

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
April 4, 2017

Gino Leonardis opened the meeting at 7:00 pm.

Please stand for the PLEDGE OF ALLEGIANCE.

This meeting was held in accordance with the Open Public Meeting Act and as such, proper notice of this meeting was published in The Observer and The Courier News and providing same to the Borough Clerk.

It is the policy of the South Plainfield Zoning Board of Adjustments, not to hear any new applications after 10:00 pm and no new witnesses after 10:30 pm.

ROLL CALL:

Present:

Gino Leonardis, Chairman
James Gustafson, Vice Chairman
Maria Campagna
Darlene Cullen, 2nd Alternate
Cindy Eichler
Frank Lemos, 1st Alternate

Absent:

Ken Bonanno
Robert Hughes

Also attending: Larry Lavender, Esq.; Nicholas Dickerson, PP, AICP; Robert Kuhne, PE, CME

MINUTES: March 7, 2017 Meeting

Mrs. Eichler made motion, seconded by Mrs. Cullen to accept the above listed meeting minutes. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; and Chairman Leonardis. Those oppose: None

RESOLUTIONS: (2)

- A. Case #01-17 -- J&P Real Estate Holdings LLC**
Block 403: Lots 7.04: R-10 Zone
320 Beatrice Place

Mrs. Eichler made motion, seconded by Mrs. Campagna to accept the above listed Resolution. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos and Chairman Leonardis. Those oppose: None

- B. Case #05-17 -- John Vazquez**
Block 41: Lots 5: R-7.5 Zone
1601 Central Avenue

Mr. Lemos made motion, seconded by Mrs. Cullen to accept the above listed Resolution. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos and Chairman Leonardis. Those oppose: None

HEARING: (2 Residential – 1 Commercial)

- A. Case #09-17 -- Michael Pellegrini**
Block 34: Lot 19: R-7.5 Zone
211 Firth Street

The applicant is requesting two (2) variances:
Detached garage – Maximum: 576 sq. ft. – Proposed: 720 sq. ft. Variance: 144 sq. ft.
Height – Maximum: 15 feet - Proposed: 16.5 feet'. Variance: 1.5 feet.

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Michael Pellegrini – 211 Firth Street, South Plainfield, New Jersey – applicant is sworn in. Mr. Pellegrini addresses the Board. He would like to build a detached garage slightly larger and taller than the zoning requirements.

Chairman Leonardis questions Mr. Pellegrini:

- Use of garage? An avid vehicle and motorcycle collector. Currently owns: two (2) corvettes, two (2) Harley Davidson motorcycles, a truck and an ambulance. All stored elsewhere in Middlesex County. Would like to store them at his home. He would like to build the garage to store his collection. Not a mechanic shop only storage.
- Description of the structure. Pioneer Pole Building, Inc. A pole barn structure on a slab. Approximate size – 24' X 30' X 16.6'. One (1) truck is twenty-two feet (22') long.
- Any rendering of what it would look like? Exhibit A1 – brochure of the structure – is given to the Board.
- What will it be made of? The posts are all wood. The exterior is metal paneling that are screwed on. Either asphalt or metal roof. Color will match the house... clay with tan trim.
- One (1) eighteen-foot (18') door.

Mrs. Cullen asked Mr. Pellegrini how many cars can be stored inside? Mr. Pellegrini stated side by side true two (2) cars. One (1) side he would like to have two (2) high. That is why he is asking for the height. Would like a four (4) post storage lift to store the two (2) corvettes on top of each other. The other side for his truck. The middle for his motorcycles. The wall is twelve feet (12') high... the rest is roof pitch.

Mr. Lemos questions Mr. Pellegrini:

- Any utilities? Would like to have electric. No bathroom, no heat, no running water.
- What will be done with the existing shed? Shed will be removed.
- Any outdoor lighting? Only if it is required
- What will be done with the old oil? Catches the oil in a five (5) gallon pail and will bring it to his friend who has a waste oil heater that he uses to heat up his shop.
- Antifreeze? Does not do that.

Mrs. Campagna asked about the status of the existing garage. Per Mr. Pellegrini, the existing garage will store the items that are currently in the shed that is being removed. Lawn items.

Mrs. Cullen asked if Mr. Pellegrini does any bodywork. Per Mr. Pellegrini, no. Brakes and oil changes.

Mrs. Campagna asked about a driveway. Mr. Pellegrini stated that the driveway will go around the house straight back to the detached garage.

Mr. Lemos is concerned about the driveway. The vehicles are not used often so why a driveway.

Mrs. Cullen asked how often does Mr. Pellegrini drive the vehicles. Per Mr. Pellegrini, the orange corvette is used all summer long. At times, the older corvette is taken to Somerville.

Mrs. Campagna stated she would like a paved driveway rather than just ripped up grass. Mr. Pellegrini stated that on the side of the driveway he will maintain grass between him and the neighbor. He will be taking down two (2) sections of fencing to put a gate in its place.... One (1) car width.

Chairman Leonardis advised Mr. Pellegrini to keep the driveway to a minimum.

Chairman Leonardis opens the discussion to the audience. There are no questions or comments from the audience.

Chairman Leonardis asked if there is a fence around the property. Per Mr. Pellegrini, he has a clay color vinyl fence between himself and a neighbor that is four (4) feet. The rear is six-foot (6') stockade fence.

Chairman Leonardis addresses Mr. Pellegrini. The lot size is able to accommodate the garage. The lot is 150 feet deep. If he does put any lighting by the garage, it must be motion directed lighting – straight down.

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With no further questions or concerns, Chairman Leonardis calls for a motion to approve the application. Mr. Lemos made motion, seconded by Mrs. Cullen. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

B. Case #10-17 -- Michael King
Block 184: Lot 8: R-10 Zone
412 Ritter Avenue

The applicant is requesting four (4) variances for existing non-conforming lot: front yard setback - 19.1 ft. variance; side yard setback - 3.6 ft. variance; lot width - 49.5 ft. variance and lot size - 206 sq. ft. variance.

Michael King – 412 Ritter Avenue, South Plainfield, New Jersey – is sworn in. Mr. King addresses the Board. He has been a resident in South Plainfield for thirty-five (35) years. He resided at 410 Ritter Avenue. Both parents fell ill and lost the property at 410 Ritter Avenue. The neighbor at 412 Ritter Avenue offered to sell the property so he can relocate his father who is failing. Purchased the property in December and noticed structural issues. His father was being released from the nursing facility and did some pre-construction to the house to resolve the issues.

Chairman Leonardis questions Mr. King:

- What kind of pre-construction? Took the existing second level down. One (1) of the original lake houses built in 1910. It is a concrete structure. The second floor was built with a fifteen foot (15') span on a 2"X6" framing. The second floor was sagging and ready to collapse.
- Why didn't you think you needed permits at that time? He knew he needed permits. Was willing to take the chance and deal with the backlash. With his father health conditions, it was a time sensitive situation.
- Are you living in the house? No. My father is in a hotel.
- What are you planning to do to the home? Completing what was done originally. The add-a-level is already built. To get the drawings and variances approved to bring it all to compliance.
- Are you the owner? Yes.
- Why is the applicant Anthony Palmeri? His is the new contractor that will complete the house.
- What are you planning to build?
 - The first floor is a 15' X 33' existing concrete structure.
 - The second floor is 17' X 33' add-a-level with a two foot (2') cantilever.
 - The second floor will have two (2) bedrooms and one (1) bathroom.
 - The first floor will have a kitchen an half bath.
- How much of an overhang will the addition have on the existing structure? It is on the driveway side – two-foot (2') cantilever. The other side is even... straight up.
- This is already constructed? Yes it is.

Mrs. Cullen asks if Mr. Palmeri did the work. Per Mr. King, he did not.

