

Zoning Board of Adjustment
1200 Mountain Ave., Middlesex, NJ 08846
Agenda Meeting Minutes
January 2, 2019
7:30 PM

1. Call to Order

Board Clerk, Karen Wick called the meeting to order at 7:36 pm.

2. Open Public Meeting Act Statement

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

3. Swearing in of New Members

The Board Clerk, Karen Wick swore in new members: Jeremiah Carnes, Margaret Silver, Martin Quinn and Stephen Greco.

4. Roll Call

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

John Anello *Dec/2020* [present]

Leonard Jackson *Dec/2021* [present]

Robert Sherr *Dec/2022* [absent]

Jason Sabino *Dec/2021*[absent]

Alt 2. Martin Quinn *Dec/2019* [present]

Michael Conahan *Dec/2019* [present]

Jeremiah Carnes *Dec/2022*[present]

Margaret Silver *Dec/2021* [present]

Alt1. Stephen Greco *Dec/2020*[present]

5. Reorganization

A. Election of Zoning Board Members

1. Chairperson

The Board Clerk asked for nominations to this position.

Member Conahan nominated John Anello for Chairperson for the Board of Adjustment, seconded by Member Greco.

The Board Clerk asked if there were any other nominations for this position, there being none closed the nominations. Vote: Member Conahan-yes, Member Jackson-yes, Member Carnes-yes, Member Silver-yes, Member Greco-yes, Member Quinn-yes, Member Anello-yes. The motion was carried unanimously.

Member Anello was voted Chairperson for the Board of Adjustment for 2019.

The gavel was handed to Chairperson Anello.

2. Vice Chairperson

Chairperson Anello asked for nominations for this position.

Chairperson Anello nominated Michael Conahan for Vice Chairperson for the Board of Adjustment, seconded by Member Greco. Chairperson Anello asked if there were any other nomination for this position, there being none closed the nomination. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-yes, Member Carnes-yes, Member Silver-yes, Member Greco-yes, Member Quinn-yes. The motion was carried unanimously.

Member Conahan was voted Vice Chairperson for the Board of Adjustment for 2019.

3. Secretary

Member Conahan nominated Leonard Jackson for Secretary for the Board of Adjustment, seconded by Member Quinn. Chairperson Anello asked if there were any other nominations for this position, there being none closed the nomination. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-yes, Member Carnes-yes, Member Silver-yes, Member Greco-yes, Member Quinn-yes. The motion was carried unanimously.

B. Appointment of Board Attorney

The Subcommittee recommended Ms. Dowling for Attorney.

Member Conahan made a motion to appoint Ms. Dowling as Attorney for the Zoning Board of Adjustment for 2019, seconded by Member Jackson. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-yes, Member Carnes-yes, Member Silver-yes, Member Greco-yes, Member Quinn-yes. The motion was carried unanimously.

Ms. Dowling Esq. was appointed as Board Attorney for the Board of Adjustment for 2019.

C. Appointment of Board Engineer

The Subcommittee recommended Najarian Associates for Engineering Services.

Member Conahan made a motion to appoint Najarian Associates as Engineer for the Zoning Board of Adjustment for 2019, seconded by Member Greco. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-yes, Member Carnes-yes, Member Silver-yes, Member Greco-yes, Member Quinn-yes. The motion was carried unanimously.

Najarian Associates was appointed as Engineer for the Board of Adjustment for 2019.

D. Appointment of Board Planner

The Subcommittee recommended Ricci Planning.

Member Conahan made a motion to appoint Ricci Planning as Planner for the Zoning Board of Adjustment for 2019, seconded by Member Jackson. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-yes, Member Carnes-yes, Member Silver-yes, Member Greco-yes, Member Quinn-yes. The motion was carried unanimously.

Ricci Planning was appointed as Planner for the Board of Adjustment for 2019.

E. Approval of Regulations

Member Conahan made a motion to adopt the Rules of Order, seconded by Member Greco. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-yes, Member Carnes-yes, Member Silver-yes, Member Greco-yes, Member Quinn-yes. The motion was carried unanimously.

F. Appointment of Recording Secretary and Clerk

Chairperson Anello made a motion to appoint Karen Wick as Recording Secretary and Board Clerk, seconded by Member Greco. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-yes, Member Carnes-yes, Member Silver-yes, Member Greco-yes, Member Quinn-yes. The motion was carried unanimously.

G. Approval of the 2019 Meeting Schedule

Member Jackson made a motion to approve 2019 Board of Adjustment Calendar, seconded by Member Greco. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-yes, Member Carnes-yes, Member Silver-yes, Member Greco-yes, Member Quinn-yes. The motion was carried unanimously.

H. Approval of Official Newspaper

Member Greco made a motion to use the Courier News as the official newspaper, seconded by Member Silver. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-yes, Member Carnes-yes, Member Silver-yes, Member Greco-yes, Member Quinn-yes. The motion was carried unanimously.

6. Approval of Minutes

Member Jackson made a motion to approve the October 17, 2018 meeting minutes as amended with the additional sentence discussed, seconded by Member Anello. Vote:

Chairperson Anello-yes, Member Conahan-abstain, Member Jackson-yes, Member Carnes-abstain, Member Silver-abstain, Member Greco-abstain, Member Quinn-abstain. Motion passed.

7. 2018 Year End Resolution

This item was tabled until the next meeting.

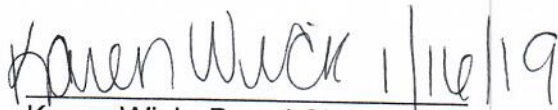
8. Board Member Comments

Chairperson Anello thanked the Zoning Board Members for volunteering their time and explained in general terms the duties of the Zoning Board.

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 Greco made a motion to adjourn the meeting at 8:05pm, seconded by Member Conahan. Vote: All in favor. Meeting adjourned.


Secretary


Karen Wick, Board Clerk

**Zoning Board of Adjustment
1200 Mountain Ave., Middlesex, NJ 08846
Agenda Meeting Minutes
January 16, 2019
7:30 PM**

1. Call to Order

Chairperson Anello called the meeting to order at 7:30 pm.

2. Open Public Meeting Act Statement

Chairperson Anello read the Open Public Meeting Act Statement.

3. Swearing in of New Members

Ms. Dowling, Board Attorney swore in new members Robert Sherr and Jason Sabino.

4. Roll Call

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

John Anello Dec/2020 [present]	Michael Conahan Dec/2019 [present]
Leonard Jackson Dec/2021 [present]	Jeremiah Carnes Dec/2022 [present]
Robert Sherr Dec/2022 [present]	Margaret Silver Dec/2021 [present]
Jason Sabino Dec/2021 [present]	Alt1. Stephen Greco Dec/2020 [present]
Alt 2. Martin Quinn Dec/2019 [present]	

Also in attendance: Board Attorney, Ms. Joan Dowling
Board Engineer, Mr. Bob Bucco
Substitute Board Planner, Michael Pessolano

5. Minutes

Member Jackson made a motion to approve the January 2, 2019 meeting minutes, seconded by Member Conahan. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-yes, Member Sabino-abstain, Member Sherr-abstain, Member Silver-yes, Member Carnes-yes, Member Greco-yes, Member Quinn-yes. Motion passed.

6. New Business

Z2018-01

229 Bound Brook Rd Middlesex LLC

229 Bound Brook Rd

Block 6 Lot 3

Use Variance and Major

Preliminary and Final Site Plan

Mr. Sean McGowan stated that he was representing the applicant 229 Bound Brook Rd Middlesex LLC.

Mr. McGowan stated that the applicant had previously presented to the EDAC (Economic Development Advisory Committee).

The Board deemed the application complete and taxes paid so then the applicant could proceed with the application.

Mr. Mc Gowan stated that the address of the property is 229 Bound Brook Rd, 1.13 acres is currently vacant.

Mr. Mc Gowan stated that the applicant is proposing 51 units with 93 parking spaces on site.

Mr. Mc Gowan stated that there are multi-family dwellings surrounding this property.

Mr. Mc Gowan stated that the Architect, James Carra and Planner, John McDonough will be testifying.

Mr. Mc Gowan stated that a use variance is needed since the property is in the General Business zone, and the applicant is requesting height variance since the proposed building is 13 ft taller than the zone allows, and a variance is needed for the lot coverage since the ordinance allows 25% and they are requesting 51%.

Mr. Mc Gowan stated that a design waivers are being requested regarding the size of the parking stall and screening of the parking area.

Mr. Mc Gowan stated that the applicant is requesting a waiver on the survey. A survey had been submitted but it is 10 months old not 6 months.

The Board agreed to accept the survey and grant the waiver on the survey since no improvements have been done to the vacant lot.

The Board Engineer had no objections to granting the waiver for the survey.

Member Jackson made a motion to grant the waiver for the survey, seconded by Member Carnes. Vote: Chairperson Anello-yes, Member Conahan-yes, Member

Jackson-yes, Member Sabino-yes, Member Sherr-yes, Member Silver-yes, Member Carnes-yes. Motion passed.

Ms. Dowling duly swore in Mr. James Guerra, Architect.

Mr. Guerra stated his education and credentials.

The Board accepted Mr. Guerra as an expert witness.

Mr. Guerra used architectural drawing sheet G101 to show the ground floor layout (Bound Brook Rd is at the bottom of the page).

Exhibit A1 1/16/19 was entered as a colorized version of the front of the proposed building.

Exhibit A2 1/16/19 was entered as colorized version of multiple perspectives of the building

- Top left picture (Rear of Building) and Top right picture (Rear view looking at Terrace)
- Bottom left picture (Looking at front of Building-terrace) and Bottom right picture (sitting area in back of building-pergola)

Mr. Guerra described the proposed building:

- Multifamily dwelling with one- and two-bedroom apartments
- Parking is located under the building at ground level
- Elevator in building
- Fire sprinklers in building
- Amenities such as community room
- Quality building materials
- Entrance in front of building
- Mechanical area

Mr. Guerra used architectural drawing G102 to show the second level above the parking level. This sheet shows the locations of one- and two-bedroom apartments (apartments have dishwashers and washer/dryers)

Mr. Guerra stated that the proposed apartment building will look like a 2-story apartment dwelling due to the configuration of the apartments

Mr. Guerra used architectural drawing G103 to show the terrace area.

Mr. Guerra used architectural drawing G104 to show the fourth floor of the proposed apartment building.

Mr. Bucco questioned how many units would be in the building.

The Board was informed that there would be 51 apartment units.

- 32- one-bedroom units
- 19- two-bedroom units

The Board confirmed the square footage range of the one-bedroom units to be from 600 to 800 sq. ft.

The Board confirmed the square footage range of the two-bedroom units to be from 900 to 1100 sq. ft.

Mr. Guerra used architectural sheet G200 to show the front and rear elevations and described the colors and materials to be used on the outside of the building.

Exhibit A3 was entered as Architectural Material Board.

Mr. Guerra stated the amount of brick that would be used at the bottom of the building.

Mr. Guerra used Exhibit A3 to show the materials to be used above the brick panel and the siding would be a white siding.

Member Anello asked how the materials would be maintained.

Mr. Guerra stated that the materials could be power washed.

Member Anello asked Mr. Guerra what the life span of the products used.

Mr. Guerra stated that the products would last 40 to 50 years.

Mr. Guerra used Exhibit A2 to show where the materials would be used on the entire building.

The Board continued with the application and reviewed the Fire Marshal's letter.

Mr. Guerra stated that the applicant will be using a dry sprinkler system since the area underneath the building is open and if used a liquid it could freeze.

The applicant agreed that the construction of the building will comply with the fire and safety codes.

The applicant agreed to install sprinkler stand pipes in all stairwells.

Items #3 and #4 will be addressed by the Engineer.

The applicant agreed to have a Knox box installed by the entrance.

Member Sherr questioned if the windows were insulated and wanted to know the type of roof to be installed.

Mr. Guerra stated that the roof is built up (not completely flat) and stated that materials that can be used to install this type of roof.

Member Anello questioned the height of the parapet and the material to be used for the parapet.

The Board was informed the height of the parapet is 42 inches and the material to be used is metal and explained why stone was not going to be used because of the joints.

Member Sherr asked about the height of the railing for the balcony area.

Mr. Guerra used sheet G201 to show the height of the railing for the balcony area (42inches by code).

Mr. Guerra stated that similar buildings that he designed were built in Lawrenceville and Elizabeth.

Member Anello asked if the exercise room would be open to the public and if he knew the cost of the rent for a unit.

Mr. Guerra stated that he didn't know the amount of the rent and exercise room would be for the tenants only.

Member Jackson inquired if the architect had built similar buildings in New Jersey.

Mr. Guerra stated he would provide to the Board Clerk photographs of these other locations and that there are similar buildings in Elizabeth and Lawrenceville.

Mr. Bucco questioned if the mechanical units would be seen or on the roof.

The Board was informed that the exhaust unit grill would be color coded to match the building.

Member Carnes questioned the egress exits for the building.

Mr. Guerra explained the shape of the building and where the exists are located on each side of the building.

The Board confirmed with the applicant the building will meet the fire code, all the windows will meet the fire code, also the building will have fire sprinklers.

Chairperson Anello opened the meeting to the public for questions for Architect, Mr. Guerra.

Bob Edwards, 243 Hazelwood Ave, asked the name of the architectural firm, asked what material the building would be constructed of.

Mr. Guerra stated that the building would be stick frame.

Mr. Edwards stated that there would be 51 units and 90 parking spaces.

Mr. Mc Gowan stated that the Engineer would answer questions regarding the parking spaces.

Randy Sconiers, 73 Gramercy Gardens asked a traffic question.

Chairperson Anello stated questions need to be for the Architect and traffic questions need to be asked after that testimony has been given.

Mr. Perez, 3 Foxhall asked which way will the pergola be facing.

The pergola will be facing Gramercy Gardens and be in the back of the property.

Mr. Perez asked if there would be fencing around the pergola.

Mr. Guerra explained the pergola and the railing is 42 inches.

Tom Accardo, 70 Gramercy Gardens asked a question regarding Engineering.

The Engineer did not testify yet.

Ms. Joan Dowling duly swore in Mathew Seckler of Stonefield Engineer and Design, 92 Park Ave, Rutherford, NJ.

Mr. Seckler stated his education and credentials.

The Board accepted Mr. Seckler as an expert witness.

Exhibit A4 1/16/19 as a colorized aerial exhibit of the site property taken from google maps showing the site property. (Bound Brook Rd is shown left to right on exhibit)

Mr. Seckler stated that the site is:

- in the GB zone
- a little over an acre
- just under 50,000 sq. ft.
- to the North and East of the property is Gramercy Gardens (multi family dwelling)
- there is a multi-family dwelling in the R4 zone across the street.
- Vacant property since early 2000's
- Site is flat
- Located by State Hwy 28

The applicant has filed a NJDOT application and it is pending.

Exhibit A5 1/16/19 was entered as colorized site plan dated January 11, 2019.

Mr. Seckler used Exhibit A5 to show where the apartment building would be and the parking spaces. (1st floor is shown in dark orange, orange is structure, grey is pavement and landscaping is also shown)

Mr. Seckler used Exhibit A5 to show where the driveway is located and to show parking under the building and on the northerly side of the property.

Mr. Seckler used Exhibit A5 to show where Emergency Vehicles will be able to access the driveway and drive on grass pavers.

Member Anello asked how long is the area of the grass pavers.

The Board was informed that the length of the area is 80 to 100 ft.

Mr. Seckler stated that the parking spaces would be assigned and there is no gate to access the driveway.

Mr. Seckler stated that there would be cameras placed in the common spaces such as parking area, fitness room and mail area.

Mr. Seckler explained the stormwater collection system. The pipes would be 48 inches to allow the 1200ft of linear pipe to hold and release stormwater in a measured manner.

Member Sabino asked if there would be a maintenance agreement,

The Board was informed that there would be a maintenance agreement for the stormwater agreement.

Mr. Seckler stated that the lighting under the structure would be wall mounted.

Mr. Seckler explained where the landscaping would be placed on the sides of the perimeter of the site.

Mr. Seckler stated that the applicant would be adding a board on board vinyl fence.

The applicant will need to revise plans and the Board Engineer and Planner did not receive plans with a fence included.

Mr. Seckler stated that there are 93 parking spaces and this meets the Borough Ordinance regarding parking.

The Parking calculation was explained as 51 apartment units x 1.75 parking spaces required by each unit = 90 parking spaces required by ordinance.

Mr. Seckler stated that the tandem parking spaces would be assigned to the two-bedroom units.

Mr. Seckler stated that there are 11 tandem parking areas= 22 parking spaces for the two-bedroom units.

The Board questioned would the applicant prevent someone from the two- bedroom unit using another spot.

Mr. Seckler stated that there would be a full- time superintendent on the property.

Board Members questioned what would happen if there was more than 2 people in a two- bedroom unit and could they purchase another parking space.

Board Member questioned what would happen if the renters would have a party and invite guests to the site.

Mr. Seckler stated that there are unassigned parking spaces for guests.

Mr. Secker stated that the parking meets RSIS (Residential Site Improvement Standards) which is a NJ State standard.

Member Conahan questioned the width of the parking spaces; they are required to be 10ft wide and the proposed parking is 18 x 9 ft.

The Board discussed parking and the applicant agreed to designate compact parking spaces and add 2 more handicapped parking spaces so there would be 4 ADA parking spaces.

The applicant agreed to revise the plans to show these changes.

Mr. Seckler explained the traffic study that was conducted on February 15, 2018 from 7 am to 9am and from 4pm to 7pm. The traffic study was also conducted on February 24, 2018 (Saturday) from 11am to 2 pm.

Mr. Seckler stated that traffic was heading west in the morning and east in the evening.

Mr. Seckler stated that the busiest times for traffic were form 7:30 am to 8:30am, 4:45pm to 5:55pm and from 11am to noon on Saturdays.

Mr. Secker stated how the 1% was added to the traffic counts and compounded to get his figures.

Mr. Seckler stated the building setbacks from the zoning chart.

The Board questioned how deliveries would be handled.

*9 p
13 park*

The Board was informed that management of the building would have to schedule deliveries such as moving in and furniture.

The applicant agreed as a condition of approval that parking on the northwest side of the property could be used for deliveries.

The Board questioned how deliveries such as Fedex and UPS will be handled, since most likely a delivery truck will not park on the northwest side of the property and will want to park in the front and use the front door; and the front door would need a key fob.

The applicant will arrange an area for Fedex, UPS deliveries to be dropped in area and then they would have a worker bring into the building

Mr. Seckler stated where the storage area and utility area are located in the building (such as for storing bikes)

The Board questioned the dumpster area on the plans since measurements were not included in the site plans.

The Board wants to see the size of the dumpster bins and asked if the pickup is private.

The Board was informed that the pickup is done by a private company.

Member Anello confirmed that the curb cuts approvals are pending with the NJDOT application and asked if there were any comments from NJDOT.

Mr. Seckler stated that the comments were about the design of the driveway and stormwater plan.

The Board confirmed that the superintendent would be on site.

Member Jackson asked if the driveway was wide enough for large truck and confirmed that the garbage truck would not be going underneath the building.

The Board requested that the applicant submit a truck turning radius for the site.

The applicant will comply with the request.

The Board requested that the applicant work with the fire marshal's office and comply with the outstanding comments.

The applicant will comply with the request and will work with the Board Engineer to work on any technical comments that need to be addressed.

Chairperson Anello opened the meeting to the public for questions for the applicant's Engineer.

Karen Brown, Vogel Pl. stated her concerns with traffic, stated that there would be three heavy traffic areas to turn onto Route 28 by Vogel Pl, stated that there is no parking for Gramercy Gardens and that these tenants are parking on Route 28 all the way to Vogel Place and in front of the gas station by Vogel Pl, stated that there are not enough parking spaces on the site for all the units.

Chairperson Anello stated that comments on the application will be heard at the end of the application, right now the meeting is open for questions to the Engineer.

At this time the Board Clerk asked if any members of the public who had the extra architectural plans not to leave with them as Chairperson Anello had to go into the hallway to obtain a copy.

Ms. Fagan, 134 Runyon Ave. asked about the density of this property and the density of Foxhall property.

Mr. Seckler referred the question about density to the Planner.

Mr. Evan Walter, 837 W Second St. questioned if on street parking on Rt 28 would be allowed.

Mr. Seckler stated that the residents for the proposed building would not be allowed to park on Rt. 28 the parking on the site is delineated to have the residents park on site.

Mr. Seckler stated that he did not believe you could park on Rt 28.

Mr. Walter stated that there are vehicles parking on Rt. 28.

Mr. Walter asked about the traffic study and the driveway, stating that many of the multi-unit developments have more than one exit/entrance to their site. The proposed multi family dwelling will only have one entrance and one exit to the site.

Mr. Seckler stated why he had picked the driveway to study.

Mr. Walter asked if the restaurant next to the development had a driveway.

Mr. Seckler stated that he thought maybe an alleyway.

Mr. Walter stated that he thought cars are parking in the vacant lot from the restaurant and that cars are also parking on Rt 28 from the restaurant.

Chairperson Anello stated that the lot is not designated as a parking lot.

Mr. Mc Gowan stated that there are no parking agreements that the applicant has with the restaurant.

Mr. Walter asked how many visitor parking spaces would be designated.

Mr. Seckler stated if you do not have a rental unit you will not be able to park in the site and there will be twenty-five visitor parking spaces maybe a sign that would say private parking and be regulated by management of the site.

Mr. Walter asked if the dumpster area was located next to a neighbor's backyard.

Mr. Seckler stated that the site would be fenced and that there is landscaping buffering the northwest area of the property, stated the dumpsters would be closed and picked up as many times per week as necessary.

Dennis Reilly, 437 Voorhees Ave, questioned the number of the parking spaces, the 10ft width of the parking spaces, clarifying that it was a variance and if the spot were 19 x 10 there would only be 81 parking spaces. He stated his concerns with the dumpster pickup.

Mr. Seckler stated that a larger parking spots are typically used for convenience store and did not see a problem with the smaller spots for residential parking.

Mr. Reilly stated his concerns with the dumpster being close to a residential neighbor's property, stated his concerns with smells during the summer and asked the Board to look at the location of the dumpster to make sure its away from the neighbor's property.

Lucy Vanegas, 7 Foxhall, asked a question about the driveway with the traffic coming in and out of one driveway and stated her concerns about the project and traffic.

Ms. Fagan, 134 Runyon Ave. questioned if the traffic study was calculated with traffic with Acme and entrances/exits and Grove Ave.

Mr. Seckler explained that the traffic study and the study did include Acme and Grove Ave.

Randy Sconiers, 73 Gramercy Gardens, stated the length of time it took him to exit the Gramercy Gardens driveway and stated his concerns with the project, stated that cars are parking on Rt 28.

Mr. Seckler explained the averages for exits and entrances.

Chairperson Anello closed the public portion for questions to the Engineer.

Chairperson Anello state that due to the time the applicant will need to return to the Board.

The applicant will returning to the Board on February 20, 2019 in order to revise plans to include: fence, compact parking spaces to be designated, increasing the ADA parking spaces, adding a note to the plan about moving in, deliveries, having a package delivery area designated, garbage pickup schedule, stating the size of dumpster, how many times a week dumpster will be collected, complying with Fire Marshal comments, traffic to be reexamined.

Ms. Dowling explained the "Dunkin Donuts" case law and the Board has to focus on onsite traffic.

Chairperson Anello announce that the applicant (Z2018-01 229 Bound Brook Rd Middlesex LLC) will be returning on February 20,2019.

At 10:00 pm. the Board took a five-minute recess, upon return roll call was taken with all Board Members still present.

Chairperson Anello opened the meeting to the public.

Mr. Walter,837 W Second St asked how much of public influence there is on an application.

The Zoning Board members stated that they consider the public in their deliberations and they explained the Zoning Board's role in the Borough.

7. Resolutions

A. 2018 Year End Resolution

Chairperson Anello stated that there were no applications last year. Member Conahan made a motion to approve the Resolution, seconded by Member Silver. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-yes, Member Sabino-abstain, Member Sherr- abstain, Member Silver-abstain, Member Carnes- abstain, Member Greco- abstain, Member Quinn-abstain. Motion passed.

B. Attorney Resolution

Member Conahan made a motion to accept the Attorney Resolution, seconded by Member Sherr. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-yes, Member Sabino-yes, Member Sherr-yes, Member Silver-yes, Member Carnes-yes, Member Greco-yes, Member Quinn-yes. Motion passed.

Member Sabino announced that he would not be available on February 20,2019 to attend the meeting.

There being no further business Member Jackson made a motion to adjourn the meeting at 10:28pm, seconded by Member Carnes. Vote: All in favor. Meeting adjourned.


Secretary


Karen Wick, Board Clerk

**Zoning Board of Adjustment
1200 Mountain Ave., Middlesex, NJ 08846
Agenda Meeting Minutes
March 20, 2019
7:30 PM**

1. Call to Order

Chairperson Anello called the meeting to order at 7:30 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]	Michael Conahan Dec/2019 [present]
Leonard Jackson Dec/2021 [present]	Jeremiah Carnes Dec/2022 [present]
Robert Sherr Dec/2022 [present]	Margaret Silver Dec/2021 [present]
Jason Sabino Dec/2021 [present]	Alt1. Stephen Greco Dec/2020 [present]
Alt 2. Martin Quinn Dec/2019 [present]	

Also in attendance: Board Attorney, Ms. Joan Dowling
Board Engineer, Mr. Peter Ciliberto
Board Planner, Mr. Paul Ricci

4. Minutes

Member Jackson made a motion to approve the January 16, 2019 meeting minutes, seconded by Member Sherr. Vote: All in favor. Motion passed.

5. Old Business

Z2018-01	Use Variance and Major Preliminary and
229 Bound Brook Rd LLC	Final Site Plan
Block 6 Lot 3	

Mr. Sean Mc Gowan, the applicant's attorney, stated that the Board heard the testimony on January 16, 2019 was scheduled to return to the Board on February 20, 2019 but the meeting was cancelled due to weather.

Mr. McGowan stated that the applicant made the changes to the site plan.

Mr. Mc Gowan stated that the Board comments from the last meeting were addressed: landscaping, loading zone moved, no parking in the loading zone during the day, adding

the ADA parking spaces so there are 93 parking spaces, notes added to the plans, changes to the lighting plan.

Ms. Joan Dowling duly swore in Ms. Sonia Ommundsen, Project Manager at Stonefield.

Ms. Ommundsen stated her education and credentials.

The Board accepted Ms. Ommundsen as an expert witness.

Ms. Ommundsen testified that the changes to the site plan were last revised February 8, 2019.

Exhibit A6 3/20/19 was entered as colorized aerial view of the site with landscaping.

Ms. Ommundsen reviewed the parking, stated that 6ft vinyl fencing was added to the plan, the loading zone was relocated from the northwest corner, the loading zone hours would be from 7am to 7pm, reduced the lighting spilling over, and addressed the minor technical comments.

The Board reviewed the Najarian Engineering letter regarding the waiver parking within 2ft of the property line, currently there are 12 parking spots close to the property line.

The Board reviewed the March 18, 2019 email from Mr. Sheenan regarding issue of the sewer pump station and overcapacity.

Ms. Ommundsen stated that there are ways to remediate the sewerage issues such as inspecting the pipe and upgrading the pump station, and that the applicant will be able to address the concerns.

Member Carnes asked what would happen if someone had parked their car in the loading zone parking spot at night and did not want to move their vehicle.

The Board was informed that the manager/superintendent of the site would have to ask them to move their vehicle.

Member Quinn asked if there is a snow designated area.

The Board was informed that the snow would be plowed to the landscaped areas on the site.

Chairperson Anello opened the meeting to the public for questions.

Rich Rutkowski, 211 Maple St., asked about the parking space sizes. He confirmed that the Borough's requirements are 10 x 19 and that the applicant is seeking a waiver for parking stall size 9 x 18. He asked if the site would be short parking spaces by using the 10 x 19 parking spaces.

Ms. Ommundsen stated that they did not do a parking analysis comparing those and by currently using the 9 x 18 (industry standard) they will be 3 stalls over..

Mr. Rutkowski then asked a question regarding the sewer. He asked if there would be a building superintendent at all times.

The Board was informed that there would be a superintendent on site 24/7.

Eileen Miller, 138 Runyon Ave, stated that in the 7 years that she has lived on Runyon Ave their house had been flooded by sewerage five times. She stated that her house is on the last street in Middlesex (every month the Borough empties the tank by her house). She asked who would clean up the sewerage flooding because in the past the Borough has done the clean-up and if her basement keeps flooding will the Borough keep cleaning it. She asked who would pay the cost to upgrade the sewer.

Ms. Ommundsen stated that she couldn't answer the question but usually a town and a developer agree on a percentage before the project is constructed.

Ms. Miller asked where the overflow parking would be.

Mr. Mc Gowan stated that the waiver is on the size of the parking space 9 x 18, that the parking spaces meet engineer standards and that the number of parking spaces meets the code.

Ms. Ommundsen stated that a compact SUV would fit in the parking spot.

Ms. Miller asked how many spaces is each apartment required to have.

The applicant is required to have 1.75 parking spaces for each apartment.

Ms. Miller stated that Grove Street and Rt. 28 are packed with vehicles and where would overflow parking be.

Chairperson Anello stated that the applicant has the required number of spots and overflow is not addressed.

Mr. Mc Gowan stated that most towns have 9 x 18 parking spaces and are typical parking spaces sizes.

Ms. Ommundsen stated that many multi-family dwellings use the 9 x 18 parking spaces and that most of the towns codes are 9 x 18.

Jennifer Fagan, 134 Runyon Ave., questioned if the ADA parking stalls were added.

Ms. Ommundsen used Exhibit A5 1/16/19 to show where the 2 ADA parking stalls were added and then used Exhibit A6 3/20/19 to show that 4 ADA parking stalls were added. It is more than required by code.

Mike Hompech, 5 Kalman Ct. questioned if all the parking spaces were 9 x18 or if some would be larger or smaller.

Ms. Ommundsen stated that a portion of the parking would be compact parking stalls sized 8 x16.

Mr. Hompesch asked what percentage of the parking spaces are under the building and confirmed there is a variance being requested for the height of the building.

Ms. Ommundsen stated that 80% of the parking spaces are located under the building. There are 79 parking spaces under the building and 14 parking spaces outside the building.

Mr. Hompesch asked what would happen if the Board said that the applicant couldn't build the building the way the applicant wanted.

Ms. Ommundsen stated that only if the applicant reduced the number of units the number of parking stalls would be reduced.

Mr. Hompesch stated his concerns with the snow and if there was an extensive storm then there would be parking spaces lost.

Ms. Ommundsen stated only the drive isle and 14 parking spaces would need to be plowed as the rest of the parking is located underneath the building; snow can be placed in the landscape areas.

Rich Rutkowski, 211 Maple St. questioned the Chairperson regarding the parking. He stated that the parking spaces do not meet the Borough standards and that the only way the applicant meets the parking is by having the 9 x 18 parking stalls

Mr. McGowan stated that the Engineer was satisfied with the issues and the applicant is able to address the comments from the Najarian Engineering letter dated February 19, 2019.

The Board wanted to hear the Planning testimony.

Ms. Joan Dowling duly swore in the applicant's Planner, Mr. John Leoncavallo, 388 Washington Rd. Suite B, Salem NJ.

Mr. Leoncavallo stated his education and credentials.

The Board accepted Mr. Leoncavallo as an expert witness.

Exhibit A7 3/20/19 was entered as a Planning Exhibit showing the site and surrounding roadways containing 5 pages.

- Page 1 shows land uses to the west (residential area) and area to northwest is multifamily (Gramercy Gardens) and south is Bound Brook Rd and Foxhall Condominiums
- Page 2 shows an aerial map of 229 Bound Brook Rd. Property is highlighted in yellow
- Page 3 shows a land use map with the north, east and south-residential areas and multifamily dwellings
- Page 4 shows the zoning of property- located in the GB(general business)zone and the surrounding areas zoning

- Page 5 shows the view of the vacant site with 4 photographs.

Mr. Leoncavallo stated:

- Site is 1.15 acres and is ideal for development.
- Site is located in the GB zone and stated the zones surrounding the area.
- Applicant is seeking a D1 (use-multifamily) and D 6 variance (for height) and a C variance (for the 4th story instead of 3 stories).
- Applicant is seeking a variance for lot coverage. The zone allows for 25% and the applicant is seeking 51.7%.
- The applicant is also seeking a waiver for the parking stall size.
- Reviewed the positive criteria to grant variances such as:
 - The property is surrounded by multi- family dwellings so there is a use compability.
 - The application promotes the general welfare of new housing stock.
 - Proposed building promotes desirable visual area with amenities; garden apartments have no amenities.
 - Proposed new building will have landscaping, game room and socialization.
 - The building is designed efficiently to have a compact form.
 - Aesthetically accommodating to town- balanced with 4 floors to blend in to a certain degree.
 - No substantial impact, people will be able to function as they do now.
 - Not rezoning the area.
 - Justification of the height of the building; added height is necessary to function.
 - Integrated parking underneath the building.

He concluded by stating the project is close to perfect fit and would be a revitalization of a defunct parcel of land. It would be positive for the Borough and asked the Board to approve the application.

Member Carnes stated that he did visit the property and asked about the closeness to Gramercy Gardens and stated that the project felt “compacted”. He stated that there were many vehicles parked on the street in front of this site and asked about the dumpster.

Mr. Leoncavallo used Exhibit A3/20/19 to show the space and closeness to Gramercy Gardens.

Mr. Leoncavallo stated that by using principles of good planning the building looks like less than 4 stories.

The Board questioned the dumpster setback requirements.

Member Sabino asked what the property used to be used for.

The Board stated that the property used to have a restaurant.

Member Conahan asked the planner to explain the phrase “close to perfect fit” as he felt this was not a “perfect fit” and density question.

Mr. Leoncavallo explained the phrase he used; pertaining to the density how it fits into the Master Plan; not totally surrounded by residential.

Mr. Leoncavallo stated that Gramercy Gardens is an older building and the proposed new building has amenities such as an outdoor area/terrace, and fits into the neighborhood.

Mr. Leoncavallo stated that there are multi-family dwellings to the north and east.

Mr. McGowan stated that the density is 25% per ordinance; that the applicant won't build with this requirement due to economics.

Chairperson Anello opened the meeting to the public for questions for the applicant's planner.

John Madden, 103 Rock Lane, asked if there had been an impact study that had been done on successful development sustainability and referred to page 11 of the Master Plan.

The applicant was not sure of the question.

The Board Planner, Mr. Ricci stated that there was no sustainability study when he wrote the Master Plan (long range plan) in 2012.

Chairperson Anello asked who would prepare this study.

Mr. Ricci stated that the Borough would.

John Madden asked a sewerage question.

The applicant's Planner could not answer the question, so the applicant's Engineer answered.

Ms. Sonia Ommundsen answered the sewer question by stating that by replacing the pumps and videoing the lines for cracks would help any problems. She stated that the project will need different permits including a DEP permit and have to comply with these standards and permits.

Ms. Ommundsen stated without the DEP permits the building could not be built.

Mike Hompesch, 5 Kalman Ct., asked how the sewer output measured.

Ms. Ommundsen stated that discharge is measured by units and bedroom per units. The applicant will be able to provide the numbers to the board and explained what the email would require for the applicant.

Mike Hompesch asked a question about aesthetics and amenities.

The applicant's architect, James Carra (still under oath) answered the questions and stated that the view of the rear of the building has a terrace that is open to the entire building. He used Exhibit A5 to show the footprint of the building and used Exhibit A6 to show amenities.

Mr. Carra listed the amenities:

- Common Terrace
- Grills
- Kitchenette/community room
- Exercise room
- Mail room
- Storage area
- Key fob access
- Security surveillance cameras
- Garbage shutes
- Modern amenities
- Premium apartments

Cheryl Tarbous, 10 Judson Dr., confirmed that the height variance is for 35ft. height of the building and parking stall sizes are waivers. She asked how many one bedroom and two bedroom apartments.

The Board confirmed that there are 33-one bedroom apartments and 18-two bedroom apartments.

Tom Accardo, 70 Gramercy Gardens, asked if there was a study on how it would affect property values.

The resident was informed that this is not part of the application.

Tom Accardo asked about the terraces on the back of the building; which would be the second level of the building. He asked would the terrace be even with Gramercy Gardens as he was concerned with possible noise.

The resident was informed that everyone in the Borough is subject to the same noise ordinances.

Monica Hassler, 135 Harris Ave., asked if the apartments are being advertised as luxury apartments.

Mr. McGowan stated that the testimony provided stated that it is a premium modern apartment building and didn't know what the advertising will be. He stated the amenities again.

Monica Hassler asked about the one dumpster and how would it be maintained.

The applicant will have a private service and maintain as necessary.

Monica Hassler asked about snow removal.

The applicant will have to follow the Borough codes for snow removal.

Claire Levourne, 809 Grandview St., asked about the recycling.

The residents will be able to recycle and it will be private recycling.

The Board reminded the residents that questions need to be directed about the planning testimony.

Dan Parenti, 146 Vogel Pl., asked a question regarding the density of the proposed building.

A variance is required because of the percentage of density being requested for the proposed building.

Jennifer Fagan, 134 Runyon Ave., asked a question about aesthetics and comparing the proposed building with those in the area.

Mr. Leoncavallo stated that there are similar apartments in Linden.

The applicant will look into moving the garbage to the other side, there are garbage shoots in the building and the superintendent would bring the garbage to the dumpster.

Cheryl Tarbous, 10 Judson Dr. asked about which variances are being requested.

She was informed that the applicant is seeking a D1 use variance and D6 height variance.

The Board continued with the application and started to review the Najarian Engineering letter dated February 19, 2019:

- 2 parking stalls will be compact stalls due to trees
- The applicant will provide a Phase I environmental report
- Storm pipe easement would be a condition of approval
- Emergency access would require a DOT permit
- Irrigation plans to be submitted prior to approval

- Pavers need to be to NJ DOT standards
- Vinyl fencing color needs to be decided

Mr. Ciliberto stated that also with him is John Jahr, Traffic Engineer for Najarian since there were many questions regarding traffic at the last meeting.

At 9:38 p.m. there was a 5 minute recess called, after returning from recess roll call was taken with all Board Members still present.

It was decided traffic would be continued at the next meeting.

Chairperson Anello announced that the application would be carried to the May 1, 2019 meeting.

Chairperson Anello explained the application process to members of the public.

Member Conahan asked Mr. Ricci if the application in his opinion fit in with the master plans and the 2015 Housing Plan with affordable housing.

Mr. Ricci explained the way the affordable housing had been previously figured before the court took over affordable housing.

Mr. Ricci explained that 20% was to be set aside prior to the court decision now the figure is 15% so approximately 30 units.

Member Sabino asked if the need for the Borough was being provided.

Ms. Dowling stated that the current obligation was predicated.

Mr. Ricci stated his concerns that the use was more intense than the height variance.

Chairperson Anello opened the meeting to the public for question to the Board Planner, Mr. Ricci.

Rich Rutkoswki, 211 Maple St., asked if 150 Lincoln Blvd Developer paid Borough for affordable housing.

Mr. Ricci stated that at that time there was no way to know what would be required for affordable housing as the system was nonfunctioning.

Mike Hompesch, 5 Kalman Ct., asked if any of the units would be used for affordable housing.

Mr. Ricci stated if they wanted to choose to do that they could.

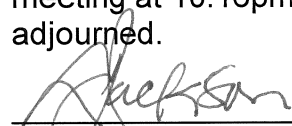
John Madden, 103 Rock Lane, questioned if the Borough obligation for affordable housing was 16 units by 2026.

Chairperson Anello announced that the applicant would be returning May 1, 2019.

Rich Thomasey, 109 Greene Ave, asked a question about a rental apartment.

The Board stated he should refer his question to the Zoning Officer.

There being no further business Member Conahan made a motion to adjourn the meeting at 10:16pm, seconded by Member Carnes. 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 1, 2019
7:30 PM

1. Call to Order

Chairperson Anello called the meeting to order at 7:30 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]

Michael Conahan Dec/2019 [present]

Leonard Jackson Dec/2021 [present]

Jeremiah Carnes Dec/2022 [present]

Robert Sherr Dec/2022 [present]

Margaret Silver Dec/2021 [present]

Jason Sabino Dec/2021 [present]

Alt1. Stephen Greco Dec/2020 [present]

Alt 2. Martin Quinn Dec/2019 [present]

4. Minutes

Member Jackson made a motion to approve the March 20, 2019 meeting minutes, seconded by Member Sherr. Vote: All in favor. Motion passed.

5. Old Business

Z2018-01

229 Bound Brook Rd LLC

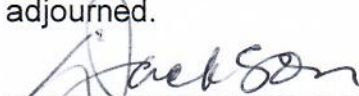
Block 6 Lot 3


Use Variance and Major Preliminary and Final Site Plan

Chairperson Anello read the letter from the applicant's attorney Mr. Sean McGowan asking for the application to be adjourned to the June 5th meeting. The Board agreed with the applicant's request and no further notice will be required.

Chairperson Anello opened the meeting to the public. There being no public comments he closed the public portion of the meeting.

There being no further business Member Jackson made a motion to adjourn the meeting at 7:37pm, seconded by Member Conahan. 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 5, 2019
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]

Leonard Jackson Dec/2021 [present]

Robert Sherr Dec/2022 [absent]

Jason Sabino Dec/2021[absent]

Alt 2. Martin Quinn Dec/2019 [present]

Michael Conahan Dec/2019 [present]

Jeremiah Carnes Dec/2022[present]

Margaret Silver Dec/2021 [present]

Alt1. Stephen Greco Dec/2020[present]

4. Minutes

Member Greco made a motion to approve the May 1, 2019 meeting minutes, seconded by Member Carnes. Vote: All in favor. Motion passed.

5. Old Business

Z2018-01

229 Bound Brook Rd LLC

Block 6 Lot 3

Use Variance and Major Preliminary and Final Site Plan

Chairperson Anello read the letter from the applicant's attorney Mr. Sean McGowan asking for the application to be adjourned to the July 3, 2019 meeting. The Board did not agree with the applicant's request and stated that the applicant will be required to re-notice and pay the escrow that is in the arrears.

Chairperson Anello opened the meeting to the public.

Rich Rutkowski, 211 Maple St. asked what re-notice means.

The Board explained that the applicant will have to re-notice the residents within the 200ft radius of the subject property. The applicant will have to pay for any outstanding escrow then get a new date for a meeting. The applicant has been put on hold.

There being no further business Member Greco made a motion to adjourn the meeting at 7:44pm, seconded by Member Quinn. Vote: All in favor. Meeting adjourned.

R Jackson

Secretary

Karen Wick 7/17/19

Karen Wick, Board Clerk

**Zoning Board of Adjustment
1200 Mountain Ave., Middlesex, NJ 08846
Meeting Minutes
August 7, 2019
7:30 PM**

1. Call to Order

Chairperson Anello called the meeting to order at 7:30 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]	Michael Conahan Dec/2019 [present]
Leonard Jackson Dec/2021 [absent]	Jeremiah Carnes Dec/2022 [present]
Robert Sherr Dec/2022 [present]	Margaret Silver Dec/2021 [absent]
Jason Sabino Dec/2021 [absent]	Alt1. Stephen Greco Dec/2020 [present]
Alt 2. Martin Quinn Dec/2019 [present]	

4. Minutes

Member Greco made a motion to approve the July 17, 2019 meeting minutes, seconded by Member Sabino. Vote: All in favor. Motion passed.

5. New Business

Z2019-02

Minor Subdivision

**US Army Corps of Engineers
Clay Ave
Block 254 Lot 2**

**US Army Corps of Engineers
Lincoln Blvd
Block 260 Lot 6**

**US Army Corps of Engineers
207 Pond Ave
Block 259 Lots 4 & 8**

Mr. Alex Peterson, Project Manager, Army Corps of Engineer gave an overview of the project along with Robert Grecco of Army Corps of Engineers.

Exhibit A1 was entered as colorized documents used to show where the segments of the flood project have been constructed throughout the Borough. He stated the locations of the future pump stations. Certain portions of the properties being discussed tonight are needed to help build the flood wall and levee system. He explained the sequencing of the construction site, the area that they are talking about is section four. The Board continued with the application, looking at drawing C.102 showing where the floodwall behind Lee Dr. will be constructed, access points for the project and ponding areas, berm areas. He stated the variables for the project are funding, real estate and NJDEP. He stated the project is inherently beneficial to the town. Once the project is completed (approximately 2027) then residents will be able to get lower flood insurance rates.

Chairperson Anello opened the meeting to the public for questions.

Richard Potts, 120 Cindy Court, asking a question regarding the property at 500 Bound Brook Rd. (Jaeger Lumber)

Mr. Grecco answered the questions pertaining to the property.

Marquerite Keane, 136 Lee Dr. asked about her property in relationship to the project.

Mr. Grecco answered the questions pertaining to the property.

MaryAnn Kubiak, 331 Runyon Ave, asked questions pertaining to basement flooding

Mr. Grecco answered the project is too protect houses from river water not ground water levels and explained the levee system.

Barbara Katz, 119 Cindy Ct. asked about question about the construction project and estimated time frames

Mr. Grecco answered the construction questions and explained how contracts are awarded to keep the project moving to have both sides of the project to be built in segments. He stated that real estate affects the time frames.

Richard Potts, 120 Cindy Court, asked questions pertaining to Cindy Ct and asked if 2027 would be the end date due to flood insurance.

Mr. Grecco stated the real estate acquisition, and funding are the variables to this. The project would be affected by these two variables.

MaryAnn, Kubiak, 331 Runyon, asked real estate questions

Gerry Bresee, Real Estate Division of Army Corp stated that the subject properties have been appraised and discussions would be starting soon.

Chairperson Anello closed the public portion of the meeting.

Chairperson Anello stated that the project is inherently beneficial to the town and was in favor of approving this application to help the project proceed in order to help elevate flooding.

Board Members agreed with the Chairperson.

Mr. Bucco stated that the minor subdivision would have to be recorded by deed.

Mr. Ricci stated that there would be a D1 and A variances created that would also need to be approved by approving the subdivisions.

Mr. Ricci agreed that this application was inherently beneficial for the town.

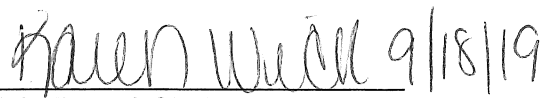
Member Quinn made a motion to approve the subdivision with variances, having the applicant make sure emergency responders have access to site and work with police and fire department, seconded by Member Conahan. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Sabino-yes, Member Sherr-yes, Member Carnes-yes, Member Greco-yes, Member Quinn-yes. Motion approved

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 Greco made a motion to adjourn the meeting at 8:32pm, seconded by Member Conahan. Vote: All in favor. Meeting adjourned.



Secretary



Karen Wick, Board Clerk

**Zoning Board of Adjustment
1200 Mountain Ave., Middlesex, NJ 08846
Meeting Minutes
September 18, 2019
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]	Michael Conahan Dec/2019 [present]
Leonard Jackson Dec/2021 [present]	Jeremiah Carnes Dec/2022 [present]
Robert Sherr Dec/2022 [present]	Margaret Silver Dec/2021 [present]
Jason Sabino Dec/2021 [present]	Alt1. Stephen Greco Dec/2020 [present]
Alt 2. Martin Quinn Dec/2019 [present]	

4. Minutes

Member Sherr made a motion to approve the August 7, 2019 meeting minutes, seconded by Member Greco. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-abstain, Member Carnes-yes, Member Sabino-abstain, Member Silver-abstain, Member Sherr-yes, Member Greco-yes, Member Quinn-yes. Motion passed.

5. Old Business

Z2019-02

Minor Subdivision

**US Army Corps of Engineers
Clay Ave
Block 254 Lot 2**

**US Army Corps of Engineers
Lincoln Blvd
Block 260 Lot 6**

**US Army Corps of Engineers
207 Pond Ave
Block 259 Lots 4 & 8**

Chairperson Anello read into the record part of letter from Craig Homesley, Chief, Civil/IIS Projects Support Branch Real Estate Division of the US Army Corp of Engineers.

The Board stated that their opinion was the subdivision is necessary since the US Army Corp of Engineers is using only portion of the properties not the entire property.

Member Sherr made the motion to memorialize the resolutions for Block 254 Lot 2, Block 260 Lot 6, Block 259 Lots 4 & 8, seconded by Member Conahan. Vote: Chairperson Anello-yes, Member Conahan-yes, Member Jackson-yes, Member Sabino-abstain, Member Sherr-yes, Member Silver-yes, Member Carnes-yes, Member Greco-yes, Member Quinn-yes. Motion approved.

**Z2018-01 Use Variance and Major Preliminary and Final Site Plan
229 Bound Brook Rd Middlesex LLC
229 Bound Brook Rd
Block 6 Lot 3**

Chairperson Anello read into the record the letter from the Applicant's Attorney dated September 17, 2019 withdrawing the application without prejudice.

Chairperson Anello asked the public if there were any questions.

Rich Thomasey, 109 Greene Ave, asked what "without prejudice" meant.

The Board stated that the applicant can reapply in the future.

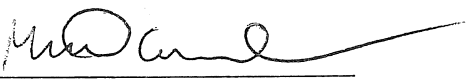
Mike Hompesch, 5 Kalman Ct., stated that the application was currently done. The applicant can still apply again with changes or without changes.

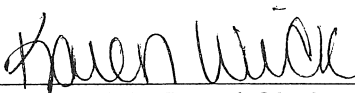
6. Board Comments

None.

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

There being no further business Member Sherr made a motion to adjourn the meeting at 7:48pm, seconded by Member Jackson. Vote: All in favor. Meeting adjourned.


~~Secretary~~ Vice Chairperson
Mike Conahan


Karen Wick, Board Clerk

Zoning Board of Adjustment
1200 Mountain Ave., Middlesex, NJ 08846
Meeting Minutes
October 2, 2019
7:30 PM

1. Call to Order

Vice-Chairperson Conahan called the meeting to order at 7:39 pm.

2. Open Public Meeting Act Statement

Vice-Chairperson Conahan 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 [absent]

Michael Conahan Dec/2019 [present]

Leonard Jackson Dec/2021 [absent]

Jeremiah Carnes Dec/2022 [present]

Robert Sherr Dec/2022 [present]

Margaret Silver Dec/2021 [absent]

Jason Sabino Dec/2021 [absent]

Alt1. Stephen Greco Dec/2020 [present]

Alt 2. Martin Quinn Dec/2019 [present]

Also in attendance: Board Attorney-Joan Dowling Esq.
Board Engineer- Jeff Marsden

4. Minutes

Member Sherr made a motion to approve the September 18, 2019 meeting minutes, seconded by Member Greco. Vote: All in favor. Motion passed.

5. New Business

Z2019-03

Change of use- Minor Site Plan

Kathleen Sluke
660 Bound Brook Rd
Block 229 Lot 37.02

Mr. Sullivan stated that he is representing the applicant.

Mr. Sullivan stated that Ms. Sluke is the leasee of the 1st floor of the building.

Mr. Sullivan stated that the application is for change of use and minor site plan, and is asking for a waiver of formal site plan.

The Board started to review the Najarian Engineering letter dated September 3, 2019 and held off on the waiver request.

Ms. Joan Dowling duly swore in Ms. Kathleen Sluke, 101 Fairview Ave., Middlesex, NJ.

Ms. Sluke stated that she is the leasee of the first floor and would be using it for a dog grooming business.

She stated that she had a business for 7 years and currently is not in business because she had closed her other location to move to Middlesex.

Ms. Sluke stated that she runs her business by appointment, she gives the client's dog an evaluation then brings dog into tub area where they are washed and then the dog is groomed, and given a haircut. The dogs are at the site between 2 to 3 hours. She stated that there would be no kennels.

Ms. Sluke submitted a floor plan of the first floor and explained where the exit/entrance (rear), the reception area, grooming of the dogs takes place in the front of the building, the front door would be locked and not used, the breakroom/office, bathroom, bathing room and drying room.

Ms. Sluke stated that hours of the operation will be from 8am to 5pm and maybe one late night on Fridays, the operation is a drop off /pick up, there will be 2 or 3 employees, 2 dogs get groomed at once, the appointments are about 2 hours each.

Ms. Sluke stated that she has been cleaning, fixing, and measuring the first floor. When she was at the building she noticed that the upstairs tenants are not at the site during the day. She will be done by 5pm and is not anticipating any conflicts.

Ms. Sluke stated that there will be no deliveries to the site.

Exhibit A1 10/2/19 was entered as the 1976 Zoning Board Resolution allowing for first floor commercial use.

Exhibit A2 10/2/19 was entered as certificates of occupancy for the building from 1990-2011 including uses such as deli/sub shop, hair/nail salon and grocery store, residential upstairs apartment.

Exhibit A3 10/2/19 was entered as the access easement and maintenance agreement and survey of the neighbor's driveway.

Vice-Chairperson Conahan read the Fire Marshal and Middlesex Police Department letters stating there were no requests at this time.

The Board reviewed the Ricci Planning report; there will be no off street parking, there is sufficient parking for the site, 5 parking spaces including ADA, the floor plan was submitted, no outdoor storage, no noise from dogs as they will not be left alone.

The Board discussed existing conditions: located in the AE flood zone, access easement, proper width of door, no site improvements such as bollards, planting beds, buffering, basement window, no changes from 2010 to present in footprint, applicant will comply with ordinance for signage.

The applicant is asking for a full waiver of site plan.

The Board asked who owns the vinyl fence, the Board and applicant determined that the fence belongs to the neighbor.

The Board stated that the use of the building would be the same as 1976, apartment on the top and retail/service on the bottom.

Member Carnes cautioned the applicant regarding the flood zone.

Mr. Marsden asked if there was an elevation certificate.

Member Greco asked about ADA access into the building, the applicant will install a simple ramp to the rear door.

The Board requested that the applicant show arrows on the floor plan layout, show 5 parking spaces and keep the access and maintenance agreement in effect.

Vice-Chairperson Conahan opened the meeting to the public for questions.

Rich Rutkowski, 211 Maple St. asked if he could obtain a copy of the Engineering Report.

There being no other public questions the Board continued with the application.

The Board reviewed the 1976 Resolution stating the property is located in the GB zone so the variance would be for the residential portion of the property. The property is still going to be used the same way as in 1976, residential on the top and business on the bottom. The easement was taken care of in 2010 and addresses the 1976 easement for the parking lot and the fencing is still there.

The Board stated that the property was granted a variance in 1976 by the Zoning Board and any changes would make the property return to the Zoning Board.

Member Carnes asked a question about the easement agreement.

The Board stated that the applicant could draw on the survey where the parking spaces would be located.

The Board stated that this was a minor change in use and the footprint of the property is not being changed. Member Sherr made a motion to grant the waiver of site plan, seconded by Member Greco. Vote: All in favor. Motion passed.

Member Greco made a motion to reaffirm the existing bulk variances that were previously granted, seconded by Member Quinn. Vote: All in favor. Motion passed.

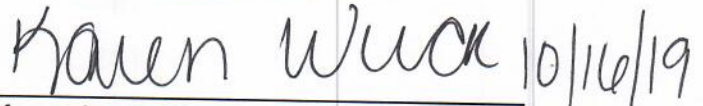
Member Greco made a motion for approval for change of use provided the easement agreement from August 2010 continues, the applicant provides striping for parking on the survey, show the general flow of water with arrow on survey, show where trash will be located, attached easement, seconded by Member Sherr. Vote: Vice-Chairperson Conahan-yes, Member Sherr-yes, Member Carnes-yes, Member Greco-yes, Member Quinn-yes. Motion passed.

There being no board comments Vice-Chairperson Conahan opened the meeting to the public, there being no public, he closed the public portion of the meeting.

There being no further business Member Sherr made a motion to adjourn the meeting at 8:53pm, seconded by Member Greco. Vote: All in favor. Meeting adjourned.



Secretary



Karen Wick, Board Clerk

Zoning Board of Adjustment
1200 Mountain Ave., Middlesex, NJ 08846
Meeting Minutes
November 6, 2019
7:30 PM

1. Call to Order

Chairperson Anello called the meeting to order at 7:38 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]	Michael Conahan Dec/2019 [present]
Leonard Jackson Dec/2021 [present]	Jeremiah Carnes Dec/2022 [present]
Robert Sherr Dec/2022 [present]	Margaret Silver Dec/2021 [present]
Jason Sabino Dec/2021 [present]	Alt1. Stephen Greco Dec/2020 [absent]
Alt 2. Martin Quinn Dec/2019 [present]	

Also in attendance: Board Attorney-Joan Dowling Esq.

4. Minutes

Member Sherr made a motion to approve the October 16, 2019 meeting minutes, seconded by Member Quinn. Vote: Chairperson Anello-yes, Member Conahan-abstain, Member Jackson-yes, Member Sabino-abstain,, Member Sherr-yes, Member Silver-yes, Member Carnes-abstain, Member Quinn-yes. Motion passed.

6. Board Comments

A. Zoning Board ByLaws

The Board discussed the ByLaws:

- adding section 410- to have applicants notify the Board the Friday before the calendar meeting, meeting by noon if they would be cancelling.
- Current sections 410,411,412,413 were now 411,412,413,414
- The Board changed the time in section 409 from 11pm to 10pm
- section 401 appeal days were changed from 65 day to 20 days.
- Section 203 would be separated in Secretary functions or Recording Secretary/Board Clerk functions and also adding section 204.
- Section 415 was added to include that Board Members would recuse themselves if running for Council.

B. Subcommittee Formation

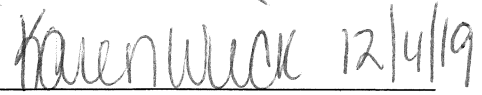
Members Conahan, Anello and Sherr will review the RFP's .

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

There being no further business Member Jackson made a motion to adjourn the meeting at 8:20pm, seconded by Member Carnes.



Secretary



Karen Wick, Board Clerk

Zoning Board of Adjustment
1200 Mountain Ave., Middlesex, NJ 08846
Meeting Minutes
December 4, 2019
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]	Michael Conahan Dec/2019 [absent]
Leonard Jackson Dec/2021 [present]	Jeremiah Carnes Dec/2022 [present]
Robert Sherr Dec/2022 [present]	Margaret Silver Dec/2021 [absent]
Jason Sabino Dec/2021 [absent]	Alt1. Stephen Greco Dec/2020 [present]
Alt 2. Martin Quinn Dec/2019 [present]	

Also in attendance: Board Attorney-Joan Dowling Esq.

4. Minutes

Member Sherr made a motion to approve the October 16, 2019 meeting minutes, seconded by Member Quinn. Vote: Chairperson Anello-yes, Member Jackson-yes, Member Sherr-yes, Member Carnes-yes, Member Greco- abstain, Member Quinn-yes. Motion passed.

5. Review and Adoption of 2019 Zoning Board Year End Report

Member Anello made a motion to approve the 2019 Zoning Board Year End Report, seconded by Member Greco. Vote: Chairperson Anello-yes, Member Jackson-yes, Member Sherr-yes, Member Carnes-yes, Member Greco-yes, Member Quinn-yes. Motion passed.

6. Board Comments

Chairperson Anello stated that this would most likely be the last Zoning meeting as the Boards are being combined to make a Land Use Board. He also thanked all the volunteers for their service.

Chairperson Anello opened the meeting to the public, there being none he closed the public portion of the meeting.

Chairperson Anello announced that the December 18, 2019 meeting most likely would be cancelled.

There being no further business, Member Greco made a motion to adjourn the meeting at 7:45pm, seconded by Member Jackson. Vote: All in favor. Meeting adjourned.

Respectfully submitted,


Karen Wick, Zoning Board Clerk