



CITY OF PLAINFIELD
ZONING BOARD OF ADJUSTMENT
515 WATCHUNG AVENUE, ROOM 202
PLAINFIELD, NJ 07060



ADRIAN O. MAPP
MAYOR

D. Scott Belin, Chairman
Alejandro Ruiz, Vice Chairman

MEETING MINUTES
WEDNESDAY JUNE 3, 2015 AT 7:00 P.M.
PLAINFIELD CITY HALL LIBRARY
515 WATCHUNG AVENUE, PLAINFIELD N.J. 07060

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I. **CALL TO ORDER** – Chairman Belin called the meeting to order at 7:11 p.m. at which time he then read the following statement:

II. **OPEN PUBLIC MEETING STATEMENT**

“The annual schedule of this meeting has been duly noted in the Courier News and the Star Ledger. In addition, a copy of the notice is posted in the City Clerk’s office, the Planning Division office and the City’s website in accordance to the regulations of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. This is a regularly scheduled meeting of the Board.

III. **ROLL CALL**

Membership	Jan 22	Feb 4	Mar 4	Apr 1	May 6	Jun 3	Jul 1	Aug 5	Sep 2	Oct 7	Nov 4	Dec 2	Term of Office
D. Scott Belin Chairman	P	P	--	P	P	P							12/31/2018 (4 year term)
Alejandro "Alex" Ruiz Vice Chairman	-	P	--	P	-	P							12/31/2016 (4 year term)
Mary Burgwinkle	P	P	--	P	P	P							12/31/2016 (4 year term)
Frank Johnson	P	P	--	-	-	P							12/31/2015 (4 year term)
Charles McRae	P	P	--	P	P	P							12/31/2017 (4 year term)
Jim Spear	P	P	--	P	P	P							12/31/2016 (4 year term)
Rich Sudol	P	P	--	P	P	P							12/31/2018 (4 year term)
Robert K. Graham Alternate No.1	P	P	--	P	P	P							12/31/2016 (2 year term)
Lana Carden, Alternate No.2	V	V	V	V	P	P							12/31/2015 (2 year term)
Attendance Total	7	8	--	7	7	9							

Ledger: Present (P); Absent (A); Meeting Cancellation; (--): Vacancy (V);

IV. OTHERS IN ATTENDANCE

Name	Affiliation
Peter Vignuolo, Esq.	Board Attorney
Bill Nierstedt	Planning Director
Rosalind Miller	Board Secretary

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS – Chairman Belin opened the meeting for public comments and/or statements on items that are not on the agenda and limited 2 minutes maximum per comments/statements. Hearing none, the public comments on non-agenda items was closed.

VI. MINUTES – none

VII. RESOLUTION (MEMORIALIZATION(S))

1.

ZBA-12-14	Edgar Solano, of Solano's Auto Repair	414-418 Madison Avenue	702	6	MU Mixed Use Zone District
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- Chairman Belin asked the board, if there were any questions/comments in regards to the resolution memorialization. Hearing none, he entertained a motion.
- On a motion by Board Member Burgwinkle and seconded by Board Member Spear, the board voted as follows granting preliminary and final site plan approval to expand an existing non-conforming use by proposing to construct a freestanding canop in front of an automobile repair shop as stipulated.

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Belin	Burgwinkle	McRae	Spear	Sudol	Graham	Carden
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Seven in favor. None opposed. None abstained.

2.

ZBA-2015-05	Diana McCague	55 Laramie Road	730	10	R-3 Low/Moderate Residential Density Zone District
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- Chairman Belin asked the board, if there were any questions/comments in regards to the resolution memorialization. Hearing none, he entertained a motion.
- On a motion by Board Member Burgwinkle and seconded by Board Member Graham, the board voted to deny relief from completeness checklist waiver and relief from §17:9-34E of the Land Use Ordinance "If a garage is demolished, a new garage must be constructed within one (1) year from obtaining a demolition permit", but granted an extended period of time of ten (10) years to construct a garage and other conditions.

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Belin	Burgwinkle	McRae	Spear	Sudol	Graham	Carden
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Seven in favor. None opposed. None abstained.

VIII. DEVELOPMENT APPLICATION(s)

1.

ZBA-2015-01	H&S Fuel Inc., c/o Ramon & Jill Adoni	1100 South Avenue	623	1	TODN-TSC/Train Side Commercial Zone District
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- City Planner Nierstedt reported that the applicant requested adjournment to the board's next meeting. The Board carried this application to the August 5, 2015 board meeting.

2.

ZBA-2015-07	Otis Coney	710-716 Belvidere Avenue	903	2	R-NH Netherwood Heights Historic Zone District
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- City Planner Nierstedt reported that the applicant's attorney requested that this application be carried a July meeting. The Board carried this application to August 5, 2015 meeting until further notice from the applicant's attorney.

3)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-12-33	109 East 4 th Street, LLC	109 East 4 th Street	840	8	CBD Central Business District

- Board Attorney Vignuolo advised the board of a letter addressed to Board Secretary Miller requesting an adjournment to the board's next meeting. The Board carried this application to the August 5, 2015 board meeting.

4)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-14-19	Jose Mora	1116 West Front Street	221	18	R-4 Moderate Density Residential Zone

- City Planner Nierstedt reported that the applicant requested adjournment to the board's next meeting. The Board carried this application to the August 5, 2015 board meeting.

5.

ZBA-15-04	Dimitris Pierce & Kesi Diaz	827 Third Place	829	14	R-CA Crescent Area Historic Zone District
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- Board Attorney Vignuolo advised the board that the applicant provided affidavit of service and affidavit of publication, therefore the board has jurisdiction.
- Board Member Sudol has recused himself from this application.

- Property Owners Kesi Diaz-Pierce and Dimitris Pierce, of 827 Third Place, Plainfield New Jersey were sworn in to provide testimony on behalf of the application. Mrs. Diaz explained that their family is seeking to install a swimming pool and a deck for the family.
- The Board addressed City Planner Nierstedt's report dated April 30, 2015 reviewing the applicant's request for relief from two (2) waivers and relief from the maximum permitted lot coverage requirement to construct an in-ground swimming pool with a patio in the rear yard and to include a 6 foot height security fence. The board granted the two (2) waivers as presented by general consent.
- Board members asked if the property owners intend in the future to install a diving board. Mrs. Diaz-Pierce replied no, it is safer for the children to walk into the pool and not dive into the pool. After hearing no further discussion, the meeting was opened for public questions and/or comments. Hearing none, the public portion of the meeting was closed.
- The board made comment in favor of the application and that the applicant willingly proceeded with the process of applying for the variance. After there being no further discussion, Chairman Belin entertained a motion. On a motion by Vice Chairman Ruiz and seconded by Board Member Burgwinkle, the board voted as follows granting relief from permitted lot coverage requirements to construct an in-ground swimming pool with a patio in the rear yard as written.

Belin	Ruiz	Burgwinkle	Johnson	McRae	Spear	Graham
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Seven in favor. None opposed. None abstained.

6)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-15-16	Union County College	225 Roosevelt Avenue	307	1.01	TODD/CD Transit Oriented Development Downtown/College District Zone

- Anthony J. Peterpaul, Esq., of One Cleveland Place, Springfield New Jersey represented the applicant. Mr. Peterpaul explained that the applicant is requesting relief from bulk requirements to permit a fifty-six (56) square foot sign facing Roosevelt Avenue to Union County College. Mr. Peterpaul stated for the record in his opinion that Union County College should not be subject to land use restriction, but that the applicant is willing to remain in good standing with the city subjecting to the submission of a sign regulations.
- Henry Key, Director of Facilities for Union County College, 1033 Springfield Avenue, Cranford New Jersey was sworn in to provide testimony on behalf of the application.
- Noel Musial, Registered Architect, of 191 Mill Lane, Mountainside New Jersey was sworn in to provide testimony on behalf of the application. Mr. Musial explained that the existing sign consisted of a large yellow canopy and once taken off it was covered by old wood studs. He talked about the proposal indicating individual lettering and that the letters would be halo LED lit including the logo. He said upon approval the sign will be ordered and the total time frame takes about 2 months.
- After hearing no further testimony from the professionals, the meeting was opened to the public. Hearing none, the public portion of the hearing was closed.
- The Board made recommendations in regards to the LED lighting of the sign and that it should not impact the residential area and to work with the Board's professional on the proper lighting and sign regulations. After hearing no further recommendations, Chairman Belin entertained a motion. On a motion by Vice Chairman Ruiz and

seconded by Board Member McRae, the board voted as follows granting relief from bulk requirements to permit a fifty-six (56) square foot sign as stipulated.



Belin	Ruiz	Burgwinkle	Johnson	McRae	Spear	Graham
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Seven in favor. None opposed. None abstained.

7)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-15-08	Greater Refuge Church Inc. c/o Kelvin Randolph	600 Grant Avenue	552	7	

- Board Attorney Vignuolo advised the board that the applicant provided affidavit of service and affidavit of publication, therefore the board has jurisdiction.
- Board Member Graham has recused himself from this application.
- Anthony J. Peterpaul, Esq., of One Cleveland Place, Springfield New Jersey represented the applicant.
- Leon Harrell, Bishop, 104 Richmond Place, Somerset New Jersey was sworn in to provide testimony on behalf of the application. Bishop Harrell reported that the LED signs will bring enhancement and information to the community of activity of events of the church.
- Kelvin Randolph, a representative, of 221 East Hendricks Blvd, South Plainfield New Jersey was sworn in to provide testimony on behalf of the application. Mr. Randolph explained the proposed sign will scroll a message and activities of the church on a weekly and monthly basis, facing the Grant Avenue side and said that there will be no impact because the lighting will be deemed down at night.
- The Board addressed City Planner Nierstedt's report dated May 26, 2015 reviewing the applicant's request for relief from two (2) ground sign requirements section § 17:9-51.K.5 of the city land use ordinance which prohibits signs with lights or illuminations or electrical pulsation. After there being no further discussion, the public portion of the meeting was opened for questions and/or comments.
- Miranda Quarles, Administrator, of 1121 Field Avenue, Plainfield New Jersey was sworn in to provide testimony on behalf of the application. Ms. Quarles expressed that the church is seeking to bring awareness of their ministry to the residents of activities the church provides.
- Deputy City Administrator for Economic Development Carlos Sanchez said that the city favors nonprofit entities and religious organizations to assist in providing social services and he encourages consideration in relief of the sign variance.
- After there being no further public statements and/or comments, the public portion of the hearing was closed.
- The board expressed concern of setting a precedence of LED flashing type signs all over the city, specifically in residential areas, distraction to drivers, many residents are aware of church activities, the board is in favor of technology, but support the city sign code regulations. After there being no further comments from the board, Chairman Belin entertained a motion.
- On a motion by Board Member Burgwinkle and seconded by Board Member Johnson, the board voted to grant relief for a ground sign requirements section § 17:9-51.K.5 of the city land use ordinance which prohibits signs with lights or illuminations, scrolling or electrical pulsation with conditions.

Name	Aye	Nay	Abstain
D. Scott Belin, Chairman		X	
Alex Ruiz, Vice Chairman	X		
Mary E. Burgwinkle	X		
Frank Johnson	X		
Charles McRae		X	
Jim Spear		X	
Rich Sudol		X	
Robert K. Graham, Alternate No.1			
Lana Carden, Alternate No.2			

Three in favor. Four opposed. None abstained.

- The first motion died. A second motion was taken as follows on a motion by Board Member McRae and seconded by Board Member Spear, the board voted as follows to deny relief for a ground sign requirements section §17:9-51.K.5 of the city land use ordinance which prohibits signs with lights or illuminations, scrolling or electrical pulsation as stipulated.

Name	Aye	Nay	Abstain
D. Scott Belin, Chairman	X		
Alex Ruiz, Vice Chairman			X
Mary E. Burgwinkle		X	-
Frank Johnson		X	
Charles McRae	X		
Jim Spear	X		
Rich Sudol	X		
Robert K. Graham, Alternate No.1			
Lana Carden, Alternate No.2			

Four in favor. Two opposed. One abstained.

8)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-08-01	Sumo Urban Renewal Corporation	1024-1034 South Avenue	622	5	R-3 Low/ Moderate Density Residential Zone District

- The Board reviewed revised building elevations. After discussion on the materials of the facade, mansard roof and molding and casings around the windows. A subcommittee was set with Vice Chairman Ruiz, Board Members Spear and Sudol to meet with professionals for a final site plan and a time frame of schedule. After there being no further discussion, a motion was entertained by Board Member Burgwinkle and seconded by Board Member Spear, the board voted as follows meet with subcommittee on design that meets close to original approval and provide a time line that will not exceed 12 months subject to review of the subcommittee.

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| Ruiz | Burgwinkle | Spear | Sudol |
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Four in favor. Two opposed (Johnson, McRae) One abstained (Belin)

9)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-12-01	Plainfield South Avenue Center, Inc.	1405-1479 South Avenue	624	13	NC Neighborhood Commercial Zone

- Ronald Cucchiaro, Esq. represented on behalf of the applicant is requesting a special meeting to retain and enhance the two existing pylon signs and to install wall signs. The board scheduled a special hearing to July 23, 2015.

10)

ZBA-13-11	M & W Towing Services, LLC	413-421 West Second Street / 201-205 New Street (corner lot)	243	1	MU Mixed Use Zone District
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- Donald B. Whitelaw, Esq. represented on behalf of the applicant asked if the board can add their application to the special meeting of July 23, 2015. The Board carried this application to July 23, 2015 with no further notice required.

11)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-14-31	314-316 Terrill Road, LLC	314-316 Terrill Road	458	40	R-2 Low Density Residential Zone

- Board Attorney Vignuolo advised the board that the applicant provided affidavit of service and affidavit of publication, therefore the board has jurisdiction.
- Howard Lipstein, Esq., of 535 Morris Avenue, Springfield, New Jersey represented on behalf of the application. Mr. Lipstein explained that the applicant is requesting relief from R-2 bulk requirements to construct first and second floor additions to an existing one-family dwelling.
- Celestino Mendes, Property Owner, of 105 Janelle Court, Bedminster New Jersey was sworn in to provide testimony on behalf of the application. Mr. Mendes said that he currently purchased the property with some water damages and he is looking to make improvements.
- Sam Awad, Registered Architect, of 10 Huntley Road, Summit New Jersey was sworn in to provide testimony on behalf of the application. Mr. Awad explained the existing structure has a flat roof proposing to raise the roof to a peak, in need of repair to the rear porch and redesign proposal additional living space.
- The board addressed the City Planner's report dated May 11, 2015 and made recommendations that the applicant comply with said report. After there being no further discussion, the meeting was opened for public questions and/or comments. Hearing none, the public portion of the meeting was closed. There being no further discussion of the board, Chairman Belin entertained a motion. On a motion by Board Member McRae and seconded by Board Member Johnson, the board voted as follows granting preliminary and final site plan approval for relief from R-2 bulk requirements to construct first and second floor additions to an existing one-family dwelling as written.



Belin	Ruiz	Burgwinkle	Johnson	McRae	Spear	Sudol
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Seven in favor. None opposed. None abstained

IX. OLD BUSINESS - none

X. NEW BUSINESS - none

XII. ADJOURNMENT – There being no further business, the meeting adjourned on a motion by Board Member Spear and seconded by Board Member Sudol at 11:07 p.m.

Respectfully submitted,

Rosalind Miller
Board Secretary

NOTE: The Board will not hear any cases after 10:30 p.m. All documents are available for inspection at the City Hall, Division of Planning, Second Floor-Room 202, 515 Watchung Avenue between 9:00 a.m. to 4:30 p.m. For further assistance please call (908) 753-3486.

ZBA meeting.6/3/2015