

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
March 6, 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:

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

Absent:

Joseph Scrudato, 2nd Alternate

Also attending: Larry Lavender, Esq.

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Mrs. Campagna 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: None

HEARING: (5 Homeowners)

**A. Case # 02-18 -- Stephen Pearson
Block 282: Lot 33: R-7.5 Zone
110 Norway Lane**

The applicant is requesting to construct a 322 sq. ft. deck to a pre-existing non-conforming dwelling. Variances being requested: Side Yard Setback: Existing 6' -- Required 8' -- Variance 2' Lot Width: Existing 68' -- Required 75' -- Variance 7'.

Stephen Pearson – 110 Norway Lane, South Plainfield, New Jersey – applicant, is sworn in. Deck was built before he purchased the house. The previous owner did not have a permit for the deck. He would like to keep the deck.

Mrs. Cullen asked Mr. Pearson if he had agreed to take on the responsibility for the approval of the deck. Mr. Pearson stated yes.

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Mr. Lemos questioned Mr. Pearson:

- How long he has owned the house? Purchased the house October 2017.
- Was it purchase the way it looks today? Yes.
- Including the driveway? The driveway is new.
- Did Mr. Pearson put the driveway in? No.

Chairman Leonardis asked Mr. Pearson to describe the deck? If he had any pictures. Mr. Pearson stated he does not have any pictures. The deck is pre-treated wood.

Mr. Lavender asked Mr. Pearson if this issue came about during the CO inspection. Mr. Pearson stated yes... The deck and the hot water heater. The hot water heater was replaced on the day he moved in and has been inspected.

Mrs. Cullen asked Mr. Pearson if he is planning any changes to the deck. Per Mr. Pearson, no.

Chairman Leonardis stated that Mr. Pearson is seeking two (2) variances... two feet (2') on the side yard setback and lot width - Existing sixty-eight feet (68') – required seventy-five feet (75').

Mrs. Campagna asked Mr. Pearson what the dimensions of the deck are. Mr. Pearson stated he does not know. Mrs. Campagna continued... the survey states the square footage of the deck but not the size.

Mr. Lemos asked Mr. Pearson if the deck was inspected. Mr. Pearson stated that the deck was inspected by his inspector prior to purchasing the house... not by the Building Inspector. Mr. Lemos continued... the deck has no footings; the driveway is only six inches (6") from the property line and the leaders are going to the side yard. Mr. Pearson stated that is how he purchased the house. He is able to adjust the leader himself.

Chairman Leonardis stated he scaled the deck. Across the back, it is approximately seventeen feet (17') and approximately twenty-one feet (21') deep.

Chairman Leonardis stated that one of the hardships is that the lot is sixty-eight feet (68') rather than the required seventy-five feet (75'). If it was a conforming lot, the deck would not be an issue.

Mrs. Campagna asked if the six feet (6') is granted and the Building Inspector states that the deck needs footings or something major, what happens?

Mr. Lemos is concerned that a house could be sold this way. Mr. Lavender explained that assuming the house is an older house and the driveway was there prior to the ordinance, it can be replaced or repaired.

Chairman Leonardis stated by looking at the survey it looks like a one and a half car width driveway... not a two-car width driveway. Mr. Pearson stated yes. We drive tiny cars and we are door to door if we park side-by-side. Chairman Leonardis confirms with Mr. Pearson if the driveway has to be ripped up, he will have to make it conform to the ordinance. Mr. Pearson stated yes.

Chairman Leonardis opens the discussion to the audience. No comments or concerns.

Mrs. Campagna stated when the deck is inspected and it's all good outside of minor repairs, she is fine approving the six-foot (6') setback. However, if some reason the inspector states that the deck has to be torn down, she would expect the applicant to adhere to the eight feet (8') requirement – a conforming deck. Not wishing back luck, but there have been several bad storms.... Trees have fallen on houses. If something happened to this deck tonight and had to replace, would expect the deck to be built eight feet (8') from the property line. If the deck is fine the way it is and nothing needs to be done except minor repair, she is good in granting the six-foot (6') side yard.

Mr. Lavender stated that it can be stated in the resolution... if the deck needs to be replaced, it must conform to the eight-foot (8') setback. Mr. Pearson agreed.

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Mrs. Campagna stated if variance is granted, the deck cannot be enclosed or have a roof. Mr. Lavender asked Mr. Pearson if he agrees. Mr. Pearson stated yes. Mr. Pearson asked if he can put an awning over it. Chairman Leonardis stated yes... retractable shade is not a problem.

