

~~MA~~ - ~~Elder Lodge~~ South Plainfield  
CA

4/27/82

Transcript of Proceedings -

P 28

CA 002587S

BOARD OF ADJUSTMENT  
BOROUGH OF SOUTH PLAINFIELD  
COUNTY OF UNION  
STATE OF NEW JERSEY

In the Matter of: )  
 )  
ELDERLODGE, INC., ) Transcript of  
 ) Proceedings  
 )  
Applicant. )  
 )  
----- )

Tuesday, April 27, 1982  
7:30 p.m.  
South Plainfield, New Jersey

**B E F O R E:**

**BOARD OF ADJUSTMENT**  
RONALD HUPBURN, Chairman  
ALBERT RYNO  
CARL ABBRUZZESE  
JACK LYNCH  
ROBERT HORNE  
CYNTHIA GANUN  
MICHAEL MERLO

JOHN GRAF, Zoning Officer  
LAURA WILLARD, Secretary

**A P p e a r a n c e s:**

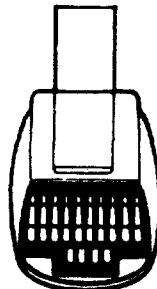
MESSRS. ABRAMS, DALTO, GRAN,  
HENDRICKS & REINA,  
Attorneys for the Applicant,  
By: ANGELO H. DALTO, ESQUIRE.

WILLIAM V. LANE, ESQUIRE,  
Attorney for the Board.

WALTER L. VARHLEY  
~~Shorthand Reporter~~

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THE CHAIRMAN: The Secretary will call the next case.

THE SECRETARY: Case Number 282, Elderlodge, Incorporated, owner of property on Hamilton Boulevard, known as Lots 5, 6A, 6B, 7, 12 and part of 55 in Block 257 located in a OBC and R-7.5 Zone, a request for permission to construct a 106 story senior citizen housing project, marketed as moderate cost condominium units, contrary to the requirement of Section 704 in the scheduled requirement zoning ordinance of the Borough of South Plainfield.

Lot size, 1.4 acres plus or minus. Present use of premises, commercial building and vacant land.

Proposed action is contrary to the ordinance in the following particulars: Senior citizen housing and multi-family housing is not specifically permitted in the zoning ordinance for the South Plainfield Borough.

Height restriction exceeded 35 foot maximum height.

Applicant requests an interpretation of the parking requirement.

"Was the proposed application examined

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1 by the building department?"

2 "Yes."

3 "Was the building permit refused?"

4 "Yes."

5 "Has there been any previous appeal?"

6 "Not to the applicant's knowledge."

7 THE CHAIRMAN: We have received a  
8 letter addressed to our attorney.

9 The Secretary will please read that  
10 letter.

11 THE SECRETARY: It's a letter dated  
12 March 10, directed to Mr. Lane, Re:  
13 Elderlodge, Incorporated.

14 "Dear Mr. Lane: In response to your  
15 letter dated February 10, 1982, the South  
16 Plainfield Fire Department's existing fire  
17 apparatus can sufficiently service the structure  
18 listed above.

19 "Upon submission of planned review and  
20 plans submitted, they will be reviewed by the  
21 Code Enforcement Department. At that time,  
22 any fire prevention regulations required would  
23 be subject to our approval, along with the  
24 requirements of the State Uniform Construction  
25 Code."

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1 construct a senior citizen housing project of any  
2 size, shape or height in the district selected  
3 by them merely on the thesis that senior citizen  
4 housing promotes the general public welfare.

5 C, it is not a burden of the Board to  
6 prove that the zoned plan would be substantially  
7 impaired by the granting of the proposed  
8 variance. Rather, the burden is on the applicant  
9 to prove the converse.

10 It has been apparent to me that this  
11 applicant has not proven the case for senior  
12 citizen housing. Nor has the application been  
13 based upon senior citizens. In fact, the  
14 definition of senior citizens is noteworthy by  
15 its absence. In fact, even if this was a senior  
16 citizens' community housing project, the courts  
17 uphold the Board's responsibilities to maintain  
18 other zoning characteristics, such as height,  
19 bulk, coverage, parking, et cetera.

20 The applicant's burden is to prove that  
21 his plan would not impair the intent and purpose  
22 of the zoning law, and this applicant has so  
23 far failed to do so.

24 The third item, Municipal Land Use Act.  
25 Although there are some 14 purposes in the

1 Municipal Land Use Act, the following three  
2 seem to be the primary ones the applicant has  
3 addressed.

4 A, to promote the general welfare.

5 E, to promote appropriate population  
6 densities and G, to provide sufficient space  
7 in appropriate locations for a variety of  
8 recreational residential uses in order to meet  
9 the needs of all of our senior citizens.

10 Whether this application promotes the  
11 general welfare or not, it is based upon one's  
12 determination of whether age requirements and/or  
13 discrimination are consistent with the general  
14 welfare.

15 My personal feeling is that this  
16 application promotes primarily the welfare of  
17 the applicant. This application is requesting  
18 a potential population density of 143 persons  
19 per acre; substantially in excess of any other  
20 densities so far in South Plainfield.

21 In addition, there will be some 72  
22 units per acre; also well above the maximum  
23 current density.

24 The Municipal Land Use Act, in addition  
25 to the three foregoing provisions, also charges

1 the Board to encourage planned development which  
2 relates to particular sites, item K, as well as  
3 providing senior citizen community housing,  
4 item L. It is difficult, at best, to see the use  
5 of this particular site as uniquely qualified  
6 for condominium usage with an age requirement.

7 If the applicants have a definition of  
8 senior citizen community housing, it is certainly  
9 not apparent in their testimony.

10 Specific questions as to definitions of  
11 "senior citizens" and "community" generally went  
12 with a "Not qualified to answer" response for  
13 more than one person.

14 The job of the Board is to carefully  
15 weigh the evidence and decide if the applicant  
16 has satisfied those requirements. I suggest that  
17 he is terribly deficient in all areas; except  
18 possibly the promoting the general welfare, and  
19 then only because different men will have  
20 different definitions.

21 For my personal mind, this application  
22 is lacking in each of the following points:  
23 It does not meet a known criteria of age. It  
24 does not define senior citizen community housing.

25 It does not, in fact, establish senior

1 citizen housing, but rather condominiums with  
2 an age requirement.

3 It fails to meet the special reasons.  
4 Just because an applicant makes use of two words  
5 "senior" and "citizens," does not justify their  
6 entire application.

7 Although the master plan, prior to its  
8 adoption, suggested several senior citizen  
9 housing sites, this site was not among any of  
10 those suggested or recommended.

11 By appearance, the surrounding area is  
12 generally of an OBC and not residential nature.  
13 In specific, I believe the application not only  
14 fails on each of the foregoing points, but on  
15 the following as well, and will terribly and  
16 definitely impair the intent and purpose of the  
17 zoned plan, if we do approve: Cannot justify  
18 the bulk request. Cannot justify the height  
19 request. The land is so far undersized that the  
20 only way to put in 100 units is to go up, and  
21 that is only indeed for the financial success.

22 The building itself needs much in  
23 additional attributes to make the units homes;  
24 community rooms, greater storage facilities,  
25 pool, game room, shopping area, et cetera,



1 et cetera, et cetera.

2 The applicant states that people will  
3 move from the South Plainfield home of some  
4 1500 square feet into a one bed room condominium  
5 of 625 square feet and not need these extra  
6 attributes and still are willing to spend upwards  
7 of \$70,000.00.

8 The applicant certainly has not  
9 convinced me. The applicant has made many  
10 comparisons, including size, shape, structure  
11 and parking to public housing projects in several  
12 of our other cities. Nowhere in his case has  
13 he alluded to any comparisons to residentially  
14 aged required condominiums. But his entire  
15 application is based upon the age-dependent  
16 condominiums where very worthwhile, different  
17 standards exist: open space, recreational  
18 facilities, internal transportation, planned  
19 trips to various locations, storage, parking,  
20 guard services, et cetera are all aspects of  
21 those age-dependent condominiums. No wonder the  
22 application does not allow comparisons.

23 The parking testimony is a case in  
24 point. Testimony was articulate but unconvincing.  
25 The comparison with center-city public housing

1 units, specified services, retail centers,  
2 transportation is totally dissimilar in my  
3 mind. The main retail establishments within  
4 walking distance are an auto parts store and a  
5 gas station, both places of need for occupants  
6 with cars; the applicant suggests that there  
7 will be few, if any, cars.

8 If the food store, the cleaning, the  
9 park and transportation, the application is  
10 suggesting that South Plainfield should provide  
11 these necessities to help him sell his condos.

12 The current South Plainfield zoning  
13 law requires, at the very least, two spaces per  
14 unit. To authorize less than half of that in my  
15 mind is taking an unacceptable risk with people's  
16 lives.

17 However, perhaps with only four floors  
18 and substantially reduced numbers of rooms,  
19 parking would average something on the order of  
20 one per unit, which, in my mind, would be more  
21 of an acceptable risk.

22 What happens when the structure is  
23 built but cannot be sold? Do we then have to  
24 lower the age requirement to 40 or, perhaps,  
25 even 30?

1                   What happens to the parking at that  
2 point, the traffic? The applicant has not  
3 provided any concrete need of condominium housing  
4 with such age requirements.

5                   In short, the applicant has failed to  
6 provide convincing evidence to either the  
7 positive or negative criteria. He has provided  
8 two court cases and the Municipal Land Use  
9 Statute in support of his position. But in each  
10 case, his position conflicts fact.

11                   His expert testimony was extremely  
12 interesting and articulate. However, the facts  
13 were frequently irrelevant to the use.

14                   Is there any additional further  
15 discussion?

16                   MR. LaFERARA: I don't think you left  
17 too much unturned.

18                   MR. HORNE: Mr. Hepburn, I think that  
19 you covered most points quite well.

20                   I would just like to say that I agree  
21 with you and that I'm in favor of some senior  
22 citizen housing in some way in the Borough of  
23 South Plainfield. I think we need something for  
24 the Borough of South Plainfield.

25                   I'm not convinced that this is the proper

1 place for it, nor that it should be condominium  
2 type.

3 As you say, there are certain problems  
4 that exceed the 35 foot maximum height, which  
5 we properly allow.

6 I was not convinced that the parking  
7 was proper, and I'm not convinced that on that  
8 small parcel of land that you have enough green  
9 areas, which I would like to see around the  
10 senior citizen complex that would be allowed.

11 For that reason, I am also against it.

12 MR. LYNCH: I have a few words. I  
13 have to say that there is a great need for senior  
14 citizen housing in South Plainfield, for senior  
15 citizens who have, all their lives, lived here  
16 and cannot maintain his own home for some reason  
17 and has to go to an apartment. We're forcing  
18 him to move out of town. I don't think that's  
19 right.

20 I personally feel that the location is  
21 ideal. I feel senior citizens are not invalids.  
22 They're not cripples. I have two parents that  
23 are in their high seventies, and they drive down  
24 to Point Pleasant and walk the length of the  
25 boardwalk twice and think nothing of it.

1 I personally work in North Brunswick,  
2 and there's a Pincus senior citizen housing  
3 project there. I made it a point to get there  
4 at 6:30 in the morning three different times  
5 to see what the parking was like. That's where  
6 you would see if there's ample parking.

7 At that time, I would say the parking  
8 lot for the assigned parking spots for the  
9 tenants was a little better than 60% full.

10 There were ample parking spots for  
11 the visitors, which they had about -- I counted --  
12 30 visitor parking spots. This, we don't have  
13 here.

14 I feel in the area of what we're talk-  
15 ing about, as long as I have been a resident of  
16 South Plainfield for 13 years, there hasn't been  
17 any appreciable growth and there doesn't look  
18 like any development in that area for merchants  
19 to come in. I feel that it would be beneficial.  
20 That's my comment.

21 MR. LaFERRARA: I just have a little  
22 bit. I think that the site itself doesn't blend  
23 into the concept at all. I don't see where  
24 someone on the side of Hamilton Boulevard could  
25 be sitting out on their balcony waving to the

1 traffic as it goes by on the incline.

2 I know when I was going through New  
3 York City where the highways are level with the  
4 people on the third and fourth floors, it doesn't  
5 agree with me and it doesn't agree with me here  
6 now in South Plainfield, where people would be on  
7 the second floor with the incline on Hamilton  
8 Boulevard and can wave to the traffic going by.

9 Second of all, I think that the area  
10 is most -- potentially most dangerous, as far  
11 as traffic conditions in this town.

12 Hamilton, during the rush hour, is  
13 unbearable, especially in inclement weather. I  
14 know that when it snows, you just can't get up  
15 or down Hamilton Boulevard. It's just impossible  
16 to traverse in either direction.

17 Also, we have the traffic coming off of  
18 Oaktree Road. Now, when it hits the end of Oak-  
19 tree Road, it either goes right or left. If it  
20 goes right, it usually winds its way around to  
21 get to that bridge that we put in town that seems  
22 to go to nowhere. But I think that's as far as  
23 the traffic is concerned, it's just the wrong  
24 place to be.

25 MR. RYNO: I would like to say this:

1 After listening to the testimony of the experts,  
2 reading the transcripts and visiting the site  
3 and listening to the objections and the people  
4 that were for the application, I've arrived at  
5 the following evaluation:

6 The site has two drawbacks, to me, it  
7 has two drawbacks, namely the size, which I  
8 think should be larger for 100 units. I'd like  
9 to see more park areas for the residents to  
10 enjoy the land itself.

11 Secondly, the incline behind the site  
12 of Lakeview Avenue proved to be a nuisance in  
13 the long run. However, the site is accessible  
14 to the senior citizen center. It has transporta-  
15 tion, a barber shop, a paper store, a hardware  
16 store, a drug store, a post office, and either  
17 establishments are within walking distance.

18 Now, I know of no other site in South  
19 Plainfield that is better situated to meet the  
20 specific needs.

21 I think that the applicant has proven  
22 the need for senior citizen condominiums and I  
23 believe that there will be sufficient people  
24 to buy these condominiums, once they are avail-  
25 able.

1 South Plainfield has long needed some  
2 type of senior citizen housing.

3 It's my opinion that the applicant  
4 satisfies both the negative and the positive  
5 criteria for a variance, and I'm in favor of  
6 granting such a variance.

7 THE CHAIRMAN: Mr. Abbruzzese?

8 MR. ABRUZZESE: Yes. For the record,  
9 number one, I do not live within 200 feet of  
10 this proposed project; although I do reside on  
11 Lakeview Avenue.

12 My comments, first of all, were this:  
13 I have visited the Cedar Brook Apartments on  
14 Park Avenue, and I have also visited the apart-  
15 ments on Front Street. In fact, I was there  
16 this morning on both situations, and the rooms,  
17 one bedroom apartments, are very similar to  
18 the ones that are proposed here.

19 I also had the pleasure of talking to  
20 people in wheelchairs, and I went up to their  
21 apartments and I found -- they told me that they  
22 had difficulties in the kitchen because here,  
23 your kitchen, as proposed, and you only have a  
24 walking area of about four feet wide. If you  
25 go in there with a wheelchair, you cannot get out.



1 You have to back out.

2 Now, unless you're going to discriminate  
3 against senior citizens with wheelchairs and not  
4 permit them to reside there ....

5 No provision did I hear in the testimony  
6 for senior citizens per se, or any particular  
7 apartments for that matter.

8 The Richmond Street Apartments, likewise,  
9 I spoke to a few and went up to several of the  
10 apartments. The apartments there are just  
11 about the same size as you propose here. At  
12 the time you indicated that this project, the  
13 rooms were much larger. It's hard to believe,  
14 but I didn't find it quite so. I also found  
15 that some of the balconies at the Richmond  
16 Apartments were double the size in order to  
17 permit individuals with wheelchairs to get in  
18 and out of there, out onto the balcony to enjoy  
19 the sights.

20 Now, getting to the building itself,  
21 here goes: This is an L-shaped building, one  
22 leg facing Hamilton Boulevard and the other  
23 leg facing towards the overpass that runs along  
24 the south side of the property.

25 Now, what happens during the sunshine?

1 The Hamilton Boulevard side, which is the east  
2 side, gets all the sunshine as the sun travels.  
3 It will hit and cover and subject the heat and  
4 the daylight to the apartments on the outside.

5 Now, as the sun gets over to the west  
6 side, we have a problem. The apartments facing  
7 the north, no sunshine whatsoever; 12 months a  
8 year, none whatsoever; spring, summer, fall or  
9 whatever you want to take. There are 3, 6, 18,  
10 30 each floor. So there are 18 apartments that  
11 would never get any sunlight whatsoever.

12 Inside the buildings, the kitchenettes,  
13 the bathrooms, the way they are located and the  
14 position of them, you would also have to turn the  
15 lights on in order to use the utilities or go to  
16 the bathroom, using excessive amount of energy.

17 Also, nowhere in the testimony was  
18 there any comments or statements made to the  
19 effect that there would be some auxiliary  
20 generator in the event that there were some  
21 electrical problems. Individuals could be in  
22 the elevators and suddenly stop. I don't think  
23 the building codes actually require a generator,  
24 but there should be an auxiliary generator.  
25 Yet the application failed to show this.

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Also, getting down to the basement, the community room for 100 units, and it is only about half the size of the one leg of the building.

Now, an inquiry was made and a reply came back that if the residents wanted a greater community room, it would be their responsibility to excavate the other leg of the building. Only half of that building is going to be excavated. That is the portion that is facing Hamilton Boulevard. This point concerns me very much.

Additionally, we've heard comments in reference to the traffic and I'd like to go a little further on that.

I'm concerned about the traffic due to the noise and air pollution that results from it. Now, there is a tremendous amount of traffic occurring over the overpass going north and south, and density of that traffic is going to increase.

Why do I say that? Because, again, there's more and more development on the south side off of Hadley Road where there are many new buildings going up. These new buildings

1 bring in more people, more automobiles, more  
2 traffic.

3 As a result, we have more air pollution.  
4 We have more noise pollution. That's just  
5 from vehicles and trucks. Also now, we're  
6 confronted with the railroad, which is not too  
7 far from there, Conrail. The traffic on Conrail  
8 has been increasing tremendously and I believe, I'm  
9 quite sure, that one of the applicants who has  
10 a business right next to the railroad there  
11 should be quite aware of this. The noise of  
12 that is continuous throughout the day, throughout  
13 the evening, throughout the night. It doesn't  
14 make any difference whether it's Saturday,  
15 Sunday, midnight, early morning hours or what.  
16 These freight trains are not short trains. I've  
17 counted many, many trains, 100, 150, 220 cars  
18 in length. They're rumbling along there,  
19 and all that noise could be heard. Yet this  
20 building will be right at the apex of the over-  
21 pass and the railroad crossing.

22 Now, as far as noise is concerned, I  
23 have before me a source from the United States  
24 Environmental Protection Agency, Noise Levels,  
25 D. D. and in order to give you some comparison,

1 a rating of 30 is assigned to the library, and  
2 you can appreciate how quiet that is, and that  
3 has a rating of 30.

4 Now, as we go up the ladder, we become --  
5 well, in the mornings, we wake up by an alarm  
6 clock and that has a rating of 80, and it's  
7 classified as "annoying." I guess that's the  
8 reason we wake up.

9 City traffic, heavy trucks, from 50  
10 feet on, 90, very annoying. Hearing damage  
11 possibilities and, likewise, garbage trucks.

12 Now, to give you a comparison, we all  
13 get annoyed with garbage trucks and the D. B. on  
14 that is 100.

15 So we also have the city traffic and we  
16 have the railroad. So we're approaching that  
17 100 level and that goes on continuously throughout  
18 the day, throughout the evening, throughout the  
19 night.

20 For the record, I grew up in this  
21 community. Although I left this town many times  
22 and always came back, my boyhood days were here.  
23 My roots are here. And I can recall when, on  
24 South Plainfield Avenue between Front Street and  
25 Hamilton Boulevard where Stella Dora is now,

1 there used to be an A & P, and then next to  
2 that was an American Store. There was a First  
3 National Bank right next to the A & P, then the  
4 American Stores. This was in the mid-twenties.  
5 Around the corner, just beyond the Getty Station,  
6 was a butcher by the name of Jordan, and I used  
7 to speak with him quite frequently also.

8 Up on the south side on Hamilton  
9 Boulevard there was another fine merchant, a  
10 Mr. Dalto. Many times I used to converse with  
11 him, yet I was just a youngster, because it's  
12 surprising that all of these individuals from  
13 way back then, they engrained one thing in my  
14 mind: This was always be concerned about your  
15 elders, and I never have forgotten. I'm always  
16 concerned about the senior citizens. I am,  
17 myself, in that category as much as Ex-Mayor Apgar,  
18 who was our Mayor in 1953, in 1956, and I'm  
19 deeply concerned and I don't consider that this  
20 location and the building is the proper place for  
21 senior citizens.

22 Therefore, I'll vote against it. With  
23 your permission, Mr. Chairman, in due time, I  
24 would like to make a motion to do so.

25 THE CHAIRMAN: So recognized.

1 MS. GANUN: Sitting in the last seat,  
2 I'm not going to take any more time -- almost  
3 in the last seat.

4 I just want to say that I feel that  
5 some place in South Plainfield there has to be  
6 a right place for senior citizen housing. But  
7 I don't feel this is the right place.

8 THE CHAIRMAN: For the record, Mike  
9 Merlo was appointed after the beginning of  
10 this case. He is ineligible to vote upon it.

11 MR. LANE: I think there is at least  
12 one member that had not been in attendance.  
13 Has that member been supplied with a transcript?

14 MR. LaPERARA: Yes.

15 MR. LANE: You've read it?

16 MR. LaPERARA: Yes.

17 MR. ABBRUZZESE: I attended every  
18 meeting and read the transcripts as well.

19 THE CHAIRMAN: Is there a motion?

20 MR. ABBRUZZESE: I make the motion  
21 that the application be denied.

22 THE CHAIRMAN: Is there a second?

23 MR. LaPERARA: I'll second that.

24 THE CHAIRMAN: Sensing that there is  
25 no additional need for discussion, roll call,

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please.

THE SECRETARY: Mr. Abbruzzese?

MR. ABBRUZZESE: Yes, for denial.

THE SECRETARY: Mrs. Ganun?

MS. GANUN: Yes.

THE SECRETARY: Mr. Horne?

MR. HORNE: Yes.

THE SECRETARY: Mr. LaFerara?

MR. LaFERARA: Yes.

THE SECRETARY: First alternate, Mr.

Lynch?

MR. LYNCH: No.

THE SECRETARY; Mr. Ryno?

MR. RYNO: No.

THE SECRETARY: Mr. Hepburn?

THE CHAIRMAN: Yes.

Five yes'; two no's. The case has  
been denied.

The Board will take a five minute,  
very short break before we start the next case.



## C E R T I F I C A T E

I, WALTER L. VARHLEY, a Notary Public  
and Shorthand Reporter of the State of New Jersey  
do hereby swear that the foregoing is a true  
and accurate transcription of my stenographic  
notes of the proceedings as taken by and before  
me on the date and time hereinbefore set forth.



WALTER L. VARHLEY  
Notary Public

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