

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
March 7, 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
Ken Bonanno
Maria Campagna
Darlene Cullen, 2nd Alternate
Cindy Eichler
Frank Lemos, 1st Alternate

Absent:

James Gustafson, Vice Chairman
Robert Hughes
David Miglis

Also attending: Larry Lavender, Esq.;

MINUTES: February 7, 2017

Mrs. Eichler made motion, seconded by Mr. Lemos to accept the above stated Meeting Minutes. Those in Favor: Mrs. Campagna; Mrs. Eichler; Mr. Lemos; and Chairman Leonardis. Those oppose: None.

RESOLUTIONS:

- A. Case # 6-16 -- Peak Equipment, LLC
Block 284: Lots 19 & 24: M-3 Zone
512 New Market Avenue & Dover Place**

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

HEARING: (3 Residential)

- A. Case #04-17 -- Shawn Janus
Block 426: Lots 7: R-10 Zone
140 New York Avenue**

The applicant is requesting a 7.2' front setback for roof over front porch and front steps. Required 30' – Proposed 22.8'.

Shawn Janus – 140 New York Avenue, South Plainfield, New Jersey – the applicant, is sworn in. Mr. Janus presents three (3) Exhibits - pictures:

- Exhibit A1 – Side angle of front retaining wall.
- Exhibit A2 – Front view of front porch.
- Exhibit A3 – Front view of front porch.

Mr. Janus continues. The railing on the steps are missing. The front wall needs to be setback from the property line.

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Mr. Lavender asks Mr. Janus if the stone wall is existing. Mr. Janus states no. There were railroad ties which he removed and built the stone wall in its place.

Chairman Leonardis questions Mr. Janus:

- How was it discovered that the wall needed to be moved back? Engineering complained that the wall is in the road.
- Any curbs? No.
- What were your instructions about the wall? It must be moved back.

Chairman Leonardis states that the application is for a front setback of a porch and roof. The application does not mention the wall.

Mr. Lavender addresses Mr. Janus. The notice was for a front setback for a porch with roof. No mention of the wall. Unfortunately, the Board cannot rule on the wall because the notice did not mention the wall.

Mr. Lemos states by building that wall, you covered up the water and gas shutoff valves. Mr. Janus states he placed sleeves in those locations for access. The wall is twenty-eight inches (28") tall.

Chairman Leonardis addresses Mr. Janus. He will have to re-notice to include the wall. On the survey, there is mention of railroad ties... no mention of a wall. The application should be changed to include the wall. The application should go back to the Zoning Department and let them make the recommendation on how to handle the wall. It may not even be a zoning issue and the Board may not have jurisdiction.

Mr. Janus states that the land is built up. He does not know if the gas line or water line is in the built-up land.

Ronald & Diane Janus – 133 Camden Avenue, South Plainfield, New Jersey - are sworn in. Ronald Janus states that the zoning issue is for the front porch. The wall was agreed to with Len Miller, Borough Engineer to move it back seven feet (7').

Chairman Leonardis asks if there is any documentation to the agreement. No documentation.

Mrs. Janus stated that she showed the survey to Len Miller and he had highlighted where the wall needs to be moved to and it is to be less than four foot (4') tall... retention wall. According to Mary Frances, Zoning Official, it does not need any zoning.

Chairman Leonardis states that she is correct and reads Section 508 of the Ordinance to the Board and audience.

Shawn Janus stated that the stairs are pre-existing. He refaced them.

Mr. Lavender states that may be true, however, there are items that even though they are pre-existing they are required to come to the Board for approval.

Mrs. Janus stated that he needs railings and she was told Shawn Janus would have to go for zoning. Mr. Lavender states that even though it is pre-existing, any changes must comply with the Ordinance. Mr. Lavender continues by re-reading the Ordinance to the Board and audience. Even if the wall is moved back, the wall needs to be open mesh. It will then require zoning approval. Also, there is the issue of not noticing properly.

Mrs. Janus stated that the wall will be moved back. Mr. Lavender reiterates... the wall is going to be removed, pushed back and then built back up. The same issue remains... the wall is not mesh and you cannot see through it.

Shawn Janus stated he can remove the wall and leave the dirt. Mr. Lavender states no one is saying no. There is a process that needs to be followed. Some of it was not followed.

Chairman Leonardis advises Shawn Janus that a new hearing date will be given. Talk to Mary Frances about the wall. Chairman Leonardis will talk to Len Miller and get his interpretation of the situation. Chairman Leonardis or Mr. Lavender will also speak to Mary Frances. If the issue is being resolved through engineering, then engineering will continue to do so. However, a letter from Len Miller stating the wall would be handled through engineering should be submitted.

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Chairman Leonardis continues... This is a pre-existing non-conforming condition that should have been realized during construction. Mrs. Janus states he did not move the steps but resurfaced them. Chairman Leonardis states that they understand. During the permitting process for the construction, someone should have realized the variance issue.

Chairman Leonardis states that Shawn Janus's next instruction will come from Mary Frances.

Shawn Janus will return on April 18, 2017.

Chairman Leonardis opens the discussion to the audience.

Sherry Tillou – 130 Camden Avenue, South Plainfield, New Jersey - is sworn in. Ms. Tillou states that she was never notified that Shawn Janus was building all that he did in the front.... the wall. The back of the house has similar stone work and does not know if it is appropriate.

After reviewing the certified mailings, Mr. Lavender stated she was noticed. Ms. Tillou agrees she got the notice for the steps after the fact. The original building of the wall she was not noticed nor for the stone front yard instead of grass. The house is out of character in the neighborhood.

Chairman Leonardis states that regarding landscaping, architecture or stones in the back yard, he does not believe there are any ordinances restricting such.

Ms. Tillou asks about the trucks and vehicles used for construction being parked in the back yard. Chairman Leonardis states that is a separate issue. Ms. Tillou continues... she has gone to various people at the Borough who have gone to look and miraculously, the things she is complaining about are gone when someone from the Borough arrives. She has given pictures to the Borough with trucks running day and night. She is here to let the Board know there is a lot of unusual things going on.

Chairman Leonardis addresses Ms. Tillou... we are here to review applications requesting variance from the ordinance of this municipality. We are not here to enforce. However, you are doing the right thing, but you need to complain to the proper departments who can handle the issues.

With no further questions or comments, Chairman Leonardis calls up the next case.

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

The applicant is requesting two (2) bulk variances:

Front yard setback – Requesting five foot (5') variance -- Required thirty feet (30') – Proposed twenty-five feet (25').

Rear yard setback – Requesting two feet (2') -- Required twenty feet (20') – Proposed seventeen feet (17').

Pedro daEira – 1 Bennington Drive, Edison, New Jersey – the applicant, is sworn in.

David Bressler, Esq – Bressler Duyk, 60 Route 27, Edison, New Jersey – the attorney for the applicant addresses the Board. The application is exactly what was stated by Chairman Leonardis. Original approval for the construction of this house included the front porch and rear back door with only steps. Statements from the engineer required a landing in the back. When the plans were re-submitted with the landing, it was discovered it would need a variance. The front porch was on the originally plans that were approved, however, it was not written in the memorandum for final approval.

Mr. Lemos asks if the stairs were not drawn on the plans. Mr. Bressler and Mr. daEira stated it was. Mr. daEira continues... the plans were submitted in May/June to the Zoning Department and approved. When he went back to re-submit revised plans for the landing, the Building Department asked for the variance approval for the front porch. Mr. daEira stated it was approved by the Zoning Department. Building Department called the Zoning Department which stated it was an honest mistake and was missed.

Chairman Leonardis stated you went to the Zoning Department. Never came to the Board for a hearing. Mr. daEira stated correct.

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Chairman Leonardis questions Mr. daEira:

- New construction.
- Approximately, seventy-five percent (75%) of the construction is complete.
- Poured concrete porch.
- Built as in the plans.
- Since it was discovered they need a variance, they decided they would like a cover over the porch.
- The cover will not increase the size of porch or variance. It will be the same size as the porch.

Mr. Lemos states shouldn't you have the variance before you put the roof on. Mr. Lavender asks Mr. daEira if the work is completed. Mr. daEira stated yes.

Mr. Bressler questions Mr. daEira about the landing in the rear of the house. The original landing that was submitted per the engineer was 3' X 2.5'. Mr. daEira would like to enlarge the landing to the size of the sliding door - 6' 11.5" wide X 3' 6" deep. There will be no cover over the back landing.

Chairman Leonardis advises Mr. daEira that anything additional built onto the back of the house will require variances. Mr. daEira stated he is aware.

Chairman Leonardis stated that this house is up to the building envelope on the property.

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

Chairman Leonardis re-iterates to Mr. daEira that the house is at the limit of the setbacks and any changes made will have to return to the Board. Mr. daEira agrees.

Mr. Lemos asks about the property to the left... is that going to be built on? Mr. daEira states he owns that property and has been working with the architect to keep this house inside the building envelope. The front porch has been pulled in by four feet (4'). The stairs in the rear are inside the envelope.

With no more questions or comments, Chairman Leonardis calls for a motion of approval for the front porch with roof and back landing. Mrs. Eichler made motion, seconded by Mrs. Cullen. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; and Chairman Leonardis. Those oppose: None.

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

The applicant is requesting a side yard setback. Requesting a twenty-four foot (24') variance –
Required thirty feet (30') – Proposing six feet (6').

John Vazquez – 1601 Central Avenue, South Plainfield, New Jersey – the applicant, is sworn in. Mr. Vazquez addresses the Board. He currently owns a Cape Cod style home. His family is growing and would like to stay in town. Currently, there is a detached garage and driveway. He would like to remove the detached garage and build an attached garage and add-a-level.

Mr. Lemos asks if Mr. Vazquez completed the application. Mr. Vazquez states yes. Mr. Lemos continues there are discrepancies in the application. The question regarding if seen by Zoning Official was not answered. Mr. Vazquez stated he saw the Zoning Official and was told to go straight to the Board.

Mr. Lemos continues... you are short already because you are required to have thirty feet (30') – corner lot - double front. Mr. Vazquez re-iterates that he is aware he has two (2) fronts. The house is non-conforming to today's standards.

Mrs. Campagna asks what year was the house built. Mr. Vazquez stated approximately 1955.

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Mr. Lavender re-iterates that any changes made to an existing non-conforming situation must come to the Board. There are two (2) frontages with a requirement of thirty feet (30'). The addition would be six feet (6') from the property line on a corner lot.

Mr. Vazquez stated that the amount of land beyond his property line is ten to twelve feet (10' – 12') plus before the roadway.

Mr. Vazquez introduces Exhibit A1 – full set of construction plans containing nine (9) pages. Using the second page of the plans titled 'Demolition Site Plan and Proposed Site Plan' demonstrates the roadway curve and the distance between the property line and roadway. The drawings submitted with the application are not to scale.

Chairman Leonardis stated that the variances written on the agenda is not the variances you are seeking. There is a thirty foot (30') requirement and you will only have six feet (6').

Mr. Lemos stated the reason there is two thirty foot (30') requirement for a corner house is for when cars are parked in the driveway, the other cars on the road can see what is coming from the other street.

Chairman Leonardis and Mr. Lavender confirm that the notice that were sent and published did state a thirty foot (30') setback required – requesting six foot (6'). The variance on the agenda is incorrect.

Chairman Leonardis continues... will the garage match the house? Will the whole house be resided? Mr. Vazquez states yes... the whole house will be resided.

Mrs. Campagna asks Mr. Vazquez if he is adding a level to the house and not the garage. Mr. Vazquez stated he is adding a level to the house and the garage.

Mrs. Campagna asks Mr. Vazquez:

- What rooms does the existing house currently have?
 - First floor - two (2) bedrooms, one (1) bathroom, kitchen and living room.
 - Upstairs has one (1) room. The stairs are at the end so when you get upstairs it's a long narrow room.
- After the addition?
 - First floor:
 - Existing kitchen will be converted to a dining room.
 - One (1) bedroom will be converted to a kitchen.
 - Bathroom will be converted to a powder room.
 - One (1) bedroom will be converted to a living room.
 - A play room.
 - A garage.
 - Second floor:
 - Master bedroom.
 - Two (2) bedrooms.
 - One (1) small guest room.
 - Two (2) bathrooms.
 - What will be the height of the home after construction?
 - Twenty-seven / Twenty-eight feet (27'-28').
 - Attic:
 - Yes.
 - What will you be doing with the existing garage?
 - Tear it down.
 - Corner of Clifford and Central there is a wood structure... what is it?
 - Gazebo - will be torn down.
 - Is the existing driveway being removed?
 - Yes... it will be all grass.
 - What are you doing with the fence?
 - The fence will be torn down. A new fence will go up once the house is completed.

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Mrs. Campagna states that the corner homes in the area do not meet the setbacks. That is how houses were built during that time period.

Mr. Lemos expressed his concern regarding the sight triangle.

Chairman Leonardis stated that the front setback up to the porch of the house is approximately fifty feet (50'). Therefore, the driveway will be approximately fifty to sixty feet (50'-60') long. Chairman Leonardis asks Mr. Vazquez if he would accept as a condition that cars cannot be parked in the first fifteen feet (15') of the driveway. Mr. Vazquez agrees.

Mrs. Campagna asks Mr. Vazquez if he is proposing a two (2) car wide driveway. Mr. Vazquez stated yes... the entrance will be smaller then will open up to a two-car width driveway. He does not want to cut down the maple tree. The driveway will begin closer to the center of the property and curve towards the garage.

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

Chairman Leonardis calls for a motion with the condition that no parking in the first fifteen feet (15') of the driveway. Mrs. Eichler made motion, seconded by Mrs. Cullen. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; and Chairman Leonardis. Those oppose: None.

INFORMAL HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDANCE: None

EXECUTIVE SESSION: None

ADJOURNMENT: 8:04 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary