

**BOROUGH OF SOUTH PLAINFIELD  
PLANNING BOARD MINUTES  
May 22, 2018**

**Roll Call:**

**Present:**

Mayor Matthew Anesh  
Councilman Derryck White  
Brian Bythell; Alt. 2  
Paul Grzenda  
Rich Houghton  
John Mocharski  
Michael Pellegrino  
Jack Pedersen; Vice Chairman  
Bob Ackerman; Chairman

**Absent:**

Stephanie Bartfalvi; Alt. 1  
Peter Smith

**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:** May 8, 2018 Meeting

Chairman Ackerman calls for a motion to *approve* the above listed Minutes. Mr. Mocharski made motion, seconded by Vice Chairman Pedersen. Those in favor: Mr. Bythell; Mr. Houghton; Mr. Mocharski; Mr. Pellegrino; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None.

**Resolutions:** None

**Current Files:** None

**Informal Hearings:** None

**Public Hearings:** (2)

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

The applicant is requesting a *Preliminary and Final Site Plan* approval with a *Lot Consolidation* to construct a medical facility. Variances being requested: *Lot Area* – Existing 69,519.26 square feet – Required 120,000 square feet - Variance 50,480.74 square feet; *Lot Depth* – Existing 205.97' - Required 250' – Variance 44.03'; *Side Setback* – Proposed 30.02' - Required 50' – Variance 19.98'.

Chairman Ackerman stated that the applicant has requested to carry this case to the July 10, 2018 meeting.

Mr. Fisher stated that it is upon contingent of proof of proper notice to the Board.

Chairman Ackerman calls for a motion to *approve* the request to carry to the July 10, 2018 meeting date. Mr. Mocharski made motion, seconded by Vice Chairman Pedersen. Those in favor: Mayor Anesh; Councilman White; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Mr. Pellegrino; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None.

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Mr. Fisher stated that if anyone in the Public is present for this case, it will be heard on July 10, 2018 and there will be no further notice.

**B. Case #18-01 - Daniel Chin**  
Block 318; Lot 2; R-10 Zone  
303 New Market Avenue

The applicant is requesting a *Minor Subdivision* approval to construct a new home. The existing home to remain. The following variances are being requested:

**Proposed lot A:** *Lot Area* – Proposed 8,090 square feet – Required 10,000 square feet - Variance 1,910 square feet; *Lot Depth* – Proposed 61.8' - Required 100' – Variance 38.2'; *Rear Setback* Proposed 19' - Required 20' – Variance 1'.

**Proposed lot B:** *Lot Area* – Proposed 7,500 square feet – Required 10,000 square feet - Variance 2,500 square feet; *Lot Width* – Proposed 75' - Required 100' – Variance 25'.

Vice Chairman Pedersen stated that the last time this applicant was heard, he had to recuse himself because they had a business relationship. Mr. Chin was a licensed agent with his office. That is no longer the case. Does not see a need to be recused this time.

Mr. Fisher asked Mr. Clarkin, the attorney for the applicant if he had any objections. Mr. Clarkin stated he did not.

Mr. Fisher confirms with Vice Chairman Pedersen that there are no further business relationship. Vice Chairman Pedersen stated no.

James Clarkin, III, Esq – Clarkin & Vignuolo, 1100 Centennial Avenue, Suite 203, Piscataway, New Jersey – attorney for the applicant addressed the Board. This is a minor subdivision to create two (2) lots from one (1) existing lot. The two (2) significant variances that are needed are for lot area and lot width for each proposed lot. The applicant is proceeding with a Flexible C Analysis. The applicant must demonstrate the benefits to the Borough of South Plainfield substantially out ways any detriments that might result in granting of these variances.

- The existing home is seventy (70) years old... constructed in 1948.
- It appears to have the original asbestos shingles. The applicant would agree to re-side the existing structure and re-paint all the trim.
- The applicant would pave a driveway for the existing house. Currently, partially gravel and partially grass.
- There is a wooden handicap ramp built by the Borough. There is a handicap child in the home.
- Will agree, if that family moves, the applicant will remove the handicap ramp.
- Proposing to construct a sidewalk on Bergen Street of both proposed lots. There is a sidewalk in existence along New Market Avenue.
- The newly constructed home will have a paved driveway.
- It is the hope that the improvements to the existing home and the construction of the proposed single-family dwelling will spark others in the neighborhood to improve their properties.
- Older neighborhood that would benefit an upgrade.
- Size of the two (2) lots that are being proposed will exceed the size of six (6) lots on Bergen Street from New Market Avenue to Amboy Avenue.
  - Two (2) lots are fifty feet (50').
  - The proposed lots... seventy-five feet (75') wide and eighty feet (80') wide are comparable with the existing neighborhood. The New Market Avenue corner lot has an existing one hundred feet (100') width on Bergen Street. However, lot widths are measured by setback line and mean lot.
- Proposed home will meet all setback requirements, coverages and height.
- Will except all as volunteered conditions.

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- Planner will give testimony that there are no detriments.
- Lots on Bergen Street, Hancock Street, Pitt Street and east side of Pulaski Street have nineteen (19) lots that are equal to or smaller than what is being proposing – total of forty (40) lots in the area.
  - Two (2) proposed lots will have an area of eighty thousand one hundred (8,100) square feet and seventy thousand five hundred (7,500) square feet.
  - Little potential for the domino effect. The existing house sits on one side.
  - The larger homes on the block are centrally located on their lot.
- Can comply with all professional requests.

Chairman Ackerman stated that there is nothing in front of the Board Members that describes the above.

Councilman White stated the Chairman is referencing the properties around the applicants.

Chairman Ackerman called for a recess so Mrs. Broderick can make copies of Exhibit A-1 – tax map page of the area in question which indicates single family, two family and four family home and where the homes are situated on those lots.

Chairman Ackerman called the meeting back in session. Mrs. Broderick distributes a copy of Exhibit A-1 to each Board Member.

Angelo J. Valetutto – AJV Engineering, 424 Amboy Avenue, Woodbridge, New Jersey – is sworn in and accepted as a Professional Planner and Professional Engineer.

Mr. Clarkin questioned Mr. Valetutto:

- Existing property:
  - Exhibit A-1 was prepared by Mr. Valetutto.
  - Tax map page 28.
  - Notations:
    - SF – single family.
    - CENTER – structure is on the center of the lot.
    - Shows lot depths and lot widths.
    - R-10 Zone.
  - Reviewed application for subdivision.
  - Inspected the property.
  - Inspection of the neighborhood to prepare Exhibit A-1.
  - Reviewed the Ordinance.
  - Single family dwelling (existing dwelling).
    - Situated on the northerly corner of the property at the intersection of Bergen and New Market.
    - Lot is 15,900 square feet.
    - Stone / grass driveway.
    - Sidewalk along New Market only.
    - Oversize shed in poor condition approximately three feet (3') off the property line.
      - Shown on subdivision plan to be removed along with clothes line pole.
- Proposed property:
  - Subdivided into two (2) lots.
    - Corner lot – 8,090 square feet.
      - Existing dwelling to remain.
    - Interior lot – seventy-five feet (75') frontage and one hundred feet (100') depth.
      - Shed and clothes line pole to be removed.
    - Proposed sidewalk along Bergen Street. A section or two (2) to be replace along New Market.
    - Plant two (2) trees along Bergen Street – both lots.

Chairman Ackerman asked where the driveway for the New Market property is today. Mr. Clarkin stated it exists on Bergen Street and proposed to be where it is. Mr. Valetutto stated approximately sixty-five (65) – seventy (70) feet

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from New Market Avenue. It will be retained and repaved. Mr. Bucco stated in his report he indicated that the Belgium Blocks have been buried over time due to lack of maintenance.

Mr. Clarkin confirmed with Mr. Valetutto that the existing house will be re-sided, re-painted, paved driveway, wooden ramp removed when no longer needed and sidewalk along Bergen Street. Mr. Valetutto agreed. Mr. Valetutto added that any section of the sidewalk along New Market that needs replacement will be replaced. Mr. Clarkin stated that if the application is approved, the applicant will except all of the above as voluntary conditions.

Mr. Clarkin questioned Mr. Valetutto – Planning Testimony:

- Proceeding under the Flexible C Analysis. Must demonstrate that the benefits of granting the approval with its variances substantially out way any detriment.
- “Benefits” are the benefits that must run to the Borough.
- Character of the neighborhood:
  - Using Exhibit A-1
    - To the North – the zone line for R-10, a residential zone and M-3, a commercial zone.
    - To the East approximately two (2) blocks – OBC-1 a business zone.
    - Cross the street of New Market is M-3. Cattycorner to the subject lot is the Polish National Home and Rupcoe. The remainder are single family and one 2-family.
    - Primarily on the same side as subject property, single family. However, a 2 family home on the corner of Pulaski and New Market as well as Bergen and New Market. Next to that is a fifty foot (50’) lot with frontage on New Market – 4 mailboxes.
    - OBC-1 a mixture of residential
- Lot size:
  - Using Exhibit A-1 – Lot 4 abutting the subject property and three (3) lots across the street from the subject is 50’ X 100’ – average lot size for the area.
  - Remainder of the area – 75’ X 100’ – what is being proposed.
  - A few 100’ X 100’ and 125’ X 100’.
  - CENTER indicated on Exhibit A-1 – will not create a domino effect. Those dwellings are centered on the property.
- Ten (10’) fifty foot (50’) lots from New Market to Amboy Avenue and along Pulaski and Hancock.
  - Two (2) lots less than fifty feet (50’) wide.
- No potential for a ‘domino effect’. Largest property in the area.
- Variances needed:
  - Lot Area:
    - Lot A (corner lot) – 8,090.54 square feet proposed. Required 10,000 square feet in R-10 zone.
    - Lot B (interior lot) – 7,500 square feet propsoed. Required 10,000 square feet in R-10 zone.
  - Lot Width:
    - Mean of the width is 80.95’. Average is 89’. Information from the Board Planner.
  - Lot A (corner lot) – existing front yard setback along New Market is 26.1’. Required 30’. Possibly pre-dates the ordinance.
    - Mr. Clarkin stated that it does not. The first ordinance was 1926.
- Proposed single family will be conforming. Though property is undersized for the zone.
- C2 analysis:
  - Benefits to the Borough:
    - Renovating exterior of the existing house.
    - Existing driveway that is gravel and grass will be paved.
    - Concrete sidewalk.
    - Replacing any sidewalk on New Market that is in need of replacement.
    - Construction of a new home – meeting all R-10 standards.
- Detriments:
  - None.
    - The size of the two (2) proposed lots are in character of the neighborhood.
      - Lot size will be same or larger of approximately fifty percent (50%) of existing lots.

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- No potential for 'domino effect'. Property that are on a similar lot have houses in great condition and center of the property.
- Can variance be granted without any detriment to the public good?
  - Yes. The application, if approved, would be a substantial improvement to the neighborhood.
    - Very visible corner lot with traffic.
    - New dwelling will meet all bulk variances.
- Can variance be granted without substantial impairment to the Master Plan and Zone Ordinance?
  - Yes. Lot sizes proposed will be in the range in terms of width. Therefore, no detriment to the Master Plan or Zoning Ordinance.
- Has reviewed Najarian's report. Discussed all items with applicant. Will comply with a slight modification. The grading plan to be part of the process of Building Permit to ensure there are no drainage runoff to adjoining properties.

Mr. Clarkin begins reviewing the Najarian Associates review letter dated February 2, 2018:

- Page 2 - no engineering objection to the various variances and waiver requests.
  - There was no objection from Dr. Tempel and the Environmental Commission. However, will discuss the report in detail shortly.
  - Requested that the waivers be granted and have acknowledged the various variances.
- Page 3 – Subdivision Checklist – will comply with all requests.
- Will comply with all requests.

Mr. Clarkin stated that if the application is approved, the subdivision will be by deed - separate deeds for each lot.

Chairman Ackerman asked what type of home is being proposed. Mr. Clarkin stated that he does not know. The applicant has had experience as a builder. He will be building it.

Mr. Clarkin stated that on Dr. Tempel's report dated February 15, 2018, it is indicated that the adjacent house is close to the property line and there may be an uncomfortable separation between the homes. The bulk requirement is eight feet (8'). However, the applicant is willing to go fifteen feet (15') from the property line - as a condition of approval. That will be sixteen feet (16') between the two (2) structures which is what the ordinance is intended.

Chairman Ackerman clarified with Mr. Clarkin that the property being discussed is Lot 4.

Mr. Clarkin continued.... With the seventy-five foot (75') lot width the property can afford the fifteen feet (15'). There will be eight feet (8') side setback on the other side. Therefore, there is almost a fifty foot (50') wide building envelope. However, the distance can be increased. Otherwise, it will be a two (2) story, four (4) bedroom, two (2) garage home and a driveway with space for two (2) additional motor vehicles.

