

**BOROUGH OF SOUTH PLAINFIELD  
PLANNING BOARD MINUTES  
April 27, 2021**

**Roll Call:**

**Present:**

Mayor Matthew Anesh  
Council President Derryck White  
Gerry Butrico  
Brian Bythel  
Suzanne Lepore, Alt. 1  
Jack Pedersen  
Divon Pender, Alt. 2  
Vice Chairman Rich Houghton  
Chairman Bob Ackerman

**Absent:**

John Mocharski  
Michael Pellegrino

**Also Present:** Matt Flynn, Esq.; Janki Patel, PP; Bob Bucco, PE, CME, CPWM;

**Chairman Ackerman** opened the meeting at 7:00 pm at the Borough of South Plainfield Senior Center stating that this meeting is being held in accordance with the Open Public Meetings Act, by posting a notice to The Observer, The Star Ledger and The Courier News and providing the same to the Borough Clerk.

It is the policy of the Borough of South Plainfield's Planning Board not to hear any new cases after 10:00 pm and no new witnesses after 10:30 pm.

**Minutes:** None

**Resolutions:** None

**Current Files:** None

**Informal Hearings:** None

**Public Hearings:** (1 Commercial)

**A. Case #799 – L&L Property Enterprise, LLC**  
Block 389; Lot 1; M-3 Zone  
300 Hollywood Avenue

The Applicant is requesting Preliminary and Final Site Plan Approval that requires bulk variances to demolish the existing non-conforming dwelling and to construct a 4,800 square foot, two floor (2,400 square feet per floor) warehouse, garage, office building for the Applicant's real estate and construction management businesses.

James F. Clarkin, III – Clarkin & Vignuolo, PC, 86 Washington Avenue, Milltown, New Jersey – attorney for applicant addressed the Board. Currently, non-conforming single family home. Highly visible. Home in an industrial zone. Proposing a mix-use building... office space and storage space for the Applicant. Low level of activity.... Four (4) employees. The property is substantially undersized for M-3 zone... bit over 1/3 size required for the zone requires. Applicant designed the building not to be oversized for the site. Building coverage will be sixteen percent (16%) where up to fifty percent (50%) is allowable. Proposing two thousand four hundred (2,400) square foot foot-print - two (2) story structure. Front yard setback required from both Ryan Street and Hollywood Avenue. If build to the setback, unusable building... too small with an odd shape. New variances believes can be justified under hardship and under Flexible C. Lot has unusual shape. Requesting parking variance. Fourteen (14) parking spaces required, proposing ten (10) spaces. Proposing six foot (6') stockade fence on both Hollywood and Ryan as a buffer for outdoor storage area. Ordinance prohibits storage in front yard. Lot has two (2) front yards. Proposing storage on Ryan Street front yard, not on Hollywood front yard. Three (3) witnesses: Vincent

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Sarkaria, Principle for Applicant; Engineer; Planner. Believes can comply with most of the Professional comments. Health Department has no comment. Can comply with the four (4) comments from the Fire Marshall. No comment from Traffic Safety. Some issues with the Environmental comments.

Victor Sarkaria - 1649 Woodland Avenue, Edison, New Jersey - Principle, is sworn in. Mr. Clarkin questioned Mr. Sarkaria:

- Principle and managing member of the Applicant.
- Applicant purchased property July 2019.
- Real Estate Management and Construction Management.
  - Real estate management for retailers - 7-11, Starbucks, Dunkin Donuts etc.
  - Construction management
- Only company on proposed site.
- Arranged for architectural and floor plans. Per Mr. Clarkin, not planning to call on Architect. Will rely on the Engineer for front facade.
- Hours of operation - Monday through Friday - 7 am to 5 pm.
- Four (4) employees.
  - Two (2) Project Managers.
  - One (1) Office Manager.
  - Himself. As owner.
- Visitors approximate one (1) a day - usually come in pairs.
- Believes maximum of six (6) people at one (1) time.
- Storing: documents, blue prints, cabinets, electric fixtures, ceramic tile etc.
- No hazardous material.
- Proposing outdoor storage: Pick-up trucks, utility vehicle, small flatbed box type.
- No bulk storage.
- Tallest vehicle will be ten feet (10') in height.
- Proposing six foot (6') high fence.
  - Per Mr. Clarkin, willing to go ten feet (10') with Board Approval. Estes site surrounds proposed site. Believes six feet (6') is sufficient.
- Deliveries - UPS or FedEx - usually three (3) times per week.
- No loading space needed.
- No additional vehicle trips then already mentioned.
- No repair or maintenance of vehicles or equipment onsite.
  - Vehicles leased. Return to dealers or respective shop for repairs or maintenance.
  - Does not employ a mechanic.
  - No fluid changes onsite. No oil separator.
- Refuse and recyclable pickup by private carrier with trash bins
- Had Traffic Report done.
  - Per report, two (2) additional trips then current use.
- Largest truck to site - SU30 box truck.
- Addressed Dr. Tempel comment... no dust, noise or pollution.
- Tried to purchase additional property from New England Motor Freight in 2019 when they filed for Chapter 11. Was told under contract with Estes.
- Estes occupy right up to the fence.

Jake Modestow - 92 Park Avenue, Rutherford, New Jersey - is sworn in and accepted as a Professional Engineer. Mr. Clarkin questioned Mr. Modestow;

- Prepared plans.
- Visited site and surrounding neighborhood. Visited today.
- Familiar with South Plainfield Zoning Ordinance.
- Currently onsite:
  - Presented Exhibit A1 - Aerial Photo
  - Block 389, Lot 1 - Shown in yellow.
  - Trapezoid shaped lot.
  - Corner of Ryan Street and Hollywood Avenue.
  - Surrounded by industrial uses.
  - M-3 zone.

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- All properties surrounding in M-3 zone.
- Estes borders site - Northeast and Southeast.
- Under third of acre.
- Existing residential structure. Non-conforming use.
- Trees and landscaping.
- If all sides are added up, does not meet front yard setbacks.
- Existing single family home not conforming to front yard setback.
- Existing lot does not conform with lot size, depth and width.
- Proposing:
  - Using colorized version of site plans before Board Members:
    - Demolishing existing non-conforming home.
    - Construct a four thousand eight hundred (4,800) square foot building.
    - Two-story.
    - First floor two (2) car garage.
    - Each floor has a square footage of two thousand four hundred (2,400).
    - ADA ramp.
    - Eight (8) parking spaces. Total of ten (10) spaces. Two (2) in garage).
    - Four (4) employees.
    - Believes parking is adequate.
    - Outdoor storage.
    - Will be screened six feet (6') high.
    - Existing fencing along Estes property.
    - Landscaping trees.
    - Thirty foot (30') driveway along Hollywood Avenue. No driveway entrance on Ryan Street.
    - Underground storage for stormwater management. No additional runoff.
    - Nine (9) LED light fixtures around face of building.
  - Using architectural plans that are before the Board Members:
    - Block.
    - Redwood north and south.
    - Glass window fronts - Hollywood frontage.
    - Thirty-two (32) square foot sign. Top of elevation.
    - Parapet - thirty-six (36') ten inches (10").
- Reviewed Najarian report dated January 6, 2021:
  - Beginning on Page 3:
    - D1 - will work with Mr. Bucco.
    - D3&4 - will comply.
    - Eb1 - will comply.
    - Ed1 - will comply.
      - Presented Exhibit A2 - detail plan of sign. Complies with Ordinance.
    - Ed2 - will comply.
    - Ee1 - will maintain all existing utilities.
      - Needs waiver for overhead utilities.
    - Ef1 - will work with Mr. Bucco.
    - Ef2-5 - will comply.
    - Eh2-8 - will comply.
    - Ei1 - will comply.
    - Ej1 - will comply.
    - Ek1 - agree.
    - F2 - will curb and design adequate per Mr. Bucco.
    - F3-6 - will comply.
    - F7 - not needed.
    - F8-14 - will comply.
    - G1-4 - gave testimony.
      - Mr. Bucco asked regarding outdoor storage. Afraid will encroach ADA spaces. Would like to segregate storage with vehicles. Will provide more detail. Mr. Bucco is concerned about circulation of Borough Fire equipment.
      - Mr. Clarkin stated Fire Marshall stated no concern.

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- Mr. Clarkin stated will leave design to Applicant Engineer and Board Engineer. Chairman Ackerman agreed.
- H - minimal traffic. Two (2) additional trips. Agree with Mr. Bucco's letter. Is ADA compliant.
- H3 - believed will not have any issues.
- H5 - will comply.
- H6 - agreed.
- H7 - building mounted lighting with downward throw. No spillage. Will work with Mr. Bucco.

Mr. Bucco asked to have one hundred (100) year flood elevation provided. Mr. Modestow agreed to do so. Mr. Bucco asked to provide timers on lights. Mr. Clarkin agreed.

Chairman Ackerman stated instead of trees by the six foot (6') fence, have other plantings. Mr. Bucco stated can have six (6) to eight (8) feet trees. Will work with Applicant. Mr. Bucco stated proposing stockade fencing. Suggests white vinyl fence. Other Board Cases have enhanced industrial areas. Mr. Clarkin stated will go with white vinyl.

