

**BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
March 21, 2017**

**James Gustafson** 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 and The Courier News and providing 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:**

**James Gustafson, Vice Chairman  
Ken Bonanno  
Darlene Cullen, 2<sup>nd</sup> Alternate  
Cindy Eichler Robert Hughes  
Frank Lemos, 1<sup>st</sup> Alternate  
Also attending:** Larry Lavender, Esq.;

**Absent:**

**Gino Leonardis, Chairman  
Maria Campagna  
David Miglis**

**MINUTES:** None

**RESOLUTIONS:** None

**HEARING:** (3 Residential)

**A. Case #07-17 -- 500 Carlisle LLC  
Block 118: Lot 5.02: R-10 Zone  
500 Carlisle Street**

The applicant is requesting a front yard setback. Required 30 feet– Proposed 17.3 feet.

Peter Vignuola – Clarkin & Vignuola, PC, 1100 Centennial Avenue, Suite 203, Piscataway, New Jersey – attorney for applicant addresses the Board. This is an application to replace existing front porch, to construct a second floor addition to an existing one (1) story home and a two story addition. The second floor addition will be directly above the existing footprint. The two-story addition will be located to the west of the building - the rear left side if you are facing the building. The new 2 story addition will not create any new bulk variances. The existing house currently has six (6) rooms – two (2) bedrooms, bath, living room, dining room and kitchen all on one (1) floor. The applicant is proposing to create a living room, dining room, kitchen, full bathroom and guest bedroom on the first floor. Two (2) bedrooms, a full bathroom, a master bedroom with a full bathroom on the second floor. The addition will provide one car garage. The home will not be demolished. However, the existing home is non-conforming for the front yard setback for the porch and the dwelling. The applicant would like to keep these non-conformities. Otherwise, the house would have to be partially demolished which will create a hardship. No further encroachments to the front yard setback from the new front porch or the addition. The minimum front yard setback in a R-10 zone is 30'. The existing front porch has a front yard setback of 17.3'. The existing dwelling has a front yard setback of 21.5'. The existing front porch is entirely enclosed. The proposed front porch will be open on the front and sides. The applicant has detailed plans of the house and elevation that were supplied with the application. There is one (1) witness, John Walker, the principle for the applicant.

Larry Lavender states the notices and publications are in order. The Board has jurisdiction.

John Walker, III – 82 Old Clinton Road, Flemington, NJ 08822 - principle, is sworn in. Mr. Vignuola questions Mr. Walker:

- Purchased the property on June 8, 2016.
- Currently, a one-story home with a driveway in disrepair.
- Vacant for some time.

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- House does not meet the requirements of a R-10 zone for front yard setback. Required: 30' -- Existing: 17.3'.
- Layout of the existing dwelling: two (2) bedrooms, a full bath, living room, dining room and kitchen.
- The existing front porch is enclosed.
- Proposed: two (2) story addition with new kitchen, four (4) bedrooms and three (3) baths. Approximately 2,100 square foot colonial house.
- Architecture plans drawn by Andrew Podberezniak, RA dated January 9, 2017 were submitted with the application.
- Proposed layout on the first floor: Living room, dining room, kitchen, full bath and guest bedroom.
- Proposed layout on the second floor: Two (2) bedrooms, master bedroom with bathroom and full Jack and Jill bathroom between the two (2) bedrooms.
- The proposed addition will be on the westerly side of the dwelling. If looking at the dwelling from the curb back left of the dwelling.
- Proposing to replace the front porch... open on three (3) sides.
- Proposing a one (1) car garage.
- Proposing to repave the driveway.
- Proposing new deck.
- Besides the existing front yard setback, no other bulk variances will be created.

Vice Chairman Gustafson questions Mr. Walker:

- Why did you not considered relocating the house? *Other options had been looked at, but is cost prohibited.*
- Did you have an engineer look at this home to see if it can support a second story? *We had our architect look at it.*
- Was there any thought of changing the front porch so it would be in the parameters? *We looked at some ideas. The proposed porch will not be enclosed and it will be smaller. The existing porch is very dilapidated. We made it smaller so you can step up into the house using the same entrance.*
- What are your intentions with this home? *Our intention is to buy it, rehab it and sell it.*
- What materials will you use for the home? *Vinyl siding and stone façade in the front.*
- How close to the depiction of the plans that were submitted to the Board? *Very close.*
- Current home as it stands, it is nine feet (9') from the property line? *Yes.*
- Once the deck is construction, what is the setback to the rear? *Approximately 75.4'.*

Mr. Hughes states the house has been vacant for a long time and it doesn't look like it can support a second floor. There was testimony that an architect looked at it but an engineer should look at it structurally. It has no driveway. There is certainly space for a driveway.

Mr. Lavender stated that the Board is not here to decide how it is to be built. That's up to the code inspector. You may inquire about what materials, but the decision cannot be based on building regulations or the integrity of the building. They are allowed to put a second floor. The Board can suggest but as long as they are not violating height requirements and bulk requirements. They are here about the front yard setback.

Vice Chairman Gustafson stated they the house is not built to the envelope. He has an additional foot distance to the right side, an additional thirty feet (30') on the left side and seventy five feet (75') to the rear with the deck. The only issue if they expanded to the envelope would be a lot coverage issue. There is plenty room on the property. The Board appreciates when someone does not build to the entire envelope of the property. The only issue is the neighbor to the right. The house is set back further on this property and are coming forward with a new porch. We understand not enclosed. Still considering the hardship for the need of the front yard setback when with a little reconfiguration and moving the addition a little further, you could possibly put the porch on the side for a similar look.

Vice Chairman Gustafson asked that in the planning was there no consideration for reconfiguration of the first floor? Mr. Walker stated that it is basically the same footprint. Just reconfigured where the kitchen sits.

Mr. Vignuola stated the enclosed porch is essentially living space which is changing into an open porch.

Vice Chairman stated that the porch is large – 6' X 9'. Any consideration to shrinking the porch to make it more in accordance to the setback?

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Mr. Lemos asks is the whole house is being resided? Mr. Walker states the whole house will be sided and a new roof.

Vice Chairman Gustafson opens up the discussion to the audience.

Genielle Williamson – 206 Cedarbrook Avenue, South Plainfield, New Jersey. Her property adjoins the subject property in the rear on the side. She did not understand the notice. Is the applicant repairing the existing house and building an additional house or just repairing the existing house? Vice Chairman Gustafson explains that the applicant is proposing a one (1) single family two (2) story home. Reconstructing the existing home and adding a second floor. The applicant shows Ms. Williamson the rendering of the proposed house. Ms. Williamson questions the addition of a garage. Using the rendering, Mr. Vignuolo demonstrates the addition of the garage, the second floor and the existing porch will now be an open porch. Ms. Williamson would like the property cleaned up and is concerned about several trees falling during storms. A portion of one tree had already fallen. Mr. Walker states he is planning to remove several trees. Ms. Williamson is satisfied.

With no further questions or comments, the audience portion of the hearing is closed.

Vice Chairman Gustafson would like to discuss landscaping, fencing, greenery, curb appeal etc. Mr. Vignuolo states that site plan is a very limited discussion. However, Mr. Walker does have some plans and will discuss them. Mr. Walker states that there is an existing fence that he will removed. There are several trees down and will be removed. The lot will be cleared of majority of the trees. The front yard will have greenery.

Vice Chairman Gustafson questions Mr. Walker:

- Is fencing is being proposed? No. There is fencing along the one side which it is not his. The small section of fence that is his will be removed.
- What material is to be used for the driveway? It will be an asphalt driveway.
- Sidewalks? There is no sidewalks in the area. Therefore, leaving that as is.
- Extra space along the driveway, will that be grass? Yes... Several of the trees will be removed.
- Replanting of shade trees? In the front... yes with some shrubs.

Mr. Lemos asked Mr. Walker what type of heat will be in the house. Mr. Walker stated forced hot air. Where is the chimney? The chimney will be removed. You do not need a chimney for force hot air. The ducts go out the side of the house.

Mr. Vignuolo states that the applicant intends to do extensive landscaping.

Vice Chairman Gustafson asks Mr. Vignuolo how his applicant feels about several conditions:

- Not enclosing the front porch.
- Adding shade trees.
- Moderate amount of landscaping along the front.

Mr. Vignuolo states that the applicant has stated he will be doing extensive landscaping. It was decided three (3) shade trees.

Vice Chairman Gustafson would like more information on why the applicant would like a 6' X 9' front porch. There are two (2) risers to the porch and only a threshold into the house. Why not 4' X 6'? Mr. Walker stated he is making it smaller then the existing porch and would like to use the existing footprint. Vice Chairman Gustafson states, as a condition, when construction begins and it is found that the existing foundation cannot be built on that the applicant will make the porch smaller – 4' X 6'. Therefore, the front yard setback will be 19.3 feet. Also, as a condition, the front of the house to look like the rendering on the plans dated January 9, 2017.

Mr. Lavender asked Mr. Walker if he will be living in this home or an investment. Mr. Walker stated an investment.

Vice Chairman Gustafson addresses Mr. Walker. He is pleased that they are not building to the full envelope of the house outside of the existing condition.

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With no further questions or concerns, Vice Chairman Gustafson calls for a motion to approve the application with conditions mentioned previously. Mr. Lemos made motion, seconded by Mrs. Eichler. Those in favor: Mrs. Cullen; Mrs. Eichler; Mr. Hughes; Mr. Lemos; and Vice Chairman Gustafson. Those oppose: None

**B. Case #20-16 -- Steven Van Der Werf**  
**Block 167: Lots 27: R-7.5 Zone**  
**538 Franklin Avenue**

The applicant is requesting front yard setback: Required 30 feet – Proposed 25.51 feet.

Steven Van Der Werf – 538 Franklin Avenue, South Plainfield, New Jersey – homeowner, is sworn in. Mr. Van Der Werf addresses the Board. Currently, the front porch is in need of repair. Would like to rebuild the front porch. However, would like to expand the porch to the width of the house like similar houses on the block.

Mr. Van Der Werf presents seven (7) photos of the existing porch and a neighbor's porch five (5) homes away.

- A1 – Photo of neighbors porch.
- A2 – Photo of neighbors porch.
- A3 – Photo of existing porch.
- A4 – Photo of existing porch – different angle.
- A5 – Photo of existing porch – different angle.
- A6 – Photo of neighbors porch – sight line.
- A7 – Photo of existing porch – different angle.

Vice Chairman Gustafson asks Mr. Van Der Werf to describe the proposed porch:

- Open porch.
- Shed roof.
- High peek.
- Railings.
- Trex.
- Steps will be inset and will not go beyond the porch.

Mr. Lemos stated that the applicant is seeking relief from the front yard setback. The porch will be the length of the house. Isn't a side yard setback needed? Per Vice Chairman Gustafson and Mr. Lavender's interpretation... the porch is not enclosed. It is determined that there is no need for a side yard setback.

Vice Chairman Gustafson stated that the positive of this application is that the steps are inset. Therefore, the applicant is not asking for the four feet (4') for the porch and an additional distance for steps. This porch is staying with the existing footprint of the front stoop.

Vice Chairman Gustafson asks if the applicant will leave the porch open on all three (3) sides. Mr. Van Der Werf states yes.

Vice Chairman Gustafson opens the discussion to the audience.

Carlos Garcia – 515 Harrison Avenue, South Plainfield, New Jersey. Mr. Garcia asked what the porch consists of currently. Currently, dilapidated concrete. Mr. Garcia continues... it will be a raised porch. It will be raised.... Built like a deck. Will there be anything covering the open space so critters do not go underneath. Mr. Van Der Werf stated there will be a lattice that will go all around the porch. Mr. Garcia is satisfied.

With no further questions or comments, Vice Chairman Gustafson closes the discussion to the audience.

Vice Chairman Gustafson addresses Mr. Van Der Werf. He states that he appreciates that Mr. Van Der Werf will have his steps inset in the porch and is keeping the porch in line with the existing houses with porches.

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With no further questions or concerns, Vice Chairman Gustafson calls for a motion to approve the application with conditions mentioned previously. Mrs. Eichler made motion, seconded by Mr. Lemos. Those in favor: Mrs. Cullen; Mrs. Eichler; Mr. Hughes; Mr. Lemos; and Vice Chairman Gustafson. Those oppose: None

**C. Case #08-17 -- Thomas Cheung**  
**Block 172: Lot 2: R-7.5 Zone**  
**111 Florence Place**

The applicant is requesting variance to re-construct a home damaged by fire on an existing non-conforming lot size. Required 7,500 square feet – Existing 7,166 square feet.

Lee Titas – Titas Surveying and Engineer, 618 Somerset Street, North Plainfield, New Jersey – is accepted as a Professional Engineer and Planner. Thomas Cheung, applicant and Mr. Titas are sworn in.

Mr. Titas begins by introducing Exhibit A1 – Zoning Analysis for R-7.5; Required and Existing - and A2 – survey of subject property dated September 28, 2016. Copies are given to the Board.

Mr. Titas continues... from the survey there are two (2) variances required.

1. Lot Area – required 7,500 square feet. Existing 7,166 square feet.
2. Lot Width – required 75 feet. Existing at set back line is 75.48 feet. By ordinance definition – mean lot width which is 64.44 feet.

Mr. Titas introduces Exhibit A3 – Filed Subdivision Map dated February 8, 1950. On this map, the subject property is number 2 (outlined in red). The neighboring lots are similar in lot area on the file map. The subject property is a truncated pie.

Mr. Titas introduces Exhibit A4 – Tax Map Page 11 of subject property with last revised date of October 2003. The house was damaged by fire. Mr. Cheung's intention is to use the same foundation and a build a home. Same footprint. No garage. Two (2) story. Approximately 1,600 square feet. The existing house was an expanded cape.

Vice Chairman Gustafson re-iterates... the applicant is proposing to take the existing structure down to the foundation and recreate the existing house from 1952.

Mr. Cheung stated the is proposing to build a two (2) story single family home with four (4) bedrooms and three (3) baths. Vice Chairman Gustafson states what is considered a Colonial today with four (4) bedrooms upstairs and four (4) rooms downstairs. Mr. Cheung states correct.

The rendering of the proposed home is on sheet A-3 (page 5 of 8).

Mr. Cheung stated the house will be vinyl sided and typical roof shingles. Typical landscaping with mulch.

Vice Chairman Gustafson asks Mr. Cheung if this is his home or investment property. Mr. Cheung stated an investment property.

Mr. Lavender asked Mr. Cheung if he owned the home when it burnt down. Per Mr. Cheung, no.

Vice Chairman Gustafson inquiries about the driveway. Mr. Titas stated the driveway is shown on the survey. It is approximately twenty feet (20') wide in the back and wider in the front. It follows the existing fence line. Paved to the property line. Per Mr. Titas there is room for two (2) cars. Based on the Residential Site Improvements, a four (4) bedroom home yields 2.3 cars.

Mr. Lavender stated per Ordinance, the driveway is to be five feet (5') from the property line. Mr. Titas stated they can cut the driveway to be five feet (5') from the property line.

Mr. Lavender asked Mr. Cheung if the shed is still in the back yard. Mr. Cheung stated yes. However, it will be removed.

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Vice Chairman Gustafson asked if there is a basement in the existing home. Mr. Cheung stated yes. Unfinished? Yes.

Mr. Lemos stated this will be a big improvement to what exists now.

Mr. Lavender asked when the house burnt down. Mr. Cheung stated May 2016.

Vice Chairman Gustafson opens the discussion to the audience.

Jim Nilla – 119 Florence Avenue, South Plainfield, New Jersey. Facing the subject home, he is the neighbor to the left. The existing house is ten feet (10') from his property line. The neighbor on the side is twenty feet (20'). He feels he is being 'sandwiched in'. How much bigger is the new house going to be? Per Vice Chairman Gustafson, the new house will not be bigger. It is the same footprint as the existing house. Mrs. Nilla continues, there will be four (4) bedrooms upstairs? Per Vice Chairman Gustafson, there will be three (3) bedrooms upstairs – a four (4) bedroom home. The new house will go straight up. Mrs. Nilla asks if the house will extend beyond the existing burnt deck? Per Vice Chairman Gustafson, no. Mr. Cheung stated there will be no deck. Vice Chairman Gustafson continues... Where you see the concrete foundation of the existing structure, that will be the footprint of the new dwelling. Vice Chairman Gustafson addresses Mr. & Mrs. Nilla concern... the plans become part of the file. If the applicant deviates from these plans, he will have to remove it or return to the Board. Mr. & Mrs. Nilla are satisfied.

With no further questions or concerns, the audience portion of the hearing is closed.

Vice Chairman Gustafson addresses Mr. Cheung. The front stoop will not be enclosed. The façade is to be as close as possible to the rendering. There will be no garage. The shed will be removed. The deck will be removed. Driveway will come into compliance with the five feet (5') setback but still maintain the required parking stalls. The yard will be landscaped with shrubs, shade trees and grass.

Vice Chairman Gustafson stated that this is a rebuild of an existing foundation. They are asking for no other relief other than the lot coverage. Vice Chairman Gustafson calls for a motion of approval with the previous discussed conditions. Mrs. Cullen made motion, seconded by Mrs. Lemos. Those in favor: Mrs. Cullen; Mrs. Eichler; Mr. Hughes; Mr. Lemos; and Vice Chairman Gustafson. Those oppose: None.

**INFORMAL HEARINGS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**CORRESPONDANCE:** None

**EXECUTIVE SESSION:** None

**ADJOURNMENT:** 8:12 PM

Respectfully Submitted,  
Joanne Broderick  
Recording Secretary