



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 SEPTEMBER 2, 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 7:07 p.m. at which time he then read the following open public meeting statement:

- II. **OPEN PUBLIC MEETING STATEMENT** - "This meeting has been duly advertised in accordance with the open public meetings act, 10:4-6 et seq. The annual schedule of board meetings has been published in the Courier News and the Star Ledger. In addition, copies of the notice have been posted in the City Clerk and Planning Division offices. 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 23	Aug 5	Sep 2	Oct 7	Nov 4	Dec 2	Term of Office
D. Scott Belin Chairman	P	P	--	P	P	P	P	P	P				12/31/2018 (4 year term)
Alejandro "Alex" Ruiz Vice Chairman	-	P	--	P	-	P	-	P	P				12/31/2016 (4 year term)
Mary Burgwinkle	P	P	--	P	P	P	P	P	P				12/31/2016 (4 year term)
Frank Johnson	P	P	--	-	-	P	-	P	P				12/31/2015 (4 year term)
Charles McRae	P	P	--	P	P	P	P	P	P				12/31/2017 (4 year term)
Jim Spear	P	P	--	P	P	P	P	P	P				12/31/2016 (4 year term)
Rich Sudol	P	P	--	P	P	P	P	P	P				12/31/2018 (4 year term)
Robert K. Graham Alternate No.1	P	P	--	P	P	P	P	P	P				12/31/2016 (2 year term)
Lana Carden, Alternate No.2	V	V	V	V	P	P	P	-	P				12/31/2015 (2 year term)
Attendance Total	7	8	--	7	7	9	7	8	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 a maximum of 2 minutes per comments/statements. Hearing none, the public comments on non-agenda items was closed.

VI. MINUTES – none

VII. RESOLUTION (MEMORIALIZATION(S))

1)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-15-07	Otis Coney	710-716 Belvidere Avenue	903	2	R-NH Netherwood Heights Historic District

- 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 Sudol, the board voted as follows to dismiss this application with prejudice to construct a 2.5 story single family dwelling on an existing concrete slab. The new single-family dwelling will replace a single-family dwelling that was destroyed by fire as stipulated.

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

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-14-32	Manual and Maria Ruano	530-538 West Front Street	234	7 and 8	R-4 Moderate Density Residential Zone

- 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 McRae, the board voted as follows granting a use variance to convert a two-family dwelling to a three-family dwelling on Lot 8 including to utilize adjacent Lot 7 for shared parking as stipulated.

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

3)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-15-22	Queen City Academy Charter School	815 West Seventh Street	533	8	R-4

- 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 McRae, the board voted as follows granting a conversion of an existing auditorium to additional four classrooms in an existing charter school as stipulated.

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Belin	Burgwinkle	Johnson	McRae	Sudol	Graham
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Six in favor. One opposed (Spear). None abstained.

4)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-13-11	M&W Towing Services, LLC	413-421 West 2 nd St. 201-205 New St.	243	1	MU Mixed Use Zone District

- 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 McRae, the board voted as follows granting a use variance and preliminary site plan approval to expand an automobile body shop to include automobile repair services, automobile towing, and automobile storage as stipulated.

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

VIII. DEVELOPMENT APPLICATION(S)

1)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2015-06	Noble Way, Inc.	1437-1439 Park Avenue	25	3	R-3 Low/Moderate Density Residential Zone

- Board Attorney Vignuolo advised the board that the applicant's counsel request adjournment to the October board meeting. He said that the applicant had not the opportunity to provide notices both to the city of Plainfield and township of South Plainfield. The board scheduled this hearing for the October 7, 2015 board meeting.

2)

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

- Board Attorney Vignuolo advised the board that the applicant requested adjournment. The board carried this application to October 7, 2015 board meeting. No further announcement will be made. The applicant is seeking variance relief from signage requirements in the Neighborhood Commercial Zone.

3)

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

- Board Attorney Vignuolo advised the board that the applicant requested adjournment. The applicant is requesting waivers from completeness checklist requirements, a d(2) "expansion of a nonconforming use" variance, a d(5) "increase in permitted density" variance, relief from one (1) R-4 bulk requirement (maximum permitted lot coverage), relief from supplementary zone regulations, waivers from design and performance standards, preliminary and final site plan approval to convert a four-unit residential apartment building to a 6-unit residential apartment building with fifteen (15) on-site parking spaces are proposed. The board carried this application to October 7, 2015 board meeting.

4)

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

- City Planner Nierstedt explained that the applicant was granted a prior approval to convert the former AT&T building to apartments. He said the parking lot was owned by the city at the time of the approval. He explained that the city had a sale to highest bidder at which time the owner purchased the parking lot, but now that the owner owns the lot, the applicant will need to apply for site plan approval. He explained that the applicant will be requesting relief from zone requirements to construct a parking lot accessory to an existing eight (8) unit apartment complex. Board Attorney Vignuolo advised that the application be removed while the applicant decides to apply for a full site plan application. No further action was taken.

5)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-15-01	H & S Fuel Inc., c/o Ramon & Jill Adoni	1100 South Avenue	623	1	TODN-TSC-Train Side Commercial District Zone

- Board Attorney Vignuolo advised the board that the applicant is requesting adjournment to the next available meeting. The applicant is seeking interpretation of the zoning ordinance to continue an automobile repair facility use. The property is located in the TODN-TSC zone district which does not permit automobile repair facilities. The Board carried this application to the October 7, 2015 board meeting.

6)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-13-08	Carl's Towing	412-414 East Second Street	307	20	East Third Street / Richmond Street Plan for Redevelopment

- Board Attorney Vignuolo advised the board that the applicant had not provided public notice, therefore the board does not have jurisdiction to hear this request for a use variance, relief from bulk requirements, relief from supplementary zoning regulations, waivers from design/performance standards, preliminary and final site plan approval for an automobile repair, automobile dealership, and automobile towing/storage facility. The Board carried this application to October 7, 2015 upon receipt of the public notice.

7)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-15-19	Grace Episcopal Church	600 Cleveland Avenue	837	1	TODD-TD-Transit Oriented Development Downtown-Transition District Zone

- Walter Abrahms, Esq., of 2201 S. Clinton Avenue, South Plainfield New Jersey represented on behalf of the applicant. Mr. Abrahms explained that the applicant is proposing to replace an existing ground sign with a new 5' x 5' two-sided ground sign. The applicant is requesting waivers from completeness checklist requirements and relief from §17:9-51.F.2 of the city land use ordinance that permits wall signs and projecting signs only in the TODD/TD district zone.
- Board Attorney Vignuolo advised that the board has jurisdiction to hear this application.
- Board Member Spear recused himself from this application.
- City Planner Nierstedt explained the sign regulations in the TODD/TD zone (Transit Oriented Developed Downtown/Transit District Zone) of the Land Use Ordinance indicating ground sign is not permitted in the TODD/TD zone.
- Gideon Uzomechina, of 423 West 8th Street Plainfield New Jersey and a priest of the church was sworn in to provide testimony on behalf of the application.

- Barbara Nichols, of 120 Chestnut Street, Middlesex New Jersey and a member of the governing body of the church was sworn in to provide testimony on behalf of the application. Ms. Nichols explained that the church is seeking to replace the existing sign of "Grace Episcopal Church" because it is weather worn from over the years. She explained that the church is seeking to replace it with a 5' x 5' two-sided ground sign with indirect lighting, same name, same lettering size, and request to permit a section under it to advertise kitchen services and other events. Ms. Nichols reported that because of the historical nature of the sign, the applicant received Certificate of Appropriateness approval from the Historic Preservation Commission dated May 13, 2015.
- After review of the proposed sign, board members made recommendations in regards to tree plantings in appropriate locations.
- Nancy Piowar, of 1182 Myrtle Avenue made comment regarding the church has a "wonderful history" in the city and is community oriented. After there being no further public comment, the public portion of the meeting was closed.
- After review of the proposed sign, board members made comment in favor of the application with regards to tree plantings in appropriate locations, a nice sign with no scrolling lights, but indirect lighting appropriate in the area.
- After hearing no further comments from the board members, Chairman Belin entertained a motion. On a motion by Vice Chairman Ruiz and seconded by Board Member Graham, the board voted as follows granting approval for relief from §17:9-51.F.2 of the city land use ordinance to replace an existing ground sign with a new 5' x 5' two-sided ground sign as written.

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

8)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2015-12	Heraline & Keith Francis	900 Lewis Avenue	523	8	R-3 Low/Moderate Density Residential Zone

- Board Attorney Vignuolo advised that the board has jurisdiction to hear this application.
- Property Owner Heraline Francis, of 900 Lewis Avenue Plainfield New Jersey was sworn in to provide testimony on behalf of the application. Ms. Francis explained that her home is a split level type home and the kitchen is on the second floor. She said that she has to walk around the house to go to the back yard when having summer cook outs. She said it would be easier to have a deck from the kitchen to the back yard. She said the size of the deck is a 12' x 18'.
- After hearing no further testimony from the applicant, the meeting was opened for public questions and/or comments. Robert Krause, of 936 Maltby Avenue Plainfield New Jersey expressed concern in regards to aesthetics of the proposed deck. After there being no further comment from the public, the public portion of the meeting was closed.
- The board had some discussion in regards to type of lighting, connect staircase from first story deck to the second story deck for access to the second story kitchen/dining area and tree plantings. After there being no further discussion, the board made comment in favor of the application and that the applicant's willingness to improve/enhance her property indicates no detriment to the neighborhood. Chairman Belin entertained a motion. On a motion by Vice Chairman Ruiz and seconded by Board Member McRae,

the board voted as follows granting approval for relief from the city land use ordinance to construct a 12' x 18' wooden deck onto the second level of the rear elevation of a single-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

XI. ADJOURNMENT – There being no further business, the meeting adjourned on a motion by Vice Chairman Ruiz and seconded by Board Member McRae at 8:17 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.