

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Agenda Meeting Minutes**  
**November 5, 2014**  
**7:30 PM**

**1. Call to Order**

Chairperson DiMura called the meeting to order at 7:31 p.m.

**2. Open Public Meeting Act Statement**

Chairperson DiMura read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present John Anello, Ron DiMura, Joseph McNulty, Anthony Vietri, Phil Lopa, Anthony Thompson, Joseph Waide, and Paul Woska.

Also present was Board Attorney Ms. Joan Dowling and Uzo Ahairakwe, Board Engineer.

**4. Minutes**

Member Lopa made a motion to approve the minutes of the October 1, 2014 meeting, seconded by Member Anello.

Member Thompson stated on page 2 of the October 1, 2014 minutes there needs to be a correction.

Member Lopa made a motion to approve the minutes of the October 1, 2014 meeting as amended, seconded by Member Vietri. Vote: Member Anello-yes, Member Woska-abstain, Chairperson DiMura- yes, Member McNulty-yes, Member Vietri-yes, Member Lopa-yes, Member Thompson-yes, Member Waide-abstain. Motion passed.

**5. Old Business**

**Z2014-01**  
**McDonald's**  
**125 Bound Brook Rd.**  
**Block 6 Lot 2 & 2A**

Chairperson DiMura stated that in order to have a full board that Paul Woska from the Planning Board would be helping the Zoning Board.

Member Lopa questioned the length of time for this application and questioned fees. Chairperson DiMura stated he would have to ask the Finance Department.

Chairperson DiMura read the letter from McDonald's requesting an adjournment of the November 5, 2014 meeting to the December 3, 2014 meeting, and an extension of time for the Board to act upon the application to December 31, 2014.

The Board accepted the extension letter.

## **6. New Business**

**Z2014-04**

**Praso 796 William, LLC**

**796 William St.**

**Block 319 Lot 19**

Mr. Ed Johnson Jr. Esq. stated that he is the Attorney for this application.

Mr. Johnson stated that he has photo Exhibits already pre-marked as A1-A19.

Ms. Dowling duly swore in Stephen Fisk of Fisk Associates, 631 Union Ave., Middlesex.

Mr. Fisk has appeared in front of the Board on numerous occasions, the Board accepted Mr. Fisk as Surveyor and Planner.

Mr. Fisk stated that he would be using an Exhibit site plan prepared on November 5, 2014 to describe site and proposed changes from the site plan that was submitted and reviewed by the Board Engineer.

This exhibit site plan prepared on November 5, 2014 was entered as Exhibit A2011052014.

Mr. Fisk stated that the existing lot is undersized and reaffirmed the bulk variances of width and depth.

Mr. Fisk stated that the use variance is for the outside storage containers.

Mr. Fisk stated that the property has sewer, private well and is not in a flood zone.

Mr. Fisk stated that the parking requirement requires 3 parking spaces.

Mr. Fisk stated that Exhibit A2011052014 shows 4 parking spaces- 1 handicapped spaces, 2-10 x 19 parking spaces, 1- 9 x 18 parking space, this would eliminate any variance or waiver originally requested.

Mr. Fisk stated that there would be van/truck parking in the evenings, that these trucks are used within the operation.

Mr. Fisk stated that the driveway on the left side of the property would be removed.

Mr. Fisk stated there is a water retention pit on the property.

Mr. Fisk stated that the applicant is going to keep the front porch and concrete walk.

Mr. Fisk stated that there is a note on the Exhibit A2011052014 regarding the fencing containing privacy slats for screening.

Ms. Dowling questioned if any of the surrounding blocks and lots were available for purchase.

Ms. Dowling and Mr. Fisk confirmed that Block 319 Lots 1, 30, 36-39, 6, 13, 14, 18, 23, 24, 26, 28 did not meet the zoning requirements.

Member Anello questioned Mr. Fisk using Exhibit A2011052014 about the truck parking.

Mr. Fisk stated that the trucks would be used during the day and then parked at night.

Member Woska clarified that the storage containers/ shipping containers would be permanent.

Member Anello questioned the storage container size.

Member Lopa questioned what would be stored in the containers.

Mr. Johnson stated that the owner would inform the Board.

Chairperson DiMura opened the meeting to the public for questions to Mr. Fisk.

Sajan Podikunj, 48 Acorn Dr. Edison made a comment.

Chairperson DiMura informed the public that comments would be later and this portion was for questions to Mr. Fisk.

Javier Fernandez, 108 Chariot Ct. Piscataway questioned the minimum sq footage required and also questioned the lot depth and width.

Mr. Fisk and Ms. Dowling explained that in 1984 variance had been granted to address the sq. footage, that this variance stays with the property.

Chairperson DiMura asked Board Members if they had any questions for Mr. Fisk.

Member Anello questioned the barricade storage on Exhibit A2011052014.

Mr. Fisk stated that the barricades are 2.5ft x 3ft.

Member Lopa questioned what the barricades are for.

Ms. Dowling duly swore in Michael Boone, 107 Wood Ave. Middlesex NJ 08846.

Mr. Boone stated he is the CFO, Secretary and Treasurer of Praso 796 William.

Mr. Boone explained that this is the real estate holding company for Sweet Construction.

Mr. Boone stated that Sweet Construction does construction jobs for stores such as GAP, Williams-Sonoma and corporate construction.

Mr. Boone stated that the building at 796 William St. was purchased for storage of construction materials, such as hand tools and small construction items.

Ms. Dowling asked Mr. Boone to clarify Praso 796 William St. and Sweet Construction, as Praso 796 William St has made the application to the Board.

Mr. Boone stated he is the CFO of both companies and Praso is the deed owner of the property, which Sweet Construction will be using the property.

Member Vietri asked if Mr. Boone was a general contractor.

Mr. Boone stated that he was a general contractor.

Ms. Dowling, Member Anello needed to confirm if a Dan Sweet was affiliated with the company due to a possible conflict, Mr. Boone confirmed that a Dan Sweet is not affiliated with this business.

Mr. Boone gave a history of the company and also stated that he co-owns 140 Wood and 107 Wood Ave. less than one mile away from this location.

Mr. Boone stated that 107 Wood Ave. is the accounting office for his business.

Mr. Johnson started to enter to the Board photographs depicting the property. Mr. Johnson previously explained that he had pre labeled these Exhibits.

Exhibit A211052014 was entered as photograph taken from the eastbound view of 107 Wood Ave.

Exhibit A311052014 was entered as photograph of 107 Wood Ave viewed from the east.

Exhibit A411052014 was entered as photograph of the rear of 107 Wood Ave( parking area)

Mr. Boone stated that these exhibit photographs were taken the third week of June 2014.

Mr. Boone stated that 107 Wood Ave. is used for accounting and records offices.

Mr. Boone stated that 140 Wood Ave is used by Sweet Construction and holds materials and hardware.

Mr. Johnson entered more photographic exhibits.

Exhibit A611052014 was entered as photograph of the front of 140 Wood Ave. with a box truck.

Exhibit A911052014 was entered as photograph of 140 Wood Ave. looking west from Blackford Ave.

Ms. Dowling confirmed that Exhibits A1, A5, A7, A8 were not entered .

Member Lopa requested a 5 minute recess.

Upon returning from recess roll call was taken with all Board Members still present.

Mr. Johnson entered more photographic exhibits.

Exhibit A1011052014 was entered as photograph of 140 Wood Ave with company van that is used everyday. This photograph shows the condition of the building and shows 2 vehicles that would be at the William St. location.

Exhibit A1211052014 was entered as photograph of 796 William St. showing the front of the Building with sign taken from the west side in June 2014.

Exhibit A1111052014 was entered as photograph of 796 William St. showing the building with new siding, new roof and new sign taken on November 5, 2014.

Mr. Boone confirmed that there will be no signs at 796 William St.

Mr. Boone confirmed they are going to keep the front porch and steps in the same location instead of relocating to the west side of the building to keep the front door in the front of the building.

The Board questioned the antenna in the back.

Mr. Boone confirmed that the antenna is on someone else's property.

Mr. Boone confirmed that the driveway on the westerly side of the property will be taken out leaving a 3ft access at the north rear corner.

The Board asked Mr. Boone about the 6- 8 x20 storage containers.

Mr. Boone stated that the 6 containers would be placed back to back and would store some seasonal items like large floor fans, space heaters.

Mr. Boone stated that items such as scaffolding, A frames and plankings would be stored.

Chairperson DiMura asked Mr. Boone what the building would be used for.

Mr. Boone stated that 796 William St. would be record retention, storage of tools.

Member Anello questioned the storage of the space heaters and if the heaters are electric or propane fueled.

Mr. Boone stated that there would be no storage of propane or kerosene, nothing flammable.

Chairperson Dimura asked when Mr. Boone purchased the property.

Mr. Boone stated that he purchased the property in July 2014 to store equipment.

Chairperson DiMura asked why was the property purchased if there was not enough storage inside.

Member Lopa questioned if this had been a house before.

Mr. Boone stated that Pro Auto Glass used the building previously.

Member McNulty asked how many employees does he have, and concerns with transient workers and garbage.

Mr. Boone stated that he has between 7-12 employees, explained that 796 William St. would be a "transfer station" for employees to load up the work trucks with the construction equipment.

Member Lopa asked if noise would be a problem, if the workers would be loading in the early morning.

Member Vietri asked about the size of the containers and access to the containers.

Member Anello stated that there was no way around the containers.

Mr. Boone stated that the containers would not move and would be painted every year.

Member Vietri inquired about only using 4 containers instead of 6.

Member Thompson questioned if there were any weight restrictions on this road.

Member Anello questioned if this site is secure.

Mr. Boone explained that there would be no permanent employees at this site, the workers would return from the job site between 3:30 to 5pm then load the work trucks for the next day. The workers would return in the morning park their personal vehicles and take the work trucks out.

Mr. Boone stated there is an alarm system on the building.

Member Lopa stated that the Board could have a stipulation of loading in the evening instead of the morning.

Mr. Boone stated that this site is private that there would be no outside deliveries.

Mr. Boone stated that the fencing would be repaired, the fencing will have slats and a sliding gate.

Chairperson DiMura questioned if he could use only 4 containers instead of the 6 containers.

Member Lopa questioned the height of the building and possibly stacking the containers.

Mr. Boone stated that stacking is not a possibility due to safety concerns.

Member Thompson questioned the barricade storage.

Mr. Boone explained that these barricades are used in city jobs, that the barricades are 4.5ft x3ft and plastic.

Chairperson DiMura opened the meeting to the public to ask questions of this witness.

Kumar Pabbisetty, 95 Chariot Ct. Piscataway, questioned the loading times and stated they had problems with the previous company Pro Auto Glass.

Mr. Boone stated that this is private parking.

Member Anello commented that only 3 trucks are shown on the Exhibit A2011052014.

Mr. Pabbisetty questioned if there would be any leftover kerosene left in the heaters at the end of the day that would be stored, also questioned why Mr. Boone would buy a property that wasn't sufficient.

There was a discussion of the parking spaces.

Sajan Podikunju, 4 Acorn Dr., Edison, questioned the ownership of the property, would Praso be leasing to Sweet Construction. He also questioned if Mr. Boone had and relationship with Pro Glass Co., also questioned how many job sites he has.

Mr. Boone stated that number of job sites, stated that there will only be 3 trucks/drivers at 796 William St. and that this site is not for the public it is not a retail site.

Member Anello asked about the sq. footage of 140 Wood Ave. and how much of that building was used for storage.

Mr. Boone stated the sq. footage and stated still would be using 140 Wood Ave. but have less stored at 140 Wood Ave.

Ms. Ramos, 48 Lackland Ave., Middlesex asked if not granted the variance what would he do.

Mr. Boone stated go back to square one and maybe sell property.

Ms. Dowling duly swore in Robert Gazzale of Fisk Associates, 631 Union Ave. Middlesex.

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

Mr. Gazzale reviewed the M. Cole and Associates review letter dated October 16, 2014.

Mr. Gazzale started on page 3 of 18 with the area bulk requirements.

Mr. Gazzale stated that the applicant agrees to provide lighting issues.

Mr. Gazzale stated that the applicant would seek a waiver regarding a new shade tree because the location of a current tree is not ideal.

Mr. Gazzale stated that the applicant agrees to provide pavement buffers.

Mr. Gazzale stated that there will be grass instead of stone driveway.

Mr. Gazzale stated that 3 parking spaces are required, that there would be 2-10x 19 spaces, 1-handicapped space, 1- 9x 19 parking space.

Mr. Gazzale stated that the pavement thickness is not necessary since the applicant is not paving now.

Mr. Gazzale stated that the concrete wall that was installed in the 1980's is a waiver.

Mr. Gazzale stated since there is no sidewalk proposed that is also a waiver.

Mr. Gazzale stated that a handicapped accessible parking space has been provided.

Mr. Gazzale stated that spot grades will be provided for the stormwater.

Mr. Gazzale confirmed that the applicant is seeking a variance for the storage containers.

Mr. Gazzale confirmed that the curbing, sidewalk, shade tree are waivers and the storage containers is a variance.

Mr. Gazzale commented on the drainage on the west side of the property will be from the rear of the property to the front of the property.

Mr. Gazzale confirmed that the revised plans will show stormwater management at 21x 21 ft.

Mr. Gazzale commented on the landscape screening buffering, that a site visit would be necessary regarding the leaning of the concrete wall.

Mr. Gazzale commented on the size caliber trees to be planted.

Mr. Gazzale stated Isolex drawings would be provided regarding the motion lights.

Mr. Uzo Ahairakwe would like to see a revised plan with the Isolex drawings.

Mr. Johnson stated that his client would consider moving 2 of the 6 containers to the easterly side of the property.

Mr. Johnson stated that they would present these changes for the December 3, 2014 meeting.

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

There being no further business Member Lopa made a motion to adjourn the meeting at 10:20pm, seconded by Member Thompson. Vote: All in favor. Meeting adjourned.

---

Secretary

---

Clerk