

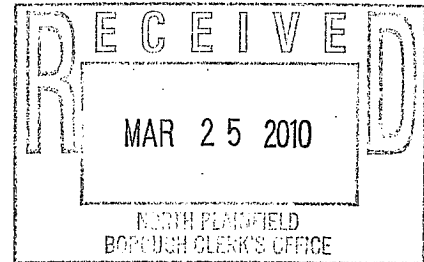
BOARD OF ADJUSTMENT
Minutes of
March 3, 2010

Present:

Mr. D'Armiento
Mr. Kuga
Mr. Langenbach
Mr. Lewis
Mr. VanWinkle
Mr. Zarnowski
Chairman Tighe

Absent:

Mr. Fowler



Also present were Attorney Brian Schwartz, Borough Engineer David Testa and Recording Secretary Maryann Thorpey.

Chairman Tighe called the meeting to order at 7:38PM. The compliance statement was read, roll call was taken.

BA-10-001 Michael Serillo, Truesdale Nursery, 31 Harrison Avenue. Louis Rago, attorney for the applicant explained the application. The building in question is non-retail space. In 1987 North Plainfield's zoning officer declared it was non-conforming. The applicant plans on making no changes to the building; he is seeking to continue use of the building as is.

BA-09-004 Crystal Ridge Club, 289-347 Route 22. Mr. Schwartz explained tonight there are 4 members of the Board who are current on the application; he asked the attorney if he wanted to continue tonight or postpone. The applicant's attorney finished his argument and postponed the vote until the next meeting.

BA-10-001 - Continued. Tim Deluccia, 215 W. Maple Avenue, Bound Brook, was sworn in. He explained the history of the building. There is a 2-family residence in front of the building. The building was sold in 1992 to Mr. Serillo. There is a small office in the building. The building was never used for retail space. The warehouse was used for storage. In 1987 the zoning officer declared the property was pre-existing non-conforming use. The building is 3,600 sf.

Open to the public.

Virginia Galaj, 35 Harrison Avenue, supported the applicant.

Mike Serillo, 859 Bluestone Lane, Bridgewater, was sworn in. He testified his mother

lives in the house, a caretaker lives upstairs. He described the details of the property and improvements made since he purchased the property. There has never been retail sales. The main office is in Hillside; currently the business is primarily used for storage. Truesdale Nursery is partially owned by Mr. Serillo; there are 10-12 employees, it is a much smaller scale than his door business. The building has been fully operational by Mr. Serillo since 1992.

Mr. Zarnowski asked how the overhead doors were delivered. Mr. Serillo said usually on 40' flatbeds. The nursery uses predominantly single axel dump trucks. The nursery's equipment is stored inside and outside. He questioned the future growth of the nursery. Mr. Serillo said it's actually been downsized. 20 cars and/or trucks can fit on the property. The nursery has 6 or 7 trucks. He's leasing the nursery and the read building. No gas is stored on the property.

Open to the public.

Anita Beezack, 39 Harrison Avenue, is concerned with the amount of overnight trucks and equipment that will be there, and how close they will be parked to the property line. Mr. Serillo agreed to plant trees on the property line.

Frank D'Amore, 40 Willow Avenue, said trucks sometime double park and cause a back-up of traffic. Mr. Serillo said they don't have the number of trucks they used to have.

Mr. Lewis asked the applicant to replace the fence with an earth-tone colored composite when it needs to be replaced.

The application was closed.

BA-09-004 Crystal Ridge Club, 289-347 Route 22. The applicant decided to proceed tonight, however, asked that the vote take place at the next meeting. Their attorney gave a synopsis.

Mr. Zarnowski argued that the occupancy rate in Watchung is higher because of the COAH units and their desirability due to the reduced rents. Mr. Lewis believes the tax payer is being asked to subsidize the renter. It would cost the taxpayer \$43,000 to transport students from Crystal Ridge to North Plainfield schools.

Chairman Tighe asked if the units are priced too high, which would be the cause for lower occupancy rates. Mr. Pits, their asset manager, does not agree, he believes it is too restrictive, not being able to rent to 18-49 year olds.

Mr. Lewis asked what is the acceptable vacancy rate. Mr. Pits didn't have an answer. Mr. Schwartz reminded the Board Mr. Pits, at the first hearing, said 95% occupancy

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would be acceptable. Mr. Schwartz disagrees with the applicant's attorney that age restriction is illegal. Mr. Zarnowski is concerned with how these children would get to school, he asked what plans the applicant had. Mr. Zarnowski said this was discussed at great length when the application was originally brought to the Board. It was decided it wasn't an issue because of the age restriction.

Open to the public for questions.

Frank D'Amore, 40 Willow Avenue, is concerned that the apartments with dens could easily be turned into another bedroom.

Open to the public for comments.

Jim McGarry, 347 Glendale Road, said the Board has to ask itself if it's in the best interest of North Plainfield to allow this application.

The application was closed. Deliberation and vote is postponed until March 17.

There was a recess at 9:44PM, meeting resumed at 9:46PM, all present.

The Board deliberated on the Serillo application. Mr. Schwartz read the conditions. Mr. Zarnowski moved to accept the application with conditions, Mr. D'Armiento seconded, unanimously approved:

The minutes of January 20 were unanimously approved.

The resolution was read for Mr. McGarry.

The meeting adjourned at 10:06PM.