

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
July 18, 2023

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 the 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:

Scott Miller, 2nd Alt.
April Wasnick
Gino Leonardis, Chairman
James Gustafson, Vice Chairman
Joseph Scrudato, 1st Alt.

Absent:

Kenneth Bonnano
Darlene Cullen
Frank Lemos
Cindy Eichler

Also in Attendance: Matt Flynn, Esq., Caroline Reiter, PP, Bob Bucco, CME.

RESOLUTIONS:

Case #13-23 – Anthony Celentan, Block: 363 Lot: 3.2 R-10 Zone, 439 Delmore Avenue. *The applicant has requested a rear yard setback variance to build a deck. Required – 20' Proposed – 18' Variance – 2'*

Case #02-23 – 1400 Hamilton Boulevard, LLC, Block 428: Lot 1: R-10 Zone, 1400 Hamilton Boulevard. The applicant has requested a *Use Variance with Preliminary and Final Site Plan* to demolish the existing dwelling and all site features and construct a 2,496 sq. ft. two-story mixed-used building with two (2) 1,248 sq. ft. offices on the first floor and two (2) 2-bedroom residential units on the second floor.

Case #08-23 – Universal Marine Medical Supply International, LLC, Block 528: Lot 46.22: M-2 Zone, 107 Corporate Blvd. The applicant has requested an Interpretation of the Zoning Ordinance to operate their Distribution business from this location.

Case #01-22 – Charles and Kimberly Gruver, Block 448: Lot 4.03: PRD-1 Zone, 1888-1890 2nd Place. The applicant has requested a minor subdivision of a duplex which would create a zero-lot line. This matter was approved October 18, 2022 and the applicant is requesting an Extension of Time.

HEARING:

**A. Case #25-21 – JMSM, LLC
Block 528: Lot 46.06: M-2 Zone
4001-4081 Hadley Road**

The applicant is requesting a *Use Variance* with Preliminary and Final Site Plan for a warehouse with 117,976 square feet of warehouse area and 13,108 square feet of office space.
(Carried from April 18, 2023)

Mr. James Clarkin, Esq., is the attorney for the applicant. Mr. Clarkin called Joshua Adler as its representative, who was sworn in, and the Board accepted his credentials.

Mr. Adler is the managing member of the LLC that owns the subject property and purchased it in 1988. There are three (3) office buildings currently onsite that are only operating at approximately a 30% occupancy rate, despite having an exclusive broker and extensively marketing the office space at \$11.50 per square foot. Considering the economic realities, the applicant is looking to repurpose the property as

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a warehouse and distribution facility and does have experience in that industry. The facility would be constructed on spec, but Mr. Adler did give some examples of the types of tenants they would be looking at to fill the space, and it would not be direct to consumer but rather earlier in the supply chain. The facility could be filled by one or two tenants.

Mr. Clarkin called Robert Longo, AIA, who was sworn in, and the Board accepted his credentials. Mr. Longo discussed the dimensions of the facility, which was ultimately revised to consist of 122,525 square feet in total, 110,272 square feet of warehouse space and 12,253 square feet of accessory office space. A corner entrance on the east side with decorative windows is proposed for the office space. In total, there will be twenty-eight (28) loading docks and the building height is compliant with the ordinance at between forty (40) and forty-one (41) feet. The rest of the building will be made up of concrete paneling and will be efficient from an energy consumption perspective. Windows break up the façade toward the top of the building, and the proposed coloring is off-white with blue accents. Chairman Leonardis opened the discussion to the Public. No comments or questions.

Mr. Clarkin called Michael Lanzafama, P.E, who was who was sworn in and the Board accepted his credentials. Mr. Lanzafama oriented the Board by using Exhibit A-2 to show the surrounding context of the site. The site is centrally located between Exits 4 and 5 for Route 287 and is 7.08 acres total, bordered by other commercial uses and rectangular in shape. Three office buildings comprising 88,270 square feet exist on site with large parking areas that are proposed to be demolished as part of the application. Using Exhibit A-3, Mr. Lanzafama noted the location of the various easements on the property, some of which will need to be relocated with the various entities having jurisdiction. There are no jurisdiction wetlands, steep slopes, and the property is not in a flood zone. The site was evaluated by a wetlands scientist who confirmed the absence of wetlands, which evaluation was submitted to the Board as Exhibit A-4.

The site will be accessible with entrances at the northeast and northwest corners. The applicant essentially breaks the building down as 90% warehouse space and 10% office space. Placing the transformer and generator in the front yard requires a variance, however the principal building will be located over 100 feet back from Hadley. There is an existing detention basin onsite that will be upgraded to comply with the new stormwater BMPs. Parking is proposed along the street scape, with banked parking to the sides of the building, and the rear and side-yard setbacks are compliant. Trash and recycling are handled in an exterior enclosure.

Originally, the applicant needed minor bulk variances for building coverage and number of parking spaces, but the last revised plans were compliant for both items. Two additional bio-retention basins are provided on the east and west sides of the building to handle runoff. The applicant complies by reducing peak flow rates for the two-, ten-, and hundred-year storm events. The applicant will comply with water quality requirements with the installation of proper treatment devices, and the site is exempt from recharge as are most of the Borough's industrial zones. The twenty-eight (28) loading bays and two drive-in doors are to the south side of the building.

Landscaping was extensively discussed during Mr. Lanzafama's testimony, ultimately resulting in a revised Sheet 6 on the site plan after Board questioning. The basic model is to install shade and ornamental trees along Hadley, together with a hedge to help screen the building and plantings in the proposed basins as consistent with the BMPs. Any shortfall in trees compared to what is presently onsite will be planted on other Adler-owned properties in the Borough to resolve the shortfall, although the final version of the plans is ordinance compliant as to replacement trees. The applicant also increased the caliper and height of proposed replacement trees from what was originally proposed. Wall-mounted lighting around the perimeter of the site will comply with the ordinance requirements, as there is under a footcandle of spillage to other properties, and there will also be pole-mounted lighting for the parking

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area. This area of the Borough does not have sidewalks, but the applicant will install crosswalks as necessary around the building.

Although both driveways will be full-movement driveways, the essential plan is for trucks to be able to make a right-in-right-out movement when loading. Two monument signs are proposed, one at each entrance point. The applicant went through Exhibits A-7 through A-10 to demonstrate that trucks can successfully circulate the site. Chairman Leonardis opened the discussion to the Public. No comments or questions.

Mr. Clarkin called Karl Pehnke, P.E., who was who was sworn in, and the Board accepted his credentials. Mr. Pehnke stated that he co-authored the traffic impact study for this proposal, as well as the supplement supplied to the Board. Mr. Pehnke described the reduction in proposed traffic impact as a redevelopment trade-off, where, using the 11th edition of the Institute of Transportation Engineers ("ITE") trip generation manual, Mr. Pehnke made the conclusion that the proposed warehouse will provide less traffic impact than the existing approximate 88,000 square foot of office space. The forty truck per-day average for a warehouse of this size is distinct from the greater than 100 vehicle trips to and from the site at peak hours for an office complex.

Mr. Pehnke also took the Board through the timing of the truck visits and employee visits, with warehousing having, normally, two to three employee shifts per day and truckers seeking to avoid having to be caught up in the peak hour traffic on local roads. This is distinct from a last-mile or direct-to-consumer warehouse with delivery vans, which would generate greater traffic than this proposal. The supplemental report also analyzed additional intersections and controlled for the new residential development in the area, as well as other approved industrial proposals under construction or undergoing compliance.

The Board notes that the report projects its traffic impact in comparison to a re-occupancy of the proposed office space, but the Board does not accept this conclusion, given that the applicant has acknowledged such a re-occupancy is unlikely and resulted in this application to redevelop the site. The applicant cannot rely on the site having less economic utility due to the changing nature of supply chains and remote work possibilities stemming from the pandemic to then rely on a re-occupancy of that office in arguing that the warehouse use will result in lesser traffic impact than the current conditions of the property. Instead, the Board finds credible the testimony that other permitted uses in the zone, namely manufacturing facilities, would have greater traffic impact than the proposed warehouse even when considering the current economic realities perhaps not expressed in the ITE data. Chairman Leonardis opened the discussion to the Public. No comments or questions.

Mr. Clarkin called John McDonough, P.P., who was who was sworn in, and the Board accepted his credentials. Mr. McDonough stated as part of his professional review, he reviewed the existing and proposed conditions of the site, the relevant zoning criteria, and the master plan to arrive at the conclusion that the proposed warehouse use is indeed a better planning alternative than the existing office space. He referred to the office complex as an obsolete user on a site suited for redevelopment. The applicant needs (d)(1) use variance relief for the warehouse and distribution facility, as it is not permitted principal use in the M-2 zone. He argued that the proposal furthers the purposes of zoning due to contemporary demand and the increase in e-commerce, and that the site is particularly suitable due to the current state of the office complex's occupancy problem. As a result, Mr. McDonough stated it was his professional opinion that the proposal furthered several purposes of the MLUL. Furthermore, there is no substantial impairment of the intent and purpose of the zone plan and zoning ordinance because it furthers a use that has gained currency and fits nicely with the surrounding uses. Ms. Reiter and Mr. McDonough discuss. Chairman Leonardis opened the discussion to the Public. No comments or questions.

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Chairman Leonardis called for a recess. Chairman Leonardis calls the meeting to order.

The board members go through and discuss their thoughts and opinions on the application.

Chairman Leonardis states this matter will be carried to August 15, 2023. Mr. Flynn confirms that the matter will be continued on August 15, 2023, at 7:00PM in this room. Mr. Clarkin confirms extension of time.

ADJOURNMENT: 9:11PM

Respectfully Submitted,
Stephanie Merola
Recording Secretary