

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
May 7, 2019

Vice Chairman Gustafson 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, The Courier News and The Star Ledger 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:

James Gustafson, Vice Chairman
Ken Bonanno Joseph Scrudato, 2nd Alternate
Maria Campagna
Darlene Cullen
Cindy Eichler
Frank Lemos
April Wasnick, 1st Alternate
Joseph Scrudato, 2nd Alternate

Absent:

Gino Leonardis, Chairman

Also attending: Larry Lavender, Esq.; Jeffrey Marsden, PE; Stanley Slachetka, PP, AICP;

MINUTES: None

RESOLUTIONS: None

HEARING:

**A. Case #03-19 – Frank Cepparulo
Block 122: Lot 77: R-7.5 Zone
72 Leeds Drive**

The applicant is requesting to construct a 6' X 30' covered front porch that requires a bulk variance. Bulk variance being requested - Front Yard Setback – Required 30' – Requesting 25' – Variance 5'.

Vito Rebosio - 11 Rutgers Road, Clark, New Jersey - is sworn in. Mr. Cepparulo is engaged to his daughter... father-in-law. Mr. Cepparulo and Mr. Rebosio's daughter are getting married in November 2019. They purchased the house in October 2018. Has been doing renovation to the home. Want to add a front porch... six feet (6') out by the length of the home - thirty feet (30'). Vice Chairman Gustafson confirmed with Mr. Rebosio that the only variance is the front porch. Mr. Rebosio stated yes... have permits for all other work currently being done.

Vice Chairman Gustafson asked Mr. Rebosio to describe the porch:

- Deck with a roof over.
- Open on three (3) sides.
- All new construction.
- House is vinyl sided.
- Trex decking.
- Post will be wood... possibly clad in aluminum.

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- Roof will be wood framed and shingles to match the house.
- Barrel ceiling over the front door with a light fixture over the door.
- Open underneath.
- Railing trex.

Mr. Lavender asked Mr. Rebosio if a condition of not enclosing the porch is acceptable. Mr. Rebosio stated yes.

Vice Chairman Gustafson asked Mr. Rebosio if this obstructs the neighbors on both side. Mr. Rebosio state no...it complements their view. Both neighbors have similar front porches.

Vice Chairman Gustafson opened the discussion to the Public.

Gary Moore - 92 Conklin Street, South Plainfield, New Jersey - stated has no issues with the construction. However, during construction, will the vehicles impede Leeds Drive. The road is narrow. Vice Chairman Gustafson stated they cannot impede or close the road. Mr. Rebosio stated no... parking in the driveway or directly in front of the home. Mr. Moore stated he is a bicyclist and does laps around that road. Concerned for his safety. Mr. Rebosio stated will have free roam of the street... along with children.

Vice Chairman closed the Public discussion.

Vice Chairman stated that the Applicant gave a 'clean cut' application with drawings and rendering. The Applicant stated would except a condition will not enclose the front porch.

With no further questions or concerns, Vice Chairman Gustafson called for a motion to approve the application with the condition and for the variance previously mentioned. Mrs. Eichler made motion, seconded by Mrs. Cullen. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Joseph Scrudato (alternate) and Vice Chairman Gustafson. Those oppose: None

B. Case #33-18 – 702 Hamilton LLC
Block 327: Lot 4: OBC-1 Zone
702 Hamilton Boulevard

The applicant is requesting a minor subdivision with preliminary and final site plan that requires a use variance and bulk variances. Use Variance – four (4) family home pre-existing condition. Bulk Variances being requested: Lot Area – Required 10,000 square feet – Proposing 5,000 and 7,500 square feet – Variance 5,000 and 2,500 square feet: Lot Width – Required 100' – Proposing 50' each lot – Variance 50' each lot: Front Yard Setback (existing home): Required 30' - Existing 3.7' – Variance 26.3': Side Yard Setback (left - subdivision line with existing home): Required 15' – Proposing 13.3' – Variance 1.7'; Side Yard Setback (right of existing home): Required 15' – Existing 9.9' – Variance 5.1'.

James F. Clarkin, III – Clarkin & Vignuolo, PC, 86 Washington Avenue, Milltown, New Jersey – attorney for Applicant addressed the Board. A minor subdivision application to create a single family lot of five thousand (5,000) square feet in area and leaving the existing four (4) family use on a seven thousand five hundred (7,500) square foot lot... a total of five (5) units. The grandfathered four (4) family use is located to the left of the lot with a 9.9' side yard setback with an open lot to the right. Odd how the home is on one side. Normally, do not take a conforming lot and create two (2) non-conforming lots. If the application is approved, the existing home will be upgraded... new siding, awnings above the first floor, existing driveway will be extended to twelve feet (12') and paved. Currently, it is less than twelve feet (12'). Will eliminate gravel parking area that is shown on the existing conditions plan. The vehicles are visible to those on Hamilton Boulevard. Will locate parking that all but two (2) spaces will be behind the structure and not visible from the street. The two (2) spots will be to the rear of the lot, one hundred twenty-five feet (125') away from the street. Parking will become orderly... currently not lined. None of the cars use the existing garage. Will remove the detached garage. Only in fair condition and is non-conforming in two (2) ways of the Ordinance.... Height - excess of fifteen feet (15') is and rear yard setback where fifteen feet (15') required and only three feet (3') from the rear setback. Will construct a new six foot (6') solid wood fence along the rear of the property. Awnings will be similar to the ones on 430 Hamilton Boulevard... just down the road. The applicant will be improving and

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updating the Borough's housing stock. Upgrading and building a new home will encourage others on Hamilton Boulevard to improve their homes. Variances needed... D variance an increase of one (1) residential unit. Another D variance for density. The four (4) family will operate on a smaller lot. Will hear testimony that the grass area is not used by any of the tenants. Require parking variance... RSIS states need 7.8 parking spots have seven (7) spots plus lot area and lot width variance. Mr. Slachetka has stated that esthetic improvement is a special reason to approve a non-conforming use. Will not only improve the esthetics but the overall use of the area. Have reports from Police, Fire and Health with no concerns. Environmental Commission report no concerns but request additional trees. Can provide an additional street tree and possible others trees but will discuss later. Will review in detail Engineering and Planning reports. Have three (3) witnesses.... Angelo Paradiso, Steve Parker and Angelo Valetutto.

Mr. Slachetka stated the density variance is due to the four (4) family because of the lot size being decreased. Therefore, the density on that lot goes from 13.29 to 23.3 breaker. The density variance does not affect the 'new' lot.

Angelo Paradiso - 153 West Elmwood Drive, South Plainfield, New Jersey - is sworn in. Mr. Clarkin questioned Mr. Paradiso:

- Mother owns property.
- Grandparents bought in 1944.
- Will add siding and awnings. Awnings can be done right away... siding need additional time.
- Four (4) apartments.
 - Three (3) two (2) bedroom apartment.
 - One (1) one (1) bedroom apartment.
- Three (3) tenants own a vehicle. Total four (4) vehicles. One (1) tenant does not own a vehicle.
- Through the years when all four (4) apartments are rented... five (5) to six (6) vehicles.
- Detached garage for storage.
- Tenants do not use the grass area.

Vice Chairman Gustafson asked why the wait on the siding but the awnings can go up immediately. Mr. Clarkin stated that the siding is much more expensive. Need some time to put together. Mrs. Cullen asked why put the awnings up... wait to do everything. Mr. Clarkin stated it can be done all at once.

Mr. Lavender asked if there was a 'timeframe'. Mr. Clarkin stated two (2) years.... Unless the lot is sold sooner which would provide the cash to do so.

Vice Chairman Gustafson asked when would the garage be removed. Mr. Clarkin stated immediately. Would do the improvements on the four (4) family lot right away. Vice Chairman Gustafson asked if the siding, awnings, striping, driveway, garage be done on the first phase. Mr. Clarkin stated no. The first phase will be garage, repaving, striping, fencing. Phase 2 will be siding and awnings.

Mr. Lemos asked if the garage area will be used after for parking after demolishing. Mr. Clarkin stated yes... on the plans it shows it will be paved and stripped. Will have seven (7) parking spots.

Mrs. Cullen confirmed with Mr. Clarkin that the property has chain link fence. When the new home is built will it remain. Mr. Clarkin stated that the chain link in the front will be removed. The chain link on the left will remain. The chain link in the rear will be changed to wood. Mrs. Cullen asked for the timeframe for the new dwelling. Mr. Clarkin stated does not have a time frame.

Vice Chairman Gustafson reiterated... chain link fence in the front will be removed, the rear will have a wood fence. Mr. Clarkin stated there is a wooden fence along the rear... including the 'new lot'. Vice Chairman Gustafson asked if there was any delineation between the new lot and existing lot. Mr. Clarkin stated that can be discussed. One of the Professionals commented on that. If a fence is to be there, it should start from the setback in align with the new dwelling. Vice Chairman Gustafson agreed.

Mr. Slachetka stated it was his report that recommended the fence.

Vice Chairman Gustafson questioned if the parking is on the plans. Per Mr. Clarkin, sheet 2 of 3... subdivision plan that is a site plan. Five (5) parking on the right side and two (2) on the left.... A twenty-six foot (26') drive aisle.

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Vice Chairman Gustafson asked the area in front of proposed two (2) parking is it grass. Mr. Clarkin stated it is grass now and will remain so.

Steven Parker, PE - Parker Engineering - 370 East Main Street, Somerville, New Jersey - sworn in and accepted as a Professional Engineer. Mr. Clarkin questioned Mr. Parker:

- Familiar with subject property.
- Visited the site.
- Driven by the site.
- Firm completed the plans under his supervision.
- Description of property:
 - 100' X 125' rectangular lot.
 - Building is located on the right side of property... approximately ten feet (10') off property line.
 - Left side unused... lawn.
 - Lawn area fifty-two feet (52').
- Proposing:
 - Subdivide property.
 - Create one lot 50' X 100' on the left side for a single-family home.
 - Existing lot with structure, will operated as currently does.
 - Garage removed. Parking where garage was.
 - Parking behind the existing structure.
 - New home will have own driveway.
 - Removing gravel area.
 - Creating seven (7) parking spaces.
 - Widening driveway to twelve feet (12').
 - Providing twenty-six foot (26') aisle in the rear. Do not have to back up to Hamilton Boulevard.
 - Building mounted lights on the rear of the existing structure - dawn to dusk setting. Downward direction.
 - Fencing - retain existing chain link fence on the left and right. Front chain link fence to be removed. Proposing board on board in the back of the property... both properties. Possibly fence between the two (2) lots starting at the beginning of the new home back.... Board on board fence.
 - New dwelling will meet all setback and height requirements. Offered as a condition of approval.
 - Behind the proposed two (2) parking stalls is a grass recreation area. Enough room for grill and chairs.
 - One (1) street tree. However, will add a second street. Out of the right-a-way.
- Reviewing Najarian Associates Engineering report dated April 29, 2019. Mr. Clarkin stated will comment on items that need further discussion or cannot comply with. If not mentioned, will comply.
 - Page 3 – Item C1 – Does not know type of building. Proposed building will comply.
 - Page 3 – Item C2 – Subdivision will be perfected by deed.
 - Page 3 – Item C10 – During construction will follow standard requirements.
 - Page 4 – Item D3 – Will label fences to be removed.
 - Page 5 – Item E18 – Does not require design waiver.
 - Page 6 – Item E19 – No designation.
 - Page 6 – Item E20 – Testimony heard.
 - Page 6 – Item E21 – Same as today. Enough room to jockey vehicles.
 - Page 6 – Item E22 – No vehicles are permitted to park to the right-a-way on Hamilton Boulevard.
 - Page 6 – Item E24 – Will remain the same.
 - Page 7 – Item E26 – Will not cause glare.
 - Page 8 – Item F1 – Two-inch (2") shade tree from the Borough provided list of trees.
 - Vice Chairman Gustafson stated that on the plans, the shade tree is close to the roadway. Mr. Parker stated it will be moved out of the right-a-way. Vice Chairman Gustafson clarified that this tree is for the new lot.
 - Page 8 – Item F2 – Will remain the same... except the new lot and new home. The runoff will drain to Hamilton Boulevard. No need for drywell.
 - Page 8 – Item F5 – Will comply. Issue of drainage and drywells will be addressed at that time.
- Mr. Marsden requested to review items that were skipped...
 - Page 5 - Item E14 - Mr. Clarkin stated will comply with one (1) monument.
 - Page 5 – Item E23 – Area right of the existing dwelling near the chain link fence... gravel area. Next door property is a vehicle repair shop.

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- Mr. Lemos asked if there will be a dumpster. Per Mr. Parker, no... individual garbage cans.
- Mr. Marsden confirmed with Mr. Clarkin that the remaining items not discussed the Applicant will comply.
- Vice Chairman Gustafson confirmed with Mr. Marsden that he is satisfied with engineering items.

Vice Chairman Gustafson questioned the possible size of the proposed dwelling. Mr. Parker stated approximately 19' X 40' – two (2) story – approximately 1,600 square feet. This is as wide as it can be due to the setbacks. Vice Chairman Gustafson asked if the Applicant would accept a condition that the new dwelling not be a duplex but a single family home. Mr. Clarkin accepted and agreed not to return before the Board to request a duplex.

Mr. Lemos asked if the basement is used by the tenants. Mr. Parker stated yes.... There are laundry facilities in the basement. Mr. Clarkin stated it is not habitable space... storage and laundry.

Vice Chairman Gustafson stated that fencing along the back and down the side of the structure for buffering of headlights. Would like the chain link fence between the proposed new lot and neighbor to be removed thirty feet (30') back.... To the beginning of the proposed dwelling. Mr. Clarkin agreed.

Vice Chairman Gustafson asked if the planter boxes in the front would be improved. Mr. Parker stated there is no plan to do so. Mr. Clarkin presented Exhibit A1 – Photograph of the front of the existing house and Exhibit A2 – a larger photograph of the front of the house. As a condition, Vice Chairman Gustafson stated that when the proposed dwelling is built that both properties will be landscaped to match. Mr. Clarkin agreed.

Mrs. Cullen stated that there was testimony that three (3) apartments where two (2) bedrooms and one (1) apartment a one (1) bedroom. Mr. Clarkin stated that is correct. Mrs. Cullen continued.... The permit record states two (2) apartments with two (2) bedroom, one (1) apartment with three (3) bedroom and one (1) apartment with one (1) bedroom. Mr. Clarkin does not have the item that Mrs. Cullen is referring to. Mr. Paradiso clarified that tenants use the room as a dining room. Mrs. Cullen asked if there is a closet in that room. Mr. Paradiso stated no.

Vice Chairman Gustafson asked Mr. Slachetka if the bedroom number changes what effect does it have. Mr. Slachetka stated it affects parking. The current parking is 7.8 which we round to 8. The third bedroom would bring it to 8. Still in need of a parking variance.

Mrs. Eichler asked Mr. Clarkin if the proposed dwelling will be owner occupied. Mr. Clarkin stated the lot will be sold to someone who will build it and live in it. Will not be a rental unit. Mrs. Cullen confirmed with Mr. Clarkin that the property will be sold.

Vice Chairman Gustafson confirmed with Mr. Marsden that he is satisfied with the runoff calculations.

Mrs. Campagna asked if there will be bumper stops in the parking stalls. Mr. Parker stated there is not. Mrs. Campagna questioned if there is a recreation area and there are two (2) parking stalls, how can someone not go into the grass recreation area accidentally. Mr. Clarkin stated will provide bumper stops.

Mrs. Campagna asked who is going to using the 'green area'. Mr. Clarkin stated any of the four (4) tenants. Vice Chairman Gustafson stated similar to the Mastrocola property... small green space for all the tenants to use.

Mrs. Campagna questioned the number of parking behind the existing dwelling. Mr. Clarkin stated there are five (5) parking stalls. Mr. Clarkin showed Mrs. Campagna on the plans where those parking stalls are located.

Mrs. Campagna asked why the gravel area is not being paved. Mr. Clarkin stated it is being paved.... The right side gravel area will remain.

Mrs. Campagna asked how long the existing house has been a four (4) family. Mr. Paradiso stated the house was bought in 1944.... Since then.

Mr. Slachetka questioned a dash line on the plans in the rear section. Mr. Parker stated the current edge of the macadam. Mr. Slachetka asked the pavement will be extended. Mr. Parker stated yes. Mr. Slachetka confirmed with Mr. Parker that the pavement will extend to the chain link fence... no curb. Macadam will be four feet (4') off the back property line.

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Mr. Marsden asked if the Applicant received the Environmental Commission letter and if those issues will be addressed. Mr. Clarkin stated will add the additional street tree and that the Vice Chairman would like a landscape plan which will not be in the right-a-way.

Mr. Scudato asked if the macadam drive will be for both dwellings. Vice Chairman Gustafson stated no... page 2 of 3 shows the proposed second driveway.

Vice Chairman Gustafson asked Mr. Parker how many cars can fit on the driveway of the proposed dwelling. Per Mr. Parker, two (2) cars. Mr. Clarkin stated that the 'K' design is county required.

Vice Chairman Gustafson opened the discussion to the audience. Seeing none, public portion is closed.

Angelo J. Valetutto – AJV Engineering, 424 Amboy Avenue, Woodbridge, New Jersey – is sworn in and accepted as a Professional Planner and Professional Engineer. Mr. Valetutto is before the Board as a Professional Planner. Mr. Clarkin questioned Mr. Valetutto:

- Is familiar with the property.
- Visited the property.
- Inspected the neighborhood.
- Familiar with the Borough's Zone Plan, Ordinance and Master Plan.
- Believes a unique property. Existing structure is situated on the north side of the property having 9.9 setback and having 63' on the southerly side.
- Proposed dwelling will meet all bulk requirements.
- Variances being requested: Lot Area for both lots; Lot Widths for both lots; parking for existing four (4) family – RSIS is 7.6 or 8. Even if one (1) apartment is considered a three (3) bedroom, it will bump up the RSIS to 7.9... 8 spaces.
- D2 variance is needed for the four (4) family pre-existing non-conforming is proposed to remain on a smaller lot.
 - Expansion of a non-conforming use.
 - Will have paving, striped lines and bumper blocks.
 - Recreation area large enough for grill, chairs and play area.
 - Existing large grass area not currently used by the tenants.
 - Particular suited to remain as a four (4) family.
 - Special reasons:
 - Reason A – 'To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.' Further the goal with a safer parking with structure – paved, striped and bumper blocks.
 - Reason C – 'To provide adequate light, air and open space.' Eliminating the detached garage leaving more light, air and open space for the existing four (4) family. Mr. Clarkin stated with removing a non-conformity – the detached garage.
 - Reason 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.' Increasing the population density by one which is deminimis.
 - 'To promote a desirable visual environment through creative development techniques and good civic design and arrangement.' Eliminating unusable grass area by adding a single family dwelling. Adding new siding and awning to the existing dwelling is the beautification of the area.
- D5 – Density:
 - Providing the same amount of parking as currently exists.
 - Safer to widen the driveway.
 - Paved.
 - Striped.
 - Two (2) bumper blocks.
- Parking Variance:
 - Need for one (1) stall.
 - Had never required more parking then existing.

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- Testimony provided that since 1944 never had the need for more than six (6) spaces. Providing seven (7) spaces.
- On county road. Have the ability for residents not to travel with own vehicles – Uber and Lyft.
- C2 analysis.
- Advantage to the Borough:
 - Improvement of the façade.
 - Safety to the parking.
 - Development of a single family dwelling.
 - Possible added spark to others in the neighborhood to update their property.
 - Eliminating the non-conforming detached garage.
- Lot area and lot width variance.
 - Subsumed with the previously discussed D variances.
- Other fifty foot (50') lots in the area. Two (2) lots across the street. Two (2) houses by Arlington. House next door is sixty foot (60') and the other side of that house is forty feet (40') wide. Not out of character
- Negative criteria:
 - No detriment to the public good.
 - Improvement to the property.
 - Uniqueness of the property.
 - No properties with the same situation. Therefore, no 'domino effect'.

Mr. Lemos asked how do you get to the second level of the four (4) family house. Mr. Paradiso stated you go through the door to a vestibule and then up stairs. Mr. Lemos asked regarding the back. Mr. Paradiso stated there are several steps under a covered porch then into the first floor apartment. Mr. Lemos is concerned about the steps going into the driveway. Mrs. Cullen asked if the stairs currently go into the parking area. Mr. Paradiso stated yes. Mr. Parker stated there is not much that can be done without major work. Mr. Clarkin asked Mr. Paradiso if there has ever been an issue with the steps. Per Mr. Paradiso, no... since 1944. Mr. Lemos suggested to go down a few stairs then redirect the stairs and go down the rest. Vice Chairman Gustafson stated that creates an issue with parking because it will eliminate one (1) parking space. Vice Chairman Gustafson asked Mr. Paradiso what the current parking where those stairs are.... Four (4) parking stalls. Mrs. Cullen asked isn't the current parking for the four (4) family 'grandfathered in'. Per Vice Chairman Gustafson, yes. Mr. Scudato stated he would frequent the building and never saw an issue.

Mr. Slachetka asked regarding D2 variance, how does the improvements go beyond beautification. How does that benefit the community? Mr. Valetutto stated it enhances off-street parking. Mr. Clarkin cited Burbridge... this is an older building and working with what exists. Mr. Slachetka stated that the building will be more attractive. Mr. Valetutto stated if someone drives by today and comes back after the improvements, the area will be unrecognizable.

Mr. Slachetka commented that when looking at the negative criteria the Board can be more liberal because the use exists.

Mr. Slachetka asked regarding the density variance, the four (4) family can function as a four (4) family. Mr. Valetutto stated it can function as a four (4) family due to the improvements and safety of the parking lot.

Vice Chairman Gustafson opened up the discussion to the audience. No comments or concerns.

Vice Chairman Gustafson asked if the Applicant would oppose a condition that the new proposed dwelling fence be matching board on board as the front of the dwelling. Mr. Clarkin stated they accept the condition. Vice Chairman Gustafson asked if the landscaping will be enhanced when the proposed dwelling goes into place. Mr. Clarkin stated yes.

Mr. Lavender stated there is a condition of a single family dwelling and a time from of two years. Mr. Clarkin stated yes. Vice Chairman Gustafson asked if the two (2) years refers to the siding or the proposed dwelling. Mr. Clarkin stated the siding.

Vice Chairman Gustafson asked Mr. Clarkin if he is willing to give a time from for the paving of the driveway, striping, demolition of the detached garage and awnings. Mr. Paradiso stated by years end.

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Mr. Slachetka stated that the fence near the new dwelling and the front fence will be part of the new dwelling construction.

Mr. Lavender stated as a condition, the bumper blocks. Mr. Clarkin stated yes. Mr. Lavender stated also, the two (2) trees. Mr. Clarkin stated yes.

Vice Chairman Gustafson asked regarding the awning over the door. Will be removed between now and two (2) years. Mr. Clarkin stated yes.

Mrs. Campagna asked with the new dwelling if there will be a garage. Mr. Clarkin stated no garage.

Vice Chairman Gustafson stated he has concerns on the new dwelling besides the footprint that is before the Board. There is no landscaping. Mr. Clarkin stated that it can be indicated that prior to the CO of the new dwelling, there is an enhanced landscaping package. The Board cannot dictate the façade. Vice Chairman Gustafson stated the concern is not the façade, the concern is the landscaping. Some builders will plant grass up to the foundation. Mr. Clarkin stated that is why he suggested the landscaping package before the CO.

Vice Chairman Gustafson stated great enhancement in the parking... cars will be removed from the side to the rear... the board on board fence... proposed dwelling will be a single family housing.

Vice Chairman Gustafson calls for a motion of approval with all conditions discussed. Mr. Lemos made motion, seconded by Mr. Bonanno. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Mr. Scudato (alternate) and Vice Chairman Gustafson. Those oppose: None

C. Case #18-16 – James Felix Connors
Block 539: Lot 5: OPA-1 Zone
100 Main Street

The applicant is requesting a Preliminary and Final Site Plan approval. Use Variance approved April 18, 2017.

Vice Chairman Gustafson read the following letter addressed to the Board Secretary from James F. Clarkin, III, Esq, Attorney for the Applicant. *'This letter shall confirm that this matter will not be heard at the May 7, 2019 public hearing and is being carried to June 18, 2019. I would greatly appreciate the Chairman Announcing the matter is being carried and requiring no further notice or publication. Thank you.'*

Vice Chairman Gustafson confirmed that there are no issues to carry this case with Mr. Clarkin. Vice Chairman Gustafson asked the Board Secretary to inform Mr. Clarkin that June 18, 2019 is accepted by the Board. Vice Chairman Gustafson announced to the audience that the case is being carried to June 18, 2019 and no further notices are required.

Robert Bengivenga asked why the case is being carried and that this case has been going on since April 18, 2017.... Two (2) years. Mr. Lavender stated that was for a use variance and he is returning for site plan. Mr. Bengivenga stated that the Applicant was to return within six (6) months to the Board... Now over two (2) years. Wants to know why its been stretched out. Mr. Lavender stated that will be handled at the hearing and at the moment it is an Engineering matter. Was advised yesterday that the Board Engineer is in need of some time. Mr. Bengivenga stated that was his understanding but the letter he received was stating that he can review the site plan.... Assumed they were approved. Mr. Lavender stated they are not approved. Vice Chairman Gustafson asked what letter. Mr. Bengivenga stated a certified letter from the Applicant. Vice Chairman Gustafson stated that is the letter informing you of the hearing but the Board Engineer is requesting more time. Mr. Bengivenga stated he has been operating for two (2) years. Vice Chairman Gustafson stated the issue is on our side... the Board Engineer needs more time. Can request code enforcement to visit the site. If there is any activity that does not have approval. Mr. Bengivenga stated there are small children on the property and has hazardous equipment. Should not be operating if he does not have his final. Mr. Lavender stated he is allowed to operate... he received a use variance. Board has no jurisdiction over some of the items that is going on.

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Mr. Scudato questioned the two (2) years. Mr. Lavender stated it is a long time. Mr. Lemos stated that on the minutes, the Board requested ninety (90) days. Mr. Clarkin requested one hundred twenty (120) days which the Board approved. Vice Chairman Gustafson stated that he must return and that information can be used in the decision. With small business, this is not uncommon especially if it involves escrow money. Our Engineering firm will not look at the application if the escrow account is not up to date.

INFORMAL HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDANCE: None

EXECUTIVE SESSION: None

ADJOURNMENT: 11:05 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary