

Joint Land Use Board
1200 Mountain Ave., Middlesex, NJ 08846
Minutes
February 22,2023

1. Call to Order

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

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/2026 [PRESENT]
ROBERT SHERR DEC/2026 [PRESENT]	PAUL WOSKA DEC/2023[PRESENT]
TODD NICOLAY DEC/2023 [PRESENT] ALTERNATE 1	
SPENCER DURKIN DEC/2024 [PRESENT] ALTERNATE 2	

MAYOR JOHN MADDEN DEC/2023 [PRESENT] CLASS I MEMBER
STEPHEN GRECO DEC/2023 [PRESENT] CLASS II MEMBER
MICHAEL CONAHAN DEC/2023 [PRESENT] CLASS III MEMBER

4. Minutes

Member Descenza made a motion to approve the February 8,2023 minutes, seconded by Member Greco. Vote: Member Descenza- yes, Member Woska-yes, Member Ryan-yes, Chairperson Sherr-yes, Member Kranz-yes, Member Caruso-yes, Member Conahan-yes, Member Mayor Madden-yes, Member Greco-yes, Member Nicolay-yes, Member Durkin-abstain. Motion passed.

5.New Business

JLUB 2022-011
Jeffrey Buccellato
534 Drake Ave.
Block 310 Lot 50

Minor subdivision with variance lot width

Mr. Sullivan stated that he is representing the applicant for the minor subdivision with variance for lot width.

Mr. Sullivan stated that the subject property is Block 310 Lot 50, which is an oversized lot of 12,500 sq ft. The lot size is 100 x 125 ft.

Mr. Sullivan stated that there was a previous single-family house on the lot.

The property is located in the R60A zone.

Mr. Sullivan stated that the applicant would like to subdivide the lots into 6,250 lot size and width of each lot would be 50ft (variance being required as the lot width is 60ft)

Mr. Sullivan stated that the houses would be single family house previous application was 41 ft and now proposing 39ft, the width of the house is now 33ft was previously 35ft.

Mr. Sullivan stated there would a decrease in building coverage and increase the side yard coverage.

Mr. Sullivan stated the applicant would install board on board fence in the rear of the property.

Mr. Sullivan state the applicant would plant 7 trees on the two lots and also have foundation plantings.

Mr. Sullivan stated that there are two sets of architectural plans submitted marked "A" and "B" prepared by Steve Druga March 26,2012 and revised for the applicant Feb 5, 2023

Exhibit A1 2/22/2023 was entered as letter from applicant to OLMV asking to purchase property dated January 4,2023.

Exhibit A2 2/22/2023 was entered as letter from applicant to Diocese of Metuchen asking to purchase property dated January 24,2023.

Exhibit A3 2/22/2023 was entered as letter from applicant to Kanchan Realty asking to purchase property dated January 4,2023.

Mr. Robertson informed the Board about the prior application and the concern about res judicata.

Mr. Robertson stated that JLUB denied the applicant in 2022 for a two-lot subdivision on this property, the Resolution was adopted March 2022.

The Board needs to decide first if the application is substantially similar to the first application or if this application is substantially changed; the Board has heard the open comments from Mr. Sullivan on the application changes.

Mr. Sullivan stated the changes are the reduction in the size of the house, decrease in building coverage, there will be additional screening with fencing and plantings and additional parking.

Mr. Robertson stated that the Board has to consider if the changes are substantial; new application you would need to hear testimony/argument and procedurally move forward hearing testimony.

Mr. Robertson stated the Board has to make determination that this application differs sufficiently from the first application before deciding on the application.

The Board continued with the application.

Mr. Robertson duly swore in Mr. Daniel Parker, Land Surveyor. He stated his education and credentials.

The Board accepted Mr. Parker as an expert witness.

Mr. Parker stated he prepared the variance map, the dimensions of the lot are 100 x 125, the lot is flat, there had been a previous home and garage that have been removed since they were in disrepair.

Mr. Parker stated that the difference on the architectural plans from the first application to the current application are that the width of the house has been shortened. The first house was originally proposed at 35ft and now is proposed to be 33ft. The second house was originally proposed at 45ft and now is proposed to be 42ft in width.

Mr. Parker explained since the width of the houses are now less than what was originally proposed it decreases the rear and side setbacks. He stated that overall, there is 400 sq ft. less of house.

Mr. Parker explained that the applicant has now centered the homes on the lots giving a wider dimension between the two homes.

Mr. Parker used the site plans to show the building envelope and what is proposed.

Mr. Sullivan stated the applicant is proposing:

- two single family dwellings each with a single garage with a two-car driveway.
- shade trees will be planted in the front and rear yards.
- there will be foundation plantings.
- the left side will have and arborvitae screening to shield the fence.
- there will be two trees in the back of each lot.
- the left lot will have a shade tree.
- the northwest tree will be preserved.
- driveway and utilities will be away from the preserved tree.
- wood fence along rear of both properties to be installed.
- a fence to be installed on the property line in the middle to delineate the property line (not on the first application).

- driveway and utilities moved to protect the 30inch Pin Oak Tree.

Mr. Sullivan stated the only variance is for lot width.

The Board started to review the Colliers Engineering Report dated February 15, 2023

The Board reviewed the waiver for off-street parking; this waiver was no longer needed as the applicant is providing a garage and two vehicle driveway.

The Board reviewed the waiver for sidewalks; the applicant is seeking a waiver as no sidewalks are proposed and there are none in the neighborhood.

The Board review the stormwater waiver; after discussion the pvc pipe will connect to the storm drain.

The applicant will have to submit a grading plan.

The Board continued with the waiver requests and agreed to the waivers.

The Board discussed storm drains into the inlet; an easement may be required and will be provided if necessary.

The applicant will move utilities, piping to protect the Pin Oak Tree to have a normal connection.

The applicant will provide the pipe matter, size and flow direction for storm drain inlet.

The applicant will provide the pavement repair detail.

The Board reviewed the landscaping detail on sheet 3 of site plans; the Board confirmed that the applicant will plant two trees in the rear on each lot and one new tree in the front yard of the left lot.

The applicant will comply with root collar protection.

The Board confirmed that the subdivision will be filed by deed.

There were no comments from the Fire Department or Police Department.

Chairperson Sherr opened the meeting for questions.

Member Ryan asked about the applicant hiring an arborist and referred to the audience.

The Chairman of the Shade Tree Commission was in audience and had reviewed the plans.

Mr. Robertson duly swore in Mr. Jason Bond, Master Arborist. Mr. Bond stated his credentials and the Board accepted as an expert witness.

Mr. Bond explained that he had reviewed the previous application and this application.

Mr. Bond stated that the applicant is in violation of two of the Shade Tree Ordinances 395-4 (B) and 395-4 (G); each violation is \$500.

Mr. Bond stated that the care which the tree roots will need.

Mr. Bond informed the Board the fence around the tree needs to be maintained and clearly delineated so no construction vehicles will impact the tree.

Mr. Bond stated he will oversee this project so the Pin Oak Tree is protected.

Mr. Bond gave a list of Arborists to the Board Clerk.

Chairperson Sherr confirmed that the Shade Tree would take on the responsibility instead of the applicant hiring another Arborist and the applicant would need to address the Shade Tree violations.

The applicant agreed to pay the Shade Tree Commission \$1,000.00 and agreed to have the Shade Tree Commission oversee the project.

Mayor Madden asked a question about the survey.

Mr. Parker explained the procedures and where boundary markers are.

The Board confirmed that the applicant will obtain approvals from Freehold Soil Conservation District.

Mr. Ricci asked what type of fence to be installed.

The applicant will add a fence detail to the plan.

Member Descenza calculated that the new application was 7% less building coverage and asked is that a sufficient change. He confirmed that the number of bedrooms for each house is three bedrooms.

Member Kranz commented that on the previous application site work was done before approvals and the lot was stripped but he still had voted yes.

Chairperson Sherr commented that Freehold Soil would have to do inspections before work starts and put any requirements that are needed to be done on the applicant.

Member Woska commented that the area near this site floods; he recommended each lot have a dry well.

The applicant agreed to install a drywell on each lot eliminating the need for any easements.

Mr. Bucco asked a question regarding the type of fence to be installed.

The Board was informed that the fence would be board on board and a detail is to be provided on the site plan.

Chairperson Sherr stated that the Board needed to decide if the changes presented are enough of a change.

Mr. Sullivan reviewed the changes:

- The first house was originally 41 1/2 ft and now is 39ft in width.
- The second house was originally 35 ft and now is 33ft. in width.
- There is 366 sq ft less of building.
- There is a decrease in building coverage.
- Increase in side-yard setback.
- The applicant is planting arborvitae.
- The applicant is planting an additional tree.
- The applicant is eliminating the parking waiver.
- The applicant is installing board on board fencing.
- The applicant is relocating the utilities and driveway

Mr. Sullivan stated that the application should be different sufficiently; there is no automatic bar you have to use your judgement.

Mr. Sullivan supported the application with previous case law citing two different cases.

Mr. Sullivan stated that in one case the front yard setback decreased from 30ft. to 25ft, and the building coverage decreased from 18 % to 12% and the court upheld that it was a sufficient change.

Member Descenza made a motion that there was a sufficient difference from the previous application, seconded by Mayor Madden. Vote: Member Descenza-yes, Member Woska-yes, Member Ryan-yes, Chairperson Sherr-yes, Member Kranz-yes, Member Caruso-yes, Member Conahan-yes, Member Mayor Madden-yes, Member Greco-yes, Member Nicolay-yes, Member Durkin-yes.

Chairperson Sherr opened the meeting to the public for questions or comments; there being none the Board continued with the application.

Member Mayor Madden made a motion to approve the minor subdivision with conditions that the applicant pay the Shade Tree Commission \$1,000 for the violation and allow the Shade Tree Commission the responsibility to protect the Pin Oak Tree, drywell to be added to each lot, wood board on board fence detail to be added, seconded by Member Conahan.

Before the vote Mr. Ricci gave planning testimony that the lot is oversized for the district and despite the lots being undersized in width the lots meet all other requirements for the zone.

Vote: Member Descenza-yes, Member Woska-yes, Member Ryan-yes, Chairperson Sherr-yes, Member Kranz-yes, Member Caruso-yes, Member Conahan-yes, Member Mayor Madden-yes, Member Greco-yes, Member Nicolay-yes, Member Durkin-yes. Motion passed.

JLUB 2022-012
New Hope Family Enterprises LLC
Lincoln Blvd.
Block 314 Lot 11

Major Preliminary and Final Site Plan

Mr. Sullivan stated he is representing the applicant New Hope Family Enterprises.

Mr. Sullivan stated that the subject property is located across from Cahoots on Lincoln Blvd and was used as the parking lot.

The property is located in the Redevelopment Town Center. The applicant is seeking to build a three story mixed used building which is permitted in the Redevelopment Plan.

Mr. Robertson duly swore in Mr. Giovanni Manilio, the Applicant's Engineer. He stated his education and credentials.

The Board accepted Mr. Manilio as an expert witness.

Exhibit A1 2/22/2023 was entered as an aerial view with the property highlighted in yellow.

Mr. Manilio stated that the property is in the General Business Zone and the purple indicated the Redevelopment Zone.

Mr. Manilio state that the property is 90ft. x 120 ft., there is residential properties located to the north and the west of the property, there are commercial properties located to the east and the south.

Exhibit A2 2/22/2023 was entered as colorized site rendering.

Mr. Manilio reviewed the Town Center Criteria in the Redevelopment Plan.

The Plan allows for different types of buildings; the building being proposed is a type 6 in the plan(allowing up to three stories)

Mr. Manilio gave an overview of the project:

- that the building would be mixed use; retail on the first floor and floors 2 & 3 would be residential.
- the building setback/edge of the building is the property line or 4-8ft; the building will comply and with the overhang it will be on the property line.
- that depth of the building will be 45ft; the encroachment will not be past the property line.
- that parking will be in the rear of the building.
- the first floor is retail and the second and third floors will have apartments; there will be 4-one-bedroom apartments and 2-two bedroom apartments.
- a deviation from the Redevelopment Plan is needed only 66% are one-bedroom apartments, where the requirement is 70%
- the applicant will meet the street scaping requirements; there will be three street trees and two lights.
- the applicant will provide benches and trash receptacles.
- there will be a handicapped parking space and two electric vehicle stations that would count as two spaces each.
- 18 parking spaces are required, and the applicant is seeking a deviation as they are only providing 17 parking spaces.
- if they were using the Borough's parking requirements then they would only need 16 parking spaces not 18 parking spaces.
- there would be landscaping at the rear property with arborvitae and on the side of the property. The arborvitae would grow to approximately 30ft tall and would be 6ft tall when planted.
- that there would be a solid fence along the rear of the property; there would be a double buffer with the fence and the trees.
- that the lighting conforms and there will be no light spillage to the other properties.
- Streetscape lighting will be 14ft. tall
- There will be lights mounted on the building.
- Light will be mounted to face down there will be one light in the back mounted 10ft. high.
- There will be a refuse area in the rear.
- There will be a board-on-board fence.

Member Kranz asked about the storm drain in the parking space and questioned why it wasn't in the middle.

Mr. Manilio explained that the middle of the lot was too far to get in pitched properly.

Member Caruso questioned why the refuse area was in a parking space, how would the property management enforce having access.

Member Descenza questioned where the parking for retail stores would be; would there be spots for employees.

Mr. Manilio stated the retail spaces would have 550 sq. ft and the one-bedroom apartments would have 769 sq.t, the 2 bedroom apartments would have 1,039 sq.ft.

Board Members discussed that the application had been deemed complete before the ordinance change on increasing the square footage for apartments.

Board Members commented that the refuse area should be changed.

Member Conahan asked if the applicant had considered a two-story building instead of three-story building.

Mr. Costa asked what businesses would be going into units 1A and 1B for example if a restaurant where to go into the retail space, then parking would be a problem.

Mr. Sullivan stated that he would have to discuss a two-story building with his client.

Mr. Costa stated his concerns about parking.

Member Conahan stated there is never enough parking and he preferred a two-story building.

Mayor Madden asked about the site triangle.

The Board was informed that the county has given the applicant a conditional approval.

The Board reviewed the Colliers Engineering report dated January 6, 2023.

The Board asked about the stairwell on the west side that belongs to the other building but is on this property. The Board asked if the stairs are going to be removed or will there be an easement.

Member Greco asked a question regarding lighting at the site, would the outside lights be facing down.

Mr. Bucco stated that there are shields that can be installed so no light spills onto the neighbor's property.

Member Greco asked if there would be an elevator in the building or would the building be a walk up.

Member Ryan asked about stairwell on the neighbors to the left.

Mr. Sullivan stated that the stairs encroach this property and there would need to be an easement agreement.

The Board discussed the stairway encroaching on this property.

Member Mayor Madden asked a drainage question and asked which storm drain where the runoff would be sent to.

Mr. Bucco stated that the applicant is working on the drainage.

Board Members asked about fire trucks; the Board reviewed the Fire Department memo and it did not address circulation.

Exhibit A3 2/22/23 was entered as colorized visual architectural drawing showing the front façade of the building.

Mr. Manilio stated that the façade would be a manufactured stone and the second and third stories would be fiber cement siding.

Mr. Manilio used Exhibit A3 to show the air conditioning would be hidden by the parapets and address would be over the door, retail windows would be lit, glass windows would have glazing.

The Board reviewed the Colliers Engineering report dated February 20, 2023.

The applicant will need to obtain Freehold Soil permit.

The applicant has received a conditional approval from Middlesex County, there is no parking on Lincoln Blvd.

The applicant still has to work on the drainage.

The Board reviewed the Ricci Planning memo dated February 11, 2023.

Mr. Ricci stated that the one-bedroom requirement is just shy of the required 70%, the applicant is at 66.6%.

Mr. Ricci memo commented on parking, the windows, buffering and trash enclosure, the tree requirement of one tree per every four parking spaces.

Mr. Ricci was leery of the cantilever look and also recommended the trash be inside have a buffer area.

Member Woska asked if it was possible to the trash to be brought out to the trucks and wheeled to the curb.

The Board recommended that the applicant make a design change and have the trash be kept inside the building.

Member Ryan commented that he liked the cantilever look and also asked if there would be water retention basin.

The Board discussed drainage and Mr. Costa suggested a green roof.

Member Descenza stated that there was a parking problem, didn't see the parking working.

Member Caruso asked about the truck turning radius, what would be the largest truck to make deliveries which couldn't be answered since there is no specific commercial tenant.

Member Descenza stated that there isn't enough parking for the employees and tenants.

Chairperson Sherr was in favor of more parking and had concerns of what type of businesses would be in the commercial units.

Mr. Costa suggested that each tenant would have to go in front of the Board to be approved to evaluate the parking vs number of employees.

Mr. Sullivan stated that since there would be multiple tenants there would be different parking requirements vs residential.

Mr. Robertson stated his concerns about parking for example an office use would be one parking space per 330 ft, retail would be 1 parking space for 500 ft and for a restaurant 1 parking space is required for every three seats.

Mr. Robertson asked if the 12 residential spaces are dedicated or shared; there would only be three spaces left for the tenants.

Chairperson Sherr opened the meeting to the public for questions on the testimony.

Chris Burkhardt, 622 Voorhees Ave, informed the Board that on Aug 20, 2022 the site had 15 to 20 trees removed, she has seen eagles before at the site. She stated her concerns with parking with a three story building, stated her concerns about lighting, stated her concerns about dumpster smell and times that garbage trucks would be there to empty the dumpster.

Mr. Ricci commented that the tree removal could be violation.

Emil Vogt, stated his concern about parking and asked if the building would have a sprinkler system.

Mr. Sullivan stated the building will have a sprinkler system, have a Knox box and be compliant with the building code.

There being no more public questions Chairperson Sherr closed the public portion of the meeting.

Member Ryan asked if the applicant had thought about taking half the underneath for parking instead of all commercial tenant space.

Member Woska also like the idea of having parking underneath the building.

Member Ryan asked about dumpster pick up times

Member Descenza stated his concerns about the applicant being able to rent out the commercial spaces without enough parking.

The Board reviewed the areas of concern that the applicant will need to address spacing of street lights and trees, benches and trash receptacles, refuse, parking, lighting shields, neighbor stairwell encroaching on the property, fire truck circulation, buffering, glass, green roof.

The applicant will return on March 22, 2023 at 7pm and will not have to re-notice.

7. Correspondence

None.

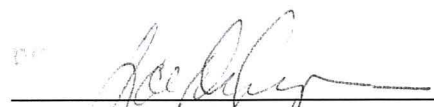
8. Board Comments

Mr. Costa informed the Board that he was trying to purchase an 85-inch screen in order to have for presentations at the meetings.

Member Ryan asked about 140 Union Ave gas station. Mr. Costa informed the Board about the clean-up at the site.

Chairperson Sherr opened the meeting to the public for comments, there being none he closed the public portion of the meeting.

There being no further business Member Descenza made a motion to adjourn the meeting at 10:00pm, seconded by Member Caruso. Vote: All in favor. Motion passed.



Joe Descenza, Secretary



Karen Wick, Board Clerk