

**Joint Land Use Board**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Minutes**  
**October 12,2022**

**1. Call to Order**

Chairperson Sherr called the meeting to order at 7:01pm.

**2. Open Public Meeting Act Statement**

Chairperson Sherr read the Open Public Meeting Act Statement.

**3. Roll Call**

The following members were present:

*CLASS IV MEMBERS:*

FRANK RYAN DEC/2024 [PRESENT]	MARK KRANZ DEC/2023 [PRESENT]
JOSEPH DESCENZA DEC/2024 [PRESENT]	JOE CARUSO DEC/2022 [ABSENT]
ROBERT SHERR DEC/2022 [PRESENT]	PAUL WOSKA DEC/2023 [PRESENT]
TODD NICOLAY DEC/2023 [PRESENT] ALTERNATE 1	
SPENCER DURKIN DEC/2022 [PRESENT] ALTERNATE 2	

ROBERT DESSINO DEC/2023 [PRESENT] CLASS I MEMBER  
STEPHEN GRECO DEC/2022 [ABSENT] CLASS II MEMBER  
JEREMIAH CARNES DEC/2022 [PRESENT] CLASS III MEMBER

ALSO PRESENT: BOARD ATTORNEY-MR. BILL ROBERTSON  
BOARD ENGINEER-MR. JOSEPH VENEZIA, COLLIERS ENGINEERING  
BOARD PLANNER-MR. PAUL RICCI  
ZONING OFFICER-MR. JOE COSTA

**4. Approval of minutes**

Member Descenza made a motion to approve the Sept 28, 2022 meeting minutes, seconded by Member Kranz. Vote: All in favor. Motion passed.

**5. Old Business**

JLUB 2020-008  
Veolia Technical Solutions  
172 Baekeland Ave  
Block 341 Lot 1

Memorialize Resolution

This item was carried to the next meeting date.

**6. New Business**

JLUB 2022-006  
403 E St LLC

**Major Preliminary and Final Site with variances**

**403 E St.  
Block 141 Lot 11**

Mr. Sullivan stated he is representing the applicant who is the contract purchaser for the property.

Mr. Sullivan stated that the site is vacant 10,125 sq. ft. and Mario Landscaping LLC would be the occupant.

He stated the building on the site would have a landscaper's office and there would be no outdoor storage.

Mr. Sullivan stated that the site is in the CLW zone, it is a permitted use, the applicant is seeking preliminary and final site plans with bulk variance for lot area and lot width, and variance for the buffer.

Mr. Robertson duly swore in Mr. Lee Armenti, Principle of Mario Landscaping.

Mr. Armenti stated he is the manager, and his dad is the owner, the site would be used for Mario Landscaping LLC.

He stated that Mario Landscaping has been in business since 1975, and maintain private residences by mowing, planting, etc.

He stated that there would be 8 employees that use the site including himself.

Mr. Armenti stated the hours of operation are 7:30 am to 6pm, they are a seasonal operation; business hours are reduced from mid-December to mid-February.

Mr. Armenti stated that there are 5 vehicles: 2 pickup trucks and 3 dump trucks, lawnmowers, and small equipment.

Mr. Armenti stated that all storage of vehicle and equipment would be inside building.

He stated that there would be no fabrication at the site, all work done on the job sites, no signage is proposed.

Mr. Sullivan asked if there would be any deliveries to the site.

Mr. Armenti stated that there would be no landscaping supplies delivered, they bring mulch, etc directly to site, the only deliveries would be for office supplies.

Mr. Armenti stated that he would be in the office and also a part-time bookkeeper all the other employees would be at job sites.

Mr. Armenti stated in the winter season that pickup trucks would be used for residential snow removal.

Mr. Armenti stated that there is no dumpster proposed any vegetative waste is dropped at a licensed facility.

Mr. Armenti stated that a private garbage hauler would be scheduled to pick up the office garbage.

Mr. Armenti stated that there would be no repairs of vehicles at the site.

He stated a Phase I environmental assessment was performed and showed no environmental issues.

Mr. Sullivan asked a question regarding the fence that was referenced in Mr. Ricci report.

Mr. Armenti is proposing a new fence to be installed.

Member Descenza asked about lawn mower blades to be sharpened, stating his concerns with noise.

Mr. Armenti stated that every few weeks the blades would be sharpened.

Member Woska asked if Mr. Armenti plows snow and if would need to get vehicles at night.

Mr. Armenti stated that they do snow plowing and it would depend on snowfall, they would try to prep vehicle a few days before snow comes.

Mr. Armenti was asked if there would be fertilizer stored at the site.

Mr. Armenti stated that there would be no fertilizer at the site.

Chairperson Sherr asked if there would be pesticides stored at the site.

Mr. Armenti stated that pesticides would not be stored at the site.

Member Dessino clarified where the fencing would be replaced and stated that the Borough will not pick up garbage from a business.

Member Durkin asked where the office is currently located.

Mr. Armenti stated that the office is in Warren.

Chairperson Sherr asked if the applicant is keeping the Warren office.

Mr. Armenti stated that they would be closing Warren site to come to Middlesex.

Mr. Costa asked if the two pickup trucks are part of the five vehicles.

Mr. Armenti stated that they are part of the five vehicles.

Mr. Costa asked if where the vehicles would be fueled.

Mr. Armenti stated that the vehicles would be fueled at a gas station.

Mr. Armenti stated that there will be can for fuel on the trailers, the cans will be filled at the gas station.

Mr. Costa asked how much fuel would be on site.

Mr. Armenti stated no more that eight to ten cans so 50 Gallon in total.

Mr. Ricci asked if mulch would be stored at the site.

Mr. Armenti stated that mulch would not be stored at the site, they utilize it at the job site.

Member Woska asked where the other drivers will park.

Mr. Armenti stated that they will pull into the garage bay.

Chairperson Sherr opened the meeting to the public for questions about Mr. Armenti's testimony.

Mayor Madden, 39 Ramsey Rd. asked if the small shed will remain on the property.

Mr. Armenti stated the shed will be removed.

Mr. Troise, 414 D St. asked a question regarding gas and vehicles returning at night.

Mr. Armenti stated that the vehicles will get returned to garage at end of day.

Mr. Chritis, 524 Chestnut St asked about salt storage and parking in street.

Mr. Armenti stated that he will not be storing salt on site and will not be parking in the street.

Ms. Imbriaco, 419 D St asked a question regarding mulch storage.

Mr. Armenti will not be storing mulch on the property.

Mr. Armenti will not be storing bulk materials on the property.

Mr. Sullivan stated that the applicant will not have outdoor storage at the site, no bulk storage on the property. He stated that the use of the landscaping office and garage is one of the least intensive uses for the site.

Member Dessino asked about the weight of the trucks as the E St is a light traffic street.

Mr. Armenti answered the question the trucks will meet the weight requirement.

Mr. Robertson duly swore in the Applicant's Architect, Brian Taylor, 95 Watchung Ave., North Plainfield, NJ.

Mr. Taylor stated his education and credentials, the Board accepted as a expert witness.

Mr. Taylor described the floor plan of the one story building, there will be a storage area and to the right hand side there will be an office with bathrooms.

The building will have a gable metal roof, 12x 14 canopy and stone veneer.

Mr. Taylor stated that the height of the building is 23ft. 9 inches, the peak of the roof is 29ft 1 inches and the maximum height allowed for the zone is 35ft.

Mr. Taylor stated that he reviewed the Fire Marshal Letter and a sprinkler system is not required by code.

Mr. Taylor explained that the building would be classified as an S-1 use for building code, if there would be over 120 gallons of fuel to be stored then the building would be an H use. He stated S-1 would not require a sprinkler system, an H use would require a sprinkler system.

Mr. Sullivan asked Mr. Taylor if he knew where the nearest fire hydrant is located.

Mr. Taylor stated he would refer this question to the Civil Engineer to answer.

The Board reviewed the Ricci Planning letter dated August 23, 2022.

Mr. Taylor testified to the building height, the floor area and gross area, and there is adequate space for up to five vehicles to park on site.

Member Descenza asked if fire alarms could be installed.

Mr. Taylor stated that they are not required by code, the applicant will have carbon monoxide and smoke alarms, but they might be able to install sprinkler system in the office area.

Mr. Costa asked if there was any fireproof storage cabinetry that the gas can could be stored in.

Mr. Taylor suggested a closet with a fire rating, and stated that the building will be built to the codes for life safety.

Mr. Ricci asked if the gas cans would be stored on the trailers.

Mr. Armenti stated that the gas cans would be stored on the trailers, and they would go to fill up the cans in the morning, there would be between eight to ten cans.

The Board asked the applicant where trailers would be parked.

Mr. Armenti stated that the trailers would be parked in the building.

The Board asked that the applicant makes sure that they make a right turn onto Lincoln Blvd. when leaving the site.

Chairperson Sherr opened the meeting to the public for questions on Mr. Taylor's testimony.

Mayor Madden, 39 Ramsey Rd asked if the applicant will be following the NFPA codes and asked how many employees will be at the site.

Mr. Taylor stated that the applicant will be following the UCC codes and will comply with all building standards and there will be eight employees at the site.

Mr. Chritis, 524 Chestnut St. asked if the fuel in the trucks counts toward storage code.

Mr. Taylor stated that fuel in a vehicle does not count toward the code.

Member Descenza asked if the base of the building will be concrete.

Mr. Taylor stated that the foundation of the building will be a concrete slab.

Ms. Antanina Imbriaco, 419 D St, stated her concerns about the fuel storage, the buffer would only be 10ft and stated her concerns with the building being so close to the home next door. She stated that the lot should be 20,000 sq. ft.

There being no further questions the Board continued with the application.

Mr. Robertson duly swore in Mr. Steve Parker of Parker Engineering, Somerville, NJ.

Mr. Parker stated his education and credentials.

The Board accepted Mr. Parker as an expert witness.

Mr. Parker stated that the gravel driveway and shed located at the site will be removed and referred to sheet 2 of the site plans.

Mr. Parker stated the lot dimensions of 75ft x 135ft., the setbacks comply, lot coverage complies the buffers zone is 9 ½ ft, the buffer is 15 1/2ft. from property line to building, there is buffer screening with landscaping. The landscaping will be evergreen trees, shrubs and additional plantings, a new fence will be installed, and 2 outside parking spaces and a handicapped parking space.

The lighting will be on the front of the building near garage bay doors, there will be a light by the office door, the flood lights will be shielded from the neighbors.

The Board continued with the Ricci Planning letter dated August 23, 2022.

Mr. Parker testified about the lighting, a note to the plans will be added that there will be no outdoor storage, a note to the plans will be added that there will be no engine or bodywork to be performed, and the applicant will comply with the planting request.

The applicant is not proposing any concrete curbing at the site, the applicant is requesting a waiver for sidewalks.

The applicant will comply with the plan revisions comments of clarifying the zoning boundary and the floor plan.

The Board started to review the Colliers Engineering letter.

Mr. Venezia requested a drywell since there will be an increase in runoff.

The Board requested that the applicant install a drywell.

The applicant is asking for a waiver for a turning radius plan, flood hazard boundaries, wetland boundaries.

Mr. Venezia had no objections to the Board granting the waivers requested by the applicant.

The Applicant will apply to Freehold Soil Conservation for a permit, will comply with Shade Tree comments and does not have to apply to NJDEP as they property is not in a flood zone.

Mr. Costa requested that they add to the Resolution as a condition of approval that there be no maintenance or tire changes at the site.

Member Carnes asked a question regarding the buffer zone.

The Board discussed that the requirement in the CLW zone is a 30ft buffer to residential property. The applicant is proposing two alternating row of trees, low intensity use, everything would be inside the building.

The Board discussed having the site with a large building with inside storage or smaller building with outside storage.

Chairperson Sherr opened the meeting to the public for questions.

Mr. Chritis, 524 Chestnut St, asked a question about maintenance and stated his noise concerns.

Mr. Armenti stated that they would only be sharpening lawnmower blades and vehicles would be repaired off site.

Mr. Troise wanted to confirm no outside storage and what should he do with noise complaints due to snow plows at night.

Mr. Troise was advised to call the Zoning Officer to complain.

Member Dessino asked if Mr. Armenti would be backing into the site.

Mr. Armenti stated that the vehicles would be backed into the driveway and into building.

Chairperson Sherr asked if the Board Members had any other questions, there being none he opened the meeting to the public for questions and comments.

Mr. Chritis, 524 Chesnut St. asked if the vehicles would be sticking out and backing up traffic.

Mr. Armenti stated that the driveway is 45ft long and they would back in the vehicles.

Ms. Antania Imbriaco, 419 D St. asked a question about the buffer reduction was 50% reduction and stated that was a big difference in buffering.

Mr. Emil Vogt, 37 Davis Ave. Piscataway, stated that Mr. Armenti has pickup trucks that would be no different from parking your own truck in your garage with power tools.

Chairperson Sherr asked Mr. Sullivan to explain what can be put on the property since the property is in the CLW zone.

Mr. Sullivan stated that the CLW zone is the commercial light warehouse zone, that outdoor storage is permitted only screening and buffering is too be approved by the



Board. He stated that this use is a transitional type use. He stated that any uses permitted in the general business zone are permitted such as retail, bank, restaurant, and recreational facilities. He stated these would have longer hours and more traffic associated with these uses.

He stated the in the CLW zone uses such wholesale business, machine shops, metal working, welding, and printing are allowed. He stated those are more intense uses.

Mr. Sullivan stated that all storage would be indoors, the application complies with lot coverage complies with requirements except buffering. He stated that the application benefits outweigh the detriments; vacant lot gets a building, aesthetics, landscaping and minimal intensity of site and asking for the Board to approve application.

Member Dessino stated the building looks nice and if denied and came back with a smaller building then there would be outdoor storage.

Member Desenza stated that he would like to see a monitored fire control system in building.

The applicant will comply with the request of fire control system in the office area.

Member Ryan stated the building should be smaller and there should be a bigger buffer.

Member Kranz stated that Mr. Sullivan stated the uses that could be at the site and they are more intensive uses., he stated everything would be stored inside and not a lot of people going to the site, there would be typical snow plow noise in winter.

Member Carnes thanked the residents for being involved and acknowledged they have to take residents' concerns into consideration when making a decision, but they also have to follow the zoning regulations and have a balance between the two.

Member Descenza made a motion to approve the preliminary and final site plan with variance for existing lot size and width with conditions: no outdoor storage, no bulk storage of materials, no vehicle storage, the trucks and trailers to be kept inside the building, no vehicle maintenance at site, no pesticides at site, keep gas below the threshold, fire control system to be installed in office area, no street parking, hours of operation 7:30am to 6:30pm, install drywell, new fencing to be installed, additional landscaping, compliance with professional memos, compliance with outside agencies, only exit to Lincoln Blvd, no tire storage at site, seconded by Member Kranz: Vote: Member Descenza-yes, Member Woska-yes, Member Ryan-no, Chairperson Sherr-yes, Member Kranz-yes, Member Carnes-no, Member Dessino-yes, Member Nicolay-yes, Member Durkin-no. Motion passed.

At 8:53 Member Sherr made a motion to take a five-minute recess, seconded by Member Woska. Vote: All in favor.

Upon returning from recess roll call was taken with Members Descenza, Woska, Ryan, Sherr, Kranz, Carnes, Dessino, Nicolay, Durkin present.

## 7. Correspondence

None.

## 8. Board Comments

Mr. Costa stated at the next meeting the Board would have the zoning ordinance review for changes to Zoning Chapter 420- RT zone. The other changes would be to change the Lincoln Park to Municipal.

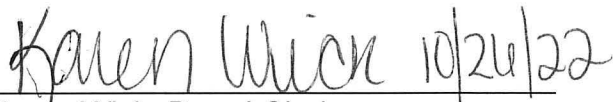
Mr. Ricci will send a consistency review memo regarding the ordinance change.

The next meeting will be Wednesday October 26, 2022.

Chairperson Sherr opened the meeting to the public, there being no public comments he closed the public portion of the meeting.

There being no further business Member Descenza made a motion to adjourn the meeting at 9:08pm, seconded by Member Kranz: Vote: All in favor. Meeting adjourned.

Respectfully submitted,

  
Karen Wick, Board Clerk