

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
October 1, 2019

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, 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
Cindy Eichler
Frank Lemos
Joseph Scudato, 2nd Alternate

Absent:

Darlene Cullen
April Wasnick, 1st Alternate

Also attending, John Wiley, Esq.; Bob Bucco, PE, CME, CPWM; Jeff Cucinotta, PP

MINUTES: None

RESOLUTIONS: None

HEARING: (1 residential — 1 Commercial)

**A. Case #15-19 – Tingley Properties, LLC
Block 3: Lot 21: R 10 Zone
811 Trinity Street**

The applicant requested to construct a 13' X 22' rear addition with an attached garage; a 1' cantilever on the front of the second floor with awnings; a 2' cantilever on the rear of the second floor; a new front porch; a new rear deck; to create a four (4) bedroom three bath home that requires the following variances: Front Yard Setback Variance (Trinity). Required 30' – Existing 24' – Variance 6'; Second Front Yard Setback Variance (Irving). Required 30' – Existing 27' – Variance 3'; Lot area: Required 10,000 square feet – Existing 8,000 square feet – Variance 2,000 square feet; Lot Width – Required 100' – Existing 80' – Variance 20'.

Walter K. Abrams - 2201 South Clinton Avenue, South Plainfield, New Jersey - attorney for Applicant, addressed the Board Members. Would like witness to be sworn in.

Joseph Krawiec - 5 Crescent Drive, Toms River, New Jersey - is sworn and accepted as a Professional Architect. Mr. Abrams presented Exhibit A-1 - Current Condition and Before and After - photographs not taken by Mr. Abrams nor Mr. Krawiec. Mr. Abrams confirmed with Mr. Krawiec that the photos represent current conditions. Mr. Krawiec stated that the house is worse than what the pictures show.

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Mr. Abrams stated Tingley Properties, LLC has been previously before the Board. The section in Exhibit A-1 labeled Before and After are other properties Tingley Properties, LLC have developed with approvals.

Vice Chairman Gustafson asked if the members are the same for Tingley Properties, LLC currently before the Board and who previously came before the Board. Mr. Abrams replied yes... there is no deviation.

Vice Chairman Gustafson stated he does recognize the previous properties that have been before the Board.

Mr. Abrams asks Mr. Krawiec to describe the home:

- Currently:
 - Single story home.
 - Kitchen size of 'a large dining room table'. No area to sit and eat.
 - Refrigerator over the basement stairs.
 - Three (3) bedrooms.
 - Two (2) 'extremely small'.
 - Walk through one (1) smaller bedroom to get to the larger bedroom.
 - House in poor condition.

Vice Chairman Gustafson asked if there is a change in footprint of the home. Mr. Krawiec stated an addition in the rear. Vice Chairman Gustafson confirmed with Mr. Krawiec that the addition consists of a garage and living space. Mr. Krawiec responded yes and a deck. Mr. Abrams stated that the shed in the backyard will be removed.

Mrs. Eichler asked if there is a square cement in the backyard. Mr. Abrams asked if it is in the back corner. Mrs. Eichler responded no, in the center and asked if any other Board Members noticed. Mrs. Campagna stated yes. Mr. Krawiec stated he believes it was someone's project. Mr. Abrams stated that it is not on the survey. Vice Chairman Gustafson asked if it will be removed. Mr. Abrams stated it will be removed. Vice Chairman Gustafson stated as a condition of approval that any items in the backyard will be removed. Mr. Abrams agreed.

Mrs. Campagna asked if the stone driveway on Irving Street will remain. Mr. Krawiec stated will be modified... extended and curved to go into the garage. Vice Chairman Gustafson asked if the driveway will remain gravel. Mr. Krawiec stated yes. Mrs. Campagna confirmed with Mr. Abrams that there will be no other driveway except the one off of Irving.

Mrs. Campagna asked if there are any variances. Mr. Abrams stated there are two (2) front yard setbacks... both existing.

Vice Chairman Gustafson asked if the house will have new roof and siding to match. Mr. Krawiec stated yes.

Mr. Abrams stated there is a lot area variance.

Vice Chairman Gustafson stated that the other homes have macadam driveways. Mr. Krawiec stated this property will have asphalt driveway. Mr. Abrams reiterated the same.

Vice Chairman Gustafson stated that the lot size and lot width are pre-existing. Conditions that there will be a macadam driveway, new roof, new windows, new siding and removal of items in the rear including pads.

Vice Chairman Gustafson called for a motion of **approval**. Mrs. Eichler made motion, seconded by Mr. Scudato. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Eichler; Mr. Lemos; Mr. Scudato and Vice Chairman Gustafson. Those oppose: None.

Vice Chairman Gustafson called for a recess. Chairman Leonardis had arrived.

Chairman Leonardis called the meeting to order.

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B. Case #36-18 -- 1335 Associates LLC
Block 3: Lot 29: OBC-1 Zone (Overlay)
1335 West 7th Street

The applicant is requesting a Preliminary and Final Site Plan with a Use Variance to construct a 3 story mixed use building - First floor retail – Second and third floor twelve (12) apartments in total that require variances. **Bifurcated** application – Use Variance only. Variances being requested: Front Yard Setback: Required 15' – Proposing 3.82' – Variance 11.18'; Impervious Coverage: Maximum 80% - Proposing 80%; Density: Maximum 6 residential units – Proposing 12 residential units – Variance 6 residential units; Parking: Required 35 spaces – Proposing 22 – Variance 13.

Walter K. Abrams - 2201 South Clinton Avenue, South Plainfield, New Jersey - attorney for Applicant, addressed the Board Members. Three (3) witnesses present. Asked for the Principal of the Applicant to be sworn in.

Joseph Villani, 36 Valley View Road, Watchung, New Jersey - member of 1335 Associates. Mr. Abrams questioned Mr. Villani:

- LLC has owned the property for approximately ten (10) to eleven (11) years.
- Was in front of the Board for present day operation - Car Wash.
- Wants to eliminate car wash.
 - o Overlay Zone was brought to his attention.
 - o Car wash has been in business for eight (8) years.
 - o Not a good fit for his other businesses or surrounding businesses.
 - o Some illegal activities at site.
 - Neighbors have advised him of the activities.
- Proposing mixed use building.
 - o Retail - approximately four thousand (4,000) square feet.
 - o Two (2) floors of apartments above.
 - o Will not have a restaurant in retail.
 - Prefers low impact businesses.... Dry cleaner drop store, accounting office, attorney offices etc.
 - Accepts as a Conditional Approval, no restaurants.
 - o More apartments than allowed in the overlay zone.
 - Financial. Spoke to several banks.
 - Proposing several affordable housing units.
 - Originally proposed one (1) and two (2) bedroom apartments.
 - Spoke with Mr. Slachetka. Was advised of the 'formula' for affordable housing units.
 - Required to have one (1) three (3) bedroom apartment and one (1) two (2) bedroom affordable units.
 - Revising Application to accommodate three (3) bedroom apartment.
 - No changes to the building or footprint.
 - o Chairman Leonardis questioned how this can be accomplished. Per Mr. Villani will move the apartment in the area with two (2) two (2) bedroom apartment... will make one (1) a three (3) bedroom and the other a one (1) bedroom.

Chairman Leonardis asked Mr. Slachetka to explain the Overlay District. Mr. Slachetka explained how the Overlay Districts came about through the settlement with the Fair Share Housing Center. Explained the process to the Board. Fifteen (15) percent set aside for rental units. Applicant needs a D5 variance for density. The use proposed is permitted in the Overlay District but exceeds density. Also require C variance for parking.

Vice Chairman Gustafson confirmed with Mr. Abrams that this is a bifurcated application and only use is being discussed.

Mr. Slachetka stated that the question is can the site accommodate the use despite the density.

Chairman Leonardis asked where are the other Overlay Districts. Per Mr. Slachetka this site is not the only area in this Overlay District.... Other buildings in the area that are OBC. The other areas are concentrated in the Downtown

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area or immediately adjoining area. The Overlay Districts are optional to the existing zone. Mr. Slachetka explained the reasoning of why these areas have been chosen for the Overlay District.

Chairman Leonardis asked Mr. Abrams to explain why the Applicant is before the Board. Mr. Abrams explained that the Applicant is seeking density variance which is part of a use variance.... Different D variance. A permitted use with a higher density than allowed. Mr. Slachetka stated the maximum density is sixteen (16) units per acre. The Applicant is asking for twenty-nine (29) units per acre range. Again, the use itself permitted. Chairman Leonardis stated twelve (12) apartments, four thousand (4,000) square feet of retail on a lot under an acre. Chairman Leonardis asked Mr. Slachetka if the retail counts as density. Mr. Slachetka stated no... the retail area does not count towards density and is permitted. Chairman Leonardis asked the size of the property. Per Mr. Slachetka... 17,951.71 square feet. Chairman Leonardis stated a third of an acre.

Chairman Leonardis stated that Mr. Villani mentioned that the proposed building is more conforming to his business. Asked Mr. Villani to explain what other businesses. Mr. Villani stated most of his business is mixed use buildings, apartments, redevelopment work... from Hudson County to Middlesex County. Chairman Leonardis asked what projects Mr. Villani worked on in the area. Mr. Villani replied two (2) buildings have just been finished in Dunellen. Going before the Planning Board for another... sixteen (16) unit building. Two (2) in Plainfield... one (1) is twelve (12) units and the other will be fifty (50) units. All redevelopment and revitalization projects. Most have the same... Retail on the bottom with apartments above. If approved, will hold for long term.... Will manage and take care of it. Does not build and sell.

Vice Chairman Gustafson asked if the Application before the Board is the area of the car wash... not empty lot to the left. Mr. Villani stated correct.

Chairman Leonardis asked who owns the lot to the left. Mr. Villani stated the Sullivan's. Had approached them to purchase but have no intention to sell.

Chairman Leonardis stated that the reason for the number of units is purely economic. Per Mr. Villani, correct.

Mr. Wiley asked what will be the mix of affordable housing between low and moderate. Mr. Abrams believes they are only required to provide two (2) units. Mr. Slachetka stated that the Ordinance requires one (1) low and one (1) moderate. Mr. Wiley confirmed with Mr. Abrams that they will comply.

Chairman Leonardis stated that the Overlay District is new to the Board. Vice Chairman Gustafson agreed with Chairman Leonardis that the overlay is new... not OBC-1 or mix use with density factors.

Corey Chase - Dynamic Traffic, 245 Main Street, Chester, New Jersey - is sworn in and accepted as a Traffic Engineer. Mr. Abrams questioned Mr. Chase:

- Did trip generation between existing use, car wash, and proposed use, mixed development.
- Proposing four thousand (4,000) square foot ground retail space and twelve (12) residential units.
- Maximum of twenty-two (22) trips during peak time.
 - o Institute of Transportation Engineers and New Jersey Department of Transportation categorize one hundred (100) trips as the threshold as peak hours.
 - o Twenty percent (20%) of the threshold.
- Proposed use will be same or less.
- Currently, two (2) driveways on West 7th Street. One (1) driveway on Trinity Street.
- Proposing one (1) access onto West 7th Street. Exit only.
 - o Farthest away from the intersection.
- One (1) access driveway on Trinity Street. Egress and ingress.
- Did traffic count on the corner of West 7th Street and Trinity Street.
- Did pre and post development analysis.
 - o Will continue to operate at acceptable levels.
 - o Driveways will operate at acceptable levels.
- Proposed parking.
 - o Residential - Borough requires 1.5 spaces for one (1) bedroom unit. Two (2) spaces for two (2) bedroom unit. Total of twenty-two (22) stalls.

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- o Commercial - Borough requires three (3) spaces for every one thousand (1,000) square feet of retail. Thirteen (13) stalls.
- o Total parking stalls for both... thirty-five (35) stalls.
- o Providing twenty-two (22) stalls on site. Meets residential portion.
- o Peak hours for commercial is opposite of residential.
 - Commercial peak during the day when residents are at work.
 - Residential peaks overnight when commercial closed.
 - Shared parking.

Chairman Leonardis asked to discuss parking for resident who has two (2) vehicles... one (1) for work and a toy. Mr. Chase stated reviewed US Census Data for rental units which is 1.6 per unit. Consistent with the Ordinance. Development is close to mass transit. Providing twenty-two (22) stalls that is required for the residential. Believes this is adequate.

Vice Chairman Gustafson asked regarding the US Census Data, there is a listing of the number of vehicles rental units in South Plainfield own. Mr. Chase stated it lists South Plainfield and the number of vehicles per rental unit. Calculate the rate for rental units... 1.6 car per rental unit. No breakdown on number of bedrooms. Vice Chairman Gustafson calculated that the number of cars per rental unit, 1.5 employees per retail, leaving only four (4) spots for patrons. Chairman Leonardis agreed that the 'math does not add up'. Mr. Chase stated the retail will not generate many patrons. Vice Chairman Gustafson asked Mr. Chase to name types of retail that do not generate many patrons. Per Mr. Chase, dry cleaners, nail salon, anything in a typical small strip mall, etc... by standard. Vice Chairman Gustafson questioned that those retailers are considered low generating. Mr. Chase stated no restaurant. Per ITE, the peak hour would be 1 pm. The residential portion will be half occupied. Vice Chairman Gustafson asked if Mr. Villani can give a list of low generating retail at his other locations. There is no parking in front of the building. Do not want to have commercial patrons parking on Trinity Street. Mr. Chase stated retail demand at peak will be eleven (11) vehicles per ITE. When retail is peaking, the residential is only generating nine (9) vehicles. Vice Chairman Gustafson and Mr. Chase calculate the parking during retail peak.

Chairman Leonardis questioned what happens on Saturday and Sunday when most residents are home. Mr. Chase did a shared parking analysis. Peak demand on weekend was calculated to twenty-two (22) vehicles. Chairman Leonardis asked if someone has a friend or two (2) over. Mr. Chase stated that usually occurs in the evening. It is a 'balancing act'.

Chairman Leonardis asked if there was a traffic analysis completed in another similar small strip mall in the area. On Saturday... hair place, nail salon, pizza place and the volume in the Borough. Does not believe ITE numbers are accurate for South Plainfield since it has become more populated. Has seen it get progressively worse within the last five (5) years. Would like to see data showing there will be no parking issues. Does not want to generate issues regarding people fighting over parking spots or parking in the street.

Vice Chairman Gustafson stated that the density is over ten percent (10%). If the building gets reduced by ten percent (10%) still have a parking issue. Wants to see it work. Believes apartments are the way of the future. But concerned regarding parking.

Mr. Slachetka stated that with the Ordinance it is six (6) units with one (1) set aside for affordable unit. Mr. Slachetka asked Mr. Chase if he is assuming no restaurants, convenience store or a use that would need parking in the evening. Mr. Chase stated correct. Had conversation with Mr. Villani who is not seeking high intensity retail users.

Mr. Wiley asked what RSIS would require. Mr. Chase stated they use bedroom count which would be twenty-three (23) stalls. Mr. Wiley confirmed with Mr. Chase based on residential only.

Vice Chairman Gustafson asked Mr. Slachetka what the parking requirement would be for six (6) allowable units and retail. Mr. Chase stated if two (2) bedroom units... would be twelve (12) and commercial thirteen (13). Total twenty-five (25).

Mr. Slachetka asked what would the difference be for eight (8) residential units versus twelve (12). Mr. Chase stated assuming two (2) bedroom per unit... the requirement would be twenty-nine (29).

Vice Chairman Gustafson stated his concern is the proximity of the residential area and parking.

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Vice Chairman Gustafson asked if Mr. Villani would discuss some low impact uses. Mr. Villani stated that in other properties... dry cleaner drop store, insurance agent, stays away from nails and food. Does not like to have food due to the residential aspect and managing of the buildings. Mr. Villani continued.... Lawyers office, clothing boutique, specialty shop. The building is not designed as one (1) four thousand (4,000) square foot retail. Designed to have two thousand (2,000) square foot on each side and divide that in half creating four (4) one thousand (1,000) square foot space. Uses smaller space to stop larger retailers to occupy the space. Believes there is parking on West 7th Street.

