

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
September 18, 2018

**Vice Chairman Gustafson** opened the meeting at 7:00 pm.

Please stand for the PLEDGE OF ALLEGIANCE.

This meeting was held in accordance with the Open Public Meeting Act and as such, proper notice of this meeting was published in The Observer and The Courier News and providing same to the Borough Clerk.

It is the policy of the South Plainfield Zoning Board of Adjustments, not to hear any new applications after 10:00 pm and no new witnesses after 10:30 pm.

**ROLL CALL:**

**Present:**

**James Gustafson, Vice Chairman  
Maria Campagna  
Darlene Cullen  
Cindy Eichler  
Frank Lemos  
April Wasnick, 1<sup>st</sup> Alternate**

**Absent:**

**Gino Leonardis, Chairman  
Ken Bonanno  
Joseph Scudato, 2<sup>nd</sup> Alternate**

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

**MINUTES:** None

**RESOLUTIONS:** (4)

- A. Case #24-18 -- Wojciech Balewicz  
Block 135: Lot 16: R-7.5 Zone  
1112 McDonough Street**

Vice Chairman Gustafson calls for a motion to **approve** the above listed Resolution. Mrs. Campagna made motion, seconded by Mr. Lemos. Those in favor: Mrs. Campagna; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Vice Chairman Gustafson. Those oppose: None

- B. Case #25-18 -- Karl J. Jackson  
Block 522: Lot 1: OPA-1 Zone  
132 South Avenue**

Vice Chairman Gustafson calls for a motion to **approve** the above listed Resolution. Mr. Lemos made motion, seconded by Mrs. Eichler. Those in favor: Mrs. Campagna; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Vice Chairman Gustafson. Those oppose: None

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

Vice Chairman Gustafson calls for a motion to **approve** the above listed Resolution. Mrs. Campagna made motion, seconded by Mr. Lemos. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; and Mrs. Wasnick. Those oppose: None

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
September 18, 2018

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

Vice Chairman Gustafson calls for a motion to **approve** the above listed Resolution. 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

**HEARING:** (1 Residential – 1 Commercial)

**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'. Carried from August 21, 2018 hearing.

Vice Chairman Gustafson read a letter from Mr. Santoro, attorney for the applicant, requesting an adjournment to the next meeting date of October 2, 2018. The adjournment is being requested so that the applicant can provide additional information and / or testimony to the Board to reconsider the request for a Phase 1 Environmental. The Board agreed.

**B. 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.

James F. Clarkin, III – Clarkin & Vignuolo, PC, 1100 Centennial Avenue, Suite 203, Piscataway, New Jersey – attorney for applicant addressed the Board. Previously before the Board on June 19, 2018. Provided engineering, business operational and dust control testimony. Plans were revised accordingly and reviewed by Mr. Bucco. Concerns from the previous review have been addressed. In addition, the Board requested a noise report which has been done. His conclusion is that this project site complies to the New Jersey standards with respect to the closest residential neighbors - Zwolak Court. Had the issue of concrete spillage and will bring the Board up-to-date. Three (3) months since the last hearing will refresh the engineering testimony in an abbreviated form.

Craig Stires – Stires Associates, PA, 43 West High Street, Somerville, New Jersey – Engineer for the applicant and is advised he is still under oath. Mr. Clarkin asked Mr. Stires to review the changes to the site:

- Introduced Exhibit A6 – Aerial view of the area.
- As-Built incorporated into the plans.
- Did inventory of dead trees... Mack Place. Noted them on the plans to be replaced.
- Proposing twenty-four (24) additional Evergreen trees for buffering.
- Cleaned up the plan with the proposed concrete paving. Was a printing problem.
- Additional concrete paving.
- Demolish office / home structure in front.
- Construct a new garage.
  - Flat roof.
  - Twenty feet (20') high.
- Remove and / or replace parking stalls.
- Identify forty-four (44) parking spaces.
- Increase in impervious coverage.
  - Existing storm water basin can handle the increase.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
September 18, 2018

- No drainage issues.

Mr. Clarkin stated the issue of spills will be addressed by the next witness. New item 7 and 8 in Mr. Bucco's recent review letter dated August 10, 2018.

- Item 7 – Hollywood Avenue is in poor condition.
- Item 8 – Will be addressed.

Mr. Clarkin asked Mr. Bucco if there are any items that have not been discussed. Mr. Bucco stated yes:

- Page 4 - Item E
  - Position on Mark Place is the same. More employees but the number of trucks is not increasing.
  - Does not believe there is a required Nexis to pave the entire Mack Place.
    - Mr. Bucco stated that this request is from the Borough Engineer. The Borough Engineer strongly feels that the public right-a-way in front of the applicant's property needs to be improved. The Board has the ability to request that. The applicant has improved Mack Place just past the entrance and exit of the site. Borough Engineer has requested that the applicant improve Mack Place to the property line. If the unimproved part of the road is in good shape, can possibly eliminate the six inches of DGA.
    - Mr. Clarkin stated does appreciate the compromise but the decision maker is not present but will be present shortly.

Vice Chairman Gustafson asked if the retention basin has been corrected. Mr. Clarkin stated yes. Mr. Bucco stated applicant has addressed grading and drainage issues.

Vice Chairman Gustafson stated that on a site visit today, the basin is overgrown and the weeds are through the fence. Heard the dead trees will be replaced. Will be the best-looking site in the neighborhood. Wants to make sure with good faith this will be maintained.

Mr. Clarkin suggested that the applicant will be comfortable with a condition of approval to submit a maintenance plan and record as a declaration.

Mr. Stires stated it is a matter of maintenance.

Mr. Bucco stated there is a maintenance plan that is required on all retention basis that was approved the Board. Again, it is something that would have to be enforced. Mr. Clarkin stated it has not been submitted.

Mr. Clarkin stated he previously reviewed the T&M Associates report dated April 4, 2018. Mr. Clarkin asked Mr. Slachetka if there is anything outstanding items.

Mr. Slachetka stated that most of the planning comments have been address and testified. Item 11 on page 10 of 11... the requirements for the prior approvals. Mr. Clarkin stated based on the approval five (5) years ago, there were milestones that had to be reached. Those milestones were not met and now back before the Board. Mr. Clarkin asked the Board to relieve the condition since they are back. Lots have done to improve the site.

Mr. Stires stated that when he was at the site in July, the site was in great condition... grass mowed. Within the last two (2) weeks and with all the rain it looks a little shabby. Believes it is the nicest site on Hollywood. Vice Chairman Gustafson stated if there is a landscaper then there is no excuse. If it is the employees, that may need to be looked into.

Edward Potenta – Potenta Environmental Consultants, LLC, 166 Main Street, Flemington, New Jersey – is accepted as a noise expert and is sworn in. Mr. Clarkin questioned Mr. Potenta:

- Performed noise assessment.
- Visited site and surrounding neighborhood.
- The existing facility and proposed facility operate in compliance with the State noise regulations which are mirrored in the local ordinances.
- Primary concern are the residents on Zwolak Court.
- Plant to the nearest resident property line is eight hundred fifty feet (850') – Zwolak Court.
- Figure 1 on report identifies closest resident.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
September 18, 2018

- Same report addressed residents across the street on Zwolak Court.
- Shielding by two (2) trucking companies between the plant and nearest residents.

Mr. Clarkin asked Mr. Potenta to review his report:

- Retained by the applicant to perform a noise assessment of the proposed site changes to the concrete plant and address the noise impact of the operation equipment to the closest residential land use.
- There are other trucking operations taking place between the project site and residents.
  - They too contribute to the noise.
- Identified the State noise regulations that are applicable to the site.
  - Same as adopted by the South Plainfield Noise Ordinance.
- Reviewed the proposed project plan.
  - Operations will remain the same.
  - Minor changes:
    - Traffic pattern for the trucks.
    - Large maintenance building onsite.
      - Will shield some of the center site activity.
- Took measurements of existing equipment onsite to determine the dominate noise affecting noise levels.
- Took measurements at the residences during the day and night.
  - Determined that facility is currently and in the future in compliance with the State and local noise code.
- Noise regulations are:
  - NJ regulation NJAC 7:29-1:
    - Residential properties are 65 dBA during the day – 7 am to 10 pm.
      - Example of 65 dBA - two (2) people three (3) feet apart having a normal conversation – no amplified voice.
    - Night time – 10 pm to 7 pm – standard is 50 dBA.
      - Example of 50 dBA - two (2) people three (3) feet apart whispering to each other.
    - Impulse standard - 80 dBA – day or night.
  - Referring to Figure 1:
    - Site 1 – Residence closest to the site.
    - Site 2 – Across the street.
- Impact assessment:
  - Referring to Table 2:
    - Measurements during the day and night.
    - Was in contact with Plant Manager while doing the testing.
    - Two (2) sources identified as dominant noise.
      - Full plant operation.
        - Bulk truck feeding the plant – approximately 15-20 minutes.
        - Loading of concrete in truck – approximately 2.5 minutes.
        - Had 2.5 minutes to record as worse noise scenario.
        - Daytime:
          - Site 1 – During operation noise recorded at 54 dBA.
          - Site 2 – During operation noise recorded at 52 dBA.
          - Other trucking functions in the nearby properties influencing these levels.
          - In compliance with noise ordinance.
        - Nighttime:
          - Site 1 – Noise recorded at 50 dBA.
          - Site 2 – Noise recorded at 48 dBA.
          - Activity on other sites were taking place.
          - In compliance with noise ordinance.
  - Conclusion:
    - Project complies with State standards and local ordinance Chapter 300.
    - Project generate noise would be less then what was measured:
      - When trucks pull up to the plant and get loaded – have to back away from the plant and go around to the watering area to rinse off.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
September 18, 2018

- Proposed operation truck will pull into the plant forward then to the watering area
  - Eliminates back-up beeper noise.
- New building will screen the activity from the center of the site during normal operations.
  - Proposed operation will be in compliance.

Vice Chairman Gustafson questioned Mr. Potenta:

- Is it a state or federal law that requires the truck back-up beepers? *It is an OSHA requirement.*
- What is the minimum dBA level required by law? *It is 85 dBA. It is a pre-set on the truck.*
- Is it measured from the truck or measured from a distance? *That is the rating of the unit. He measures about ten feet (10') away.*
- That 85 dBA diminishes over eight hundred fifty feet (850')? *Correct. There are plenty of back up beepers that were measured. It is an active site.*

Vice Chairman Gustafson stated that Estes operation does not help with the noise. He too inquired with the Police Department regarding the noise issue. No one can really tell where it is coming from which leaves an enforcement issue.

Mr. Slachetka questioned Mr. Potenta:

- Per Mr. Potenta's testimony, the closest residence is eight hundred fifty feet (850'). However, it is documented in his report that the closest residential property to the north is nine hundred feet (900'). *Had site plans before him. Used Google Maps which showed that it was eight hundred fifty feet (850') to nine hundred feet (900') away. Was corrected that the closest resident was closer. Did not affect any of the analysis because took the actual measurement at the property line and at the resident instead of using distance and estimate the level.*
- The report meets the standards for the Borough Ordinance specifically for the residential properties. What about the business and professional uses at 65 dBA and agriculture at 70 dBA. Would this site comply with those operations? *This is an industrial zone and the regulation discusses commercial and industrial impacts on residential or commercial use. In an industrial zone, the regulation does not comply. It is assumed there are no receptors. You do not have people working outdoors that will be impacted by noise by adjoining similar uses. It does not apply to adjacent industrial properties.*
- State standards? *Correct.*
- From the stand point of the local ordinance, would be able to address the non-residential uses? *Not really. Knows of towns that adopt their own noise standards. You cannot have a more stringent standard than the State unless you submit your proposed noise standard to the State and have them sign off on it. If it's not approved by the State and cannot be enforced. Does not believe South Plainfield has one approved by the State. Can double check. This facility can comply with the 50 dBA at the residential area, you would not get complaints from what was described earlier.*
- Regarding the proposed improvements, would anticipate improvement of the noise perception? *That is true and will probably reduce the adjoining sites to the north. It will provide the same shielding.*
- Would additional landscape help with the noise calculation? *Not from a noise stand point. The perception is if you have tree and screening it is subjective – if you cannot see it does not bother you as much. You would have to have three hundred feet (300') of solid Evergreens to get any attenuation from the source which is not practical.*
- Would there be any aggravation in the noise based on the changes in the site plan that is being proposed? *No. There would be no adverse impact for the residences. It would be an improvement with the traffic pattern onsite with trucks not having to back up and the screening of the new building to any land use to the north of the property.*
- The adjoining non-residence uses, will the improvements aggravate and increase in the noises. *No... everything remains the same but the flow of truck traffic is an improvement.*

Vice Chairman Gustafson asked Mr. Potenta is he was aware that Lot 7 on Mack Place is a residence – rental property. Mr. Potenta stated he was aware.

Mr. Clarkin asked if these noise regulations apply to a non-conforming residential use in the middle of an industrial zone. Mr. Potenta stated that in his earlier discussion it was a residence but not used for residential purposes.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
September 18, 2018

Vice Chairman Gustafson asked if that property is residential use, should the regulations apply. Mr. Potenta stated that he did not study that area. The activity taken place in that area... the stock piles... the loader... the delivery trucks can be in compliance during the day time but not certain during the night. The facility starts operation at 5 am, and it would be very difficult to meet that standard if that remains a residence.

Vice Chairman Gustafson opened the discussion to the audience. No comments or concerns.

Mr. Clarkin calls upon Frank King – Vice President of Operations. Responsible for operations at this location. Is aware he is still sworn in from the previous hearing. Mr. Clarkin questioned Mr. King:

- Previous testified regarding details of the manufacturing process.
- Previous testified that the manufacturing process does not create smoke, fumes, heat, odors, glare, fire hazard, explosion or radiation.
- Manufacturing process does not create Earth shaking vibrations.
- Issue of the creation of dust:
  - Compliant with the State of New Jersey Air Pollution regulations.
    - Permit from DEP.
    - Passed all unannounced inspections from State of New Jersey.
  - Made efforts to address dust issues.
    - New dust collection system.
      - Modern system.
      - 99.9% efficient in capturing particle sizes that is generated.
    - Removed the practice of crushing concrete on site.
      - Removed to a Class B recycling facility.
    - Switched stone source from unwashed product to a washed product.
    - Purchased water trailer. Wet the site on dusty dry days.
    - Hired dust environmental management consultant – Bob Frank.
      - Implemented some of his practices.
    - Lowered dust collector. Closer to the point of the source of dust.
      - Bag House with filters.
      - Not trying to pull dust against gravity.
    - Increase paving onsite.
- Concrete spills:
  - No summons from Police Department.
  - No written complaints from Department of Public Works.
  - Received letter from T&M Associates dated August 8, 2018 – Exhibit A7 (for identification only).
    - Mr. Clarkin stated that the person who signed it is not present to be cross examined.
      - Does not indicate who made the inspection and when it was made.
      - Concrete spillage is probably Sil-Crete but not positive.
      - Spillage of ¾" stone. Can be from anyone.
    - Four areas of spillage... three (3) concrete – one (1) stone.
      - In and around South Plainfield.
    - Dispatched crew of three (3) men in a pick-up truck with an arrow board.
    - Contacted Township Police that they will be on the road to clean up.
    - Cleaned up the three (3) concrete spills with jackhammers, shovels and brooms.
    - Cleaned up the stone spill.
    - Sweeper followed after the cleanup.
    - Took pictures of before and after clean up.
      - A8 – Picture of clean-up. Southern side of overpass.
      - A9 – Picture of spill on grate.
      - A10 – Picture of a spill near McDonalds.
      - A11 – Picture of spill.
  - Protocol for cleanup of spills.
    - Dispatch a crew of one (1) or two (2) men in a pick-up truck.
    - Clean it up with a shovel.
    - Bring back to plant.
    - Depending on type or amount of spill, will call in sweeper.



BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
September 18, 2018

- Driver is disciplined.

Vice Chairman Gustafson asked how do you get notified of the spill and who has the contact numbers at the Borough. Mr. King stated the Plant Manager is the point of contact onsite. Can provide his number. Main number at Fairless Hills... 7 am to 5 pm. Mr. Clarkin suggested in order to make sure the proper contact information is available, the applicant can provide three (3) working telephones numbers to the Borough. Vice Chairman Gustafson stated that should be provided to the DPW to avoid any miscommunications. The sooner it is reported, it is easier to identified of the proper party. Mr. Clarkin stated DPW and the Police Department.

Mr. Clarkin continued to question Mr. King:

- Are there more trucks then five (5) years ago? Yes.
- Have the number of trucks coming in and out of the site have increased or remain the same? *Remain the same.*
- Please explain:
  - *Acquired the property five (5) years ago. The market was smaller. A driver can go and come back quickly because they are only five (5) to ten (10) miles away. Got comfortable with the area, expanded the service area. Now go 15, 20, 30 miles away. If a customer needs two (2) loads, 20 minutes apart... two (2) separate trucks and drivers instead of the same driver doing two (2) trips to a closer site.*
  - *The plant cannot produce concrete any faster then it did five (5) years ago. Service area is bigger, it takes the trucks longer to go out and come back.*
- Is there anything in this application that will increase the capacity of this facility? *No.*
- Maintenance... grass? *Do have a contracted landscaping company that mows the grass on a schedule. Can address with them. If all parties are unhappy, can move onto someone else.*
- What is the cycle? *Twice a month or as needed.*

Vice Chairman Gustafson asked if the applicant has the intention of improving the site that will warrant more mowing, trimming and maintenance. Mr. King stated if the site is to be improved, it needs to be maintained in accordance.

Vice Chairman Gustafson stated it is hard to argue the spillage if it's in the vicinity of Hollywood, Mack and Durham Avenue. The hope would be that the drivers and staff would notice a pile of concrete on any of those streets. A large pile to sit on the side of Durham by McDonald's and Helen is not hard to see. To have it painted to be identified is hard for the Borough and Board Members to understand.

Richard J. Lapinski – 554 Crompton Avenue, Perth Amboy, New Jersey – is accepted as a Professional Planner and is sworn in. Mr. Clarkin asked Mr. Lapinski to describe the proposal:

- Expansion of workforce and number of vehicles onsite since 2013.
  - Vehicles increased from fifty-nine (59) to seventy (70).
  - Employee force increased from eighteen (18) to thirty (30).
- Proposal is to grant D2 expansion of a non-conforming use.
- Proposing to pave five thousand (5,000) square feet that is currently stoned. An expansion of a non-conforming use.
  - Primarily for dust control.
- Proposing a five thousand four hundred (5,400) square feet one story garage at the site where the house is presently located. The house is an office. Garage is an expansion of a non-conforming use.
  - Maintenance and storage of equipment on site.
- Variance for the height of garage... twenty feet (20') proposed – fifteen feet (15') allowable according to the zoning ordinance.
- Justification of relief:
  - Expansion of a non-conforming use effective by the Burbridge case.
  - Paving will help with dust control.
  - Construction of the garage will permit maintenance onsite which is presently offsite. Vehicles have to be driven onto public roads. Many of these trips will be eliminated.
    - Will be used as storage. Items currently outside and several of the existing containers located onsite can be eliminated. All those materials will be stored inside of the building.
    - Will be used as office space by the applicant and the required representatives of public agencies... Highway Authority etc.

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
September 18, 2018

- Existing office building – old house – will be demolished.
- Substantial landscaping proposed in the front area.
  - Landscaping on the westerly property line – large berm. Will be refurbished and new landscape added.
- Expansion of the workforce and number of vehicles resulted in the change the infrastructure of construction and the intensity of the region. Five (5) years ago were shorter distance. Now much larger travel distances.
- Output of the tower – concrete - has not changed. The change is where the loads get delivered.
- The improvements more than mitigate the expansion.
  - Snow plows on top of storage containers will be moved to a ground location onsite. The storage containers will be removed.
- Height of garage – minimal variance.
  - Building is setback eighty feet (80') from the public right-a-way. Therefore, the height is not perceivable high.
    - Tallest structure onsite is a ninety-three foot (93') tower – where the concrete is mixed granted by this Board several years ago.
  - Industrial building needed for storage and maintenance purposes.
  - Location of the proposed garage effectively screens intrusions on adjacent properties. It is located between the tower and public street.
  - C2 – justification.
    - Property has been used for this use for fifteen (15) years.
    - Can accommodate expansion in terms of the number of vehicles and employees.
- Goals and objections would be furthered by granting this variance.
  - Reduce the truck traffic with maintenance done onsite.
  - Earlier variance for the approval of the concrete plant fifteen (15) years ago.
  - Improved efficiency.
  - Master Plan and Zoning Ordinance is not substantially impaired.
- Item G – Appropriate land use for environmental needs.
  - Has functioned for fifteen (15) years.
  - Middle of an industrial zone.
- Item H – Transportation routes.
  - Garage will have maintenance onsite without requiring trips offsite.
- Item I – Visual.
  - Existing landscaping
  - Proposed landscaping.
- Item M – Efficient use of property.
  - Accommodate increase work... employees and trucks.
  - Storage in building - enclosed.
- Variances can be granted without detriment to the zone plan.
  - Paved areas.
  - Improved dust control.
  - No impact on residential properties.
  - Garage inline with tower and public street will mitigate noise.
- Reconciliation requirement can be met.
  - Lease restrictive area.
  - Permits heavy metal industries.
  - Run cleaner.
- Timeline in previous resolution was not met:
  - No need for a new D1 variance – esthetic functional improvements.
  - Expansion justified by regional factors that did not exist in 2013.
  - Case will not change from 2013.

Vice Chairman Gustafson asked for an example of something that was difficult to complete in the timeline allotted. Mr. Lapinski is assuming that there were. Vice Chairman Gustafson continued... the Board would not put a hardship on an applicant that cannot be done in a time frame. Mr. Clarkin stated there was a nine and half month period. That is not a large period of time. There is testimony from June that some of these improvements that were made were made over time. The issue of waste concrete being crushed onsite, you cannot find someplace over night to



BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
September 18, 2018

have it removed to. The applicant is before the Board, building upon what was there and going far beyond of those issues that were present five (5) years ago. All the items except the paving are in place. A timeline can be added to the paving. Mr. Clarkin agreed that the area will be paved by December 1.

Mr. Slachetka stated that there are a variety of different standards for noise in chapter 300 of the ordinance that any non-residential use is required to meet. Mr. Slachetka reads 540.57. Heard extensive testimony addressing these standards and that the conditions are being met. Assuming those standards of the non-residential use was not met, and a D1 variance would be required... based on addressing the particular suitability, the advancement of the intense and purposes of the Municipal Land Use Law, addressed the negative criteria and a testimony on reconciliation of the variance with the relationship of the municipality of the zone plan. Could that be framed out as addressing D1 variance. Mr. Lapinski stated yes. The issue is the sound in the adjacent industrial neighbors. Mr. Clarkin reiterated... can the testimony given for the D2 also support the D1 variance? Mr. Lapinski stated yes.

Mr. Clarkin questioned Mr. Lapinski:

- The site is particular suitable for the expansion, is it also particular suitable for the underlining cement plant us? Yes.
- Is tonight's proof sufficient to justify a D1 variance? Yes.
- The same testimony for the two (2) prong negative criteria also proves it for a D1 case? Yes... *believes so*.
- Would your testimony for the goals and objectives of the Municipal Land Use Law suffice? Yes.
- Reconciliation... same? Yes.

Mr. Clarkin requested a recess to discuss Mack Place with the applicant. Board grants the recess.

Vice Chairman Gustafson calls the meeting to order.

Mr. Clarkin stated there are two (2) issues to be resolved... Mack Place and maintenance and landscaping:

- Maintenance and landscaping:
  - Will irrigate the landscaping along Hollywood.
  - Will give copy of landscape contract with the vender to the Borough Engineer.
  - Mack Place landscaping will have a species that does not require a lot of irrigation.
- Mack Place:
  - Spoke with Mr. Bucco... stabilized base could use as much as five inches (5"). Borough Engineer – T&M Associates – will commit to up to five inches (5") of stabilized base.
  - Has been suggested not needed in all places.
  - Will do the existing width of Mack Place to property line.
  - No curbing on other side.
  - Mr. Bucco stated did discuss a compromise. If there is a really good base of stone, three inches (3") of stabilized base as oppose to the five inches (5"). This should be a field determination by the Borough Engineer and the Borough's consultant that does all the inspection whether a 3" or 5" stabilized base is needed. Will do width of the road but no curbing.
  - Road is used by other people, would like something in writing by the Borough if someone comes and tears it up. Mr. Bucco stated that is an off-site improvement of a public right-a-way which would need bonding. If the bonding is released then it has been accepted. Mr. Clarkin stated that is acceptable.
  - Vice Chairman Gustafson asked what will the base consist of? Mr. Clarkin stated blacktop.
  - Mr. Slachetka requests that there would be specific correspondence between all the parties.
    - Mr. Bucco stated that Mr. Stires can put a note on the plans. After this meeting, Mr. Keady is copied on the letters. He also gets a copy of the bond estimate including the Borough Engineer. Mr. Clarkin agreed.

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

Vice Chairman Gustafson calls for a motion to **approve** the above listed Resolution. Mrs. Eichler 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.

**INFORMAL HEARINGS:** None

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
September 18, 2018

**OLD BUSINESS:** Mr. Lavender stated that Mr. Cusick will be returning to the Board.

**NEW BUSINESS:** None

**CORRESPONDENCE:** None

**EXECUTIVE SESSION:** None

**ADJOURNMENT:** 9:00 PM

Respectfully Submitted,  
Joanne Broderick  
Recording Secretary