

Joint Land Use Board
1200 Mountain Ave., Middlesex, NJ 08846
Minutes
January 24,2024

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 7:05] MARK KRANZ DEC/2027 [PRESENT]
JOSEPH DESCENZA DEC/2024[PRESENT] JOE CARUSO DEC/2026 [PRESENT]
ROBERT SHERR DEC/2026 [PRESENT] PAUL WOSKA DEC/2027[PRESENT]
TODD NICOLAY DEC/2025 [PRESENT] ALTERNATE 1
SPENCER DURKIN DEC/2024 [ABSENT] ALTERNATE 2

MAYOR REP- JOHN MADDEN DEC/2027 [PRESENT] CLASS I MEMBER
STEPHEN GRECO DEC/2024 [PRESENT] CLASS II MEMBER
ROBERT DESSINO DEC/2024 [PRESENT] CLASS III MEMBER

ALSO PRESENT: BOARD ATTORNEY-MR. BILL ROBERTSON
BOARD PLANNER- MR. PAUL RICCI
BOARD ENGINEER- MR. ROBERT MANNIX
ZONING OFFICER- MR. TYLER GRONAU
BOROUGH ADMINISTRATOR- MR. MICHAEL LAPLACE

4. Minutes

Member Descenza made a motion to approve the January 10, 2024 meeting minutes, seconded by Member Kranz. Vote: All in favor. Motion passed.

5. New Business

JLUB 2023-009
Eric Johnson and Patience Moore
114 S. Lincoln Ave
Block 242 Lot 11

Variance for setbacks(Detached garage)

Mr. Sullivan stated that he is representing the applicant regarding the variance for detached garage.

Mr. Sullivan stated that the garage is not compliant with the bulk requirements for the R75 zone.

Mr. Sullivan stated that he has three witnesses to testify: the prior owner, the current owner and the surveyor.

Mr. Sullivan explained the required and existing bulk standards:

- One side yard setback 4.2 ft is required, and 2.46 ft is existing.
- Accessory rear yard setback- 4 ft is required and 1ft is existing.
- Accessory side yard setback- 2.66 ft is required and .44 is existing.
- Undersized lot- 7,500 sq. ft is required and 4,925 is existing.
- Front yard setback- 30 ft is required, and 23.6 ft. is existing.
- Combined side yard setback- 10.66 ft. is required, and 9.21 ft. is existing.

Mr. Sullivan stated that the previous owners Jimmy and Judy Pan had attempted to fix the garage, but the garage fell down and it was rebuilt.

Mr. Sullivan stated that there are site photographs and the common driveway agreement with the property owner next door provided in the packets.

Mr. Robertson duly swore in Mr. Ying Pan, 6 New York Blvd. Edison, NJ.

Mr. Sullivan stated that the property was sold to Mr. Johnson and Ms. Moore on July 31, 2023.

Mr. Pan stated that the garage was being repaired but it collapsed, and the new garage was built.

Mr. Sullivan explained that the applicant needs zoning and construction approvals, Mr. Pan applied before the closing.

Mr. Sullivan stated that the Resale Certificate was issued with the condition that the garage can't be used until all the approvals are granted.

Mr. Sullivan stated that there is no other storage on the property except for closets and the owners need storage.

Member Descenza asked who built the garage.

Member Madden asked a question about the common garage agreement.

Mr. Sullivan stated that previously there was another garage attached to this garage on the property next door.

Member Kranz asked if the garage has the same square footage as the previous garage.

The Board was informed that the garage was built on the same footprint, same foundation as the previous garage.

Chairperson Sherr opened the meeting to the public for questions regarding Mr. Pan's testimony.

There being no questions on Mr. Pan's testimony the Board continued with the application.

Mr. Robertson duly swore in Mr. Daniel Parker, surveyor.

Mr. Parker has appeared before the Board on numerous occasions and the Board accepted Mr. Parker as an expert witness.

Mr. Parker referred to the survey dated 6-24-05 to show that there was garage on each side of the property sharing a common driveway.

Mr. Parker referred to the survey dated 8-30-23 to show that the previous garage was removed and the old foundation was used for the new garage.

Mr. Parker stated that the setbacks shown on the current survey are better than the older survey, it is a small lot and the location of the garage increases the efficiency of the site.

Mr. Parker stated that if the garage was to be built with the setbacks for the zone then the inground pool would need to be moved, which the inground pool can't be moved so the garage is the current location.

