

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
AUGUST 1, 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, 1st Alternate
Cindy Eichler
Frank Lemos
April Wasnick, 2nd Alternate

Absent:

Ken Bonanno
Robert Hughes

Also attending: John Wiley, Esq.;

MINUTES: None

RESOLUTION:

- A. Case #14-17 -- Socha Enterprises LLC
Block 446: Lot 7: M-3
111 St. Nicholas Avenue**

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

- B. Case #13-17 -- Teitelbaum Partners LP
Block 518: Lot 1: OPA-1
140 South Avenue**

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

HEARING: (5 residential applications)

- A. Case #23-17 -- Charles Howarth
Block 206: Lot 7: R-10 Zone
105 DeFillipo Drive**

The applicant is requesting bulk variances to construct an attached 20'X14' one car garage to a pre-existing non-conforming structure. Corner Lot. Variances being requested: Front yard setback: Requesting 26.58'...Required 30'...Variance 3.42' -- Lot width: Existing 85'...Required 100'...Variance 15' -- Lot size: Existing 9,663.50 square feet...Required 10,000 square feet...Variance 336.50 square feet.

Charles Howarth – 105 DeFillipo Drive, South Plainfield, New Jersey – owner, is sworn in. Thomas DiGiorgio – 414 Central Avenue, Westfield, New Jersey – architect, is accepted as a Professional Architect and is sworn in.

Mr. Wiley stated that the Notice of Publication and Notice within 200 Feet are in order.

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Mr. Howarth stated he would like to add a one (1) car garage - 20' X 14' to his existing house.

Mr. DiGiorgio addressed the Board. He reiterated... adding a one (1) car garage to the existing house. Lot area required is ten thousand (10,000) square feet. The lot has an area of 9,663.5 square feet which is pre-existing non-conforming. Lot width required is one hundred feet (100')... existing is one hundred twenty feet (120') which will remain the same. The lot depth required is one hundred feet (100')... existing is eighty-five (85') which is pre-existing non-conforming. It is a corner lot. Therefore, two (2) fronts... one (1) is at 30.4' and the other is 50.6 without the garage. The proposed garage will be at 30.4'. However, with the arch of the property, it varies... it goes down to 26.58' then on the side it goes to 36.66. The side yard and rear yard setbacks comply. The building height complies at fourteen feet (14') and allowed thirty-five feet (35'). Proposing a one story garage. Lot coverage required is twenty-five percent (25%) and are at 23.4%. With the garage addition, it is 26.4%. The main reason adding a garage is that Mr. Howarth's parents moved in with him so he can take care of them. The garage not only for a car also for storage. The existing floor plan, the top half of the basement is a full basement. There is a slab on grade so there is a minimum amount of storage space. In addition, it is a corner lot and the side set back is at 9.8'. If the house able to be shifted over by 1.8' it would have complied. On the survey, there is one spot in the western corner that infringes into the setback. The garage will blend in with the house. The siding will be replaced to match. Several homes on the street have two (2) car garage.

Chairman Leonardis asked for more information on the actual construction, exterior etc. Mr. DiGiorgio stated that the garage will be a wood frame construction to match the house. Vinyl siding will be used to match the existing siding. Even though it is not a heated space, all the walls will be insulated and provide the 5/8's fire code Gyp Board on the walls and two (2) layers of 5/8's on the ceiling. The roof will be removed on the entire residence and reroofed.

Chairman Leonardis asked to reiterate the reasoning for the addition. Mr. DiGiorgio stated that Mr. Howarth's parents are elderly and not feeling well. They moved in so he may take care of them. Therefore, would like to add a garage not only for the additional car but for some storage space. The entire ground floor is not a basement. On the right side is a small basement and utility room. The rest is slab on grade.

Chairman Leonardis stated the front yard setback from the corner is a variance needed. Mr. DiGiorgio stated correct. Mr. Leonardis stated that on the squared off portion it is in compliance, but not on the radius.

Mrs. Campagna asked if the height of the proposed garage going to match the height of the existing garage. Mr. DiGiorgio stated it will be lower. The garage is 14.4' high. It is a step down. Mrs. Campagna asked if it will be strictly a garage and not living space. Mr. DiGiorgio stated definitely a garage.

Chairman Leonardis opens the discussion to the audience. No audience comments or questions.

Chairman Leonardis stated that this addition has a very minimus impact on variance - 3.5' variance which is caused by the radius. The applicant is matching the siding, matching the roof. Esthetically will look like it has been there from the beginning.

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

**B. Case #25-17 -- Carlo & Dana Ricciardi
Block 266: Lot 18: R-10 Zone
126 Lincoln Avenue**

The applicant is requesting bulk variances to construct a 13'5" X 20'6" deck to a pre-existing non-conforming structure. Corner Lot. Variances being requested: Front yard setback: Existing: 25.6'...Required 30'...Variance 4.6' -- Front yard setback (corner lot): Existing: 5.1'...Required 30'...Variance 24.11' Lot size: Existing 5,000 square feet...Required 10,000 square feet...Variance 5,000 square feet

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Carlo & Dana Riccardi – 126 Lincoln Avenue, South Plainfield, New Jersey – owners, are sworn in. Vincent Sempervive – D&V Home Improvements – builder, is sworn in.

