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:

Absent:

James Gustafson, Vice Chairman Maria Campagna Darlene Cullen Cindy Eichler Frank Lemos April Wasnick, 1st Alternate Gino Leonardis, Chairman Ken Bonanno Joseph Scrudato, 2nd Alternate

Also attending: Larry Lavender, Esq.

MINUTES: May 15, 2018.

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

RESOLUTIONS: (4 Homeowners)

A. Case # 37-17 -- Dave Spayder Block 420: Lot 17: R-1-2 Zone 2208 Second Place

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

B. Case # 13-18 -- Andres Mosquera Block 57: Lot 15: R-7.5 Zone 245 East Golf Avenue

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

C. Case #14-18 -- Bruce & Cecilia Grand-Jean Block 159: Lot 16: R-10 Zone 524 Sampton Avenue

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

D. Case # 16-18 -- Urszula & Przemyslaw Bienias Block 318: Lot 11: R-10 Zone 423 Pitt Street

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

HEARING: (4 Residential & 1 Commercial)

A. 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.

Vice Chairman Gustafson read a letter received to Joanne Broderick, Board Secretary requesting the hearing be carried to the next available hearing date so items on the Professional Reviews can be addressed. Vice Chairman Gustafson commends the applicant for being pro-active and willing to address the concerns prior to the hearing. The hearing of July 3, 2018 has been canceled due to the unavailability of the Board Members - no quorum. Therefore, the hearing will be carried to July 17, 2018.

B. Case #12-17 -- Dolores Martin Block 148: Lot 2: R-7.5 Zone 1115 Walnut Street

The applicant was heard and approved for an addition to a non-conforming home on May 2, 2017. The applicant is requesting an amendment to add a roof over the deck. Same variance being requested: <u>Side Yard Setback</u> -- Required: 8' -- Existing: 6.75' -- Variance 1.25'.

Dolores Martin - 1115 Walnut Street, South Plainfield, New Jersey - applicant, is sworn in. Mr. Lavender stated that the Notice of Publication are in order. Vice Chairman Gustafson asked Ms. Martin to explain why she is before the Board. Ms. Martin began by stating she had put an addition onto the rear of the existing home. Her oldest sister had moved in with her. She decided she would like to put a roof over the deck.

Vice Chairman Gustafson questioned Ms. Martin:

- An enclosed roof or a shade roof? A shade roof.
- Ms. Martin provided a picture of what she is seeking Exhibit A-1.
- Has the roof been constructed? No. However, the deck has been built.
- For clarification, the survey has the addition drawn. *The addition was approved and built. The deck and stairs have been built.*

Mr. Lavender asked Ms. Martin how close to Exhibit A-1 is roof going to look like. Ms. Martin stated very close. It will be open underneath. The decorative roof will be there. The pillars will come down to the existing girders. When the deck was built, made sure that the deck can handle the roof in case decided to do so.

Vice Chairman Gustafson asked Ms. Martin if she would be opposed to a condition that the deck cannot be enclosed. Ms. Martin stated she has no inclination to enclose the deck. Ms. Martin agreed. The intent is to have shade only.

Mrs. Campagna asked how many steps are coming off the deck. Ms. Martin contractor the contractor - four (4) steps.

Mrs. Cullen clarified with Ms. Martin that the deck is not being expanded, a roof over the deck is being requested. Per Ms. Martin, no expansion of the deck... just a roof over for shade.

Vice Chairman Gustafson opens the discussion to the Public. No concerns or questions.

Mrs. Campagna asked if there is railing around the deck. Ms. Martin stated there are railings on the deck. Vice Chairman Gustafson clarifies that the Exhibit A-1 is a rendering of what Ms. Martin is requesting... not what is there currently.

Vice Chairman Gustafson calls for a motion of *approval* with the condition of no enclosure. Mrs. Eichler made motion, seconded by Mr. Lemos. Those in favor: Mrs. Campagna, Mrs. Cullen, Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Vice Chairman Gustafson. Those oppose: None.

C. Case # 17-18 -- Scott Bechtoldt Block 418: Lot 1: R-10 Zone 2024 Hamilton Boulevard

The applicant is requesting to construct a 5.5' X 18' front porch to a pre-existing non-conforming dwelling (corner lot). Variance being requested: <u>Second Front Yard Setback</u>: Existing 28.53' -- Required 30' -- Variance 1.47'.

Scott Bechtoldt - 2024 Hamilton Boulevard, South Plainfield, New Jersey - applicant, is sworn in. Mr. Lavender stated that the Notice of Publication are in order.

Vice Chairman Gustafson asked Mr. Bechtoldt to advise the Board what he is requesting and why. Per Mr. Bechtoldt:

- Front porch 18' X 5.5'.
- Uncovered.
- Before the Board due to a side yard setback.

Vice Chairman Gustafson questioned Mr. Bechtoldt:

- Corner lot? Yes.
- Side street? Strong Place.
- Hardship with two (2) front yards. Yes.

Vice Chairman Gustafson clarified with Mr. Bechtoldt that he stated that there will be no roof over the porch. Mr. Bechtoldt stated correct. Vice Chairman Gustafson continued... If Mr. Bechtoldt chooses to in the future and if the Board is in favor of the porch, Mr. Bechtoldt may put a roof over the porch but cannot enclose the porch if he chooses to do so.

Mr. Bechtoldt questioned that if he does anything additional to the house he has to return due to the second front set back. Per Vice Chairman Gustafson, yes. Mr. Bechtoldt thanked the Board for the option to add the roof in the future if he does decide to do so.

Vice Chairman Gustafson opens the discussion to the Public. No concerns or questions.

Vice Chairman Gustafson calls for a motion of *approval* with the option to add a roof over the porch. However, it cannot be enclosed. Mr. Lemos made motion, seconded by Mrs. Cullen. Those in favor: Mrs. Campagna, Mrs. Cullen, Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Vice Chairman Gustafson. Those oppose: None.

D. Case # 18-18 -- Erin Wyzykowski-Murphy Block 369: Lot 3: R-10 Zone 1142 Lorraine Avenue

The applicant is requesting to construct a 12'X20' shed and a 9'X48.4' (approximate) greenhouse to a pre-existing non-conforming situation. Variances being requested: <u>Lot Area</u>: Existing 7,500 sq. ft. -- Required 10,000 sq. ft. -- Variance 2,500 sq. ft.; <u>Lot Width</u>: Existing 75' -- Required 100' -- Variance 25'; <u>Front Yard Setback</u>: Existing 19.7' -- Required 30' -- Variance 10.3'; <u>Side Yard Setback</u>: Existing 4' -- Required 8' -- Variance 4'; <u>Shed (Accessary) Size</u>: Maximum 200 sq. ft. -- Requesting 240 sq. ft. -- Variance 40 sq. ft. -- <u>Shed (Accessary) Height</u>: Maximum 15' -- Requesting 16' -- Variance 1'.

James Roberts - 79 Glenwood Terrace, Fords, New Jersey - on behalf of his daughter, Erin Wyzykowski-Murphy who is a dental hygienist and works late on Tuesday's, is sworn in. Her husband is getting ready to be deployed and currently is on base at Fort Dix.

Mr. Lavender confirmed with Mr. Roberts that any discussion will be binding with the applicant, Erin Wyzkowski-Murphy. Mr. Roberts stated yes.

If is confirmed that the applicant signed the Owners Authorization.

Vice Chairman Gustafson asked Mr. Roberts what his daughter is requesting. Mr. Roberts stated:

- The work is already complete.
- Previous owners called the structure a barn. It is a shed and a half. Has a loft.
- Received a permit to side the shed.
- When attempted to side the shed, everything started to fall apart.
- Thought only sheathing but found large cracks in the foundation.
- A new shed was built and placed on the same footprint.
- Mr. Lavender confirmed with Mr. Roberts that area being discussed is on the survey listed as 'Frame Building'.
- When inspector came to review the shed, was told it was not acceptable.
- Put in a Zoning Permit and got denied.
- Home is surrounded on three (3) sides by Borough property baseball fields.
- Vice Chairman confirmed with Mr. Roberts the house is located just after the Baseball Field Clubhouse and the only house on the block.

Vice Chairman Gustafson re-iterated that the shed was there. It was rebuilt in the same location.

Vice Chairman Gustafson stated that the property line distance of the shed is not listed on the survey. Mrs. Broderick confirmed that on the survey it states that the shed is 1.4' from the rear property line and 1.5' from the side property line - very tiny.

Mr. Lemos asked when was the shed originally built. Mr. Roberts stated the house was built in 1923. He would be guessing that age of the old shed. His daughter has owned the home for ten (10) years and it was well weathered when she purchased the property.

Mr. Lavender asked what is grown in the greenhouse. Mr. Roberts stated that the women who owned the property prior to his daughter would use it to dry flowers. She made dried flower arrangements.

Mr. Roberts submitted Exhibit A-1 and Exhibit A-2:

- Exhibit A-1 color picture of the old shed front view, side view, shrubs / flowers surrounding the shed, side door by the chain link fence.
- Exhibit A-2 color picture of the new shed front views (2), side view, (both), rear view. Shrubs / flowers and chain link fence removed and cleaned up.

It is determined that many Board Members are familiar with the house due to ball fields.

Vice Chairman Gustafson stated for those who are not familiar with the property... the front of the house is the dead end behind the Baseball Club House. The back is behind Field 3 bleachers. There is no rear residence behind that property. The back adjacent property has not been the best kept property.

Mr. Lemos asked why the shed was not moved when it was rebuilt. Mr. Roberts stated he does not know why. However, the daughter's ex-boyfriend at the time gave Mr. Roberts the list of materials to rebuild which in turn he

ordered the materials. Then it was short on material. Mr. Roberts told the ex-boyfriend I used your measurements who responded I raised the roof a foot. Therefore, he drove to Pennsylvania for the additional material. Has no idea why it was raised a foot.

Vice Chairman Gustafson asked what the shed is used for. Per Mr. Roberts, purely storage.

Vice Chairman Gustafson asked if there are any utilities to the shed. Mr. Roberts stated that the old shed did have utilities. The new one does not... But has the ability to add utilities. When the footings and wall were built, a plastic conduit was put in. However, electrical line was removed prior to being rebuilt.

Mr. Lavender asked if there are utilities in the greenhouse. Mr. Roberts stated there has always been power to it. Mr. Roberts continued... the greenhouse was shortened by twelve feet (12') - six feet (6') on each end. It sits on blue stone / gravel.

Mr. Lavender asked if there is any plumbing to the green house. Per Mr. Roberts stated no plumbing.

Vice Chairman Gustafson asked if there is plumbing to the shed. Mr. Roberts stated no... only a conduit for electricity if his daughter ever decides to run electricity to it.

Mr. Lavender asked Mr. Roberts if he would except as a condition that no plumbing is to be placed in either the greenhouse or the shed. Mr. Roberts agreed.

Vice Chairman Gustafson stated that this application is unique because there are no neighbors.

Vice Chairman Gustafson stated if there is a favorable vote, this application will be heavily conditioned. If a limb falls and destroyed the shed which in turn needed to be rebuilt, the shed would have to be moved to compliance.

Vice Chairman Gustafson asked Mr. Roberts what his daughters intention is with the greenhouse. Mr. Roberts stated she waited to get married at age 40 and has a two (2) year old. However, what her intention is will probably not happen. She wants to start seedlings for her own garden.

Vice Chairman Gustafson asked if this was to be a commercial application. Mr. Roberts stated no. Vice Chairman Gustafson continued... she has no intention to sell the seedlings. Per Mr. Roberts no... for her own garden. Still has the benches that the original owner had. Stores bird seeds and lawn items.

Vice Chairman Gustafson asked what is the condition of the greenhouse. Mr. Roberts stated that when it was shortened by six feet (6') on both ends, new plywood was added to the ends with doors. The fans were reset as they were. The plastic is in good shape.

Vice Chairman Gustafson stated since six feet (6') was removed from the greenhouse, it is within the property bounds. Mr. Roberts stated they were not over the property line... it was two feet (2') in from the property line. Vice Chairman Gustafson continued... is the shading on the greenhouse on the survey to depict the six feet (6') removed from each side. Mr. Roberts replied yes. There was a dog run in the back that was removed.

Mr. Lemos asked has the Building Inspector been out. Mr. Roberts stated yes. The Building Inspector came out to close out a building permit which was purely to side and re-roof the shed but the work was expanded beyond that. When new plans for the shed was submitted showing the additional work, it was denied.

Mr. Lemos asked if the greenhouse was inspected. Mr. Roberts stated that the greenhouse was never part of the work. There were three (3) greenhouses when the property was purchased. The previous owner took two (2) with her when it was sold.

Mrs. Campagna stated that the shed that is being discussed is the shed directly behind the house. Mr. Roberts stated yes. Mrs. Campagna continued... there is a shed in front of the greenhouse. Mr. Roberts stated that is a plastic shed. Mrs. Campagna continued... what is that shed used for. Per Mr. Roberts, her lawnmower and ride-on tractor. Mrs. Campagna asked if that meets all the setbacks and is not a concern to the Board other than a second shed on the property. The Board stated correct.

Mrs. Campagna stated the shed in the back doesn't have a 'shed door'... It has a front door with two (2) windows. How are items moved in and out? Mr. Roberts stated it is a true exterior door - 36" door. Modified with a stain glass that daughter had. Two (2) windows on each side of the door. Large enough to get furniture through. Used for storage... yard type stuff and stuff for granddaughter. It has the ability to have electricity but has no electric currently. Mrs. Campagna asked if you want to get something out at night you need a flash light. Mr. Roberts stated correct.

Mr. Lemos asked what Mr. Roberts means by 'the ability' to have electricity'. Mr. Roberts stated there is a conduit placed through the foundation and wall.

Vice Chairman Gustafson opens the discussion to the Public. No concerns or questions.

Vice Chairman Gustafson stated there are existing hardships... the property is surrounded by Borough property (baseball fields). There are no other properties. They are great neighbors to the Borough. The condition of the property behind the application lot is overgrown. Not sure if the greenhouse is noticeable from the ball fields.

Vice Chairman Gustafson stated he would be in favor of this application with the following conditions:

- No commercial activity.
 - No enclosure.
 - No mother / daughter.
 - No water / plumbing, cable.
 - No living space.
 - Electric may be added to the shed.
 - If damaged, the shed is to be rebuilt to conformity.

Vice Chairman Gustafson stated that in one of the exhibits you are able to see the ballfield restroom which is in the same A-Frame structure as the shed. Someone can construe that it belongs to the ball field.

Vice Chairman Gustafson calls for a motion of *approval* with the above conditions. Mr. Lemos made motion, seconded by Mrs. Wasnick. Those in favor: Mrs. Campagna, Mrs. Cullen, Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Vice Chairman Gustafson. Those oppose: None.

E. Case # 07-18 -- Daniel VP LLC Block 182: Lot 1: R-10 Zone 412 Lane Avenue

Carried from April 3 and May 1, 2018 meeting... The applicant is requesting to construct a rear addition to a pre-existing non-conforming dwelling. Variances being requested: *Front Yard Setback (2nd Front – Corner Lot)*: Existing 13.9' -- Required 30' -- Variance 16.1': *Lot Width*: Existing 62.50' -- Required 100' -- Variance 38.50': *Lot Area*: Existing 6,827 sq. ft. -- Required 10,000 sq. ft. -- Variance 3,173 sq. ft.

Edward Santoro, Esq. – Santoro & Santoro, 301 Maple Avenue, South Plainfield, New Jersey – attorney for the applicant. As requested at previous hearing, has supplied the Board with the detail description of the addition and renovations.

Vice Chairman Gustafson questioned Mr. Santoro:

- Is a representative present for the applicant? No.
- Is this done on purpose? No... the last the time the application was scheduled, the principle flew in from Abu Dhabi. Mrs. Broderick stated she did meet with the principle. Mr. Santoro stated due to the makeup of the Board that evening it was decided to rescheduled the meeting for the today. It was not economical possible for the applicant to come to the meeting twice. However, the two gentlemen that are here can speak on his behalf and anything they represent to the Board will certainly be binding for the applicant

Vice Chairman Gustafson stated that he was not at the last meeting. However, he will conduct the meeting and will

not vote. The plans are before the Board. Does not see landscaping. Mr. Santoro stated that was not requested. The only item that was requested was a detailed architecture and site plan.

Vice Chairman Gustafson stated the plans are similar to the number of capes that have additions in the Borough. Is familiar with the site, has been by the site twice. Is aware the property is in despair. The add-a-level is no issue.

Mrs. Wasnick asked if the house is now four (4) bedrooms. Mr. Santoro stated there is three (3) on the second floor and one (1) on the first floor which can be used as an office or bedroom.

Mr. Lavender asked if there is a plan for landscaping. Mr. Santoro stated he is sure there will be landscaping based on the other properties developed but it is not reflected on the items before the Board because it was not requested. Mr. Lavender continued... what is the condition of the house. Mr. Santoro stated it is an eyesore.

Vice Chairman Gustafson stated that there are missing sections of the stockade fence... an overgrown backyard... siding missing etc.

Mrs. Campagna asked that the existing house is 24.5'X28.5'. What will be the dimensions with the addition? Vice Chairman Gustafson stated 35.5' depth and same width of 28.5'. Mrs. Campagna stated on the sketch before us, it states a 20' addition.... Not a 10' addition. Mr. Santoro stated that was the previous information. Vice Chairman stated there a 5' addition on the right side... therefore it will be 34.5'. Mr. Krawiec stated there is a cantilever off the rear that extends the rear further on the second floor only.

Mr. Lemos asked what the rear yard setback would be. Per Mr. Krawiec, 34.1' from the cantilever.

Mrs. Campagna stated the addition is 10'X28'. Therefore, the rear addition does not line up with the side addition. Mr. Krawiec stated correct. When all is complete, the house will be 33.5' wide and 34.5' deep on the first floor. Mrs. Campagna asked what will be on the second floor. Mr. Krawiec stated 3' deeper. There is a cantilever on the second floor in the rear.

Mr. Lemos questioned the size of the cantilever. Mr. Krawiec stated 3'.

Mr. Lavender questioned Mr. Krawiec:

- Any similarities with the Franklin Avenue home? Same 3' cantilever.
- The exterior? Very similar.
- Condition of that house? Has been sided. The interior is still being worked on.

It is determined that the applicants Professionals before the Board are Mr. Krawiec, architect and Mr. John Smith, builder.

Mr. Lavender stated Mr. Krawiec is still under oath.

Vice Chairman Gustafson sworn in Mr. John Smith – 1559 Dumont Avenue, South Plainfield, New Jersey – builder.

Vice Chairman Gustafson stated that Mr. Smith has confirmed there is a 3' cantilever and is not the builder on Franklin Avenue.

Vice Chairman Gustafson asked what is the dimension of the driveway and how many vehicles can be parked since the side addition will affect the driveway. Mr. Krawiec stated that the survey does not identify the dimension but looks approximately 11'. Mr. Smith stated it is a single driveway. Mr. Krawiec stated two (2) cars can fit in the driveway.

Vice Chairman Gustafson stated that on the Franklin Avenue application, there were stone front and features that

were esthetically pleasing to the neighborhood. Is there any consideration for this house for the same? Mr. Santoro stated there has not been any consideration, however, if the Board has some requirements that would not be a problem. Mr. Krawiec stated there is no stone front on Franklin Avenue.

Vice Chairman Gustafson asked:

- Will there be all new roof, siding, windows? Mr. Smith stated yes.
- Have all the applicants Professionals been to the site? Mr. Santoro, Mr. Krawiec and Mr. Smith all stated yes.
- What type of landscaping? Mr. Santoro stated there is not much that is salvageable. Therefore, everything will be new... new landscaping, new siding, new roof, new windows, new fence.
- All the overgrowth be removed... seed for grass? Mr. Santoro stated yes
- Driveway is currently stone. Mr. Smith stated it was once paved but will be repaved.
- Will there be front landscaping? Mr. Smith stated yes. Mr. Santoro stated it will be appropriately landscape.

- A new walkway to the driveway? Mrs. Smith stated yes, there will be a walkway.
- Will the existing porch be salvaged? Mr. Smith stated no... new porch. Mr. Krawiec stated the location will remain the same spot.
- Will the porch be enclosure or any overhang over the front steps? Mr. Krawiec stated that the front has a 1' cantilever and a 1' of roof like element... Therefore, there will be 2' that projects out of the entire front of the house... not just the steps.
- There will be no pillars. Per Mr. Krawiec, correct.

Mr. Lavender asked if that can be a condition to remove the fence. Mr. Santoro stated that is not a problem.

Vice Chairman Gustafson reiterated... a new driveway, a new walkway, fix the yard, fence removed, elevate the trees, giving an enhancement to the neighborhood. Mr. Krawiec stated with no doubt. He would like to sell the property. It cannot be sold this way.

Mrs. Campagna asked how much of the driveway will be paved? How wide and how far back? Mr. Krawiec stated it will be approximately 11' wide and run from the property line to rear of the existing footprint of the house.... Approximately 55'.

Vice Chairman Gustafson stated as a condition of approval, the driveway will not be any smaller than 11'X55'.

Mrs. Campagna asked if the front will have a porch or steps and platform. Mr. Smith stated a masonry porch – steps and platform.

Vice Chairman Gustafson opens the discussion to the Public. No comments or concerns.

Vice Chairman Gustafson stated that this is a typical add-a-level cape enhancement to the neighborhood. If the Board members vote favorably, the Board expects an entire new building with enhancement and cleaned up landscaping, paved macadam driveway, masonry porch, walkway – not a macadam walkway, old fence will be removed, overgrown shrubbery will be removed, trees will be elevated, dead shrubs removed, new landscaping and the driveway will not be less then 11' width and approximately 55' in depth – it may be 54' or 56'.

Vice Chairman Gustafson calls for a motion of *approval* with the above-mentioned conditions: Mrs. Eichler made motion, seconded by Mrs. Cullen. Those in favor: Mrs. Campagna, Mrs. Cullen, Mrs. Eichler; Mr. Lemos; and Mrs. Wasnick. Those oppose: None

INFORMAL HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDENCE: None

EXECUTIVE SESSION: None

ADJOURNMENT: 8.05 PM

Respectfully Submitted, Joanne Broderick, Board Secretary