

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
July 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 and The Star Ledger 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
Joseph Scudato, 2nd Alternate
April Wasnick, 1st Alternate

Absent:

Also attending: John Wiley, Esq.; Bob Bucco, PE, CME, CPWM; Stanley Slachetka, PP, AICP; John Jahr,

MINUTES None

RESOLUTIONS:

- A. Case #03-19 -- Frank Cepparulo
Block 122: Lot 77: R-7.5 Zone
72 Leeds Drive**

Chairman Leonardis called for a motion of *approval* of the above Resolution. Vice Chairman Gustafson made motion, seconded by Mrs. Cullen. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Joseph Scudato (Alternate) and Vice Chairman Gustafson. Those oppose: None.

- B. Case #33-18 -- 702 Hamilton LLC
Block 327: Lot 4: OBC-1 Zone
702 Hamilton Boulevard**

Chairman Leonardis called for a motion of *approval* of the above Resolution. Mrs. Campagna made motion, seconded by Mrs. Eichler. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Joseph Scudato (Alternate) and Vice Chairman Gustafson. Those oppose: None.

HEARING:

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

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

The applicant is requesting a *preliminary and final site plan approval* that requires a *use and bulk variances*.
Carried from April 16, 2019 and May 21, 2019.

Vice Chairman Gustafson, Darlene Cullen and Cindy Eichler recused themselves. They missed a hearing and did not listen to the 'tapes'.

Chairman Leonardis confirmed with the Board Secretary the Board Members that are eligible to vote... six (6) members are eligible. The hearing continued.

Carl N. Tripician, Esq. - 1230 Shore Road, Linwood, New Jersey - attorney for the Applicant. Addressed Board Members. During prior hearing, testimony and plans were presented. The Board asked for proposed floor plans. Which is before the Board. Was on the May agenda, however, there was not a quorum. Bulk of the testimony has been proved. Would like to recall Architect, Mark Marcille.

Mark Marcille, AIA - Marcille Architecture, 115 Linden Avenue, Metuchen, New Jersey – previously sworn and accepted as an Architect. Drew proposed first floor layout as well as the two (2) existing apartment on the second floor. Mr. Macille demonstrated the location of the rooms on the first floor and second floor apartments using the same plans before the Board Members. Mr. Tripician confirmed with Mr. Marcille what is shown on the floor plans do not impact the exterior of the home.

Chairman Leonardis asked what is being proposed in the basement. Mr. Marcille stated there is nothing proposed for the basement.... Storage.

Mr. Scudato asked if there will be separate HVAC systems for each apartment. Mr. Marcille stated that the second-floor apartments have existing HVAC. The first-floor apartment will have a separate unit located in the basement.

Mr. Lemos asked regarding the second floor, why are there are two (2) entry doors. Mr. Marcille stated they are existing. Does not know why.

Chairman Leonardis asked if the arrangement that is shown on the plans are existing on the second floor. Mr. Marcille stated the floor plans were drawn as to what is there now. Chairman Leonardis stated that it is interesting that they have two (2) doors.

Chairman Leonardis opened the discussion to the Public. No questions or comments.

Mr. Tripician stated the Applicant, Mr. Cusick, would like to supplement the application.

Robert Cusick - 8 Willover Road, Asbury, New Jersey – Applicant, was previously sworn in. Mr. Cusick stated that the Borough Engineer had recommended the parking lot to be stoned and the Board Members requested the parking lot to be asphalt. Mr. Bucco stated that he had no discussion with Mr. Miller, Borough Engineer regarding this application. Chairman Leonardis stated that can be decided between Mr. Cusick and Mr. Miller. Mr. Bucco will contact Mr. Miller as to the reason he would like the parking lot to be stone. Mr. Cusick stated that the reason behind the parking lot being paved is to delineate the spots. Will put parking bumpers in place to show spaces. Will comply either way. The house was purchased with the two (2) entrances to each apartment on the second floor. Does not know the reason. Built in the 1930's.

Mr. Tripician thanked the Board for their time.

Chairman Leonardis asked when will the work begin. Mr. Cusick stated as soon as he has all his approvals.... Weather permitting within six (6) months.

Chairman Leonardis opened the discussion to the Public. No questions or comments.

Chairman Leonardis stated that the Applicant is requesting preliminary and final site plan approval with use and bulk variances needed:

- Twelve foot (12') wide driveway from Highland Avenue. Paved and curbed leading to a stone area with eight (8) car spaces.

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

- Repave curb cut and driveway in front of the garage.
- Close ingress from New Market Avenue.
- Paint house, garage and shutters on the façade.
- Removal of cyclone fence along New Market Avenue.
- Plant green hedge that will shield headlight onto New Market Avenue.
- Put green in some from where the fence is currently.
- Buffer planting from the corner.
- Slightly raised landscape beds on each side of the front door.
- Landscape beds on each side of the house.
- Removing roofing shingles on the third floor.
- Front and rear vinyl siding to replace shingles.
- Remove stockade fence.
- Install three foot (3') wide vinyl fence.
- New awnings.
- Paint Highland Avenue doors to match.
- Repair steps.

Mr. Bonanno asked if there are enough parking spaces. Mr. Tripician stated eight (8) is more than required.

Chairman Leonardis called for a motion of **approval** with all conditions previously discussed including use and bulk variances requested. Mrs. Campagna made motion, seconded by Mr. Scudato. Those in favor: Mrs. Campagna; Mrs. Wasnick; Mr. Scudato; and Chairman Leonardis. Those oppose: Mr. Bonanno and Mr. Lemos.

Mr. Wiley stated that with a use variance there needs to be five (5) affirmative... there were four (4). Asked how many abstention... three (3). Mr. Wiley asked Mr. Tripician if he would like an adjournment to give a Board Member an opportunity to listen to the 'tape'. Mr. Tripician stated absolutely. Believes Vice Chairman Gustafson listed to a partial 'tape'. Vice Chairman Gustafson stated that he is very familiar with the case but missed the middle hearing. Mr. Tripician stated that Vice Chairman Gustafson was a participant with litigation. Mr. Wiley stated he is aware. Mr. Tripician stated he would like to return for a vote. Vice Chairman Gustafson and Mrs. Cullen agreed to listen to the hearing 'tape' of the meetings that they were not able to attend. Will return on August 20, 2019 for a new vote.

Mr. Wiley stated that the hearing is finished but will conduct a revote.

Chairman Leonardis stated that he is unavailable for August 20, 2019. Mr. Scudato asked if the vote can be done without him. It is determined that Chairman Leonardis needs to be present for the revote.

Mr. Wiley announced that there is no need to renotice. The next hearing on this matter will be September 17, 2019 for a revote.

B. Case #15-18 -- Starlight Properties, LLC
Block 528.01: Lot 45.01: M-2 Zone
50 Cragwood Avenue

The applicant is requesting a *subdivision* and *preliminary* and *final site plan approval* that requires a *use* and *bulk variances*. Lot Width - Required: 300 feet – Proposing: 149 and 174 feet - Variance: 151 and 126 feet. Carried from March 19, 2019 and May 21, 2019.

James F. Clarkin, III, Esq. - Clarkin & Vignola, PC - attorney for the Applicant addressed the Board

Mr. Wiley suggested that there be a determination on who may be able to vote. Mr. Clarkin stated that it is his understanding that Mrs. Cullen, Vice Chairman Gustafson and Mrs. Eichler all have listened to the 'tapes' for the hearing dates that they missed. That is confirmed by the Board Secretary who has the signed Affidavits.

James F. Clarkin, III, Esq., stated as a reminder this is an application to construct an indoor firearm training facility and shooting range. Hearings were held on March 19, 2019 and May 21, 2019. Presented seven (7) witnesses.

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

The Applicant representative testified twice. One (1) witness remains, Robert Freud who has testified regarding Engineering issues. This time, Planning testimony regarding the variances. At the last hearing, the Board Members wanted reassurance that the owner of the neighboring daycare facility was noticed of this application. One (1) of the managing partners, retired Policy Officer Michael Schwarz, met with owner of the facility, Hitesh Travettie on May 2, 2019. Together they reviewed the project. Mr. Schwarz is available.

Michael Schwarz – 20 Alcove Road, Edison, New Jersey – is sworn in. Mr. Clarkin questioned Mr. Schwarz:

- Managing Partner.
- Retired Police Officer.
- Contacted owner at daycare facility:
 - Hitesh Travettie – owner.
 - Met May 2, 2019.
 - Explained project.
 - Answered questions.

Mr. Scudato asked what was the outcome of the meeting.... Anything in writing. Mr. Clarkin stated it would not have been evidential if he was not here and brought something in. He did not commit himself either way. He is not present at this hearing.

Mr. Slachetka asked Mr. Schwarz if Mr. Travettie was aware of this meeting. Mr. Schwarz stated that at the time of his meeting with Mr. Travettie, this hearing date was not scheduled. Did review the project in detail. The upcoming meeting was May 21, 2019 and this meeting was not scheduled. Mr. Slachetka asked was he advised of this meeting. Mr. Clarkin stated no... not with any continuation. He was served like all other neighbors within two hundred feet (200').

Chairman Leonardis asked Mr. Schwarz if Mr. Travettie acknowledged that he was served and aware of this project. Mr. Schwarz stated that he was aware of the project but did not know a lot of the details. Answered the questions Mr. Travettie had and left contact information if he had any additional questions to contact him.

Mr. Clarkin reminded Mr. Freud that he remains sworn in. Mr. Clarkin questioned Mr. Freud:

- Licensed Professional Planner in New Jersey.
- Has reviewed Borough's Zoning Ordinance and Master Plan.
- Have to prove both Positive and Negative Criteria.
- Positive Criteria:
 - Particular suited for proposed use.
 - Master Plan (2000) Goal #11 – maintain adequate amount of industrial land use.
 - Reexamination report of 2006 – review of the goal. It was stated that Borough has more than adequate amount of industrial land use. Truck traffic devoted to such use has continued to present a growing traffic safety problem.
 - Reexamination report of 2014 – statement was reiterated that truck traffic from industrial uses was a continued concern. Also stated that Zoning is not keeping up with current measures.
 - Use not identified in Zoning Plan.
 - Not common land use.
 - Shape and location of property... Route 287, office building, wetlands, vacant lot.
 - Over four (4) acres.
 - M-2 – Industrial zone surrounded by Route 287, industrial and office uses away from residential use.
 - Cul-da-sac.
 - Shared parking. No parking standard.
 - Further granting the use:
 - Purpose A – Public Safety. Can be inherently beneficial use.
 - Educated gun owners and gun safety.
 - Provide classroom training in firearm safety.
 - Available to Police Officers for training and practice.
 - Provides an additional ingress and egress to the office building.
 - Purpose C – Adequate light, air and open space.

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

- Meet setback and building coverage.
 - Promotes open space.
 - Parking lot exists.
 - Utilities.
 - Purpose G – provides sufficient space in an appropriate location to meet variety of uses and needs of New Jersey residents.
 - Not a use that is noted.
 - Use needed and benefit to the community.
 - Provides gun safety and training.
- Negative Criteria:
 - Can be approved without detriment to the public good.
 - Extensive testimony regarding safety in facility.
 - Public safety through training.
 - Site surrounded by office, commercial and warehouse uses.
 - Can be approved with minimum detriment to the Borough's Zone Plan.
 - M-2 most permissible zone.
 - Diversification from truck traffic.
 - Less intrusive use than industrial use.
 - Section 220 requires one thousand-foot (1,000') distance of firearm discharge outside schools, parks or homes. This is an indoor facility and does not affect the ordinance. Direction provided by the Ordinance that use of firearms in this zone is more appropriate.
 - Zoning Ordinance was recodified in 1992, shooting ranges were almost unknown.
 - Reconciliation requirement:
 - Medici case – demonstrate use was not known when Zoning Ordinance was last recodified in 1992.
- Variances
 - Would be subsumed in a use variance.
 - Flexible C variance.
 - Benefits are the same as previously discussed.
 - No negative impact to the Zone Plan.
 - Benefits substantially outweigh the detriment.

Mr. Slachetka asked Mr. Freud to explain how the Himeji case evaluated the particular suitability of this site. Mr. Clarkin stated that the factors of its location, surroundings, Route 287 and office building with shared parking. Mr. Freud agreed.

Chairman Leonardis opened the discussion to the Public. No questions or comments.

Mr. Bucco stated that at the last hearing that the Applicant requested a waiver of providing easements. The Board asked to look into a Planning Board case to the adjacent property. Mr. Clarkin stated the solar panels. Mr. Bucco continued... did look at the application and did find maps that were approved by the Planning Board that showed the meets and bounds, easements and restrictions. Did a small overlay of this application with that application. This application does not encroach on any utility easements... there is a Texas Eastern transmission easement, drainage easements... no encroachments. Chairman Leonardis asked who installed the solar panels. Per Mr. Bucco Ampercon Energy Solutions. Application before Planning Board in 2017. Mr. Clarkin stated they were the solar contractor. Mr. Bucco reiterated... there are no encroachments to any easements.

Chairman Leonardis asked if the solar panels are canopy. Per Mr. Bucco, yes.

Vice Chairman Gustafson asked Mr. Slachetka if the solar panels would be considered a buffering. Mr. Slachetka stated he would not consider it a buffering.... Natural in Planning.

Chairman Leonardis opened the discussion to the Public. No questions or comments.

Mr. Clarkin stated:

- Two (2) hearings and seven (7) witnesses – first hearing four (4) months ago.

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

- Started with Patrick Amaral, Applicant representative which has an extensive background and received a bachelor's degree from John Jay College of Criminal Justice and has worked in the firearm training field for more than fifteen (15) years.
- Discussed how the facility would operate, safety, security, management team and move of the employees will be retired law enforcement.
- Architect who discussed the concrete vault that firearms and ammunition would be stored.
- Two (2) witnesses for ballistic system and air quality system – each met or exceeded Government standards, OSHA, EPA, industry standards.
- Traffic Engineer that there will be minimal traffic produced and benefits of shared parking.
- Engineer and Planner described site improvements and justified the variances.
- Attorney who specialized in firearms who reviewed the State's Statutes and Boroughs Zoning Ordinances
- Relief that is needed - use variance and bulk variances.
 - Use not permitted in any zone.
 - Parking deficiency.
 - Lot width for B & C.
 - Accessary structure in front yard.
 - Façade sign – width.
- Requesting preliminary and final site plan approval.
- Subdivision approval.
- Waivers:
 - Landscape plan not done by a licensed landscape architect.
 - Clearing more trees then permitted.
- Offered conditions:
 - Sound test at the time of the facility is completed and operational.
 - Continues use of video surveillance system both inside and outdoors.
 - Mandatory use of the safety and introduction video.
 - No sale of a firearm to a first-time purchaser unless completes training course.
 - No advertising of gun sales.
 - Maintain operations manual onsite available to the Zoning Officer at any time.
 - Not to use loading zone during non-daylight hours due to light level deficiency.
 - Using magnetic locks for security.
 - Revise the Environmental Impact Statement.
 - Lighting will be dark sky compliant.
 - Comply with Mr. Bucco's March 19, 2019 review letter.

Mr. Slachetka asked if the manual will cover internal and external procedures. Mr. Clarkin stated yes.

Chairman Leonardis stated that this is a unique application. Heard very good testimony. Many questions answered.

Chairman Leonardis called for a motion of **approval** with the above listed conditions. Mrs. Campagna made motion, seconded by Mr. Lemos. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick (alternate 1); Mr. Scudato (alternate 2); Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

Chairman Leonardis called for a recess.

Chairman Leonardis called to order the meeting.

C. Case #01-19 – DCD Capital, LLC
Block 523: Lot 9: OPA-1 Zone
401 Durham Avenue & 120 McKinley Street

The applicant is requesting a Preliminary and Final Site Plan with a subdivision that requires bulk variance to construct a four-story, 96,750 square foot storage unit building along with a use variance for a billboard.
Carried from June 4, 2019.

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

Christopher Erd - Norris McLaughlin & Marcus, PA, 400 Crossing Boulevard, 8th Floor, Bridgewater, New Jersey - attorney for the Applicant addressed the Board. A continuation from June 4, 2019. Between the previous hearing and this hearing, have done some research. After several discussions with the Professionals and Applicant, have decided to withdraw the Billboard portion of the application without prejudice. The application is only the use variance, site plan approval and subdivision. Primarily addressed the self-storage at the previous hearing. Several items had to be addressed or 'cleaned up'. A detailed response letter was submitted. Mr. Dean, Traffic Engineer, was asked to submit his traffic count to the Board Professionals, which he did.

