

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
July 24, 2018**

Roll Call:

Present:

Brian Bythell; Alt. 2
Paul Grzenda
Rich Houghton
John Mocharski
Peter Smith
Bob Ackerman; Chairman

Absent:

Mayor Matthew Anesh
Councilman Derryck White
Stephanie Bartfalvi; Alt. 1
Michael Pellegrino
Jack Pedersen; Vice Chairman

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

Chairman Ackerman opened the meeting at 7:00 pm stating 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: None.

Resolutions:

A. Case #778 - New Durham Road Development LLC
Block 528; Lot 44 & 45; M-2 Zone
1626 & 1630 New Durham Avenue

Chairman Ackerman called for a motion of *approval* of the above listed resolution. Mr. Mocharski made motion, seconded by Mr. Houghton. Those in favor: Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski and Chairman Ackerman. Those oppose: None.

Current Files: None.

Informal Hearings: None.

Public Hearings: (1)

B. Case #17-02 - B. Bengi, LLC
Block 265; Lot 22 & 23; HDD Zone
115-117 & 119 Hamilton Boulevard

The applicant is requesting a *Preliminary and Final Major Site Plan* approval with a *Minor Subdivision* to construct two (2) buildings with retail space on the first floor and apartments on the second and third floor. Carried from May 8, 2018 and June 26, 2018.

Mr. Fisher announced that Mr. Mocharski listened to the tape and has signed the Certification is eligible to vote.

Robert Levinson - attorney for the Applicant - stated that Betsy Doyon - Traffic Engineer - is present.

Chairman Ackerman requested that before Ms. Doyon speaks, would like to read the report from the Fire Department dated June 27, 2018 from Joseph Abbruzzese. Chairman Ackerman read...

'We did call for fire lanes to be installed that are specific to allow access for fire apprentice at the main entrance. The building will have to be sprinklered no matter what so that is not an issue. Access to the

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rear should not be a problem as a garbage truck must also be able to gain access for refuse removal. The normal turning radius templet would be impossible to apply here. As long as the fire lanes are installed in accordance with the Borough Code. Fire Department access to the rear of the building should not be a problem. Signed by J.A. Abbruzzese, Fire Marshal for the Borough.'

Mr. Fisher stated that this is in response to an inquiry at the last meeting regarding if the Fire Department was satisfied as to the rear access.

Elizabeth Dolan – Dolan & Dean Consulting Engineers, 792 Chimney Rock Road, Martinsville, New Jersey – remains sworn in. Mr. Levinson questioned Ms. Dolan:

- Did counts at 23-22 South Plainfield Avenue and at 15-17-19-21 South Plainfield Avenue - buildings are adjacent to each other with variety of retail commercial uses and apartments.
- Did counts on:
 - Tuesday, July 10, 2018 at 8:00 pm. After retail closes and residential use is active.
 - Saturday, July 14, 2018 at 11:00 am to 2:00 pm. Peak shopping time.
 - Monday, July 16, 2018 at 10:15 pm. Night time count.
 - Tuesday, July 17, 2018 at 5:00 pm to 7:00 pm and 8:00 pm to 9:00 pm.
- Summarized parking on a table that was submitted dated July 18, 2018.
 - Maximum demand - twenty-four (24) spaces.
 - Mid-day as expected. Peak shopping time.
 - Supports twelve thousand nine hundred (12,900) square feet of commercial space. Three (3) apartments.
 - Parking for other uses occur other than these buildings.
 - A jeweler and other uses across the street.
 - Demand of two (2) spaces per one thousand (1,000) square feet of commercial space.
- Did counts at Plaza across the street of proposed site.
 - Tuesday, July 17, 2018 at 5:00 pm to 7:00 pm and 8:00 pm to 9:00 pm.
 - Forty-eight (48) spaces occupied.
 - Parking lot provides eighty (80) spaces.

Chairman Ackerman confirmed with Ms. Dolan that those counts were done in the evening. Chairman Ackerman asked if there were any counts at that site done during the day. Ms. Dolan stated no... did not get the direction to count that site until close to submitting the report. Therefore, no weekend count. Has been at the plaza during Dunkin' Donuts peak hours where the rest of the shops are closed.

Mr. Levinson asked based upon the study that was performed, is there sufficient parking at 115-117 -119 Hamilton Boulevard. Ms. Dolan stated based on the study of the mixed-use site, the parking demands are not as high as outlined in the Ordinance. There would be sufficient parking.

Mr. Fisher asked what is the parking per square feet at the proposed site. Ms. Dolan stated per the Ordinance, the site would require thirty (30) spaces and RSIS for residential requires thirty-five (35) for a total of sixty-five (65) spaces. Observed half would be needed.... Approximately eighteen (18) parking spaces for retail.

Mr. Slachetka stated in the HDD zone, there are separate requirements. For non-residential it is one (1) per three hundred (300).

Mr. Bucco stated that he had the opportunity to review the report and agreed with the results. However, it is his recommendation to restrict the uses to general office - travel agency, law office, real estate, hardware, paint store, bagel shop, donut shop with no drive thru. Something that would be open when the residents are not there.... Close around the time the residents return.

Mr. Slachetka would like to clarify the address of the site. There are three (3) numbers associated with these buildings. One (1) building has three (3) six hundred (600) square feet of non-residential on the first floor and second floor has three (3) apartments. The second building has nine thousand three hundred (9,300) square feet of commercial space on one (1) floor. Ms. Dolan stated on two (2) floors. Mr. Slachetka continued... there is a reference of twelve thousand (12,000) combined with six (6) apartments. Ms. Dolan stated that was a typo, it is three (3) apartments. Mr. Slachetka referred to page 2 third paragraph in Ms. Dolan's report that there are five (5)

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spaces for six (6) apartments. Ms. Dolan stated that is an error. The paragraph above stated six (6) spaces for three (3) apartments.

Mr. Slachetka asked what the non-residential uses at the plaza's that the counts were taken. Ms. Dolan stated at 23 - 33, there is a pet grooming, beauty salon and restaurant. At the 15-17-19-21, there is a piano studio, Sports World - second floor had batting cages, printing shop and office space on the second floor. Mr. Slachetka asked Ms. Dolan if she knew the hours of operation. She did not. Mr. Slachetka asked the times that the study was conducted, were the business operational. Ms. Dolan stated when she was there at 10 pm, everything was closed. When there on July 10, many places were closing. On Saturday, the retail operations were open. For the July 17 count, when the count started most of the commercial was open but as the night they closed.

Chairman Ackerman asked Ms. Dolan did a count at the retail and condos on Hamilton Boulevard. Per Ms. Dolan, no. Chairman Ackerman stated thought that was to be studied. Ms. Dolan stated she misunderstood.

Mr. Smith asked that each building will have eight (8) apartments... sixteen (16) total. Ms. Dolan stated yes... sixteen (16) apartments are being proposed. Mr. Smith asked isn't there two (2) per apartment. Mr. Slachetka stated that in Ms. Dolan's study, there were three (3) apartments and five (5) cars. Ms. Dolan stated at the proposed site, there are sixteen (16) apartments which require thirty (30) spaces... 1.8 for one (1) bedroom 2.0 for two (2) bedrooms. Mr. Smith asked how many in the entire lot. Ms. Dolan stated thirty-six (36) spaces. Mr. Fisher stated in his notes, he has forty-one (41) spaces. Ms. Dolan stated street parking. Mr. Slachetka stated the street parking were not confirmed. Ms. Dolan stated that is correct. Mr. Slachetka compared the site that was studied to the proposed site... site that was studied has twelve thousand (12,000) square feet of retail and the proposed site has six thousand six hundred (6,600) square feet. Maximum utilization at the site that was study was mid-day Saturday followed by a few mid-day during the week and near the end of the day. Mr. Slachetka asked Ms. Dolan what would be the parking demand at the proposed site. Ms. Dolan stated thirteen (13) to fourteen (14) at the proposed site. Mr. Slachetka asked if there are any time of the day that there will be overlap of parking. Ms. Dolan stated mid-day Saturday. Mr. Fisher stated that the maximum of spaces at the peak time, would be one (1) to two (2) short. Ms. Dolan stated yes. Mr. Slachetka stated there may be a need for street parking available. Ms. Dolan stated street parking. There is no credit for pedestrian movement... walking to the retail area. Mr. Bucco asked if general retail is being discussed. Mr. Slachetka stated yes. Mr. Bucco continued... that is why he recommended the types of uses that he did. Mr. Fisher stated if there is no parking agreement prior to the hearing, this might be the time to discuss doing so instead limiting types of uses.

Mr. Levinson requested a recess.

Chairman Ackerman called the meeting to order.

Mr. Levinson suggested a time restriction rather than space. Retail must be closed by a certain hour. Mr. Fisher stated that is possible. Mr. Slachetka stated he is concerned with Saturday's demand on parking. Ms. Dolan stated the time restriction would not help... possibly the type of uses.

Mr. Mocharski stated the time restriction may not work. Most people work to 4, 5, 6 pm.

Mr. Fisher asked if the retail on this site is 'self-limiting' due to the space and parking. Ms. Dolan stated yes... and circulation requirements. Mr. Fisher asked Ms. Dolan if this is a site for a Dunkin' Donuts type of retail. Ms. Dolan stated no... those chains want drive-thru. This site cannot accommodate that. Building site itself will limit to the type of retail... lower trip generating retail.

Mr. Smith asked if the Applicant has any idea of the uses. At the last hearing, Mr. Bengivenga stated he was moving his office to this location. Mr. Bucco stated that would open up spaces.

Mr. Slachetka stated if the ratio is applied from the area that was studied, the ratio would be 1.7. Apply that to this unit and there would be a need for twenty-seven (27) spaces. Mr. Slachetka confirmed with Ms. Dolan that thirteen (13) non-residential spaces would be required.

Mr. Fisher stated that if a tenant cannot find a space, they will be angry and would contact the landlord.

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Mr. Smith asked if there are any chance of additional off-site parking from any other source. Mr. Slachetka stated 15-17-19-21 are being under-utilized. Mr. Fisher stated the Board does not have the authority to enforce that as a mandatory condition.

Mr. Bythell asked if the fire lanes impact street parking. Ms. Dolan stated no, that is all on site. Mr. Mocharski stated vehicles cannot park across the street because of the fire hydrant.

Mr. Slachetka stated there is no parking directly in front of the building.

Mr. Fisher asked if there was a reason why that cannot be added. Mr. Bucco stated no room. By Ordinance, cannot park there. Mr. Mocharski stated that the whole side of that block on that side. On the other side, after the stores can park on that side.

Chairman Ackerman stated agreed with Mr. Fisher, if the residents cannot find parking due to retail, they will complain to the landlords and it is up to them to resolve.

Chairman Ackerman stated should the application go forward. Does not see having additional parking on the property. Mr. Mocharski stated can't say someone pulls into across the street and walks over. Chairman Ackerman stated the Board has no control over that. Chairman Ackerman stated if the owner of that plaza has a complaint, they had adequate notice.

Mr. Smith asked how many retail spaces being proposed. Mr. Bengivenga, who remains under oath, stated on his side, he expects himself and one (1) store. On Mr. Lemo's side, maybe one (1) store.

Mr. Bengivenga stated regarding the parking at 15-17-19-21, there are four (4) cars. The fifth (5th) car is from the two (2) family across the street. They have no parking. Edith's park there during the day as well. Also, on weekends, not everyone is home... some go down the shore, shopping, visit friends etc.

Mr. Levinson stated this is the Historic District that needs some updating. Proposing to do so.

Mr. Mocharski stated that need to consider the employees of the retail.

Mr. Slachetka stated according the HDD requirement is forty-nine (49). The study showed the maximum was twenty-four (24). Mr. Fisher stated providing forty-one (41).

Mr. Grzenda asked how do you regulate the parking... if a tenant has three (3) cars or a friend visits. Mr. Bengivenga stated it would regulate by themselves. Can add the limit of vehicles in the lease. Mr. Grzenda asked what is the closest parking area that Mr. Bengivenga owns to the proposed site. Mr. Bengivenga stated downtown. Parking that was just discussed... South Plainfield and Front Street. Mr. Grzenda stated that if there is a need for additional parking, can a tenant be advised they can park at that location. Mr. Bengivenga stated there is plenty of room. Mr. Grzenda asked Mr. Bengivenga he can direct tenants who require additional parking to park at the other location. Mr. Bengivenga stated yes. Mr. Grzenda asked in the lease would he advise tenants that they are limited to so many vehicles. Mr. Bengivenga stated yes.

Mr. Fisher asked that as a condition, non-tenants can be directed to park at the other location that the owner also owns. Mr. Slachetka stated that spaces cannot be labeled residential or non-residential. Shared parking does not work that way. Mr. Bucco stated there should be something that says additional parking available. Mr. Bengivenga stated he would prefer not to put up a sign but is willing to make that note on the leases. Mr. Slachetka stated that a sign stating that there is additional parking and direct them to it would be more beneficial then someone circling around looking for a spot. Mr. Fisher asked for the address of the lot for additional parking. Mr. Bengivenga stated 23-33 South Plainfield Avenue. Mr. Fisher stated that a lot of issues can be resolved with a sign stating additional parking is available at -. Mr. Slachetka stated that would encourage pedestrian traffic.

Chairman Ackerman asked the Applicants if they are willing to do so. Both agreed.

Chairman Ackerman opened the discussion to the Public. No comments or concerns.

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Mr. Fisher reiterated the conditions: Five foot (5') buffer, parking lot buffer, parking safety requirements, required street furniture... Side Yard setbacks.... Front Yard setbacks.... Accessory Building - pre-existing - Rear Yard and Side Yard setback.... Parking variance.... Lot Coverage.... Environmental Impact Statement.... Stormwater Management Report... Architectural Elevations.... Landscaping... Recycling Plan for completeness.

Mr. Slachetka stated that the applicant did comment on the Planners Report.

Mr. Fisher continued.... Six foot (6') fence around the three (3) sides of the property.... Signs will comply with the sign ordinance.... Textured paving will be provided in front... plantings will be provided by the shed... car stops along the building... Six foot (6') fence around the trash enclosure... meet all Affordable Housing requirements... a narrative Recycling Plan will be provided... decorative stone or shrubbery for two foot (2') width... Building height will not exceed thirty-five feet (35')... will comply with Board Engineer and Board Planners reports... will place at least one (1) sign for additional parking at 23-33 South Plainfield Avenue.... all items that have been testified.

Chairman Ackerman called for a motion of *approval* with all variances and waivers. Mr. Mocharski made motion, seconded by Mr. Bythell. Those in favor: Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Mr. Smith and Chairman Ackerman. Those opposed: None.

Old Business: None

Committee Reports:

- A. **Street Naming Committee** – Bob Ackerman – report progress.
- B. **Environmental Committee** – Rich Houghton & Bryan Bythell - report progress.
- C. **Council Reports** – Councilman White – report progress.
- D. **Mayoral Updates** - Mayor Anesh – report progress

Minor Site Plan: None

New Business:

Correspondence: None

Audience Comments: None

Executive Session: None

Adjournment: 8:05 pm.

Respectfully Submitted,
Joanne Broderick
Planning Board Secretary