

Joint Land Use Board
1200 Mountain Ave., Middlesex, NJ 08846
Minutes
April 28, 2021

1. Call to Order

Chairperson Conahan called the meeting to order at 7:14 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 [PRESENT] 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
BOARD ENGINEER- MR. BOB BUCCO
ZONING OFFICER- MR. JOE COSTA

4. Minutes

Member Sherr made a motion to approve the April 14, 2021 meeting minutes, seconded by Member Greco. Vote: All in favor. Motion passed.

5. Old Business

JLUB 2020-006

Site plan with use variance

Richie and Mike Realty
140 Union Ave
Block 127 Lot 2

Mr. Sullivan stated that they are returning to the Board with the color renderings of the canopy and signage.

Mr. Bill Robertson duly swore in Mr. Raul Cabato, the applicant's Architect.

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

Mr. Cabato used the color rendering to explain that the building will have a smooth stucco appearance. The building will have a grey base with a blue stripe and also a blue canopy.

Mr. Cabato stated the color rendering has pavers; there will be blacktop not pavers.

Exhibit A1 4/28/2021 was entered as color rendering of the site.

Mr. Cabato used sheet Z-1 dated 3/30/21 to show the canopy plan, the building elevations (right, left, rear and front) and sign locations and sizes.

Mr. Bucco asked that on the revised plans the vacuum and air supply be moved into parking spaces 6 and 7.

The Board requested that the applicant submit a landscape plan.

The applicant agreed with this request.

Chairperson Conahan opened the floor for questions.

Member Descenza asked if the existing guardrail is to be removed.

Mr. Sullivan stated that the guardrail is to be removed and fencing is to be installed.

Member Caruso asked what the height of the fence would be as the fence currently shows height from 4ft to 6ft.

Mr. Sullivan stated that the fence will be 4ft towards Rt 28 then uniform 6ft. in height.

Member Woska asked if the lot was to be paved.

Mr. Sullivan stated that the parking lot was to be patched, sealed and restriped.

Member Ryan stated that there would not a lot of pavement left so he asked if the applicant would pave the entire site.

Mr. Bucco stated that the applicant has already put on the plans to remove old asphalt.

Member Ryan request the tree area by the fence to be cleaned up.

Mr. Bucco confirmed that the applicant has agreed to remove the 2 dead trees.

Member Ryan asked if the applicant would be able to trim the remaining trees.

The applicant will add a note to the plan about trimming the trees.

Member Ryan commented about the disrepair of the site and asked if the site could have a general clean up.

Chairperson Conahan asked about the timeline for development.

Mr. Sullivan stated that it would take time to secure NJ DOT permits. He stated that the NJDOT and NJDEP applications have been filed.

The applicant will have the debris on the site and secured the entrances within the next two weeks.

Mr. Costa asked about the number of parking spaces and asked about the 6ft fence on the left side.

The Board confirmed that the fence would be 6ft to corner. The applicant agreed to amend the plans.

Mr. Costa referred to the Ricci Planning Report regarding signage.

The applicant will comply with the Borough sign ordinance.

Member Greco asked about fencing on the back side of the property.

The applicant stated there would be no fencing along the rear property line.

The applicant agreed to Mr. Ricci's comments regarding black fence.

Chairperson Conahan opened the meeting to the public.

Mayor Madden, stated his concerns with the east side guardrail.

Mr. Bucco stated that the guardrail is to be removed, there will be a fence and the property regraded.

Mayor Madden asked if there was active drywell on the site and test monitoring wells.

Mr. Bucco stated that there is an underground detention basin.

Mr. Sullivan stated that there is a test pit, drainage calculations, and the applicant will have a LSRP on site and will comply with regulations.

Mayor Madden asked about the curb cuts for the property.

Mr. Sullivan stated that NJDOT will tell them what is needed.

Member Ryan asked about the property being regraded.

Mr. Bucco stated that the applicant will need to grade the property.

The Architectural sheet Z-1 was entered as Exhibit A3 4/28/21.

Member Sherr made a motion to approve the site plan with the use variance of the garage being turned into convenience store, variance for the parking spaces as one space short, variance for the free standing sign, approving the canopy signs, approving the variance for impervious coverage at 83%, existing rear variance setback, and having the following conditions: applicant abandoned the service station use (no more car repairs), no tank deliveries after 7am, no food preparation in convenience store, 6ft fence-complying with Engineer with fencing, removing the guardrail, only low flow diesel for diesel sales, adding spot grades to the plan, provide construction drawings to the Engineer, following the tree ordinance, follow dusk to dawn lighting, air and vacuum will be placed between 6th and 7th parking spaces, LSRP on site for tank removal, no overnight parking, only vehicles will be patrons vehicles, black top to be replaced, 2 dead trees to be removed and adding note to plan about trimming trees, clean up debris and secure building within the two week time frame, full shop drawings for the sign to be submitted, applicant to provide NJDOT application or letter of no interest, TCO will be issued for up to 2 years to comply with NJDOT, applicant to work with Board Engineer regarding NJDOT, seconded by Member Descenza. Vote: Member Sherr-yes, Chairperson Conahan-yes, Member Ryan-yes, Member Woska-yes, Member Kranz-yes, Member Descenza-yes, Member Greco-yes, Member Caruso-yes. Motion passed.

6. Board Comments

A. Proposed Cannabis Zoning

Mr. Costa informed the Board that due to state regulations that have change toward cannabis the Borough is revising local ordinances.

The Board discussed:

- HI (Heavy Industrial zone)
- IND (Industrial zone)
- Chapter 321 Recreational Marijuana
- Adding ATC (Alternate Treatment Centers) pursuant to Medical Marijuana Act
- Adding conditional use language to HI and IND
- Buffering distance
- No Marketing
- Hours of operation
- Security
- Licensed by the State of NJ

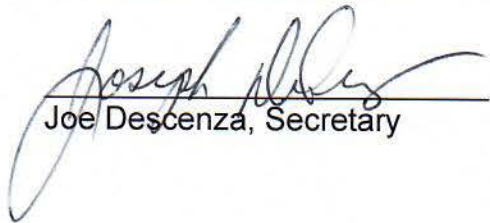
The Zoning Officer will send the Joint Land Use Board recommendations for consideration.

The Board will review the Borough Ordinance to make sure consistent with the Borough's Master Plan.

Chairperson Conahan opened the meeting to the public for comments, there be no public he closed the public portion of the meeting.

Chairperson Conahan announced the May 12, 2021 meeting would be cancelled; the next meeting would be May 26, 2021.

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


Joe Descenza, Secretary


Karen Wick, Board Clerk