Member Ryan asked a question regarding if the garage was built to code.

Member Descenza asked when the original garage had been built.

Mr. Parker estimated the time to be in the 1940's or 1950's.

Mr. Sullivan stated that there is a parking agreement dated from 1979.

Member Madden asked a question regarding flood insurance.

Member Woska answered the question.

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

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

Chairperson Sherr asked why the garage was built without permits.

Mr. Robertson duly swore in Mr. Tony Flagg, contractor.

Mr. Flagg explained how the situation happened. He stated that he tried to repair the garage which didn't need a permit and the garage collapsed. He rebuilt the garage using the same foundation.

Mr. Ricci asked about moving the chain link fence.

Chairperson Sherr stated that since there was an inground pool the fence shouldn't be moved.

Chairperson Sherr stated that vehicles can only park in front of the garage.

Mr. Sullivan asked the Board to grant the C variance as this is a classic hardship and there is no other place to put garage, the benefits outweigh the detriments, the setbacks are slightly improved as to what was originally there.

Member Dessino stated they didn't intentionally try to create an illegal garage.

Chairperson Sherr opened the meeting to the public for questions and comments on the application.

There being no questions or comments on this application, Chairperson Sherr closed the public portion of the meeting for this application.

Member Descenza made a motion to approved application JLUB 2023-09, Eric Johnson and Patience Moore approving the side and rear yard setbacks, with the condition the all taxes are current, applicant will only be able to use the garage after all permits and inspections from the construction department have been satisfied, seconded by Member Kranz. Vote: Member Descenza-yes, Member Woska-yes, Member Ryan-yes, Member Kranz-yes, Member Caruso-yes, Member Dessino-yes, Member Madden-yes, Member Greco-yes, Chairperson Sherr-yes, Member Nicolay-yes. Motion passed.

**JLUB 2023-010
AHA Holding Group LLC
700 South Ave.
Block 267 Lots 4,5,6
Dunellen Block 52 Lot 4**

Major Preliminary and Final Site Plan

Mr. Sullivan stated that he is representing AHA Holding seeking major preliminary and final site plan. He stated that this application is similar to the previous application KSG 700 was approved for in 2022.

Mr. Robertson duly swore in Mr. Andrew Altobelli, Manager of AHA Holding.

Mr. Altobelli stated that he has owned the property for the last year and half, currently there is a 50,000 sq. ft. warehouse that he will have demolished and then build a new building for his business Straight Edge Striping.

Mr. Altobelli stated that the maximum number of employees will be between 75-100 employees between office staff, mechanics and the staff that leave the premises.

He stated that 25 employees would remain at the site, 80 employees in the field, and there are 25 office/mechanics on site.

He stated that the business operation is 24hrs a day, 6 days a week. The first shift comes in at 6am and picks up vehicles and supplies and leaves the site, the next shift would have 50 employees.

He stated that he does have customers that will visit his site possibly to pick up signs.

He stated that he will get deliveries usually by 18 wheeler truck, approximately 7 to 10 deliveries a week.

Mr. Altobelli stated that there will be traffic paint stored inside the building.

He stated that there will be vehicle maintenance on the site such as brakes and oil changes, there will be no body work or transmission work performed at this site.

He stated that the vehicles will be washed on site, there will be a wash bay inside the building and there will be a water detention system associated for this.

He stated that there will be no tractor trailers on the site.

Member Madden asked if his entire business will be moving from Wilton Ave to South Ave.

Mr. Altobelli confirmed that the business will be moving to South Ave.

The Board asked about the organization of the vehicles on the site; operational drive isles.

Member Desscenza asked if Mr. Altobelli would be leasing or selling the Wilton Ave. property.

Member Caruso asked why Mr. Altobelli is moving his business from the Wilton Ave site to the South Ave site.

Mr. Altobelli stated that the South Ave site is two times larger than the Wilton Ave site, the business has expanded while it is at the Wilton Ave site and now he believes it has plateaued.

Mr. Ricci asked a question regarding the portion of the property to be used for parking.

The Board was informed that the applicant is leaving the portion of the property as it is for parking as the section of the property would need NJ DEP approvals.

Member Kranz asked a question if the wash bay will be recycling the water.

Mr. Altobelli stated that there will be a 5,000 gallon tank to separate the water and will be pumped out.

Mr. LaPlace stated that the unimproved portion of the site has vehicles parked, if the borough received inquiries from neighbors, they need a parking plan so we can respond appropriately.

Mr. Altobelli stated that the area will be delineated, not kept as a junk yard, they will be using the vehicles everyday and keep the vehicles lined up on the gravel area.

Member Ryan asked if NJ DEP approval is needed for parking on the gravel area.

Chairperson Sherr opened the meeting to the public for questions regarding the testimony, there being no questions he closed the public portion on this testimony.

The Board continued with the application.

Mr. Robertson duly swore in Mr. Joshua Tiner, VP Engineering Redcom Design and Construction LLC, he stated his education and credentials.

The Board accepted Mr. Tiner as an expert witness.

Exhibit A1 1/24/2024 was entered as a colorized aerial exhibit dated 1/24/2024 prepared by Redcom showing an aerial view of the property with the municipal boundaries highlighted in red.

Exhibit A2 1/24/2024 was entered as a colorized zoning map clarification dated 1/24/2024 prepared by Redcom showing the property highlighted in black and Piscataway and Dunellen zoning surrounding the property.

Exhibit A3 1/24/2024 was entered as historical 2002/2007 aerial photos dated 1/24/2024 prepared by Redcom showing the 2002 aerial view on the top half and the 2007 aerial view on the bottom half of the page.

Exhibit A4 1/24/2024 was entered as colorized exhibit rendering dated 1/24/2024 prepared by Redcom. The green and light grey show parking, the tan shows the building.

Exhibit A5 1/24/2024 was entered as existing conditions as proposed building showing white building and a chain-link fence.

Exhibit A6 1/24/2024 was entered as a colorized rendering prepared by Redcom dated 1/19/2024 showing the proposed building with yellow stripes, dark grey and light grey façade.

Mr. Tiner stated the bulk requirements for the IND zone as:

- The minimum lot area required is 40,000 sq. ft.
- The minimum lot width required is 200 ft, the site has 1,330 ft.
- The minimum lot depth required is 150 ft., the site has 185 ft.
- The minimum lot front yard setback is 30ft., proposed front yard setback is 30 ft.
- The applicant is seeking 5ft rear yard setback as per Ordinance 42-056 (E)(1) No side or rear yard shall be required along property lines which are adjacent to a railroad right-of-way.
- The maximum building coverage is 40%, proposed building coverage is 10 %.
- The maximum lot coverage is 95%, proposed lot coverage is 51.3%
- The maximum building height is 35ft., proposed is a 2-story building at 32.6 ft.

Mr. Tiner stated that there will be 100 parking spaces and 3 electric vehicle spaces for a total of 103 parking spaces.

He stated that parking spaces will be 9 x 18 and seeking relief from the requirement 10 x 19, there will be an ADA parking space as required.

There will be 12x 35 parking spaces, fenced area and new curb cut and gate.

Mr. Tiner stated that there would be a 6,000-gallon fuel tank and showed the location, there will be covered storage bays (3 sided, 20ft tall), 3ft retaining wall along the railroad.

Mr. Tiner explained that a portion of the property is in the flood hazard area so the elevation of the building would have to comply, there will be flood vents under the warehouse storage area.

Mr. Tiner explained that they are not adding impervious coverage to the area, and they will be seeking a NJDEP permit regarding drainage.

Member Woska commented that the Army Corp of Engineers is building the wall in the area and maybe the property would see more water on the property once the wall is completed.

Mr. Tiner stated that maybe there would be more stone added for maintenance if allowed by NJDEP.

Member Kranz asked if there could be a tracking pad added as other projects in town have had mud tracks.

Mr. Tiner stated that there are 2 signs proposed for this site, also there will be stop signs and ADA signage.

Mr. Tiner stated that the lighting complies, he showed where the trash enclosure is located, and the building will be sewer and water connections and backflow preventer.

The Board asked for more bollards to be installed around the fuel tank.

The applicant agreed to install more bollards around the fuel tank.

The Board discussed having the applicant continue the landscaping and discussed the fencing (black epoxy chain link with black slats).

Member Kranz asked about the asphalt thickness.

Mr. Tiner explained that there would be a 2-inch top, 5-inch base and 6-inch stone.

Member Kranz asked what would be kept in the storage bays.

Mr. Tiner stated that there would be thermal plastic and paint in the storage bays.

Mr. Tiner stated that on the east side of the property there would be an underground detention basin.

Mr. Ricci asked about the barbed wire fencing as it is not permissible by ordinance.

Mr. Altobelli stated that fencing would not have barbed wire.

The Board and the applicant discussed the fencing.

Mr. Altobelli stated that he would have the fencing run the length of the property to have an aesthetically pleasing look.

Mr. Ricci stated that the code does require outdoor storage to have screening.

Mr. Altobelli stated that the fencing will be the continuous length of the property.

The Board complimented Mr. Altobelli on the design of the new building.

Mr. LaPlace asked to have a design on paper for the unpaved area to show the maximum number of vehicles.

The applicant agreed to provide a vehicle circulation plan with striping showing the parking area as “banked parking”

Mr. Tiner reviewed the variances and waivers:

- Ordinance 420-62(B) to allow 8ft solid fence in front yard.
- Ordinance 420-62(D) to allow solid fence.
- Waiver Ordinance 248-16(B) no walkways provided on front property.
- Waiver Ordinance 248-17(B)(1)(a) mixing employee/visitor parking
- Waiver Ordinance 248-17(B)(1)(b) 9 x 18 visitor parking proposed where 10 x 19 is required.
- Waiver Ordinance 248-17(B)(20) parking/loading in front yard setback- 30ft is required- 6.8 proposed.
- Waiver Ordinance 248-17 B(8) 45ft driveway is proposed-24ft is permitted..

Mr. Tiner went through the Colliers Engineering report and the Ricci Planning report.

Mr. Ricci confirmed that the retaining wall will be no more than 3ft tall and will add spot grades, the gravel area lacked lighting and will require a waiver.

Mr. LaPlace raised the subject of pedestrian access to the site and sidewalks.

Member Ryan raised the subject of safety/security lighting in the gravel parking area.

Mr. Ricci suggested that additional security lighting be added to the edge of the parking area.

Chairperson Sherr opened the meeting to the public for questions on the Engineer’s testimony, there being no questions he closed the public portion for this testimony of the application and the Board continued with the application.

Mr. Robertson duly swore in Mr. Michael Keating, the applicant’s Architect.

Mr. Keating stated his education and credentials.

The Board accepted Mr. Keating as an expert witness.

Exhibit A7 1/2/2024 was entered as a 3 page floor area layout- 1st floor, 2nd floor, proposed elevations prepared by Redcom 1/24/2024 indicating where the office space, training room, storage area and mezzanine areas are located.

Mr. Keating stated the building materials and explained the floor plan layouts, the exterior of the building will have an ADA ramp and a stairway, the building will have a sprinkler system.

Mr. Keating explained the storage bays to have a concrete pad, sheathing on three sides made of steel (3-sided shed)

Member Kranz asked if the storage bays would be open to the rear.

The Board was informed that the storage bays would open to the rear.

Member Caruso asked about fumes inside the building from vehicles.

The Board was informed that there will be an exhaust system to collect vehicle fumes.

Chairperson Sherr opened the meeting for questions on Mr. Keating's testimony, there being no public questions he closed the public portion for this testimony of the meeting. The Board continued with the application.

Mr. Robertson duly swore in Mr. Scott Kennel, Traffic Consultant of Mc Donough and Reas Associated, Manasquan, NJ. He stated his education and credentials.

The Board accepted Mr. Kennel as an expert witness.

Mr. Kennel referred to the report dated August 17, 2023.

Mr. Kennel stated that manual turning movement counts were tracked on June 6, 2023 on the corner of Howard St. and South Ave from 7a.m. to 9 p.m. with peak time being 7:15 a.m. to 8:15 a.m. with 565 vehicles. The afternoon traffic counts were tracked between the hours of 3-6p.m. with peak traffic from 4p.m. to 5pm with 670 vehicles.

Mr. Kennel stated the site access opposite Howard St. and the traffic growth data show that there will be a 15 second delay which makes it a level C service.

Mr. Kennel stated the there are good sight lines, and the driveways can operate safely and efficiently.

Mr. Ricci asked about the extent of the manufacturing at the site.

Mr. Altobelli answered that they paint blank aluminum signs and install the signs.

Member Kranz stated that the traffic counts were tracked before South Lincoln Ave. was closed for the flood project.

Chairperson Sherr opened the meeting for questions for Mr. Kennel's testimony, there being no questions, he closed the public for this portion of the meeting. The Board continued with the application.

Mr. Robertson duly swore in Mr. Alexander McClean, the Applicant's Planner.

Mr. McClean stated his education and credentials.

The Board accepted Mr. McClean as an expert witness.

Exhibit A8 1/24/2024 was entered as 2-page aerial drone view of subject site looking north and south.

Mr. McClean stated that the application has two variances and five design waivers. He stated that the positive criteria benefits outweigh the detriments of the MLUL.

- A. encourage municipalities to develop properties that will promote public health, safety and general welfare- the use is consistent with the zone.
- D. development of general welfare doesn't conflict with other municipalities.
- H.- Local transportation routes- was testified on.
- I. promote desirable visual environment-Applicant has an aesthetically pleasing building.
- J. To promote the conservation of natural resources
- N. Efficiency of the land use.

The application also meets the objectives of the master plan #2, #12, #15.

Mr. Ricci stated the site meets the criteria for the zone.

Chairperson Sherr opened the meeting to the public on testimony, there being no public questions he asked for any questions or comments on the application, there being none he closed the public for this portion on this application.

Mr. Sullivan summarize the application stating the use complies with the zoning, visually acceptable, site layout is adequate, benefits stated by Planner, permitted use in the zone, consistent with the Master Plan and mentioned the Piscataway condition for paying for road repairs and asked for the Board to grant an approval.

Mr. Robertson reviewed the application. The applicant is seeking two variances for the fence due to height and being solid fence, the waivers being requested are for the size of visitor parking spaces, 45 ft driveway width, loading in the front yard, waiver for no lighting in gravel parking area, waiver from striping gravel area. The conditions are to satisfy Piscataway condition of repairing road, satisfy professional memos, comply with outside approvals; fire department, fire marshal, shade tree commission, police dept, any all state permits, adding bollard around AST, fencing will be black chain link metal with black slats, new fencing will be continuous along entire property, leaving open driveway, gates to be installed, parking plan to be submitted for unimproved gravel area

with maximum number of vehicles and circulation plan to be approved by Engineer, tracking pad to be added, adding sidewalk from building to street, security lighting in unimproved area to be added, label materials in storage bays, provide plans and Resolution to Dunellen(portion without improvements is in Dunellen).

Member Descenza made a motion to approve the application with the variances, waivers and conditions as discussed, seconded by Member Nicolay. Vote: Member Descenza-yes, Member Woska-yes, Member Ryan-yes, Member Kranz-yes, Member Caruso-yes, Member Dessino-yes, Member Madden-yes, Member Greco-yes, Chairperson Sherr-yes, Member Nicolay-yes. Motion passed.

6. Zoning Ordinance Review for Block 265 Lot 25 (210 Grove Ave)- Recommendation for Fire Headquarters

The Board reviewed the Ordinance for consistency with the Master Plan. There was error on Master Plan Reexamination- original property identified in Master Plan was wrong block and lot.

Member Descenza made a motion to approve the Resolution regarding Master Plan consistency review of proposed ordinance 2107-24 amending the Borough Land Use Ordinance to rezone Block 265 Lot 25 (210 Grove St) from the R75 zone to I-Industrial Zone, seconded by Member Madden. Vote: Member Descenza-yes, Member Woska-yes, Member Ryan-yes, Member Kranz-yes, Member Caruso-yes, Member Dessino-yes, Member Madden-yes, Member Greco-yes, Chairperson Sherr-yes, Member Nicolay-yes. Motion passed.

7. Correspondence

- A. Middlesex County Office of Planning Agriculture Development Board Meeting Schedule

No Action Required by Board.

8. Board Comments

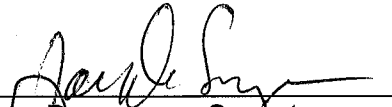
Board discussion of property on Route 28/Hazelwood Ave. Mr. Gronau will have his inspector take pictures of the property for enforcement issues.

Member Madden inquired about foundry court appearance and gas station permits progress.

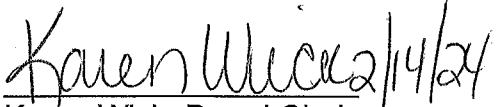
Mr. Gronau stated the there were fines issued for the foundry. The gas station is working on their permits.

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

There being no further business Member Descenza made a motion to adjourn the meeting at 10:00p.m, seconded by Member Kranz. Vote: All in favor. Meeting adjourned.



Joe Descenza, Secretary



Karen Wick, Board Clerk