

**Joint Land Use Board
1200 Mountain Ave., Middlesex, NJ 08846
Minutes
September 28,2022**

1. Call to Order

Chairperson Sherr called the meeting to order at 7:06pm.

2. Open Public Meeting Act Statement

Chairperson Sherr 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 [PRESENT]	JOE CARUSO DEC/2022 [PRESENT]
ROBERT SHERR DEC/2022 [PRESENT]	PAUL WOSKA DEC/2023 [PRESENT]
TODD NICOLAY DEC/2023 [PRESENT] ALTERNATE 1	
SPENCER DURKIN DEC/2022 [ABSENT] 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. JOSEPH VENEZIA, COLLIERS ENGINEERING
BOARD PLANNER-MR. PAUL RICCI
ZONING OFFICER-MR. JOE COSTA

4. Approval of minutes

Member Greco made a motion to approve the Sept 14, 2022 meeting minutes, seconded by Member Descenza. Vote: All in favor. Motion passed.

5. New Business

JLUB 2022-005

Use Variance and Major Subdivision

Charles T. Facciponti and Dolores K. Facciponti
585 Union Ave
Block 86.08 Lot 1.01

Mr. Sullivan stated that he is representing Charles and Dolores Facciponti.

He stated that the applicant has owned the property since 1997, the property is located on the westbound side of Rt 28, between Ferris Bros property and Biondi Florist.

He stated that the property has split zoning, the front part of the property is in the RT zone and rear portion is in the R75 zone.

He stated that there are non-conforming buildings on the site.

The applicant is proposing 4 lots and 2 two family dwelling on each lot.

The RT zone allows for two family dwellings, the R75 zone does not allow for two family dwellings.

Mr. Sullivan stated that each lot would meet all setback requirements.

At this time Member Woska recused himself from the application as the applicant does work at his house.

Mr. Robertson duly swore in Mr. Steve Druga, the Applicant's Architect, 250 Stelton Rd, Piscataway, NJ 08854.

Mr. Druga stated his experience and his credentials. The Board accepted Mr. Druga as an expert witness.

Mr. Druga explained the floor plans and elevations for each duplex.

Mr. Druga stated that the duplex would be 48 x 38 and have 2 units, there would be a garage, full basement, entrance, living room, kitchen, 3 bedrooms, 2 ½ baths, 1700 sq ft.

Mr. Druga stated that on lot 1.04 the dimensions would be smaller 35 x 48 and it would be 1412 sq.ft.

Exhibit A1 9/28/2022 was entered as an architectural drawing prepared by Steve Druga last modified 9/28/22 to show the front elevations.

Exhibit A2 9/28/2022 was entered as an architectural drawing original date 11-9-19 last modified 9/28/2022 to show the different roof line elevations

He stated that the first floor plan had not been modified and the second story layout would be changed.

Exhibit A3 9/28/2022 was entered as architectural drawing showing the side elevations and unit closest to the road would have additional windows and a porch.

Mr. Druga showed the Board examples of colors and finishes, and samples of siding.

The Board started to review the Ricci Planning memo.

Mr. Druga addressed the comment regarding elevations and referenced Exhibit A3 9/28/22.

Mr. Druga stated that the proposed houses would have similar floor plans, roof lines, entryway, similar textures but different colors.

Member Dessino asked a question regarding the date of the plans.

Mr. Druga answered that he has stock plans and can modify them.

Mr. Ricci asked a question regarding windows on the sides of the houses.

Mr. Druga stated that there would be windows facing Union Ave and there would also have a porch.

Chairperson Sherr opened the meeting to the public for questions.

Mayor John Madden, 39 Ramsey Rd. asked questions about the retention pond and a question about windows.

The applicant stated they could add additional landscaping around retention pond.

The applicant stated they could add additional windows to the sides of the houses.

Mr. Costa asked if the units would be condos or duplexes.

Mr. Steve Yacik, 13 Shearn Dr. did not have a question on Mr. Druga's testimony and would ask his question later.

Mr. Roberston duly swore in Mr. Steve Parker of Parker Engineering. He stated his education and credentials. The Board accepted Mr. Parker as an expert witness.

Mr. Parker stated that the site is 1.685 acres and two single family dwellings and large garage on it.

The structures on the site would be demolished (shown on sheet 2 of the site plan).

Mr. Parker stated that there is a gravel driveway on the site.

Mr. Parker stated that the lot closer to Union Ave would be greater in size, a public road would be installed, applicant would extend the utilities, a detention basin would be installed, landscaping to be installed.

Mr. Sullivan reviewed the shade tree memo.

Mr. Sullivan reviewed the fire department memo regarding no parking on lot 1.04, no parking on the left side of the street and adding a fire hydrant to the northeast corner. There were no comments from the Fire Marshal and the area is not in a flood zone.

Mr. Sullivan read the Police Dept memo regarding no left turn from 7am to 9am and from 2pm to 4pm. Monday thru Friday due to the schools located across the street.

Mr. Venezia stated that the application is subject to a NJDOT review as it is a state highway.

Mr. Ricci asked if the Homeowners Association would be responsible for the detention basin.

There would be an easement on the lot with the detention basin and the Homeowners Association would be responsible.

Mr. Sullivan stated that the lot owners would be part of the association for maintenance.

The Board asked if the units could become condominiums.

Mr. Sullivan stated the units could become condominiums and that the lot owners would be the association not the individual unit owners.

Mr. Sullivan explained that a typical two unit master deed would have language regarding joint responsibility for roofing, siding, and the rear yards would be taken care of individually.

The Board continued with the Ricci Planning memo: the road would be public road, there would be buffering and landscaping on each property as well as the detention basin, shade trees are required, street lighting will be provided, subdivision would be filed by map filing, applicant would get approval from other agencies.

The Board continued with Colliers' Engineering report. The applicant agreed to the Report.

The applicant provided testimony on utility poles, the southerly side utility poles will remain, the utility pole on lot 1.04 will be removed.

The applicant will have the application review by NJDOT- not sure if there will be a right of way dedication- NJDOT will let applicant know.

The applicant defers to the Board regarding curbs and gutters. The Board prefers concrete curbs and gutters.

The applicant will have the roof drains lead into the dry well and the lots grade to the street.

The applicant will provide streetlights.

The Colliers Engineering Report recommended the location shift of the proposed roadway. The applicant will refer to NJDOT regarding this request.

The applicant will have the three tanks removed from the site,

Member Dessino asked if the tanks are above ground.

Mr. Parker stated that the tanks are above ground, no evidence of leaking, the tanks will be removed, and they will get a letter from tank company.

Member Descenza stated that there are three schools across the street and his concerns with the catch basin. He stated that there could possibly be an accident. He asked about a fence being installed around the catch basin.

Mr. Parker stated that the elevation would go from 46ft to 43ft so the basin would be 3ft deep. The applicant will provide a fence around basin.

Member Descenza stated his concerns with the new road being public then the town would have to plow and pick up the garbage.

The Board asked about the width of the driveway and confirmed that a fire truck would fit.

Mr. Venezia stated the RSIS standard is 40ft and the driveway width is 39ft.

Member Descenza asked if the landscaping would be covered by the Homeowners Association and if the utilities would be underground, he also asked about the underground storage tanks.

Mr. Sullivan stated that only the detention basin would be covered under the Homeowners Association and any tank would be removed during construction.

Member Dessino asked if the fence along Biondi side would be replaced.

The applicant will remove and replace the fence.

Member Kranz asked about elevations and moving the detention basin.

Mr. Parker stated that the location was chosen to connect to the stormwater system.

Member Carnes stated his safety concerns due to the busy area.

Mr. Venezia suggested a fence around detention pond and the fence for this lot could transition from 6ft to 4ft.

Mr. Costa asked what one of the buildings on the site was being used for.
Mr. Parker stated that the building is used for a garage.

The applicant stated that there are no environmental issues for this site.

Member Caruso asked if there would only be one detention basin.

Mr. Parkers stated there will only be one detention basin on the site.

Chairperson Sherr opened the meeting to the public for questions.

Mayor John Madden, 39 Ramsey Rd. asked if an inflow and infiltration study would be needed and the diameter of the sanitary pipe that would connect the four houses.