Chairman Leonardis stated this is a common situation. However, if the deck needs to be removed or altered in a major way, it needs to be rebuilt to conformity. Mr. Pearson stated take two feet (2') off the side. Chairman Leonardis stated yes. Chairman Leonardis continued... no enclosure or fixed top.

Chairman Leonardis calls for a motion of *approval* for a six-foot (6') variance for the side setback and seven-foot (7') variance for lot width. Mrs. Eichler made motion, seconded by Mrs. Cullen. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; (Mrs. Wasnick – alternate); Vice Chairman Gustafson and Chairman Leonardis. Those oppose: Mr. Lemos.

B. Case # 03-18 -- Robin Matthews
Block 172: Lot 37: R-7.5 Zone
158 Robert Place

The applicant is requesting to construct a 10' X 10' enclosure of an existing covered patio to a pre-existing non-conforming dwelling. Variances being requested: Side Yard Setback: Existing 4.2' -- Required 8' -- Variance 3.8'; Lot Width: Existing 65' -- Required 75' -- Variance 10'; Lot Area: Existing 7,150 sq. ft. -- Required 7,500 sq. ft. -- Variance 350 sq. ft.

Robin Matthews – 158 Robert Place, South Plainfield, New Jersey – applicant, is sworn in. Ms. Matthews has been in the house for approximately sixteen (16) years. The house was built sixty-seven years ago. Would like to enclose approximately half of the existing covered porch to extend the family room. Purchased the house with the covered porch. When applied for permits, realized had no survey. When survey done, was told that she had to come before the Board for pre-existing non-conforming house. The house is too close to the property line on one side and property width. The addition will only require two (2) sides to be built... it is going up against existing part of the house and not near the property line.

Chairman Leonardis asked Ms. Matthews if she had any pictures or exhibits to present. Ms. Matthews stated no.

Ms. Matthews stated that only two (2) sides need to be enclosed. The one (1) side is the sliding door from the family room and the other is the back side of the kitchen. Going out approximately ten feet (10') from the family room to where the kitchen door is and to the edge of the patio. The siding will be removed from the house and placed on the part that is built to match the rest of the house.

Mrs. Cullen asked how long Ms. Matthews has owned the house. Ms. Matthews stated since February 2002... sixteen (16) years. Mrs. Cullen continued... was the patio existing when purchased? Ms. Matthews stated yes... and it was covered with slate tile floor.

Vice Chairman Gustafson asked Ms. Matthews when purchased, was the roof existing. Ms. Matthew stated yes. Vice Chairman Gustafson stated that it is not listed on the permit record and normally something like that was common during that time period in the Geary Park area. There are a few posts. The roof extends out and is flat. Vice Chairman Gustafson continued... currently, you step down from the family room to this porch. Ms. Matthews stated that is correct... two (2) steps. Can go from the sliding door in the family room or the kitchen door to the same patio. Vice Chairman Gustafson conforms with Ms. Matthews that the proposed space will be level with the house not at grade. Ms. Matthews stated correct.

Vice Chairman Gustafson clarifies that this is a 10' X 10' addition of living space and if the house was not pre-existing non-conforming the addition does not require a variance.

Chairman Leonardis reiterated... this is a 10' X 10' additional living space that will be resided and matching roof. Ms. Matthews stated that the roof is already there.

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Mr. Lemos confirmed with Ms. Matthews that she purchased the house in 2002 and asked if she added the two (2) car garage. Ms. Matthews stated she has not added anything to the house... it is as purchased. It is not a two (2) car garage. It is a one (car) garage with a lot of stuff. The driveway and garage were there when purchased.

Chairman Leonardis opens the discussion to the audience. No comments or concerns.

Chairman Leonardis reiterates that the addition is in the center of the home. If it were not for the existing conditions, there would be no variances required.

Chairman Leonardis calls for a motion of *approval*. Mrs. Campagna made motion, seconded by Mrs. Cullen. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; (Mrs. Wasnick – alternate); Vice Chairman Gustafson and Chairman Leonardis. Those oppose: none.

C. Case # 04-18 -- Stephen Tansey
Block 232: Lot 8: R-7.5 Zone
179 West Elmwood Drive

The applicant is requesting to construct an 18' round above ground pool – corner lot. Variance being requested: Second Front Yard Setback: Required 30' -- Requesting 3' -- Variance 27'.
(Received variance for Second Front Yard Setback for addition - June 1, 1971.)