Mr. Lemos stated goes to a small barbershop... two (2) chairs. Last time he went there was one (1) in the chair and four (4) waiting. Most married people have two (2) cars. Some have children. Where is a play area for the children?

Mr. Slachetka stated that the Borough is encouraging with the overlays is affordable housing. Asked Mr. Villani why eight (8) units would not work versus the twelve (12) units. Mr. Villani stated what has been invested in the project. Car wash is not a 'good fit' for the area anymore. Cars are spilling onto Trinity Street. When the overlay was put into effect, decided to make the change. From a business standpoint must absorb the cost. That is how the number of units were calculated. Mr. Slachetka reiterated that it is based on economics. Mr. Villani stated correct.

Mr. Lemos asked if there is a second egress for the second and third floor. Mr. Villani stated that he is not an architect but does not believe needs a second egress. Mr. Wiley reminded the Board Members that this is a bifurcated application. If the Board approves this portion, would have to return for a site plan. That is when those issues would be raised. Mr. Villani stated he would be open for any consideration on the site plan.

Chairman Leonardis stated that there is a need for additional data. Maybe parking counts for areas like Hamilton nearby Paul's Stationary. Would be a good indicator. There are many cars around that area. The commercial on the first floor is not completely occupied. When Luigi was selling ice cream, it was a nightmare getting in and out of the parking lot and not all apartments were rented at that time. In his opinion, this is a similar development. Is there a play area? Loves the idea for apartments for adults who work in the city. Mr. Abrams does not believe it is a requirement. Part of the attempt is to put several affordable units. Something the Borough is looking for.

Chairman Leonardis stated there is a concern for parking. Several Board Members shared the same concern.

Mrs. Campagna stated that when she reviewed the application, she had noticed several items of concern... the front yard setback is fifteen feet (15') - proposing four feet (4'); units were to be six (6) now twelve (12); parking was is to be twenty-five (25) but providing twenty-three (23). What happens when it snows and snow piles.... Lose spaces? Asking a lot.

Chairman Leonardis stated it is not only the density of units. Asked what other items are in need of relieve? Mr. Abrams stated front yard and impervious coverage. Chairman Leonardis stated there is five feet (5') to the front of the property line. Where is the sidewalk? Mr. Villani stated the current sidewalk will remain.

Vice Chairman Gustafson confirmed with Mr. Bucco that the sidewalk is currently in the right-a-way. Mr. Villani stated the reason it is up close is for retail. To give it a downtown feel.

Mr. Slachetka wants to emphases that the Borough identified this area as appropriate for affordable housing. The Board is addressing, the density... if the site can accommodate the density. Many cases, will be dealing with smaller sites. Want to make aware to the Board and Mr. Villani that the use is not being addressed, it is the density of the use. Can the site accommodate the density? Chairman Leonardis confirmed with Mr. Slachetka that the maximum density per Ordinance is six (6) units. Asking for double.

Vice Chairman Gustafson stated does not believe no parking on West 7th Street is being enforced. But if the County comes through and widen, that would be another issue. No more parking. Only concern is parking. Mr. Abrams stated that the OBC zone does allow street parking.

Mr. Slachetka explained that it is his understand that the Board is concerned about the density relating to parking and would like to be remain at the six (6) units. Vice Chairman Gustafson stated his concern is the parking... doesn't have to be six (6) units nor twelve (12) units as long as the parking is accommodated. No issue with the number of units... the issue is the parking.

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Mr. Wiley suggested to Mr. Abrams that he should have a discussion with his client. Mr. Abrams agreed.

Mr. Abrams stated that after speaking with the Applicant, would like to take the comments from the Board and revisit the plan. Would like to return to the next available date.... December 3, 2019.

Mr. Wiley announced to the Public that this hearing will be carried to December 3, 2019 with no further notice. Mr. Abrams agreed to the extension.

INFORMAL HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDANCE: None

EXECUTIVE SESSION: None

ADJOURNMENT: 8:50 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary