

MINUTES OF THE PLANNING BOARD REGULAR MEETING OF PISCATAWAY TOWNSHIP HELD ON MARCH 11, 2020

The Regular Meeting of the Piscataway Planning Board was called to order at 7:30 P.M. in the Department of Public Works, 505 Sidney Road, Piscataway, New Jersey by Chairperson Smith.

Chairperson Smith stated: IN COMPLIANCE WITH THE OPEN PUBLIC MEETING ACT, ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED IN THE FOLLOWING WAYS:

- *Posted on the bulletin board of the Municipal Building and made available through the Township Clerk;
- *Notice published in the Courier News;
- *Notice sent to The Star Ledger;
- *Notice made available through the Township Librarians.

ROLL CALL: Mayor Wahler, Councilwoman Cahill, Dawn Corcoran-Gardella, Carol Saunders, Rev. Kenney, Michael Foster and Chairperson Brenda Smith.

ABSENT: Paul Carlton, Dennis Espinosa

Also present: Thomas Barlow, Esq., Steven Gottlieb, Laura Buckley

It was determined that a quorum was present by roll call.

4. PLEDGE OF ALLEGIANCE

SWEARING IN OF PROFESSIONALS: Steven Gottlieb

5. ADOPTION OF RESOLUTIONS TO MEMORIALIZE ACTION TAKEN AT THE REGULAR MEETING OF FEBRUARY 12, 2020: N/A

6. ADOPTION OF MINUTES TO MEMORIALIZE ACTION TAKEN AT THE REGULAR MEETING OF FEBRUARY 12, 2020

MOTION was made by Ms. Saunders to adopt the minutes of February 12, 2020; seconded by Rev. Kenney. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Carol Saunders, Dawn Corcoran-Gardella, Rev. Kenney, Michael Foster and Chairperson Smith voted yes on the motion.

SITE PLAN

- 7. 19-PB-43 Transwestern Development-Postponed until April 8, 2020 Preliminary & Final Site Plan Block 4701, Lot 5.05; Zone: Redevelopment 330 S Randolphville Road**
Applicant proposes construction of a 151,708 square foot additional warehouse on the site.

Aravind Aithal, Attorney, is here to represent the applicant. Mr. Aithal states that they would like to adjourn the application for this evening and be heard on April 8, 2020. He states that he would like an announcement here today that it be carried to the April 8th meeting; he had an opportunity to speak to the Township Attorney. There may be an issue requiring renoticing and they will be in contact with the Planning office but would like this carried without any further notice. If jurisdictionally the Board doesn't have jurisdiction because of a change in noticing, then they will put out the new notice.

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MINOR SUBDIVISION

- 8. 19-PB-40/41V Diaz Properties**
Minor Subdivision and Bulk Variance
Block 9101, Lot(s): 38, 39.01, 40; Zone: R-10
135, 139, 141 School Street
Applicant proposes to subdivide existing properties into three lots.

VARIANCES REQUIRED:

Proposed Lot 38.01

- 21-501** Required – 100 foot lot width
Proposed – 87.83 foot lot width
- Required – 15 foot side yard setback
Proposed – 8.81 and 14.16 foot side yard setback

- 21-613** Required – 100 foot lot frontage
Proposed – 87.83 foot lot frontage

Proposed Lot 39.02

- 21-501** Required – 100 foot lot width
Proposed – 88 foot lot width

- 21-613** Required – 100 foot lot frontage
Proposed – 88 foot lot frontage

Proposed Lot 40.01

- 21-501** Required – minimum lot area 20,000 square feet
Proposed – lot area 18,128 square feet

- Required – 100 foot lot width
Proposed – 88 foot lot width

- 21-613** Required – 100 foot lot frontage
Proposed – 88 foot lot frontage

Action to be taken prior to May 24, 2020

Attorney: Kevin Morse

Kevin Morse, Attorney, is here to represent the applicant. Subject property comprises of two lots presently, block 9101, lots 38, 39.01 and 40; located at 135, 139 and 141 School Street. There are three lots now and what is front of the Board is a for a minor subdivision approval to really realign the lots into three lots. Chairperson Smith has to recuse herself; Vice-Chairman Kenney will take over. Mr. Morse would like to confirm with the Board that all notices were received and has jurisdiction; Mr. Barlow confirms. Mr. Morse states that he has two witnesses available; Ms. Diaz who owns the property and is the principle at Diaz Properties and Mr. Valetutto who is their Professional Engineer and Professional Planner.

Mr. Angelo J. Valetutto, PP and PE is accepted by the Board. Mr. Valetutto prepared the subdivision plan with the assistance of Mr. English as the professional Land Surveyor. The property currently comprises

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of three lots; one in which the applicant currently resides and two adjoining lots that are being reconfigured as part of the application this evening. Mr. Morse states that by way of back ground the Board should be aware that lot 38 contains a single family residence; the Diaz family home and that property was acquired in 2016. Adjacent to the home, lot 39.01 was owned by the Municipality and Diaz Properties purchased it in 2016. The last lot, lot 40 was an undersized lot not suitable for construction. Ms. Diaz made further communication with the Town and there was a discussion that for her purposes since she owned the adjoining property, that it might be possible for this property to have some value for her. She could come up with a sufficient plan and parcel it up as an adjoining property owner; knowing that there are no guarantees. She went ahead and purchased that property in 2017.

Mr. Valetutto states that from an Engineering standpoint, there are two reports from the Municipality and one from Middlesex County. The first report was from CME Associates dated March 6, 2020 and a Memorandum dated February 26, 2020 from Mr. Hinterstein which they accept as a formal communication. They received a letter from Middlesex County dated February 21, 2020 stating that they are exempt from their Board's consideration unless they have to go through the Municipality for having a preliminary and final. Since they are seeking a minor subdivision, they will have it recorded by deed instead of a preliminary and final.

Mr. Valetutto states that in reference to lot 38, the Diaz residence, it will remain with only a slight modification with regard to the driveway; it would interfere with the subdivision line to create the two new lots. In reference to the new lot 39.02 (the middle lot) that will be proposed for construction of a new single family residence. That is were Ms. Diaz's present intention is to build a new residence to move into with her family because they need more space. Mr. Morse states that the newly reconfigured lot 40.01 would be a lot proposed for construction of a new single family dwelling in the future; Mr. Valetutto agrees.

Mr. Morse states that in reference to the Township memo of February 26, 2020. Comment number one is an item that was brought up when they were at the workshop a few weeks ago. There was a suggestion or thought that they could perhaps move the lot line back on proposed 40.01 to try to pick up some square footage. They had to opportunity to discuss it with the applicant but he believes that leaving the lot line where it is, is important. The middle house is set back with a nice stately front yard, and if they push the lot line back it's going to create almost a flag shaped or a tail on the end of the middle lot and deprive the lot of what would be usable space. They would respectfully ask the Boards consideration to not make that particular change. Mr. Morse states that item 2, in reference to 10 foot temporary construction easements, he believes that on the new deeds for the two properties it has the temporary construction easements. This was done when they were conveyed to Ms. Diaz when she purchased the lots.

Mr. Morse states that with regard to the remaining items, 3 through 11, they will comply. Mr. Valetutto states that in reference to number 8, showing all of the trees. They will certainly comply, but the trees that have not been located that would be affected by development would be on proposed lot 40.01. Until such time as they have an actual architectural footprint, they would like to reserve going through and locating trees. They would like to know which trees will be eliminated, but they will comply that any trees that are removed will be replaced; they will work with Mr. Hinterstein. It is more likely that the house on the end, the lot will be sold and developed by someone else. The Diaz family is not in construction and she will find out that she will have her hands full in developing a house for her own use.

Mr. Morse states that in regards to the memo from CME Associates, plan review comments are on page four. In regards to items C-J, the applicant is prepared to comply with all of those recommendations. Mr. Valetutto states that from an engineering standpoint, he doesn't see any negative impact. In fact, one of

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the comments from the Municipal Engineer report that the fact that they will show sample grading to show that they can't direct any runoff onto adjoining properties. That, plus the fact that we acknowledge, that they have to put seepage pits so as to accumulate and accept whatever additional impervious area is going to be generated by the final house size and driveway. They will comply in total with the Municipalities requirements in terms of development, plot plans, etc. One of the things that they did in looking at the subdivision lot lines, there is one variance in regards to lot area and variances for the two vacant lots for lot width and frontage. Those are the only variances; the proposed footprints will comply with all setback standards and they will not seek any variances for the other bulk standards.

Mr. Morse asks Mr. Valetutto in reference to his planning testimony, did he have time to analyze this plan; yes he has. Mr. Valetutto states that there is proper justification for this Board to grant this application with the bulk variance relief that the applicant is seeking. He states that he did a little bit of research and it's an area that contains a lot of smaller houses that were built many years ago when people who were "out of towners" would come to the Town to visit the area for their summer homes. But there are regular residents now; it is an area that really needs revitalization and the proposed development of the property with two new homes will help energize that. It will hopefully provide something that will jumpstart other projects.

Mr. Valetutto states that with regard to justifications to the bulk variances, he believes that the "C-2" flexible C analysis would meet this criteria. Number 1, it relates to a specific piece of property and they have; the parceling of three existing lots. There will be better lots overall by changing the lot lines. The purposes of Municipal Land Use Law would be advanced by a deviation of the Municipal Zoning Ordinance or as everyone knows it as 40:55D-2 (A, C, G and M). Mr. Valetutto reads all of the criteria. A and C, it is their intention to utilize the bulk standards of the Municipality that they do meet both of those goals. Letter G, to provide adequate space. Letter M, to encourage coordination, changing land development. There has already been a lot of work on School Street in terms of improvements with utilities, curbing and sidewalks.

In Mr. Valetutto's opinion, these purposes are advanced because the proposed subdivision development would add new construction to an existing older area in the Township that could use some revitalization. There would be some new single family residents on what they believe are appropriate sized lots. The variances can be granted without substantial detriment to the public good and in his opinion he doesn't see a detriment primarily because even though there are variances, one of the lots for area and width, it does not create any bulk standards. They will be taking that account with regard to the development they are proposing doesn't create any bulk standard variances. The benefits of the deviation would substantially outweigh any detriment; they will meet all of the requirements that the Municipal professionals have asked for. The variances will not substantially impair the intent and purpose of the Township Zone Plan and Zoning Ordinance.

Mr. Morse states that with all of the expense of the beautiful infrastructure improvements from the Municipality, the applicant actually worked with the Municipality prior to the road being paved and had the utilities put in. Councilwoman Cahill asks in regard to the request on the grading to the Board's professionals, so we typically get that. Ms. Corcoran states that yes we do get that; we wanted to get the grading all at one time instead of when each property is being built. They want to make sure that it all works together so that one doesn't impact the other. Mr. Valetutto states that once they have the actual houses and the grading, to do the seepage pits which is really what captures all of the runoff. The tree plan will be submitted prior to even the plot plan. Councilwoman Cahill asks if the property that is not being developed now is sold, how is the Township going to make sure that that piece is included in the

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land. Mr. Corcoran states that they would not even be issued a land disturbance permit from Mr. Hinterstein until he has a plan. All the conditions of approval have to be met prior to any permits being issued.

Mr. Gottlieb states that on the last lot it doesn't appear that there is a curb cut was put in for a driveway, proposed lot 40.02; there is a moratorium on that street. Mr. Gottlieb states that they will have to wait to build; 8 years. They are aware and if there is not a curb cut they will comply. Public portion open/closed.

MOTION was made by Ms. Corcoran to approve the application; seconded by Councilwoman Cahill. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran-Gardella, Carol Saunders, Rev. Kenney and Michael Foster voted yes on the motion.

Chairperson Smith joins the Board.

9. DISCUSSION: REDEVELOPMENT PLAN FOR BLOCK 6703, LOT 8, ALSO KNOWN AS 88 CENTENNIAL AVENUE.

Steven Gottlieb, CME Associates, is here to do the presentation. Mr. Gottlieb states that they are here to discuss some minor amendments to the redevelopment plan for 88 Centennial Avenue that was approved late last year; Block 6703, Lot 8. It is on the corner of River Road and Centennial Avenue. The location of an existing office building and back in 2018 the site was designated as an area in need of redevelopment. They have been working with the Township the last year or so to come up with an appropriate redevelopment plan which was approved in September of 2019. The allowed permitted uses such as a hotel and convenience store with filling station.

Mr. Gottlieb states that they went back and took a look at some items that needed some modifications to basically make things a little clearer. This included the definition of the hotel lounge which made this criteria a little more specific. The redevelopment was adjusted to be more specific regarding cooking of food at the hotel and the convenience store is only allowed pre-prepared food. It also added some restrictions to any potential outdoor seating area. It restricts the outdoor seating area to the dimensions of 44' x 23' and a maximum of 21 seats; it still must be 100 feet from any residential property line.

Mr. Gottlieb states that there was also some clarification on the width of the driveways that will come out to Centennial Avenue and clarification on where the primary entrance would be facing the street on River Road and allowing a secondary entrance. Finally, the last clarification had to do with lighting; to allow lighting in the buffer area and that the spillage of lighting can't be any greater than 0.1 foot candles at any property lines with the exception of the access driveways because of safety purposes.

That was the criteria that was modified and at the Board's discretion they can decide whether or not this criteria is acceptable. They found that these modifications still meet the intent and criteria of the redevelopment plan and the Township's Master Plan and Zoning Ordinance. Councilwoman Cahill states that the modifications were to create a little less intensity of the use and therefore less impact to residents. Mr. Gottlieb states that they wanted to make sure that the redevelopment plan was clarified so that it can become a little bit more restrictive and definitive so it doesn't have that impact on residents.

MOTION was made by Rev. Kenney to accept the changes to the redevelopment plan for 88 Centennial Avenue, and seconded by Carol Saunders. **ROLL CALL:** Mayor Wahler, Councilwoman G. Cahill, Dawn Corcoran-Gardella, Carol Saunders, Rev. Kenney, Michael Foster and Chairperson Smith voted yes on the motion to pay the bills.

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10. DULY AUDITED BILLS TO BE PAID

MOTION was made by Councilwoman Cahill to pay the bills and seconded by Carol Saunders. **ROLL CALL:** Mayor Wahler, Councilwoman G. Cahill, Dawn Corcoran-Gardella, Carol Saunders, Rev. Kenney, Michael Foster and Chairperson Smith voted yes on the motion to pay the bills.

11. ADJOURNMENT: MOTION made by Chairperson Smith to adjourn; All in favor.

The meeting was adjourned at 8:13 P.M.

NEXT SITE PB/WORKSHOP BOARD MEETING – MARCH 25, 2020 AT 2:30 P.M.

NEXT PLANNING BOARD REGULAR MEETING – APRIL 8, 2020 AT 7:30 P.M.

Respectfully Submitted,

Laura A. Buckley
Planning Board Clerk for Carol A. Saunders, Secretary

I certify that the foregoing is a true and correct copy of the Minutes of the Regular Meeting of March 11, 2020, same having been fully adopted by the Planning Board of Piscataway on April 8, 2020.

CAROL A. SAUNDERS, Secretary
PISCATAWAY TOWNSHIP PLANNING BOARD