

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
April 16, 2019

**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, The Courier News, The Star Ledger 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  
Cindy Eichler  
Frank Lemos  
April Wasnick, 1<sup>st</sup> Alternate  
Joseph Scudato, 2<sup>nd</sup> Alternate

Absent:

Darlene Cullen  
James Gustafson, Vice Chairman

**Also attending:** Larry Lavender, Esq.; Martin Truscott, PP, AICP, LEED-GA; Jeff Marsden, PE;

**MINUTES:** None

**RESOLUTIONS:** None

**HEARING:**

**A. Case #04-16 -- Robert Cusick  
Block 311: Lot 9: R-10 Zone  
1055 New Market Avenue**

The applicant is requesting a Preliminary and Final Minor Site Plan with Use & Bulk Variances.

Carl N. Tripician, Esq. - 1230 Shore Road, Linwood, New Jersey - attorney for the Applicant. Addressed Board Members. Mr. Tripician confirmed with Mr. Lavender that all jurisdictional items have been met. Originally heard in 2017. At that time, Board was not satisfied. Therefore, a complaint was entered in Superior Court. Following the complaint, there were several discussions with Board Attorney and Applicant's Attorney which were able to resolve. Therefore, returning to the Board today with an entirely different application that addresses the previous concerns by Board Members. More esthetically pleasing. Property located at the corner of New Market Avenue and Highland Avenue. Seeking to convert the non-confirming first floor commercial space to a residential use. Ultimately, will have two (2) existing apartments upstairs with two (2) bedroom with one (1) bath and one (1) apartment with three (3) bedrooms and two (2) baths on the first floor. Required to satisfy the requirements for a D Variance and Density. Will prove that this location is suitable to this use and not a detriment to the zoning plan. Present is the Architect, Engineer, Planner, Applicant and his wife Shirley.

Mr. Tripician thanked Mr. Lavender and Vice Chairman Gustafson for their efforts.

Mark Marcille, AIA - Marcille Architecture, 115 Linden Avenue, Metuchen, New Jersey - is accepted as a Professional Architect and sworn in. Mr. Tripician asked Mr. Marcille to describe the esthetics of the location:

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- Facelift - more of a residential 'feel'.
- Upper gable - new vinyl siding.
- Window - will be restored.
- Shutters - black vinyl.
- Existing stucco finish on first and second floors will be patched and painted.
- Wood and other items around door will be removed and cleaned up.
- Two (2) side apartment doors will be replaced and matching.
- Extensive landscaping - around the building.
- Garage - paint and clean-up.
- Porch and steps - renovated.
- Fence - will be replaced... not on his plan. On Engineers plan.

Mr. Scudato asked how many cars can fit in the garage. Mr. Marcille stated two (2) cars. Mr. Scudato continued... proposing a three (3) family, where would other cars park? Mr. Tripician stated that the Engineer will address.

Joseph Schaffer - 24 Henry Street, Metuchen, New Jersey - was accepted as a Professional Engineer and Professional Planner and is sworn in. Mr. Tripician asked Mr. Schaffer to describe the location. Introduces Exhibit A1 - Site Concept Plan - Draft Rev 3 - 08/12/18.

- Corner of New Market Avenue and Highland Avenue.
- Block 311. Lot 9.
- Existing two (2) story masonry building.
- Two (2) existing apartments on the upper story.
- Lower story - vacant.
- Three (3) car masonry garage.
  - Own driveway to curb.
  - Faces Highland Avenue.
- Other structures, fencing, trees.
- Existing curb cut on New Market Avenue
- Located in the R-10 zone.
- M-3 zone across the street.
- Referring to site plan that is before the Board Members:
  - Installing new driveway on Highland Avenue to a parking area that will hold up to eight (8) vehicles.
    - Curb cut on New Market Avenue will be changed to a grass paved area. Fire access road.
    - Ingress and egress from Highland Avenue.
    - Gravel area for parking.
    - Relieves on-street parking.
    - Eight (8) spaces not including garage.
    - With garage - eleven (11) parking spaces.
    - Garage 9' - 10' from property line.
      - Proposing no parking in front of garage. Parking in driveway will impede sidewalk.
      - Motorcycle ok to park in driveway. Won't impede sidewalk.

Mrs. Eichler asked Mr. Schaffer if the new driveway will be paved and the parking gravel. Mr. Schaffer stated yes. Mr. Schaffer demonstrated on the plans the location.

Mr. Scudato asked what side of the building will be the doors. Mr. Schaffer stated there are three (3)... two (2) street side and one (1) facing the garage.

Mr. Tripician asked Mr. Schaffer to address parking and buffering. Introduced Exhibit A2 - Photos for Cusick - April 16, 2019 Hearing - Prepared by JFS Engineering, PC - Photos from Google Maps.

Mr. Scudato asked Mr. Lavender if the Applicant is allowed to close the driveway on New Market Avenue.... emergency vehicles. Per Mr. Lavender, yes. Mr. Scudato has concerns that the residents will use the New Market Avenue entrance/exit anyway. Chairman Leonardis stated that on the plans, there is landscaping in its place. The fence will be removed. Chairman Leonardis confirmed with Mr. Schaffer the type of planting and advised him that with all the deer in the area the plantings will not last. Need deer friendly planting. The intent is to have landscaping from the corner of the building down New Market Avenue. There is a curb depression. Mr. Schaffer stated there is no reason to remove the curb cut... but to landscape it to deny access. Emergency vehicles will still be able to access it. Mr. Tripician stated that

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blocking the access on New Market Avenue and having the residents use Highland Avenue driveway will ease traffic... much safer. Chairman Leonardis stated that the landscaping is to buffer the headlights. However, needs to be deer friendly and to make sure it does not suggest as an entrance.

Mr. Tripician stated that the plans that are before the Board Members have many items that were suggested by them.

Chairman Leonardis stated to leave the curb as is.... Leave the sidewalk.... Grass the area between the curb and sidewalk... make sure that it does not look like an entrance.

Mr. Eichler asked regarding the parking... it is all gravel. It was indicated parking for eight (8). Since it is gravel area not paved, cannot mark for eight (8) cars. Mr. Schaffer stated if someone parks insufficiently it will cause an issue. However, if it does become an issue, can put up signs stating 'space 1, 2, 3 etc.' identifying spaces. Mr. Tripician reminded everyone that it will be buffered so it would not look industrial.

Chairman Leonardis questioned Mr. Schaffer:

- Knee wall. Maximum height under four feet (4'). Landscape stone block.
- Parking area will be flat.
- Using Exhibit A2 - first picture - House across the street above street level by six feet (6'). Hard to get headlights into house.
- Using Exhibit A2 - second picture - example of the landscaping being proposed.
- Using the plans, Mr. Schaffer demonstrated water runoff.
  - Driveway... will flow to Highland Avenue.
  - Parking lot is gravel... will self-drain.

Mr. Scudato asked if the fence along New Market Avenue will remain or be replaced. Mr. Schaffer stated it will be removed and replaced with landscaping.

Chairman Leonardis asked if there will be a fence. Mr. Schaffer stated there will be a fence from the garage to the concrete pad. Existing fence from concrete pad and around will be cleaned... six-foot (6') stack aide fence.

Mr. Tripician advised the Board that the owner of the property is present and can address some of the items being discussed. Chairman Leonardis would like to proceed with Engineering and then return to the items with the owner.

Mr. Schaffer continued:

- Cycle fence will be removed and replaced with landscaping.
- Existing trash area will be enclosed with a four foot (4') white vinyl fence. Keeping garbage cans... not dumpsters. Helps blend in with the single-family home concept.
- Porch to remain.
- Landscaping beds around the building.
- Proposed concrete walkway to the back entrance.

Mr. Scudato asked if there is a basement. Mr. Schaffer stated there is a basement.

Chairman Leonardis asked regarding the inside of the building. Mr. Schaffer referred to the Architect, Mr. Marcille. Mr. Marcille has no information regarding the interior of the building and refers to the owner, Robert Cusick.

Mr. Tripician asked Mr. Schaffer if there is any intent to increase the size of the structure. Per Mr. Schaffer, no.

Chairman Leonardis asked for prints of the inside. Mr. Marcille stated he only designed the exterior. Mr. Scudato asked if anything will be changed on the inside.

Chairman Leonardis stated that the Board is being asked to approve a building with habitable space and the Board does not know what it looks like. Mr. Tripician stated that the Applicant is proposing changes to the exterior of the building and not proposing any interior work. Top floor will remain the same. The first floor will be converted from a non-conforming commercial space to an apartment. The building is not being increased. The use of the building requires the variance. Taking parking off the street and onto the property. Mr. Cusick can describe the interior but has not been drawn out. Chairman Leonardis stated that years from now and someone picks up the application, and there is a barber shop on the

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first floor, there is nothing to compare it to for this Application. Mr. Tripician stated that if someone puts in a commercial use, they would be in violation of this application.

Mrs. Campagna stated would like to have plans. Applicants have come before asking to convert to a mother-daughter. Always get floor plans. Even for an add-a-level. Details of the floors. Chairman Leonardis stated that they do not know how to get into the first floor apartment. Mr. Tripician stated that Mr. Cusick can address the items. Chairman Leonardis stated, five (5) years from now there will be nothing to refer back to. Mr. Tripician stated this can be provided as a condition of an approval.

Mrs. Eichler stated her concern is how can something be approved without looking at it. Chairman Leonardis agreed. Mr. Tripician stated that something may have been submitted previously.

Chairman Leonardis called for a recess at 7:40 pm.

Chairman Leonardo called meeting back into session at 7:55 pm.

Mr. Tripician stated there can be sealed plans submitted of the floors. Can present the floors plan unsealed. Would like to make a formal presentation at a later date. However, requested to review the positive and negative criteria and the Board Members can ask the owner any questions.

Mr. Tripician asked Mr. Schaffer to review the positive and negative criteria:

- Positive Criteria:
  - Site referred to a 'Gateway into South Plainfield'. If granted, the proposed improvements will have a positive impact. Improved condition.
  - In a single family zone but borders and industrial zone.
  - Proposed plan does not increase the size of the property.
  - Minor expansion of use. Additional unit.
  - Parking moved from on street to on site.
  - Promotes traffic safety with egress and ingress off of Highland Avenue instead of New Market Avenue.
  - Esthetic improvements:
    - Existing fence.
    - Dying trees.
    - Trash enclosure.
    - Improve the appearance of the property.
- Negative Criteria:
  - Variances can be granted with no substantial detriment to the public good.
  - Alleviating on street parking by providing parking for the three (3) units.
  - Improving the esthetics of the structure.
  - Cleaning fencing.
  - Updated building - exterior.
  - Not increasing size of building.
- Any detriments can be medicated by the improvements proposed.

Chairman Leonardis would like to review all the variances. Would like to understand the lot coverage of 49.62%. Mr. Schaffer stated:

- Use Variance:
  - Single family use is permitted. Multi-family is not permitted.
- Density:
  - Additional unit.
  - Not expanding the building to add the unit.

Chairman Leonardis reviewed... two (2) two (2) bedroom apartments upstairs. Asked if common or separate entrances. Mr. Cusick stated common entrance.

Mr. Schaffer stated existing non-conforming front yard variance. Existing front yard... four feet (4') to New Market Avenue and six feet (6') to Highland Avenue. Required is thirty feet (30'). Not requiring a change. The lot coverage is only the building. Mr. Truscott stated that is correct. The original lot coverage included the parking lot. In Borough Ordinance, paving is not included in lot coverage. Chairman Leonardis questioned if the parking lot was being left unpaved to reduce

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the lot coverage number. However, not the case. The Board would prefer that the parking lot be paved... since it is not in the lot coverage number. Mr. Tripician asked to speak with the Applicant. Mr. Schaffer stated if that is the Boards preference, can be done. Mr. Schaffer stated that in his calculations for expenditures, the total is \$58,000. Would have to adjust to add the paving cost.... Approximately \$4,000 to \$5,000 additional. This too will alleviate the Board Engineers concern regarding stormwater.

Mr. Truscott stated that there are several other items of non-conformity. The existing detached garage... the maximum in this zone is five hundred seventy-six (576) square feet. The existing detailed garage is six hundred twenty-one (621) square feet. Also, the detached garage is in the front yard of Highland Avenue. Mr. Tripician stated there is no expansion. Chairman Leonardis stated it still needs to be discussed.

Robert Cusick - 8 Willover Road, Asbury, New Jersey - Applicant. Mr. Tripician questioned Mr. Cusick:

- Would like to convert the first floor to a residential apartment. Currently vacant.
- Fencing - Chain link fence along New Market Avenue is to be removed. Stockade fence will be power washed. It can be painted and / or stained. The fence is in good shape.
- Parking lot - will pave per Boards request. At last hearing, the Board wanted it gravel.
  - Mr. Scudato asked if lines can be painted. Mr. Cusick stated can put cement bumpers. Chairman Leonardis reiterated, paved and parking bumpers.
- Basement - storage. Two (2) tenant upstairs use it as storage. Not an improved basement. Back in the day it was a Speak Easy. Large well with wheel where alcohol was dumped. Sump pump is in the well currently. Mr. Lavender asked as a condition of approval, if Mr. Cusick would agree to not converting the basement into living space. Mr. Cusick said yes... The ceiling is low due to some of the piping. Not conducive for living space.
  - Mr. Scudato asked if a new heating and air conditioning unit will be installed for the new unit. Mr. Cusick stated it will be fixed up... yes.
  - Mr. Lemos asked if it has a cement floor. Per Mr. Cusick, yes.
  - Mrs. Eichler asked if there is an attic. Mr. Cusick stated a huge, tall attic. Mr. Tripician asked if the residents have access to the attic. Mr. Cusick stated no. When go up the stairs, there is a 'cubby hole' to get into the attic. Mr. Lavender asked if the same condition for the basement to apply for the attic. Mr. Cusick stated would have to add a fire escape. No intention to convert to living space. Ceiling in the house is ten feet (10')
- Garage:
  - Three (3) car garage.
  - Has his tools, snowblower, quads etc in it.
  - Tenants are not permitted to use the garage.
    - Mr. Scudato and Mrs. Eichler believed the garage was included with the parking count. Mr. Cusick stated no... cannot even park in front of the garage. Vehicle will block sidewalk... unless a motorcycle.
- Mr. Cusick would like to put up 'No Parking' signs.
- Mr. Lavender stated that the three (3) parking spots in the garage is not included in the parking count. Mr. Cusick stated no... eight (8) parking spots in the parking lot. Mr. Lavender clarified with the Board Professionals that eight (8) parking spots are more than sufficient. Mr. Truscott and Mr. Marsden agreed... Six (6) is required.

Mrs. Campagna asked if there will be sidewalk on Highland Avenue and New Market Avenue. Mr. Cusick stated it already exists. There are a few sections would like to repair or replace.

Mr. Tripician continued to question Mr. Cusick:

- Trash area - will be enclosed with four foot (4') vinyl fence. No dumpsters. Garbage cans. Recycle cans. Area is 8' X 6'.
- New Market Avenue - buffering. Landscaping across the front. Wanted grass pavers because was on the Planning Board previously. Second emergency entrance was a concern. Can put a chain up. Chairman Leonardis stated there is more than ample space for fire equipment.
- Time frame - would like to get son moved in. Will be caretaker. Hoping to be done by the summer.

Mr. Scudato asked if the house will be painted. Mr. Cusick stated yes... the building is cement. There will be siding at the top. Will remove the old siding tiles. Boarded up windows on top will be removed. Will put shutters on the house. Will paint the garage. Two (2) awnings at the entrances off of Highland Avenue. Will replace doors. Steps and porch will be repaired.

Mr. Scudato asked if there is a deck. Mr. Cusick stated there is a cement patio.

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Mrs. Campagna stated that the architect stated 'restore windows. Are windows being replaced? Mr. Cusick stated the first floor windows need to be replaced. They are the old type with sashes and weights. The second floor windows have been replaced.

Chairman Leonardis asked regarding timing of the work. When will work be completed? Mr. Cusick stated by the end of the summer. Is retired. Can be general contractor onsite. Mr. Lavender stated another hearing and the appeal time... this would be longer than the fall. Mr. Cusick, Mr. Tripician and Board agreed. It was clarified the exterior work.

Mrs. Wasnick asked if the current tenants will remain during this process. Mr. Cusick stated yes.

Chairman Leonardis asked how long will the Architect need. It was determined two (2) weeks.

It is determined the Applicant will return on May 21, 2019. Drawings are to be received by the Board Secretary no later than May 10, 2019.

Chairman Leonardis asked if the Board Engineer would like to review his letter. Mr. Marsden asked the Applicant if the March 20, 2019 review letter was reviewed. Mr. Marsden asked Mr. Schaffer if there is anything in the March 20, 2019 review letter that cannot be done or complied with. Mr. Schaffer reviews the letter:

- Can provide drawings on the retaining wall.
- Exterior lighting - as a conditional approval, willing to work with Board Engineer. Would like not to use commercial lighting. Not fitting with the neighborhood. Mr. Marsden agreed.
- Will address comments regarding Sheet C1.
- Will put pavers instead of grass on Sheet C2. As conditional of approval, would like to work it out with Mr. Marsden. Mr. Marsden agreed. Pavers are the type that grass grows through - fire waffle.
  - Chairman Leonardis advised that the entrance on New Market Avenue is not to turn into an entrance. Mr. Lavender asked if the fire waffle can be removed.... grass. Mr. Schaffer agreed to plant grass and landscaping. Mr. Marsden asked if the curb would be removed. Mr. Schaffer stated would like to leave the curb. Chairman Leonardis stated does not have an issue with the depression of the curb... but anything to deter people to use as an access.
- Item 17 - operations and noise will be same as residential unit. No water pollution, glare or air. Adequate air supply. Fire - has exposure on three (3) sides.
- Item 19 - ADA compliant. When the parking lot is paved.... There is a seven foot (7') empty space. Can add ADA space. The building is not ADA compliant except the bottom floor. Mr. Marsden is agreeable. No additional ADA issued.
- Planting - as a conditional of approval, will work with Board Engineer on type of species along with Environmental Commission's recommendations on plantings. No need for irrigation.
- Existing utilities will be used. All aerial.
  - Mr. Scudato asked if the first floor is 220 since it was commercial. Per Mr. Cusick, no... it is 110. All three (3) levels have updated wiring. The previous owner was an electrician.

Chairman Leonardis asked Mr. Schaffer if there are any items that cannot be complied with. Mr. Schaffer stated no. However, there is no dumpster area. Will be a solid white fence on a concrete pad. Will show detail.

Mr. Schaffer asked for a clarification on comment 2 on the Najarians' letter. Mr. Marsden asked if there will be any right-a-way road donation. Mr. Schaffer stated no.

Chairman Leonardis asked if there are anything not discussed on the T&M letter. Mr. Truscott stated street trees. Mr. Schaffer stated he can add street trees to the landscaping plan. Will talk to Environmental Commission for a list of preferred trees... otherwise will use London Plain - tolerates urban area.

Mr. Truscott questioned item H5 - elevation regarding flood plain. Mr. Schaffer stated the flood elevation is 64 and the first floor elevation is 65.... Approximately two feet (2') above sea level. Not the basement.

Mr. Truscott asked Mr. Schaffer if he has any objections to the remaining items. Mr. Schaffer stated no.

Mr. Tripician stated that upon their return, only himself and the Applicant will be returning to submit the floor plans. The Board Members agreed.

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

Chairman Leonardis announced that the hearing will continue on May 21, 2019. Mr. Lavender stated no further notice is required.

Mrs. Campagna would like to discuss the three (3) items that were presented at the last TRC meeting.

1.) Former Rite Aid site - met with Insight Real Estate. A gentleman from Ohio looks for sites for daycare facility. The main concern was traffic. Daycare from 6 am to 6 pm. TRC members suggested that the applicate visit the site at 7 am and monitor the traffic. Board Secretary stated they submitted an application to the Zoning Board of Adjustments. Chairman Leonardis stated that would be a nice use for the site. Possibly only right turn only. Can do a circulation in the rear. No structural work except dismantling the existing drive through. Mr. Scudato asked if there was a name for the daycare. Per Board Secretary, KinderCare.

2.) Someone would like to use the current Berkshire Hathaway building as a church. Mrs. Wasnick stated it is a small congregation... 40 to 60 people. No internal work except for removal of the cubicles. Possibly add an ADA bathroom on the main floor. Currently, the bathroom is downstairs. Parking may be an issue. Church has no name. Call themselves 'Church of Edison'. Non domination. Real estate agent that was at the meeting representing the group suggested the use of parking at Spring Lake Park. TRC members advised them that cannot be done. Advised them that Sacred Heart Church did give permission to JVB to use their parking one to two times a year if need be. Would have to do something like that. Mrs. Eichler asked about the traffic. Mrs. Campagna stated they meet - Sunday 10 am to 1:30 pm; Saturday 6:30 pm to 9 pm; Tuesday 8 pm to 9 pm. No weddings or funeral. Currently meet at the Edison Senior Center. Part of the number in the congregation are children and adults that do not drive. Families.... 60 people not families.

3.) Hamilton Boulevard between Main Street and Easton Boulevard. Property is a trapezoid. Front of the property is 145' along Hamilton. Parallel in the back is 90'.... 1.6 acres. Owned by Darrity, Risoli and Bengivanga. Commercial stores on the first floor... 14 apartments on the second and third floor... total of 28 apartments. Each apartment approximately 650 square feet. They are not developing it. Third party developer. No green space. There is a parcel behind the lot that is 6.2 acres owned by the Borough. No green space unless they purchase Borough property. Parking - 121 spaces for both apartments and retail. Do not know the number of retailers. Address is 2531 and 2529 Hamilton Boulevard. There are two (2) homes vacant. Parking in the back and side for apartments. Parking in the front for retail. Some are two (2) bedrooms or three (3) bedrooms. Believes meets parking requirements.

**INFORMAL HEARINGS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**CORRESPONDANCE:** None

**EXECUTIVE SESSION:** None

**ADJOURNMENT:** 8:50 PM

Respectfully Submitted,  
Joanne Broderick  
Recording Secretary