

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
September 19, 2017

**Gino 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 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:**

**Gino Leonardis, Chairman**  
**James Gustafson, Vice Chairman**  
**Ken Bonanno**  
**Maria Campagna**  
**Darlene Cullen, 1st Alternate**  
**Cindy Eichler**  
**Robert Hughes**  
**Frank Lemos**  
**April Wasnick, 2<sup>nd</sup> Alternate**

**Absent:**

**Also attending:** Larry Lavender, Esq.;

**MINUTES:**

August 1, 2017

Mrs. Eichler made motion, seconded by Mrs. Cullen to accept the above listed Meeting Minutes. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None.

August 15, 2017

Mrs. Eichler made motion, seconded by Mrs. Campagna to accept the above listed Meeting Minutes. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Chairman Leonardis. Those oppose: None.

**RESOLUTION:**

- A. Case #23-17 -- Charles Howarth**  
**Block 206: Lot 7: R-10 Zone**  
**105 DeFillipo Drove**

Mrs. Eichler made motion, seconded by Mrs. Cullen to accept the above listed Resolution. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None.

- B. Case #24-17 -- Performance Building Enterprises LLC**  
**Block 199: Lot 29: R-7.5 Zone**  
**511 Brett Place**

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Mr. Lemos made motion, seconded by Mrs. Eichler to accept the above listed Resolution. Those in favor: Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None.

**C. Case #25-17 -- Carlo & Dana Ricciardi**  
**Block 266: Lot 18: R-10 Zone**  
**126 Lincoln Avenue**

Mrs. Eichler made motion, seconded by Mrs. Cullen to accept the above listed Resolution. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None.

**D. Case #27-17 -- Sergio Freitas**  
**Block 27: Lot 7: R-7.5**  
**122 Tompkins Avenue**

Mrs. Eichler made motion, seconded by Mrs. Campagna to accept the above listed Resolution. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None.

**E. Case #28-17 -- Performance Building Enterprises LLC**  
**Block 42: Lot 11: R-7.5**  
**1610 Central Avenue**

Mrs. Eichler made motion, seconded by Mrs. Campagna to accept the above listed Resolution. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

**HEARING(S):** (2 residential applications)

**F. Case #04-16 -- Robert Cusick**  
**Block 311: Lot 9: R-10 Zone**  
**1055 New Market Avenue**

The applicant is requesting a Preliminary and Final Minor Site Plan with Use & Bulk Variances.  
Continued from January 17, 2017 hearing.

Chairman Leonardis read a letter from Walter K. Abrams, Esq. dated September 19, 2017 requesting an adjournment to the next scheduled meeting. Vice Chairman Gustafson requests that Mr. Lavender advise the Board of any legal options since this was the fifth adjournment. Mr. Lavender stated that the Board can have the applicant re-notice. The Board cannot dismiss the case with prejudice. The Board can advise the applicant he must return to the next meeting. History has demonstrated that is probably not the case since this goes back to January. Therefore, by making the applicant re-notice is an inconvenience and pushes them out to October / November time frame. The Board can accept or deny the request. The Board can request the Zoning Officer through Mr. Lavender to visit the site in order to identify any violations that may or may not be present. Mr. Lemos stated he is in agreement. Chairman Leonardis stated is the Board in an agreement to allow the adjournment and request that Zoning Officer to visit the site. Mr. Lemos stated no... to have the applicant re-notice. Maria Campagna stated the issue with the re-notice is the applicant would not be able to be heard until November. Mrs. Cullen asked if the applicant must re-notice does that mean the Board cannot request the Zoning Officer to visit the site? Mr. Lavender stated no... both can be done. Chairman Leonardis stated if the Board allows him to re-notice, that allows the applicant an additional month of not returning. If we give him the next date, he is locked in to the next date. Mrs. Broderick stated that the next scheduled meeting is October 3, 2017 - two (2) weeks from today. After that is October 17, 2017. Mr. Lavender stated he can send a letter that if the applicant returns on October 3, 2017, there is no need to re-notice. Chairman Leonardis stated that the Board should lock him into October 3, 2017 and if the applicant is unable to return October 3, 2017, then he would have to re-notice. Also, request the Zoning Officer to visit the site immediately. Mr. Lemos asked isn't that what was said at the last meeting? Both Mr. Lavender and Chairman Leonardis stated that it is. Vice Chairman asked if the Board can dismiss the case without prejudice. Mr. Lavender stated it is the same thing. Vice Chairman stated he would have to do a new application and notices. His

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suggestion is to draft a letter to Mr. Abrams that he is to appear on October 3, 2017 and if not, his case will be dismissed without prejudice at the October 3, 2017. Vice Chairman Gustafson calls for a motion to direct Mr. Lavender to contact Mr. Abrams that there is a mandatory appearance at the next meeting and if he does not, the Board will take a motion to dismiss the case without prejudice. Mr. Lemos stated yes. Mrs. Cullen seconded the motion. Mr. Lavender reiterates that the applicant must appear at the next meeting scheduled for October 3, 2017. If he does not appear, there will be a motion to dismiss the case without prejudice. Mrs. Eichler confirmed with Mr. Lavender that he will also contact the Zoning Official to visit the site.

Vice Chairman Gustafson made motion, seconded by Mrs. Cullen to have Mr. Lavender contact Mr. Abrams to advise him that the applicant must appear at the next meeting scheduled for October 3, 2017. If he does not appear, there will be a motion to dismiss the case without prejudice. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Hughes; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

**G. Case #26-17 -- Lisa Gryllis-White  
Block 271: Lot 2: R-10 Zone  
250 Oakland Avenue**

The applicant is requesting bulk variances to construct a rear and side addition to a pre-existing non-conforming structure. Variances being requested: Front yard setback: Existing 25.96'...Required 30'...Variance 4.04' -- Side yard setback: Proposed 4'...Required 8'...Variance 4' -- Side yard setback: Existing 6.14'...Required 8'... Variance 1.86' -- Lot Width: Existing 50'...Required 100'...Variance 50'. Lot size: Existing 5,000 square feet...Required 10,000 square feet...Variance 5,000 square feet'. Continued from August 1, 2017.

Mr. Lavender advised Lisa Gryllis-White that she is still under oath.

Lisa Gryllis-White introduced Exhibit A-1 – a letter addressed to the Board regarding the changes and Exhibit A-2 – a photograph of the rear of the house and deck. Copies are in front of the Board Members.

Lisa Gryllis-White apologized to the Board for being ill-prepared at the August 1, 2017 meeting. She thanked Joanne Broderick and Mary Frances Hildebrandt, CTA for educating her in the process.

Lisa Gryllis-White continued... between the pre-existing non-conforming lot and neighbor's concerns, a shed was removed and the addition has been reduced in size. Only asking for ten inches (10") from the setback. Space closest to the neighbor which is still almost eight feet (8') away is only an entry way – not livable space. It is a closet and entry into the kitchen. The rest of the construction is almost ninety-five percent (95%) on top of the existing deck. It does not take up any other existing lot space. The neighbor's concern about the driveway being too small, the entrance is now in the back. Everything starts from the end of the driveway back where there is a six foot (6') fence separating the two (2) properties.

Mrs. Eichler stated a shed was taken down. Mrs. Gryllis-White stated yes. Mrs. Eichler asked will that shed go back up? Mrs. Gryllis-White stated no and has plans for a garden instead. Mrs. Gryllis-White stated surprisingly it helped to get rid of a lot of stuff. Had a big yard sale instead.

Chairman Leonardis stated from the existing corner of the home, you are going to build across your driveway four feet six inches and will align with the back of your house. Mrs. Gryllis-White stated not in the driveway but across it and yes it will align with the existing house. Mr. Leonardis stated across the back of the house.

Mrs. Gryllis-White stated that she tried to get it under eight feet (8'). However, for a standard door it needed the extra inches. Her builder was going to appear but had a wake.

Vice Chairman Gustafson stated that the plans are very extensive and thanked Mrs. Gryllis-White for that.

Chairman Leonardis asked if anything is being done to the exterior of the existing home. Mrs. Gryllis-White stated the whole house will be re-sided. Matching roof. The existing roof will remain but the roof on the addition will match to the existing.

Chairman Leonardis reiterated all the setbacks... including the pre-existing non-conforming setbacks.

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Mr. Lavender explained to Mrs. Gryllis-White that even though some of the variances are for pre-existing non-conforming situations, they have to be listed as though they are new variances. Mr. Gryllis-White understood.

Mrs. Campagna asked if the lot coverage is staying the same because of the porch. Mrs. Gryllis-White stated it going about a foot beyond where the deck ends. Between the entrance and the back addition, it is an addition forty-six (46) square feet and twenty-six (26') square feet. However, took down a shed to balance the lot coverage. Chairman Leonardis stated that we are going on the assumption that Mary Frances did not flag the lot coverage as an issue.

Chairman Leonardis opens the discussion to the audience.

Sujan Puar – 248 Oakland Avenue, South Plainfield, New Jersey - questioned the lot size. Shouldn't it be one hundred feet (100'). She only has fifty feet (50'). Does this rule apply to this case? Mr. Lavender stated it does apply. One of the items she is asking for is 'forgiveness' because she cannot comply with that. The zone does require ten thousand (10,000) square feet. She only has five thousand (5,000) square feet. She does not have it. Mr. Lemos stated it was re-zoned. Prior to the re-zoning, the property was in compliance.

Chairman Leonardis stated there is a better understanding of the addition. He doesn't believe it to create substantial hardship to the neighborhood. The re-siding will make it look uniformed.

With no further questions or concerns, Chairman Leonardis asked for a motion to approve the above variances.

Mr. Lemos made motion, seconded by Mr. Bonanno to grant the variances. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Hughes; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

**INFORMAL HEARINGS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**CORRESPONDANCE:** None

**EXECUTIVE SESSION:** None

**ADJOURNMENT:** 7:34 PM

Respectfully Submitted,  
Joanne Broderick  
Recording Secretary