

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
December 10, 2019**

Roll Call:

Present:

Councilman Derryck White
Stephanie Bartfalvi; Alt. 1
Bryan Bythell; Alt. 2. (arrived 7:15 pm)
Paul Grzenda
Rich Houghton
John Mocharski
Jack Pedersen; Vice Chairman
Bob Ackerman; Chairman

Absent:

Mayor Matthew Anesh
Michael Pellegrino
Peter Smith

Also Present: Mike O'Grodnick, Esq.; Bob Bucco, PE, CME, CPWM, Stanley Slachetka, PP, AICP,

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, The Star Ledger 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: November 12, 2019

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

Resolutions: None

Current Files: None

Informal Hearings: None

Public Hearings: (1)

A. Case #19-03 – JHP Development, LLC

Block 270; Lot 9: R-10 Zone
240 Adeline Avenue

The Applicant is requesting a *Minor Subdivision* approval that requires bulk variances. Lot Area: Required 10,000 square feet; Proposing 7,180 square feet (per lot); Variance 2,820 square feet (per lot) --- Lot Width: Required 100 feet; Proposing 71.80 feet (per lot); Variance 28.20 feet (per lot).

James F. Clarkin, III – Clarkin & Vignola, PC, 86 Washington Avenue, Milltown, New Jersey – attorney for Applicant addressed the Board Members. A minor subdivision with both lots in need of a lot width and lot area variance. Existing lot is oversize with an excess of fourteen thousand three hundred (14,300) square feet. Located in R-10 zone. Only one (1) other oversized lot in the area... no cause for a 'domino effect'. Existing home is non-conforming.... Required front yard setback is thirty feet (30')... existing house is 8.71' front yard setback. The

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structure itself is undersized for the area. The footprint of the existing house is barely over seven hundred (700) square feet.... Total building area is just under one thousand three hundred (1,300) square feet. The existing structure is in poor condition. Has not been occupied in two (2) years and almost ninety-five (95) years old according to the Tax Assessors records.

Mr. Clarkin presents Exhibit A1 - black and white google photo of existing home.

Mr. Clarkin continued... proposing two (2) single family homes. Two (2) items offered as a volunteer condition - houses will not require any setbacks, height and area variances. Enhanced side yard setback of ten feet (10'). R-10 zone requires eight feet (8') but as a volunteered condition will have ten feet (10') due to the narrowness of the lots. Bases to grant the variances is a C2 analysis... the benefits to the Borough substantially out way the detriments from granting those variances. Size and width of the lots will be consistent with other lots in the neighborhood. Lot 8 which adjoins the proposed lots and lot 7 next to lot 8 are both seventy-five feet wide (75'). Proposing lots of 72' x 100'. Consistent with the neighborhood.

Mr. Grzenda stated that the age of the house is irrelevant. Mr. Clarkin believes it is relevant because one of the goals in the Master Plan is to make sure that the Borough is updating the housing stock. Mr. Grzenda stated that a ninety-five (95) year old house can be in good condition. Mr. Clarkin stated that the size and front yard setback are non-conforming and condition of the home is poor. Does believe the age of the house is a consideration. Mr. Grzenda stated he disagrees. Chairman Ackerman agreed with Mr. Clarkin. Has been at the property. The house is an 'eye-sore' for the neighborhood. Mr. Grzenda agreed that it is an 'eye-sore' but the age does not matter. Chairman Ackerman agreed the age doesn't matter. Councilman White agreed that it is an 'eye-sore' for the neighborhood and age is not the issue.

Robert Gazzale - Fisk Associates, PA, 631 Union Avenue, Middlesex, New Jersey - is sworn in and accepted as a Professional Engineer. Mr. Clarkin questioned Mr. Gazzale:

- Visited the property and neighborhood.
- Existing single family house.... Seven hundred (700) square foot footprint.
- Detached garage with driveway.
- Metal shed.
- Church has a four foot (4') high chain-link fence along back of property.
- Lot size - fourteen thousand three hundred sixty (14,360) square feet.
- Dimensions are 143.6' X 100'.
- R-10 zone.
- Flat lot.
- Runoff drains to lots to the left-hand side in rear. Some to Adaline Avenue.
- Adeline Avenue is improved.
- All public utilities.
- Curbed.
- No sidewalks on Adeline. Nearest sidewalks are South Plainfield Avenue and Maple Avenue.
- Proposing:
 - Demolish existing structure.
 - Divide the lot to create two (2) equal sized lots of 71.80'X 100'.
 - Build two (2) single family homes.
 - Building area - two thousand three hundred (2,300) square feet to two thousand four hundred (2,400) square feet.
 - Installing sanitary laterals. Exists in existing house.
- Using sheet 3 of plans before the Board... Grading plan.
 - Explains grading.
 - Will construct drywalls for drainage of leaders.
 - Will do soil sampling.

Chairman Ackerman stated if drywalls are built, it will be on the water company easement. Mr. Gazzale stated the Environmental Commission mentioned a well protection. Only taking roof runoff which is considered 'clean run-off'. No runoff from driveway to be in the well. Chairman Ackerman suggested that leaders and gutters drain to the street into the storm sewer. There are no elevations or pictures of the proposed houses. The back of the property does slope down. Mr. Gazzale stated can have a leader drain. There is a storm drain in front of one of the lots.

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Mr. Bucco stated if the roof leaders are directed to the street, they will find their way to the drains. Mr. Clarkin stated that would eliminate the drywalls. Mr. Gazzale stated that three quarters will drain to Adeline.

Chairman Ackerman announced that Mr. Bythell has joined the meeting at 7:15 pm.

Mr. Bucco asked if there will be basements. Mr. Gazzale stated they intend to have a basement. Mr. Bucco questioned sump pumps. Mr. Gazzale stated that most builders put in sump pumps. Mr. Bucco does not recommend to have it drain direct to the street. Recommends through the roof leader which dissipates the energy. Mr. Mocharski stated lives a few blocks away. Area has a high-water table. Since the water company closed, people are getting water that never had it before. There are underground streams getting filled again from the lack of water being pulled from the lake. Mr. Gazzale stated that would be fine.

Mr. Clarkin asked Mr. Gazzale if any trees will be removed. Mr. Gazzale does not know the exact footprint of the proposed houses but approximately ten (10) trees are to be removed.... Three (3) street trees will be installed. The remaining count of trees will be based on the actual plot and grading plan which will be submitted when ready to build. Chairman Ackerman asked if the three (3) street trees are shown on the plans. Mr. Gazzale stated yes... shown on sheet 2. Left hand side. Mr. Slachetka asked if the trees be labeled on the plans. Currently, only one (1) is labeled. Mr. Clarkin stated will do.

Mr. Clarkin asked Mr. Gazzale when the houses are constructed, they will have typical landscaping and lighting. Per Mr. Gazzale, yes.

Mr. Clarkin asked if Mr. Gazzale had reviewed Mr. Bucco's Najarian report of November 6, 2019. Mr. Gazzale stated yes. Mr. Clarkin begins on Page 2 at the bottom:

- Item D 1 - Has applied to Middlesex County Planning Board.
- Item D 2 - Survey dated October 20, 2018 should be utilized.
- Items D 3 & 4 - Will note on plans.
- Items D 5 & 6 - Eliminated.
- Item D 7 - Will perfect by deed.
- Item D 8 - Will comply.
- Item D 9 - Will comply.
- Item D 10 - Will comply.
- Item E i1 - Sheet 2
- Item E ii1 - Will comply.
- Item E ii2 - Will comply.
- Item E ii3 - Will comply.
- Item E ii4 - Will comply.
- Item E ii5 - No longer applicable.
- Item E iii1 - Mr. Gazzale stated it will be difficult. Asking waiver. Many trees within ten feet (10') of foundation will be dead in three (3) years once foundation is dug and roots are severed. Chairman Ackerman suggested that the Applicant work with Dr. Tempel and Mr. Bucco regarding trees. Mr. Clarkin stated will do.
- Item E iii2 - Will comply.
- Item E iv1 - Requesting waiver of sidewalks. Chairman Ackerman stated that is acceptable. Must have curbs and gutters.
- Item E iv2 - Heard testimony.
- Item E iv3 - Will comply.
- Item E iv4 - Will comply.
- Item E iv5 - Will comply.
- Item E iv6 - Will comply.
- Item E iv7 - Will comply.
- Item E iv8 - Will comply.
- Item E v1 - Will comply.

Mr. Clarkin stated received 'no concerns' from Traffic Safety... Health Department 'no objections'.... Fire Department 'no objections. Environmental Commission report dated October 17, 2019 is concerned about tree replacement which was discussed and dry wells which are now removed. Mr. Gazzale stated there were no

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objections to the waiver request for Environmental Impact Statement.

Mr. Gazzale stated that Mr. Slachetka had a question on the compaction of the footprint different from the plan. Mr. Gazzale stated it is a State detail. They want a typical list. Soil erosion plan shows where it will be. Mr. Slachetka asked if the two (2) different details does not cause conflict with the plan. Mr. Gazzale stated no. Mr. Clarkin stated with the exception of footprints, can comply with the review letter.

James Clarkin, IV - 7523 Germantown Avenue, Philadelphia, Pennsylvania - is sworn in and accepted as a Professional Planner. Mr. Clarkin, III questioned Mr. Clarkin, IV:

- Reviewed application, plans and Board Professional reviews.
- Inspected property and neighborhood.
- 1.5 story existing residential dwelling.
- Garage and shed.
- Lot is fourteen thousand three hundred sixty (14,360) square feet.
- Dwelling in poor condition - eyesore.
- Not inhabited in two and a half (2.5) years.
- Footprint - seven hundred thirty (730) square feet.
- Out of character with other homes in area.
- Total square feet of dwelling - one thousand three hundred (1,300) square feet.
- R-10 zone.
- Single family homes in the area.
- Holy Savior Academy at the rear of the property.
- Proposing:
 - Minor subdivision - two (2) lots of equal size.
 - Existing structures will be demolished.
 - Two (2) single family dwellings.
 - Plans only show footprints of dwellings.
 - Will comply with all R-10 bulk requirements.
 - Enhancing side yard setback to ten feet (10').
- Familiar with the Borough's Zoning and Master Plan.
- Seeking variances:
 - Both proposed lots do not meet minimum lot width or lot area.
 - Can be granted by meeting positive and negative criteria of C2 - Flexible Bulk.
 - Minimum lot size - required ten thousand (10,000) square feet. Proposing for both lots - seven thousand one hundred eighty (7,180) square feet.
 - Minimum lot width - required one hundred feet (100'). Proposing 71.8'
- Existing non-conformity to be eliminated - front yard setback. Current structure has an 8.71' front yard setback.
- Proposed homes will conform to thirty foot (30') requirement.
- Positive criteria:
 - C - To provide adequate light, air and open space.
 - Meeting all setbacks.
 - Removing non-conforming front yard setback - provides open space.
 - E - To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.
 - Lot in current form is large.
 - Subdivide into two (2) lots will resemble neighborhood.
 - Density will not change.
 - I - To promote a desirable visual environment through creative development techniques and good civic design and arrangement.
 - Demolishing non-conforming structure and eliminating an eyesore.
 - Adding two (2) new homes.
 - Meeting front and side yard setbacks.
- Goals and objections of the Master Plans being furthered:
 - Provide a variety of housing type... affordability.
 - New housing stock to neighborhood.

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- Preserve the integrity of existing neighborhoods.
 - Protect neighborhoods.
 - Blend in and strengthen the neighborhood.
 - Exhibit A2 - tax map page 21 & 17 from Tax Assessors.
 - Green Circle - subject property.
 - Lots in blue - under minimum lot size requirement.
 - Lots in red - fifty foot (50') wide lots.
 - Approximately twenty (20) lots that do not meet the minimum lot width or size in neighborhood.
- One (1) oversize lot in the neighborhood.
 - Reduces domino effect.
- Believes granting the variances would be 'harmony' to the neighborhood - matching sizes.
- Negative Criteria:
 - Outlined previously goals and objectives of the Master Plans.
 - Believes no impairment of the Zoning Plan.
 - Removing a non-conformity.
 - Replace with new homes with enhanced side yard setback.

Chairman Ackerman stated that there is no indication in the Application of the type of home to be built. Bit concerned based on lot size. Would not like to see four (4) bedroom 'mic-mansions'. Since the Applicant will meet the setback of the R-10 zones. Would like to see smaller colonial type homes. Mr. Clarkin stated is aware of the size of the lot and neighboring homes. The homes will be between two thousand four hundred (2,400) to two thousand five hundred (2,500) square feet homes. Mr. Mocharski asked if the Applicant will have to return with a rendering. Mr. Clarkin stated would rather not come back. Making the representation that will meet the setbacks and enhance the side yards with the limitation of two thousand four hundred (2,400) to two thousand five hundred (2,500) square feet, believes the Borough is protected.

Councilman White asked why a rendering was not presented. Mr. Clarkin stated Applicant does not know if he is building the houses or selling the lots. Several members would like to see a rendering.

Mr. Mocharski stated that Code Enforcement is leaning on the property as an 'eyesore'... to clean up the property.

Mr. Clarkin suggested to give the Professional staff the building plans to review. Rather than to come back.

Mr. Slachetka stated does not agree leaving that responsibility on the Professionals.

Chairman Ackerman agreed.

Mr. Mocharski asked how soon would the Applicant know if he is going to build or sell.

Jeffrey Popik - 60 Summer Right Road, Watchung, New Jersey - Applicant, is sworn in. Chairman Ackerman stated that Mr. Popik has been before this Board on numerous occasions. Mr. Popik stated would like to subdivide and build himself. Left it open in case if he cannot build them. Built the home three (3) houses away... fifteen (15) to twenty (20) years ago.

Chairman Ackerman stated that Mr. Popik is familiar with Harvard Avenue. Similar situation. Thinking similar type of homes on these lots. Mr. Popik stated that the homes can only go forty feet (40') wide. Chairman Ackerman stated that members of the Board may not know the location on Harvard...but was before the Board many years ago. Looking for that type of homes to be built. Would like a rendering.

Mr. Clarkin proposed to grant the subdivision with the variances with the condition that the Applicant would have to return to the Board with notice showing the renderings when ready to construct. Chairman Ackerman agreed. Gives the Board Members and neighbors an idea of what will be constructed. Mr. Grzenda asked if the property is sold, do the Board Members still have a 'say'. Mr. Clarkin stated that the condition and approvals go with the land. Chairman reiterated the same. Board Members agree to the Applicant returning.

Chairman Ackerman opened the discussion to the Public.

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Anne Daley - 245 Adeline Avenue, South Plainfield, New Jersey - is sworn in. Does not oppose the subdivision as long as the homes are sold and not rented. Do not want rentals. Mr. Popik stated the homes will not be rentals. Ms. Daley stated that the people who were living in the existing home went to jail... didn't take care of the property including Mr. Popik. Mr. Popik reiterated will sell the homes. Chairman Ackerman stated that the Board cannot request to sell or rent homes. However, Mr. Popik stated the homes will be for sale.

Philip Campagna - 246 Adeline Avenue, South Plainfield, New Jersey - is sworn in. Mr. Campagna questioned if there will be a thirty foot (30') setback in the rear. Mr. O'Grodnick stated front yard setback. Mr. Campagna stated that his lot is 9.01. Does not want windows on the second floor on his side of the proposed home (proposed 9.02). Would be able to look into his house. Mr. Clarkin stated does not believe he can agree. Mr. O'Grodnick stated that is not a condition that the Board can impose. Mr. Campagna asked for a fifteen foot (15') setback on that side. Mr. Clarkin stated have agreed to ten feet (10'). Can possibly move the house over to the other side... but the lot will be 'lopsided'. Councilman White asked if the Engineer can discuss. Mr. Clarkin stated it should be discussed when the Applicant returns. Will know then how the house will be positioned. Councilman White agreed. Mr. Campagna questioned drainage. The lot was raised. Creates flooding in the rear... Side of the garage. Needs a drainage system. Questioned if the storm sewer in front of the house can handle the two (2) homes. Does not know where it goes. There have been problems with it. Cannot collect the water. Mr. Grzenda asked if it causes flooding now. Mr. Campagna stated yes, several times. Councilman White stated he will contact the Superintendent of Public Works and have it cleaned as the first step. Possibly the Engineer for the Applicant may have some insight. Mr. Gazzale stated he does not know the condition of the storm drain. Agreed with the clean out. Agreed that it all drains to Mr. Campagna property. Can put a lawn drain in. Mr. Bucco stated that the Applicant has to submit a grading plan prior to receiving a permit. At that time, it will determine if it is in need of a lawn drain. Agreed that the drain needs to be cleaned. Believes it can handle a twenty-five (25) year storm. Does not believe Adeline has a draining issue. More of a cleaning of the drain and a grading plan. Mr. Campagna stated that the storm drains in front of the proposed house 'cuts in' from South Plainfield Avenue goes underground through easement. Mr. Gazzale believes it is the end of that line. Mr. Campagna stated this is a dead-end street. Would like to see a two (2) car garage and the ability to park two (2) additional cars in the driveway. Most houses have two (2) to three (3) vehicles. Otherwise, no room on Adeline Avenue to maneuver. Does not believe it is unrealistic to ask for a four (4) car situation. Chairman Ackerman stated that will be addressed when the Applicant returns with the rendering. Mr. Clarkin stated he will have to be concerned with lot coverage and RSIS standards. Mr. Campagna is in favor of building the two (2) homes with the conditions.

Chairman Ackerman closed the Public discussion.

Mr. Clarkin stated there is no need for a lengthy summation. Believed met the proofs to justify the variances.

Mr. O'Grodnick stated that looking for a motion to approve two (2) lot subdivision, lot widths and lot area for both properties. Conditions discussed: tree replacement plan, suggest would have basements with sump pumps tied to the roof leaders directed toward Adeline Avenue, requirement of an updated grading plan, possible lawn drain directed to Adeline Avenue, Applicant shall return with Public Notices to demonstrate renderings prior to construction. Mr. Clarkin added enhanced ten foot (10') side yard setbacks.

Mr. Mocharski made motion, seconded by Councilman White. Those in favor: Councilman White; Ms. Bartfalvi; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None.

Mr. O'Grodnick requested to review the waivers with Mr. Clarkin. There was Public Notice to give the Board jurisdiction. Waivers: October 21, 2019 letter from Mr. Bucco from Najarian starting page 2... property survey which they agreed to comply. Waived: Traffic Impact Statement, Environmental Impact Statement, landscape plan, lighting plan and utilities plan. This will be a typical residential in nature. Mr. Clarkin asked if this is considered part of the motion. Mr. O'Grodnick stated yes.

Old Business:

Mr. Mocharski stated went by 111 Snyder Avenue after the resident's complaint at the last hearing... Somerset Street. Agreed that the area is 'lit up like Yankee Stadium'. This is on the new addition. It is quite bright. Mr. Bucco stated there is a plan before the Boards in review. Code Enforcement can go out to the site. Chairman

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Ackerman stated will advise Code Enforcement.

Committee Reports:

- A. Street Naming Committee** – Bob Ackerman – report progress. Have all required names for M&M Real Estate Partners.
- B. Environmental Committee** – Rich Houghton & Bryan Bythell – report progress.
- C. Council Reports** – Councilman White – report progress.
- D. Mayoral Updates** - Mayor Anesh – absent.

Minor Site Plan: None

New Business:

Mr. Bythell stated has been approached by several residents about placing a deer crossing sign on Joan Street by the park. Would like to know who to contact. Chairman Ackerman stated to contact Len Miller at DPW.

Correspondence: None

Audience Comments:

Executive Session: None

Adjournment: 8:10 pm.

Respectfully Submitted,
Joanne Broderick
Planning Board Secretary