

Joint Land Use Board
1200 Mountain Ave., Middlesex, NJ 08846
Minutes
January 26, 2022

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/2024 [ABSENT]	MICHAEL CONAHAN DEC/2022 [PRESENT]
ROBERT SHERR DEC/2022 [PRESENT]	PAUL WOSKA DEC/2023 [PRESENT]
JOSEPH CARUSO DEC/2023 [PRESENT] ALTERNATE 1	
TODD NICOLAY DEC/2022 [PRESENT] ALTERNATE 2	

ROBERT DESSINO DEC/2023 [PRESENT] CLASS I MEMBER
STEPHEN GRECO DEC/2022 [PRESENT] CLASS II MEMBER
JEREMIAH CARNES DEC/2022 [PRESENT] CLASS III MEMBER

ALSO PRESENT: BOARD ATTORNEY-MR. BILL ROBERTSON
BOARD ENGINEER-MR. ROBERT BUCCO JR.
BOARD PLANNER-MR. PAUL RICCI
ZONING OFFICER-MR. JOE COSTA

4. Minutes

Member Sherr made a motion to approve the January 12, 2022 minutes, seconded by Member Caruso. Vote: All in favor. Motion passed.

5. New Business

JLUB 2021-012
Jeffrey Buccellato
534 Drake Ave
Block 310 Lot 50

Minor subdivision

Mr. Brian Schwartz stated that he is representing Mr. Jeffrey Buccellato for the minor subdivision with variances.

Mr. Bill Robertson duly swore in Mr. Jeffrey Buccellato.

Mr. Buccellato stated that he would like to subdivide the lot and then build two homes, each having 4 bedrooms and 2 and ½ baths.

Mr. Schwartz stated that the width of the lot is 50ft., the applicant has the lot area and can meet the setbacks for the area.

Mr. Buccellato stated that the attic space is not a living space.

Exhibit A1 was entered as letter from Mr. Whitelaw on behalf of Mr. Buccellato to the purchase the property on the side.

Mr. Schwartz stated that the applicant has not received any response from the letter.

Mr. Buccellato stated the width of the driveway is 18ft. and will be a two vehicle width driveway.

Mr. Buccellato stated that each lot will have room for 4 vehicles and 2 car garage so would be able to have room for 6 vehicles.

The Board started to review the Colliers Engineering letter.

Mr. Schwartz stated that landscaping (shrubbery) will be installed at the foundation.

Mr. Buccellato is asking for a waiver of curbing as the curbing is in decent shape only need to make one curb cut.

Mr. Buccellato will build the houses and the facades on the front of the houses will be slightly different.

Member Woska stated he was in favor of sidewalks to be installed.

Mr. Schwartz stated that there are no other sidewalks and if the town wants to install sidewalks in the future, then the town can assess the owner in the future.

Member Woska stated that sidewalks should be installed and don't know when the Diocese will want to sell the property.

Member Caruso asked if there would be any damage to the tree due to the location of the driveway

Mr. Buccellato stated that there will be no damage to the tree the driveway will fit.

Mr. Costa asked if the left side of the property will have fencing or trees.

Mr. Buccellato stated that he planted shrubbery in November, which will grow to screen the business next door.

Mr. Robertson duly swore in Mr. Steven Parker of Parker Engineering, Somerville NJ.

Mr. Parker stated his education and credentials.

The Board accepted Mr. Parker as an expert witness.

Exhibit A2 1/26/22 was entered as sheet 3 of the site plan with revised 18ft. driveway to show that vehicles would fit.

Mr. Schwartz stated that the 2ft. difference would be a de minimis exception from the Borough standard of 20ft.

Sheet 1 of Exhibit A2 1/26/22 shows the general map

Sheet 2 of Exhibit A2 1/26/22 shows the layout

Sheet 3 of Exhibit A2 1/26/22 shows the grading detail, utilities, curbs, and pavement.

Mr. Parker stated that the stormwater runoff would decrease by 960 sq. ft. and the runoff would go onto splash blocks.

Mr. Parker stated that the curbing was in good shape.

Mr. Parker stated that there are no sidewalks in the immediate area.

Mr. Parker stated that there will be shrubbery planting at foundation.

Mr. Parker stated that there will be no dry well.

Mr. Parker stated that the applicant can comply with comments in the letter and will comply with the outside agency approvals.

Mr. Bucco recommended that sidewalks be installed, agreed with the one tree being planted and having the applicant provide a landscape plan.

Mr. Bucco stated that he has no objection with the grading and stated that the grading does not affect adjacent the property owners.

Mr. Bucco suggested a condition of approval be that curbing is to be replaced as necessary recommended by the Borough Engineer.

Mr. Costa asked what the diameter of the 100-year old tree and suggested to put in the Resolution a condition if the tree dies, he also asked what is being done to protect the tree.

The Board was informed that the tree is protected with drip line fencing.

The applicant will have the driveway on the left side of the property.

The tree dripline is to be approved by an arborist.

Member Greco confirmed that the attic space will remain unfinished.

Member Ryan asked a question regarding the staking of the property and asked about the new water line service installed.

Member Kranz asked if the applicant surveyed the property before construction and could he be on OLMV property? He stated the topsoil has been disturbed for more than a demolition.

Mr. Schwartz stated that he is not aware of violation notices, the applicant has been issued a demolition permit.

Member Caruso stated that the roots on the tree have been exposed.

Mr. Buccellato stated that he has a Freehold Soil Permit, that they tell you what they want done, they want a tracking pad.

Mr. Buccellato stated that the water company fixed the water line that was leaking when he demolished the house, and the water company installed a new service also.

Mr. Buccellato stated that the Oak tree has fencing around it.

Mr. Bucco suggested the applicant provide a copy of the Freehold Soil and plan to the Board.

Chairperson Conahan opened the meeting to the public for questions.

Mayor Madden, 39 Ramsey Rd. stated the original plan states date of 5/16/13 on page 1 of 3, asked if this was typographical error, page 3 of 3 noted outside agency approval.

Mr. Buccellato explained the process with Freehold Soil to let them know when he starts to work at site and how they do unannounced inspections. He stated he has approvals for the demolition and new construction.

The applicant already has agreed to this comment and will obtain any necessary outside agency approvals.

Mr. Robertson duly swore in the applicant's Planner, Mr. Michael J. Pessolano.

Mr. Pessolano has previously testified for the Board and the Board accepted him as an expert witness.

Mr. Pessolano stated he visited the site October 2021 and took photographs.

Mr. Pessolano stated that the applicant tried to purchase more land to make the lots compliant but has not gotten a response to his letter.

Mr. Pessolano stated that the site was in disrepair and the house is in the process of being demolished in October 2021.

Mr. Pessolano stated that the property is in the R60A zone, next to an autobody shop and a playfield and is an underutilized property.

Mr. Pessolano stated that the lot area can support 2 houses the area is 12,500 ft. and the property would be a large lot for a single-family house.

Exhibit A3 1/26/22 was entered as a 4-page exhibit

- Sheet 1- color picture with yellow border around the R60A zone
- Sheet 2 aerial image of project area (more detail) with auto repair business next door
- Sheet 3 (4) photos showing subject property, view between property and school field, view showing location of house next auto body facility, view from property toward school field.
- Sheet 4 (4) photos showing house across the street on Drake Ave, view of multi family dwelling and business, house to rear of property, properties adjacent to school field.

Mr. Pessolano gave the negative vs positive criteria test stating that the variance can be granted as the application benefits outweigh detriments to the public.

Mr. Pessolano stated that the applicant would build two nice new modern dwellings in a zone designated for this.

Mr. Ricci stated his comments were addressed from his review letter.

Mr. Ricci asked what is the square footage of the houses?

Mr. Buccellato stated that the square footage of each house is 2,500 sq.ft.

Member Kranz asked if there were any non-conforming lots in the neighborhood.

Mr. Buccellato provided Mr. Bucco with a copy of the Freehold Soil permit and stamped plans.

Mr. Bucco reviewed the documents.

Chairperson Conahan opened the meeting to the public, there being no public questions the Board continued with the application.

Mr. Schwartz summarized the application for subdivision with 2 variances, stating that Mr. Buccellato has Freehold Soil approval, asking for the Board to approve the application.

Board Members discussed the application.

Member Kranz made a motion to approve the minor subdivision, with variances with the conditions: no finished attic, provide landscape plan, grading runoff, curbing replaced in areas determined by Engineer, fencing to protect tree, driveway on western lot to be away from tree to minimize impact to Oak tree, will provide copy of Freehold Soil permit, correct R60B to R60A zone on plans, correct date on plans, sidewalk subject to arborist, individual grading plans to be reviewed and approved, second tree to be added or contribution to tree fund, seconded by Chairperson Conahan. Vote: Member Sherr-no, Member Ryan-no, Member Woska-no, Member Kranz-yes, Chairperson Conahan-yes, Member Carnes-no, Member Dessino-no, Member Greco-no, Member Caruso-yes. Motion failed to pass.

6. Resolutions

A. Board Attorney

Chairperson Conahan made a motion to approve the Resolution appointing Mr. Bill Robertson Attorney for 2022, seconded by Member Sherr. Vote: All in favor. Motion passed.

B. Board Engineer

Member Woska made a motion to approve the Resolution appointing Robert W. Bucco Jr, Board Engineer for 2022, seconded by Member Kranz. Vote: All in favor. Motion passed.

C. Board Planner

Member Woska made a motion to approve the Resolution appointing Paul Ricci as Board Planner for 2022, seconded by Member Carnes. Vote: All in favor. Motion passed.

7. Correspondence

None

8. Board Comments

A. Master Plan Update

Member Sherr stated that the subcommittee met earlier in the day and discussed Affordable Housing, possible site for senior housing such as old fire headquarters, South Ave Redevelopment, apartment saturation, row houses on Lincoln Blvd with no more than 4 units and parking.

B. Property Maintenance Update

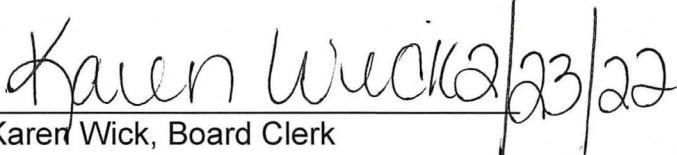
Mr. Costa distributed the Maintenance Report and the Board discussed.

Chairperson Conahan opened the meeting to the public for comments.

Mayor Madden, 39 Ramsey Rd. commented that he was disturbed by the fact that the applicant had already had the second water service installed.

There being no further business Member Greco made a motion to adjourn the meeting at 9:55pm., seconded by Member Sherr. Vote: All in favor. Meeting adjourned.

Respectfully submitted,


Karen Wick, Board Clerk