



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

ZONING BOARD OF ADJUSTMENT
MINUTES

DATE: WEDNESDAY SEPTEMBER 7, 2016
TIME: 7:00 P.M.
LOCATION: PLAINFIELD CITY HALL LIBRARY
515 WATCHUNG AVENUE, PLAINFIELD N.J. 07060

I. **CALL TO ORDER** – Chairman Belin called the meeting to order at 7:10 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 20	Mar 2	Apr 6	May 4	Jun 1	Jul 13	Aug 3	Sep 7	Oct 5	Nov 2	Dec 7	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	P	E	P				12/31/2016 (4 year term)
Mary Burgwinkle	P	P	P	P	P	P	P	E				12/31/2016 (4 year term)
Lana Carden	P	P	P	P	E	E	P	E				12/31/2019 (4 year term)
Charles McRae	P	P	P	P	E	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	7:13 p	P	P				12/31/2018 (4 year term)
Robert K. Graham, Alternate No.1	P	P	P	P	P	P	7:40 P	P				12/31/2016 (2 year term)
VACANCY, Alternate No.2	V	V	V	V	V	V	V	V				12/31/2015 (2 year term)
Attendance Total	8	8	8	8	6	7	7	6				

Ledger: Present (P); Absent (A); No Meeting (-); Vacancy (V)

IV. OTHERS IN ATTENDANCE

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

V. PUBLIC COMMENT(S) ON NON-AGENDA ITEMS – Limited to 2 minutes maximum per comment. (Subject to change by the Board Chairman) The meeting was opened for public comment(s) on non-agenda items. Hearing none, the public portion of the hearing was closed.

VI. MINUTES-On a motion by Vice Chairman Ruiz and seconded by Board Member McRae, the board accepted meeting minutes of May 4, 2016 meeting by voice vote of eligible members to vote has been approved as presented.

VII. RESOLUTION (MEMORIALIZATION(S))

1)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2013-20	Queen City Academy	815 West Seventh Street	533	8	R-3 Low/Moderate Density Residential Zone

➤ Chairman Belin asked if there were any questions and/or comment regarding the resolution. Hearing none, he entertained a motion. On a motion by Board Member McRae and seconded by Board Member Sudol, the board voted as follows to determine that the application did not make substantial changes, therefore the application was denied as written.

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Belin	McRae	Spear	Sudol
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Four in favor. None opposed. None abstained.

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-14	Steven Agudelo	918-922 Putnum Avenue	642	3	R-PW2 Putnam Watchung Historic District Zone

➤ Chairman Belin asked if there were any questions and/or comment regarding the resolution. Hearing none, he entertained a motion. On a motion by Board Member McRae and seconded by Board Member Graham, the board voted as follows granting relief from supplementary zoning regulations for a 12'W x 36' L x 11' H shed which was already erected in the rear yard and installation of an six-foot height cedar wood stockade fencing and other conditions.

➤

Belin	McRae	Spear	Sudol
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Four in favor. None opposed. None abstained.

3)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-16	Stephen Carson	518 Church Place	540	5	R-3 Low/Moderate Density Residential District Zone

- Chairman Belin asked if there were any questions and/or comment regarding the resolution. Hearing none, he entertained a motion. On a motion by Board Member Spear and seconded by Board Member Sudol, the board voted as follows granting a 10'x10' second story deck attached onto the second level of the rear elevation of a single-family dwelling with conditions.

➤

Belin	Spear	Sudol
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Three in favor. None opposed. None abstained.

4)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2015-32	Shiloh Baptist Church	523-527 W. 4 th St. 501-521 W. 4 th St. 408-410 Liberty Street 508-510 W. 5 th St. 530 W. 5 th St. 545-559 W. 4 th St.	772	9, 10.02, 15, 19, 25 and 36.01	R-2 Low Density Residential Zone

- The applicant is requesting use variances, variances from supplementary zoning regulations, waivers from site plan design and performance standards, preliminary and final site plan approval for the consolidation of Lots 10.02, 15, 19, and 25 into one (1) lot and constructs four (4) parking lots.

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Belin	Ruiz	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-2016-10	JSB340 Properties, LLC	915-919 North Avenue	340	5 and 6	TODN Netherwood Train Side Residential Zone

- Corey Klein, Esq., of Hehl & Hehl, Union New Jersey represented on behalf of the applicant made a request to adjourn to the board's next available meeting. The board carried this application to October 5, 2016 at which time Board Attorney Vignuolo announced that no further notices are required.

2)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-26	Susan Tomljanovic	551 Belvidere Avenue	910	27	R-3 Low/Moderate Density Residential Zone

- Board Attorney Vignuolo advised that the board has jurisdiction to hear this application.

- Robert Algarin, Register Architect, of 225 Lenox Avenue Westfield New Jersey was sworn on behalf of the applicant. Mr. Algarin explained that the applicant is seeking his site plan dated August 15, 2016 depicting a second floor addition that is directly over the first floor den to enlarge a second story bedroom which is the smallest bedroom of a three-bedroom home and extend a full bath to the master bedroom and walk in closet.
- After the board reviewed the city Planner's report dated August 24, 2016, floor plans and elevation plans. The board asked questions about if the material and windows will blend in. Mr. Algarin replied that the applicant agreed to the material and windows will blend in. After there being no further questions, the meeting was open for public questions and/or comments. Hearing none, the public portion of the hearing was closed. Chairman Belin asked if the board had any comments. The board made comment that it is a good improvement to the property and consistency with the neighborhood. The board made the following recommendations to the planting of two street trees subject to the Shade Tree Commission requirements. The applicant agreed to the conditions. After there being no further question, recommendations or comments, Chairman Belin entertained a motion.
- On a motion by Board Member McRae and seconded by Board Member Spear, the board voted as follows granting the applicant relief from combined side yard setback requirements to construct a second floor addition directly over the first floor to a single-family dwelling with conditions.

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

3)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-19	Maritza Pena Rubericy Guzman	700-704 Stelle Avenue	531	1	R-3 Low/Moderate Density Residential Zone

- Board Attorney Vignuolo advised that the board has jurisdiction to hear this application.
- Property Owner Rubericy Guzman was sworn in on behalf of his application. Mr. Guzman explained that he installed the fence for protection of his family, privacy and criminal activity.
- The Board reviewed the city Planner's report dated August 23, 2016 and expressed concern that the applicant installed six-foot high wood stockade privacy fence in the front yard without a permit. Planning Director Nierstedt reported that the applicant was issued a violation from the Zoning Officer therefore; the application is before this board for a variance.
- After hearing no further discussion, the meeting was opened for public questions and/or comments. Cynthia Johnson, of 712 Stelle Avenue, Plainfield New Jersey made comment that children need protection in their own yards because neighbors walk dogs like Rottweilers. She also indicated that dogs can jump a four foot fence and that the neighbor deserves keeping the fence. Naomi Belony, of 706 Shiloh Court, Plainfield New Jersey, made comment that there are others that have put up high fences and nothing has been done about it. Joylette Mills-Ransome, of 701 Stelle Avenue Plainfield New Jersey, made comment that the area is a quiet area and if this situation is breaking the ordinance law and a fence is required we should abide by the law. After hearing no further comments, the public portion of the hearing was closed.
- The Board made recommendations to keep the solid wood fence, cut it down to four feet height and remove from the property line and flush against the house. The applicant expressed that he want to keep the fence the way it is.
- The board commended the applicant for wanting improvements to his property, use of cameras and lighting can deter criminal activity, but there was not enough evidence

provided to meet their burden of proof for the variance. After hearing no further comments from the board, Chairman Belin entertained a motion to approve or deny this application. On a motion by Board Member McRae and seconded by Board Member Sudol, the board voted to deny this relief from the city Land Use Ordinance to retain the after-the-fact installation of a six-foot high wood stockade privacy fence in the front yard without obtaining a fence permit. The applicant remains in violation until a conforming fence with landscaping buffer is obtained as stipulated.



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

4)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-24	Damien Johnson Natasha Ali	1045 West Seventh Street	535	11.01	R-3 Low/Moderate Density Residential Zone

- Board Attorney Vignuolo advised that the board has jurisdiction to hear this application.
- Property Owners Damien Johnson and Natasha Ali were sworn in on behalf of the application. Mr. Johnson reported on ongoing parking issues since he purchased the home. He reported on a house of worship in the neighborhood and that parking sprawls into the cul-de-sac. He submitted Exhibits A1 to A5 of photographs indicating the parking issue. He said that when the home was built that his vehicles do not fit in the two-garage.
- The Board reviewed the city Planner's report dated September 1, 2016 indicating the applicant's relief from section 17:9-42.P of the city Land Use Ordinance regarding front yard parking. After review of the documentation, the board made recommendation to remove a portion of pavement away from the house, provide buffering and plant one shade tree. The applicant replied they are willing to comply. After there being no further comments and/or recommendations, the meeting was opened for public comments. Naomi Belony, of 706 Shiloh Court, Plainfield New Jersey, made comment that the Shiloh Court has not completely developed and she is concerned about property value, weeds grown on the undeveloped properties, parking issues for the neighborhood. Cedric Malone Belamy, expressed concern about the lack of parking for the church and its members and the emergency vehicles not able to get in and out of the court is a concern. After there being no further statements from the public, the public portion of the hearing was closed. Chairman Belin asked if the board had any further discussion. The Board commended the applicant for making improvements to their property and the willingness to comply with conditions. After hearing no further comments from the board, Chairman Belin entertained a motion. On a motion by Board Member Spear and seconded by Board Member Sudol, the board voted as follows granting approval for relief from supplementary zoning regulations in the city Land Use Ordinance §17:9-42.P to reduce the front yard parking of a driveway at a single-family dwelling with conditions.



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

5)

Application No.	Applicant	Property Address	Block	Lot(s)	Zone
ZBA-2016-12	1369-1403 South Avenue, LLC	1369-1403 South Avenue	624	12	NC Neighborhood Commercial Zone

- Joseph Paparo, Esq., of Hehl & Hehl, P.C., 370 Chestnut Street Union New Jersey represented on behalf of the application. Mr. Paparo addressed the board's prior concerns and revised plans indicating the following changes, reduction of the number of apartment units, increase the number of parking spaces, ADA accessibility, increase retail space, increase open green space and indicate truck turning template.
- Maurice Brown, Professional Licensed Engineer, of 391 Littleton Avenue, Newark New Jersey remains under oath as previously testified on behalf of the application. Mr. Brown presented Exhibit B1 depicting the changes of reduced number of apartment units from nineteen to fifteen one bedroom units, increase the number of parking spaces to include two handicap accessible, proposed location of the enclosed trash/recycling area, indicate trash removal from the building to location to be picked up by PMUA, indicated location of loading/unloading area for the retail/tenants, proposed landscaping around the perimeter and within the islands in the parking lot area.
- James Guerra, Registered Architect, of 55 Jefferson Avenue, Elizabeth New Jersey remains under oath as previously testified on behalf of the application. Mr. Guerra addressed the building elevations of a four-story structure, indicating additional windows, first floor retail, second and third floors six units and fourth floor three units, one-bedroom each unit, square footage, type of amenities, common space area, facade, roof top terrace and also rooftop heating/cooling condenser, balconies and type of fence.
- After the board reviewed the Planning Director's report dated August 29, 2016 and other city official reports and the applicant's willingness to comply, made the following comments that the applicant sought to resolve many of the board's concern regarding reduction in the number of units, trash/recycling issue, improvements to a vacant lot, and the applicant's willingness to meet timeline.
- There being no further discussion, Chairman Belin opened the meeting for public comments. Hearing none, the public portion of the meeting was closed. Hearing no further comments of the board, Chairman Belin entertained a motion. On a motion by Vice Chairman Ruiz and seconded by Board Member Sudol, the board voted as follows granting preliminary and final site plan approval, relief from bulk requirements, relief from parking requirements to construct a new four-story, mixed-use building consisting of 15 apartments and retail space as stipulated.

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

IX. OLD BUSINESS - none

X. NEW BUSINESS - none

XI. ADJOURNMENT – There being no further business, the meeting adjourned at 11:05 p.m. on a motion by Board Member Graham and seconded by Board Member McRae.

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.