

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
September 19, 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
April Wasnick
Cindy Eichler
Scott Miller, 2nd Alt.
Gino Leonardis, Chairman
James Gustafson, Vice Chairman

Absent:

Joseph Scrudato, 1st Alt

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

RESOLUTIONS:

Case #17-23 – Bernice Marshall, Block 354: Lot 14: R-10 Zone, 318 Belmont Avenue.

The applicant has requested a lot width variance to build a new home on an existing undersized lot. The lot width is 93.40 feet where 100 feet is required. *Required – 100' Proposed – 93.40' Variance – 6.6'*. Chairman Leonardis calls for a motion of approval. Ms. Eichler made motion, seconded by Ms. Wasnick. Those in favor: Mr. Bonanno; Mrs. Eichler; Mr. Miller; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None.

Case #18-23 – Angelo Angelini, Block 124: Lot 3: R-7.5 Zone, 59 Leeds Drive

The applicant has requested a side yard variance for a deck. *Required – 8' Proposed – 6' Variance – 2'*. Chairman Leonardis calls for a motion of approval. Ms. Eichler made motion, seconded by Ms. Wasnick. Those in favor: Mr. Bonanno; Mrs. Eichler; Mr. Miller; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None.

HEARING:

Chairman Leonardis reads an email from Douglas Wilson, Esq., attorney for the applicant regarding Case #26-23 – JSM at South Clinton LLC, Block 448: Lot 4.06: M-3 Zone, 3301-3393 South Clinton. The applicant has requested this matter be carried without further notice to October 3, 2023, and grants the board an extension of time of decision through the October 3, 2023 date Mr. Flynn confirms that this matter will be heard on October 3, 2023 at 7:00PM in this room with no further notice to be given.

**Case #19-23 – Carlos Cherres
Block 138: Lot 15: R-7.5 Zone
1238 Walnut Ave**

The applicant is requesting a front yard setback, rear yard setback, and lot depth variance to build a 2nd story and an addition.

Lot Depth: Required – 100' Existing – 84.36' Variance – 15.64'
Front yard: Required – 30' Existing – 22.9' Variance – 7.1'
Rear yard: Required – 20' Proposed – 17.16' Variance – 2.84'

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Mr. Flynn states that he reviewed the notices and one (1) certified letter to a property owner within 200 feet was missed, and two (2) were incorrect. The board is not able to act on this application this evening. Those three (3) must be corrected at least 10-days before the next hearing date which is scheduled for October 3, 2023. Mr. Flynn states that this matter is being carried to October 3, 2023 at 7:00PM in this room with no further notice to be given. Mr. Flynn summarizes why and the next steps for the homeowners.

Case #20-23 – David Hackett and Amanda Smith
Block 138: Lot 31: R-7.5 Zone
1111 Clinton Terrace

The applicant is requesting a side yard setback variance for a roof over a deck.

Required – 8' Proposed – 4.15' Variance – 3.85'

The owners, David Hackett and Amanda Smith, were sworn in. Mr. Hackett and Ms. Smith stated they are before the Board to construct a second-story addition to their existing residence and build a roof over their existing deck, basically an add-a-level for an additional bedroom. The deficient side-yard setback is an existing condition when the applicants previously expanded their home on the first floor, resulting in a 3.85-foot deficiency from the required 8-foot side-yard setback. This was approved with the condition that no windows would be inserted into the façade facing the neighbor's property. The addition will be constructed on top of what was previously approved, with a roof to be added over the existing deck. The applicant has a contractor in place. Mr. Hackett and Ms. Smith agreed to the following conditions: The deck shall not be enclosed as living space, all new siding must substantially match existing conditions of the home, and no windows shall be added on the addition facing the side-adjacent neighbor. Chairman Leonardis opened the discussion to the Public. No comments or questions. With no contributors, Chairman Leonardis closes the public portion.

Chairman Leonardis calls for a motion of approval. Vice Chairman Gustafson made motion, seconded by Ms. Eichler. Those in favor: Mr. Bonanno; Ms. Cullen; Ms. Eichler; Mr. Miller; Ms. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None.

Case #23-23 – Cesar Sic Morente
Block 438: Lot 3: R-7.5 Zone
259 Woolworth Ave

The applicant is requesting a rear yard setback variance for a 2nd story addition with a deck.

Required – 20' Proposed – 18' Variance – 2'

The owner, Cesar Morente, were sworn in. Mr. Morente stated he was before the Board for approval to construct a second-story addition on the rear of the property, together with a second-floor deck and ground-floor patio. The proposal is to build an additional bedroom over the existing garage with a deck accessible from that bedroom. The driveway makes the garage accessible from the side, and the property is currently under construction to replace the existing siding, as it was a commercial building that has been turned into a residential dwelling after the applicant purchased the property in 2017. After construction, there will be three second-floor bedrooms and the downstairs "bedroom" will be converted to a home office, for five bedroom and one-and-a-half bathrooms total. The existing garage is proposed to be converted into a living room. The proposed deck and existing shed shall both not be enclosed as living space. Mr. Morente agreed to the following conditions: All new siding must substantially match the rest of the home; the bedrooms shall be limited to the second floor and the first-floor room in question shall be converted to office space. Chairman Leonardis opened the discussion to the Public. No comments or questions. With no contributors, Chairman Leonardis closes the public portion.

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Chairman Leonardis calls for a motion of approval. Ms. Eichler made motion, seconded by Ms. Cullen. Those in favor: Mr. Bonanno; Ms. Cullen; Ms. Eichler; Mr. Miller; Ms. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None.

Case #24-23 – Elizabeth Diamant
Block 243: Lot 8: R-10 Zone
446 Joan Street

The applicant is requesting a secondary front yard setback and a height variance for a detached garage over the allotted square footage.

Secondary Front yard: Required – 30' Proposed – 5' Variance – 25'

Height: Required – 15' Proposed – 21' Variance – 6'

The owners, Elizabeth Diamant and Keith Winsmann, were sworn in. Ms. Diamant and Mr. Winsmann stated that their property was situated on a corner lot, and she was looking to build a two-car accessory garage into the required front-yard setback off Puha Road. The plans included the construction of a 700 sq. ft. garage to be used for the storage of lawn equipment, patio furniture, and seasonal decorations. The applicants testified that they currently own one SUV, one truck, and one sedan. The entire house has been remodeled, and the garage will be built onsite by a contractor and will include a second-floor loft. The applicant agreed selling the temporary trailer stored on site as a condition of approval. After some discussion, the Board asked the applicant to revise the plans to reduce the intensity of the proposal and adjourn her hearing without further notice to the next meeting date, October 3, 2023.

Case #25-23 – Jennifer & Scott Bechtoldt
Block 418: Lot 1: R-10 Zone
2024 Hamilton Boulevard

The applicant is requesting a secondary front yard setback for an addition to the existing garage.

Required – 30' Proposed – 8' Variance – 22'

The owners, Scott and Jennifer Bechtoldt, were sworn in. Mr. and Mrs. Bechtoldt appeared before the Board and stated that their property was situated on a corner lot, and they were looking to build an addition to their garage into the required secondary front-yard setback off of Strong Place. The applicants testified that Mrs. Bechtoldt is handicapped and required a stairlift as part of the 20x26 ft. addition. Mr. and Mrs. Bechtoldt will be expanding their garage from a single car garage to a two-car garage. The additional space in the garage will be used for storage and a vehicle. The garage doors will face Hamilton Blvd., and the windows will face Strong Place. The addition will be 20 ft. by 26 ft. Mr. and Mrs. Bechtoldt agreed to construct the addition with the same siding as the existing garage. Chairman Leonardis opened the discussion to the Public. No comments or questions. With no contributors, Chairman Leonardis closes the public portion.

Chairman Leonardis calls for a motion of approval. Vice Chairman Gustafson made motion, seconded by Ms. Eichler. Those in favor: Mr. Bonanno; Ms. Cullen; Ms. Eichler; Mr. Miller; Ms. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None.

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 August 15, 2023)

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Chairman Leonardis calls for a motion of approval. Ms. Eichler made motion, seconded by Ms. Wasnick. Those in favor: Mr. Bonanno; Mrs. Eichler; Mr. Miller; Mrs. Wasnick; Mr. Scrudato; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None.

James F. Clarkin, III, Esq. – Clarkin & Vignuolo, PC, 86 Washington Avenue, Milltown, New Jersey – attorney for applicant addressed the Board and gave a summary of previous testimony. The applicant shall comply with the recommendations in the Board Engineer's review memorandum dated September 19, 2023. The applicant shall comply with the recommendations in the Board Planner's review memorandum dated September 11, 2023. 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.

Board members and Mr. Clarkin discuss traffic concerns. Ms. Eichler states that there has not been 100% capacity at this location for many years, therefore difficult to compare. All applications state that the trucks do not travel at the peak hour, but the roadways are filled with trucks during those hours. Mr. Gustafson states that this would not be as much of an issue if the Hadley and Stelton intersection was not a problem intersection. At what point are we no longer creating a greater good for the Borough. Appreciate the funding of the regional traffic study. Discussion between the board members and Mr. Adler who remains sworn in. Mr. Gustafson comments on saturation regarding traffic, and we are at the tipping point of saturation in the neighborhood. Chairman Leonardis opened the discussion to the Public. No comments or questions. With no contributors, Chairman Leonardis closes the public portion. Chairman Leonardis makes final comments and concludes.

Chairman Leonardis calls for a motion of approval. Vice Chairman Gustafson made motion, seconded by Mr. Miller. Those in favor: Mr. Bonanno; Ms. Cullen; Mr. Miller; Ms. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: Ms. Eichler

ADJOURNMENT: 9:09PM

Respectfully Submitted,
Stephanie Merola
Recording Secretary