

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Agenda Meeting Minutes**  
**January 4, 2017**  
**7:30 PM**

**1. Call to Order**

Board Clerk, Karen Wick called the meeting to order at 7:54 pm.

**2. Open Public Meeting Act Statement**

Board Clerk, Karen Wick read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [absent]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [present]	Anthony Vietri Dec/2017 [present]
John Segarra (1st Alt) (Dec/2018) [present]	
Mike Jones (2nd Alt) Dec 2017 [present]	

**4. Reorganization**

**A. Election of Zoning Board Members**

**1. Chairperson**

The Board Clerk asked for nominations to this position.

Member Vietri nominated John Anello for Chairperson for the Board of Adjustment, seconded by Member First.

Member Thompson nominated Jeff First for Chairperson for the Board of Adjustment, seconded by Member Segarra.

The Board Clerk asked if there were any other nominations for this position, there being none closed the nominations. The Members were asked to vote by voice ballot for either John Anello or Jeff First for Chairperson of the Board of Adjustment.

Vote: Member Anello- John Anello, Member Vietri- John Anello, Member First- Jeff First, Member Thompson- Jeff First, Member Segarra- John Anello, Member Jones- John Anello.

Member Anello received 4 votes for Chairperson and Member First received 2 votes for Chairperson.

Member Anello was voted Chairperson for the Board of Adjustment for 2017.

The gavel was handed to Chairperson Anello.

## **2. Vice Chairperson**

Chairperson Anello asked for nominations for this position.

Member Thompson nominated Jeff First for Vice-Chairperson, seconded by Member Anello.

Chairperson Anello asked if there were any other nominations for this position, there being none closed the nominations. Vote: Chairperson Anello-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. The motion was carried unanimously.

Jeff First was voted as Vice-Chairperson for the Board of Adjustment for 2017.

## **3. Secretary**

Chairperson Anello asked for nominations for this position.

Member Segarra nominated Mike Jones for Secretary for the Board of Adjustment, seconded by Member Thompson.

Chairperson Anello asked if there were any other nominations for this position, there being none closed the nominations. Vote: Chairperson Anello-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. The motion was carried unanimously.

Mike Jones was voted as Secretary for the Board of Adjustment for 2017.

### **B. Appointment of Board Attorney.**

Member Jones, Member Segarra and Member First reviewed the 2 RFP's for Attorney.

The Subcommittee recommended Ms. Dowling for Attorney.

Member First made a motion to appoint Ms. Dowling as Attorney for Board of Adjustment for 2017, seconded by Member Vietri. Vote: Chairperson Anello-yes, Member Vietri-yes, Member First-yes, Member Thompson-no, Member Segarra-yes, Member Jones-yes. Motion passed.

Ms. Joan Dowling Esq. was appointed Board of Adjustment Attorney for 2017.

### **C. Appointment of Board Engineer**

The Subcommittee recommended Najarian Associates for Engineering Services.

Member Jones made a motion to appoint Najarian Associates for Engineering Services for the Board of Adjustment for 2017, seconded by Member Segarra. Vote: Chairperson Anello-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes .Motion passed.

Najarian Associated was appointed as Board of Adjustment Engineer for 2017.

#### **D. Appointment of Board Planner**

The Subcommittee recommended Ricci Planning for Planning Services.

Member First made a motion to appoint Ricci Planning as Planner for the Board of Adjustment for 2017, seconded by Member Segarra. Vote: Chairperson Anello-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

#### **E. Appointment of Recording Secretary**

Chairperson Anello made a motion to appoint Karen Wick as Recording Secretary, seconded by Member Jones. Vote: Chairperson Anello-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

#### **F. Appointment of Board Clerk**

Member Segarra made a motion to appoint Karen Wick as Board Clerk, seconded by Member First. Vote: Chairperson Anello-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

#### **G. Approval of Regulations**

Member Segarra made a motion to adopt the Rules of Order, seconded by Member Jones. Vote: Chairperson Anello-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

#### **H. Approval of 2017 Meeting Schedule**

Member First made a motion to approve the 2017 Board of Adjustment Calendar, seconded by Member Segarra. Vote: Chairperson Anello-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

#### **I. Approval of Official Newspaper**

Member First made a motion to use Courier News as the Official Newspaper for Board of Adjustment for 2017, seconded by Member Jones. Vote: Chairperson Anello-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

## **5. Approval of Minutes**

Member First made a motion to approved the December 28, 2016 meeting minutes with the amendments as discussed, seconded by Member Segarra. Vote: Chairperson Anello-yes, Member Vietri- abstain, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

## **6. Memorialization of Resolution**

**Z2016-01**

**TCAT Properties**

**294 Lincoln Blvd.**

**Block 340 Lot40, 37.01, 29.01**

Member Jones made a motion to approve the Resolution with conditions, seconded by Member Segarra. Vote: Chairperson Anello-no, Member Vietri-abstain, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

## **7. Board Member Comments**

Member Thompson stated that he received a call from another Board Member stating that they were not happy with the way applicant Z2016-01 was being treated at the last meeting.

Member Vietri asked about the generic form for RFP's proposed last year.

The Board drafted a letter last year and the Governing Body did not act on this and change the format.

Chairperson Anello stated professionals would need to be hired to rewrite the RFPs.

Member First inquired if the Board could use their own RFPs and the Board discussed who would write the RFPs and who would pay for this.

Member Thompson asked why the Board used separate professionals from the ones used by the Governing Body.

Member First inquired if the Board can ask Ms. Dowling for guidance on; if the Board can write their own RFPs without the Governing Body and if we can form a subcommittee to rewrite the RFPs.

Member Segarra asked how other towns handle this.

Member Thompson stated that he knew that Somerville used a combined Board.

The Board Members discussed the Borough has a separate Planning Board and Zoning Board, this led to a discussion of the positions on the Planning Board and how members get appointed to their position.

Chairperson Anello stated the difference between the Zoning Board and Planning Board applications.

The Board reflected on previous applications that the Zoning Board has listened to.

Member First asked if the Board can reach out to Ms. Dowling regarding the legal ramifications if the Board can revise the RFPs.

Member First asked how the Board can promote RFPs'; the league of municipalities ad was discussed.

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

There being no further business Member First made a motion to adjourn the meeting at 8:52pm, seconded by Member Segarra. Vote: All in favor.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
January 18, 2017  
7:30 PM**

**1. Call to Order**

Chairperson Anello called the meeting to order at 7:33 pm.

**2. Open Public Meeting Act Statement**

Chairperson Anello read the Open Public Meeting Act Statement.

**3. Swearing in of New Member**

Not done at this time.

**4. Roll Call**

Upon the call of the roll the following members were present:

John Anello [Dec/2020] [present]	John Segarra [Dec/2017] [present]
Leonard Jackson [Dec/2017] [present]	Anthony Thompson [Dec/2018] [absent]
Jeff First [Dec/2018] [present]	Anthony Vietri [Dec/2017] [present]
Michael Conahan [Dec/2019] [absent]	(1 <sup>st</sup> Alt) [ ]
Mike Jones (2 <sup>nd</sup> Alt) [Dec/2017] [absent]	

Also present was Board Attorney: Ms. Joan Dowling

**5. New Business**

**Z2016-03**

Olechnowicz  
131 Walnut St  
Block 123 Lot 5

**Variance with Subdivision**

Chairperson Anello announced that the application would be adjourned to the February 1, 2017 meeting and that no new notices would be sent. Chairperson Anello stated that due to a scheduling conflict the Board Planner was not able to attend tonight's meeting. Chairperson Anello did not want to start the application without the Board Planner present. The Board agreed and the application will be heard at the February 1, 2017 meeting.

**6. Correspondence**

**A. Minutes**

Member First made a motion to approve the January 4, 2017 meeting minutes, seconded by Member Vietri. Vote: Member Segarra-yes, Member Jackson-abstain, Member Vietri-yes, Member First-yes, Chairperson Anello-yes. Motion passed.

## **B. Attorney Resolution**

Member Segarra made a motion to approved the Attorney Contract, seconded by Member First. Vote: Member Segarra-yes, Member Jackson-yes, Member Vietri-yes, Member First-yes, Chairperson Anello-yes. Motion passed.

## **7. Board Member Comments**

### **A. General Comments**

Member First inquired about insurance coverage for Board Members as he has read newspaper articles about other towns being sued.

Ms. Dowling explained that the Borough has insurance for the Boards.

Chairperson Anello also stated that the Board has insurance and will ask the Borough Clerk.

The Board discussed the need to articulate the reasons either "for" or "against" an application for the record; an application cannot just be denied it must be denied with a valid reason, to deny an application just because you don't like it can lead to lawsuits.

### **B. RFP's**

Member First inquired if the Board has the right to create/modify RFP's.

Ms. Dowling explained that the Zoning Board is an autonomous body and the Borough must fund the Board; but the budget is set by the Governing body.

The Board discussed the RFP's as confusing and the need to revise the RFP's.

Ms. Dowling stated the first step is to look at the Borough Ordinance to clarify if the Board can revise the RFP's.

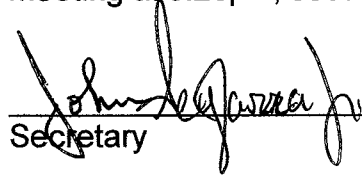
The next step would be to develop a subcommittee to revise the RFP's, then see if the Board professionals would be needed to help.

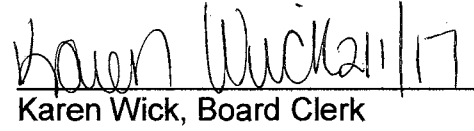
The Board would need to see if this cost is in the Board's Budget because if it is not funded then the Board could not proceed.

## **8. Public Comments**

Chairperson Anello opened the meeting, there being no public present, he closed the public portion of the meeting.

There being no further business Member Segarra made a motion to adjourn the meeting at 8:20pm, seconded by Member Vietri. Vote: All in favor. Meeting adjourned.

  
Secretary

  
Karen Wick, Board Clerk



**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Regular Meeting Minutes  
February 1, 2017  
7:30 PM**

**1. Call to Order**

Chairperson Anello called the meeting to order at 7:34 pm.

**2. Open Public Meeting Act Statement**

Chairperson Anello read the Open Public Meeting Act Statement.

**3. Swearing in of New Member**

Ms. Dowling duly swore in Michael Conahan.

**4. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2020 [present]	John Segarra Dec/2017 [present]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [present]	Anthony Vietri Dec/2017 [present]
Michael Conahan Dec/2019 [present]	(1 <sup>st</sup> Alt) [ ]
Mike Jones (2 <sup>nd</sup> Alt) Dec/2017 [present]	

Also in attendance were: Board Attorney, Ms. Joan Dowling  
Board Engineer, Mr. Bob Bucco  
Board Planner, Mr. Paul Ricci

**5. Approval of Secretary**

Chairperson Anello informed the Board Members that since Mike Jones is the 2<sup>nd</sup> Alternate he cannot be the Zoning Board Secretary.

Chairperson Anello nominated John Segarra for Board Secretary for 2017, seconded by Member First. Vote: Member Conahan-yes, Member Segarra-yes, Member Jackson-yes, Member Thompson-yes, Member Vietri-yes, Member First-yes, Chairperson Anello-yes. Motion passed.

**6. Approval of Minutes**

Member First made a motion to approve the January 18,2017 minutes, seconded by Member Segarra. Vote: Member Conahan-abstain, Member Segarra-yes, Member

Jackson-yes, Member Thompson-abstain, Member Vietri-yes, Member First-yes, Member Anello-yes. Motion passed.

**7. New Business**

**Z2016-03**

**Variance with Subdivision**

**Olechnowicz**

**131 Walnut St**

**Block 123 Lot 5**

Mr. Bob Spengler stated that he is representing Beth and Joe Olechnowicz.

Mr. Spengler stated that the applicant wants to subdivide and sell the 2<sup>nd</sup> lot.

Mr. Spengler stated that the applicant needs a variance for the proposed lot width is 60ft and the zone requires 75ft.

Mr. Spengler stated that Jeff Baldwin is the Planner and the Surveyor for the applicant.

Ms. Dowling duly swore in Jeffrey Thomas Baldwin, 7 Talleyhoe Trail, Hillsborough NJ.

Mr. Baldwin stated his education and credentials for the Board.

The Board accepted Mr. Baldwin as an expert witness.

Mr. Baldwin stated that this parcel of land was created in 1926 and was a part of the Pierce Estates; at that time a typical lot was 50 x 150.

Mr. Baldwin stated that the house was built in 1932.

Mr. Baldwin stated that the applicant wants to divide the property to create a lot that is 60ft wide which is similar in other areas.

Mr. Baldwin stated that the applicant needs a variance since the requirement is 75ft and 60ft is proposed.

Mr. Baldwin stated that all the utilities are already on the property and would not be detriment as there are mixtures of homes in the neighborhood and anything could fit.

The Board started to review the Planner's report.

The Planner's Report stated what 4ft of sidewalks are required but there are no sidewalks to connect to.

Mr. Bucco stated that there are no sidewalks but the applicant should install handicapped ramps that are ADA compliant.

The Board discussed the rear set back is 20ft and the applicant is providing 26.5ft

Chairperson Anello opened the meeting for questions to the applicants Planner/Engineer.

Damian Bauman, 214 A St, asked if the Board Members have been at the site. He asked if the telephone pole will be relocated. He asked if there is an ordinance regarding having a driveway directly across from another driveway.

Mr. Ricci stated that there is no prohibition of having driveways directly across from each other in the ordinance.

Member Vietri asked Mr. Bauman what his main concern was.

Mr. Bauman stated that his main concern is the telephone pole.

Mr. Baldwin stated that a normal parking lot has a width of 24ft between parking spaces and the driveway would be 30ft.

Jaime Miguel, 213 A St, stated a general comment not a question.

The Board continued with the Planning Report.

The applicant will provide the sidewalk and the trees.

The Board calculated the square footage for the entire lot as 22,500sq ft. which is 3x larger than the minimum.

The Board reviewed the other lots in the surrounding area.

The Board commented that the lots on A, B and Maple were formed on the property that used to be Pierce School.

The Board considered the following questions proposed by Ms. Ricci; is the application a detriment to the zoning plan and is it consistent with the area and does it make good sense.

Mr. Bucco stated that in regards to the sidewalk, the grading plan was submitted so it would not adversely affect the surrounding neighbors.

Mr. Bucco stated that the subdivision by deed would need to be reviewed by the Board Engineer and Attorney.

Ms. Dowling duly swore in Joe Olechnowicz, 131 Walnut St. to explain the rational of 60ft setback instead of 65ft.

Mr. Olechnowicz stated that he has done significant improvements on his current house and would like to keep the setback to allow for future improvements.

Mr. Olechnowicz described his property with the concrete pathway and slope.

Mr. Olechnowicz stated that his best use of his property was to subdivide and use the money to allow for improvements on his current house.

Mr. Olechnowicz stated that there are no actual house plans and he will not be the builder.

Chairperson Anello opened the meeting to the public for question for Mr. Olechnowicz.

Jaime Miguel, 213 A St, stated a general comment not a question.

Member First asked the applicant about the kitchen extension and possible garage by driveway.

The Board discussed the impact on the neighborhood.

The applicant stated that he is not going to commit on what type of house would be built, he is going to sell the lot to a builder.

The Board discussed 65ft or 60 ft setback as to lessen the impact.

Members First, Segarra, Conahan were in favor of the 65 ft instead of the 60ft.

Exhibit A1 Photograph(2013 google) showing the street view, looking at the house from A St.

Exhibit A2 Photograph (2013 google) showing a closer view of Exhibit A1.

Chairperson Anello opened the meeting to general comments from the public.

Damien Bauman, 214 A St, appreciated Chairperson Anello looking at the property. He did not have a problem with the applicant trying to better themselves. He had concerns about a modern home next to older homes and stated that the neighborhood is changing. He stated that the applicant would not even be living in the house in 5yrs. he referenced the house on A St built by Jeffrey Buccellato.

Chairperson Anello stated that the new house would be facing A St.

The Board discussed that the Resolution could stipulate the new house would face A St.

Ms. Dowling stated that the front door requires frontage to the street.

Member Thompson stated that he has driven by this property.

Jaime Miguel, 214 B St, stated that he is not against building a new home. He is against the smaller lot. He stated that the applicant did not do the things he had promised when he first moved in. He stated that the applicant will not be there in 2 years and he has lived in Middlesex for 30years.

The Board continued to discuss the application.

Members Thompson, Vietri and Anello have already seen the property. The other members of the Board would like to visit the property.

Chairperson Anello asked the applicant if he would agree to the 65ft and fencing around the proposed property.

The applicant stated that he is not opposed to those items.

The applicant gave permission for Board Members to visit his property.

Ms. Dowling advised the Board Members that there could only be 2 members at time at the property.

Member First and Thompson stated that they have driven by the property.

Chairperson Anello stated that this application was adjourned to February 15, 2017.

## **8. Correspondence**

No correspondence at this time.

## **9. Board Member Comments**

### **A. RFP discussion**

Ms. Dowling stated that she obtained a copy of the ordinance.

Chairperson Anello stated that he was under the impression from the Mayor that the Board could not rewrite the RFP's and it was a futile attempt.

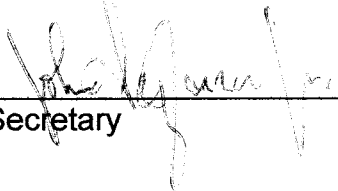
Member First stated that he would call the League of Municipalities and also be a volunteer on a subcommittee to rewrite the RFP's.

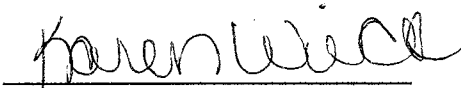
The Board members gave new member information on what had transpired when they reviewed the RFP's.

Chairperson Anello stated that he felt the only change that might be possible was to have the RFP's go out earlier in October.

Member First will call the League of Municipalities to ask questions regarding rewriting RFP's.

There being no further business Member First made a motion to adjourn the meeting at 9:43pm, seconded by Member Thompson. Vote: All in favor. Meeting adjourned.

  
Secretary

  
Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Regular Meeting Minutes  
February 15, 2017  
7:30 PM**

**1. Call to Order**

Chairperson Anello called the meeting to order at 7:39 pm.

**2. Open Public Meeting Act Statement**

Chairperson Anello read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2020 [present]	John Segarra Dec/2017 [present]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [present]	Anthony Vietri Dec/2017 [present]
Michael Conahan Dec/2019 [present]	(1 <sup>st</sup> Alt) [ ]
Mike Jones (2 <sup>nd</sup> Alt) Dec/2017 [present]	

Also in attendance were: Board Attorney, Ms. Joan Dowling  
Board Engineer, Mr. Bob Bucco  
Board Planner, Mr. Paul Ricci

**4. Approval of Minutes**

Member First made a motion to amend the February 1, 2017 minutes as discussed, seconded by Member Segarra. Vote: All in favor. Motion passed

Member First made a motion to approve the amended minutes, seconded by Member Jones. Vote: All in favor. Motion passed.

**5. Old Business**

**Z2016-03  
Olechnowicz  
131 Walnut St  
Block 123 Lot 5**

**Continuation**

Chairperson Anello asked if the Members had visited the site and for their comments.

Member Jones stated that he visited the site and stated a new house would not conform with the neighborhood and it would be crowded.

Member Vietri stated that currently there is a nice house on the lot, the new house would be facing A St, would not have a problem with a mix of houses and would prefer 65ft instead of 60ft.

Member First stated that adding a house would change the neighborhood and would vote against it.

Member Segarra stated that he concurs with Member Jones and First and was not in favor of subdivision.

Member Jackson stated that it would be a tight fit and not in favor even with 65ft.

Member Thompson stated that he was opposed to the subdivision and it would disturb the neighborhood.

Member Conahan stated that he was opposed to the subdivision and it was not a real hardship.

Chairperson Anello stated that he went by the property and it looks like it would be squeezed in.

Chairperson Anello stated that the Board received a letter from the applicant's attorney.

Member Segarra read the letter from Mr. Bob Spengler referring to a subdivision deed in 1998 for 211 Chestnut St. which was very similar to the proposal of his client.

The Board continued to discuss the application, the general consensus was that the Board was not in favor of the subdivision.

Member Segarra made a motion to deny the subdivision, seconded by Member Thompson. Vote: Member Conahan-yes, Member Segarra-yes, Member Jackson-yes, Member Thompson-yes, Member Vietri-no, Member First-yes, Chairperson Anello-yes. Motion passed.

Chairperson Anello stated the 6 of the 7 Board Members felt it does not fit in with the community and won't enrich the area.

## **6. Correspondence**

No correspondence at this time.

## **7. Board Member Comments**

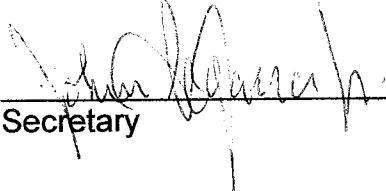


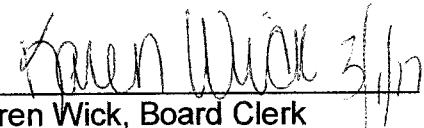
The Board discussed the matter that the RFP's does not measure "apples" to "apples" and would like to revise the RFPs.

The Board formed a subcommittee consisting of Member First and Member Segarra to revise the RFPs to be more specific.

The Board Clerk will obtain a copy of the RFP from the Borough Clerk's office.

There being no further business Member First made a motion to adjourn the meeting at 8:20pm, seconded by Member Segarra. Vote: All in favor. Meeting adjourned.

  
Secretary

  
Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
May 3, 2017  
7:30 PM**

**1. Call to Order**

Chairperson Anello called the meeting to order at 7:35 pm.

**2. Open Public Meeting Act Statement**

Chairperson Anello read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello [Dec/2020] [present ]	John Segarra [Dec/2017] [present ]
Leonard Jackson [Dec/2017] [present ]	Anthony Thompson [Dec/2018] [absent ]
Jeff First [Dec/2018] [absent ]	Anthony Vietri [Dec/2017] [present ]
Michael Conahan [Dec/2019] [present ]	
Mike Jones (1st Alt) [Dec/2017] [absent ]	

Also present were Board Attorney: Ms. Joan Dowling  
Board Engineer: Ms. Donna Bullock  
Board Planner: Mr. Paul Ricci

**4. Minutes**

Member Jackson made a motion to approve the March 1, 2017 meeting minutes, seconded by Member Segarra. All in favor. Motion passed.

**5. New Business**

**Z2017-07  
Mainland Middlesex LLC  
680-738 Union Ave  
Block 186 Lots 1 and 2**

**Sign Variance**

Mr. Edward Mainardi stated that he is representing Mainland Middlesex LLC for the variance for a freestanding sign.

Mr. Mainardi stated that the property(Middlesex Shopping Center) is a large property that has no pylon sign.

Mr. Mainardi stated that sign is 24ft 8in and the Borough Ordinance 420-61(D).

Freestanding business signs. Freestanding signs shall be permitted, subject to the following conditions and regulations:

[1]

Only one freestanding sign shall be permitted per property.

[Amended 6-29-1993 by Ord. No. 1285]

[2]

Such sign shall not exceed 15 feet in height and shall be set back a minimum of 10 feet from all property lines.

[3]

The permitted sign area of a freestanding sign shall be equal to 0.25 square foot for every foot of roadway frontage but shall not exceed 100 square feet.

[Amended 6-29-1993 by Ord. No. 1285]

[4]

Freestanding signs shall be located not less than 10 feet from all property lines

The applicant is seeking a variance for the height of the sign and the square footage.

The Board reviewed the requested checklist waivers; (1) scale of drawing, (9) elevations, (16) floor plan, (18) dimensions of parking, (22) Lighting

Mr. Ricci had no objections to the waivers being granted and the discussed the waivers with the Board professionals.

Member Vietri made a motion to approve the granting of the requested waivers, seconded by Member Segarra. Vote: All in favor. Motion passed.

The applicant will add a note to the site plan with the zone boundaries.

The applicant will comply with the construction department regarding footings for the sign.

The applicant will address the concern of the site triangle distance and the proposed location of the sign.

Ms. Dowling duly swore in William Mainardi, 24 Sherburk Dr, Lincoln Park NJ, he stated that he one of the owners and handles general maintenance of the property.

Mr. W. Mainardi described the sign as a pylon sign with a base of 3ft columns so the sign will be raised.

Mr. W. Mainardi stated that the proposed location of the sign will require to relocate a parking space near the fence.

Ms. Bullock suggested that the applicant move the sign back one more parking space, to do a monument sign. The applicant could relocate 2 parking spaces near the fence.

Chairperson Anello stated that he was not in favor of granting a variance for the height of the sign.

Chairperson Anello questioned the height of the building on the property.

The Board was informed that the height of the building 32ft 1inch and the proposed sign is 24ft 8inches tall.

The board questioned the materials to be used on the proposed sign.

The applicant stated that the sign would have the same stucco as the building on the property.

Member Vietri questioned the maintenance of the sign.

Mr. W. Mainardi stated that the sign will be able to be painted.

The Board inquired about the landscaping along the bottom of the sign.

The applicant will amend the site plan to include landscaping.

Mr. Ricci questioned the applicant if the sign would be illuminated.

The applicant stated that the sign will have internal illuminated boxes.

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

Ms. Dowling duly swore in Brian Travers of Butler Sign Co.

Mr. Travers stated that he is the field supervisor, design fabricator and installer for Butler Sign Co.

The Board accepted Mr. Travers as an expert witness.

Mr. Travers explained that the letters MIDDLESEX PLAZA will be backlit inside the sign, no LED lighting is proposed, he described the columns and how the sign will be designed.

Mr. Travers explained that the sign is tall because of the columns then the sign would start at the height of 8ft. This would allow vehicles to see and not have any obstructions by the sign.

The Board took a 10minutes recess at 8:30pm, upon returning from recess at 8:39pm the Board Clerk took attendance with all Board Members still present.

The applicant would like to redesign the sign and make changes to the site plan.

Mr. Ricci stated his concerns with the line of site and safety.

The applicant will return to the Board on May 17, 2017 and no further notification will be needed.

## 6. Correspondence

### A. FEA Letter

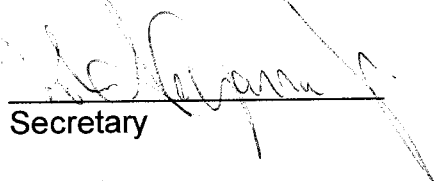
The Board instructed that the letter regarding 145 River Rd be forwarded to the Borough Engineer. The Board Clerk will forward the correspondence to the Borough Engineer.

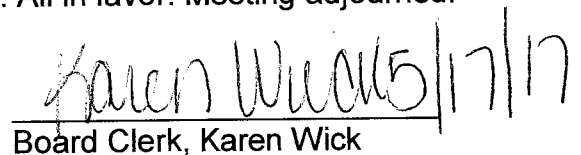
## 7. RFP Discussion

Member Segarra has not received any information from any municipalities that he has contacted. Member First was not in attendance, this will be tabled to the next meeting.

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

There being no further business Member Segarra made a motion to adjourn the meeting at 9:00pm, seconded by Member Vietri. Vote: All in favor. Meeting adjourned.

  
Secretary

  
Board Clerk, Karen Wick

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Regular Meeting Minutes  
March 1, 2017  
7:30 PM**

**1. Call to Order**

Chairperson Anello called the meeting to order at 7:39 pm.

**2. Open Public Meeting Act Statement**

Chairperson Anello read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2020 [present]	John Segarra Dec/2017 [present]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [absent]	Anthony Vietri Dec/2017 [present]
Michael Conahan Dec/2019 [present] (2 <sup>nd</sup> Alt) [ ]	Mike Jones (1 <sup>ST</sup> Alt) Dec/2017 [absent]

Also in attendance was: Board Attorney, Ms. Joan Dowling

**4. Approval of Minutes**

Member Thompson made a motion to approve the February 15, 2017 minutes as discussed and amended, seconded by Member Jackson. Vote: All in favor. Motion passed.

**5. Old Business**

**Z2016-03  
131 Walnut St  
Block 123 Lot 5**

**Memorialize Resolution**

Member Segarra made a motion to approve the Resolution denying the subdivision, seconded by Member Thompson. Vote: Member Conahan-yes, Member Segarra-yes, Member Jackson-yes, Member Thompson-yes, Chairperson Anello-yes. Motion passed.

**6. Correspondence**

None.

**7. Board Member Comments**

**A. RFP Adoption of the Charge to the Committee to review RFP's for the Zoning Board**

Member Thompson made a motion to approve the Resolution to review RFP's, seconded by Member Segarra. Vote: Member Conahan-yes, Member Segarra-yes, Member Jackson-yes, Member Thompson-yes, Chairperson Anello-yes. Motion passed.

Board Members discussed having an update from the Subcommittee. The Subcommittee will report to the entire Board on June 7, 2017 as to the status.

**8. Public Comments**

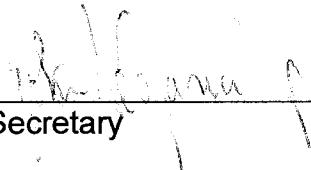
Chairperson Anello opened the meeting to the public.

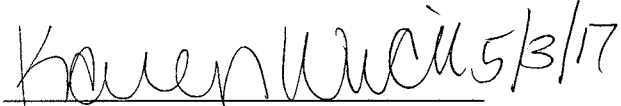
Joe Olechnowicz, 131 Walnut St, thanked the Members for their service. He explained the hardship and the minor variance. He stated that nearly half of the houses have widths of 50ft in the neighborhood. The subdivision would have improved Middlesex Borough.

Beth Olechnowicz, 131 Walnut St, stated that she was upset by the Board's decision not to grant the subdivision with variance. She stated there was a hardship and if the house was to be torn down the property could be divided into 2 lots. She stated that she preserved the house. She also stated that the property was in disrepair and used to dump miscellaneous items before they purchased it.

There being no further public, the public portion of the meeting was closed.

There being no further business Member Thompson made a motion to adjourn the meeting at 8:15pm, seconded by Member Segarra. Vote: All in favor. Motion approved.

  
Secretary

  
Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
May 17, 2017  
7:30 PM**

**1. Call to Order**

Chairperson Anello called the meeting to order at 7:33 pm.

**2. Open Public Meeting Act Statement**

Chairperson Anello read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello [Dec/2020] [present ]	John Segarra [Dec/2017] [present ]
Leonard Jackson [Dec/2017] [present ]	Anthony Thompson [Dec/2018] [present ]
Jeff First [Dec/2018] [present]	Anthony Vietri [Dec/2017] [present ]
Michael Conahan [Dec/2019] [present ]	
Mike Jones (1st Alt) [Dec/2017] [absent ]	

Also present was: Board Attorney: Ms. Joan Dowling

**4. Minutes**

Member Segarra made a motion to approve the May 3, 2017 meeting minutes, seconded by Member Jackson. Vote: Member Conahan-yes, Member Segarra-yes, Member Jackson-yes, Member Thompson-abstain, Member Vietri-yes, Member First-abstain, Member Anello-yes. Motion passed.

**5. Old Business**

**Z2017-01  
Main Land Middlesex LLC  
680-738 Union Ave  
Block 186 Lots 1 & 2**

**Sign variance and site plan amendment**

Chairperson Anello read into the record the letter from Edward Mainardi requesting this application be adjourned to June 7, 2017 meeting. The Board agreed with the request.

Ms. Dowling advised that the applicant should also grant the Board a time extension for approvals.



Ms. Dowling will email Mr. Mainardi to have him send an additional letter to the Board.

## 6. Correspondence

None

## 7. Board Member Comments

### A. RFP

Member Segarra stated that other municipalities have not returned his calls regarding RFP's.

Member First stated that he has contacted Bridgewater, Dunellen and Bound Brook regarding RFP's.

Chairperson Anello stated that the general consensus was this is a "dead issue."

Member First stated that he would pursue the subject again and allow for a 30 day time extension. He agreed to table the matter to give more time to do research.

Chairperson Anello opened the meeting for public comments, there being no public present, he closed the public portion of the meeting.

There being no further business Member First made a motion to adjourn the meeting at 7:43pm, seconded by Member Jackson. Vote: All in favor. Meeting adjourned.

  
Secretary

  
Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
June 7, 2017  
7:30 PM**

**1. Call to Order**

Chairperson Anello called the meeting to order at 7:32 pm.

**2. Open Public Meeting Act Statement**

Chairperson Anello read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [absent]	Anthony Vietri Dec/2017 [present]
John Segarra (Dec/2018) [present]	Michael Conahan [present]
Mike Jones (1st Alt) Dec 2017 [absent]	

Also present were Board Attorney: Ms. Joan Dowling  
Board Engineer: Ms. Donna Bullock  
Board Planner: Mr. Paul Ricci

**4. Minutes**

Member Vietri made a motion to approve the May 17, 2017 meeting minutes, seconded by Member Thompson. All in favor.

**5. Old Business**

**Z2017-07  
Mainland Middlesex LLC  
680-738 Union Ave  
Block 186 Lots 1 and 2**

**Sign Variance**

Ms. Dowling advised the applicant that there is not a full Board and the applicant is entitled to all members.

The applicant understood and stated that they will proceed with the application and a six member Board tonight.

Mr. Edward Mainardi Jr. stated that he is representing Mainland Middlesex LLC for the variance for a freestanding sign.

He stated that the applicant took into consideration the concerns of the Board from the previous meeting and has revised the site plan and sign.

Ms. Dowling reminded Mr. Travers of Butler Sign Co. that he was still under oath.

Mr. Travers stated that the sign was now set back 3 parking spaces from the street (approximately 50ft from curb).

Mr. Travers stated that the sign is 21' 4" tall and 137 sq. ft.

Mr. Ricci stated that it was aesthetically pleasing to have only one sign instead of two monument sign as discussed at the last meeting.

- Exhibit A1 6/7/17 was entered as book of photographed signs
  - Page 1 - picture of the proposed pylon sign that was submitted
  - Page 2 - shows proposed pylon sign in location of where to be placed
  - Page 3 - shows EXXON sign with a height of 21' 6" 160 sq.ft.
  - Page 4 –shows Middlesex Texas Weiner sign across the street
  - Page 5 – shows Joe's Birds signs
  - Page 6- shows the Repair Shop USA sign at 1308 Bound Brook Rd
  - Page 7- FST Printing Sign-1324 Bound Brook Rd -which was measured at the top of the pole

Ms. Dowling recalled that the Repair Shop had been granted a variance

- Page 8- shows the Wendy's sign
- Page 9- shows the Young Learners Academy sign
- Page 10 – shows the 586 Lucky Plaza sign
- Page 11- shows the Mountain View Diner sign

Mr. Travers stated that he took the pictures himself and all were taken recently, since the last meeting.

Mr. Travers stated that the Exxon, Wendy's and Mountain View Diner signs were about 10 to 15 years old and that the proposed sign would fit into overall signs.

Member Vietri questioned the number of stores to be placed on the sign.

Mr. Travers stated that there are 17 stores at the shopping center.

Exhibit A2 was submitted as the applicant's alternate sign proposal.

The alternate proposed sign would be 24' wide, 15' tall, with a 8ft clearance, be 140 sq. ft. instead of 137 Sq. ft.

Member Vietri asked if it would be the same setbacks as the original proposed sign.

Chairperson Anello asked if the applicant would be agreeable to removing the digits and green peak from the sign so it would only 18' 4" to top of cornice.

The Board discussed the Exhibit A2 and agreed that sign was not as aesthetically pleasing as the original proposal.

The Board questioned the size of the letters for the proposed sign.

The Board was informed that the sign will have 4 inch letters.

The Board continued with the application and had questions for Mr. William Mainardi.(Property Manager and part owner)

Mr. Mainardi was reminded that he is still under oath.

Mr. Mainardi stated that there will be a raised bed of plants and mulch under the sign.

Mr. Mainardi stated that he was agreeable to remove the green peak with digits on the original proposed sign to reduce the height of the sign.

Member Vietri stated that he would like to see the applicant maintain the 15ft height limit as required by Borough Ordinance.

Member Conahan stated that he like the 15ft height limit.

Member Thompson stated that he likes the sign.

Member Jackson stated that he likes the look of the sign and that it was moved over.

Chairperson Anello would be agreeable to a pylon sign that is 18' 4" and have the number digits removed from the sign.

Ms. Donna Bullock stated that she would like the applicant to still maintain the 6ft clearance under the sign.

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

The Board clarified that each column would be 30sq. ft. for a total of 60sq.ft.

Chairperson Anello clarified that the applicant is agreeing to remove the cap with the address and the height of the sign is 18ft 4 inches.

The Board also clarified that there would be a 6ft clearance under the sign and the minimum letter size would be 4 inches except for corporate logos which can have lettering within the logo be smaller.

Member Thompson made a motion to approve the sign(18ft 4inches) with conditions, seconded by Member Segarra. Vote: Member Conahan-yes, Member Segarra-yes, Member Jackson-yes, Member Thompson-yes, Chairperson Anello-yes. Motion passed.

Chairperson Anello read the police memo into the record.

The applicant clarified that the sign detail will be added to the plan as well as the signature block.

## 6. Correspondence

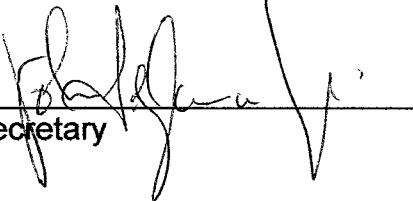
None.

## 7. Board Member Comments

Member Thompson questioned the correspondence from the previous meeting. The correspondence was forwarded to the Borough Engineer.

Chairperson Anello opened the meeting to the public, there being no public present he closed the public portion of the meeting.

There being no further business Member Segarra made a motion to adjourn the meeting, seconded by Member Vietri. Vote: All in favor. Meeting adjourned.

  
Secretary

  
Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
June 21, 2017  
7:30 PM**

**1. Call to Order**

Chairperson Anello called the meeting to order at 7:37 pm.

**2. Open Public Meeting Act Statement**

Chairperson Anello read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello [Dec/2020] [present ]	John Segarra [Dec/2017] [present ]
Leonard Jackson [Dec/2017] [present ]	Anthony Thompson [Dec/2018] [absent]
Jeff First [Dec/2018] [absent]	Anthony Vietri [Dec/2017] [present ]
Michael Conahan [Dec/2019] [absent]	
Mike Jones (1st Alt) [Dec/2017] [absent]	

Also present was: Board Attorney: Ms. Joan Dowling

**4. Minutes**

Member Segarra made a motion to approve the June 7, 2017 meeting minutes, seconded by Member Jackson. Vote: All in favor.

**5. Old Business**

**Z2017-01  
Main Land Middlesex LLC  
680-738 Union Ave  
Block 186 Lots 1 & 2**

**Memorialize Resolution**

Member Segarra made a motion to approve the Resolution approving the variance, with conditions, seconded by Member Vietri. Member Vietri stated that his name was omitted in the Resolution when voting for approval. Member Vietri's name was added to the Resolution. Vote: Member Segarra-yes, Member Jackson-yes, Member Vietri-yes, Chairperson Anello-yes. Motion approved.

**6. Correspondence**

None

## 7. Board Comments

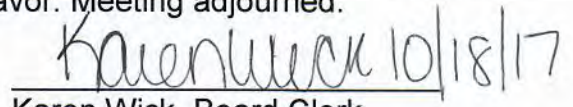
None

Chairperson Anello opened the meeting to the public, there being no public present he closed the public portion of the meeting.

The meeting scheduled for Wednesday July 5, 2017 is cancelled, the next Zoning Board meeting will be Wednesday July 19, 2017 at 7:30pm.

There being no further business Member Vietri made a motion to adjourn the meeting at 7:46pm, seconded by Member Jackson. Vote: All in favor. Meeting adjourned.

  
Secretary

  
Karen Wick, Board Clerk



**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
October 18, 2017  
7:30 PM**

**1. Call to Order**

Chairperson Anello called the meeting to order at 7:34 pm.

**2. Open Public Meeting Act Statement**

Chairperson Anello read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello [Dec/2020] [present ]	John Segarra [Dec/2017] [present ]
Leonard Jackson [Dec/2017] [present ]	Anthony Thompson [Dec/2018] [present]
Jeff First [Dec/2018] [present]	Michael Conahan [Dec/2019] [present]
Mike Jones (1st Alt) [Dec/2017] [absent]	

Also present was: Board Attorney: Ms. Joan Dowling

**4. Minutes**

Member Segarra made a motion to approve the June 21,2017 meeting minutes, seconded by Member Conahan. Vote: Member Conahan-yes, Member Segarra-yes, Member Jackson-yes, Member Thompson-yes, Member First-abstain, Chairperson Anello-yes. Motion passed.

**5. New Business**

**Z2017-02  
Hikaeinfotech LLC  
172 Baekeland Ave.  
Block 341 Lot 1**

**Interpretation**

Chairperson Anello read into the record the letter requesting an adjournment of the meeting. The applicant is requesting to be rescheduled for November 15,2017 without further notice being required. The Board granted the request.

**6. Correspondence**

None



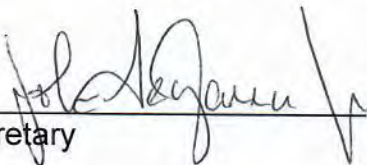
## 7. Board Comments

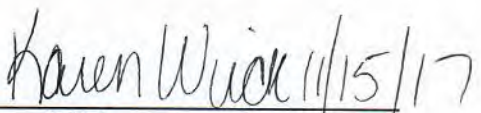
Board Members stated that the Zoning Board has had very few applications and the Planning Board has more applications.

Board Members stated that the Fire Marshal memo in the packet would not be discussed until the use variance was sought.

Chairperson Anello opened the public portion of the meeting, there being no public he closed the public portion of the meeting.

There being no further business Member Thompson made a motion to adjourn the meeting at 7:53 pm, seconded by Member First. Vote: All in favor. Meeting adjourned.

  
Secretary

  
Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
November 15, 2017  
7:30 PM**

**1. Call to Order**

Chairperson Anello called the meeting to order at 7:32 pm.

**2. Open Public Meeting Act Statement**

Chairperson Anello read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello [Dec/2020] [present ]	John Segarra [Dec/2017] [present ]
Leonard Jackson [Dec/2017] [present ]	Anthony Thompson [Dec/2018] [present]
Jeff First [Dec/2018] [present]	Michael Conahan [Dec/2019] [absent]
Mike Jones (1st Alt) [Dec/2017] [absent]	

Also present was: Board Attorney: Ms. Joan Dowling  
Board Planner: Mr. Paul Ricci

**4. Minutes**

Member Segarra made a motion to approve the October 18, 2017 meeting minutes, seconded by Member Thompson. Vote: All in favor. Motion approved.

**5. New Business**

**Z2017-02**

Hikaeinfotech LLC  
172 Baekeland Ave  
Block 341 Lot 1

**Interpretation**

Mr. John Sullivan stated that he is representing Hikaeinfotech LLC.

Mr. Sullivan stated that the property is located in the HI Zone on the far west side of the property.

The Board confirmed that the applicant is located in Building #5.

Mr. Sullivan stated that the applicant is a foundry that the applicant takes motor vehicle engines and melts the engines in a large furnace. The end result is a solid block product.



Mr. Sullivan stated that there have been problems at the site. He has seen Ms. Palumbo's submission to the Board and because of these problems the town rescinded the approvals that had been issued. Hikeainfotech only operated for 3 or 4 days.

Mr. Sullivan stated that the Zoning Officer revoked the permits because the applicant had smoke coming out of the chimney and the overall condition of the building.

Mr. Sullivan stated that the Zoning Officer felt the applicant was meeting the criteria in the Ordinance 420-56 IND (Industrial District) D two conditions 4 & 5.

#### 420-56 IND Industrial District

##### D.

Prohibited uses. The following uses are specifically prohibited:

##### (1)

Production and processing of chemicals as a principal use.

##### (2)

The use and storage of chemicals in aquifer outcrop areas.

##### (3)

Industrial facilities designed for hazardous waste treatment and disposal.

##### (4)

Industrial operations which produce harmful products, final products or by-products and hazardous airborne particulates.

[Amended 12-19-2000 by Ord. No. 1515]

##### (5)

Industrial operations with a high risk of explosion.

##### (6)

Disposal businesses and transfer stations.

##### (7)

Truck storage, truck depots and truck terminals as a principal use.

Mr. Sullivan stated that these items do not apply since requirements pertain to a different zone and that the site is located in the HI (Heavy Industrial District)

Mr. Sullivan listed the documents that had been submitted and the witnesses that can testify tonight on behalf of the applicant.

Ms. Dowling clarified which ordinance the applicant is seeking an interpretation of. The applicant was also prepared for a use variance and noticed for both.

Mr. Sullivan is seeking an interpretation of Ordinance 420-57 which covers the uses for the HI zone.

Chairperson Anello clarified that the Zoning Officer stated that the applicant is in violation of 420-56 IND Zone (D) 4 & 5 and the applicant is stating that it doesn't apply because they are located in the HI zone.



Chairperson Anello clarified that the 420-56(A) also applies to 420-57.

Ms. Dowling stated the permitted uses in the HI zone.

**§ 420-57 HI Heavy Industrial District.**

**A.**

Permitted principal uses. No building, structure or premise shall be used and no building or structure shall be erected or structurally altered, except for the following uses:

**(1)**

Permitted uses prescribed in § **420-56A** for the IND Industrial District.

**(2)**

Disposal businesses and transfer stations.

**B.**

Accessory use and buildings. Uses and buildings incidental to the conduct and operation of the principal use shall be permitted.

**C.**

Conditional uses. The following commercial uses may be permitted, provided that all the terms and conditions specified for the particular use in § **420-59** are complied with:

**(1)**

Production and processing of chemicals as a principal use.

**D.**

Height, area and yard requirements: as specified in the schedule of regulations, § **420-6**, except as hereinafter provided:

**(1)**

No side or rear yard shall be required along property lines which abut a railroad right-of-way.

**(2)**

No chemical production operation or operation with a high risk of explosion shall be located within 200 feet of a residential zone.

**E.**

Off-street parking: as specified in Chapter **248**, Land Development, and amendments thereto.

**F.**

Signs. Signs are subject to the sign regulations of § **420-61**.

**G.**

Landscaping requirements: as specified in § **420-63**.

**H.**

Diking requirements. All chemical handling and storage areas and all aboveground areas for the storage of bulk oil or gasoline shall be diked in a manner acceptable to the Borough Engineer in order to prevent pollution due to spillage of such materials. Any diking recommended by the Department of Environmental Protection shall also be required.

**I.**

Prohibited uses. The following uses are specifically prohibited:

**(1)**

The use and storage of chemicals in aquifer outcrop areas.

**(2)**

Industrial facilities designed for hazardous waste treatment and disposal.

**(3)**



Truck storage, truck depots and truck terminals as a principal use.

Ms. Dowling stated that the Board is to consider if 420-56 (D) (1) (2) would apply to the Heaving Industrial Zone.

The Board has to decide if Borough Ordinance 420-56 (D) 4 & 5 apply to sections 420-57.

Mr. Ricci stated that he had spoken to Ms. Palumbo and the use was originally approved because it was considered processing. She now feels that harmful by products are being produced so she revoked her approvals under Ordinance section 420-56(D)(4&5).

Mr. Ricci stated that processing is allowed as long as no harmful byproducts are being produced.

Mr. Ricci referred to his letter dated August 18, 2017 in which Ordinance 420-60 (A) is listed

A.

General intent. As a condition of approval for any building or use, and as a condition of continued occupancy of any building or installation utilized for nonresidential purposes, the applicant shall supply evidence satisfactory to the Board or to the Construction Official, whichever is applicable, that the proposed building or installation shall conform fully with all of the applicable performance standards established herein. As evidence of compliance, the Board may require certification of tests by appropriate government agencies or by recognized testing laboratories, all costs to be borne by the applicant. The Board may require that specific types of equipment, machinery or devices be installed or that specific operating procedures or methods be followed if government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods is required in order to assure compliance with the applicable performance standards. Permits and certificates required by other government agencies shall be submitted to the Planning Board as proof of compliance with applicable codes.

Mr. Ricci stated with the evidence provided by the Zoning Officer that she had the right to revoke the certificate that had been issued.

The Board stated the question that they were to be considering “does section 420-56 (D) apply to the uses of 420-57”.

Mr. Ricci clarified that this was not an appeal but an interpretation.

Ms. Dowling stated that even if the Board agrees or disagrees with the Zoning Officer the applicant has to satisfy the “second step” of performance standards and can’t just return to operating the business after this meeting.



The Board wanted to make sure that this operation is a permitted use.

Mr. Sullivan stated that Mr. Mehra, an expert in operations consultant will inform the Board what the problems were and how an ISO Manuel was developed to meet the performance standards.

The Board discussed if 420-56D applies to the IND zone. Members Segarra, Thompson, First, Jackson, and Chairperson Anello agreed that 420-56 D does not apply to the HI zone.

The Board continued with the meeting, Chairperson Anello referenced the County Fire Marshall letter and the 2012 violation for 172-176 Baekeland Ave.

Mr. Sullivan stated that Mr. Pram Vijay Ji Mehra would give testimony on the permitted use.

Ms. Dowling duly swore in Mr. Pram Vijay Ji Mehra, Consultant Engineer for the applicant. Mr. Mehra stated that he is the CEO of Vijay Steels Inc. and resides in Taiwan.

Mr. Mehra stated that he performed two inspections, each inspection took 2 days.

Mr. Mehra stated that the raw materials are stripped and cleaned. The engines are processed in a 1400° F oven, the liquid metal is then poured into molds. The molds are shipped out and made into products like pots and pans.

Chairperson Anello confirmed that these are aluminum engine block.

Board Members asked about other chemicals such as magnesium that are in transmissions.

Board Members confirmed that there will be engines and transmissions on the site. Transmissions will be resold.

Chairperson Anello stated that there was a problem at the site because oil was all over as seen in the photographs supplied by the Zoning Officer.

Mr. Mehra stated that all fluids are drained from the engines and he recommended safety procedures with a scrubber and dust particle collector. The dust collector is NJDEP approved and installed after the chimney which he has recommended the applicant obtain.

Chairperson Anello confirmed how the dust particle collector works.

Member Thompson asked about safety equipment for staff.

Mr. Mehra stated that workers wear heavy boots, overalls and gloves.

Mr. Mehra stated that the furnace had irregularities and it usually takes a week to get the oven working correctly (the applicant only was operational for 4 days). These irregularities produced smoke which prompted a visit from the County Fire Marshal.

Mr. Sullivan stated that applicant has received DEP Air Pollution Control Preconstruction Permit and Certificate to Operate and stated that there were problems. Mr. Mehra was called to come in and evaluate and he has made his recommendations.

Board Members questioned what are the procedure should employees find oil in the engine.

The Board was informed that the engines are checked for contamination and are steamed cleaned/power washed.

Ms. Dowling duly swore in John McDonough, 101 Gibraltar Dr, Parsippany as the applicant's Planner.

The Board accepted Mr. McDonough's education and credentials.

Mr. McDonough explained the use is permitted under Ordinance 420-56 in the IND zone and also permitted in the Heavy Industrial Zone. Mr. McDonough explained that the prohibited uses were already decided on earlier in the meeting. (Members Segarra, Thompson, First, Jackson, and Chairperson Anello agreed that 420-56 D does not apply to the HI zone.)

Mr. McDonough stated that the use is classified by NAICS (North American Industry Classification System) and it is a manufacturing facility (section 33., subsection 331.5 (foundry))

Mr. Ricci felt it was permitted but it is more of a processing facility and also stated the applicant will need to meet performance standards.

Members First, Segarra, Jackson, Thompson and Chairperson Anello agree that the use fits into the category under Ordinance 420-57.

Chairperson Anello opened the meeting to the public.

There being no public present, Chairperson Anello closed the public portion of the meeting.

Member Segarra made a motion stating the Board finds the use as described permitted under Ordinance section 420-57 HI Zone, not addressing performance standards, seconded by Member Thompson. Vote: Member Segarra-yes, Member Jackson-yes, Member Thompson-yes, Member First-yes, Chairperson Anello-yes. Motion passed.



## 6. Correspondence

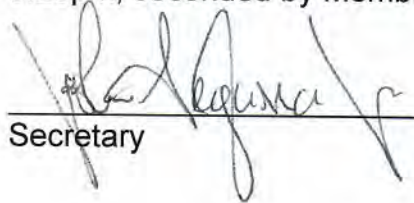
None.

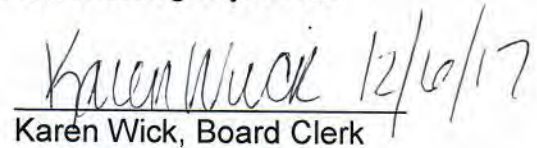
## 7. Board Comments

Chairperson Anello asked for volunteers for the subcommittee to review RFP's. Chairperson Anello, Member Thompson volunteered. Chairperson Anello will ask Member Conahan. Member Segarra stated he will volunteer if Member Conahan is not available.

Chairperson Anello opened the meeting to the public, there being no public, closed the public portion of the meeting.

There being no further business Member First made a motion to adjourn the meeting at 9:20pm, seconded by Member Jackson. Vote: All in favor. Meeting adjourned.

  
Secretary

  
Karen Wick, Board Clerk