

NORTH PLAINFIELD BOARD OF ADJUSTMENT

SPECIAL MEETING, NOVEMBER 29, 1978, NORTH PLAINFIELD BOROUGHS HALL

A special meeting of the North Plainfield Board of Adjustment was held on Wednesday, November 29, 1978 beginning at 7:30 P. M. in the Council Chambers of the Borough Hall. Chairperson Kantor read the Compliance Statement in accordance with Chapter 231, P. L. 1975.

ON ROLL CALL PRESENT

Chairperson	Barbara Kantor
Vice Chairman	Robert A. Quinn
Mr.	Leonard Ehrenkranz
Mr.	Robert Holtaway
Mr.	Richard Mackenzie
Mr.	Anthony Pellegrino

ABSENT

Mr. Dennis Dugan

IN ATTENDANCE

Elia Barbati, Jr., Esq., Counsel to the Board  
Michael J. Kolody, Borough Engineer

APPLICATION NO. 985, OZARK REALTY, INC., 380-386 SOMERSET STREET

Applicant seeks to use an existing commercial building for four commercial and sixteen residential uses. Premises are located in Block 79, Lots 2 and 3 in the B Zone. In violation of Sections 9-1801, 9-1606 and 9-1801 of the zoning ordinance. This is a continued hearing from the meeting of November 15, 1978. Chairperson Kantor advised the applicant that a full board was not present and five affirmative votes were required for approval.

Frederick A. Onore, Esq., 266 Somerset Street, North Plainfield, New Jersey, attorney representing the applicant, agreed to proceed with the hearing this evening and the vote be taken at the December 20th meeting. The absent member would have an opportunity to review the tape prior to the next meeting and would be eligible to vote. Mr. Onore indicated that no new evidence would be presented this evening by the applicant.

Michael J. Kolody, Borough Engineer, recommended the use of four commercial and eight residential units in the front portion of the building, commercial use on the first floor, residential use on the top floor and eliminate the use of the basement for anything other than storage.

Mr. Kolody indicated that the building in question has never been commercially viable and, when the building was originally improved, it was overdeveloped. Mr. Onore pointed out that the request this evening is for the conversion into eight living apartment units and four commercial units. There would be commercial on the first floor, residential on the top floor. The basement would remain vacant, to be used for storage. This would not preclude any of the commercial uses to use the basement for storage.

Mr. Barry Goldsmith, 70 Liberty Corner Road, Martinsville, N. J., was sworn in prior to testimony. Discussion ensued regarding the use of anything in the basement. The Borough Engineer explained that it is allowed by code to utilize a basement for commercial space, the difference being that more than half of the wall area has to be above ground. Once it is more than half below ground, it becomes a cellar as opposed to a basement. The property in question falls in the classification as usable. Mr. Kolody indicated that, in a situation like this, there would have to be two means of egress. Presently, a Hairdresser is occupying space there now. Mr. Onore said that the owner would like to occupy an office on the floor below and the remainder of the basement would be used for storage. The balance of the premises would be used for four apartments above ground and four on the second floor. Mr. Onore felt that there would be less parking requirement by a reduction in the commercial use than there would be with apartment use. The daytime requirement for parking would be less because of the reduction in the commercial use than there would be for apartment use because offices operate during the day. The eight existing apartments in the rear of the building would remain. They are a pre-existing non-conforming use.

Mr. Goldsmith described the present situation of the building in question. Ground level - most northerly end of the building is a Beauty Shoppe. On the second floor level and above the Beauty Shoppe is a Real Estate office and the third level is empty.

Mr. Onore summed up and said that he is not authorized to surrender the non-conforming commercial use feature of the below ground level and the middle floor and, as a compromise, would go along with commercial, as is, on the lower level, commercial on the middle level and four apartments on the top floor.

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Mr. Barbati said that a variance could be granted for the lower floor, conditional upon the applicant complying with the BOCA Code.

Mr. Onore stressed the fact that the only decision before the Board was whether or not the applicant may have four residential units on the top floor in the B Zone. The parking, as exists and as shown on plans, require approval.

Chairperson Kantor provided the opportunity for members of the public to speak in favor or against the application.

MEMBERS OF THE PUBLIC WHO SPOKE

Mr. Anthony Monziona, 378 Somerset Street

Hearing on this application was continued to the meeting of December 20, 1978 pending submission of revised plans and an amendment to the application for consideration by the Board.

Meeting adjourned 9:15 p.m.

Respectfully submitted,

Georgianna B. Pasch, Secretary  
Board of Adjustment