Chairman Leonardis stated that he was not present at the last hearing and is not eligible to vote. Mr. Erd asked for a count of Board Members who are eligible to vote. It is determined seven (7) Board Members are eligible to vote.

Mario Iannelli - Dewberry Engineers - Senior Associate and Land Manager - 600 Parsippany Road, Suite 301, Parsippany, NJ. 07054. Previously sworn in. Mr. Iannelli addressed the Board. Met with Mr. Bucco and addressed many items. Will comply with most of the comments in Mr. Bucco's letter... except for one (1) or two (2) items. Had spoken to Mr. Abruzzese, Fire Marshall, who advised him he was going on vacation and that Mr. Conti would address the application. Forwarded a new set of plans to the Fire Marshall. Received comments from the Fire Marshall that he is satisfied. There were landscaping comments. Have decided to add additional landscaping in various locations. Had emailed the Board Secretary a copy of Dewberry response letter dated July 17, 2019. Board Secretary advised that all Board Members have a copy of the letter.

Vice Chairman Gustafson asked if there was an updated site plan submitted with the enhanced landscaping. Mr. Iannelli stated he is going to present an exhibit and if it is satisfactory will update.

Mr. Slachetka stated that the prior subdivision was not perfected. Mr. Slachetka asked if this application will satisfy the previous subdivision. Traffic Engineer mentioned the Progressive building. The Board needs to understand the subdivision. Mr. Erd stated that there is an exhibit to be presented showing the subdivision. There was subdivision done many years ago that was never perfected. The tax map was updated to show the unperfected subdivision.

Mr. Iannelli stated referred to sheet C102. On the cover sheet is a small tax map that shows the six (6) acres that make up multiple lots. Since the subdivision was not perfected, worked with a licensed surveyor to create two (2) lots... Progressive would have their own lot and the proposed building would have their own lot. Sheet C102 shows the entire track. On McKinley, created the lot for the self-storage. The remainder lot will be Progressive. Lot 2.02 for the self-storage building with approximately 1.88 acres and Lot 2.03 for Progressive with approximately 4.14 acres. Consolidating four (4) or five (5) lots into two (2) lots. Mr. Slachetka stated that the subdivision is the entire 'track'... six (6) acres. Chairman Leonardis asked why this issue was not addressed when Progressive was built. Mr. Iannelli stated this does happen. Mr. Erd stated somehow it never got recorded. Will make sure it gets recorded this time. Mr. Iannelli stated there are two (2) bulk tables.... Did the zoning analysis for the Progressive site as well as the proposed self-storage building. Mr. Slachetka asked if there are any variances on the Progressive lot. Mr. Iannelli stated that no variances were identified. There was a question regarding the height of the building, but that is not changing... 'whatever was there is there'. All other bulk items are conforming. Vice Chairman Gustafson asked Mr. Slachetka if there are any negative affect from Progressive's resolution and approval. Mr. Slachetka stated did not look at the Progressive approval. Did not look at the additional parking lot that was added. Does not believe there is any... but cannot stay definitely. Vice Chairman Gustafson stated he remembers that there was always going to be two (2) lots and the front piece was to have something different. Mr. Iannelli stated that the lot was created as its own lot... shown on Exhibit A7. There are easements on the lot.... Sanitary easement. That lot along with the lots of the two (2) houses allowed the room for the self-storage. Mr. Erd stated for those who were not here, the client is the contract purchaser. Progressive has signed off as the owner and if fully aware of this and is willing to sell part of the property. Mr. Slachetka asked Mr. Erd when it was Noticed, it was Noticed for the entire area. Per Mr. Erd, yes.

Vice Chairman Gustafson asked Mr. Slachetka if anything is being 'looked over' by the subdivision. Mr. Slachetka stated he is not sure what Vice Chairman Gustafson is asking. Vice Chairman Gustafson asked if there is any negative impact regarding this subdivision and Progressive. Mr. Slachetka stated that it does not appear to be. The subdivision does not affect Progressive's operation. They will continue to use the track of land that they are on as they have been.

Chairman Leonardis asked Mr. Bucco if there was anything in addition he would like to review. Mr. Bucco stated no... did have a meeting at his office. Went through item by item which generated 'tomorrow's letter'. Mr. Iannelli stated he read the letter, but missed the date. It was to be dated yesterday... not tomorrow.

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

Mr. Iannelli stated there were landscaping comments at the last hearing regarding McKinley Avenue. Mr. Iannelli presented Exhibit A9 – Landscaping. Had to make a balance between the landscaping and sight distance. Had Landscape Architect add some roses and grasses that would provide interesting corner. Looked at the dumpster area. Proposing to plant fifteen (15) tall green giants – seven (7) to eight (8) feet. They grow three (3) feet a year. Clustered around the board on board fence. Higher than the fence. When they grow will provide a green lush buffer. Vice Chairman Gustafson stated that conversation came from him. His concern was Route 287 ramp is next to the dumpster. On a hot day and the dumpster may get filled with something that should not be and you can visionally look down at it off Route 287 ramp. Known as ‘the Gateway’. Mr. Iannelli stated after hearing that that is the ‘Gateway’ added the additional plantings.

Chairman Leonardis stated that he has been looking at the plans. Noticed no utilities. Asked if the utilities are underground. Mr. Iannelli stated once on the site. The items on the street will remain as is. Had clients ask for utilities underground and had difficulty doing so because the utilities companies have ‘above ground or aerial zones. Will have to relocate a pole but have no plans relocating the above ground wires. Will add to the plans. On site, all will be underground. Chairman Leonardis stated did miss the previous hearing. Wanted to emphasis that the area is the ‘Gateway’. When completed, would like it to look great. Mr. Erd stated on Mr. Iannelli’s landscape plan indicates the plantings. Mr. Iannelli stated page C108 shows the baseline and Exhibit A9 shows the enhancement. Mr. Iannelli stated are planning to plant shade trees along McKinley. Does not take much to increase the size of the trees. However, the success rate of larger trees is not as good. Chairman Leonardis understood. Mr. Erd asked Mr. Iannelli the size of caliper. Mr. Iannelli stated two (2) or three (3) which is a six (6) or seven (7) foot tall. Can go eight (8) or nine (9) feet tall.

Chairman Leonardis asked if the area will be sprinklered. Mr. Bucco stated that is one (1) of his questions. Mr. Erd stated he got a nod from the owner. Mr. Erd stated that was Bill Davidson part of the ownership group. Mr. Iannelli stated his plants are always guaranteed for one (1) year. Chairman Leonardis advised Mr. Iannelli that it is two (2) years in South Plainfield. He agreed.

Vice Chairman Gustafson stated that the Board Secretary had informed the Board that Code Enforcement would like a maintenance plan for any favorable application that the landscape will be maintained. Mr. Erd asked if the maintenance agreement is a separate agreement or part of the resolution. Vice Chairman Gustafson stated that it can be a condition in the resolution. Mr. Erd agreed.

Mr. Iannelli stated has heard the Board Members. Understands the landscaping. Will use green giants that have a three-foot (3’) growth each year around the dumpster. Mr. Erd stated that the dumpster will be covered. Mr. Iannelli reiterated that the dumpster has to be covered. Chairman Leonardis asked if the plantings are inside of the fence. Mr. Iannelli stated outside of the fence. Chairman Leonardis stated it is inside of the perimeter fence. Mr. Iannelli stated yes. Chairman Leonardis stated that it is an open area behind it and deer will like to visit.

Mr. Slachetka stated since the elimination of the billboard, this is an opportunity for enhanced landscaping in that area. Mr. Slachetka asked what the perimeter fence is constructed. Mr. Iannelli stated it is on sheet C117... an ornamental aluminum fence. Mr. Slachetka suggested that the area in the back including where the billboard would have been should have enhanced landscaping. Mr. Erd suggested as a condition of approval, that Mr. Iannelli works with the Board Planner to finalize the landscaping plan. Chairman Leonardis and Mr. Bucco agreed.

Vice Chairman Gustafson stated that the building is at the maximum envelope. What will happen if Route 287 widens the lane... the Route 287 ramp towards McKinley. Chairman Leonardis asked if the lane is planned. Mr. Iannelli stated he is unaware of any lane additions. All the plantings are on the property... within site. Mr. Erd stated everything is on the property. Cannot guess what the State will do. Chairman Leonardis stated there is approximately fifteen feet (15’) in the narrow area and approximately forty feet (40’) in the wider area. Mr. Iannelli used a scale and confirmed Chairman Leonardis measurements. It is determined there will be enough landscape and buffering if the road gets widen. Mr. Jahr stated if the road is to be widened, the plans would have to come to the Borough and be reviewed. The Borough will have the opportunity for input. The only area there maybe an issue is the corner... which the Applicant has additional space. The State would have to ‘put the landscaping back’.

Mr. Iannelli stated the other issue was truck turning templet. Using Exhibit A10 – Turning Templet. Met with Mr. Bucco who suggested a sidewalk or concrete flush sidewalk. Striping all around. In Mr. Bucco’s letter there was a comment that the fire truck was driving over the curb. Reached out to the Fire Department to confirm the proper truck which it was. Ran the truck around. One (1) point of issue, but will make it wider. Mr. Conti was satisfied and

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

told Mr. Iannelli he would get a letter to the Board. Board Secretary confirmed that the all Board Members have the letter. Mr. Erd requested a copy which the Board Secretary provided. Mr. Iannelli stated that the area will be widened and the catch basin moved slightly and Mr. Conti was satisfied.

Mr. Iannelli thanked Mr. Bucco and the Fire Department for working with him to get items resolved.

Mr. Iannelli stated there was a comment regarding sidewalk. Mr. Iannelli's comment in his response letter is that he will work with Mr. Bucco and would provide sidewalks if the Board wishes too. Mr. Erd stated it is on page 4 – item D2. Would like to work with the Board but do not want to have to go to DOT for the sidewalks that maybe in the right-a-way. Willing to work with Mr. Bucco with the sidewalks but want to avoid DOT. Mr. Erd stated as a condition of approval would accept putting in the sidewalk as long as they do not trigger DOT review. Mr. Bucco stated he agreed. Mr. Iannelli stated did get stormwater approval from DEP.

Mr. Jahr stated that the Police Department made a comment regarding parking but that was discussed. Have adequate parking but any consideration to have a cross access agreement with Progressive to use some parking if needed. Mr. Erd stated has not had discussion with them but will have to ask the owner if he had any discussion. From his perspective, that would 'be great'. Mr. Iannelli stated there are two (2) ADA parking. The requirement is one (1). Asked if the one (1) ADA parking can be a regular parking. Mr. Jahr had no objection. The project is a low generating use. Would be helpful to have access to the additional parking. The biggest use would be on the weekends when Progressive is closed.

Mr. Erd stated after discussing with the owner, will have a discussion with Progressive. Does not know if Progressive will allow. Mr. Jahr suggested a walkway between. Mr. Erd stated a condition to talk to Progressive is acceptable, but a condition of 'must have connection' cannot be accepted. Mr. Jahr agreed.

Chairman Leonardis asked regarding lighting. Would like a better understanding. A lot of nice architectural features on the buildings. Mr. Iannelli stated utilizing six (6) 'shoebox' lights. There was a comment of using shields. Will do. Around the parameter. Tried to minimize lighting but enough to 'feel safe'. With shields, lighting from pole to the building. Chairman Leonardis asked if the building is accessible 24/7. Mr. Erd stated the office hours are 9 am to 6 pm Monday through Saturday and Sunday 11 am to 3 pm. The keycard to access the building is 6 am to midnight every day... 18/7. Chairman Leonardis asked if there is any lighting in the glass area. Mr. Erd stated that the inside lights are motion censored and the outside lights are dusk to dawn. Chairman Leonardis asked how much of the lighting is architectural... how much is required? Mr. Iannelli stated all the lighting is functional. Mr. Iannelli stated does not see any objection to having some 'up lighting' on the building.

Gretchen Elton - 150 North Hartley Street, Suite 600, York, PA – Architect previously sworn in. Using Exhibit A6, explained that the lights in the glass area are photolyte and will remain lit for a portion of the evening. Will provide a warm glow. Will have recess lights under the canopies at the loading points. Mr. Erd demonstrated the façade that Chairman Leonardis is referring to for 'up lighting'. Mrs. Elton stated can provide building mounted lights. Chairman Leonardis agreed. Mr. Elton will work with Board Professionals with the location of the building mounted lights.

Chairman Leonardis opened the discussion to the Public. No questions or comments.

Christine Nazzaro-Cofone – Cofone Consulting Group, LLC, 125 Half Mile Road, Suite 200, Red Bank, New Jersey – is accepted as a Professional Planner and sworn in. Mrs. Cofone addressed the Board:

- Has visited the site.
- Reviewed all submission documents.
- Reviewed Board Professional letters.
- Had conversations with Mr. Slachetka.
- Was delighted the Applicant removed the billboard.
- OPA-1 does not allow this type of use.
 - Not in any zone in the Borough.
- Site particular suitable:
 - The inability to make the left turn onto Durham Road.
 - Substantially less traffic of any permissible use in OPA-1 zone.
 - Not desirable site for medical office or offices in general.
 - Inability to make the left turn out onto Durham.
 - Amount of traffic produced.

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

- Many residential units coming to the area. More traffic.
- Eliminates existing non-conformities.
- D1 variance – advance purpose:
 - Purpose G - sufficient space in appropriate locations for a variety of uses.
 - Purpose I - desirable visual environment.
 - Additional landscaping.
 - Additional color.
 - Gateway.
 - Purpose H - promote the free flow of traffic.
 - Medical office - over one thousand four hundred (1,400) trips.
 - Self-storage – one hundred forty-six (146).
- Medici Reconciliation:
 - Not numerated in any zone.
 - Celebrations and Motorola – multifamily units.
- Negative Criteria:
 - No substantial detriment:
 - Eliminating two (2) non-conforming uses.
 - Commercial.
 - Impact on the public good.
 - Site 'cleaned-up'
 - Enhanced landscape.
 - Opportunity to advance Master Plan.
 - In 2007 reexamination of Master Plan – changed to OPA-1 zone.
- Agreed with the suggestion of the outside lighting.
- C Variances:
 - Subsumed in the D variance.
 - Three bulk variances:
 - C1 - Jog in property line – Shape of lot.
 - Have thirty foot (30') setback. Eighteen-foot (18') setback at 'Jog'
 - Lot Coverage:
 - Forty percent (40%) – required thirty percent (30%).
 - Progressive under lot coverage.
 - Height
 - Thirty-nine feet (39') – ordinance maximum thirty-five feet (35').
 - Site can accommodate height.
 - Parking:
 - Low parking demands.
 - Adequate parking.
 - Explore with Progressive of sharing parking.
 - Signs:
 - Building area vs façade sign are less than ten percent (10%).
 - Break up building façade.

Chairman Leonardis stated that the building is higher. Wants to make sure landscaping is 'good from the start'.

Mr. Slachetka stated with the setback, building coverage and height variance would site be more suitable if the building be smaller. Mrs. Cofone stated it can be smaller. It is an OPA-1 zone. Want to invigorate the area but not the traffic. No reason to make the building smaller. Excellent landscape package. No negative impact on traffic. Height will not have a major impact...over by 3.9'. No additional intensity due to height.

Chairman Leonardis opened the discussion to the Public. No questions or comments.

Mr. Erd believed met all of the standards for site plan, subdivision, D variances, C variances, accommodated most of the Board and Professionals requests, as a condition of approval will continue to accommodate the Professionals. Asked the Board to grant the application. Reminded the Board that the billboard was withdrawn without prejudice.

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

Chairman Leonardis stated that the use will fit well, the architecture is pleasing and minimal traffic will be generated from this use. Wants landscaping proportional to the building and as nice as possible.

Mr. Slachetka stated that with the area being a Gateway, the Board Professionals should have an opportunity to return to the Board if they feel that there is inadequacy with landscaping or lighting. Chairman Leonardis agreed. Mr. Erd agreed.

Chairman Leonardis called for a motion of **approval** for preliminary and final site plan, subdivision, use variance, bulk variance and conditions discussed. Vice Chairman Gustafson made motion, seconded by Mrs. Cullen. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Vice Chairman Gustafson. Those oppose: None

INFORMAL HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDANCE: None

EXECUTIVE SESSION: None

ADJOURNMENT: 9:20 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary