

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
May 16, 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
Frank Lemos
Cindy Eichler
Scott Miller, 2nd Alt.
James Gustafson, Vice Chairman
April Wasnick
Gino Leonardis, Chairman
Joseph Scrudato, 1st Alt.

Absent:

Darlene Cullen

RESOLUTIONS: None.

HEARING:

**Case #09-23 – Sejal Patel
Block :254 Lot :17.01 R 1-2 Zone
156 Teeple Place**

*The applicant is requesting a front yard setback variance to install a roof over the front porch.
Required – 30' Proposed – 25' Variance – 5'*

Sejal Patel, the property owner, was duly sworn according to law. Mr. Patel appeared before the Board and attested that he seeks to build a roof over his front porch, which currently consists of only a concrete slab and steps. He essentially wants to cover his front porch with an associated railing and posts. He offered Exhibit A-1 into evidence demonstrating proposed plans for the addition, drafted by his preferred contractor. The home is the left side of an existing duplex, and the other unit within the duplex has a similar porch structure, with a roof extending six feet out from the home. The applicant proposes the same, with a six-foot intrusion into the front-yard setback by the roof. The applicant received approval for a similar, but five-foot, intrusion into the front-yard setback back in 2019 when he first began contemplating installing a roof over his front porch. Due to the Covid-19 pandemic and other personal reasons, the addition was never constructed, and the variance granted by the Board expired. The applicant came back to the Board to request similar relief. Mr. Patel agreed that the front porch shall not be enclosed to offer additional living space and shall be open air. Chairman Leonardis call for a motion of approval. Motion: Ms. Eichler Second: Mr. Bonnano
Vote on application: Mr. Bonnano, Mr. Lemos, Ms. Eichler, Mr. Miller, Ms. Wasnick, Mr. Scrudato, Mr. Gustafson, Mr. Leonardis.

**Case#10-23 – Alba Aucapina
Block: 188 Lot: 4 R-10 Zone
124 Merchants Avenue**

The applicant is requesting a side yard setback variance to renovate the existing structure to a garage.
Required – 8' Existing/Requesting – 1.3' Variance – 6.7'

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Chairman Leonardis calls up the second hearing of the evening, however the homeowner was not present. Mr. Flynn states that he has not received or reviewed notice or publication for this property. Mr. Flynn confirms that the applicant will have to contact the board secretary to reschedule this matter.

Case #02-23 – 1400 Hamilton Boulevard, LLC
Block 428: Lot 1: R-10 Zone
1400 Hamilton Boulevard

The applicant is requesting 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.

Mr. Flynn states that his office has a conflict with this application, therefore the conflict attorney will be stepping in. Mr. Jonathan Frodella of PRB Attorneys at Law, LLC steps in as the Zoning Board conflict attorney.

Mr. James Clarkin, attorney for the applicant, entered his appearance on behalf of the applicant. Mr. Clarkin gave an overview of the application and introduced the witnesses on whose testimony the applicant relied. Mr. Clarkin confirmed the applicant was seeking (d)(1) variance approval for commercial office-space use and various bulk variances. Mr. Clarkin called Michael Iarrapino to provide operational testimony. Mr. Iarrapino was sworn in and credentials accepted by the board. Mr. Iarrapino stated that he has experienced success with similar commercial office spaces and is confident the proposed commercial space will be occupied. Mr. Iarrapino testified that the proposed office space will consist of general professional offices, not to include any medical offices. He further testified that the applicant will beautify the site with landscaping to shield the property.

To present engineering testimony Mr. Clarkin called Michael L. Marinelli, Jr., P.E., C.M.E., who was sworn in. The Board accepted his credentials in the field of professional engineering, found his testimony generally credible, and generally accepted his testimony as fact. Mr. Marinelli reviewed the site plan, Exhibits and First Engineering Review with the Board and outlined the project generally, proceeding to answer specific engineering questions. He stated that there is a school across the street from the site and that there are other residences in the surrounding area. He further testified that access to the site will be maintained, and that parking will include one electric-vehicle space and one ADA space, giving the applicant credit for 16 parking spaces even though it is only providing 15.

Mr. Marinelli stated that the site will include one ground-mounted sign approximately 30 feet from the front of the building, and that its dimensions will be 27 square feet and 4.5 feet tall. He further testified that the sign will require a variance for setback since a 15-foot setback is required and the proposed sign will have a 10-foot setback.

Mr. Clarkin called Jay Troutman, Jr., PE, to provide traffic testimony. He was sworn in and the Board accepted his credentials. Mr. Troutman provided testimony stating that the current building on the site obstructs drivers' view of the stop bar. He emphasized that the proposed new structure would provide drivers with a clear view of, and therefore the ability to stop at, the stop bar, leading to an increase in the traffic gap. From a traffic perspective, he confirmed that this proposed change would be safer than the current structure. Mr. Troutman also testified that the proposed use is anticipated to have a minor impact on traffic and the proposed drive aisle's width will not contribute to driving congestion. He concluded his testimony by asserting that the proposed use would not generate a significant number of new trips.

Mr. Clarkin called Dawn Corcoran, PP to provide planning testimony. She was sworn in and the Board accepted her credentials in the field of professional planning. Ms. Corcoran began by stating that the property is especially well-suited for the proposed purpose, due to the existence of other commercial establishments on the same street and adjacent residences. She explained that the planned location of the new building, further away from the front property boundary compared to the current structure, will enhance

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the visibility at the intersection, thereby improving safety for those traveling in and around the area. Ms. Corcoran also added that the property lacks the size required to accommodate a school and is not suitable for a single-family dwelling, and that as a corner lot with two frontages, the property presents a hardship since a builder cannot adjust the building size to accommodate the zoning ordinance. This led to her conclusion that the property could not be used for its zoned purpose.

Ms. Corcoran asserted in her testimony that the planned development adheres to purposes (g) and (i) of the MLUL and aligns with the master plan and zoning ordinance of the Borough. She emphasized that the benefits of the proposed development significantly outweigh any potential detriments. Further, Ms. Corcoran opined that the mixed-use proposal would serve as a good transition from the school to the residences, contributing to the preservation of residential neighborhoods. She argued that this would be achieved by introducing a new structure that complements the existing neighborhood's character. Her testimony included her conclusions that the variances could be granted without substantial detriment to the public good and without substantial impairment to the Borough's zone plan and zoning ordinance.

One member of the public questioned whether there is an actual demand for office space. Mr. Iarrapino responded on behalf of the applicant by testifying that he has had success with similar rental units and is confident the space will be occupied.

The board and Mr. Clarkin confirm the conditions discussed during the hearing. The professional offices within the mixed-use building are specifically restricted to non-medical professional services, such as those typically provided by lawyers, accountants, and similar professions. Under no circumstances shall the applicant lease, rent, or otherwise make available spaces within the mixed-use building for the purpose of medical services, clinics, doctors' offices, dental practices, or any other form of health-related businesses. The applicant shall construct solid white-vinyl fencing for the property to block the view of the neighboring fence and shall work with the neighbor in good faith to accomplish this. The applicant shall work in good faith with the Board's professionals to address any lighting concerns, which may require additional features. Lighting levels shall be zero at the property line. The applicant shall provide a trench to carry stormwater runoff from the property, and re-pave the driveway along the frontage of the property and add new concrete wherever necessary. The applicant shall comply with the recommendations in the Board Engineer's review memorandum dated April 21, 2023. The applicant shall work with the Board Engineer to resolve any outstanding issues. The applicant shall work in good faith with the Board's professionals to make appropriate architectural enhancements.

The applicant shall plant trees on the side of the property facing Barone Avenue. The trees shall be of the largest variety without sacrificing longevity. Residential tenants shall not be permitted to access the attic. Applicant shall construct a sign prohibiting left turns out of the premises. The applicant shall employ overhead supports for the canopies rather than using pillars.

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

ADJOURNMENT: 9:02PM

Respectfully Submitted,
Stephanie Merola
Recording Secretary