Mr. Wiley stated that the Notice of Publication and Notice within 200 Feet are in order.

Mrs. Riccardi addressed the Board. They had a deck on the opposite side that was taken down. Would like to put a new deck on the other side. The reason it was taken down was you had to go through two (2) bedrooms to get to the deck. People had to go through the two (2) bedrooms to use the bathroom or to carry food outside. Moving it to the other side of the house where the kitchen is. There will be a sliding door to get onto the deck.

Chairman Leonardis stated the proposed deck will be to the right rear of the house. Mrs. Riccardi stated yes. Chairman Leonardis continued... Where the pool is? Will the deck will be between the house and the pool? Mrs. Riccardi stated yes. Chairman Leonardis asked where the location of the current deck is. Mrs. Riccardi stated on the left but was taken down. Mr. Riccardi stated he took it down. Mrs. Cullen confirmed she saw it today and its gone.

Chairman Leonardis stated they are looking for 4.5' in the front yard. It is a corner lot so a second front yard looking for 4.6' and the existing is 5.1' so a little more on the corner. On the lot size, it is a pre-existing five thousand (5,000) in a R-10 zone.

Chairman Leonardis questioned Mr. Sempervive:

- What will the deck be made out of? *It will be made out of Trex composite material with a wood frame.*
- How high off the grade? *He believes three feet (3').*
- Will it match up with the floor of the house? *Yes*
- Will there be any stairs coming off of it? *There will be stairs to the left looking to the pool. It will be along the pool.*
- Any cover over this deck? *No covering.*

Chairman Leonardis opened the discussion to the audience. No comments or concerns.

Chairman Leonardis stated this is a situation is minimal. Slightly over the existing condition of the right side of the home. Does not see any detriment.

Vice Chairman Gustafson stated with a condition of no enclosure.

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

**C. Case #26-17 -- Lisa Gryllis-White
Block 271: Lot 2: R-10 Zone
250 Oakland Avenue**

The applicant is requesting bulk variances to construct a rear and side addition to a pre-existing non-conforming structure. Variances being requested: Front yard setback: Existing 25.96'...Required 30'...Variance 4.04' -- Side yard setback: Proposed 4'...Required 8'...Variance 4' -- Side yard setback: Existing 6.14'...Required 8'...Variance 1.86' -- Lot Width: Existing 50'...Required 100'...Variance 50'. Lot size: Existing 5,000 square feet...Required 10,000 square feet...Variance 5,000 square feet'.

Mr. Wiley stated that the Board is in receipt of the Notice of Publication and the Notice to owners within 200 Feet.

Lisa Gryllis-White – 250 Oakland Avenue, South Plainfield, New Jersey – owner, is sworn in and addressed the Board. She would like to add a one story mud room and kitchen. The variance that is needed is between herself and the side neighbor. The required setback is eight feet (8'). The addition will be four feet (4'). It goes into the back yard no further than the existing deck.

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Mrs. Cullen asked for the purpose for the addition. Ms. Gryllis-White stated that she is getting re-married and there will be three (3) additional family members. Mrs. Cullen continued... are you expanding the kitchen? Ms. Gryllis-White stated the existing kitchen will be a dining room this way all six (6) family members can fit. The kitchen would be where the deck is currently.

Chairman Leonardis asked if any drawings were submitted. Ms. Gryllis-White stated they were submitted with the application. The Board Members confirm it is in their packets.

Ms. Gryllis-White stated the whole house will be re-sided. Most of the addition is in the backyard. The mudroom is at the end of the driveway.

Mr. Lemos asked if the above ground pool will remain. Ms. Gryllis-White stated yes and half of the existing deck will remain.

Chairman Leonardis asked Ms. Gryllis-White to describe the neighbor to the right. Ms. Gryllis-White stated that there is an adjoining driveway with the neighbor to the right. Has a rear entrance. The addition would have a new side entrance. Ms. Gryllis-White stated she had spoken to the neighbor. Ms. Gryllis-White submitted several photographs of homes on her street that have a similar addition that she is requesting.

- A-1 – Photograph of 226 Oakland Avenue side addition.
- A-2 – Photograph of 234 Oakland Avenue side addition.

Chairman Leonardis reiterated that the whole house will be sided. Ms. Gryllis-White stated yes. Chairman Leonardis continued... a new roof? Ms. Gryllis-White stated only on the addition. It will match the existing roof. Chairman Leonardis asked if building on grass? Ms. Gryllis-White stated it is mostly deck... a rocky walkway to get to the grass.

Mrs. Cullen asked if both sheds will remain. Ms. Gryllis-White stated yes, they are staying. Mrs. Cullen reiterates... part of the deck is going. Ms. Gryllis-White stated yes because that will be the kitchen.

