

BOARD OF ADJUSTMENT
BOROUGH OF NORTH PLAINFIELD

IN THE MATTER :
OF : RESOLUTION
OZARK REALTY, INC., : APPLICATION NO. 985
APPLICANT :

WHEREAS, the applicant, Ozark Realty, Inc., seeks to convert, use and maintain four (4) existing commercial units located on the second floor (top floor) front portion of an existing building commonly known as 380-386 Somerset Street into four (4) apartments; and,

WHEREAS, the aforesaid described building is located upon premises known as Lots 2 and 3 in Block 79 as shown and designated on the Tax Map of the Borough of North Plainfield; and,

WHEREAS, the aforesaid described premises are located within the B Zone District (business) which permits certain business uses; however, mixed uses are prohibited for said Zone District; and,

WHEREAS, the aforesaid described building presently contains therein, both commercial and residential uses; and,

WHEREAS, the application was duly brought before the Board, necessary publication and services were properly made and public hearings were held on October 18, 1978, November 15, 1978, November 29, 1978 and December 20, 1978; and,

WHEREAS, the application was moved before the Board by Frederick A. Onore, An Attorney At Law of New Jersey, on behalf of the applicant; and,

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant, made the following factual findings:

1. That subject premises has a frontage along the East side of Somerset Street of 100.00 feet, approximate

ly 100.00 feet South of Grandview Avenue.

2. That subject premises is fully developed with a two story masonry frame building together with a rear yard fully developed with eighteen (18) parking spaces with ingress and egress afforded by a driveway along the South side property line.

3. That the front portion of the building was constructed sometime in 1964, which construction combined and integrated two (2) existing older buildings into the present building, referred to herein as the rear portion. The rear portion was and is presently being used for eight (8) residential units. The front portion is being used for twelve (12) commercial units, namely four (4) units in the basement, four (4) units on the first floor, and four (4) units on the second floor.

4. That the vacancy rate for the commercial units is high and has been since 1964.

5. That the building located upon subject premises is not serviced by an elevator.

6. That the four (4) units on the second floor (top floor) are unmarketable as commercial units and consequently an undue burden upon subject premises.

7. That the conversion of said commercial units on the second floor (top floor) to residential units would be marketable, thereby relieving said burden and contributing to the viability of the entire building and making same a marketable asset.

8. That the entire second floor (top floor) would be for residential and totally separated from the mixed use on the first floor.

9. That the mixed use on the first floor is minimal since the mix is so arranged or designed that the residential units are separated and apart from the commercial units, the residential units occupying the old portion of the building in the rear of the building and the commercial units occupying the new portion of the building in the front of the building.

10. That the basement floor would continue to

contain four (4) commercial units with the balance of the basement to remain vacant.

WHEREAS, the Board has made the following determinations:

1. That the aforesaid structure as presently constituted is not a viable product with respect to the continuation of twelve (12) commercial units.

2. That the aforesaid structure is entitled to relief from the burden of twelve (12) commercial units.

3. That the proposal of the applicant to eliminate four (4) commercial units on the second floor (top floor) and convert same to residential units is reasonable and practical and would provide needed relief thereby preventing further deterioration of said building.

4. That the "mixed use" as hereinbefore described is in keeping with present existing development along Somerset Street and will not detract or interfere with the present character of said street nor its future development as a business area.

5. That the proposed new use arrangement of said building will not violate the Zone Plan and can be granted without substantial detriment to the public good.

6. That the burden upon the property complained of by the Applicant is a hardship peculiar to this property and demands special treatment and a variation from the Zoning regulation to promote the statutory purposes of Zoning.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Board of Adjustment of the Borough of North Plainfield, in the County of Somerset and State of New Jersey, this 20th day of DECEMBER, 1978, as follows:

1. That it does hereby grant a variance to Ozark Realty, Inc. to convert four (4) commercial units on the second floor (top floor) front portion of a building commonly known as 280-282 Somerset Street and to use and maintain said units as residential apartment, subject, however, to the following

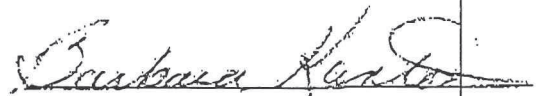
conditions:

1. That construction shall comply with the plot plan and plans submitted, subject to the approval of the Division of Inspections of the Borough of North Plainfield and all other appropriate Governmental Agencies.

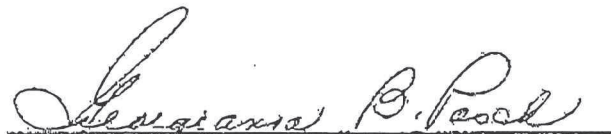
2. That the applicant need not comply with the fence requirement shown on the site plan dated sometime in 1964.

3. No Certificate of Occupancy shall be granted until all conditions of this Resolution and other Borough requirements have been fully met and approved.

APPROVED:


Chairman

ATTEST:


Secretary