

Joint Land Use Board
1200 Mountain Ave., Middlesex, NJ 08846
Minutes
March 24, 2021

1. Call to Order

Chairperson Conahan called the meeting to order at 7:05 pm.

2. Open Public Meeting Act Statement

Chairperson Conahan 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/2021 [PRESENT]	MICHAEL CONAHAN DEC/2022 [PRESENT]
ROBERT SHERR DEC/2022 [PRESENT]	PAUL WOSKA DEC/2023 [PRESENT]
JOSEPH CARUSO DEC/2021 [ABSENT] ALTERNATE 1	
JOHN SWEENEY DEC/2021 [ABSENT] ALTERNATE 2	

ROBERT DESSINO DEC/2023 [PRESENT] CLASS I MEMBER
STEPHEN GRECO DEC/2021 [PRESENT] CLASS II MEMBER
JEREMIAH CARNES DEC/2021 [PRESENT] CLASS III MEMBER

ALSO PRESENT: BOARD ATTORNEY-MR. BILL ROBERTSON
ZONING OFFICER- MR. JOE COSTA
BOARD ENGINEER- MR. BOB BUCCO
MR. JOHN JAHR
BOARD PLANNER- MR. PAUL RICCI

4. Minutes

Member Descenza made a motion to approve the February 24, 2021 meeting minutes, seconded by Member Greco. Vote: All in favor. Motion passed.

5. New Business

JLUB 2020-006

Richie and Mike Realty
140 Union Ave
Block 127 Lot 2

Use Variance and site plan

Chairperson Conahan stated that due to the "D" variance (Use Variance) Member Dessino and Member Carnes will not take part in the discussion.

Mr. John Sullivan stated that he is representing the applicant who is seeking to renovate the entire site.

Mr. Sullivan stated that the applicant will be replacing the underground storage tanks as part of the application.

Mr. Sullivan stated that there are bulk variances for the rear yard setback, lot depth and impervious coverage.

Mr. Sullivan stated that the applicant would be expanding the pre-existing non-conforming use with the convenience store.

Mr. Ricci asked about the sign variance clarifying the signage on the building, free standing sign and canopy.

Mr. Costa asked if the applicant is abandoning the service station (repair business).

Mr. Sullivan confirmed that the applicant is converting the service station to a convenience store and abandoning the repair business.

Mr. Bill Robertson duly swore in Ms. Balwinder Singh, Manager of Richie and Mike Realty.

Ms. Singh stated that Richie and Mike Realty has owned the property since 2014.

Ms. Singh stated that the plan is to renovate the pumps, tank, kiosk and renovate the building into a convenience store.

Ms. Singh stated that the owners have another site in Bellville NY.

Ms. Singh stated that there will be 2 employees and the hours of operation will be from 6am to 11pm for both the gas and convenience store.

The deliveries to the site will be gas and items for the convenience store such as soda and chips.

There will be two to three deliveries a week; the deliveries will be in the evening from 7pm to 11pm. The deliveries will be made with smaller vans.

The dumpster will be emptied once a week.

Ms. Singh stated the site maintenance will be done by the gas attendant and will be done daily.

The Board asked if a landscaper would be hired.

Ms. Singh did not know the answer to this question.

Ms. Singh confirmed that an environmental consultant would be hired when moving the tanks.

The Board asked about installing a fence.

The applicant agreed to install a fence and remove the guardrail.

The Board discussed the color of the fence.

Mr. Ricci suggested that the color of the fence match the fence that surrounds the dumpster.

The Board agreed to a black fence.

The Board questioned if diesel fuel would be sold as previously only gas was sold at the site.

The Board was informed that low flow diesel would be sold; large tractor trailers would not want to fill at this gas station.

Mr. Bill Robertson duly swore in Amryk Dillon, owner of Richie and Mike Realty.

Mr. Dhillon stated that the diesel would be for small trucks; the site is too small for tractor trailers and is low flow.

Member Descenza asked if there would be lottery sales.

The Board was informed that there would be no lottery sales.

Member Descenza commented that he was disappointed with the current aesthetics of the property.

Mr. Bucco asked if there would be propane sales at the site.

The Board was informed that there would not be sales of propane.

Member Woska asked if there would be a car vacuum at the site.

Mr. Dhillon stated that there would be a possibility of air and vacuum at the site.

Chairperson Conahan opened the meeting to the public for questions.

Ms. Roxanne Radi-Sturtevant, 46 Washington Ave. stated that she was representing the Fire Dept. She stated that they are concerned with trash and privacy.

Ms. Sturtevant was informed that the gas station property is not directly next to the property, there is another lot which is an L shape in between the two properties.

Ms. Sturtevant asked if a privacy fence could be installed in the rear of the property not the front.

The applicant agreed with the request.

Mayor Madden, asked a question regarding signage and flood zone.

The questions will be answered by the Engineer.

Mayor Madden asked if there would be a shed or sea box on the property.

The Board was informed that there would be no shed or containers on the site.

Mr. Ricci read the Borough Ordinance 420-62(B) Fences. The fence could not be in the sight triangle.

Mr. Robertson duly swore in the applicant's Engineer James Guider.

Mr. Guider stated his education and credentials, the Board accepted Mr. Guider as an expert witness.

Mr. Guider stated that the plans were prepared by Mr. Karter Israni and this was a joint project.

Mr. Guider described the site as vacant former gas station that the gas pumps were to be removed and to renovate the 900 sq ft building.

Mr. Guider reviewed the zoning chart on the site plans.

Mr. Guider used the site plans to show:

- current condition of the building
- where the tanks and island are to be configured
- the curbs cuts
- the 4 dispensers would be in a single line
- parking
- draining
- site lighting
- location of dumpster on the rear left side

The Board reviewed the Najarian review letter dated March 19, 2021:

The applicant will have a canopy sign, building sign and monument sign (located on the left side of the property). The monument sign will be internally illuminated.

The applicant will repair the curb and will remain in the same location.

The applicant is seeking to increase parking, 7 spaces would be created, 4 spaces would be located at the pumps.

The applicant removed the rain garden from the plans and would install a seepage pit.

The applicant will remove the guard rail and install fencing.

The applicant will install a no left turn sign and landscaping.

The applicant will follow NJ DOT regulations and permits.

The applicant will add more spot grades to the site plan.

The applicant stated that the flood zone is rear right side when looking at property from the street.

The applicant will work with the Board Engineer regarding vegetation and durability.

The applicant will add the details of the underground storage areas to the site plan.

The applicant will provide and resubmit drainage calculations.

The applicant will comply with the Shade Tree Commission, County approval, Freehold Soil approval.

Mr. Ricci asked about the building canopy's height and color; if there would be lighting on the canopy.

Mr. Bucco asked if the site lighting would be 24/7 and that there are residences located nearby.

The Board was informed that the lighting would be on from 6am to 11pm and the lighting would be turned off after 11pm.

Chairperson Conahan asked if the lights would have shields.

The Board was informed that the canopy lights will be turned off (high hats).

Mr. Bucco asked if there would be security lighting.

The Board was informed that there would be cameras and a motion light would be installed.

The applicant will add to the plans the location of air and vacuum station.

The Board reviewed the Fire Marshal letter dated January 26, 2021.

Mr. Bucco stated that he approved of the rain garden being removed.

The applicant will apply for maintenance repair permit from NJ DOT.

Mr. Costa asked a question regarding the underground storage tanks.

The Board was informed that there would be 2- 20,000 gal tanks.

Chairperson Conahan opened the meeting to the public for questions.

Ms. Roxanne Radi-Sturtevant, 46 Washington Ave. asked a question regarding building activity in the flood zone and stated her concerns with flooding and the Fire House.

Mayor Madden asked a question regarding the percentage of impervious coverage on the site.

The impervious coverage calculations were considered incorrect on the zoning chart.

The zoning chart on the plans will be updated to show the correct impervious coverage on the site.

Mr. Robertson duly swore in Mr. Doug Polyniak, the applicant's Traffic Engineer.

Mr. Polyniak stated his education and credentials. The Board accepted Mr. Polyniak as an expert witness.

Mr. Polyniak stated that his office prepared the Traffic Impact Study Analysis.

Mr. Polyniak stated the analysis was conducted at Union Ave, Raritan Ave and Hazelwood intersection.

He stated that the busiest hours were from 7:30 am to 8:30 am and from 4:30pm to 5:30 pm. There were 62 vehicles in the morning and 73 vehicles in the evening.

He stated that vehicles traveling on their routes would use the gas station; would be pass by traffic.

The curbs are proposed to remain the same which will require an access permit from NJ DOT.

John Jahr, Board Traffic Engineer and Mr. Polyniak and the Board discussed the length of time for NJ DOT permits.

The applicant agreed as a condition of approval that they would be issued a Temporary Certificate of Occupancy and have up to 2 years to obtain NJ paperwork and letter of no interest.

The applicant would need to return to the Board if not approved by NJ DOT.

Chairperson Conahan opened the meeting to questions for John Jahr or Mr. Polyniak.

Mayor Madden asked a question regarding traffic circulation and if there were any previous reports.

Mr. Jahr stated any reports over 3yrs are not acceptable.

Mr. Robertson duly swore in Michael Pessolano, Planner.

Mr. Pessolano stated his education and credentials, the Board accepted his education and credentials.

Mr. Pessolano stated that the property is located in the RT zone, the canopy is an accessory structure in front yard. He stated the benefits of a canopy.

Exhibit A1 3/24/21 was entered as exhibit consisted of 4 pages:

- page 1 aerial exhibit
- page 2 copy of tax map
- page 3 consists of 4 photographs
- page 4 consists of 4 photographs

Mr. Pessolano stated there was an expansion of non-conforming use so it is a D2 variance.

Mr. Pessolano stated the positive vs negative criteria for approving the site plan and variance.

Mr. Ricci asked for more testimony on the building improvements such as stucco, color, existing sign size, and sign sizes for canopy, building, monument signs.

The Board asked for a color layout (rendering) with angles with proposed canopy and signage, and landscaping.

Mr. Costa asked the applicant to show the seven parking spaces.

Mr. Costa asked for no overnight storage of vehicles and only patron parking at the site.

The Board discussed the variance for one parking spot.

Mr. Sullivan confirmed that the Board wants to see elevations of 4 sides of the building with dimension, detail of canopy, signage old and new, rendering of site parking.

The Board also asked for a table of materials to be used on the building.

Chairperson Conahan announced that application is carried to April 28th meeting at 7pm at the Recreation Center.

Member Greco made a motion to take a 5 minute recess at 9:40pm, seconded by Member Sherr. Vote: All in favor.

At 9:50 pm the Board returned from recess with all members still present.

Chairperson Conahan announced there would be no executive session.

6. Board Comments

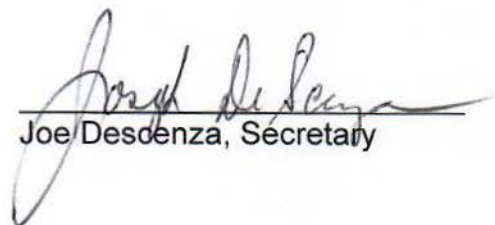
Mr. Costa gave an overview of how the duplexes were formed. He stated that the owner owns each individual unit but the property is not split. The Board discussed average tax assessments and tax revenue on a condo unit. The Board discussed potential future problems such as façade, different color roofs, windows.

Mayor Madden, asked if these were owner occupied properties.

The Board discussed that a master deed would be filed and then the condo association would be formed for the common area. The Board discussed that zoning can regulated the use but not the form of ownership for these properties. The Board discussed forming a subcommittee to review the conditions of two-family dwelling and to review the master plan to recommend a larger lot size requirement for a two-family dwelling.

Chairperson Conahan opened the meeting to the public, there being no comments or questions from public, he closed the public portion of the meeting.

Their being no further business Member Greco made a motion to adjourn the meeting at 10:30pm, seconded by Member Descenza. Vote: All in favor. Meeting adjourned.


Joe Descenza, Secretary


Karen Wick, Board Clerk