Chairman Leonardis continues questioning if Mr. King:

- Do you have an architect? Yes. Peter Dorne in Morristown, New Jersey.
- Are the drawings submitted in line with what exists? Yes.
- Was the front porch existing? Yes.
- Expansion is only on the driveway side of the house? Yes, by two feet (2').

Mr. King stated that on the plans there is an option to add a garage to the back of the house. However, do to the time constraints it is not being proposed.

Chairman Leonardis advised Mr. King that if the time comes to add the garage, he must verify with the Zoning Official.

Chairman Leonardis would like Mr. King to describe the exterior of the home. Per Mr. King, the first level is concrete block. The second level will be siding. Color has not been decided since the existing house is blue.

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Mr. Lemos asked Mr. King if the penalty was given by the Building Department or does he have to go to court. Mr. King stated he still has to go to court. He had gone to court once. Once he is heard by the Board and if approved, apply for permits then he has to go back to court.

Chairman Leonardis confirms with Mr. Lavender that the hearing can continue with a court case pending.

Mrs. Campagna asked Mr. King if the porch was existing and enclosed. Per Mr. King, yes to both.

Chairman Leonardis opens the discussion to the audience. There are no questions or comments from the audience.

Chairman Leonardis stated that this application is for an existing non-conforming property - Front yard setback variance, side yard setback variance, lot width variance, and lot size. The addition is not expanding the non-conformance. Therefore, calls for a motion to approve the application. Mr. Lemos made motion, seconded by Mrs. Cullen. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

**C. Case #02-17 -- Crisdel Group Inc.
Block 477: Lot 5: M-3 Zone
220 Ryan Street**

The applicant is requesting preliminary and final site plan with use variance.

John Visconi – McElroy, Deutsch, Mulvaney & Carpenter, LLP, 1300 Mt. Kemble Avenue, Morristown, New Jersey – attorney for applicant addresses the Board. Crisdel Group Inc is requesting a site plan approval along with a use variance approval. The Planners report brought up the question if a bulk variance is required. They believe they do and will provide testimony. The site is 'pie' shaped that fronts on Ryan Street. It currently contains a one (1) story masonry building used for warehouse and industrial. In the past, the rear of the property was used for storage of equipment and materials. There was a question whether that storage pre-dated the Zoning Ordinance as it is not a permitted use. There is a map from the 1989 subdivision that discusses that use. Equipment storage is not permitted use and the applicant is seeking a use variance. According to the Ordinance, it does allow storage of material and equipment if it is screened by fence or plantings up to ten feet (10'). The applicant is willing to build a ten-foot (10') fence and put slats in to keep it as screened as much as possible. However, some of the equipment that would be stored is taller than the ten feet (10') and may stick out on the top. Prior occupants had equipment and material storage.

Chairman Leonardis questions Mr. Visconi about the attorney listed on the application, John Suminsky. Mr. Visconi stated that the attorney listed on the application is an attorney with the same firm.

Frank Criscola – 240 Ryan Street, South Plainfield, New Jersey, principle of Crisdel Group Inc – is sworn in

Ronald Kennedy – 265 Main Street, Gladstone, New Jersey, Engineer and Planner – is accepted as a Professional Engineer and Professional Planner and is sworn in

Frank Criscola addresses the Board. Crisdel Group Inc. has been in South Plainfield for almost forty (40) years at 240 Ryan Street, South Plainfield. Using Exhibit A-1 – Aerial Exhibit dated April 4, 2017 – Mr. Criscola stated that Crisdel Group Inc. owns 220, 240 and 260 Ryan Street. Currently operating from 240 Ryan Street as a heavy highway contractor throughout the state of New Jersey. The previous tenants at 220 Ryan Street - Tri Co Lift Company - moved out in December 2016. Crisdel Group Inc. is proposing to build a new structure and continue to use the rear of the building at a smaller capacity for equipment storage. Additional room is needed for the current employees. Therefore, they would like to relocated the current administrative and engineering staff from 240 Ryan Street to 220 Ryan Street. Will not be adding employees. Equipment maintenance staff will continue to use 240 Ryan Street.

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Mr. Visconi questioned Mr. Criscola:

- What is Crisdel Group LLC? Crisdel Group LLC is a highway contracting company that builds bridges and does highway construction in New Jersey, New York and Eastern Pennsylvania. Majority of the sites have construction yards.
- What is currently at 240 Ryan Street? Current use at 240 Ryan Street is administrative, engineering and maintenance staff. They Repair own equipment with a clean yard. No dirt or construction debris stored at Ryan Street... only construction equipment.
- What is being proposed for 220 Ryan Street? Would like to build a new office building at 220 Ryan Street to relocate the administrative staff and some equipment overflow or winter storage. The proposed building will be smaller than 240 Ryan Street but with similar look.
- What type of movement between the two (2) buildings is anticipated? There will not be much movement between buildings. Administrative and Engineering staff are completely different then the maintenance and repair staff. Currently, there is very little co-mingling between the departments. If there is any movement it would be wheeled vehicles moving from 240 to 220.
- No direct passage between the two (2) properties? Only through Ryan Street? That is correct

Mr. Lemos asked Mr. Criscola what will be stored in the back near the railroad tracks? Per Mr. Criscola, wheeled construction equipment... pickup trucks, some heavy equipment. Mr. Lemos continues... Buckeye Gas pipeline runs along the railroad. Mr. Visconi asked Mr. Criscola if he is aware there is a pipeline easement in the rear of the property and is he planning to store equipment on the easement. Per Mr. Criscola, he is aware of the easement and will not be storing any equipment in the easement. The proposed fence will be outside of the easement.

Chairman Leonardis questioned the hours of operation. Mr. Criscola stated Monday through Saturday from 6:30 am to 6 pm.

Chairman Leonardis confirmed that no additional employees will be relocated to the area.

Mr. Criscola stated that they will not be increasing vehicle traffic. There is less traffic now then since the previous tenants moved out. The equipment is stored on job sites. They are only stored at 240 Ryan Street when they come in for repairs or winter storage.

Mr. Visconi clarifies with Mr. Criscola that when Tri Co Lift Company was occupying 220 Ryan Street, all Crisdel Group Inc. employees were at 240 Ryan Street. Tri Co Lift Company had lowboys moving in and out of 220 Ryan Street. With Tri Co Life Company gone and no increase of employees at Crisdel Group Inc. there is less traffic impact in the area. Mr. Criscola stated they do not operate any other offices. Therefore, there is no relocating of employees. They will be distributing the existing employees amongst the two (2) buildings.

Vice Chairman Gustafson stated that the trucks are powder blue and always clean. Their equipment is always clean.

Mr. Visconi asked Mr. Criscola what type of equipment did Tri Co Lift Company store. Per Mr. Criscola, primarily high lifts. Bucket trucks at 30 plus feet in the air. The equipment Crisdel Group Inc. would store is much shorter.

Chairman Leonardis asked what is the tallest equipment that would be stored. Mr. Criscola stated an arm of an excavator. Most likely it will be stored at 240 Ryan Street... but at times there may be a need equipment at 220 Ryan Street. Again, 220 Ryan Street will be the administrative building.

Chairman Leonardis asked if they have any cranes in there fleet. Per Mr. Criscola, they do not. They rent cranes when needed.

Mr. Visconi asked Mr. Criscola, any equipment stored at 240 Ryan Street may be stored at 220 Ryan Street. Correct.

Vice Chairman Gustafson stated, if the Board votes favorably do they oppose to a condition that any future equipment that is not presented this evening to be kept in the down position. Mr. Criscola stated yes... to the best of their ability.

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Mr. Lemos asked if the gate will be locked at night. Per Mr. Criscola, yes the gate will be locked at night. Mr. Lemos continues... will you have a Knox Box? Mr. Visconi stated that on the Fire Official report, they would like two (2) Knox Box... one (1) on the gate and one (1) on the building. Mr. Criscola stated that would not be a problem.