Chairman Ackerman stated the Board will require that all the leaders and gutters would go to the street. Mr. Clarkin stated that is in Mr. Bucco's report and have agreed to comply.

Mr. Bucco stated that when site plans are reviewed there is a box. Recommends that there be a detailed plot plan / grading plan which will show the exact footprint with all grading and roof leaders so there is no adverse effect to the adjacent property owners as it relates to drainage. That has to be reviewed and approved before any construction or building permit is issued by the Borough.

Chairman Ackerman stated that would be a condition of approval. Mr. Bucco stated correct.

Mr. Clarkin refers to Mr. Slachetka's Planner review dated April 3, 2018. On page 5 there are six (6) Planning comments that the applicant will comply.

Mr. Slachetka asked Mr. Clarkin to address E2 – height of the existing structure. Mr. Valetutto stated he cannot testify as to the height. However, he can testify it will be less then thirty-five feet (35').

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Mr. Slachetka stated he would like to clarify the variances. Prior to issuing the review letter of April 3, 2018, he received email correspondence from Mr. Clarkin asking to clarify the variances, specifically lot width of the two (2) lots. Mr. Slachetka responded by email to Mr. Clarkin that they accurately identified the lot area variances and the lot width variance for the 75' wide lot is obvious. As to the proposed corner lot other than the lot area variance required, there are two (2) components to the lot width. The way that lot width is defined in the Ordinance, which is the width of the lot measured at the setback line. The second is a mean lot width which is the average lot width... length of the lot in course of the depth. There is a need for a variance for the required lot width which is 89' at the setback line which 100' is required. They also need a variance for the mean lot width which is approximately 80.9' which is less than the 89' which is pursuant to the mean lot measures. Therefore, they need two (2) variances.

Mr. Clarkin refers the Environmental Report dated February 15, 2018. It was previously discussed to separate the two (2) houses due to the closeness of the house on Lot 4 to the property line. The applicant agrees to two (2) shade trees per lot as suggested.

Mr. Clarkin referred to the Fire Marshall report dated January 25, 2018 that they have no objects to the application. The Health Department has no objections.

Councilman White commented that it was previously stated that the house is one that has not been upkept... not as well maintained as it could be. Siding and painting was mentioned... these conditions were prior to the application. Why all of a sudden there is a sense of urgency to change these things since they have been that way? Mr. Clarkin stated if the application is approved, it gives the financial 'well-with-all' to make those improvements. Councilman White continued... building a new home requires capital. Is the funding available to improve the existing home that was not there earlier? Mr. Clarkin answered that when you have a lot that is conforming and create two (2) non-conforming lots, you absolutely have no hardship. Therefore, that leaves you with Flexible C. Councilman White continued... Trying to understand where the increased capital is coming from now. Mr. Clarkin stated the applicant has the resources to borrow the money.

Mayor Anesh stated the question is... are we to assume there are no resources now unless the application is approved and receives capital from the sale of the new home. Is that the testimony from the applicant? Mr. Clarkin stated that the applicant has not yet testified. Mayor Anesh asked again... is that the testimony of the applicant that there is no way to improve the existing home. Councilman White stated my question is why it hasn't been done.

Mr. Clarkin confers with the applicant.

Mr. Clarkin stated that it is much more likely that he will have the resources to do the improvements to the existing structure if the subdivision is approved. Not saying it will never happen.

Councilman White asked if it is a rental property. Mr. Clarkin stated yes.

Chairman Ackerman asked if the current property in violation of any property maintenance. Mr. Clarkin stated not to his knowledge.

Mr. Clarkin repeated... the applicant is more likely to renovate the existing home if the subdivision is approved.

Mayor Anesh asked if that is the only benefit to the Borough? Mr. Clarkin answered no... the benefit to the Borough is not only renovating the existing house but constructing a new house. It is an older street. Believes that he has made his case for the C2. However, this is more of a policy issue. It is a decision that the Board has great discretion to what is the best for the Borough. This is an opportunity to upgrade the housing stock of one of the older neighborhoods. It will certainly help this block to spark some additional property owners to spruce up their properties. That is all a benefit to the Borough.

Mr. Fisher stated under the Flexible C, there is no need for them to approve there is a hardship. Some improvements can be made without the benefit of Flexible C. This gives the Board, as Mr. Clarkin stated earlier, the extreme discretion when balancing the benefits outweighing the detriments.

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Chairman Ackerman stated this section of town was built long before he was on the Board. It is a R-10 zone. However, does not believe there was a R-10 zone designation when this area was developed considering most of the lots are 50'.

Mr. Clarkin stated lot 6 on Bergen Street, that has a new home on it. It may have been granted by variance. Chairman Ackerman stated it may have gone before the Zoning Board because it is an existing lot for bulks.

Chairman Ackerman stated there is very little new development on those streets for quite some time. Most of the homes have been there for a while.

Councilman White stated this was recommended to go before the Council to remove the deed restriction. The reason it is back at this Board is that the deed restriction which was granted by the Board but not the subdivision.

Mayor Anesh stated there was no recommendation at that time for a subdivision.

Mr. Fisher stated that the Board deferred the subdivision that Mr. Chin would bear heavy burden but found other reasons while to recommend lifting the deed restriction. The deed restriction was not against subdivision but did have that effect. It also prohibited him from erecting any structure on that half of the property... garage, shed etc. That is in the resolution which led the Board to lift the deed restriction. In Paragraph 12, the Board requested the possibility that Council for the idea of removing the deed restriction against the erecting of any structure in exchange in a deed restriction prohibiting subdivision. At that time, there was no subdivision before the Board. The Board had not the benefit of hearing positive and negative criteria of C2 variance. The Board appropriately did not make a determination of the subdivision. The grounds were independent.

Mr. Bythel stated that there is no indication of the house size. Will there be a paved driveway? Mr. Clarkin stated there will be a paved driveway and an enclosed two (2) car garage. Mr. Bythel continued... what street would that be on? Mr. Clarkin stated on Bergen. That would be the new interior lot. The existing lot will have a driveway on Bergen as well.

Mr. Fisher stated that the bulk standards limit the size of house probably something in line with the other houses. Mr. Clarkin stated he is willing to listen to any of limitation of square footage of the house if the Board thinks that is important to further make sure that what is being proposed is in keeping with the character of the neighborhood.

Chairman Ackerman stated he believes that should be done. Does not want to see a 'McMansion' on the lot.

Chairman Ackerman asked Mr. Slachetka in his experience, what size of home would he recommend on this size lot. Mr. Valetutto stated that 25% is 1,875 square feet. Mr. Slachetka asked if Chairman Ackerman is referring to the lot coverage or the square foot of the home. Chairman Ackerman stated in a two (2) story structure.

Mr. Bucco stated that the scaling of the existing building is 1,800 square feet.

Mr. Valetutto stated that the footprint would include the garage. Mr. Clarkin stated that the applicant is willing to limit the house to 3,000 square feet total. Mr. Slachetka stated that is very large house. Mayor Anesh stated that is 50% larger than those on the block.

Mr. Clarkin asked what the Board suggests.

Chairman Ackerman declared a five minute recess.

Chairman Ackerman calls the meeting back to order.

Chairman Ackerman stated that during the recess, he took the opportunity to call the former Borough Tax Assessor. Asked from her experience on a lot size of 75' X 100', what is the average size of home. She said on average 1,800 to 1,850. Mr. Fisher asked if that was the foot print or square footage. Chairman Ackerman stated square footage of the home.

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Chairman Ackerman stated she gave two (2) examples. Both homes are three (3) bedroom colonials, two (2) car garage, family room, living room, dining room and eat in kitchen. On average there were 1,800 - 1,875 square feet.

Mr. Bucco stated that his recommendation is 1,875 total square footage. Part of the site plan approval the applicant has agreed to do infrastructure improvements along the right-a-way. Putting in sidewalks along Bergen Street and improving Belgium block curbing along the New Market Avenue and Bergen Street. Not only is he going to provide the Borough the specific plot plan for the new lot, he will also be doing public improvements if this application is approved.

Chairman Ackerman reiterated that the Borough would have sidewalks and curbing on New Market and Bergen for both lots. Mr. Bucco stated yes... and sidewalk improvement to New Market along with bringing it up to code for handicap ramp.

Mr. Fisher confirmed with Mr. Bucco that his recommendation is 1,875 square feet would be the maximum to make it compatible with the R-10 zone and the neighborhood.

Mr. Clarkin asked the Board to increase the size to 2,000 square feet and suggested that the former Tax Assessor may have outdated information. Chairman Ackerman responded this information is not outdated. This information is based on the records that the Borough has.

Chairman Ackerman asked Mr. Clarkin what size the applicant is looking for. Mr. Clarkin stated 'you don't want to know'. The applicant was looking at 2,500 square feet.... Four (4) bedroom, 2.5 baths with a two (2) car garage.

Chairman Ackerman stated he believes that would be too big. New homes with lots 75' X 100' are in the 1,800 – 1,875 square foot range. They are three (3) bedrooms... some are four (4) bedrooms with 2.5 baths.

Vice Chairman Pedersen stated that in general, the setbacks and lot coverage is there for this reason. It is based on the size of the lot. Does that put the footprint of the property at 1,875 square feet? Mr. Fisher stated 3,700 for two (2) floors. Vice Chairman Pedersen continued... you don't include the garage in the square footage. Mr. Valetutto stated it does count for the lot coverage. Vice Chairman Pedersen continued... the 3,000 square footage that the applicant is seeking is the living space square footage. People are looking at bigger homes. The setbacks in the Ordinance sets the limitations. To set them beyond that would require more explanation of the justification. The character of the neighborhood is from the 1900's and functionally obsolete. Footprint is the driver. Keep in mind that includes the garage. Does building over the garage becomes a detriment? He does not see the detriment.

Mr. Fisher asked Mr. Slachetka what the standard would be for a 75' x 100' lot. Mr. Slachetka stated that the lot coverage is 25%. There are a couple of points that are relevant. The applicant indicated that they would conform to the R-10 setbacks. Mr. Clarkin added with the enhanced side yard setback of fifteen feet (15'). The way the ordinance defines lot coverage is the principle structure and all accessory structures – any building structure. It is not impervious coverage - not cover pavement and the like. Understands the Board concerns with the mass and scale of the structure. Even with the R-10 setback, if you max out the coverage, it can be substantially larger in scale to the rest of the homes in the neighborhood. Believes that the limitation is reasonable but agrees with Mr. Clarkin that the 1,875 square footage is constraining. The Board should give the applicant a little flexibility unless the Board would like to define the living space as floor space.

Mr. Bucco asked if this applicant is given a restraint of square footage, does the applicant have to return to the Board for a shed. Mr. Slachetka stated only if it is defined as lot coverage. If the square footage of the principle building is 'X' that excludes any accessory structures.

Mr. Slachetka stated that newer homes on average are larger than the older homes. One of the arguments that the applicant is making is that they are developing in the manner of the characteristics of the surrounding neighborhood that is a benefit to the community. The community is a tax ratable improvement. The public improvements of the sidewalks, street trees and the esthetic improvements of the existing home. The improvements on the new lot will be in the manner consistent with the surrounding area. The Board has the authority and the ability to place limitations on the size of the building. Is not familiar with the current residential market place but does know there is

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the tendency for increased size of the new houses. Somewhere in the 1,800 – 2,200 square foot range seems right 'only doing this as a seat of the pants' based on the Tax Assessor information provided to the Board and my general understanding of the market place. The Board must use their discretion to what the limitation is. There should be a consideration to some flexibility but at the same time there can't be cart blanche availability. I would not limit it to the setbacks standards. Believes that is too wide of a discretion.

Chairman Ackerman asked Mr. Bucco what is his discretion. Mr. Bucco stated that 1,875 to 2,000 at the maximum.

Chairman Ackerman asked Vice Chairman Pedersen as a realtor, a 75' X 100' lot a 2,000 square foot home looking at a neighborhood of all 50' square foot. Vice Chairman Pedersen stated that those homes are functionally obsolete. Those homes are selling cheap because they do not have the closets or the living space for today's market. On Beatrice, the Board granted on 80' X 100' lot, 3,000 square foot homes. They are 80' deep lots with no backyard. No one is building 2,000 square foot homes. They are building bigger. When I look at square footage, I do not count garages. If you take a 1,800 square foot home... 900 square foot per floor with a two (2) car garage... what is the difference if you add space over the garage. You are not increasing the footprint.

Mr. Fisher asked Vice Chairman Pedersen if in the future these houses are updated in accordance with the Zoning Ordinance, they can all be larger. Vice Chairman Pedersen stated that he sees it now. Was sitting with someone who was looking at an older ranch house and was thinking of all the possibilities... adding a two (2) car garage... adding a full second floor... turning a small ranch into a nice size colonial. There may be a problem with some of these homes because the lots are small. Has never been in favor throwing an arbitrary number.

Mr. Fisher reiterated that Vice Chairman Pedersen is not in the favor of an arbitrary number because it can potentially lose the benefits that the applicant has stated for this application. Vice Chairman Pedersen stated yes. Obviously, it needs to be something sellable. The footprint is understandable but the square footage is difficult. The footprint should be the main concern.

Mr. Bucco stated he thought it was the total square footage of the house. It is a 900 square foot footprint and over top another 900 – 925 square feet. The number before was the coverage.

Mr. Fisher stated 1,875 square feet times two (2) - it can be over 3,000 square feet with the garage.

Vice Chairman Pedersen stated that would be over powering.

Chairman Ackerman stated would like to see the property have a decent size front yard and a backyard. Some of these houses that have been recently developed have no backyard. Does not want to see that any more. Vice Chairman Pedersen agreed.

Mayor Anesh stated that keeping with the character of the neighborhood should be what it is now... not what it can be fifty (50) years from now if everyone knocked down their houses and built new ones.

Chairman Ackerman stated the houses that are on 50' or 75' wide lots are mostly smaller cape cods. Someone can take a cape cod and build up... a small colonial. It can be done in the foot print that is there. That is what is being done on many lots. Taking a cape cod and build up with a A-Frame roofs but staying within the footprint that is already there.

Vice Chairman Pedersen stated adding a garage and putting rooms above the garage.

Mr. Fisher stated the minimum rear yard setback is twenty feet (20') for the zone. That is proposed to be met.

Mr. Clarkin stated if you have a house that is forty feet (40') deep with a conforming thirty feet (30') front set back that would still have a thirty foot (30') conforming rear yard which is fifty percent (50%) more than the ordinance requires. This has a lot of building envelope to work with. Don't want to use it all and it should not be over powering. Can get a larger home and still not have the problem that it is bumping up against that rear yard.

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Mr. Fisher reiterated that the proposal is to have a thirty-foot (30') setback on the rear. Mr. Clarkin stated in the front and the rear.

Vice Chairman Pedersen agreed with the setbacks. Also agreed with the Chairman regarding backyards... walk out to the backyard and see the neighbor right over the fence. He would like to see more backyards.

Chairman Ackerman confirmed with Mr. Fisher that the applicant had agreed to a thirty-foot (30') rear yard setback and a front yard setback. Chairman Ackerman questioned what the building envelope would be. Mr. Bucco stated 40' x 52' giving fifteen feet (15') from the north-west property line and thirty feet (30') from the rear yard.

Chairman Ackerman asked what size house can be placed on that. Mr. Valetutto stated its bigger than the 1,875. Mr. Slachetka stated 2,080. If the Board feels those enhanced setbacks plus some limitation on the lot coverage by the principle building, it gives the flexibility to where the principle building will be.

Chairman Ackerman gave an example. Is aware of a 75' X 100' lot with a three (3) bedroom, two and a half (2.5) bath, two (2) car garage colonial with a family room, living room, eat in kitchen on the first floor along with a shed and a very large inground swimming pool meeting all the requirements. The house is going on the market. The price is \$425,000 - a current existing house on a current existing street. The house is 1,825 square feet. Vice Chairman Pedersen asked if he knows the size of the footprint. Chairman Ackerman stated it meets the side yard setback, front yard setback and rear yard setback requirements for that zone. A house that size sitting on a 75' X 100' it is not a huge McMansion... but a nice house. This is a neighborhood with 50' & 75' lots with smaller houses. Yes, you could build up a cape cod to a colonial which is being done in town. A house that is similar to what was described will fit in the neighborhood. Cannot see a 3,000 square foot home on that lot in that neighborhood. Mayor Anesh stated it would look out of place

Mr. Clarkin admits that a 3,000 square foot house is over powering.

Chairman Ackerman stated something in the 1,800 – 2,000 home, colonial.

Mr. Slachetka stated there are a number of 75' X 100' square foot lots in this neighborhood. Do we know the size of these homes regarding the building footprint or size of home? The applicant should be given the opportunity to research the size of the homes in the neighborhood.

Mr. Fisher stated the applicant could return to the next scheduled hearing to present evidence that the character of the neighborhood regarding the size of the homes.

Mr. Clarkin stated that is a good idea.

Mr. Fisher stated that there is not much more to be done, so this can be done at the beginning of the next scheduled meeting. Mrs. Broderick stated the next meeting is June 12, 2018 that there may not be a quorum. Mr. Fisher stated he does remember the conversation that may be canceled because of no quorum. Mrs. Brodeick stated the next scheduled would be June 26, 2018.

Mr. Fisher asked Mr. Clarkin if this can be handled relatively quickly because there is a large hearing scheduled. Mr. Clarkins stated absolutely.

Mr. Clarkin confirmed that June 12, 2018 is not an option. Mr. Fisher stated there will be no quorum. Mr. Clarkin asked if Mr. Valatutto is required to be at the next hearing. Mr. Fisher stated that is correct. Mr. Clarkin stated that June 26, 2018 will work.

Chairman Ackerman stated that there is a large case currently scheduled for June 26, 2018. However, the Board will hear this case first.

Mr. Slachetka stated that he would want to make it clear that he is suggestion that it would be appropriate for the Board to understand the developemnet pattern for this area. Also for the Board ot inform themselves of general what it would be acceptanel regarding to the market. Even if there is a determinateion that some of the homes are

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larger than others. Specifically, the 75' X 100' size lot. Since variances are being requested, the Board does have the right to establish its own standard.

Mr. Fisher stated this would be for guidance.

Mr. Clarkin stated he intends to have a written submission at least ten (10) days to the next hearing so the Board has sufficient time to review.

Mr. Slachetka asked how will you enter the testimony. Mr. Clarkin stated that the applicant is a realtor or another realtor.

Vice Chairman Pedersen would like to see specifically, the footprint not building plans that would benefit the Board the size of the structure how much of the first floor will be taken up by a garage. When numbers are thrown around, most do not understand what that really means. A sketch would be helpful to see what is on the first floor and second floor. To conform, we are not counting the garage as square foot. Mrs. Broderick stated we usually do not count garages as square footage of a home including basement.

Mr. Fisher stated there is a request of what the house will look like what the applicant is proposing and what the building envelope will look like.

Chairman Ackerman stated that you will be coming back using Exhibit A-1 what is on those lots. Mr. Clarkin agreed. Particular focus on both sides of Bergen. Chairman Ackerman stated yes.

Mr. Fisher stated we need a motion to carry this hearing to June 26, 2018.

Mr. Clarkin asked if he would have to re-notice. Mr. Fisher and Chairman Ackerman stated no.

Chairman Ackerman calls upon a motion to carry the hearing to June 26, 2018. Mr. Mocharski made motion, seconded by Councilman White. Those in favor: Mayor Aneish; Councilman White; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Mr. Pellegrino; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None.

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Chairman Ackerman confirms with the Board that they understand what Mr. Clarkin is returning with using Exhibit A-1. The square footage of homes on those lots.

Mr. Slachteka confirmed with Mrs. Brodeick that the email discussion he had with Mr. Clarkin regarding the lot width and lot mean width is in the file. Mrs. Broderick confirmed it is in the file.

**Old Business:** Mr. Mocharski asked Councilman White if he can speak to the company that has been installing the new water lines to patch a 'ditch' on Randolph Avenue. Councilman White stated they will be repaving all the streets shortly. Mr. Bucco stated there is capital improvement project.

**Committee Reports:**

- A. **Street Naming Committee** – Bob Ackerman – report progress. There are three (3) names pending but do not have any streets to name. The requestors have been notified the same and as soon as a street is available, they will be notified.
- B. **Environmental Committee** – Rich Houghton & Bryan Bythell - report progress.
- C. **Council Reports** – Councilman White – Dollar General are pulling permits to occupy 10,000 square feet of the old Walgreens on South Plainfield Avenue. MVC opened on Monday. Chairman Ackerman asked if there will be a sign. Councilman White stated yes, were the realtor sign was. Met with the property owners of the former Acme store. They are in negotiations with potentially two (2) stores.
- D. **Mayoral Updates** - Mayor Anesh – Report Progress.

**Minor Site Plan:** None

**New Business:** None

**Correspondence:** Annual Report (RAO) regarding the Senior Center when it was a Shell Station. Mr. Fisher stated there is incorrect information regarding the Borough's Administrator that we may authorize Mrs. Broderick to write to them to that they have the wrong Borough Administration. The letter certifies that all the Engineering Reports are in place (NJDEP).

**Audience Comments:** None

**Executive Session:** None

Discussion if there will be a quorum for the June 26, 2018... there will be a quorum

**Adjournment:** 9:05 pm.

Respectfully Submitted,  
Joanne Broderick  
Planning Board Secretary