Stephen Tansey – 179 West Elmwood Drive, South Plainfield, New Jersey – applicant, is sworn in Purchased the house February 2017. Would like to put in an above ground pool. It is a corner lot. To maximize the backyard, would like to put the pool in the far corner closes to the side street – Rodman Road.

Chairman Leonardis questioned Mr. Tansey:

- Describe the existing fence? A wooden fence that wraps around the entire property. Approximately, six (6) to seven (7) feet. There is a 'lip' on the bottom so the fence is elevated. There are locking doors on both sides of the house.
- Will the fence be higher than the pool? Yes... the fence is over six feet (6') and the pool will be five feet (5').
- Will there be an entrance gate / staircase? Yes... it is self-locking and attached.
- What side of the pool will the gate be on? Have not decided. Chairman Leonardis stated he would like to see the gate facing the yard, not the fence. Mr. Tansey stated absolutely.

Vice Chairman Gustafson asked if the pool will have a complete radius deck? Mr. Tansey stated no. Vice Chairman Gustafson asked if Mr. Tansey would be opposed to a condition that there cannot be any decking on the sides by the fence. Mr. Tansey stated not a problem and has no intention to put a full deck around.

Chairman Leonardis opens the discussion to the audience. No comments or concerns.

Chairman Leonardis calls for a motion of *approval* for the variances as requested with the condition that the three feet (3') closes to the fence be left clear. Mrs. Eichler made motion, seconded by Mr. Lemos. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; (Mrs. Wasnick – alternate); Vice Chairman Gustafson and Chairman Leonardis. Those oppose: none.

D. Case # 05-18 -- John Dafgek
Block 267: Lot 11: HDD Zone
173 Front Street

The applicant is requesting to repair fire damaged home and add a second floor bump out over the existing first floor bump out to a pre-existing non-conforming situation. Variances being requested: Side Yard Setback: Existing 1.15' -- Required 10' -- Variance 8.85"; Lot Width: Existing 65' -- Required 75' -- Variance 10'; Lot Area: Existing 7,150 sq. ft. -- Required 7,500 sq. ft. -- Variance 350 sq. ft.; Accessory Structure (garage) Side Yard Setback: Existing 1.75' -- Required 8' -- Variance 6.25'.

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John Dafgek – 5 Proprietor Lane, Whitehouse Station, New Jersey – applicant, is sworn in. This is a rental house that he owns. In November 2017, there was a major fire. None of the tenants were hurt. However, there is a lot of damage. Most items will have to be replaced except the structure... electrical, plumbing will be replaced. Top of the roof will have to be removed and replaced. In the back of the house, there is an existing bump-out on the first floor... approximately 10' X 14'. The house has one full bath - very small thirty-six (36) square foot. The house desperately needs a bigger bath room. Want to add on top of the existing bump out for a new full bath with a two-foot (2') cantilever over the back. The back of the property is two hundred fifteen feet (215').

Mr. Lavender reiterates... there is an existing first floor bump out and would like to add the bump out to the second floor on the existing foot print. Mr. Dafgek stated yes... except for the two-foot (2') cantilever going towards the back where there is two hundred fifteen feet (215').

Mrs. Cullen asked the purpose of the second floor bump out is to add an additional bathroom. Mr. Dafgek stated yes... thirty-six (36) square foot bathroom is very tiny. Since repair work needs to be done, wanted to add a decent sized bathroom.

Mrs. Campagna asked if the dwelling is a one (1) or two (2) family house. Per Mr. Dafgek, it is a one (1) family.

Mr. Lemos asked behind the bump out, if that is the original deck. Mr. Dafgek stated yes. Mr. Lemos continued... what kind of damage? How severe? Mr. Dafgek stated the stairs from the first floor to the second floor are burnt and will need to be replaced. All the windows need to be replaced. The roof will be removed and replaced. Structurally, where the fire started, there are a few pieces of timber that will have to be replaced... a few studs. Mr. Lemos asked if the property was condemned. Mr. Dafgek stated the inspector was out and no.

Mrs. Campagna asked how old the house is. Mr. Dafgek stated he believes it was built in 1948.

Mr. Lemos asked if the front deck will be replaced. Mr. Dafgek stated no... there are several places that are in need of repair which will be done. Steps will be repaired.

Vice Chairman Gustafson asked for a clarification from Mr. Dafgek. The interior will have the same layout except for the second floor bump out pre-fire... when you walk in, the existing living room, existing dining room, existing stairs, existing powder room, existing mud room and existing kitchen will remain, but repaired. Per Mr. Dafgek, yes except there is a complication with the stairs. Apparently, they are too steep. Therefore, to meet the code, they have to come out 6-8 inches but location is not changing. Vice Chairman Gustafson continued... second floor pre-fire there was three (3) existing bedrooms and an existing bathroom. Mr. Dafgek stated correct. Vice Chairman Gustafson continued... the application before us is asking for a small cantilever over and existing bump out on the first floor which will give you on the second floor a walk-in closet and bathroom. Mr. Dafgek stated that is correct. Vice Chairman Gustafson asked if the exterior of the house will have a full renovation. Mr. Dafgek stated all new siding, windows and roof. The charred pieces will be replaced.

Chairman Leonardis reiterated that the existing house will not be expanded to the left or to the right or forward. The addition is on the second floor, center of the house going back. Mr. Dafgek stated correct. Chairman Leonardis stated that the side, width and area required variances are all existing. The side yard setback for the accessory building, the garage is existing. Therefore, the work that is being done does not expand the existing conditions.

Vice Chairman Gustafson asked what will happen to the garage. Mr. Dafgek stated he is going to fix and paint it.

Mrs. Cullen asked if there was fire damage to the garage. Per Mr. Dafgek, no... it is way back but would like it to look nicer.

Chairman Leonardis opens the discussion to the audience.

A gentleman in the audience who owns the salon next door asked if the house will be bigger than it is now.... An extra bedroom? Mr. Dafgek stated no... adding a one hundred thirty-one (131) square feet on the existing foundation. No additional bedrooms. The gentleman stated the reason he is asking is that there is a parking issue. Mr. Dafgek stated it is a rental. However, he is going to sell it once fixed. Wants to get out of the rental business. Thankfully, no one got hurt in the fire. It will be sold to a small family. Therefore, the parking issue will go away. Does not want to rent any longer.

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Chairman Leonardis stated that he is adding a bathroom over the existing bump out that is on the first floor.

Robert Bengivenga, audience member, asked when the property was subdivided from the next door neighbor. Mr. Dafgek stated he had no idea. Mr. Bengivenga continued... he wanted to make Mr. Dafgek aware that the neighbor cannot get to the back yard for parking because it was subdivided. When it was one parcel, it was a barber shop and the owner lived in the house. Customers were able to go through the driveway of the house to park in the back of the shop.

No further questions or concerns from the audience.

Vice Chairman Gustafson asked Mr. Dafgek if he opposes on the condition that this addition must be a closet and bathroom. Cannot be open space. Mr. Dafgek agreed.

Chairman Leonardis stated that all the variances required are pre-existing. The addition is going over existing to the rear. Does not add additional detriment to the existing variances. Therefore, calls for a motion of *approval*. Mrs. Campagna made motion, seconded by Mrs. Cullen. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; (Mrs. Wasnick – alternate); Vice Chairman Gustafson and Chairman Leonardis. Those oppose: none.

E. Case # 06-18 -- Dharmesh Patel
Block 402: Lot 4.01: R 1-2 Zone
220 Hillside Avenue

The applicant is requesting to construct an add-a-level, attached 2-car garage, front porch and a 2-tier deck to an existing dwelling. Variances being requested: Side Yard Setback: Required 8' -- Proposing 6.6' -- Variance 1.4"; Front Yard Setback: Required 30' -- Proposing 23.1' -- Variance 6.9'.

Dharmesh Patel – 220 Hillside Avenue, South Plainfield, New Jersey – applicant, is sworn in.

Dave Dugas – 24 Egan Avenue, Fords, New Jersey – is sworn in and accepted as a Professional Architect.

Mr. Patel stated that he is before the Board for variances from the side and front. He purchased this home in 2011. This is his first house. Did not expect to keep the house. Thought he was going to sell it after a few years. However, the entire family likes South Plainfield and decided to stay.

Mr. Dugas describes:

Existing home:

- Modest size Ranch – approximately 46' X 26'.
- Has a front stoop.
- Rear deck.
- Three (3) bedrooms

Addition to home:

- Addition to the back.
- Side addition for a two-car garage.
- Convert one of the existing bedrooms to a prayer room.
- Maintaining two (2) bedrooms on first floor.
- Adding three (3) bedrooms on second floor.
 - One (1) being a Master Bedroom Suite.
- Rear addition will be for relocation of the kitchen and family room (existing house does not have).
- Convert existing kitchen to a dining room.
- Upstairs will have small sitting area off the Master Bedroom which will be above the garage.
- Garage would have a sixteen-foot (16') door.

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- Requesting variance so there is enough room for when you open the door and the garage functions property.
- Close to the property line, however, plenty space between the next door rear of the house and proposed garage.
- Front yard addition
 - Proposing front porch which goes into the setback.
 - Will not be any closer than the existing house to the right.

Mr. Lemos asked if the foot print is going to be changed. Mr. Dugasz stated that the foot print will be changed. Adding sixteen feet (16') to the rear and twenty foot four (20.4') to the side. Mr. Lemos continued... the front setback to the foundation not the porch will be the same. Mr. Dugasz stated yes... that does not change.

Chairman Leonardis asked Mr. Dugasz to describe the exterior. Mr. Dugasz stated the owner has not picked any siding as of yet. He is assuming vinyl siding for large portion of the home. There is an idea of doing stucco. Possibly doing a skirt around with watermark and cultured stone to add texture to the home.

Mrs. Campagna questioned Mr. Dugasz:

- What is the dimension on the garage? The garage addition is 20.4' X 31.11' with sixteen-foot (16') door. That is measured by the depth of the car and to add a step to get into the main portion of the home.
- Beyond the garage there will be a deck? Yes
- Is the deck to be one story or two story? Proposing a two story. One near the kitchen and one off the sitting area off the master bedroom.
- Where are the bedrooms.... Two (2) on the right? Master Bedroom to the left. There are stairs going up with a storage closet. A full bath, master bath and walk in closet.
- What is in front of the deck? A seating area. There is dead space of the garage. They could use it for storage that is why the door is there. They are not going to finish it. There is not a lot of room.

Mr. Lemos asked if there is a roof over the deck. Mr. Dugasz stated no... there is no roof over the deck.

Vice Chairman Gustafson stated for clarification that the area of the sitting room is part of the peak for the design of the roof.... Knee wall with cubby space. Any thoughts to push the garage back to give depth to the house and possibly mediating the six feet (6') variance. Mr. Dugasz replied it doesn't help with the garage. Vice Chairman Gustafson suggested a twelve-foot (12') garage door. Mr. Dugasz stated that you cannot get two (2) cars into the garage. The extra one foot (1') that is being asked for on the side is actually the rear yard of the neighbor.

Mr. Patel stated that the first drawings he received was with a one (1) car garage. He advised Mr. Dugasz that he would like a two (2) car garage. Originally it was bigger and Mr. Dugasz said it would be too detrimental so the garage has been scaled back.

Vice Chairman Gustafson asked the width of the driveway. Per Mr. Dugasz, it would be sixteen feet (16') to match the garage door width.

Chairman Leonardis reiterated... five (5) bedrooms and two (2) full baths. Mr. Dugasz stated four (4) full baths... two (2) upstairs and two (2) downstairs.

Mr. Lemos stated that he would like as a condition that the decks cannot be enclosed. Mr. Patel agreed. However, he would like to have the opportunity to put a retractable awning. The Board agreed.

Vice Chairman Gustafson asked for a clarification on the front of the house. Mr. Dugasz stated that at least three (3) sides will be done with vinyl siding. The front might have stucco and / or cultured stone under the window. Vice Chairman Gustafson continued... how close will the finish product be to the rendering. Mr. Dugasz stated as an architect, he does not pick out the final stone... But will be close to the rendering.

Chairman Leonardis stated that the Board likes to encourage to break up the front with stone or something similar.

Mr. Patel stated he would like to put something on the front.

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Chairman Leonardis stated that there is a 1.4' variance on the side.... Front yard setback for the porch. The house will be a very nice enhancement to the neighborhood. It will add to the value of the neighborhood.

Chairman Leonardis calls for a motion of *approval*. Vice Chairman Gustafson made motion with the following conditions: no enclosed deck, front façade with stone or something to break up the façade; landscaping across the front; driveway – asphalt, pavers, cement but no gravel. Mr. Patel agreed and plans to put a lawn in the back after the house is built. Motion is seconded by Mrs. Eichler. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; (Mrs. Wasnick – alternate); Vice Chairman Gustafson and Chairman Leonardis. Those oppose: none.

INFORMAL HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDENCE: None

EXECUTIVE SESSION: None

ADJOURNMENT: 8:10 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary