

**BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
January 17, 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:

Kenneth Bonnano
Darlene Cullen, 2nd Alternate
Cindy Eichler
Frank Lemos
Scott Miller, 2nd Alternate
Joseph Scrudato, 1st Alternate
April Wasnick
James Gustafson, Vice Chairman
Gino Leonardis, Chairman

Absent:

Also in attendance: Matt Flynn, Esq.,

MINUTES:

Chairman Leonardis calls for a motion of the meeting minutes of April 19, 2022 – Motion: Ms. Eichler Second: Mr. Lemos. Unanimously approved.

Chairman Leonardis calls for a motion of the meeting minutes of May 3, 2022 - Motion: Ms. Wasnick Second: Ms. Cullen. Unanimously approved.

RESOLUTIONS:

Chairman Leonardis calls for a motion of Resolution for the Appointment of Board Professionals – 2023 Motion: Ms. Cullen Second: Mr. Scrudato. Unanimously approved.

Chairman Leonardis calls for a motion of Resolution for the Meeting Dates – 2023 Motion: Ms. Eichler Second: Ms. Cullen. Unanimously approved.

Chairman Leonardis calls for a motion of Resolution for the Designation of Official Newspaper - 2023 Motion: Ms. Eichler Second: Ms. Wasnick. Unanimously approved.

Chairman Leonardis calls for a motion of the Appointment of Colliers Engineering and Design as a special engineering consultant for the Board's 2023 Calendar Year Motion: Ms. Eichler Second: Mr. Bonnano. Unanimously approved.

Chairman Leonardis calls for a motion of Resolution for the Appointment of Colliers Engineering and Design as a special engineering consultant for the Board's 2023 Calendar Year Motion: Ms. Eichler Second: Ms. Wasnick. Unanimously approved.

Chairman Leonardis calls for a motion of Resolution for Case #22-22 – Michael Lambart, Block 196: Lot 14: R-7.5 119 Lee Place. Motion: Ms. Wasnick Second: Mr. Bonnano Vote for Memorialization: Unanimously approved.

Chairman Leonardis calls for a motion of Resolution for Case #25-22 – Austin Rivea, Block 404: Lot 15: R-10 Zone, 4 Perth Place. Motion: Ms. Eichler Second: Ms. Wasnick Vote for Memorialization: Unanimously approved.

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
January 17, 2023

Chairman Leonardis calls for a motion of Resolution for Case #01-22 – Charles and Kimberly Gruver, Block 448: Lot 4.03: PRD-1 Zone, 1888-1890 2nd Place. Motion: Ms. Cullen Second: Ms. Eichler Vote for Memorialization: Unanimously approved.

HEARINGS:

**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 December 6, 2022, to January 17, 2023)

Chairman Leonardis reads into the record a letter from James Clarkin, Esq., attorney for the applicant, stating they are requesting this be carried to the April 18, 2024, and extends time of decision through that date. Mr. Flynn confirms that the hearing will take place on April 18, 2024 7:00PM in this same room with no further notice to be provided.

**Case #07-22 – Fredrick Landgraber
Block 307: Lot 6: M-3 Zone
1521 Sage Street**

The applicant is requesting a *use variance* to use the single-family dwelling as office space as well as using the rear of the property for a contractor storage yard.
(Carried from December 20, 2022, to January 17, 2023)

James Clarkin, Esq., entered his appearance on behalf of the applicant. Mr. Clarkin gave a ummary of the application and introduced the witnesses on whose testimony the applicant relied. Mr. Clarkin stated the proposal is to repurpose the existing, vacant single-family dwelling on the property and convert it to an office. This office on Lot 6 will support the existing business on adjacent Lot 3.02. No exterior modifications are proposed, except for widening the existing driveway by approximately eighteen inches and adding an additional parking space. The applicant will essentially move the office employees from their existing space into the residential structure and does not anticipate an increase in the number of employees. Mr. Clarkin stated that the proposed office use is permitted in the M-3 zone but did note that the use of the rear of the property as a storage yard requires a (d)(1) use variance. If the Board approves the application, the applicant will then consolidate the two lots to bring the site closer to conformity.

Frederick Landgraber, the property owner of owner of both Lot 3.02 and Lot 6. and applicant, appeared to testify and was duly sworn according to law. The Board found his testimony generally credible and generally accepted his testimony as fact. He stated his business had outgrown the space on Lot 3.02 and wanted to expand by putting six office employees into the residential structure on Lot 6 as support for the operations on Lot 3.02. This office space would be used to accomplish administrative functions such as accounts receivable and billing. No customers or any public-facing aspect of the business would be conducted out of the office space. Improvements proposed include painting the house and installing additional landscaping on the site, but no structural modifications or additions are proposed. The applicant re-paved the driveway and widened it slightly, also adding a retaining wall, and installed new roof leaders to help with drainage to the street. Per the fire marshal's suggestion, a new alarm and sprinkler system is to be installed, and no new bathrooms or kitchen are proposed in the structure.

The rear of the site is to be used as contractor storage space and will remain gravel as in its current state. Storage of materials includes trash cans, grills, picnic tables, and snowplows, essentially all non-motorized equipment. Mr. Landgraber agreed to comply with the Fire Marshal's recommendations and that no cars, trucks, or motorized equipment would be stored in the rear yard. Furthermore, the applicant agreed to not subletting out any portion of the lot for additional storage by an outside company.

Mr. Landgraber also agreed to fully landscape and beautify Lot 6 as consistent with its business model and agreed to install street trees and other plantings to the satisfaction of the Board Planner. The business itself is a full-service landscaping company specializing in landscaping and lawn maintenance, irrigation, and also snow r

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
January 17, 2023

removal in commercial and large residential contexts. The business itself has approximately forty (40) employees, but only six are proposed to utilize in the office space, to work approximately from 7am to 4pm. These hours are consistent with the operations on Lot 3.02, where workers start around 7am and return from jobs between 4pm and 5:30pm. No increase in the number of total employees is contemplated, and jobs are reached by employees parking on Lot 3.02 and travelling together in passenger vans and trucks. Recycling and garbage will accumulate and then be transported over to Lot 3.02 to plug into the existing recycling and refuse pick-up from that site. No additional signage or deliveries are proposed.

Mr. Clarkin called Papi, P.E., who was duly sworn. The Board accepted his credentials in the field of engineering, found his testimony generally credible, and generally accepted his testimony as fact. Mr. Papi began by going over the approvals for Lot 3.02 and the history of the applicant's business. Mr. Landgraber acquired different lots and merged them into now Lot 3.02 over time and has different variance and subdivision approvals to conduct the existing landscaping operation. Lot 3.02 is approximately 0.8 acres, while Lot 6 is significantly undersized at only 7,500sf (or 0.17 acres), where 40,000sf is required. If approved and then consolidated, the lot would conform to many of the bulk requirements. A use variance is still needed for the outdoor storage on now Lot 6. The site is bounded by a range of commercial uses and slopes North to South. Water is obtained from an onsite well, and a cesspool original to the house served to collect waste, it now has public sewer access. The proposal is simply to move onsite employees from the nearby lot into the residential structure as a makeshift office and also use a portion of the lot for storage of non-mechanical equipment. Most parking will occur on the existing Lot 3.02, plenty of parking is presented as part of the overall business model. All current utility services will continue. Waivers are requested for certain site plan checklist requirements due to the minimal scope of the proposal, as well as a waiver for providing stormwater calculations and an environmental impact statement. No major site improvements are proposed, no trees are to be removed, and no new impervious coverage is proposed. Any impact to sewer will be minimal, as it will reduce flows from residential to office, all DEP factors have been addressed, and the applicant has gotten County Planning Board approval.

Mr. Clarkin called James Higgins, P.P., who was duly sworn according to law. The Board accepted his credentials in the planning field, found his testimony generally credible, and generally accepted his testimony as fact. Mr. Higgins stated that this proposal for office and storage was a positive repurposing of the site, as residential is expressly prohibited in the M-3 zone, and this proposal converts an existing residential structure into an office. The lot itself is significantly undersized, and although storage is not expressly prohibited as is residential, this represents bringing the lot more into conformity than in its current state. If approved, lot consolidation as a condition of approval with ameliorate many of the bulk nonconformities for the undersized lot. The (d)(1) variance criteria as testified to by Mr. Higgins involves determining that this site is particularly suitable for the proposed use. This proposal would bring the lot further into conformity, eliminate expressly prohibited use, and the rear portion of the lot used for storage is not visible from the street, thus decreasing any detriment. Painting and landscaping will result in an aesthetic improvement and making the site work in concert with the business on Lot 3.02 represents an efficient use of land. Mr. Higgins stated there are essentially no detriments to the proposal.

Mr. Flynn reviews the conditions discussed this evening. A deed of consolidation for the subject lot shall be filed, subject to the review and approval of the Board Attorney and Engineer, and once approved, same shall be properly perfected with the County. No cars or other motorized equipment will be stored in the rear-yard area of Lot 6, with this condition to continue for that area even after lot consolidation. Bollards shall be installed around the location of the underground sewage tank. The applicant shall not sublet any portion of its lots for onsite storage by any outside company. The applicant shall install street trees and additional plantings around the site to the satisfaction of the Board Planner, and those aesthetic improvements to Lot 6 to be substantially consistent with the aesthetics of Lot 3.02. No vehicle maintenance or fluid changes shall be conducted onsite. The applicant shall provide an updated survey post lot consolidation and amend the plans as reflected in the Board Engineer's review memorandum.

Chairman Leonardis calls for a motion of approval: Motion: Ms. Eichler Second: Ms. Cullen. Vote on application: Mr. Bonnano, Ms. Cullen, Ms. Eichler, Mr. Lemos, Mr. Miller, Mr. Scrudato, Ms. Wasnick, Mr. Gustafson, Mr. Leonardis.

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
January 17, 2023

Adjournment: 8:32PM

Respectfully Submitted
Stephanie Merola
Zoning Board of Adjustment Secretary