

**Middlesex Borough Planning Board
1200 Mountain Ave., Middlesex, NJ 08846
Minutes
March 9, 2016**

1. Call to Order

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

2 .Open Public Meeting Act Statement

Chairperson Galida read the Open Public Meeting Act statement.

3. Call to Order

Upon voice count the following members were present- Al Lowande, Andy Galida, Jim Green, Robert Schueler, John Sweeney, John Anello, Michele Tackach and Paul Woska.

Also in attendance were: Board Attorney, Ms. Kelly Carey.
Board Planner, Mr. Paul Ricci
Board Engineer, Bob Bucco Jr.

5. Minutes

Member Sweeney made a motion to approve the February 10, 2016 meeting minutes, seconded by Member Lowande. Vote: All in favor. Motion passed.

6.Old Business

**P2015-09
Hortencia-Jaco Damiani
443 Union Ave.
Block 107 Lot 7**

Continuation

Chairperson Galida read into the record the letter from the Borough Zoning Officer, Ms. Palumbo stating that new plans need to be submitted by April 1, 2016 or the application would be dismissed without prejudice. The Board agreed with the letter from the Zoning Officer.

7. New Business

**P2016-01
Rainbow Associates
720-730 Lincoln Blvd
Block 286 Lot 1.01**

Minor Subdivision

Mr. Edward Johnson, 216 Hazelwood Ave stated that he is representing the applicant.

Ms. Kelly Carey duly swore in Mr. Stephen Fisk of Fisk Associates, 631 Union Ave, Middlesex NJ 08846.

The Board accepted Mr. Fisk as an expert witness as he has appeared in front of the Board on numerous occasions.

Mr. Fisk stated that the application was a minor subdivision, located in the CLW zone and that the bulk requirements are met, the height of the structure is 37.01 ft where the height allowed is 35ft.

Mr. Fisk presented 2 photographs of the building on the property.

Exhibit A1 was entered as a photograph of the front view of the property (Lot 1.02) taken from Lincoln Blvd dated March 9, 2016.

Exhibit A2 was entered as a close up of Exhibit A1.

Mr. Fisk stated that the main structure was built prior to 1989, that one building is 25 years old.

Mr. Fisk stated that the purpose of the application was to separate the two buildings and have a common driveway with an access easement.

The Board started to review the Najarian Associates review letter starting with page 2, variance/design waivers.

Mr. Fisk stated that the applicant will comply with the handicapped parking areas and bring them to code.

The applicant is seeking waivers from:
248-12H (topography),
248-15E (checklist#9) contours,
248-15F (checklist #10) storm drainage location
248-15H (checklist #11) outcrops, water courses
248-15K (checklist #16) floor plan and elevations
248-15N (checklist #19,20,21) water/sewer
248-15O (checklist #22) lighting

The applicant is also seeking a design waiver for parking for Lot 1.02, and that Lot 1.03 would have the required spaces.

Mr. Bucco stated that the applicant did come before the Board in 1989 and has a site plan from that application.

Mr. Bucco stated that most of the waiver requests are reasonable but #9 parking spaces should be shown on the plan.

Mr. Bucco stated that the applicant will follow the lighting plan from 1989 and the poles will be reinstalled.

The Board continued with Mr. Ricci's review letter dated February 3, 2016 starting with page 2 (d) regarding Ordinance section 248-17 (11) in regards to the parking waiver.

Member Anello questioned why the applicant wants the waiver.

The Board was informed that the applicant doesn't need the parking for his operation.

The Board recommended that the applicant install concrete wheel stops so you know where the parking space will be.

Ms. Carey recommended that the Board continue with the hearing and continue to discuss the parking.

Member Schueler made a motion to grant the completeness waivers requested except #9(parking), seconded by Member Tackach. Vote: All in favor. Motion passed.

The Board continued with Mr. Ricci's report, starting with page 2, the applicant will correct the block and lot on the site plan.

Mr. Fisk stated that the wheel stops could be installed but would interrupt snow plowing.

Mr. Fisk addressed the issue of street trees, stating that on Lot 1.02(720 Lincoln Blvd) there are 2 existing street trees between the sidewalk and curb.

Mr. Fisk stated that on Lot 1.03 (730 Lincoln Blvd) there are 2 existing street trees.

Mr. Fisk addressed comment F, stating that there would be a common access easement.

Mr. Fisk addressed comment G, that the sidewalk is in good condition.

Mr. Fisk stated that there is no change of use on the property.

Mr. Ricci questioned the height of the building.

Mr. Fisk explained how the building is taller in one section.

Mr. Johnson stated that the reversal of the lot #'s would be fixed, the location of the dumpster on lot #1.02, there would be no concrete bumper curbs, that there is stone (no drainage problems), the applicant agrees to provide descriptions of easements, and asked for no Conrail approvals, and to discuss the parking spaces.

Mr. Fisk stated that the applicant will reconstruct 2 small areas of pavement with asphalt, provide handicapped parking spaces.

Member Green questioned if there is still an apartment upstairs.

Mr. Fisk could not answer the question and deferred to the owner of the property.

Ms. Carey duly swore in Mr. Thomas Murphy, 1380 Mallet Dr., Martinsville NJ, one of the owners of Rainbow Associates.

Mr. Murphy stated that the purpose of the application was to create two lots, that there are two buildings on the current lot.

Mr. Johnson stated that the property is located in the CLW zone, that the property is 67,497 sq ft.

Mr. Murphy stated that he has used 720 Lincoln Blvd for fault protection devices since 2007.

Mr. Murphy stated that 730 Lincoln Blvd has been used to package food products for 14 years and will continue to do so.

Mr. Johnson asked Mr. Murphy to explain the height of the building.

Mr. Murphy explained that years ago the roof was built out for ventilation.

Mr. Murphy stated that 720 Lincoln Blvd has a 2 Bedroom apartment, the dumpster gets collected once a week.

The Board discussed the location and size of the dumpster as it is in front of a loading dock.

Mr. Johnson stated that the applicant had received approvals in 1989 and has not had any parking problems at the site.

Mr. Murphy stated that there were 3 office personnel, 4 laborers and 4 general workers, no customers come to the site, everything gets shipped out.

Mr. Johnson stated that the applicant agrees to: posting a performance bond, asked not to have to get an agreement from Conrail, the applicant will have an access agreement so both sides will have access to the driveway.

Chairperson Galida questioned if there was sewer access.

Member Schueler questioned what happens to the garbage from the other building, as a screened dumpster is required by Borough Ordinance.

The location of the dumpster was explained as the concrete slab with the roof over it on the site plan.

Member Schueler questioned how many occupants in the apartments.

The Board was informed that that there are 3 office personnel, 4 employees that work downstairs and 2 residents for a total of 9 and that there are 11 parking spaces in the front of the building.

Member Anello questioned the purpose of splitting the lot.

Mr. Murphy explained that he would be selling to his tenant.

The Board continued to discuss the parking and dumpster location and screening.

Chairperson Galida opened the meeting to the public, there being no public, the application continued.

Mr. Ricci requested a 5 minute recess based on the testimony given.

Chairperson Galida reopened the meeting at 8:34pm after the 5 minute recess, with all Board Members being present.

Mr. Johnson stated that it was brought to his attention by the Planner, Mr. Ricci, that since there is a residential use on the second floor that the subdivision would intensify a non-conforming use.

The applicant would then need a use variance that this Board would not be able to grant. Mr. Johnson stated that he would need to do his research.

Ms. Carey stated that due to the testimony that was given to the Planning Board, the application would be stopped at this time.

Application P2016-01 was carried to the March 23,2016 meeting.

8. Correspondence

A. Middlesex County Planning Board Notice

No action was required by the Board.

B. Najarian Contract

Chairperson Galida asked Ms. Carey to review the Engineering Contract. This item will be placed on the March 23, 2016 agenda.

C. PSEG Notice

Ms. Carey stated that this was the yearly notice that PSE&G sends out.

9. Board Member Comments

A. LED Lighting

The Board continued with the discussion of LED Lighting.

Member Schueler stated that the Council did not want to restrict business but would take a look at the recommendations of the Planning Board.

Ms. Carey would draft an ordinance and the Board will discuss the issue and ordinance at the March 23, 2016 meeting.

Chairperson Galida opened the meeting to the public, there being no public, he then closed the public portion of the meeting.

There being no further business Member Lowande made a motion to adjourn the meeting at 9:06pm,seconded by Member Woska. Vote: All in favor. Meeting adjourned.

Secretary

Karen Wick, Board Clerk