Vice Chairman Gustafson asked... looking at your house, on the right is the common driveway. Does the neighbor have a side entrance? Ms. Gryllis-White states no they have a rear entrance. Vice Chairman Gustafson stated just like your addition, the door is in the back. Ms. Gryllis-White stated the door is on the side. Vice Chairman Gustafson stated that is not a window it is a door. The area that says bench with hooks is a door. Ms. Gryllis-White asked what page are you looking at. Vice Chairman Gustafson stated page 101. Ms. Gryllis-White stated look at page A-300. Vice Chairman Gustafson stated that the front elevation on page A-300 is a window. Ms. Gryllis-White asked to see page A-300 that is before Vice Chairman Gustafson Ms. Gryllis-White stated that is not the latest version of the plans. After further review, it is determined that the Ms. Gryllis-White had not submitted the latest version of the plans.

Vice Chairman Gustafson continued... the neighbor on the right, can enter his home from the rear and use the same common alleyway. Ms. Gryllis-White stated there are separate driveways with a piece of cement separating it. Vice Chairman Gustafson continued... are there lights, shrubs or any type of landscaping proposed to go between yourself and the neighbor on the right. Ms. Gryllis-White stated she is not sure if it is possible. The area is concrete. Most of the construction is after the six foot (6') fence starts. There is approximately four feet (4') where there is no buffer. Made sure there was no window on that side. There is a window in the addition facing the back yard.

Mrs. Cullen asked if the fence is remaining. Ms. Gryllis-White stated yes. Possibly next year there maybe a new six foot (6') fence. The first person she spoke to was her neighbor about the addition. Mrs. Cullen continued... when you walk into your home you walk into your living room, then into your dining room and then into the kitchen. Ms. Gryllis-White stated correct.

Chairman Leonardis reviewed all the previously submitted plans to the plans Ms. Gryllis-White had before her. All three (3) sets of plans have the same revision date of June 30, 2017 with the same numbered pages... A-100, A-101, A-300. The difference is that the mud room and kitchen goes back and gets squared off.

Chairman Leonardis stated he cannot read the dimensions and asked Ms. Gryllis-White if she has larger plans. Per Ms. Gryllis-White... no.

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Mrs. Cullen asked what is the room that is squared off. Ms. Gryllis-White stated the mud room and the kitchen. Chairman Leonardis stated the original plans submitted showed the sink at the back of the house, the new plans show it somewhere else. Mrs. Cullen continued... the other two (2) rooms? Ms. Gryllis-White what is the dining room now will be a bedroom and the other a bedroom. The pool is to remain. The two (2) sheds are remaining. Ms. Gryllis-White stated if a shed needs to be removed she will remove it.

Mrs. Cullen asked when would the construction begin. Ms. Gryllis-White stated as soon as possible.

Mrs. Campagna asked what will the distance be from the new addition to your property line? Ms. Gryllis-White stated four feet (4'). Exactly four feet (4')? Per Ms. Gryllis-White the builder stated four and a quarter foot (4.25').

Mrs. Campagna asked if the addition is above the lot coverage. Ms. Gryllis-White asked what is lot coverage. Mrs. Campagna explained that it is how much your property is covered with a structure.

Copies are made of the plans Ms. Gryllis-White had before her and gave to Chairman Leonardis. Copies were given to the Board Members. The newest set of plans submitted to Chairman Leonardis are labeled as Exhibit A-100 (Demolition and Foundation Plan), Exhibit A-101 (First Floor Plan, RCP, and Roof Plan) and Exhibit A-300 (Elevations & Section). One set of plans were enlarged. Chairman Leonardis stated that the depth of the addition is nineteen feet (19').

Chairman Leonardis stated that the addition is nine feet (9') deeper. The coverage is more now. Previously there was not a lot coverage need. As a condition, if this application gets approved and there is a lot coverage issue, the Board will need to rescind the application.... Or base it on the drawings before the Board tonight not on the coverage. Before making a decision, the Board Members would like to hear from the audience.

Chairman Leonardis opened the discussion to the audience.

Sujan Puar – 248 Oakland Avenue, South Plainfield, New Jersey – neighbor on the right. He is opposing the addition. It is too close. For years, the garbage men go through his driveway. If she expands, there will be no place for them to go through his property. Most of her family blocks his driveway because she does not have a big enough driveway.

Chairman Leonardis asked Mr. Puar how far is his house from the property line. Mr. Puar stated approximately eleven and a half feet (11.5').

Mr. Lemos asked if Mr. Puar's house lines up with Ms. Gryllis-Whites house as it is now. Mr. Puar stated yes.

Mr. Puar stated if he puts a fence along his driveway he does not know how she will be able to open the car door.

Chairman Leonardis asked Ms. Gryllis-White if she would be parking on the side of the property. Ms. Gryllis-White stated she will be parking in front of the house. If Mr. Puar would like a fence, she is willing to install one.

Chairman Leonardis asked Ms. Gryllis-White to get drawings that are legible, talk to the neighbor, perhaps come up with a solution and comeback at a later date. Ms. Gryllis-White stated that the pictures she had provided on the properties earlier have less room between those properties then what she is asking for. Chairman Leonardis stated he understands.

Ms. Gryllis-White asked what is the lot coverage for her property. Chairman Leonardis stated that this is a R-10 zone therefore the lot coverage is twenty-five percent (25%). This is a pre-existing non-conforming lot with five thousand square feet.... twenty-five percent (25%) of five thousand is one thousand two hundred fifty (1,250) square feet.

Mr. Wiley stated if it is discovered there is another variance that is needed, then Ms. Gryllis-White will have to re-notice. If lot coverage can be avoided, re-noticing will be avoided.

Ms. Gryllis-White asked who determines the lot coverage. Chairman Leonardis stated the Zoning Official will calculate the lot coverage.

It is determined that Ms. Gryllis-White will be adjourned until September 19, 2017.

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D. Case #27-17 -- Sergio Freitas
Block 27: Lot 7: R-7.5
122 Tompkins Avenue

The applicant is requesting bulk variances to add dormers to a pre-existing non-conforming structure. Variances being requested: Side yard setback: Existing 5.7'...Required 8'...Variance 2.6' -- Lot Width: Existing 60'...Required 75'...Variance 15'.

Sergio Freitas – 122 Tompkins Avenue, South Plainfield, New Jersey – owner, is sworn in. Mr. Freitas addressed the Board. He would like to add a bathroom in the bedroom. His lot is pre-existing non-conforming. He would like to put the bathroom in the existing closet and would like to dormer a few feet. He has 5.7' side yard setback where eight feet (8') are required.

Vice Chairman Gustafson asked for a clarification. This application involves no expansion of the existing foundation. The Zoning Officer sent him to the Board for a clarification of an existing non-conforming 5.7' existing 60'. You are putting in a dormer. You not expanding the footprint of home. Mr. Freitas stated that is correct... dorming the roof out.

Mr. Freitas stated he provided sketches of the dormer. There is one already on the roof.

Chairman Leonardis asked what will the exterior look like. Mr. Freitas stated he will match the siding and match the roof.

Mrs. Cullen asked Mr. Freitas if he is doing the work. Mr. Freitas stated no... he is hiring a contractor.

Chairman Leonardis opened the discussion to the audience. No comments or concerns.

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

E. Case #28-17 -- Performance Building Enterprises LLC
Block 42: Lot 11: R-7.5
1610 Central Avenue

The applicant is requesting bulk variances for an add-a-level to a pre-existing non-conforming structure. Variances being requested: Side yard setback: Existing 6.4'...Required 8'...Variance 1.8' -- Lot width: Existing 60'...Required 75'...Variance 15'.

Lawrence Sachs, Esq, attorney for the applicant addressed the Board. The property is located at Block 42 Lot 11 in the R-7.5. The property address is 1620 Central Avenue. The applicant was before this Board two (2) weeks ago with two (2) applications. If the Board recalls, one of the applications was 125 Rahway Avenue. One of the concerns of the Board was the height of the house and the potential use of the attic. The plans that are in front of the Board are very similar to the plans for 125 Rahway Avenue. After some discussion with the applicant, reduced the height of this particular house. Has revised plans to present to the Board that does not show a finished attic. It shows an extension to the rear of the house. There are two (2) witnesses... the contractor and planner. Seeking two (2) variances, both are pre-existing non-conforming. Lot width.... Existing is sixty feet (60') where seventy-five feet (75') is required. A variance on the right side of the house based on existing open porch. The plan is to build a balcony on top of the existing open porch. Not expanding the footprint.

Mrs. Wasnick asked if the carport is still on the right hand side. Mr. Sachs stated it is a porch.

The newly submitted plans are labels as Exhibit A-1–Title Sheet (page A-0), Plans (page A-1), Elevations (page A-2).

Mr. Wiley stated that the Board is in receipt of the Notice of Publication and the Notice to Owners within 200 Feet.

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Peter Haborak – 235 Grove Street, Woodbridge, New Jersey – is sworn in. Mr. Sachs asked Mr. Haborak to describe the plans that have been submitted as Exhibit A-1.

- Building over the existing footprint of the house.
- Adding 16' X 20' family room off the back of the house.
- Maintaining the side porch.
- Garage will remain as is.
- First floor – living room, dining room, kitchen, bath.
- Second floor – Four (4) bedrooms, two (2) baths, laundry room.
- No walk-up attic.
- Balcony on top of existing porch. Open area. Will not be living space.

Mr. Sachs questions Mr. Harborak.

- The addition in the back will it go straight back from the house. *Correct.*
- What is the size of the addition? *16' X 24.7'.*
- Describe the condition of the house. *Run down. Abandon for at least five (5) years.*
- Were there squatters living in the house? *Would say so. There is evidence of it.*
- Is there evidence of drug activity? *Correct.*
- Describe the exterior of the house.
 - Vinyl siding on the whole house. The brick on the front of the house is outdated.
 - New roof on the whole house.
 - Extending chimney for the existing fire place above the roof line.

Mrs. Campagna asked if anything will be done with the garage. Mr. Harborak stated new siding and new roof.

Chairman Leonardis asked what does the house to the right look like. Mr. Harborak stated he believes it is a cape.

John Leoncavallo – 388 Washington Road, Suite E, Sayreville, New Jersey – is accepted as a Professional Planner and sworn in.

Chairman Leonardis asked Mr. Leoncavallo what the house to the right side looks like. Mr. Leoncavallo stated the house is in good shape. The façade directly across from the porch has two (2) windows. The other side is the garage. The porch it to the left – North. To the south is the garage. The house to the north has two (2) windows on that side and has about three feet (3') from the property line. Mr. Leoncavallo shows a picture of the house off his phone. Mr. Wiley stated we can refer to it but it is not labeled as an exhibit.

Mr. Sachs asked Mr. Leoncavallo if there are two (2) windows on the side of the cape. Mr. Leoncavallo stated yes. Mr. Sachs continued... they are presently looking at the porch. Mr. Leoncavallo stated yes... it has a Lean-To Roof. It is an enclosed screened porch. Which I believe the contractor stated it will be an open porch to support the balcony on the second floor.

Mr. Sachs introduced Exhibit A-2 – Aerial map of the area. Location of the property in question outlined in orange and dated July 2017. Copies of the aerial map are distributed to the Board Members.

Mr. Leoncavallo continued... The property is sixty feet (60') wide and one hundred fifty feet (150') deep. Located on Central Avenue near the corner of Rahway Avenue. The lot size is nine thousand (9,000) square feet. The lot size on that side of the street are all nine thousand (9,000) square feet. Many of the lot sizes across the street are sixty feet (60') wide but with a shorter depth for six thousand six hundred (6,600) square feet. Those lots are non-conforming in lot area. However, many of the lots in the area are conforming in lot area. A lot of the lots are not conforming in lot width. Many of them are sixty feet (60') wide. The proposed addition is a combination of approximately seven hundred fifty-five (755) square feet. Adding a family room on the back. Not going over the garage. Then adding a second floor which is bedroom expansions and a balcony. Master bedroom suite will be in the front of the house and that will have a balcony on the north side of the house. The property is surrounded by all residential properties. Many are ranches, many are cape cods. The Master Plans talks about the preservation and the integrity of the existing residential neighborhoods. The addition of the second level will have two (2) variances. One on the north side where there is thirteen feet (13') to the property line from the building but the porch is now enclosed with a Lean-To Roof is approximately three feet (3') from the property line. That creates a variance for non-conformity. The lot width is sixty feet (60') as to seventy-five (75') which is the other variance. It promotes the use of

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the district and is compatible with the other homes in the area. The negative criteria are that this application will promote enhanced character of the neighborhood and will not be detrimental to the public good. In fact, the new construction will be in concurrence with the unified code codifications. Secondly, there will be no substantial impairment in the intent and purpose of the zone plan in the zoning ordinance. It fits in well with the neighborhood. It is appropriate. It is consistent of the houses and structures on Central Avenue which are similar. The five (5) houses across the street is very similar to the house in question. There is no substantial impact to the neighbors on any side. The south property line has a side yard of three feet (3')... Six feet (6') on our side – 6.4'. No negative impact to the quality to the neighborhood it promotes. Would justify the two (2) variances on the flexible C-2 where the benefits of the deviation out weight the detriments.

Mr. Sachs questioned Mr. Leoncavallo:

- Is there any available land from property owners to abate the variance relief? *Land is tight and there is no property at all to be had to expand the property on either side.*
- The cape next door is a one and a half story house. *That is correct.*
- The windows are on the first floor. *Yes.*
- Presently the occupants of that house look at the porch that is existing and will remain. *Yes.*
- The proposed balcony will be higher than the cape that is next door. *Yes. I believe they will remove the Lean-To Roof and gain access from the Master Bedroom. With appropriate railings.*
- The balcony will look over the cape. *Yes... there are no windows.*

Chairman Leonardis stated there is one (1) dimension that is missing. What is the dimension from the edge of the porch to the property line on the north side? Mr. Leoncavallo stated approximately three feet (3'). It may be 3.5' on the property to the north. Mr. Leonardis stated then there is a problem with the application. He does not know how it was presented for notice but it talks about 6.5' on the south side where eight feet (8') is required. It also talks about the lot width. It makes no mention of the right side. Short one (1) variance. Mr. Sachs stated there will not be a variance on the left side of that. Space is being added above it and it should have been identified. Mr. Sachs stated he did not prepare the notice. The notice was prepared by Mr. Haborak.

Mr. Wiley stated he will look at the Notice. Mr. Wiley stated that in the Notice of Publication there is a line "any other variances deemed by this Board." Mr. Wiley confirms the same wording on the Notices to properties within 200 feet.

Vice Chairman Gustafson requested a clarification from Mr. Wiley. The Board has been listening to Planning testimony and the Board Planner is not present. That is an uncommon practice. Mr. Wiley stated there is no report completed. It is not a legal requirement. Chairman Leonardis stated this application is being viewed as a residential case. Mr. Sachs stated the only reason he is here because the owner is a corporation.

Vice Chairman Gustafson continued... he is hearing Planner testimony and he is not a licensed Planner. We are hearing testimony that it is not detrimental to the neighborhood. There is not one cape cod that has a balcony. We can go through some additional testimony. He is uncomfortable with that.

Chairman Leonardis asked Vice Chairman Gustafson what other concerns he may have. The three foot (3') variance. We have a house that will double in size. We have a parking situation. There is no car fitting in that garage. There is no site plan on the landscaping. No site plan on the expansion of the driveway. Chairman Leonardis stated there are a lot of dimensions that seem to be missing.

Mr. Sachs stated a copy of the survey had been submitted with the application showing the driveway. Vice Chairman Gustafson stated a thirty-nine foot (39') single car driveway. Mr. Sachs stated and the garage. Vice Chairman Gustafson stated that the garage is not capable to hold a car.

Leo Croutelle – 70 Overlook Drive, Colonia, New Jersey – one of the principle owners, is sworn in. Mr. Croutelle stated that it is a garage and a car fits. Vice Chairman Gustafson stated it is a nine foot (9') garage. Mr. Croutelle stated his garage at home is nine feet (9'). Mr. Croutelle stated he parks his Maserati in the garage. Vice Chairman Gustafson asked Mr. Croutelle how many cars fit in the driveway. Mr. Croutelle stated at least three (3).

Mr. Sachs stated most parking spaces are 9'X18'. Based on the RSIS, three (3) parking spaces are required in a four (4) bedroom house. If one (1) care is in the garage there is enough room to fit two (2) other cars in the driveway. I do not think there will be any stress on Central Avenue with off-street parking.

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Vice Chairman Gustafson stated this is more of the reason to have the Board Planner present.

Mrs. Campagna asked the porch on the right hand side of the house will have a balcony on it. Is there anything else on that side of the porch? Mr. Haborak stated just the porch. Mrs. Campagna continued... is there a door to get into the house? Mr. Haborak stated yes... there is a door and the door will remain. Goes into the kitchen.

Mrs. Campagna stated you want to expand this. Why do you need the porch and the balcony all together? Obviously, the neighbor is three feet (3') away and that's their pre-existing. You will be six feet (6'). That's only nine feet (9') between. You are going to have the balcony that will be looking down at this house. Since there is nothing else, it doesn't square off the house, I would think you could eliminate that porch. That will give you a little bit more room on the right. I drove by, parked my car and looked. The garage is attached. Mrs. Campagna asked if there are any doors that go into the house from the garage. Mr. Haborak stated yes.

Mrs. Campagna stated she would like the porch removed to create more room between the houses on the right side.

Mr. Lemos stated that he agreed with Mrs. Campagna.

Mrs. Campagna asked if there is a porch in the front of the house. Mr. Haborak stated there is a small existing porch. Mr. Sachs stated it's for the front steps. Mrs. Campagna continued... is that porch is legal for people to sit on? Mr. Haborak stated is only a forty inch (40") stoop with a cover. Mrs. Campagna asked if that is staying Mr. Haborak stated yes... but we will clean it up.

Mrs. Campagna asked what are the measurements of the family room additional. Mr. Haborak stated 16' X 24.7'.

Mr. Sachs stated obviously the porch is existing and the neighbor has been looking at it for all those years. However, if there is a concern about the balcony, that is something we can consider eliminating. Did not think it would be a concern. Again, the balcony is a nice feature to the home. It is not looking into the cape but looking over it.

Mr. Lemos stated he believes the property would look better without it... the balcony.

Mrs. Campagna asked if the balcony will be open. Mr. Sachs stated yes... it is not going to be living space.

Mrs. Campagna stated she is looking over the building property card and it stated that in October 3, 1989 'Extension of Porch'. Do you know anything about it? Is it the front porch or on the side? Mr. Sachs stated the property went into foreclosure. They do not have any historical records. Chairman Leonardis stated that when you look at the porch to the right, there is a main piece of the porch. And then there is a little bump out. That is probably what was extended.

Chairman Leonardis asked if anyone else would like to make a comment about the Board Planner not being here. Vice Chairman Gustafson stated, a four (4) bedroom two story home in a cape cod that is non-conforming in a R-7.5 zone, listening to Planning testimony where the testimony is saying that it is not a detriment to the community and it does conform to the houses around as well as other standards with no opportunity for a rebuttal... he is uncomfortable. They are asking for a huge addition off the back. You are putting in four (4) bedrooms next to cape cods that are half the size. There is not one house in the entire block that's that size... Cross street or behind the street. I can name the each of the residence in the homes. This was the original Colvin house. Frank died. He lived in the house for a very long time. The kids got the house. Whatever happened to Shannon the youngest daughter. Then it fell apart. Mr. Colvin couldn't pull any cars out of that garage. He didn't have a Maserati back then.

Mr. Croutelle stated a car fits in the garage. Vice Chairman Gustafson stated that is your testimony. There is a bump out inside the garage and a bump out outside of the garage. I do not know how you are driving through that.

Mrs. Eichler stated she agrees with Vice Chairman Gustafson. There is no rebuttal.

Chairman Leonardis stated the reason we do not have our Planner is that it wasn't realized this is a corporation. Mr. Sachs stated this was a corporation the previous time. This is a bulk variance case... not a use variance. These are pre-existing non-conformities. Not seeking additional variance relief. We are here because your Zoning Officer requested we appear, but we can take the position that we are not seeking any variance relief. We are not aggravating any conditions on this property. I represent four (4) zoning boards in Middlesex County. We don't have

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our Planner attend bulk variance hearings. It is not necessary. You had your Planner here because there was an interpretation case... not for our case.

Mr. Wiley stated generally speaking, the Planner is here during commercial applications.

Mr. Sachs stated he understands the concerns but we are not seeking anything extraordinary. Does understand the concerns the Board has about the balcony. The balcony we be eliminated. Looking at the tax map, the lot that is to the rear of our property is a 2.5 story house... Block 42 Lot 14. Yes, there is a cape on each side.

Chairman Leonardis stated that you did have the foresight to bring a Planner. For what reason? Mr. Sachs stated he brought a Planner because we are a corporation. The first time my client appeared on the applications you approved, time it was brought to my attention that we did not have qualified personnel to address the question. That is the reason we brought a Planner. I believe it is helpful. This is a residential application not a commercial application. We are dealing with a house. The fact that none of the neighbors are hear tonight lends itself that they are quite happy that someone's going to invest some money, spruce up this house and eliminate drug activity and squatters. I have been practicing for thirty-five (35) years and that's not a detriment to the community. It's an advantage to the community. A benefit to the community to take a property that's been vacant for the last five (5) years, in disrepair and to fix it up. Ultimately, have a family that will owned this property and maintain this property just like everyone else.

Mr. Lemos asked that they will eliminate that side porch. Mr. Sachs stated they will eliminate the balcony. The porch is there. The porch should remain.

Mr. Wiley stated the family room does not trigger any variances. There is no rear yard problem or side yard problem. Mr. Sachs stated correct. It is not being triggered by that condition. The lot width is pre-existing. The addition does not aggravate that condition.

Vice Chairman Leonardis stated it is a second story addition... correct? Mr. Sachs stated it is a second story addition. It does not trigger any floor area ratio issue, lot coverage issue, impervious coverage issue. Mr. Wiley stated at least it has not been identified by the Zoning Officer.

Mr. Leoncavallo stated that when he was taking pictures, he met the neighbors to the left but did not get their names. Vice Chairman Gustafson stated Kirchner. Mr. Leoncavallo continued... the neighbors told him the house has been empty for five (5) years. Mr. Leoncavallo asked how many bedrooms are in it. The neighbors stated four (4) bedrooms because he raised two (2) girls. The house is a four (4) bedroom house. We are proposing a four (4) bedroom house. Mr. Sachs stated that they are not increasing the density of the house. Mr. Leoncavallo stated he asked the neighbor if they were coming to the meeting. She stated she was not and doesn't believe anyone else is either. They want to see this occur because it's been five (5) years siting owned by the bank.

Mrs. Campagna stated she was not at the last meeting and is unaware as to what happed with the Planner... no Planner. But you do have a Planner here, we don't. That kind of puts us in a disadvantage and those things happen. Just like previous person had a problem with certain things and have to come back. I think we need to have a Planner her too. Obviously, this house is rundown. I have no doubt it was used as crack house or squatters. I'm sure the neighbors are happy it is going to be fixed it. However, when you are coming here, asking permission to do something that require a compromise. You are doubling the size of the house even though it had four (4) bedrooms and still will have four (4) bedrooms I am sure the bedrooms in the old house are not the same size as the bedrooms in the newer house. I think a good compromise is to get rid of the porch whether it was there or not. I'm not saying you do or don't need it. You're going to sell this house to someone else. You are not living in it yourself. You cannot tell me that your grandmother is living there and she really enjoys sitting out on the covered porch. I consider that a fair compromise. That is my position. I would like to see the porch and balcony removed.

Chairman Leonardis stated we heard that we claim that the house next door does not have a window on the second floor. How sure are you about that? Mr. Leoncavallo stated ninety percent (90%). Chairman Leonardis stated look around the back of the tree.

Mr. Sachs stated his client just told him that if we agree to eliminate the porch there is no variance. We are creating a situation that is entirely better for the property owner of the cape. The setback of the house would be thirteen feet (13'). That would add ten feet (10') to that buffer. If the Board is inclined that the porch and the balcony be

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eliminated which will not trigger any variances then may disregard Mr. Leoncavallo testimony this evening. There will be no need to bring a Planner back.

Chairman Leonardis asked Mr. Wiley to make sure everyone on the Board is clear.

Mr. Wiley stated the first question is why are they here in the first place. The addition does not affect those two (2) items. As a lawyer, I have some questions. Since we have gotten this offer, it will improve the situation by eliminating the porch and side yard variance. Obviously, nothing can be done with the with the sixty feet (60'). Cannot acquire property. Therefore, he is proposing to remove the porch and in return, asking for no Planner comments and have an approval tonight.

Chairman Leonardis asked is there any reason to have a vote. Mr. Wiley stated since this is not an interpretation and has applied for a variance, we would have to vote on the application approving it even though it is an existing condition. Mr. Sachs stated there are two (2)... lot width of sixty feet (60') and an existing condition of 6.4' for the side yard setback on the garage. That is not being changed. Mr. Wiley stated the Board is obligated to comply to the Zoning Officer's decision that this needs a variance. The Board can vote to approve it based on the conditions that the applicant's attorney offered. If it gains majority vote, a resolution will be written up. Chairman Leonardis asked if it doesn't. Mr. Wiley stated the applicant will take whatever recourse he is entitled to.

Mrs. Eichler asked when was this property purchased. Mr. Croutelle stated May / June. Mrs. Eichler continued... when it was sold it was sold as a two (2) bedroom, two (2) bath house. Mr. Sachs stated a four (4) bedroom. Mr. Croutelle stated the upstairs is dormered in the back. Mr. Sachs repeated... it is a four (4) bedroom. Mrs. Eicher stated on the real estate listing it is listed as a two (2) bedroom, two (2) bath house sold for \$189,900 on June 30, 2017. Mr. Croutelle stated the sale is correct but it is a four (4) bedroom.

Mrs. Cullen said there is a window on the neighbor's house... you can clearly see it on the pictures.

Mr. Sachs stated we are going to eliminate the porch.

Mrs. Campagna questioned Mr. Haborak:

- Go over the house... what it will look like. On the second page, it does not show the windows. I do not know what side has what. Can you start by going over the way the house is now and what it is going to be like? Walk into the front door and take it from there. *When you walk in the front door now, there is an existing double window on the front of the house. There is a double window to the right of the front door. There are a couple side windows.*
- What rooms are there? When you walk through the front door what is there. *There is a living room. The kitchen is behind the stairs. There are two (2) bedrooms and a bathroom to the right side of the house.*
- Is there a dormer in the back? *There is a dormer in the back. Two (2) bedrooms and a bathroom upstairs.*
- The new house when you walk in its going to be...? *It is still a living room. The stairs will remain in the same location. The kitchen is going to be behind it but is moving to the right side of the house. Where the kitchen was will be a bathroom and mudroom. When you come in from the garage instead of walking into the kitchen it will be a mud room.*
- A dining room in the front? *The dining room in the front of the house. A family room to the back of the house.*
- A typical colonial? *Yes... a typical colonial.*
- Upstairs? *The master bedroom is at the back of the house.*
- On the first floor, adding the 16' X 24' family room. Above that will be the master bedroom? *Correct.*
- On the left side of the house on the first floor where are the windows? *Existing on each side of the fire place.*
- The window in the new living room is going to be on the side? *It is on the front of the house.*
- It is going to be similar to what is there? *Go to page A-2 - the elevations.*
- The first one is the front? The side elevation on the left hand side? *That is D – Side Elevation.*
- The right side of the house is? *Elevation B – Side Elevation.*
- Where that door is, will that be a window? *Probably not. Will extend the kitchen cabinets into that space.*
- On the second floor, on that right hand side, where the door for the balcony is, will it be a window? *Probably not.*
- There will be three (3) windows? *Correct.*

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Mr. Lemos asked how do you get to the attic? Mr. Haborak stated pull down stairs. Mr. Sachs stated unfinished and the height of the house is twenty-seven feet (27'). The original plans were thirty-two (32) to thirty-three (33) feet.

Chairman Leonardis opens the discussion to the audience. No questions or comments.

Chairman Leonardis stated that this application came before us for the need for side yard setback variance on the south side and lot width. Both are pre-existing conditions and there are no modifications. The one that would have needed a variance would be on the north side where there would have been work to alter the porch by installing an elevated deck... balcony. That would have been a variance of the pre-existing condition by expanding it vertically. Therefore, since the applicant agreed to remove the porch and elevated deck, the variance is no longer needed. Since the Zoning Officer request this comes before the Board, we need to bring this to a vote. We heard the testimony and understand what they are looking to do. They are expanding towards the rear and the variance explanations.

Chairman Leonardis calls for a motion to approve. Mr. Lemos made motion, seconded by Mrs. Campagna. Those in favor: Mrs. Campagna, Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

INFORMAL HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDANCE: None

EXECUTIVE SESSION: None

ADJOURNMENT: 8:50 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary