

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
February 6, 2018

Vice Chairman Gustafson opened the meeting at 7:10 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
Maria Campagna
Darlene Cullen
Cindy Eichler
Frank Lemos
April Wasnick, 1st Alternate
Joseph Scudato, 2nd Alternate**

Absent:

**Gino Leonardis, Chairman
Ken Bonanno**

Also attending: Larry Lavender, Esq.

MINUTES:

January 16, 2018 Re-Organization Meeting.

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

January 16, 2018 Meeting.

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

RESOLUTIONS: (1)

Zoning Board of Adjustment – Appointment of Professionals

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

HEARING:

**A. Case # 41-17 -- Ali Sameer
Block 237: Lot 9: R-7.5 Zone
301 May Avenue**

The applicant is requesting to construct a 14.5' X 5' deck to a pre-existing non-conforming dwelling. Variance being requested: Rear Yard Setback: Existing 12.93' -- Proposing 7.93' -- Required 20' -- Variance 12.07'.

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Ali Sameer - 301 May Avenue, South Plainfield, New Jersey – homeowner and Safza Afzel - family member - are sworn in.

Larry Lavender, Esq stated that the Notices are in order.

Vice Chairman Gustafson reiterated the variance request.

Mr. Sameer stated that the deck has been constructed. He purchased the property as is and was aware that the deck was built without permits. At closing, he accepted the responsibility of the permit process for the deck.

Mr. Sameer stated that the bottom is pressure treated lumber on the existing footings. The top is composite material with railings. Four (4) steps down.

Vice Chairman Gustafson asked the age of the deck. Mr. Sameer stated it was built approximately September 2017 and he purchased the property November 2017.

Mr. Lavender asked Mr. Sameer if h was given a temporary CO. Mr. Sameer stated his attorney completed a form that would require Mr. Sameer to address the deck within thirty (30) days of closing. Paperwork was submitted within the thirty (30) days.

Mrs. Eichler reiterated that Mr. Sameer was under contract for the house and the deck was built while under contract. Mr. Sameer stated no. The deck was already built. The original deck was crumbling so the previous owner had the deck redone.

Mrs. Cullen stated that the house was then listed after the deck was completed. Mr. Sameer stated correct.

Mr. Lavender stated that this is not uncommon. There are many towns, including South Plainfield, that allow the new owners to take on the responsibility of correcting the issue... usually with a time limit.

Vice Chairman Gustafson asked Mr. Sameer if he is aware that the Board only allows him to keep the deck at its current location. The Board has nothing to do with construction. After he leaves the Board, he still has the permit and building process. Mr. Sameer stated that he is aware.

Vice Chairman Gustafson asked Mr. Sameer to describe the deck. Mr. Sameer stated the deck is five feet (5') from the house and approximately fourteen and a half feet (14.5') long... along the back of the house.

Mr. Lemos asked Mr. Sameer if the deck was built on the patio blocks. Mr. Sameer stated he has a picture of the deck on his phone. Mr. Sameer was advised by Mr. Lavender that he cannot submit a picture on a phone. Mr. Sameer continued.... Mark, the inspector, looked at the footings. One (1) footing was covered by dirt. Mr. Sameer removed the dirt so Mark may look at the footings. Well-constructed and solid. The footings are not on top of the pavers.

Vice Chairman Gustafson asked Mr. Sameer if he would be against having a condition of not enclosing the deck... no roof, walls, windows or door. Mr. Sameer stated no. Vice Chairman Gustafson stated the only type of overhang is an awning... retractable is acceptable. Mr. Sameer agreed.

Mr. Lemos asked Mr. Sameer if there was a shed on the property. Mr. Sameer stated no.

Mrs. Campagna stated that she drove by the location and there is a large amount of shrubbery. Mr. Sameer stated that is his neighbors. Mrs. Campagna continued... she was going to suggest that the shrubbery stay as a condition but since it is the neighbors he has no control.

Mrs. Campagna stated that the neighbors side yard and garage faces Mr. Sameer back yard. There is no living space that faces the deck.

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With no further questions, Vice Chairman Gustafson calls for a motion of approval with the condition that the deck cannot be enclosed... no roof, no walls, no windows, no door. Mr. Lemos made motion, seconded by Mrs. Cullen. Those in Favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Mr. Scudato and Vice Chairman Gustafson. Those oppose: None.

Mr. Sameer asked when is he able to apply for a permit. Mr. Lavender explained the process and advised Mr. Sameer that the next meeting is not until March 6, 2018. A resolution cannot be adopted until that time.

INFORMAL HEARINGS: None

OLD BUSINESS:

Election of Technical Review Committee (TRC) - Vice Chairman Gustafson requested Joanne to review who had offered to participate in the Committee at the previous meeting.... Mrs. Campagna and Mr. Lemos. Vice Chairman Gustafson asked the Board members if anyone else is interested. Joanne and Mr. Lavender explained the actions of committee to the newest Board members. Mrs. Wasnick agreed be to the third member. Mrs. Eichler and Mr. Scudato agreed to be alternates.

Vice Chairman Gustafson calls for a motion to have Mrs. Campagana, Mr. Lemos and Mrs. Wasnick as TRC members with Mrs. Eichler and Mr. Scrudato as Alternates. Mrs. Eichler made motion, seconded by Mrs. Cullen. Those in Favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Mr. Scudato and Vice Chairman Gustafson. Those oppose: None.

NEW BUSINESS: None

CORRESPONDANCE: None

EXECUTIVE SESSION: None

ADJOURNMENT: 7:25 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary