

**Joint Land Use Board**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Minutes**  
**May 24, 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 [ABSENT] ALTERNATE 2	

MAYOR JOHN MADDEN DEC/2023 [PRESENT] CLASS I MEMBER  
STEPHEN GRECO DEC/2023 [PRESENT] CLASS II MEMBER  
MICHAEL CONAHAN DEC/2023 [PRESENT 7:17] CLASS III MEMBER

ALSO PRESENT: BOARD ATTORNEY-MR. BILL ROBERTSON  
BOARD PLANNER- MR. PAUL RICCI  
BOARD ENGINEER- MR. WILLIAM WHITE III  
ZONING OFFICIAL-MR. TYLER GRONAU  
BOROUGH ADMINISTRATOR- MR. MICHAEL LA PLACE

**4. Minutes**

Member Descenza made a motion to approve the May 10, 2023 meeting minutes, seconded by Member Mayor Madden. Vote: All in favor. Motion passed.

**5. New Business**

JLUB 2022-007 Major Preliminary and Final Site Plan  
Wemalaga Property Middlesex LLC  
Baekeland Ave  
Block 356 Lot 1

Mr. Sullivan stated he is representing the applicant who is also the owner of the property. He stated that currently there is no address yet as the property is vacant.

Mr. Sullivan stated that the site will have office spaces and warehouse storage, there will be 14 truck parking spaces. He stated that the applicant is seeking variance relief for having a fence within the site triangle, parking in the front yard, and for the width of the driveway as the applicant is seeking a 34.7ft driveway and the maximum allowed by ordinance is 24ft.

Mr. Robertson duly swore in Mr. Wellington Cavalcante, Owner of the property.

Mr. Cavalcante stated that the property was purchased two years ago and had debris and garbage. The property now has a fence and has been maintained.

Mr. Cavalcante stated that he is the principal of Wemalaga Truck Co. His company has a contract with Best Buy to accept rejected items, then return the items to Best Buy.

Mr. Cavalcante stated they will occupy the property and it will be private property. He stated that he has a site located at 35 Brunswick Ave., Edison NJ.

He stated that there will be 15 drivers and 5 full-time employees.

Mr. Cavalcante stated the hours of operation will be primarily 9am to 5pm; there will be some Saturdays during peak hours such as Christmas. There will be 24-hour access to the site due to some drivers have to drive a long distance such as Virginia and would arrive at the site anytime between 9pm and 5am.

Mr. Cavalcante stated there is no signage proposed; the site is not open to customers.

Mr. Cavalcante stated that the building will be used for office space and warehouse and storage.

Mr. Cavalcante stated the drivers pick up damaged goods such as tv's no hazardous materials. He stated there would be loading/unloading once or twice a week.

Mr. Cavalcante stated that there would be no bodywork or painting of vehicles and no engine repairs.

Mr. Cavalcante stated that a car wash company would come and wash the vehicles at the site.

(Michael Conahan arrived at 7:17)

Member Woska asked about oil changes at the site.

Mr. Cavalcante stated there would be a minimum amount of oil kept at the site, but no gas.

Member Greco confirmed the number of employees to be at the site was 25 including the maintenance employee.

Member Descenza asked if there would be batteries stored at the site.

Mr. Cavalcante stated that there wouldn't be battery storage at the site.

Chairperson Sherr asked about the route the trucks would take leaving the site.

Mr. Cavalcante explained that the routes the trucks would take leaving the site.

Member Caruso asked if he will be keeping the Edison site.

Mr. Cavalcante stated he will keep the site in Edison, it is used for certain items.

Member Ryan asked about the security lighting at the site.

Mr. Cavalcante stated that there would be security lighting, motion sensors.

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

Member Mayor Madden asked Mr. Cavalcante if the offices would be merged.

Mr. Cavalcante stated that the offices would not be merged.

Chairperson Sherr closed the public portion for questions and the Board continued with the application.

Mr. Robertson duly swore in Mr. Ryan McDermott, the Applicant's Engineer.

Mr. McDermott stated his education and credentials.

The Board accepted Mr. McDermott as an expert witness.

Mr. McDermott used Sheet A1 of the architectural plan to show the floor plan layout.

There will be two offices, two bathrooms and warehouse space.

Mr. McDermott stated that a fire sprinkler system is not required as the building is less than 5,000 square feet. He stated a fire alarm system is not required.

Mr. McDermott used a colorized rendering of sheet 4 of the site plans to explain how the site will operate.

Mr. McDermott stated that there is a full-movement driveway. The applicant is seeking a waiver as the Borough requires a 24ft driveway and the applicant's driveway is closer to 35ft. He explained that width is proposed as it will increase safety for the tractor trailers.

Mr. McDermott explained the parking on the site; there will be 14 oversized parking spaces (12x20) to the north for tractor trailers to be parked. There will be parking on the east side; the six parking spaces will be 10 x 19.

Mr. McDermott explained there is a cul-de-sac bulb for wide turning radius for trucks.

Member Mayor Madden asked about the distance from the cul-de-sac to Baekeland Ave.

Mr. McDermott explained that is about 15ft from Baekeland Ave. so a waiver would be required.

Mr. McDermott explained that the applicant is seeking a waiver from installing sidewalks, there will be a black metal decorative fence, and an electronic gate for employees and trucks.

Mr. McDermott explained that the applicant will need a variance from Ordinance 420-62H. No fence or wall over two feet in height shall be permitted on a corner lot within a designated sight triangle. No solid fence or wall shall be permitted within a designated sight triangle.

Mr. McDermott stated that the refuse area would have a 10 x10 fenced enclosure.

Mr. McDermott stated that the application conforms with the bulk requirements for the HI zone.

Mr. McDermott stated that the lighting conforms with the standards; there will be 8 light poles that will be 25ft and the building will have 2 wall packs (motion sensors).

Mr. McDermott explained that the applicant will need a variance for 420-60(f)(2)(p)- The maximum illumination at property lines shall be 0.1 footcandle at grade.

Mr. McDermott explained the landscaping would have 103 trees, 168 shrubs and 41 grass plantings.

Mr. McDermott stated that the applicant will comply with the Shade Tree Commission memo when it is issued.

Mr. McDermott stated that the applicant will comply with stormwater regulations, this is considered a major development.

Mr. McDermott stated that the applicant is not proposing to connect to the sewer system, the applicant is proposing to install a septic system.

Chairperson Sherr asked where the nearest sewer connection point was located.

Mr. McDermott stated that the nearest sewer is over 1,000 ft from the west side of the property.

Mr. McDermott explained that the road improvements on Baekeland Ave hindered the design of the project and that the applicant had to redesign the entire project because of the road improvements.

Mr. McDermott explained that the applicant will connect water, gas, and electric services.

Mr. McDermott explained that the applicant will need a variance from Ordinance 420-62(H) No fence or wall over two feet in height shall be permitted on a corner lot within a designated sight triangle. No solid fence or wall shall be permitted within a designated sight triangle.

Mr. McDermott informed the board that the fence will not be solid.

Mr. McDermott explained that the applicant will need a variance from Ordinance 420-60 (F)(2)(P) The maximum illumination at property lines shall be 0.1 footcandle at grade.

The Board reviewed Collier's Engineering report.

The applicant will comply with all the comments in Collier's Report.

The applicant addressed the Fire Marshal comments; a sprinkler system and alarm system are not required.

The Police and Fire Department had no comments.

Mr. Ricci summarized his review memo. The applicant addressed the use of the site through testimony and proposed a full mix of landscaping at the site.

Mr. McDermott explained the loading and the maneuvering of the site, there will be a depressed curb where the overhead door is. He explained where all the doors will be located.

Mr. McDermott stated that the applicant is not proposing any signage.

Member Mayor Madden asked a question about the septic system.

Mr. McDermott answered the question.

Mr. Sullivan stated that the applicant can address all comments from Engineering and revise plans, there will be no parking on Baekeland Ave.

Member Descenza complimented the applicant for taking good care of the property since the purchase.

Michael La Place asked for sidewalks since none are proposed and would like to see safer access to this site.

Mr. Sullivan commented that this is a private site, there is no retail and the access to this site is for vehicles.

The Board discussed and the board agreed to no sidewalk installation.

Chairperson Sherr opened the meeting to the public for questions for the Engineer.

Emil Vogt, Piscataway, commented that he likes the way the site looked and stated there should not be sidewalks since there are no other sidewalks on that side it would be a sidewalk to nowhere.

There being no further public questions, Chairperson Sherr closed the public portion for questions to the Engineer.

Mr. Robertson duly swore in Mr. Connor Hughes, Traffic Engineer Dynamic Engineering.

Mr. Hughes stated his education and credentials.

The Board accepted Mr. Hughes as an expert witness.

Mr. Hughes explained the three separate parking areas at the site, the turnaround space to avoid k turns and the full movement driveway to allow access to the site.

Mr. Hughes explained there would be 7 trips to the site at the am peak hours and 9 trips to the site at the pm peak hours.

Mr. Hughes explained that these numbers for the peak hours are considered minor, that 100 trips is the threshold, and the applicant is well below the threshold.

Mr. Hughes stated that there are 6 parking spaces for employees and 14 parking spaces for the tractor trailers. He stated that there is adequate parking on the site.

Mr. Ricci commented that it would be more efficient as they are currently taking a trip to Best Buy and must travel on Route 287 from Edison.

Member Descenza asked how long the applicant thought construction would take.

Mr. Calvalcante stated the building will be prefabricated, so about three months.

Chairperson Sherr opened the meeting to the public for questions/comments.

There being no questions/comments the Board continued with the application.

Mr. Sullivan summarized the application. He stated that the applicant has already given a major aesthetic upgrade by cleaning up the site, not an intense use for the site, permitted use, sufficient space, advances the purposes of planning, not an adverse impact and asked for approval from the Board.

Member Mayor Madden made a motion to approve the Preliminary and Final Site Plan with variances and conditions: approving variance for fence in site triangle, approval of waiver for lighting, waiver for width of driveway, approval of variance for off street parking in front yard, no sidewalks to be installed, conditions that the Planner, Engineering and Shade Tree Commission Reports be satisfied, obtain outside approvals, no bodywork to be done at the site, no engine work to be preformed at the site, no hazardous materials to be stored at the site.

Mr. Robertson informed the Board Members that Piscataway Township has sent a letter stating that the applicant will make a voluntary contribution for street improvements.

The Board continued with the conditions-stormwater maintenance manual to be filed by deed, no signage- would need to comply with Borough ordinance, seconded by Member Descenza. Vote: Member Descenza-yes, Member Woska-yes, Member Ryan-yes, Member Kranz-yes, Member Caruso-yes, Member Conahan-yes, Member Mayor Madden-yes, Member Greco-yes, Chairperson Sherr-yes, Member Nicolay-yes. Motion approved.

## **6. Correspondence**

- A. Lower Raritan- Middlesex County Water Resources Association 2023/204 Meeting Schedule.

No action required by the Board.

## **7. Board Comments**

- A. Discussion of property maintenance regulations for Commercial and Industrial Properties

The Board discussed Burger Tubing on Lincoln Blvd, former McDonald site, Sunoco site and Genesis Property and a possible church operating on Hazelwood Ave.

- B. Discussion of Resolution- JLUB 2022-012 New hope Family Enterprises LLC, Lincoln Blvd Block 314 Lot 11

The Board had previously discussed condition#13 dealing with assigned parking spaces. Mr. Robertson and Mr. Ricci agreed that not having assigned spaces for the residential units was the outcome. After Board discussion Member Greco made a motion to remove condition #13 from the Resolution, seconded by Member Mayor Madden. Vote: Member Descenza=yes, Member Woska=yes, Member Ryan=yes, Member Kranz=yes, Member Caruso=yes, Member Mayor Madden=yes, Member Greco=yes, Chairperson Sherr=yes, Member Nicolay=yes. Member Conahan did not vote as he voted no on the application.

### 8. Public Comments

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

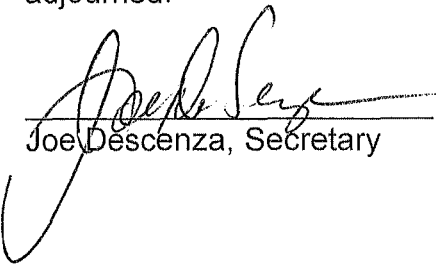
### 9.Executive Session

#### A. Potential Litigation

At 8:35pm, Member Descenza made a motion to go into Executive Session, seconded by Member Greco. Vote: All in favor. Motion passed.

At 8:49 the Board returned to Public Session- Members Descenza, Woska, Ryan, Kranz, Caruso, Conahan, Mayor Madden, Greco, Chairperson Sherr and Nicolay all present.

There being no further business, Member Descenza made a motion to adjourn the meeting at 8:51 pm, seconded by Member Woska. Vote: All in favor. Meeting adjourned.

  
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Joe Descenza, Secretary

  
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Karen Wick, Board Clerk