Mr. Clarkin reviewed Fire Marshall report. Four (4) items listed. Agree to Knox Box. No basement. Previously discussed outdoor storage.

Mr. Clarkin stated there are no comments from Traffic Safety nor Health Department.

Mr. Clarkin reviewed the Environmental Commission report dated December 16, 2020. Review letter questioned impervious coverage. Ordinance addressed building coverage, not impervious coverage. Building coverage is sixteen percent (16%). Not 'overloading the lot'. Solid waste, recycling, tree removal and landscaping addressed previously.

Ms. Lepore suggested removing three (3) parking stalls and add an entrance on Ryan Street for emergency vehicles. Mayor Anesh suggested a gate. Mr. Clarkin agreed to an emergency gate. Will include with revised plans.

Council President White questioned the color of the proposed building. Mr. Modestow stated that the larger areas will be grey. Will have redwood paneling. Signage as marked on Exhibit A2.

Ms. Patel questioned floor space. On site plan, shows two thousand four hundred (2,400) square feet. Architectural plans show less. Mr. Modestow stated used conservative for parking. Mr. Patel stated if the second story is storage only, will reduce the parking requirement. Mr. Modestow stated would like to stay with conservative calculations for parking.

Chairman Ackerman asked to review the Planners report. Mr. Clarkin stated only if the Planner feels missed something. Engineering and Planning report seem to overlap. Mr. Clarkin asked Ms. Patel if there are any items that need discussion. Ms. Patel stated landscaping. Mr. Clarkin stated will work with Mr. Bucco. Mr. Modestow stated that there are overhead wires that run east to west over Hollywood. Will try to provide plantings that will not interfere with the overhead wires. Ms. Patel stated that one (1) of the elevations of the building does not have any striations. Asked why no openings. Mr. Modestow does not know the answer. Mr. Clarkin stated it is in the M-3 zone and would have windows opening to Estes trucks. Not necessarily a pleasant site. Chairman Ackerman agreed.

Sonya Ommundsen- Stonefield Engineering & Design, 92 Park Avenue, Rutherford, New Jersey - is sworn in and accepted as a Professional Planner. Mr. Clarkin questioned Ms. Ommundsen:

- Reviewed site plans.
- Visited site and surrounding area.
- Reviewed Planners report.
- Reviewed Borough's Zoning Ordinance and 2014 Re-Examination of Master Plan.
- Reviewed traffic and parking assessment.
- Existing Conditions:
  - Residential use surrounded by industrial uses.

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- 'Out of character.'
- Existing use does not conform to setbacks.
- Located in M-3 zone.
- Proposing:
  - Demolish existing building.
  - Construct a conforming industrial use.
  - Residential use is 'expressively prohibited in M-3 zone'.
- Variances:
  - Three (3) existing non-conforming variances.
    - Lot area - Lot size and shape.
    - Lot width.
    - Lot depth.
  - Requesting:
    - Front yard setback.
    - Parking.
    - Drive isle.
    - Outdoor storage in front yard.
  - Justification:
    - Hardship:
      - Lot dimensions - lot area, width and depth.
        - Unable to purchase additional land.
        - Adjacent lots developed and used up to the property line.
      - Granted by reasonable exception of fairness, shallowness or shape of a specific piece of property.
    - Purpose A - To encourage municipal action to guide the appropriate use or development of all lands in a manner which will promote the public health, safety, morals, and general welfare.
      - Convert a non-conforming use (residential) to a conforming use (industrial).
    - Front yard setback - existing non-conforming. Slight increase. Existing 34.8' - Proposing 25.8' both Ryan and Hollywood. Undersize lot. If building to conform to setback, would be inefficient size and shape. Would not allow circulation.
    - Purpose G - To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space.
  - Parking Variance:
    - Parking spaces sufficient for Applicant's use.
    - Four (4) employees.
    - Minimal number of visitors.
    - Minimal number of new trips. Additional one (1) trip.
    - No heavy turnover.
    - Conservative number spaces.
  - Isle Width:
    - Required twenty-five feet (25') - Proposing twenty-two feet (22').
    - Due to size of lot and setbacks.
    - Parallel parking.
  - Storage in front yard:
    - Six foot (6') high stockade fence being proposed along Ryan.
    - Landscaping along Ryan.
  - Negative Criteria:
    - No substantial detriment to the Public Good.
    - Eliminating a single family use in an industrial zone.
    - No significant traffic impact.
    - Parking spaces are sufficient for Applicant. Provides flexibility.
    - No residents will be implicated. Surrounded by M-3 zone within two hundred feet (200').

Chairman Ackerman opens the discussion to the Public. No comments or concerns.

Mr. Clarkin stated believes met proofs under hardship and Flexible C2 balancing test.

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Mr. Patel from Celebrations interrupted to discuss Celebrations. Mr. Patel was asked if he has anything to state for the current Application being heard. He stated no. Mr. Patel was directed to wait to discuss his matter after the hearing of this Applicant is complete.

Mr. Clarkin continued... has proved a safe and sufficient site plan which will be 'tweaked' under the direction of Mr. Bucco. Requests approval.

Mr. Flynn reviews the conditions... compliance with the Fire Marshall's recommendation in his review letter, white vinyl fence instead of stockade fence, outdoor storage in front yard, landscaping screen along Ryan Street, complying with rules and regulation regarding noise, curbing on Ryan Street to conformance of Mr. Bucco's recommendation, emergency gate along Ryan, lights with no spillover and address several comments by Mr. Bucco in review letter.

Mr. Bucco stated that it was mentioned that the site is not open to the Public. However, there will be clients coming to the site. Mr. Clarkin stated correct.

Mr. Flynn reviews the variances... Two (2) variances and two (2) design waivers. Variances - Front yard variance of 25.8' - Parking variance - ten (10) spaces where fourteen (14) is required. Design - twenty-two foot (22') drive isle where twenty-five feet (25') is required - outdoor storage in front yard and not totally screened. Mr. Clarkin does not want to have as a condition that no Public is allowed.

Chairman Ackerman called for a motion to approve the above Application. Mr. Pedersen made motion, seconded by Council President White. Those in favor: Mayor Anesh; Council President White; Mr. Butrico; Mr. Bythel; Ms. Lepore; Mr. Pedersen; Mr. Pender; Vice Chairman Houghton and Chairman Ackerman. Opposed: None.

**Old Business:**

**Committee Reports:**

- A. **Street Naming Committee** – Bob Ackerman – report progress.
- B. **Environmental Committee** – Rich Houghton & Bryan Bythell – report progress.
- C. **Council Reports** – Council President White – Opening of Havana Bay - Cuban Restaurant.
- D. **Mayoral Updates** - Mayor Anesh – report progress.

**Minor Site Plan:** None

**New Business:** None

**Correspondence:** None

**Audience Comments:**

Public – Mr. Patel, resident of Celebration of South Plainfield at the corner of Coolidge and South Avenue. Has a safety concern. Fencing concern regarding railway line owned by Conrail. On approved plans that have been pending two (2) years. Haven't seen fencing. Had an incident. His two (2) year old heard the train and ran towards the track. Was able to stop him. However, safety concern. Would like help with resolution. Chairman Ackerman suggested to contact Borough Engineer or Zoning Officer. Mr. Patel stated has contacted Zoning Officer and was told it will take some time. Believes for the interim would like something. Mr. Bucco stated can contact T&M who is inspecting the site to put up temporary fencing. Council President White suggested to contact Len and Rich and have them contact T&M. Mr. Bucco suggested to contact Rich. Council President White stated that at the conclusion of this meeting, will give Rich, Zoning Officer, contact information. Resident stated along South Avenue, there is no fencing and the plans show fencing. Would like that included. Mr. Bucco stated any safety issues should be addressed by Zoning. Council President White asked Mr. Bucco if there were any items not approved by the Board, would go to Rich. Mr. Bucco stated they will not get any sign-off until all items are done to the approved plans. However, during construction, Rich and T&M Associates have the authority to correct any safety issues during construction. Resident stated construction on that side of the complex has been completed. Mr. Bucco advised the resident to bring this up to the Zoning Official and T&M. They have the authority to have

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these items addressed. Still under construction. Still have bonds with the Borough. If not constructed to the plans, the Borough will not release the bonds and can hold up the CO's. May take time. The safety issue should be addressed immediately. Mr. Patel stated when property was sold to them, there was discussion of a wall, fence and play area which is not constructed. Mr. Bucco stated bring those items to their attention. The inspector of the site will have those items built that are on the approved plans. There were some 'field changes' approved due to field conditions. There were some adjustments that were approved by the Borough. The inspectors will make sure these changes are implemented. Your concerns needs to be brought to the Zoning Official who will bring those items to the inspector. The safety issues should be addressed immediately.

**Executive Session:** None

**Adjournment:** 8:15 pm.

Respectfully Submitted,  
Joanne Broderick  
Planning Board Secretary