation.

Mrs. Wasnick asked if these issues would have come up when he closed on the property. Mr. Santoro stated not for a residential. Chairman Leonardis stated this looks like a foreclosure. No one looks at that. Mr. Bucco stated usually on a foreclosure, you buy 'as is'.

It is determined that the applicant will return to the September 18, 2018 hearing.

**B. Case #27-18 -- Joey's Keeper, LLC**  
**Block 199: Lot 26: R-7.5 Zone**  
**523 Brett Place**

The applicant is requesting to construct an Add-A-Level. Variances being requested: Lot Area -- Required: 7,500 sq. ft. -- Existing: 6,473 sq. ft. -- Variance: 1,027 sq. ft.; Lot Width -- Required: 75' -- Existing: 61.93' -- Variance: 13.07'; Side Yard Setback -- Required: 8. -- Existing: 6.7' -- Variance: 1.3'; Front Yard Setback -- Required: 30' -- Existing: 8.6' -- Proposing: 5.6' -- Variance: 24.4'.

John Sullivan, Esq – Vastola and Sullivan – 495 Union Avenue, Middlesex, New Jersey - attorney for applicant addressed the Board. The property is located at 523 Brett Place – Block 199 Lot 26 – R 7.5 zone. It is a small single-family home that needs attention. There are existing variance conditions.... Lot area - 7,500 square feet required and 6,473 square feet is existing and proposed... lot width - 75' is required and 61.93' is existing and proposed... side yard setback – 8' required and 6.7' is existing and proposed... front yard setback – 30' is required, 8.6' is existing but proposed 5.6' because of the covered porch that is being proposed. The only condition that is being enhanced is the front yard setback. The proposal is to construct an addition... a first floor and second floor addition to the existing home. The remainder of the home will be fully renovated. Witness is Brian Taylor the architect. Representatives of Joey's Keeper are present.

Brian Taylor – 95 Watchung Avenue, North Plainfield New Jersey – is sworn in and accepted as a Professional Architect. Mr. Sullivan questioned Mr. Taylor:

- Has visited the site.
- Has prepared the plans and rendering.
- Introduced Exhibit A1 – color rendering of the proposed home.
- Described site as it exists – using the site plan submitted with application:
  - Two (2) story building.
  - Toward right hand side of property.

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- Forward of the property at approximately 8.6' from the front property line.
- Small home.
- Just over 500 square foot of footprint.
- Upper floor is set back from the front façade.
- Two (2) bedrooms.
- When going up the stairs and down the hallway, ceiling low. Will hit your head.
- Proposing:
  - Add a first floor addition to the side of existing home
  - Remove top floor – rebuild second floor over existing home and new foot print.
  - Four (4) bedrooms.
  - One (1) car garage.
    - Was a dilapidated structure in the rear that was a garage then turned into an illegal apartment that was demolished... replacing with a garage.
- Existing home is 8.6' from front property line. Proposing 5.6'.
  - Existing home has steps with no platform. Today's code requires a platform. Pulled the stairs out and created a platform.
  - The front façade will remain the same. The second floor façade will remain the same.
- Same front yard setback as most homes on block.
- Introduced Exhibit A2 – Google maps showing the other homes on the street.
  - One (1) home is closer to the street.
  - In line with the other homes on same side of street.
  - Drew line of existing home front to end of street showing the alignment with other homes.
  - Property is at the end of a dead-end street.
- Over all foot print of proposed home – approximately 1,270 square feet.
- Upper floor – approximately 1,152 square feet.
- Total – approximately 2,400 square feet.
  - Includes single car garage – approximately 200 square feet.
- Existing home approximately 30' high. Proposed home approximately 31' high.
- Proposed second floor will be more functional than existing second floor.
- Four (4) bathrooms – three (3) of the bedrooms have a bathroom.
- Garage.
- Kitchen.
- Living room.
- Dining Room.
- Mud Room.
- Powder Room.
- Deck.
- Existing home has one (1) bathroom.

Mrs. Campagna confirmed that the existing home is 500 square feet. Mr. Taylor stated 530 square foot footprint. The proposed home is 1,273 square foot footprint. Adding 736 square feet to the side.

Chairman Leonardis stated that the only existing condition of concern is the front yard setback. The remaining existing conditions will not change. Mr. Taylor stated correct.

Chairman Leonardis stated that normally there would be a great concern as to how close the house is to the street. The benefit is the house is at the end of the street. No through traffic. This addition will be nice for the street.

Mrs. Campagna asked who is the owner of Joey's Keeper. Mr. Sullivan stated that it is a Limited Liability Company that is comprised of Mr. Geraz and Mrs. Hughes as sole principles. This house will be up for sale.

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

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**C. Case #8-16 -- Sil-Crete, Inc**  
**Block 388: Lot 10.02: M-3 Zone**  
**438 Hollywood Avenue**

The applicant is requesting a Major Amended Site Plan, Preliminary and Final Site Plan, Bulk and Use Variances to construct a permanent garage. Carried from September 7, 2016 and June 19, 2018 hearing.

Chairman Leonardis read an email that was addressed to the Board Secretary from the applicant's attorney, James F. Clarkin, III, Esq. The applicant would like to adjourn to September 18, 2018. The Board agreed. Chairman Leonardis made an announcement to the audience that the hearing is moved to September 28, 2018 and notices will carry.

**D. Case # 10-18 -- Carvana, LLC**  
**Block 473.01 & 473.02: Lot 5 & 6: OBC-3 Zone**  
**3221 & 3201 Hamilton Boulevard**

The applicant is requesting Preliminary and Final Site Plan with a Use Variance for a warehouse / distribution and truck terminal with outdoor storage of vehicles.

Lawrence A. Calli, Esq. – Calli Law, LLC, 170 Kinnelon Road, Suite 6, Kinnelon, New Jersey 07405 – attorney for applicant addressed the Board. Carvana is an online car sales provider. Proposing a HUB at this location. This is the location the vehicles go from Carvana to the new owner. Site is comprised of two (2) lots... under one (1) acre near the outskirts of town. A triangle lot which creates three (3) frontages. Previously the site was used for auto related use. In the OBC-3 zone. Many heavy users around the site. Was STS Tire Service facility? Currently nothing operational. This site is a 'plug and play' for Carvana. Carvana will utilize the existing property and structure to put the cars there as they make their way to the end user. No customers come to the site. There will be no advertising or signage. There will be standard office use on a day to day basis. There is a 'D' variance relief needed. Technically, the use is not permitted in this zone. There is a site plan component with some bulk variance needed. Utilizing the site as is. There are four (4) witnesses... Operational witness from Carvana who flew in from Arizona, Project Manager Arwa Lulu; Civil Engineer; Traffic Expert – provided a trip traffic report. This is less intense than what was there previously; and Professionals Planner - address the use and bulk variances.

Arwa Lulu – 1930 West Rio Salado Parkway, Tempe, Arizona – Project Manager for Carvana is sworn in. Ms. Lulu addressed the Board:

- Familiar with this property, zoning and Carvana's operations.
- Carvana:
  - Online car company... sell cars one hundred percent (100%) online.
  - At any one time, eleven thousand (11,000) vehicles available.
  - Customer finds car they are interested in, they are given two (2) options:
    - Deliver to customer.
    - Customer may pick up vehicle through the 'vending machine'.
  - Founded five (5) years ago.
  - Vehicles are the second largest investment for most customers.
  - Seventy-three (73) HUBS across the nation.
  - Thirteen (13) vending machines across the nation.
  - HUBS allow cars to be delivered to customers.
  - Another location in New Jersey – Passaic.
  - Two (2) locations in Pennsylvania
  - Developing in New York.
  - HUB operation:
    - Five (5) to six (6) employees at location.
    - Store cars until they go on a single car hauler to customer's home.
    - Deliver within twenty-four (24) hours.
    - Only used cars.

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- Operate daily – 6 am to 9 pm – seven (7) days a week.
- Employees in office.
  - Vehicle registration paperwork.
  - Confirming purchases.
  - Working with logistic teams.
  - Customer calls to answer questions.
- Four (4) time slots when vehicles are delivered.
  - One (1) in the morning.
  - Two (2) in the afternoon.
  - One (1) in the evening.
  - Each time slot will have three (3) to four (4) deliveries.
    - Approximately seventy (70) cars a week.
- Nine (9) car hauler delivers vehicles to the HUB.
  - Cars are temporarily parked.
  - Make sure clean.
  - Come from Delanco, New Jersey.
    - Inspection center that houses the cars.
  - Two (2) haulers a day... six (6) days a week.
  - Load on single car hauler and deliver to customer.
- No repair work.
- No servicing.
- No tire changes.
- No fuel storage.
- No fluid changing.
- No washing... just wiping dash and/or wash window.
- Cars come from auctions.
  - Then to inspection center.
  - Have seven (7) days to inspect a car.
  - Inspection centers are over two hundred (200) acres.
  - If issue with car have the ability to repair, paint, tire etc
- No 'vending machine' at this site.
- Lot to west, allows up to twenty-five (25) vehicles.
- Carvana's goal is to never have a vehicle on the lot longer than twenty-four (24) hours. Maximum would be forty-eight (48) hours if there is a logistic issue.

Mr. Lavender asked as a condition would the applicant accept a maximum of twenty-five (25) cars on site. Mr. Calli stated he would prefer not to have that as a condition. Does not want to return before the Board and renounce if the applicant finds they need additional vehicles.

Mrs. Cullen questioned Ms. Lulu:

- How are the customer complaints handled if they are unable to come to the HUB? Customer Advocate that deliveries the car allows the customer to get familiar with the car. Drive the car around the block. Customers have a seven (7) day money back guarantee to test the car. Carvana will pick up the car and return it. No questions asked. Return of cars is under three percent (3%). Most customers will exchange it for another car.
- What type of cars? Low end to high end? Cars, SUV's. Recently integrated higher end cars like Tesla. Mostly traditional purchased vehicles... Toyota's, Honda's, Volvo etc.
- Why did you pick South Plainfield? Market. There is a team of acquisitions who analyze the market. More and more it is about technology. Many great companies coming to East Coast. Providing an item but making the process better. Integrate convenience.

Chairman Leonardis asked Ms. Lulu where else in New Jersey was looked at? Ms. Lulu stated Passaic which was successful. There were a few others... but does not remember the names. This location had received a lot of positive feedback from her Director. The location is great for the operational need. Have discovered that previous auto locations suit their needs. Less intensive use.

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Mr. Calli stated there will be no customer traffic at this site. Proposing very limited signage. The cars that come to the site are already accounted for... already sold and going to another location. There is no shopping or advertising. Ms. Lulu confirmed there is no advertising at this site. It is only an operational office... HUB location. The employees will know how to get there. The cars are already accounted for. Therefore, no signage is required. Mr. Calli stated this is not a sales location.

Ms. Lulu stated that one (1) of the vendors purchased a car in ten (10) minutes... actually fifteen (15) because he couldn't find his credit card. Able to simplify the process. Do not do outbound calls. Team up with Credit Unions to help with finance. May use own Credit Unions. If financing, there is a 'widget' that will show exactly the payment prior to purchase. No gimmicks. Looking to increase the 'footprint' for customers availability.

Chairman Leonardis asked Ms. Lulu if the Delanco facility sell cars. Per Ms. Lulu, no. It is an industrial warehouse. The car goes from station to station. In Delanco, there is a photobooth. After the car is inspected, it goes into the photobooth. The cars go through a 360 turn around with internal and external pictures. Will be able to see blemishes. They are uploaded. At that point the cars are 'live' and on the website. The only facility a customer comes to is the thirteen (13) vending machines.

Mr. Slachetka asked what the geographical radius for a typical HUB. Ms. Lulu stated one hundred (100) miles. Deliver up to one hundred (100) miles for free. If it goes behind there is a fee. May relocate the car to a closer HUB.

Ms. Slachetka confirmed with Ms. Lulu that the single car carrier will delivery a vehicle in that radius then return to get another vehicle and deliver it.

Mrs. Cullen stated that on the website it states that there are locations in Newark and Trenton, New Jersey. What kind of sites are these. Ms. Lulu answered they are HUB facilities. Similar to this site.

Mr. Scudato asked how many floors is the existing building. Per Ms. Lulu, two (2) floors. Mr. Scudato continued... is the structure of the building changing? Mr. Calli stated no changes to the structure.

Mr. Scudato stated his concern is with the number of trucks that will be traveling in the area. The area is already congested.

Mr. Calli stated the Traffic Engineer will address the concern. Believes that the traffic will be less than what was there. The site can only hold so many cars.

Anthony Caponigro, PE – Kimley-Horn, 50 South 16<sup>th</sup> Street, Suite 1650, Philadelphia, Pennsylvania – is sworn in and accepted as a Professional Engineer. Mr. Calli asked Mr. Caponigro to describe the site using Exhibit A1 – Color Aerial prepared by Ricci Planning:

- Yellow triangle shape – subject property.
- Lot area - 33,989 square feet.
- Exit Route 287 off onto Stelton Road... right onto Hamilton Boulevard... enter site from Hamilton Boulevard.
- Service road – Rohatyn Street.
  - Public road.
  - Fifty foot (50') right-a-way
  - Separates trophy shop and Meineke from site.
- Across Hamilton Boulevard heading north, a manufacturing / industrial property.
- Across from Stelton Road on the west is gas station. Beyond gas station are residential properties.
- Strip of retail and Home Depot along Shevchenko Avenue.
- Zone is OBC-3.
- Existing site is vacant.
- Was used by STS Tire Service. Aerial was taken when STS was in operation.
  - Cars stored on the western corner of the lot.
  - Cars along Rohatyn Street.
  - Additional cars on site.
- Existing building.
  - Office area in the front is two stories.
  - Remainder of building is a garage with a tall ceiling.

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- Has a view of a two story.
- Cars will be kept outside.
- There is an existing gate.
- There is a cross driveway.

Using the survey that was provided with the application, Mr. Ricci described:

- Existing driveway that enters the lot from the west corner of the property is gated.
- Further on Rohatyn Street is a large opening to the building and to the rear of the building.
- Driveway along Hamilton Boulevard to site.
- A driveway that crosses from the eastern portion of the lot to the western portion of the lot and is gated.
- Gross Floor Area is 2,890 square feet.
  - Approximately 1,400 square foot per floor.
  - Garage area is approximately 2,600 square foot.
  - Total building size is approximately 6,000 square feet.
  - No changes to building are being proposed.
- Three (3) frontages.
  - Hamilton Boulevard, Rohatyn Street and Route 287 – no access from Route 287.
- Does comply with fifty foot (50') setback on Hamilton Boulevard.
  - Violates front setbacks for Rohatyn and Route 287.
  - Have received prior site plan approval.

Mr. Calli requested Mr. Ricci to describe the limited site improvements:

- Proposing third curb cut on Rohatyn Street.
  - For the nine (9) car hauler.
- Ten (10) parking spaces on the western part of the property.
- Nine (9) parking spaces on the north side.
  - Employee parking.
- Parking not changing.
- Improving striping for the ADA parking.
- Staging area.
- No signage.
  - STS signs will be removed.

Mr. Scudato questioned Mr. Ricci:

- Nine (9) spaces for the employees.
- Ten (10) spaces in front of the building.
- Approximately twenty-five (25) in the other area.
- Store thirty-five (35) cars.
- Adding a thirty-two foot (32') curb cut along Rohatyn.
  - Existing twenty-five foot (25') curb cut... gated.
  - Existing seventy foot (70') access the rear of the building.
- Dead end road... acts as a service road.
- Do not expect to use Rohatyn to park cars.
- Will not affect adjacent business.

Chairman Leonardis asked Mr. Ricci to discuss the circulation of haulers on site. Long vehicles in an extremely congested location in between two (2) municipalities with major roadways. When STS was operating, car carriers were lined up on Rohatyn.

- Will have a curb cut.
- Truck enters off Stelton to Hamilton right onto Rohatyn.
- Will not load or unload on Rohatyn
- Will pull in and off load where proposed curb cut.
- Distance from Stelton to Rohatyn is approximately five hundred feet (500').
- Nine (9) car hauler arrives two (2) times a day.
  - Once in the afternoon – approximately 3 pm.
  - Once in the evening – approximately 9 pm.



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- Arrive during off-peak hours.
- Can cut through the site with the new curb cut.
- Load and unload adjacent to the building... onsite.
  - Ninety (90) minutes to offload vehicles.
- Cars will be moved to the front spaces or gated area.
- Cars will not travel off site to their position.
- Single car carrier will be in and out all day.
- Rohatyn Street is a full movement.
- Hauler drivers are 'schooled' as to how to enter the site.

Mr. Calli stated that if traffic is problematic to the Borough, traffic is problematic to Carvana. That is why the haulers come during off hours.

Mrs. Eichler stated that the off hours is stated at 3 pm. If the hauler is running late, it is in the rush hour traffic. There is no guarantee that the hauler will be at 3 pm. Mr. Calli stated it is the driver education. Mr. Ricci stated it is one (1) truck.

Mr. Slachetka questioned Mr. Ricci:

- How are vehicles removed from the larger staging area... 25 space storage lot? Cars leave the site one at a time. Not reloading a nine (9) car hauler. The operation of loading one vehicle can be loaded on the loading dock that was used to enter the garage area.
- Again, how are the cars removed from the staging area? There is a drive isle. The one-way marker should not be there.
- Where are the one (1) car haulers stored? Rear of the building.
- Existing spaces that go into Rohatyn. They will not be used. They are not required for this operation.
- What about the shed... Fencing... By route 287? Mr. Calli answered... Carvana is not purchasing the property. These encroachments were discussed with the owner once survey was done. Carvana has no intention for these items to remain or expanded. Assuming that the removal of the encroachments will be in the resolution and will have the owner remove or remedy the issues.

Mr. Bucco questioned Mr. Ricci:

- How many delivery vehicles will be on site? Four (4).
- Where will they be stored? Behind the building.

Mrs. Cullen asked how many times do the delivery vehicles travel back and forth. Per Mr. Ricci, potentially eighteen (18) times a day.

Mr. Slachetka asked for a clarification of the delivery vehicles back area of the site there are two (2) spaces on the south side. Per Mr. Ricci, those are existing spaces that will be removed.

Mr. Calli stated that the goal is to correct the problems of yesteryear and capture everything onsite.

Chairman Leonardis asked if there is any proposed screening? Mr. Calli stated proposing no site improvements.

Mr. Lavender asked what the condition of the site is? Mr. Ricci stated in good condition. Ms. Lulu stated the inspection report stated operational.

Mr. Scudato asked if Dr. Temple requested any landscaping? Mrs. Cullen stated two (2) trees. Mr. Calli stated if the Board is so inclined they can do so.

Adam Gibson – 30 Broad Street, Suite 2020, New York, New York – is accepted as a Traffic Engineer and is sworn in. Mr. Calli questioned Mr. Gibson:

- Is familiar with proposed use, site and surrounding areas.
- Familiar with the plans.
- Analyzed the site.
- Generated a trip generation.
- Overall impact:

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- Trip Generation memo of June 29, 2018.
- Compared Carvana operations to the previous use as a tire and auto site.
- Used Institute Transport Engineer Trip Generation hand book.
  - Carvana does not have a code in the handbook.
  - Instead looked at the operations.
- Estimate to generate fifty (50) to seventy-two (72) trips throughout the fifteen (15) hour period the site is operational.
  - Includes employee trips:
    - Six (6) trips.
    - Two (2) to three (3) employees per shift.
  - Two (2) to three (3) nine (9) car haulers.
    - Four (4) to six (6) trips a day.
  - Vehicles on site – single car hauler.
    - Eighteen (18) to twenty-seven (27) vehicles removed from the site.
    - Total of fifty-four (54) single car hauler trips.
- Less intense than existing use.
  - Twenty percent (20%) less trips in the am peak hours – 7 am to 9 am.
  - Forty-five percent (45%) less trips in the pm peak hours – 4 pm to 6 pm.
  - Less trips than the current use generates.
  - Will improve conditions.

Mrs. Eichler questioned the statement of three (3) car haulers. Mr. Gibson stated he is using the worst case conservative estimate. Expecting two (2) car haulers a day... eighteen (18) vehicles being delivered to the site.

Mrs. Cullen asked if there are three (3) nine (9) car haulers daily, does the single car haulers increase. Mr. Gibson stated that is the twenty-seven (27) which gets you to the maximum of seventy-two (72). Mr. Calli stated these numbers are the worse case scenario. That is why he is stating three (3) but anticipating two (2) haulers. This is still an improvement of what was there.

Mrs. Cullen asked how the other sites are doing in New Jersey? Ms. Lulu stated very well. Cars are being moved quickly. Delivering over seventy (70) cars a week. Similar in Pennsylvania... same operation. Currently have 72 HUBS across the nation. If find a need to grow market, will find new market to fulfill the need.

Mrs. Cullen continued to question Ms. Lulu:

- How long has the HUB been open in North Jersey? *Summer of 2017.*
- Are they at their capacity of moving seventy (70) cars a week? *Expanding because other markets want to purchase cars. Call us and state that are not in their market.... How can they get your cars? That's expansion needs. Outgrow facility often. The reason we lease facilities that we have to go out and find bigger. This site is big enough where we can accommodate what we are looking for.*

Mrs. Wasnick asked how many single car haulers on the property? Mr. Gibson stated four (4).

Mr. Lavender asked if the Board approved the application is there any objection to having no parking on Rohatyn Street as a condition of approval. Mr. Calli stated that is acceptable.

Mrs. Slachetka questioned Ms. Lulu:

- How are the drop off haulers informed that they have to come in at Rohatyn not Hamilton? *In house operation. Each site is vetted by the logistics team. They look at the operational background, route, how the haulers get to the site. They have to approve it. Then the drivers get trained by the logistics team. The route that is given to them is the route they have to take.*
- The drivers are all under Carvana's control? There are no third-party drivers? *Yes... When the haulers come to this facility they know how to go. The drivers are given a set of directions... where to unload... where the cars go... who to talk to onsite... specific guideline to enter the site and leave the site.*
- The dropping off and picking up are two (2) separate operations? *Typically, they are not done at the same time. There are set times of drop off and there are delivery times. Our logistics team make sure the two (2) do not cross each other.*

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Chairman Leonardis stated the reason it is before us is for the use, if an OBC-3 permitted use on this property what would the traffic generation be. Mr. Gibson stated that the STS Tire and Auto center would generate fifteen (15) trips during peak hours. Chairman Leonardis reiterated what other type of businesses would be allowed in that zone. Mr. Gibson stated there is a wide range of businesses permitted from a shoe repair shop to a restaurant. A drive-thru restaurant would generate much more trips than our site. If this was a shoe repair shop it would not need six thousand (6,000) square feet.

Mr. Lavender asked if a restaurant was in place how many trips would it receive. Mr. Gibson took a moment to research the number. Mr. Gibson stated a six thousand (6,000) square foot fast food drive-thru restaurant would generate daily trips of over two thousand eight hundred (2,800).

Chairman Leonardis calls for a recess.

Chairman Leonardis calls the meeting back into session.

Paul Ricci, PP, AICP – Ricci Planner, LLC, 10 Georgian Drive, Clark, New Jersey – is accepted a Professional Planner and is sworn in. Mr. Calli questioned Mr. Ricci:

- Familiar with the property and surrounding area.
- Familiar with the plans.
- Familiar with operations of Carvana.
- Reviewed the Master Plan and Zoning Plan.

Using Exhibit A2 – consisting 3 sheets – labeled as Exhibit 1 followed by two (2) sheets of photographs of the property and surrounding area, Mr. Ricci described the area:

- Yellow outline of the proposed site.
- Red outline shows zone lines of zones in the area marked with type of zone.
- OBC-3 zone.
- Minimum lot size of 5.5 acres.
- Listed the permitted uses.
- If consolidate the lots not impacted by roadways, trophy shop and Meineke will not meet the minimum lot size.
- Automotive stations are conditional uses for lot over thirty thousand (30,000) square feet. Lot would have to front Stelton to qualify.
- Stelton Avenue is the boundary between Piscataway and the Borough.
- Across the street is JH Reid in OBC-3 zone.
- M-3 prohibits residential. Those home in M-3 are non-confirming.
- Aerial from 2011-2012.
  - Used this photo for historical purposes
  - In the area of the site, approximately twenty-five (25) vehicles seen.
  - Vehicles parked on Rohatyn.
  - Applicant will have all vehicles onsite.
- Blocks and lots are labeled.
- Picture 1 – picture of site.
- Planning Report and Engineering Report list the previous uses.
  - Proposed used is similar to the previous use.
  - Less intense.
- Picture 2 – Looking to the rear of the property. Route 287 off ramp.
- Picture 3 – Meineke building
- Picture 4 – Luk Oil across the street
- Picture 5 – J.R. Reid General Contractor across the street.
- Picture 6 – The residential area across the street.
- Picture 7 – Home Depot parking lot
- Picture 8 – Four (4) lane capacity of Hamilton Boulevard.
- Area anticipated for economic development.
- Office space will be used. Light cleaning of the facility.
- Tax ratable for the Borough.

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- Use Variance:
  - Site is particular suited for the use.
  - Variances can be granted without substantial detriment to the public good without substantial impairment of the zone plan.
  - Medici, the enhanced burden of proof to reconcile this use from the Master Plan.
- Bulk Variance:
  - Anything existing is not being exaggerated.
  - One (1) existing bulk variance – drive isle width of 18' 8".
    - Area where the single car hauler will be.
    - Technically a two-way flow driveway... will function as a one-way. Only for the single car haulers.
- This use does not fit neatly into the zone standards.
- No recommended zone change for at least eighteen (18) years.
- Advance economic objective for the Borough.
- Previously, automotive conditional use approved in 1990. Sale of motor vehicles, 1991. Expansion of a rental car business to an adjoining lot, 2001. Eventually, STS Auto Repair.
- OBC-3 permits gasoline station on thirty thousand (30,000) square feet service station on forty thousand (40,000) square feet and automotive gasoline station with mini mart on sixty-five thousand (65,000) square feet.
- Property is well suited for the use:
  - The proximity of Route 287.
  - Haulers will be in the Borough for about five hundred (500) feet.
  - Property previously used for car sales.
  - Function of the site will not dramatically change.
  - Building will be modernized.
- Purpose A – Site is particular well suited. It promotes the general welfare for the community.
- Purpose G – Provides sufficient space and appropriate location. For commercial uses to meet the needs of New Jersey citizens.
- Negative Criteria:
  - Variance for an automotive related use in a commercial zone which conditionally permits more intensive automotive related uses is not a substantial impairment or detriment to the zone plan.
  - Property accommodated similar uses.
  - No substantial visual impact. It's a parking lot.
  - Not a junk yard. Clean operation.
- Zone Plan:
  - No changes recommended for this portion of the OBC-3 zone since the 2000 Master Plan.
  - Zone is designated for retail shopping.
  - Property does not adhere to the zone... due to the size of the lot.
  - Commercial use which advances the objective of the Master Plan.
  - No impact to the surroundings properties. The property will be utilized in a similar fashion as previous use.
- Medici Reconciliation
  - Master Plan has no recommended zone change since 2000.
  - The use has not been contemplated by the Governing Body.
  - New emerging use within recent years.
- Promotes the best utilization for the property.
- Promotes economic objectives to the Borough.
- Lease intensive manner consistent with how the property was historically used.

Chairman Leonardis stated that Mr. Ricci commented that the use began twenty-eight (28) years ago. Chairman Leonardis asked Mr. Ricci if he had looked into when Home Depot was built. Mr. Ricci stated he did not. Chairman Leonardis does not believe it was that far back. The intersection has dramatically intensive over the twenty-eight (28) year period... things have changed. The Home Depot, the distribution center, the customer traffic, the deliveries coming to that intersection. Did you look at the truck route that the Borough established. Mr. Calli stated the goal was to have the minimum time in the Borough to the site... five hundred (500) feet. Not sure if there is any less. Chairman Leonardis stated since the use from twenty-eight (28) years ago, we instituted a truck route. All the trucks

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from the interstate have to come through this intersection. In that twenty-eight (28) year period, this intersection got much more complicated.

Chairman Leonardis stated when you come off Stelton Road and around the bend, people are moving 35-40 miles per hour, they come across a tractor trailer crossing the four (4) lanes. The car coming around the bend has no where to escape. Would like to discuss a mandatory right hand turn into Rohatyn. Mr. Calli reiterated... right onto Rohatyn then onto the property egress onto Hamilton. Chairman Leonardis stated possibly a right onto Hamilton. The concern is... that parking lot is elevated three feet (3'). There is a four (4) – five (5) rows of vehicles, you cannot see what is happening at the exit. A car comes around the turn and there is a tractor trailer crossing the lanes trying to make the hard left turn. If it rains or there is sleet, there will be an issue.

Mr. Calli stated that the applicant invested a lot of time into locating the right site for them. Think it works. Barely have to touch the site to make the operation work. Less intense and sleeker than what was previous. Suggested to have the Board vote, if the Board is favorable for the right in / right out only as a condition.

Chairman Leonardis stated there is a picture that depicts his point. It is on the plans... can see the curve in the parking lot. There are bollards. Don't see the blue sign coming around the corner which is near the entrance. Don't see the sign until you are almost there. That is a concern. A left out of Rohatyn onto Hamilton is an issue. Hamilton is backed up past Rohatyn all day from Stelton.

Mr. Gibson stated that he agrees with Chairman Leonardis regarding the left hand turn out of Rohatyn. Technically, there is no sign that states 'no left turn' but there is a double yellow line that is not suppose to cross. From his understanding of the operation, does not think it will be an issue to prohibit left turns out of Rohatyn. When loading the single car haulers, they will be pointing toward Hamilton not Rohatyn.

Mr. Lavender asked if the logistics team will advise their drivers that they cannot make a left hand turn. Ms. Lulu stated yes.

Mr. Scudato asked if the Borough is able to put a sign stating no left turn. Mr. Bucco stated yes. Chairman Leonardis stated that will limit the other businesses as well. Mr. Gibson stated the most efficient way for the haulers to leave the site is Hamilton

The Board agreed that there will be no left turn out of Rohatyn onto Hamilton. The haulers will exit Route 287 onto Stelton, onto Hamilton and left onto Rohatyn to the site. Mr. Calli asked for a clarification... is this restriction for the nine (9) car hauler or all the drivers – single car haulers. Mr. Slachetka stated that he suggests for both. Mr. Bucco agreed. The striping on the lane are at that point on Hamilton. People are making their choice of lanes at that point. Therefore, that is not a good place to make the left turn. Chairman Leonardis stated for all the drivers. Mr. Bucco stated he has a concern on the sight distances of trying to make that left turn.

Mr. Gibson stated there is a tree in the south west corner, from a safety perspective, the tree should be removed. If you look right, the existing STS sign blocks the view. His recommendation is to remove both for visibility purposes.

Mr. Scudato stated that on the Traffic Safety Committee review letter, the recommendation is to have no vehicles parked on Rohatyn. He would like to know if the applicant is planning to park vehicles on Rohatyn. Mr. Calli stated no.

Chairman Leonardis redirects the attention to the entrance / exit onto Hamilton Boulevard. Chairman Leonardis confirmed with Mr. Bucco that the area is further away from Stelton and single car hauler are more nimble than they are able to make the right hand turn. Mr. Bucco agreed.

Chairman Leonardis is concerned having the nine (9) car haulers make the left turn across four (4) lanes. He suggested that the nine (9) car haulers make the right hand turn and would have to make a loop to get back onto Route 287. Mr. Calli reiterated that the left turns out can be made by the single car haulers and the nine (9) car haulers are restricted to the making the right turn only. Mr. Calli agreed.

Chairman Leonardis recommended to limit the carriers to two (2) nine (9) car haulers a day. Ms. Lulu is not comfortable with only two (2) nine (9) car haulers. Rarely do they have three (3) but would not want to limit the number of larger haulers. Mr. Calli stated the site does limit the applicant's movement. The only addition may be a

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third nine (9) car hauler.... Only if they are successful. At seventy-two (72) trips a day with the third hauler. Mr. Calli suggested to make three (3) nine (9) car haulers as the maximum. Chairman Leonardis suggested that the third hauler must be at the extreme off-peak hour... after 9 pm delivery or a 6 am delivery. Ms. Lulu agreed. Mr. Calli agreed that if a fourth hauler is required, the applicant will return to the Board.

Chairman Leonardis reviewed:

- No sales onsite.
- No signage.
- STS signs removed.

Chairman Leonardis called for a recess.

Chairman Leonardis called to order the meeting.

Chairman Leonardis stated the Board would like to revert back to allowing two (2) trips for the larger hauler. If three (3) trips of the nine (9) car hauler becomes a desire, would like the applicant to return to the Board. This gives a year or so to see how this all will work. How well the turns are working and how much traffic is really working.

Mr. Lavender stated everything goes smoothly, the third hauler can be justified. Mr. Callie stated he understood.

Mr. Scudato asked when will this be operational. Ms. Lulu stated in a few months... before the end of the year.

Chairman Leonardis opened the discussion to the Public. No comments or questions.

Chairman Leonardis asked Mr. Calli if there is anything on the Professional Reviews that the applicant does not agree too. Mr. Calli stated there is one (1) item that they would like to discuss since they are not owning the property the curbing and re-striping of Rohatyn.... Item #11 on page 9 of August 2, 2018 Engineering letter. Believes it is not appropriate at this time since they are only leasing the property. Mr. Caponigro stated there is one other item on the same page Item #9 regarding parking within the fifty foot (50'). Since it is a private driveway used by staff only, there is no public use. Does not want to lose the storage. Mr. Bucco stated with the testimony he agreed.

Mr. Bucco asked if the applicant would agree to have Rohatyn monitored and if there is a deterioration of the road the applicant would agree to remedy that. Mr. Calli stated that they will have limited movement on the road. He understands the concern but the applicant is only leasing. Mr. Calli suggested that after a year there be a dialogue with their site engineer.

Mr. Scudato asked what the condition of the road is currently. Mr. Caponigro stated it is not crumbling or deteriorating to a level that is not suitable to the use. Mr. Bucco stated his concern that there will be two (2) vehicles then eighteen (18) vehicles and there will be constant movement. It has not been used for a while. Right now, it is fine but what will happen with the constant movement. This could become a safety issue if the road deteriorates. Mr. Calli stated he is fine with a dialogue a year from now. Mr. Bucco continued... once this leaves the Board it is up to the Borough's engineer if the road will have to be redone. The Board has required this on other applications. Mr. Calli stated it is usually seen when an applicant returns to the Board for an amended application. This applicant is inheriting the road.

Mr. Slachetka stated that there is a condition that the applicant would have to return to the Board if a third hauler is needed. That may trigger a D2 variance – expansion of a non-conforming use. There can be an evaluation as to the impact on Rohatyn at that time to determine if there is any deterioration. Mr. Lavender, Mr. Calli and Mr. Bucco agreed.

Mr. Calli stated that the applicants engineer brought to his attention that there is a request for a full Traffic Impact Study. Believes that with the testimony obligated that need. Mr. Bucco agreed.

Mr. Lemos stated the site has a septic system. Will it remain? Mr. Caponigro stated that will remain. Mr. Lemos continued... where are the laterals. Mr. Caponigro stated there is a swing chain fence that blocks the area. Not proposing any changes to the area. It will remain as it is today.

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Mr. Slachetka stated that all the comments have been addressed in his July 24, 2018 review. There are two (2) items at the end of the review.... Items #14 & #15 on page 13. Mr. Caponigro stated no utility changes. Mr. Slachetka questioned the oil box. Mr. Calli stated that it will be not used. Mr. Caponigro stated that is an old box that STS used. Will make a note to remove the function and remove the box in accordance with the condition of the box. Mr. Calli stated will make the request to the landlord to have it removed. Mr. Slachetka continued... within the structure will the lifts be use. Mr. Calli stated they will remain but not utilized. Mr. Caponigro stated they can remove the power to them. Mr. Calli stated they will be deactivated and a note will be on the plan. Mr. Bucco asked on page 12 please do the same thing on the lighting comments, put a note on the plan. Mr. Bucco continued... comments on Page 13. He asked if Mr. Caponigro is able to accept the items. Mr. Caponigro will comply with all the ADA details.

Chairman Leonardis calls for a motion of **approval** with all conditions previously discussed. Mr. Bonanno made motion, seconded by Mr. Lemos. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Mr. Scrudato (alternate) and Chairman Leonardis. Those oppose: None

**INFORMAL HEARINGS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**CORRESPONDENCE:** None

**EXECUTIVE SESSION:** None

**ADJOURNMENT:** 9:25PM

Respectfully Submitted,  
Joanne Broderick  
Recording Secretary