

NORTH PLAINFIELD BOARD OF ADJUSTMENT  
MEETING, DECEMBER 20, 1978, NORTH PLAINFIELD BOROUGH HALL

A meeting of the North Plainfield Board of Adjustment was held on Wednesday, December 20, 1978, beginning at 8:00 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.	Dennis Dugan
Mr.	Leonard Ehrenkranz
Mr.	Robert Holtaway
Mr.	Richard MacKenzie
Mr.	Anthony Pellegrino

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 originally sought to use an existing commercial building for four commercial and sixteen residential uses. Revised plans have been submitted requesting four residential units on upper floor. Premises are located in Block 79, Lots 2 and 3 in the B Zone. In violation of Sections 9-801, 9-1606 and 9-1801 of the Zoning Ordinance. This is a continued hearing from the special meeting held on November 29, 1978 pending submission of revised plans.

Frederick A. Onore, Esq., 266 Somerset Street, North Plainfield, N.J. represented the applicant.

EXHIBITS ENTERED, MARKED AND FILED

"A-2" - Revised plans prepared by Epstein-Johnson, 700 Park Avenue, Plainfield, N. J., dated 12/6/78.

REVIEWS

"B-1" - Michael J. Kolody, Borough Engineer, dated 12/13/78.

Mr. Onore advised the Board that the application was amended to incorporate the number of residential units into 12, as shown on the revised plan and the eight office units, namely, four office units on the ground level and four on the floor above the ground level and four residential units on the second floor.

Mr. Barry Goldsmith, the applicant, 70 Liberty Corner, Martinsville, New Jersey, was questioned by Board members concerning the revised plans. Chairperson Kantor reminded the applicant that a second means of egress would have to be supplied for the apartments and Mr. Goldsmith said that he would be willing to comply with the BOCA Code to meet requirements.

Asked of Mr. Ehrenkranz what his intentions were when he purchased the building, Mr. Goldsmith said it was to utilize at least the second and third floor for residential units. He had inquired of the Borough Engineer if a permit would be required for the initial cleanup that he anticipated and was informed by the Borough Engineer that a variance was required.

Mr. Donald C. Epstein, Professional Engineer and Planner, 700 Park Avenue, Plainfield, was present. He explained that the drawing identified as "SK-5" shows the existing portion behind the front of the building on Somerset Street would remain unchanged. Also, doors were not shown on the bathrooms. The driveway belongs to Hardy's Linoleum Store and is not part of this property.

Asked of the Borough Engineer if he anticipated improvements to the building regarding the heating situation and the energy requirements of the building, Mr. Goldsmith said he had contacted Public Service and planned to eliminate the propane gas.

Mr. Onore reviewed the history of the building, explaining that repeated efforts had been made to utilize the existing structure and each owner experienced financial difficulty. Applications had been made for mortgages and mortgage companies were not interested, which resulted in an ownership that was working to recoup as much investment as they could over a short period of time.

Mr. Goldsmith assured Mr. Onore that he planned to maintain his office on the premises, which is an improvement over any other ownership of this property.



Mr. Ehrenkranz felt that the applicant should attempt to rent it as a commercial building rather than convert it to an apartment type building. Mr. Quinn concurred and felt that, with improvement, the building could be rented out for residential use.

Mr. Kolody said that it was not likely that the commercial units would be rented. Mr. Kolody also commented that there were very few violations in the eight residential units in the rear of the structure and are rather well maintained.

Chairperson Kantor provided the opportunity for members of the public to speak in favor or against the application. No one spoke.

A resolution was adopted to approve Application No. 985. (copy attached) Roll Call Vote: 5 ayes - Dugan, Ehrenkranz, Holtaway, MacKenzie, Pellegrino, Kantor. 1 Nay - Quinn.

Chairperson Kantor called for a five minute recess at 9:30 p.m.

APPLICATION NO. 986, WOLF OWENS, 22-24 ROCKVIEW AVENUE

Applicant, purchaser under contract, seeks to erect a two-story six-family home. Located in Block 131, Lot 18 in R-3 Residential Zone. In violation of Section 9-501.b of the Zoning Ordinance. This is an adjournment from the meeting of November 15, 1978.

Affidavit of service and proof of publication were in the file.

EXHIBITS ENTERED, MARKED AND FILED

"A-2" - Plans prepared by Epstein-Johnson, 700 Park Ave., Plainfield, N. J., dated 5/4/78.

REVIEWS

"B-1" - Deputy Chief Louis Baldini, Bureau of Fire Department, 10/11/78.

"B-2" - Chief of Police Thomas J. Dunne, North Plainfield Police Department, 10/16/78.

"B-3" - Harry L. Allen, Environmental Commission, dated 10/16/78

"B-4" - John A. Horensky, Somerset County Planning Board, 11/9/78

"B-5" - Correspondence - Marsom B. Pratt, Trustee, Blanche B. Pratt Trust, 80 Washington Avenue

"B-6" - Correspondence - Ruth B. Barr, 20 Rockview Avenue

Ms. Nathalie Tullman, C.S.R., 630 Sherman Avenue, Plainfield, NJ, was present for this application.

Frederick A. Onore, Esq., 266 Somerset Street, North Plainfield, N. J. represented the applicant. Mr. Onore explained that it was impossible for the applicant to be present due to a family emergency. Michael J. Kolody, Borough Engineer, present under subpoena, was sworn in prior to testimony.

Mr. Onore, expounding on the properties within 200 feet of the property in question, referred to a six-family home at 18-20 Rockview, to the east and 26-28 Rockview to the west.

Mr. Donald Epstein, Professional Engineer and Planner, L. S. E., explained that the proposed use is a six-family residence, with each unit containing a living room, one bedroom with kitchen and bathroom. The units would be at right angles to the street, with entrances on each side. He added that the property is approximately 100 x 365. Mr. Epstein pointed out that Rockview Avenue is the dividing line between the R-3 Zone and the R-4 Zone. There are two natural barriers, the brook and a steep embankment.

Mr. Onore reminded the Board that the majority of homes within two hundred feet of the property in question were two-family dwellings and Mr. Kolody concurred. Mr. Onore did not feel that the proposed construction would be a serious intrusion in the neighborhood.

Chairperson Kantor provided the opportunity for members of the public to speak.

Member of the Public Who Spoke:

Mr. Robert Hopp, 20 Rockview Avenue

Mr. Quinn was concerned with parking spaces required and the width of the driveway and asked of the requirements and conditions of apartment buildings in accordance with Section 9-702 would apply.

Mr. Kolody said that what the Board is dealing with is a total variance of what is required in the zone and the amount of parking spaces would be up to the judgement of the Board after reviewing the size of the units and the type of occupancy that would be expected.

Mr. Epstein said that the homes in the neighborhood are Victorian but by today's standards, new homes would not approach anywhere near the Victorian type architecture.



Mr. Onore asked Mr. Epstein what was permitted in the R-3 Zone and Mr. Epstein answered that one and two-family homes in addition to schools and public buildings were permitted.

Mr. Epstein reminded the Board that, to the south of the property in question is the McCutchen Nursing Home and opposite that is a three-family dwelling. The Public Library is also nearby.

Mr. Epstein referred to a previous variance for an eight-family dwelling that had been denied and indicated that it would not have been acceptable because it would create problems in terms of utilization of the lot. The six-family does not create the problems that the eight-family would have created.

Mr. Onore said that the six-family dwelling would not impair the intent and purpose of the zoning ordinance. He referred to the height of the three story buildings on either side, indicating that they are higher than most homes built today. If the variance were granted, the applicant would return for site plan approval, including landscaping, which would indicate existing trees on the site.

Mr. Quinn referred to Chapter 5, Section 9-502 and was concerned about the density, the small size of the apartments and was of the opinion that it should comply with requirements for that zone. Chairperson Kantor provided the opportunity for members of the public to cross examine Mr. Epstein.

Members of the Public Who Spoke:

John Friedman, 8 Rockview Terrace  
Robert Hopp, 20 Rockview Avenue

Mr. Epstein said that it is the intention of the applicant to supply adequate off-street parking in accordance with the parking requirements specified by Ordinance.

It was agreed to continue hearing on this application to the February 21 meeting.

Minutes of the meeting of November 15, 1978 were approved as submitted. Chairperson Kantor advised the Board that the Reorganizational Meeting would be held on January 17, 1979 at 7:30 p.m.

Meeting adjourned 11:00 p.m.

Respectfully submitted,

Georgianna B. Pasch, Secretary  
Board of Adjustment