

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
MAY 23, 2017**

Roll Call:

Present:

Mayor Matthew Anesh
Council President Derryck White
Stephanie Bartfalvi; Alt. 1
Brian Bythell; Alt. 2
Paul Grzenda
Jack Pedersen; Vice Chairman
Bob Ackerman; Chairman

Absent:

Rich Houghton
John Mocharski
Michael Pellegrino
Peter Smith

Also Present: Alex Fisher, Esq., Bob Bucco, PE, CME, CPWM; Stan Slachetka, PP, AICP

Chairman Ackerman opened the meeting at 7:00 pm saying that this meeting is being held in accordance with the Open Public Meetings Act, by posting a notice to The Observer and The Courier News and providing the same to the Borough Clerk.

It is the policy of the Borough of South Plainfield's Planning Board not to hear any new cases after 10:00 pm and no new witnesses after 10:30 pm.

Minutes: April 25, 2017 Meeting.

Council President White made motion, seconded by Vice Chairman Pederson to accept the above stated Meeting Minutes. Those in Favor: Council President White; Mr. Bythell; Mr. Grzenda; Vice Chairman Pederson and Chairman Ackerman. Those Oppose: None.

Resolutions: None

Current Files: None

Informal Hearings: None

Public Hearings: (1)

- A. Case #779 - Fine Trucking Inc**
Block 447; Lot 2.02; M-3 Zone
3461 South Clinton Avenue

The applicant is requesting a Preliminary and Final Site Plan approval with bulk variances.

The applicant had noticed for the meeting time as 7:30 pm in error.

James F. Clarkin, III, Esq – Clarkin & Vignuolo, PC, 1100 Centennial Avenue, Suite 203, Piscataway, New Jersey – attorney for applicant addresses the Board.

Vice Chairman Pederson states that he was the listing agent for the building that was sold to Fine Trucking, Inc. He represented the sellers... not the buyers. Sold six (6) months ago. It was determined there is no conflict.

Mr. Clarkin continues.... This is an application for preliminary and final side plan approval to add four (4) loading docks to the rear of the property. Also, to modify the existing parking and driveway isles. No new variances are required. However, he would like the Board to continue several non-conforming conditions: 1. Required parking spaces. The site presently has eight (8) and would like to continue with the same amount. By ordinance, twenty-

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six (26) parking spaces are required. It is an existing condition. However, there is room on the side for 'bank' parking. 2. Existing building side yard requirements – one side is approximately eighteen inches (18") to close and the other side is approximately two inches (2") to close. Withdrawing the free-standing sign that is proposed on the plans in order to make the dedication to Middlesex County which will eliminate a variance. Has received all the professional's reports and will review them. There are two (2) witnesses – a representative of the applicant and Engineer.

Jaswinder S. Dhillon – 21 Filmore Avenue, Carteret, New Jersey – representative of the applicant is sworn in. Mr. Clarkin questioned Mr. Dhillon:

- One (1) of the owners of Fine Trucking Inc.
- One (1) of the owners of the land and building.
- Purchased November 16, 2016.
- Not currently operating at this site.
- Would like to build four (4) loading docks.
- Fine Trucking Inc is trucking, warehousing and distribution of dry goods – general freight.
- No hazardous material.
- No products requiring refrigeration.
- Office hours – 6:30 am to 5 pm – Monday through Friday.
- Warehouse hours – 8:00 am to 5 pm – Monday through Friday.
- Sometimes on Saturday.
- Four (4) employees – two (2) office staff and two (2) truck drivers. Mr. Dhillon is one (1) of the two (2) office staff.
- Operate own trucks.
- Two (2) to three (3) deliveries a day with own trucks.
- No outside deliveries.
- Office supplies are picked up by their own trucks and delivered to the building.
- Approximately once a week, mail packages are delivered by UPS or FedEx.
- Own four (4) tractors – sleeper cabs.
- Own eight (8) fifty-three foot (53') trailers.
- Tractors will be parked overnight onsite.
- Some trailers will be parked overnight. Others will be at customers' location... approximately two (2) to three (3).
- Proposing two (2) new gates on each side of driveway. Combination or by key.
- Has seen Fire Officials review letter and will install Knox Boxes on gates.
- Mr. Dhillon arrives at 6:30 am and starts the day – opens facility.
- Does not take in other trailers or tractors. No trucks or customers waiting. All vehicles onsite.
- Garbage pick-up every Wednesday.
- Existing loading dock to be kept will not be used for his trucks. Too low for trailers.
- Removing free standing sign and not replacing it.
- No visitors.
- Hopes business will expand after a few years.
- Rubble pile was existing when purchased. Will remove.
- Floor plan drawn by Mr. Dhillon – introduced as Exhibit A-1. A copy is given to each Board member.
 - Building approximately twenty-five thousand (25,000) square feet.
 - Approximately five thousand (5,000) square feet to be used as office space.
 - Unmarked large space on drawing is warehouse space.

Chairman Ackerman asked about the number of employees. Mr. Dhillon responded... Two (2) office staff and two (2) warehouse employees. Mr. Dhillon and his brother are the office staff. They also work the warehouse. Two (2) drivers operate the tractors.

Mr. Bythell questioned the number of loading docks. Mr. Clarkin stated requesting four (4) loading docks in the rear. Mr. Fisher asked what would be the total... four (4) in the rear and the one (1) in the side. Confirmed by Mr. Clarkin. Mr. Dhillon stated that there will be four (4) proper loading docks in the rear and keeping the drive-in bay.

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Council President White stated that in Najarian Associates review letter dated May 17, 2017 stated three (3) loading docks. Mr. Clarkin stated that there is only three (3) docks shown on the plan which is incorrect. The applicant would like four (4) docks. Mr. Dhillon stated that he thought he submitted revised plans showing four (4) docks. Per Mr. Bucco, the revised plans dated April 28, 2017 is the latest revised plans and it does not show four (4) docks.

Mr. Fisher reiterated that there will four (4) loading docks in the rear, a drive-in bay and a small loading dock on the side.

Chairman Ackerman asked Mr. Dhillon for a clarification on the number of employees. Mr. Dhillon confirmed four (4) employees.

Chairman Ackerman continued... on the application it stated five (5) deliveries a day. Mr. Dhillon stated the drivers leave and come back two (2) to three (3) times a day. Same drivers.

Mr. Clarkin explained... pallets are picked up at one (1) location and brought back to the site. That same truck on the same day, will pick up pallets at another location and come back to the site. Then on Friday, all the pallets of goods that were picked up during the week are put on a truck and the truck drives out to California. Mr. Dhillon stated that they run LTL to California.

Christopher Nusser, PE, PP – Engineering & Land Planning Associates, Inc., 140 West Main Street, High Bridge, New Jersey – Engineer for the applicant. The Board accepts Mr. Nusser as a Professional Engineering.

Mr. Clarkin questioned Mr. Nusser if his firm prepared the engineering plans that are before the Board... Yes.

Mr. Nusser introduces Exhibit A-2 -- Page 3 of 8 of the plans before the Board with a revision date of April 28, 2017. Existing building outlined in orange. Property line outlined in blue.

Using Exhibit A-2, Mr. Nusser describes the site:

- Proposed conditions.
- Two (2) acre parcel. Block 447 Lot 2.02.
- Located along South Clinton Avenue.
- Current building – twenty-five thousand one hundred fifty-eight (25,158) square feet located centrally on the lot.
- Entrance is on the northerly property line along South Clinton Avenue which extends to the rear of the property where there is a large paved area.
- Parking area in the front of the building – between the building and South Clinton Avenue. Eight (8) stalls.
- Existing loading dock on the northern section of the building.
- Drive through garage in the center rear of the building – east side.
- North and south of the property are developed industrial properties.

Mr. Clarkin requested Mr. Nusser to describe what the applicant is proposing to do with the site.

- Proposing to change the circulation of the property.
- Add an entrance on the southern portion of the property.
- Existing driveway as an 'exit only.'
- Trucks would circulate counter clockwise allowing easier excess into the loading docks.
- Parking area in the front of the building will be one-way.
- Trucks would enter from South Clinton Avenue.
- Drive isle to the exit will be widened to twelve feet (12').
- Approximately eight feet (8') along northerly property line of paving will be removed. Original plan was to replace it with pea gravel... now will be lawn.
- Will reduce the width of existing driveway to rear from twenty-four feet (24') to twenty feet (20'). Pavement will be removed and grass planted.
- Two (2) gates. One (1) half way down the building on the south side – entrance side. One (1) at the front of the building on the exit side.

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- Eliminating free standing sign.
- Four foot (4') roadway dedication to the county.
- Sidewalk and required curbs along the entire frontage.
- Signs... "Exit Only" "Stop" "No Parking" "One Way" "No Idling" etc.
- Dumpsters located between the drive-in bay and loading docks. Two (2) four (4) yard dumpsters protected by bollards on each side. Not in formal enclosure. No visibility from roadway and neighbors.

Mr. Clarkin asked Mr. Nusser if there are any variances for non-conforming conditions. Mr. Nusser stated that the existing building is slightly over side yard setbacks. Requesting to continuing the non-conforming setbacks. In addition, currently eight (8) parking stalls. Requesting to continue the same non-conforming situation.

Mr. Clarkin asked Mr. Nusser if there is the ability for 'banked' parking. According to Mr. Nusser, yes. Parking can be accommodated along the eight existing stalls and the rear of the building.

Chairman Ackerman asked Mr. Nusser how many parking stalls can be added to the existing eight (8) stalls. Per Mr. Nusser, six (6) additional in the front.

Mr. Clarkin stated if they are fortunate enough to get an approval, they will revise the plans showing the banked parking.

Mr. Clarkin reviews the Najarian Associates review letter dated May 17, 2017. Starting on page 3:

- Section D – Site Plan Check List Compliance.
 - #1 – Items A-J, M-N and P-Y all acceptable by Borough Engineer.
 - #2 - Item K – Provided rudimentary floor plan. As a condition of approval, will provide elevation plan of the rear. Only area with elevation changes.
 - #3 – Item L – No longer applicable. Free standing sign removed.
- Section E – Site Plan Check List Basic Data
 - #1 – Item 7 – Requested waiver. No objection listed by Engineer.
 - #2 – Item 13 – Developed site. Would like to continue with waivers from prior resolution dated December 3, 1986 regarding on-site curbing, and driveway located within five feet (5') of property line.
 - #3 – Item 20 – No existing fencing or retaining walls. Detail information on gate listed on sheet 8. Mr. Bucco is satisfied.
 - #4 – Item 22 – Storm Water Runoff Control Plan. Mr. Clarkin asked Mr. Nusser to explain the storm water runoff now that the pea gravel has been removed. Mr. Nusser stated that the original plans indicated they were going to install 11,000 square feet of impervious coverage creating a major project. Therefore, removing 2,600 square feet in the front and returning it to lawn. Mr. Bucco requests to see the change on the plans with a report. Mr. Clarkin stated that as a condition of approval, they will furnish the report for Mr. Bucco's approval.
 - #5 & #6 – Items 26 & 27 – Will provide as condition of approval.
- Section F - Off-Site and Off-Tract Improvements
 - #1 – Statement. No response needed.
 - #2 – Will comply.
 - #3 – No action item.
- Section G - Site Requirements/Layouts
 - #1 - #5 – Testimony given.
 - #6 – Provided testimony. Requesting relief from providing a fence around dumpster. Site is in an industrial area. Mr. Bucco is satisfied with the dumpsters being protected with bollards.
 - #7 - #8 – Testimony given.
 - #9 – Testimony given regarding pea gravel. Mr. Nusser stated that the existing pavement will remain. Mr. Fisher asked how does that affect the impervious coverage. Mr. Clarkin stated that Mr. Slachetka's planning report does not mention lot coverage variance being required. According to the Ordinance, lot coverage is building coverage. Mr. Slachetka stated that that is correct.
 - #10 – Mr. Nusser stated there is a 2.75% cross slope along the base of the loading area. Will level the area.

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- Section H – Traffic.
 - #1 – Turning template was provided for the entrance. Will provide template showing the trucks traversing around the building. Mr. Bucco stated that there is concern with the movability in the rear.
 - #2 – Mr. Nusser stated there is no conflict.
 - #3 – Mr. Clarkin stated that this is a small operation. There is ability to add six (6) banked spaces in the front.
 - #4 – Will provide a Knox Box as requested by Mr. Abbruzzese. The gates will be both combination and key.
 - #5 – #6 - Testimony given.
 - #7 – Mr. Clarkin stated will comply with Lt. DeLair's requested signs.
- Section I – Grading/Drainage
 - #1 – No longer a major development.
 - #2 – Will submit information to Mr. Bucco for his satisfaction.
 - #3 – No longer a major development.
 - #4 - #5 – Will comply.
 - #6 – Agreed that no drainage will impact adjacent properties.
- Section J – landscaping
 - #1 – Plans show landscaping in front.
 - #2 – Will revise to show landscaping to comply.
 - #3 – Mr. Nusser stated plans show a lawn area to be planted in the south-east corner which will now be left untouched and left as wetlands.
 - #4 – will discuss Environmental report.
- Section K – Lighting
 - #1 – Will make adjustment
 - #2 – Mr. Nusser stated will revise the plan to show the correct number of lamps.
 - #3 – Will discuss Environmental report.
- Section L – NJDEP Freshwater Wetlands and Flood Hazard Area
 - Mr. Nusser explained that he has had discussions with NJDEP regarding the wetlands. Through discussion, the area will be a normal wetland and will not have a buffer. There is a retention basin that was built in the 1990's which serves the property to the north. The basin has not been properly maintained and has turned into a wetland. There is a concrete low flow channel located within the sanitary sewer easement that runs in the middle of the wetlands. The area beyond the basin has been determined to be a wetlands swale by NJDEP. Therefore, an ordinary wetland with no transition area. Isolated wetlands created by poor drainage. Portion of the area will be filled under Wetlands General Permit #6. The application is in process with NJDEP. Remaining wetlands in the rear have been determined to be ordinary wetlands and no buffer required. One concern the NJDEP and the applicant have is the rubble pile in the rear. Will remove the rubble. Mr. Bucco stated he would like a copy the NJDEP permit. Once the permit is obtained the restrictions and conditions will be noted. Then he can determine what the applicant is proposing can be constructed. Mr. Fisher asked if LOI is required. Mr. Nusser stated there it will be shown on the Wetlands Permit. Mr. Bucco explained that there is a process in place where both can be applied for at the same time. Everything will be shown on the permit.
- Section M – Technical Site Comments.
 - #1 – No longer applicable.
 - #2 - #3 – Will comply.
 - #4 – No longer applicable.
 - #5 – Will comply.
 - #6 – Mr. Bucco stated not worded correctly. On the southerly side, it is twelve feet (12') wide. Would like it increased to eighteen to twenty feet (18'-20'). Landscaping can be removed. Mr. Fisher asked if that would trigger major development. Mr. Nusser stated he will increase it to sixteen to eighteen feet (16'-18') and possibly reduce the other driveway so not to become a major development. Mr. Clarkin asked if sixteen feet (16') in both directions work. Mr. Bucco stated sixteen to eighteen (16'-18') would work.
- Section N – Will obtain all government approvals.

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Mr. Clarkin reviews the Environmental Commission review letter dated March 15, 2017.

- Item #1 – #2 – Will comply.
- Item #3 – There will be several trees removed. Two (2) trees to remain. Mr. Fisher asked if the removal of the trees trigger replacement plan. Mr. Nusser will do the calculations and mark them on the revised plans. Will comply.
- Item #4 – Previously discussed.
- Item #5 – Did provide an Environmental Report. Was supplied after the Environmental Commission letter. Confirmed by Mr. Bucco.
- Item #6 – Not aware of any ground water contamination. Mayor Anesh asked if there is history on the monitoring wells. Mr. Dhillon stated that the state tested it. They have taken three (3) samples every thirty (30) days. Waiting for the results of the last test. Mr. Fisher asked if they were above the permitted level. Mr. Dhillon stated the last two (2) tests were the same. Mr. Pederson stated that the seller had to do an ISRA filing. As part of that there was soil removed. There is on-going ground water testing. The application is being handled by the seller. There was \$80,000 escrowed for the work. He received an email today stating that there was some sort of excavating done and completed. Council President White asked Mr. Pederson if he is aware of any testing. Mr. Pederson stated yes. Mr. Bucco stated the testing information goes to the state. After the last testing results, there will be further testing or will receive a NO FURTHER ACTION letter. Mr. Fisher stated this is the states jurisdiction. Proof that it is under ISRA jurisdiction will be satisfying. Mr. Pederson stated that LSRP stated that the soil that is tarped not be disturbed. As long as that is undisturbed, site improvements can move forward. The soil is to be removed within two (2) weeks. Mr. Bucco asked that the letter be put into the applicants file. The state has turned over most of these responsibilities to LSRP. Chairman Ackerman asked if this is the pile of rubble that has been mentioned previously. Mr. Nusser stated no.
- Item #7 - #8 – Will comply.

Mr. Clarkin stated that the applicant will comply with all four (4) items on The Bureau of Fire Prevention review letter dated February 24, 2017... Knox Box, bollards around gas meter, fire lane stripping and signage and Knox locks.

Mr. Bucco requested to have The Traffic Safety Advisory Committee review letter dated February 23, 2017 reviewed. Mr. Clarkin responded that the items on the review letter have been previously addressed.

Mr. Clarkin addressed T&M Associates review letter dated May 17, 2017. Mr. Clarkin stated that there will be no change to the façade of the building. All other items have been previously discussed. Mr. Slachetka agreed.

Mr. Slachetka asked for a clarification on the pile that is to be removed. Is the pile being removed off-site or distributed somewhere else on the site? Mr. Clarkin responded that it is being removed.

With no further questions from the Board, Chairman Ackerman opened the discussion to the audience.

Rich Elist – 22 Bloomfield Avenue, Somerset, New Jersey – is sworn in. He is the Maintenance Manager at Steris.

Chris Russell – 1 Martha Boulevard, Sayreville, New Jersey – is sworn in. He is the Plant Superintendent at Steris.

Steris is the owner of the property next door. They have not had the opportunity to review the plans and asked to do so. Mr. Elist had asked if there has been any consideration regarding the impact of the additional parking spaces to the north. Mr. Nusser explained that the additional parking that is being proposed will be in the front of the building between the existing driveway and current spaces. They are 'banked'. Mr. Nusser proceeded to explain the meaning of 'banked'... the additional parking spaces will be shown on the plans but do not intend to install them at this time. If the need arises they will.

Mr. Russell asked if the two feet (2') will be closer to their building or the property in questions' building. Mr. Nusser stated that they will increase the grass area from eight feet (8') to ten feet (10') on the northern side.

Mr. Slachetka asked for clarification from Mr. Bucco regarding the northern driveway being reduced from twenty feet (20') to sixteen feet (16') and the southerly side there is only twelve feet (12'). Mr. Bucco believes there will be

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movability issues with the tractor trailers and emergency vehicles. Therefore, they will balance the widths of the two (2) driveways not to trigger a major development

Mr. Slachetka questioned if the north side driveway is reduced, is there enough area to have additional landscape added other than grass. Mr. Nusser responded that the to the north is located on the property line. Therefore, there will be some shading issues for plantings.

Mr. Fisher asked if this would be an improvement from the existing conditions. Both Mr. Bucco and Mr. Nusser stated yes... the roadway will be pulled further away from the building.

Mr. Elist asked if approval can be contingent on the removal of the rubble pile. Several Board members stated yes. Mr. Elist continued... the final approval will not be made tonight. Mr. Clarkin responded yes, it may.

Council President White stated that would be subject to conditions. Mr. Fisher stated that the applicant would have to prove they have met all the requirements before getting a CO and permits from the DEP.

With no further questions from the audience, Chairman Ackerman closes the public discussion.

Chairman Ackerman stated that the applicant is requesting preliminary and final site plan approval based on the conditions that were discussed and the requirements that are needed by way of approvals.

Mr. Fisher stated that the applicant is requesting side yard setbacks. Mr. Clarkin stated that northly side is 28.5' where 30' is required and the southerly side is 29.87' where 30' is required. They are both pre-existing.

Mr. Fisher continued with conditions

- Pre-existing side yard setbacks.
- Parking variance.
- Waivers from Storm Water Management, Drainage calculations subject to proof that they are not a major development under DEP.
- Site plan checklist waivers – existing physical features within two hundred (200) feet. Certain improvement details prior to 1986 variance.
- Conditions:
 - Show six (6) additional 'banked' parking stalls.
 - Applicant will send a report showing that the size will not trigger a major development status for storm water management.
 - Applicant will show proof of NJDEP permit that will show wetlands, buffers, classifications and permission to fill the southerly side of the wetlands.
 - The southerly driveway will be widened from twelve feet (12') to sixteen feet (16') and narrow the northerly driveway in a way to allow the status to remain below a major development to the satisfactory of the Board Engineer.
 - Compliant with all Professional reports as stated in testimony.
 - Proof of ground water testing under LSRP jurisdiction.

Mr. Bucco questioned if the items of general freight and no refrigeration be listed on the resolution. Mr. Clarkin stated he preferred not to have them listed. If it is hazardous waste or refrigeration there would be state licensing required. Mr. Fisher stated it is not prohibited in the M-3 zone.

Chairman Ackerman calls to motion to approve preliminary and final site plan with the variances, waivers and conditions that Mr. Fisher has reviewed. Council President White made motion, seconded by Miss Bartfalvi. Those in Favor: Mayor Anesh; Council President White; Miss Bartfalvi; Mr. Bythell; Mr. Grzenda; Vice Chairman Pederson and Chairman Ackerman. Those Oppose: None.

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Old Business:

Mr. Grzenda questioned the result of the 'STOP' sign at Quick Chek on Durham Avenue around the building. Mr. Fisher stated that the Zoning Official should check if they have met all their conditions for approval. They may still have an outstanding Performance Bond. Chairman Ackerman asked Joanne, Board Secretary, to locate the resolution.

Committee Reports:

- A. **Street Naming Committee** – Bob Ackerman – report progress.
- B. **Environmental Committee** – Rich Houghton & Bryan Bythell - report progress.
- C. **Council Reports** - Council President White -
 - Ocean State Odd Jobs will open in June 3, 2017 with ribbon cutting at 9:45 am.
 - Jembro will be leasing the old MJM Shoes location.
 - Has spoken with Deputy Chief of MVC and they are adamant about opening up an office in South Plainfield. Found several locations and the Treasury Department are negotiating lease.
- D. **Mayoral Updates** - Mayor Anesh – report progress.

Minor Site Plan: None

New Business: None

Correspondence: None

Audience Comments: None

Executive Session: None

Adjournment: 8:45 pm.

Respectfully Submitted
Joanne Broderick
Planning Board Secretary