Mr. Dickerson asked if there would be any repairs done on equipment at 220 Ryan Street. Per Mr. Criscola, they do not anticipate doing repairs. The building at 240 Ryan Street is equipped to do repairs. It also has the wash down pad. There may be an occasional little fix done... but the majority will be done at 240 Ryan Street. There will be no wash down of equipment at 220 Ryan Street.

With no further questions for Mr. Criscola, Mr. Visconi calls upon Mr. Kennedy.

Mr. Kennedy addresses the Board. Using Exhibit A2 – Site Plan Rendering dated April 4, 2017 – showing the proposed site:

- Two thirds (2/3) of the proposed building will be two (2) floors. The remaining one third (1/3) of the building will be one (1) floor with two (2) bays for vehicles to pull in with the same roof line as the second floor.
- The property will be cleaned up.
- One (1) way angle parking directly in the front of the building.
- Landscaping in the front and along the road.
- One (1) side of the property will have entrance and exit. The other side will only be one (1) way out... starting from the rear of the property.
- Sidewalks will be added around the building.
- ADA compliant parking space will be added.
- Around the property, per Ordinance will have a five-foot (5') setback for paving.
- A fence is proposed around the perimeter of the rear of the property. Currently it is indicated at six foot (6') high fence. However, if the Board would like they are willing to go higher.
- From the rear corner of the building to the property line will be gate. No fence proposed from the rear of the building to the front property line since this is an office building.
- Fence will have slats on the Fire & Safety (neighboring property) side of the fence but no slats between 220 and 240 Ryan Street side of the fence.
- On the 1998 resolution, there was a condition at 240 Ryan Street that any storage of material cannot be higher than the fence. They will agree to do the same for 220 Ryan Street.
- Shade trees between the properties for a 'softer look'.
- Aware of the Buckeye Pipeline in the rear of the property. They are moving the fence line in away from the easement by approximately ten feet (10'). Therefore, nothing can be stored in the easement.
- The proposed building is 115'X65' – seven thousand four hundred seventy-five (7,475) square foot footprint with a second floor in part of it for a total of eleven thousand seven hundred sixty-five (11,765) square foot of usable space.
- Per Ordinance, the required parking spaces is twenty-five (25). They are proposing thirty-two (32) parking spaces. There will be some parking spaces in the rear along the building. The Superintendents who use the larger pick-up trucks will use those parking spaces.
- The front area of the parking lot will be curbed.
- There will be two gates with slats, on each side of the building for the rear.
- An emergency generator pad at the rear corner of the building. Near the property line. When the plans were drawn up, did not realize there is a ten-foot (10') setback. Currently, it is five foot (5') from the property line. It is a natural gas generator. Mr. Criscola stated that the pad is oversized for the generator... a 90 KW generator. It is decided they will move the generator seven feet (7') off the property line and screened by a fence.
- Three (3) signs will be used. No relief required. A monument sign of 6'X5' internally lit. A sign on each side of the front of the building. One (1) will be 9'X2'. The other will be 7'X3'.
- The impervious coverage will be reduced from what it is today by ten percent (10%).
- No grade change.
- No wetlands.
- No flood plan.
- Lighting in the parking areas will be down lighting... fourteen (14) fixtures at sixteen feet (16') high. Eight (8) building mounted fixtures with down lighting. Total of 1.7 foot candles. A few down lights in the rear along the northerly line

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Vice Chairman Gustafson asked if there will be any irrigation. Mr. Criscola stated yes... there will be grass and flowers beds with irrigation.

Mr. Kennedy stated that the component of the use in the zone that is not allowed is the storage of construction equipment in the rear. All other bulk standards are met.

Mr. Kennedy introduces Exhibit A-3 – Exterior Elevations dated April 4, 2017. The height of the building will be thirty-two feet (32) feet. The front door is facing Ryan Street. There will be glass to make the building look more linear. The rear will have two (2) bays and there will be windows up higher for lighting. The office space will have ribbon glass.

Chairman Leonardis asked for the construction of the building. Mr. Criscola stated the building will be constructed with masonry block with full brick around the entire building with spando glass.

Mr. Kennedy stated that they would like to add a canopy to the front entrance. However, the front yard setback is fifty feet (50') and the proposed building is at 50.1 feet. Therefore, a variance is required for the canopy. The canopy would be four feet (4') off the building. It has been decided a five-foot (5') variance is requested.

Vice Chairman Gustafson asked if any road improvement is being proposed. Mr. Criscola stated they are proposing to repair or replace the curbing. It is agreed that Crisdel Group LLC will replace curbing from corner to corner of the property.

Mrs. Cullen asked Mr. Criscola to address Dr. Tempel's review letter with regard to recycling. On the updated plans submitted to the Board, there is detail drawings of a dumpster pad with two (2) containers... One (1) for garbage and one (1) for recycling. Chairman Leonardis stated that Dr. Tempel is looking for a narrative stating the recycling plan. Mr. Criscola agrees to do so. Mr. Visconi stated that the dumpster area is for office garbage. Any large construction debris is handled at 240 Ryan Street. Mrs. Cullen explains that Dr. Tempel is asking for is a tonnage report on the recycling.

Vice Chairman Gustafson requests a clarification of the fence line between the properties. Mr. Kennedy stated that there is a fence currently between the two (2) properties. There is a five-foot (5') grass area as well. There is a slight grading difference between the properties. It is decided ornamental automatic gates without slats and a ten-foot (10') fence with brown slats along the north side to the point in the back and across 240 Ryan Street. Fencing between the two properties will be removed. However, there will be a five foot (5') grass or decorative stone between the pavement and property line as per Ordinance.

Mr. Visconi re-iterates... a five-foot (5') variance for the awning. A bulk variance for the generator - no greater than seven feet (7'). New curbing.

Chairman Leonardis requested to address all Professional review letters. Crisdel Group, LLC will comply with:

- Engineers Report;
- Planners Report;
- Environmental Commission - twenty-five foot (25') spacing of Evergreens and recycling narrative;
- Fire Marshal Report - adding fire line striping; two (2) Knox Boxes. It has not been decided if there will be a fire sprinkler system installed. However, there will be a fire alarm.

Mr. Criscola questioned if ballads are needed in front of their gas connection. There is a landscape bed, sidewalk and a curb line. Crisdel Group LLC will discuss the bollards with the Fire Marshal when detailed plans of utilities are drawn.

Mr. Visconi stated they have received county approval.

Mr. Kennedy stated that the site is suitable. They are changing tenants. The enhanced burden of proof... this storage is rolling stock. Items that are being stored is not debris or scrap. The negative criteria is the change will have little or no impact. The number of employees are spread out among two (2) properties as opposed to one (1) property. Architecturally improved building. There will be a 10% decrease in impervious coverage.

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With no further questions or comments, Chairman Leonardis calls for a motion of approval with the previous discussed conditions. Vice Chairman Gustafson made motion, seconded by Mr. Lemos. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None.

INFORMAL HEARINGS: None

OLD BUSINESS:

Chairman Leonardis stated that the situation of the wall on case #04-17 – Shawn Janus that was previously heard on March 3, 2017 and is returning to the Board on April 18, 2017 - is being handled by the Borough Engineer. He is required to move the wall. The Board has no jurisdiction on the wall. The jurisdiction that the Board has is the porch. The hardscape in the backyard is not a variance. The other issue is the backhoe and dump truck stored in the back.

Dave Miglis resigned to the Mayor and Council from the Zoning Board of Adjustment at the April 3, 2017 Mayor and Council meeting.

NEW BUSINESS: None

CORRESPONDANCE: None

EXECUTIVE SESSION: None

ADJOURNMENT: 8:50 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary