

**BOROUGH OF SOUTH PLAINFIELD  
PLANNING BOARD MINUTES  
September 11, 2018**

**Roll Call:**

**Present:**

Mayor Matthew Anesh  
Councilman Derryck White  
Stephanie Bartfalvi; Alt. 1  
Brian Bythell; Alt. 2  
Paul Grzenda  
Rich Houghton  
Peter Smith  
Jack Pedersen; Vice Chairman  
Bob Ackerman; Chairman

**Absent:**

John Mocharski  
Michael Pellegrino

**Also Present:** Larry Lavender, 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 #781 - KOBO Products, Inc**  
Block 409; Lot 7; M-3 Zone  
690 Montrose Avenue

Chairman Ackerman called for a motion to **approve** the Resolution. Councilman White made motioned, seconded by Vice Chairman Pedersen. Those in favor: Mayor Anesh; Councilman White; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Vice Chairman Pederson and Chairman Ackerman. Those oppose: None.

**Current Files:** None.

**Informal Hearings:** None.

**Public Hearings:** (2)

- A. Case #783 - Role Realty, LLC**  
Block 255; Lot 13; M-3 Zone  
20 Harmich Road

The applicant had requested a *Preliminary and Final Site Plan* approval for an 80'X71' addition and truck terminal docks.

Chairman Ackerman read a letter from Bob Smith, Esq., Smith & Associates, attorney for Applicant requesting and adjournment to the October 23, 2018 meeting with no further notice or publication.

Chairman Ackerman called for a motion to **approve** the new hearing date and for notices to carry. Councilman White made motioned, seconded by Vice Chairman Pederson. Those in favor: Mayor Anesh; Councilman White; Ms. Bartfalvi; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Vice Chairman Pedersen and Chairman Ackerman. Those oppose: None.

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**B. Case #784 - M&M Realty Partners at South Plainfield, LLC**

Block 550; Lot 3; AH-4 Zone  
1111 Durham Road

The Applicant is requesting a *Preliminary and Final Site Plan* approval for a 410 unit – 31 buildings – condominium, townhouse and apartment complex.

Kevin Boris, Esq. - Weingarten Law Firm, 1260 Stelton Road, Piscataway, New Jersey - attorney for Applicant addressed the Board. An application for Preliminary and Final Site Plan Approval for Block 550 Lot 3, notice have been provided in accordance with the Municipal Land Use Law. Requested to have the Board take jurisdiction.

Mr. Lavender stated that the notification and publication are adequate. Board has jurisdiction.

Mr. Boris stated that the Applicant had received the Board Professionals review letters which provided some issues. Believes some of the issues can be worked out between Professionals. The Applicant respectfully request an adjournment for two (2) months to the November 13, 2018 meeting. Per the Board Secretary, there is no meeting on November 13, 2018. However, there is on November 27, 2018. Mr. Boris... continued that they respectfully request to be adjourned to November 27, 2018.

Chairman Ackerman asked if that is enough time for the Applicant to address the issues on the Board Professionals reports and meet with them. Mr. Boris stated they have been in contact with the Board Professionals today and are in the process of arranging a meeting.

Chairman Ackerman asked Mr. Bucco and Mr. Slachetka if that meets their approval. Mr. Bucco stated it meets his approval. He would rather meet with the Applicant and review the engineering concerns prior to the Board hearing the application. Mr. Slachetka stated he is also agreeable. As noted in his review letter, there are a number of issues that the Applicant should address prior to the Board hearing. The Applicant has indicated an interest in working with us and meeting with us.

Councilman White asked if the Board voted to adjourn the hearing, will the Applicant require to re-notice. Mr. Boris stated he would request that the notice is made now so there is no need to re-notice.

Councilman White and Mayor Anesh stated a concern regarding not re-noticing.

Mr. Smith stated there should be some formal notice to the residents of the change.

Councilman White stated there are a number of resident's present.

Mr. Smith stated two (2) months is a long time.

Mr. Taikina - Director of Real Estate Development for M&M Realty Partners - addressed the Board. Would be happy to provide a courtesy notice to the residents. The formal notice would be the announcement tonight. The courtesy announcement will be a regular letter to the residents advising them that the hearing will be on November 27, 2018 at 7 pm at the Borough Hall. Not certified. No inconvenience for the residents to go to the Post Office to sign. Will send a regular letter advising of the meeting. Nothing in the paper.... Just a courtesy letter.

