

Joint Land Use Board
1200 Mountain Ave., Middlesex, NJ 08846
Minutes
September 27, 2023

1. Call to Order

Chairperson Sherr called the meeting to order at 7:02 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 [ABSENT]
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

ALSO PRESENT: BOARD ATTORNEY-MR. BILL ROBERTSON
BOARD ENGINEER- MR. JOSEPH VENEZIA
BOARD PLANNER (SUBSTITUTE)- MR.MARTY TRUSCOTT
BOROUGH ADMINISTRATOR- MR. MICHAEL LA PLACE

4. Minutes

Member Descenza made a motion to approve the August 9,2023 meeting minutes, seconded by Member Mayor Madden. Vote: Member Descenza-yes, Member Woska-yes, Member Ryan-yes, Member Caruso-yes, Member Conahan-abstain, Member Mayor Madden- yes, Member Greco-yes, Chairperson Sherr-yes, Member Nicolay-yes, Member Durkin-yes. Motion passed.

5. New Business

JLUB 2023-005 Residential Variance for accessory structure
Wendy Medina Dubon
379 Union Ave.
Block 108 Lot 17

Mr. Sullivan stated he is representing Ms. Dubon, 379 Union Ave. Block 108 Lot 17.

He stated that the property is a corner lot, in the R75 zone, the property is triangular-odd shaped and has no rear yard which is required to install a pool. The ordinance requires pools to be in the rear yard.

Mr. Bill Robertson duly swore in Ms. Wendy Dubon, owner of the property 379 Union Ave.

Ms. Dubon stated that she has owned the property since March 2021 and lives there with her husband and two daughters.

Ms. Dubon stated where the driveway is located and where the proposed deck, walkway and pool will be located.

Ms. Dubon stated that the pool will be away from the neighbor's property and there is a 6ft solid vinyl fence around the property.

Member Mayor Madden stated he drove past the property and agreed with placement of the pool.

The applicant will make sure that the pool complies with Uniform Construction Code.

Chairperson Sherr opened the meeting to the public for questions on the application, there being none, he closed the public portion for this application.

Member Descenza made a motion to grant the variance, allowing the pool in the location requested, seconded by Member Mayor Madden. Vote: Member Descenza-yes, Member Woska-yes, Member Ryan-yes, Member Caruso-yes, Member Conahan-yes, Member Mayor Madden-yes, Member Greco-yes, Chairperson Sherr-yes, Member Nicolay-yes, Member Durkin-yes. Motion passed.

JLUB 2022-010
MB1 Industries LLC
262 Lackland Dr E
Block 293 Lot 8

Settlement Agreement and Public Hearing
regarding Preliminary and Final Site Plan

Mr. Bill Robertson explained that the applicant appeared before the Board seeking Preliminary and Final Site Plan approval for conditional use. The Board denied the application on March 8, 2023 due to odor mitigation, and mitigation system and regular maintenance.

The Applicant appealed the decision to Superior Court on May 31, 2023.

There have been settlement discussions to discuss odor mitigation.

The applicant proposed to eliminate overhead garage door and have the entrance be through the front vestibule and deliveries will be made to the front door.

The applicant stated that the back door will be an emergency door.

The applicant proposed a back up generator to operate odor mitigation system.

The applicant proposed air filtration system to operate 24 hours 7 days a week, carbon filtration system scheduled to be changed every six months and the maintenance records will be available to the Zoning Officer.

The applicant will have a qualified Air Quality Specialist to oversee air certification and conduct a baseline air certification test.

In the case of odor complaints, the applicant will have a second air quality test performed by the qualified Air Quality Specialist. If the air quality exceeds the baseline air certification, then the applicant will have thirty days to remediate. If the applicant fails to return the levels to the baseline by thirty days, they will be in violation of the Resolution and subject to enforcement by the Governing Body.

Stephen Boraske, the Applicant's Attorney stated that Catherine Mueller, the applicant's Engineer will testify to the changes to the plans, explained the procedure, and stated that the prior testimony is still part of the record.

Ms. Mueller (still under oath) started to summarize the changes.

Ms. Mueller stated that originally there were two tenants at the site, there will be six employees in Unit 262, parking will be compliant, there are 21 physical spaces and 1 EV space for total of 22 spaces. The parking lot cracks will be sealed.

Ms. Mueller stated a generator will be installed and all access will be from the front door.

Member Descenza asked about the capacity of the generator.

Member Mayor Madden asked a question about the 24/7 air filtration system.

Member Ryan asked if pesticides and fungicides are used, what happens to the water that runs off the plants, does the water run into storm drain or into a filter system.

Mr. Boraske stated that the operation will be in accordance with State and local ordinances.

Chairperson Sherr stated that the licenses issued by the State are not easy to obtain and renewed on an annual basis.

Chairperson Sherr opened the meeting to the public for questions.

Steve Wildek, 202 Wilton Ave. stated that he deals with odor from Straight Edge Striping and he was skeptical that odor complaints will be addressed.

Chairperson Sherr stated that the applicant has agreed to odor mitigation plan and baseline, if there are odor complaints then the County Board of Health can be contacted for odor complaints. He stated that there will be internal monitoring. The applicant has addressed odor concerns.

Member Mayor Madden stated that the applicant has addressed odor with extra odor mitigation steps and residential complaints about odor if there are any are to be directed to the police and the County Board of Health.

Mike Valente, 201 Sherman Ave asked a question regarding the generator.

Chairperson Sherr stated that the Turpin odors associated with cultivation require the filtration system to always be in operation. The amount of mechanical and charcoal scrub cannisters should be able to handle the number of plants.

Member Descenza stated that the generator will ensure the filters are working 24/7.

Clare Levourne, 809 Grandview St, asked if the baseline will be checked every three months, will there be checks on the maintenance of the filtration system and stated there are no 100% guarantees when it comes to odor mitigation.

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

Mr. Robertson stated that procedurally there would be a motion to approve settlement terms and conditions that were proposed then approve the Resolution.

Member Greco made a motion to approve the settlement terms and conditions as discussed, seconded by Member Descenza. Vote: Member Descenza-yes, Member Woska-yes, Member Ryan-yes, Member Caruso-yes, Member Conahan-no, Member Mayor Madden-yes, Member Greco-yes, Chairperson Sherr-yes, Member Nicolay-yes, Member Durkin-no. Motion passed.

Member Descenza made a motion to approve the Resolution granting preliminary and final major site plan approval with variances and in settlement of the matter entitled MB1 Industries LLC v Middlesex Borough Joint Land Use Board as amended, seconded by Member Mayor Madden. Vote: Member Descenza-yes, Member Woska-yes, Member Ryan-yes, Member Caruso-yes, Member Conahan-no, Member Mayor Madden-yes, Member Greco-yes, Chairperson Sherr-yes, Member Nicolay-yes, Member Durkin-no. Motion approved.

6. Board Discussion

A. Escrow Ordinance

The Board discussed increasing escrows as the Board professionals have outstanding bills that have not been paid. The Board requested that the Board Clerk print out ordinances from other towns for comparison. The Board will continue the discussion once the other ordinances have been pulled.

7. Correspondence

A. Jacobs- Application for Freshwater Wetlands General Permits Block 344 Lot 1.01

No Action Required by the Board.

B. Redcom- Flood Hazard Are Individual Permit- Block 267 Lots 4,5,6

No Action Required by the Board.

8. Public Comments

Clare Levourne, 809 Grandview St., asked question regarding the Middlesex Landfill and solar project.

Board Members stated that the LSRP stated that no footings are allowed at the site but other Borough sites are being considered for solar such as the Library and Police roofs, and High School parking lot.

Board Members discussed the Lincoln statue. The Borough has a clear title for 150 x 100 lot. The Borough will be proceeding with placing the area on historical and national registry.

The Board discussed the entrance to Victor Crowel Park (aka Duck Pond). The garage was purchased to enhance the park and the Parks committee would have to determine the long-term goals and how to enhance the Park.

Chairperson Sherr closed the public portion of the meeting.

The Board thank Mr. Bill Robertson and the professionals for working with MB1 Industries.

Mr. Michael LaPlace stated that there will be review of zoning ordinances and also that he would like to have facilities work shops to discuss Borough properties and improvements.

There being no further business Member Descenza made a motion to adjourn the meeting at 8:32pm, seconded by Member Greco. Vote: All in favor. Meeting adjourned.


Joe Descenza, Secretary


Karen Wick, Board Clerk