Mr. Parker stated that the water from basin would go to storm drain not sanitary sewer and a new manhole would be installed, he stated there would be an 8 inch sanitary pipe.

Mr. Ricci asked about fencing on the southerly side.

Mr. Parker stated that the fencing would be up to the building on the next lot.

Mr. Venezia stated then the fence would be in the right of way.

Mr. Parker stated the applicant would install landscaping instead of fencing on southerly side.

Steve Yacik, 13 Shearn Dr. asked about the height of the houses and stated his concerns with privacy as his property is behind the subdivision.

Mr. Parker stated that the houses are two stories usually about 27 ft and hedges and shade trees could be planted.

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

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

Exhibit A4 9/28/2022 was entered as a six-page planning exhibit prepared by Mr. Pessolano.

Page 1 is an aerial view with the subject property highlighted in yellow.

Page 2 is an aerial view- the subject property is highlighted in yellow and the surrounding areas zoning uses are labeled.

Page 3 is the tax map with the subject property highlighted in yellow.

Page 4 contains 4 ground photographs with view of the subject property, view to the north, view to the south and view of structure at rear of site.

Page 5 is the zoning map showing the split zone lot with R75 in the rear and RT in the front of the property.

Page 6 shows an aerial view of the property.

Mr. Pessolano gave the negative vs positive analysis determination. He stated that there is a unique site with the two zones.

Mr. Pessolano stated that there are landscaping details, so site represents own neighborhood.

Mr. Pessolano stated that the application advances the purposes of zoning, adequate air light, is spaced appropriately, would offer another variety of housing choice, creates a desirable visible environment.

Mr. Pessolano stated that there was no substantial detriment, the land could have a more intensive use such as a business office.

He stated that the eight dwellings are low traffic generators, would have own utilities, landscaping, lighting and fencing.

He stated that two family dwellings are still allowed in the zoning ordinance in the RT zone and ordinance has not been changed.

He stated that by approving the application then a single use would be on the entire property currently there are two uses on the property.

Mr. Ricci asked where the closest two-family area is and clarified that the single-family use is permitted in the RT and R75 zone.

Mr. Sullivan stated that across the street is a two-family dwelling.

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

Member Dessino stated that the Master Plan had been changed not to allow two family in the RT zone.

Mr. Costa stated that the Master Plan has been adopted but the zoning ordinances have not been changed yet.

Mr. Costa stated that the RC2 and the AR3 zones allow and identify condos and duplexes, the ordinance change would affect the RT zone not the R75 zone.

Mr. Costa referred to the Planning Exhibit A4 9/28/2022 sheet 6 and asked about the brown area where it looks like nothing can grow.

The Board was informed that vehicles park in that area of the property.

Member Ryan stated that the Master Plan eliminated two family dwellings in the RT zone.

Member Greco agreed with Members Dessino and Ryan and asked if the applicant would consider four single family homes.

Mr. Sullivan stated that property is an unique as it has a split lot zone and is a larger parcel, currently has series of non-conforming buildings. He stated that there is no access to the rear of the property and would be its own little community. He stated a commercial use such as a church, bank, nursery school would be a more intense use.

Member Dessino asked if the applicant would consider single family homes.

Chairperson Sherr opened the meeting to the public, there being no public comments the Board continued with the application.

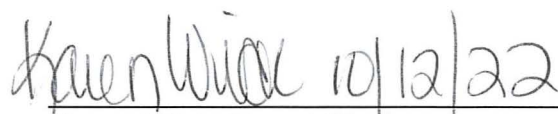
Member Kranz stated that out of the four lots the zoning is not permitted in two and half lots.

Member Ryan made a motion to deny the use variance and subdivision application, seconded by Member Greco. Vote: Member Descenza=yes, Member Ryan=yes, Chairperson Sherr=yes, Member Kranz=yes, Member Caruso=yes, Member Greco=yes, Member Nicolay=yes. Vote: Motion passed. Application denied.

Chairperson Sherr opened the meeting for public comments, there being none he closed the public portion of the meeting.

There being no further business Member Kranz made a motion to adjourn the meeting at 9:09 pm, seconded by Member Descenza. Vote: All in favor. Meeting adjourned.


Joe Descenza, Secretary


Karen Wick, Board Clerk