Mr. Lavender stated the same residents on the 200 foot list from the previous mailing. Mr. Taikina stated that is acceptable.

Chairman Ackerman stated that is acceptable.

Chairman Ackerman reconfirms the date with the Applicant and Board Secretary. The Board Secretary reiterated that there is no Planning Board meeting scheduled on November 13, 2018 due to a Council Meeting is scheduled for that evening. Chairman Ackerman continued... the Applicant will send a notification by regular mail to the residents within 200 feet of the property and no further publication is required. There will be a notice posted at Borough Hall.

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Chairman Ackerman called for a motion to *approve* the new hearing date and official notices to carry. Mr. Smith made motioned, seconded by Vice Chairman Pederson. Those in favor: Mayor Anesh; Councilman White; Ms. Bartfalvi; Mr. Bythell; Mr. Gzenda; Mr. Houghton; Mr. Smith; Vice Chairman Pedersen and Chairman Ackerman. Those oppose: None.

Chairman Ackerman addressed the Audience. The Applicant feels that their application is not ready for this evening and requested it to be moved to November 27, 2018 meeting. Every resident within the required 200 foot radius will receive a letter advising of this. It will also be posted at the Borough. The first hearing has been moved to Tuesday, November 27, 2018 at 7 pm.

Chairman Ackerman stated that the Board will field Public questions regarding why the meeting is being moved.

Michelle Kurliew - 116 Firth Street, South Plainfield, New Jersey - Resident entire life is sworn in. Asked how will we accommodate the schools. With the buildings coming forward there will be many families added to the school system. Chairman Ackerman explained that when they come before us, their attorney was here. They will call witnesses on their behalf and will go through the entire application. It would have been reviewed by all Borough Professionals... Planning, Zoning, Fire, Police, Health, Environmental etc. Because of the enormity of this application had requested and sent copies of the application to the Board of Education. Asked them to comment and provide a report the same as all the other professionals. It will be addressed at that time. Mrs. Kurliew asked if she should be going to the Board of Education meeting. Chairman Ackerman stated no... this well be discussed and decided at the Planning Board. Board of Education has received everything. Normally, they would not be involved in someone building a house... but with this application due to its size, it was sent to the Board of Education to provide a report or comment. At this point, nothing has been received. Expect to receive a report or expect someone from the Board of Education to be present to testify.

Jennifer Stoeckel - 918 Delmore Avenue, South Plainfield, New Jersey - is sworn in. Concerned that the Environmental Board would look over the applicant. Chairman Ackerman stated that every application that comes before the Board has to have a report from the Environmental Commission. Ms. Stoeckel stated that she is concerned of overdevelopment. There is little discussion on keeping things green and open space something important to her. Consideration that there is some green space. Mr. Lavender stated that is part of the full application. Ms. Stoeckel stated that there is a requirement that residents within 200 feet would be notified and posted at the Borough. Ms. Stoeckel suggests that everyone in the community to receive that letter. Mr. Lavender stated that the law does not require that and cannot impose something that the law does not require. Anyone interested beyond the 200 feet should exercise their right to be come to the Borough to find information. Ms. Stoeckel stated this is a plan that will affect all the residents of South Plainfield, sadden to hear that. Mr. Lavender stated all residents do have the opportunity to find out about the meeting, it is not a secret. Ms. Stoeckel stated that this meeting, the public was not aware. Posting on your website on the Planning Board website is not good enough for such a large project. Our community, our roads, our infrastructure cannot accommodate all this. Chairman Ackerman interrupted Ms. Stoeckel by stating that we cannot hear any testimony that we have not already heard on. The applicant has to testify and then you can come forward with your questions regarding what was presented to us. Tonight, I am allowing the public to speak. The applicant has not presented a case yet. They cannot have the opportunity to comment back. Ms. Stoeckel continued... regarding Celebrations and Traditions, it has been brought to my attention they are not complete. Mayor Anesh stated Traditions is complete for years. Celebrations is fully approved and still have buildings to be built. Ms. Stoeckel asked how many buildings. Mr. Lavender stated we do not have the file before us. You have the right to ask these questions. Mayor Anesh stated this is not the application before us. Mr. Lavender stated that is correct, but they do have the right to ask. There will be no answers tonight... not because anyone is being difficult it is because the Applicant has not presented. When the Applicant does, they will have a panel of experts that they will have testimony which the Board will ask them questions and questions from whomever is present. At that time, you hear the application and if you have further questions, you have the opportunity at that time to ask specific questions. The Board has the same questions. Ms. Stoeckel stated this is addressing the idea that also more development that is not constructed that also should be taken into consideration. Mr. Lavender stated legally, that does not need to be taken into consideration with this application. When this application is heard it is only regarding that property and the impact that will have.

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There is a lot of people speaking over each other.

Mr. Lavender stated that there will be the opportunity for all the public to ask there question... either regarding this application or not.

Mayor Anesh stated Celebrations was approved approximately eleven (11) years ago.... At least a decade ago. There is no time frame when this will be built. Celebrations was approved ten (10) or eleven (11) years before you saw anything being built. This is not a property that is being rezoned. This is as a result of the third round on the Council of Housing... a court mandated development. Many people are not aware of COAH and the impact on the community it creates.

Mr. Lavender stated that COAH is very confusing and will try to explain COAH. Approximately forty (40) years ago, Supreme Court decided you cannot take Affordable Housing with rezoning. Can't say rich people can live here. The Supreme Court decided that is not part of the Constitution and have been fighting for forty (40) years. Bottom line... this is Court Mandated - State wide. Every Municipality has to deal with this. This particular application before the Board in particular part of the Courts and Litigation. The Board has no control over it. 'They cannot make it go away'. The Board can make them comply with the Borough Ordinances, State or any other regulatory issues.

Mayor Anesh stated when the Borough was looking to meet their third round COAH obligations, this particular development was not in the original plan that was submitted to go before the Court Master. The State under the Governor did not resolve the Council of Affordable Housing third round. He especially had COAH stop meeting for seven (7) years. After the Court got upset with that, they took over. Mr. Slachetka stated correct. Mayor Anesh continued... The Borough's third round was a Vacant Land Adjustment which says there is no land for the Borough to help meet their COAH obligations. However, still have to make those units available. The Vacant Land Adjustment took parts of town and created an overlay zone so that if a particular building or commercial property in that overlay zone stopped using the building as such they would have the opportunity to become a mix use. Mr. Slachetka stated that is correct. Mr. Slachetka stated the Borough fought against having an inclusionary multi-family residential development at this site. The Borough did not want it. Ultimately the Borough was told by the Court and the Court appointed Planning Master... the Mount Laurel doctrine... the Borough could not prevent this from being developed once the developer had expressed an interest in undertaking Affordable Housing. Mayor Anesh stated that is key... as the Borough is trying to advance the Vacant Land Adjustment, the Overlay zones, the Borough is not looking to broadcast to the entire community that any land owner that wants to take a property and repurpose it to a residential zone. This particular case, the Applicant, well connected, knows exactly what is going on and at the late stages of the game, the owner stepped up and stated this could be included. He offered this property to be included in our plan. At that point the Court Master told the Borough the property will be included in the plan. There was no option for the Borough not to include this property. The only thing the Borough can settle on was the number of units that were going to be. Initially asked for the over seven hundred (700) units. Mr. Slachetka stated that is correct. Mayor Anesh continued... many months working with the developer looked to limit that exposure that the Borough was facing and that is where the Settlement Agreement of four hundred ten (410) comes in. This is the very abbreviated simplest way that we got here today.

Mr. Slachetka stated that it is important to understand that when the Applicant comes before the Board to testify and you heard reference to a Professional's reports issued both by myself, the Board Planner and Mr. Bucco as the Board Engineer. We focused on very specific issues and concerns regarding to the design of the site as part of that negotiations. The Borough was able to limit of units...reduce it down from what was proposed. As part of that Settlement, it included provisions that regulated the design of the development. There are specific things that the Borough wanted to see in the design that would mediate or reduce the impact of the adjoining residents both the physical appearance of the site as well as other impacts... Environmental Impacts, Traffic Impacts etc. There are some clear requirements in the Settlement Agreement.

As indicated, it is because of the Mount Laurel Doctrine and the position that the Borough was placed in. Cannot say no to the development. Cannot say that site can be developed as a park. The Borough would

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have preferred some other approach. The Board and Board Professionals will review this very strictly and make sure that all the things that the developer agreed to do is in place. To protect the residents.

Mr. Lavender stated that the Settlement Agreement is public record. The public has the right to access what is being discussed. Board Secretary stated that the Settlement Agreement is on the website.... Under the Planning Board tab.

Sandy Doyon - 105 Elizabethtown Court, South Plainfield, New Jersey - is sworn in. Ms. Doyon stated this has been going on for a number of years... Celebrations for ten (10) years... there has not been a plan for what is going to happen at the schools, traffic. What plan is there? Celebrations what they are building, the number of units, the number of children, is incredible. If you are telling me now there is no plan for what is going to happen at the schools, I cannot imagine what is. Mr. Lavender stated no one is saying there is no plan. Ms. Doyon stated are you telling me there is a plan for the school. Mayor Anesh stated that the Board of Education does an analysis every few years. Over the years we have seen the school's changes. Ms. Doyon stated she knows... has been there a long time. Mayor Anesh continued... That is all part of the process. The Middle School changed through the years. Schools were K-5 now K-4. Those are all adjustments based on this. Not sure when the last time the Board of Education has done that. Again, Celebrations was approved ten (10) years ago. Ms. Doyon stated she understands and is concerned that that it was approved ten (10) years ago and being built now. Going to build more and still don't have a plan for more space for school. Chairman Ackerman stated that Celebrations is almost complete. Ms. Doyon stated she understood... has been there... lovely three (3) bedroom three (3) bath units. Not going to be one (1) child in. Chairman Ackerman stated that is unknown. Ms. Doyon stated no one knows that. Chairman Ackerman proceeded to give an example that at one of the other developments, everyone in the Borough were concerned with and thinking would have hundreds of children from the one development. When it came to the end and everything was developed, saw less than twenty-five (25) children. Ms. Doyon responded with a yes... they are transient. Is finding troubling that all this building being done and wait to see if we need a plan. There will be more traffic need more school space... going to need more fire, police and everything else. When having this plan? Chairman Ackerman stated no that is what we do here. Ms. Doyon stated she understands that. Chairman Ackerman stated cannot project anything going forward on schools, traffic or anything until hear what the applicant is planning to develop. Had stated before that once the plans... this application or any other application even a single family home comes before the Board... all that is being presented to the Board is sent out to all the Borough Professionals... Planning, Fire, Police etc... They have to report back with recommendations... good or bad. Traffic Safety will come back with a Traffic Plan. The applicant has to present the traffic plan. Ms. Doyon stated that she understands and knows that is coming and also know that all the other stuff is already coming with Celebrations being complete.

Mr. Slachetka stated that the Borough has a Master Plan and updated on a regular basis. One of the items in the Master Plan is called the Housing Element and the Fair Share Plan. The Borough Zoning Plan has to be substantially consisted with the Housing Plan as well as the Borough's Master Plan. The Housing Element which is part of the plan that identifies all the location of the Affordable Housing and development within the Borough. Before the current plan, it was updated in 2008. In 2008, that plan was approved by the Council on Affordable Housing. That plan is what was governing the Borough's Affordable Housing activities. That is the plan that included Celebrations project as part of it as well as a number of other developments including Traditions. That plan that was ultimately adopted under this current round but the way the Borough had to update its plan because of the New Jersey Supreme Court ruled that the Council of Affordable Housing and its regulations were not valid. All the Affordable Housing moved from the Council of Affordable Housing to the Courts. That opened up a new round of negotiated Settlements with an organization called the Fair Share Housing Center to determine everybody's obligations and what the new plans were going to be for Affordable Housing. The good thing with the Borough was that they had a pretty comprehensive plan that dated back to 2008 the only real substantial change of that plan was the inclusion of the Motorola Site as a new site. The Borough did not want to include that site but were forced to. There are plans in place for smaller scale development like the downtown area consistent with the proposals of revitalization of the downtown area. Got into a negotiated position with the Fair Share Housing Center. Did not get to the place wanted to be, so had to manage as best as possible. There is a plan, it has been in place for some time. Fundamentally, with the exception of the M&M site, the plan is the same plan the Borough had back in 2008. Ms. Doyon stated she does appreciate the explanation but thinks there is a

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lack of planning to what is about to happen and knows a lot of people feel the same. Those who are inside of the schools see already the crowded conditions coming. When you know there are more children coming want to have the best schools it is a concern to parents... a concern to everyone. It seems like it has been in the works for many years and keep hearing we can't do anything about it. know it will be the Board of Education problem... will have to build a school. It's the tax payer and the Borough's problem. Mr. Slachetka stated that is why it is good that the Chairman referred this to the Board of Education having them engage in the process. Ms. Doyon agreed. Mr. Slachetka continued... as a Professional we do school enrollment projections throughout New Jersey. When we get the Board of Education report on this application, as the Planning Board Planner, going to be particularly looking at that.

Vice Chairman Pedersen stated there is only a few Board Members who were part of the Planning Board when Celebrations came before the Board. Celebrations was brought to us as a fifty-five (55) and over. Never ever was it going to be anything else. Then Legislation came from the State that said give opportunity to give developers because there was no demand for fifty-five (55) and over developments. That was thrown at us. At that time, we did dive into everything... the impact on the schools... the impact on traffic... was stunned on the projections that how many units and how low the projections were but never heard anything that they were wrong. All that was planned for... anticipated... all those questions were asked at the time the application was brought forward. We are doing that again now with this application. Well not now because it has not been heard. Cannot plan for the future without a crystal ball. We do the best we can for what gets thrown at us and what we have in front of us.

Mayor Anesh stated there has been zero activity from the State and Legislation for the last ten (10) years regarding this. The Governor used the little power he had to not have COAH meet. It does not help that Middlesex County Senators introduced that legislation that allowed the developers that were originally proposed for 55 and older to be repurposed for general population. Vice Chairman Pedersen stated that the Board was one hundred percent (100%) certain that that development was going to be a fifty-five (55) and older development. Then told no it's not. At that time, asked all the questions that are being asked tonight and when this application does get before us, we will do it all again.... But we do have limitations. 'We do not make the laws... we interpret the laws.'

Mayor Anesh stated those who make the laws don't seem to have the "appetite" to make the ones that benefit the residents. They work against them.

Dorothy Bellew - 550 O'Donohue Avenue, South Plainfield, New Jersey - is sworn in. Ms. Bellew asked if there is a plot plan that the residents can look.... Thirty-one (31) buildings. It that tonight? Chairman Ackerman stated no. Both Chairman Ackerman and Vice Chairman Pedersen stated they postponed. So, nothing to look at.

Mayor Anesh stated all that will be introduced when they actually heard.

Ms. Bellew continued... she has driven in Traditions that she believes was built by the same builder.

Mayor Anesh stated one of the principals is the same

Mr. Lavender stated different entity.

Ms. Bellew stated that a fire truck cannot get through Traditions. Chairman Ackerman stated that its incorrect. That was considered. The Fire Inspector, Fire Chief and Firefighter in this town, every application that comes before us as previously stated goes to the Fire Department, there is a templet from the smallest to the largest fire apparatus. Have to meet that templet. Otherwise, the Fire Department will not approve it.

Ms. Bellew stated in driving through, there is not enough parking spaces for the units. Each unit should have at least two (2) for every home because most families have two (2) cars.

Mr. Lavender stated that those standards would have been taken account at that hearing.

Mayor Anesh stated that is a property built in 2001.

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Ms. Bellew stated her concern is for safety. Was hoping there was an actual physical map to look at.

Mr. Lavender stated there will be when it is heard. There will be testimony on parking and access for emergency vehicles.

Mr. Slachetka stated that the plans have to be on file in advance of the hearing. Will have the opportunity to come in and look.

Mr. Bellow asked if she will have access to it. Mr. Slachetka stated yes. Ms. Bellew asked where will that be... Borough Hall? Board Secretary stated her office, the first door on the right when you enter the building from the parking lot.

Ms. Bellew continued... the ratables... the taxable assessment for this... how much will that offset the additional cost.

Mr. Lavender stated that is speculation. That is way down the road and this is not the body that would discuss that.

Ms. Bellew stated she is on a fixed income. Taxes are really high. Most of it is the burden of the school system. This is all a follow up to what Sandy was saying. Hearing there are twenty-seven (27) to thirty (30) students in a class in the middle school. Taught Junior High, had that many students in class, it is very difficult to reach them all and help them. This is concern. There will be more notices of any additional meetings.

Mr. Lavender stated the next meeting is November 27, 2018. The residents who had received notification previously by Certified Mail will get a regular mailing prior to that. If anyone else is interested they certainly have the right to the hearing.

Ms. Bellew stated that seems that the State has not taken the consideration the cost to the Townships or the Borough's. Mr. Lavender stated that is a good observation and is not the first to say that. It has been going on for decades. Ms. Bellew stated this is going on may be asked to provide more.

Mayor Anesh stated this will bring us to the year 2025. As if the State Legislature fail to act again in the next eight (8) years... not sure who will be at the Borough... but guesses will do the same thing for the vacant land adjustment. There is no land to build. As long as the Courts allow a developer to step in and say I have this property and I want to change this warehouse into residential housing and if the Courts are still in the picture, the Courts will allow it to happen. Have a Senator whose office is across the street. There are one hundred twenty (120) members in the State Legislature. From tonight to tomorrow until 2025 should be reaching out to those Legislatures.

Ms. Bellew stated this is my home.

Mr. Lavender stated this is mandated by the State of New Jersey through the Supreme Court. Even if the Board stated they are not going to do this... they go to jail. Cannot define a Court Order. Wants everyone to understand that it is not the Board that is saying this is going to happen... it is the Court.

Ms. Bellew stated she understands. Understands that back in the 1980 when this was being dealt with, she was part of the Democratic Committee. Was born in Muhlenberg Hospital and lived here all her life. Grandfather bought 6.5 acres in 1926... so family has been here as long as the town. The changes are unbelievable. Route 287 ruined us. Now cannot even get to it from other side of town. It takes longer to get to Durham Avenue then it does go anyplace afterwards.

Chairman Ackerman stated that everyone that sits up here live in this town. Try to do the best for the residents. Been involved in COAH for thirty-six (36) years. The entire time, have sat on this Board. Was taken to task when Affordable Housing first come out when people called from the State for the first time called them Nazi's for forcing this on the towns. Was reprimanded by the Mayor back then.

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Ms. Bellew stated not questioning what the Board is doing... the concern is not enough parking and it being overcrowded and a safety hazard.

Chairman Ackerman stated it is understood.

Mr. Lavender stated come back on November 27, 2018 and there will be lots of testimony on those concerns.

An unidentified audience member asked if the plans can be seen prior to the hearing. Board Secretary stated ten (10) days prior. Chairman Ackerman stated the first door when you come in.

Councilman White repeated ten (10) days prior.

Chairman Ackerman stated the Planning Board does not answer questions without a hearing but giving the opportunity to speak.

Mr. Grzenda stated the criteria was to ask the public if they had any questions why as to adjourning but now getting into history.

Mr. Lavender and Chairman Ackerman stated that was the starting point.

Mr. Smith stated does not mind listening to the residents speak their mind. Our position is that this Applicant takes care of everything they said they will do and abide by every Ordinance in this town.

Mr. Grzenda stated isn't that what will be addressed in November.

Mr. Smith stated possible May but why stop now.

Vice Chairman Pedersen... not talking about the specific application, COAH... Development.

Nick Gargano - 1312 Yurgle, South Plainfield, New Jersey - is sworn in. Concerned that part of the lot is owned by South Plainfield and partially Edison. Mr. Lavender stated majority in South Plainfield. Mr. Gargano continued... is the whole development going to be on the entire lot or at risk for additional development on the Edison side. Chairman Ackerman answered the Board has to see what the Applicant presents.

Vice Chairman Pedersen stated we do not own it.

Nick Gargano continued... asked again, does this development continue into Edison. Chairman Ackerman stated has no idea until they present the case.

Mr. Slachetka stated the application before the Planning Board is the portion of the site that is located in South Plainfield. There is no application that he is aware of currently for the Edison site. If there was, it would have to go before the Edison Planning Board or Zoning Board. The plans the development in South Plainfield. There may be some aspect to roadway connections that will need to be aware of and asking about... But only considering the Borough of South Plainfield.

Mr. Gargano continued... There will be South Plainfield development and the leftover of Motorola Building.

Mr. Lavender stated that no one knows what is going to happen.

Mr. Gargano asked the notices to the residents 200 feet is a State Law. Mr. Lavender stated yes... It is from the State. Mr. Gargano asked it is 200 feet from the property end. Durham is 100 feet. There are not too many people that will get the notification. Mr. Lavender stated that is the law. Found out about today by luck. Didn't realize this was happening. Asked if there is a better way to let people know this is happening?

Mr. Smith stated the Applicants are obligated to put in the newspaper.



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Mr. Gargano stated the only thing he uses newspaper is to start the grill. Mr. Lavender stated that is what the law requires. Mr. Gargano continued... There are a lot of houses but we all keep to ourselves. Only one (1) or two (2) people got the information. Happen to get lucky when found out from my neighbor. Mr. Lavender stated that he cannot impose that condition. Residents do have to reach out to the Borough. Mr. Gargano stated the communication is not strong to find out... people don't know each other... don't go on the website. Mr. Lavender asked if there is something on the internet. Mr. Gargano stated that yes, the Borough does and that is a great way to notify people.

Mayor Anesh stated there is an online newspaper, paper newspaper. There are people in all parts of the town that are interested. Rely on the newspaper and the Borough website. If not the print, can get digital. Mr. Gargano asked the next meeting is to ask questions or concerns. Mr. Lavender stated yes... it may go on for several meetings. There is the opportunity that night to ask questions just like tonight.

Mr. Gargano thanked the Board to let him speak and glad that the Borough is taking the right steps. Even though may be in an agreement but has to be done. Came from Cranford and what happened there is a mess. Mr. Lavender stated I am not from South Plainfield but I have picked up some of the sentiments from the Board. A lot of the Board members share most of your concerns.

Mayor Anesh asked what happened in Cranford. Mr. Gargano stated refused to acknowledge anything and there was a Builders Remedy Lawsuit and Cranford has gotten overwhelmed with development that there are buildings within the train tracks. There are buildings going up everywhere. Originally, only had to do four hundred (400) in the town. One building is seven hundred fifty (750) on a small side street.

Mayor Anesh reiterated... they could have settled for four hundred (400) decided to fight it. Mr. Gargano stated they did not fight it... they ignored it. Glad to see as annoying as this can be, doing enough to minimize the pain.

Ms. Bartfalvi stated did not know this was going to be pushed back. Applicant was fully prepared. Went through two hundred seventy (270) pages. Was prepared. Did not know would not be prepared. Have a notebook of questions... it is your questions as well. Our concern is for the residents. We are going to ask the same questions.

Mr. Gargano in the event that I cannot make the meeting in November, is there anyone I can pose my question too. Ms. Bartfalvi stated can add me to Facebook and ask there.

Chairman Ackerman explained that does not believe this case will be heard in one night just based on the size. It will probably go on to several meetings. Normally, do not open to the public until everything is heard. Intends after each night will open to the Public for the portion that was presented that night. Will give the Public an opportunity to question the testimony. Will not have to wait over several meetings to ask question.

Mr. Gargano asked how quickly will this built. Mr. Lavender stated once they all come up with an agreement within the perimeters it is up to them.

Mayor Anesh stated chances it will be market driven. Will get their approvals and the market will dictate when they begin to build.

Mr. Lavender clarified that the Applicant was not ready tonight. What happens is that exports prepare reports. As their reports came out, the Applicant realized that there are items that need to square up to make sure that present a better package. Happens all the time.

Georgia Lambert - 1131 Tompkins Avenue, South Plainfield, New Jersey - is sworn in. Mentioned overlay sights. Are there other areas already identified and approved that way? This only puts us to 2025 and there may be further building. Understands this is going to happen. Understands COAH... Knows it well. Mayor Anesh stated largely the downtown area was the original plan to put it in the overlay zone. Ms. Lambert questioned... historic downtown. Mayor Anesh stated yes extending up from Front to Maple creating a walkable downtown similar to the newer area of downtown with retail on the bottom and rental units on top.

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Ms. Lambert asked if there are any other areas. Councilman White stated on 7th Street. This is changing the entire dynamic of South Plainfield as to why moved to South Plainfield years ago. A cute quant town. Identifying these lands that potentially in 2025 may be obligated to build. Currently, not obligated. Mayor Anesh stated have to identify areas but do not have to build. Ms. Lambert stated that there are three (3) areas potentially be developed during round 4... more children, more traffic. Not a commuter town. That is a problem. On Facebook, Ms. Bartfalvi was kind to answer. South Plainfield is unique. Was not born and raised here.

Councilman White stated when in negotiations with the Courts, brought up those same points... small town feel, the infrastructure, the schools... and were told that is not something that is considered when they are considering Affordable Housing. Councilman White stated had almost the identical conversation.

Mayor Anesh stated that COAH is driving this.... There is the potential that COAH will drive the future with additional rounds. Ms. Lambert understands COAH. Mayor Anesh stated why COAH exists and how its administered are two completely different things, mismanaged by the State and the Courts. Ms. Lambert stated she believes a lot of things are mismanaged in this State and other States. d

Mayor Anesh and Councilman White asked what commercial properties. Ms. Lambert stated Park Avenue had a business on it that has been closed in several years and there are several homes built. Mayor Anesh answered that property was zoned as a residential area. There was a business and a house. That whole area at any point can residential... it is zoned as residential. Ms. Lambert stated there is a building on Hamilton Boulevard that is mixed use. Mayor Anesh stated there are not any properties in South Plainfield that are commercial properties that are in a residential zone.

Vice Chairman Pedersen stated that the commercial was the non-confirming use. By knocking it down and making everything residential became more conforming. If you are discussing supermarkets that are not in residential zones, to knock those down to put up houses will require variances, Board approvals etc.

Mr. Lavender stated is it not that every site like Motorola will be converted. It depends where it's at and zoned as. Ms. Lambert stated it may impose a problem in 2025. Mr. Lavender stated not necessary.

Ms. Lambert stated at what point is the building going to stop. There are a bunch of houses going up on Foster. yes... that is private property that someone subdivided and sold. But at what point is it going to be enough is enough. How are we going hold the builder responsible to what they are supposed to build? That the builder said two (2) bedroom turns into a three (3) bedroom and the builder isn't concerned about the fine.

Mr. Smith stated they will abide with what they say.

Ms. Lambert stated we all know they do not care about the fine.

Chairman Ackerman stated let me know what happens. Celebrations.... A developer is building many times myself and other Board Members go out to the sites after they are approved. Walk them... look at them. Find things wrong and have stopped the building. Have made people move buildings, take them down and put them back to where it is supposed to. Builders in this town do not get away with things. Have a good building department and good Engineer. Ms. Lambert stated she has heard that builders don't care about the fines.

Vice Chairman Pedersen stated that a Certificate of Occupancy will not be issued. They cannot sell the unit.

Chairman Ackerman stated when we approve something it does not end there. We go to the sites. We make sure they are doing what they are supposed to.

Mayor Anesh stated that they have to build to the approved plans.

Chairman Ackerman stated have stopped construction, made them come back to the Board. Have made people take foundations down and moved roads. Very diligent. Go out before and after. Want to make sure approve something is done the right way.

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Chairman Ackerman stated he is closing the Public portion. Gave the Public the opportunity to speak and hope have explained the process. Please come back on November 27, 2018 - the first hearing and go forward from there.

**Old Business:** Mr. Grzenda asked if anything happened with Dunkin Donuts. Chairman Ackerman stated he has not heard anything back. Goes to the gym across the street every morning. Has not seen of any trucks. Mr. Grzenda asked if they can deliver on Park Avenue with large trucks. Chairman Ackerman stated he does not believe that the trucks can get in there. Mr. Grzenda stated in his phone he has a picture of a tractor trailer from Dunkin Donuts. Mayor Anesh stated to send it to Mary Frances. Vice Chairman Pedersen stated he saw a tractor trailer pull into the Fire Department's parking lot and backed into the Domino's parking lot. Chairman Ackerman advised Mr. Grzenda to send the Dunkin Donuts to the building inspector and then notify him. Let them know when he has it, will talk to him. It is determined it is going to Code Enforcement - John. Mayor Anesh stated need to look to see if they were approved for the tractor trailers. Board Secretary stated she looked for the Dunkin Donuts on Maple and there is no indication of anything. Did not look at the one on Park Avenue but will.

**Committee Reports:**

- A. Street Naming Committee** – Bob Ackerman - report progress.
- B. Environmental Committee** – Rich Houghton & Bryan Bythell - report progress.
- C. Council Reports** – Councilman White – El Toro Loco is open. Very good. Grand Opening is Saturday at noon at Holiday Inn. Nine Rounds, Cross Fit should be open in two (2) weeks. Dollar General should be opening October 1. Have an application for the sign and keep changing it.
- D. Mayoral Updates** - Mayor Anesh – report progress.

**Minor Site Plan:** None

**New Business:**

**Correspondence:** None

**Audience Comments:** None

**Executive Session:** None

Mayor Anesh asked Chairman Ackerman that he stated this will go several meetings. How many meetings are left and will it go into the next year. There may be members that may not be present. The new members would have to listen to the meetings. Mayor Anesh asked how many meetings in December... two (2) meetings in December. Chairman Ackerman stated have to open to the public each meeting. Our normal stating, may cut new witnesses at 10 pm and let the public ask questions. Vice Chairman Pedersen stated after tonight most understand the process and does not believe a large crowd will be present at the next meeting. Chairman Ackerman stated he received close to fifty (50) emails and expected a packed room. Councilman White stated Joanne received several calls.

Chairman Ackerman stated that a little while ago that Mr. Moretti wanted to sell off or exchange a property on Smith Street. He had gone to DEP because of wetlands. DEP gave him a small building envelope. Has hired a company called Terracon to go back to the DEP with an analysis. He believes a bigger footprint.

**Adjournment:** 8:25 pm.

Respectfully Submitted,  
Joanne Broderick  
Planning Board Secretary