

MINUTES OF THE PLANNING BOARD REGULAR MEETING OF PISCATAWAY TOWNSHIP HELD ON JANUARY 12, 2022.

The Regular Meeting of the Piscataway Planning Board was called to order at 7:30 P.M. on Zoom (online), Piscataway, New Jersey by Vice-Chairman Rev. Henry Kenney.

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.

Thomas Barlow, Esq., states that he would like to place on the record that we are doing this meeting through an online meeting platform in light of the COVID-19 pandemic. In keeping with the guidelines that have been disseminated by the Department of Community Affairs, the Planning Board has tried it's best to comply with the open public meeting act and the Governor's guidelines in dealing with the current situation. In addition, the applicant whose matter will be heard this evening had the login information for the online meeting platform put forth in their notice; members of the public who wish to be heard will be afforded an opportunity as if we were in an actual, physical space. He believes we have done our absolute best to comply with the DCA guidelines and the open public meetings act.

ROLL CALL: Mayor Wahler, Councilwoman Cahill, Dawn Corcoran, Carol Saunders, Dennis Espinosa, Rev. Henry Kenney, Michael Foster. Chairperson Smith will be attending shortly.

ABSENT: None

Also present: Thomas Barlow, Esq., Ron Reinertsen, CME Associates, Laura Buckley

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

4. PLEDGE OF ALLEGIANCE

5. SWEARING IN OF PROFESSIONALS: Ronald Reinertsen, CME Associates

6. CHANGES TO THE AGENDA: Mr. Barlow states that application # 16 on the agenda, 21-PB-32/33V, Shantilal & Daxaben Patel, has been Postponed until Feb. 9, 2022; applicant must notice. #17 on the agenda, 140 Circle Drive N, 21-PB-34/35V, has been postponed until February 9, 2022; applicant will re-notice.

7. ADOPTION OF RESOLUTION TO MEMORIALIZE ACTION TAKEN ON DECEMBER 8, 2021:

- (a) **21-PB-29/30V Crescenzo & Carrie DiCostanzo
Minor Subdivision & Bulk Variance
Block 3610, Lots 8.09 & 5; Zone: R-15
44 Barbour Place & 25 Maplehurst Lane
Approved.**

MOTION was made by Carol Saunders to memorialize 21-PB-09/10V; seconded by Rev. Kenney.

ROLL CALL: Mayor Wahler, Dawn Corcoran-Gardella, Carol Saunders, Rev. Kenney, Dennis Espinosa and Chairperson Smith voted yes on the motion.

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8. ADOPTION OF THE MINUTES FROM THE REGULAR MEETING OF DEC. 8, 2021.

MOTION was made by Carol Saunders to memorialize the minutes from the December 8, 2021 meeting; seconded by Rev. Kenney. **ROLL CALL:** Mayor Wahler, Dawn Corcoran, Carol Saunders, Rev. Kenney, Dennis Espinosa and Chairperson Smith voted yes on the motion.

- 9. 21-PB-36/37V Snack Innovations, Inc.
Preliminary & Final Site Plan, Bulk Variance
Block 9201, Lot 46; Zone: LI-1
41 Ethel Road West**
Applicant proposes to construct an addition to an existing facility.

VARIANCES REQUIRED:

- 21-501** Required – 40 foot side yard setback
Proposed – 25.1 foot side yard setback
- Required – maximum building coverage 45 percent
Proposed – building coverage 45.5 percent
- 21-622** Required – fencing around the detention basin
Proposed – no fencing around the detention basin
- 21-1102** Required – 217 parking spaces
Proposed – 57 parking spaces
- 21-1103(d)** Required – two electric vehicle charging stations
Proposed – no electric vehicle charging stations
- 21-1203.4** Required – a free-standing sign shall not be erected closer than 50 feet from the right-of-way line of a public street
Proposed – a free-standing sign located 10 feet from the right-of-way line of a public street

**Action to be taken prior to March 14, 2022
Attorney: Kevin Morse**

Kevin Morse, Attorney, is here to represent the applicant. Court stenographer present; transcripts are on file in the Community Development Office.

MOTION was made by Dawn Corcoran to approve the application as discussed; seconded by Rev. Henry Kenney. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran, Carol Saunders, Rev. Kenney, Dennis Espinosa and Chairperson Smith voted yes on the motion.

- 10. 21-PB-38/39V Infinity Biologix
Preliminary & Final Site Plan, Bulk Variance
Block 6201, Lot 4.02; Zone: LI-5
30 Knightbridge Road**
Applicant proposes to install a 34+ tall tank in the rear of building #4.

VARIANCES REQUIRED:

- 21-501** Required – maximum height of an accessory structure, 25 feet
Proposed – an accessory structure 34 feet in height

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21-1103(d) Required – 87 electric vehicle charging stations
Proposed – no electric vehicle charging stations

Action to be taken prior to March 15, 2022
Attorney: Michael Butler

Michael Butler, Attorney, is here to represent the applicant. They are here for preliminary and final site plan approval with bulk variances. All notices are in order and the Board has jurisdiction. They would like approval to place a liquid nitrogen tank in the back of one of the buildings. Part of their operations deal with Covid testing and sample analysis and storage. The tank triggers a height variance and it is over the accessory structure limitations that is in the ordinance. It is under the height of the existing building. There are two witnesses tonight, Mary Storella, Chief Legal & Compliance Officer for IBX. Bill Duran, the Architect, is also here for testimony.

Ms. Storella is sworn in to testify. She states that she has worked for IBX for 1.5 years. IBX is a next generation central lab and they support academia, government, industry, etc. They provide global sample collection, processing, storage and services in research and clinical. IBX received the first FDA emergency use authorization for saliva test for Covid. They have an agreement with the CDC they actually sequence the virus to assist the CDC in public surveillance activities. It spun off from Rutgers University in August of 2020.

They will be moving all of their operations to 30 Knightsbridge. They are tenants, not the owners. Ms. Storella states that they lease two floors of building 3 and building 4 from Keystone Property Group. It is approximately 197,000 square feet in total, 99,000 of which is in building 4 and the rest is in building 3. The owner of the property did consent to this application. In the space that they rent they do three main activities; they do their Covid testing, storing of specimens and some corporate offices.

Mr. Butler states that they are slowly moving over to this location and there is enough parking for employees now and in the future; Ms. Storella agrees. Mr. Storella states that they would like to install an 11,000 gallon liquid nitrogen tank at building number 4. It would be on the grass near the entrance of the property. The only ones to ever see the tanks would be the employees who need to enter. The liquid nitrogen that is stored in the tank would be used to feed their bio specimen storage tank. They need to maintain the temperature in those freezer tanks to a negative 196 degrees Celsius and it can only be done with the liquid nitrogen. Mr. Espinosa asks what happens if there is a leak in the tank? Ms. Storella states that it just evaporates. There are emergency provisions in place; it is a State licensed facility and there will be inspections. The tank has to be refilled based on demand, it is about twice a month on past experience and would be filled at night, when no one is around.

William Doran, Architect, is accepted and sworn in. Mr. Doran shows a Google picture (A-1) showing the existing buildings on the property. He states that the tank will be between buildings 3 and four and there will be bollards around it. The tank will be bolted to the concrete pad that it will be placed on. He shows A-2 on the screen which is a detail and key plan for the tank. Mr. Doran states that this tank will not be higher than the existing building and is very similar to the tank on the property right next door. The height of the building is 40 feet and the height of the proposed tank is 35 feet approximately. There will be a fence placed around the tank also with no visual impacts to the area.

As per Mr. Hinterstein's staff memorandum, they will comply and the height of the wall will not exceed 8 feet. The tank will be white in color. The applicant will provide a Developer's Agreement with the Town. In reference to the CME report dated December 6, 2021, they will comply. Mr. Reinertsen states that the building is an L-shaped building and the tank will sit in between. No further questions.

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Public portion open:

(1) Susan Reis, 825 Shirley Parkway, is sworn in to testify. She states that the berm that was put up was there since the 70's and she was told that the owner was responsible to maintain it. Her concern is that the evergreens are going to be cut down. There will be no trees coming down for this application. The two trees coming down are near the building, not the berm. Mr. Butler states that from her property she will not be able to see the tank and they are not near the tank.

Councilwoman Cahill asks if they will be replacing the two trees that they are removing. Mr. Butler states that they have talked to Mr. Hinterstein and they will be replacing as instructed.

(2) Tony Dinchenzo-Chatroom, asks about the noise. He is here on behalf of his mother; address is 19 Blueberry Court. There will not be any noise by the filling of the tank. Public closed.

Mayor Wahler states that the owner should get together with Mr. Hinterstein and discuss the berm and have it updated. It has been a while and does need to be done. One of the parking lot lights still has spillage over the property and that should be fixed also.

MOTION was made by Councilwoman Cahill to approve the application as discussed; seconded by Dawn Corcoran. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran, Carol Saunders, Rev. Kenney, Dennis Espinosa and Chairperson Smith voted yes on the motion.

*Councilwoman Cahill has to recuse herself from the next application; Yates.

MINOR SUBDIVISION

12. 20-PB-06

Nathan A. Yates

Minor Subdivision

Block 11701, Lot 4.11; Zone: R-15

1023 River Road

The applicant proposes to subdivide the property into two (2) lots.

VARIANCES REQUIRED:

21-3(b)

Required – in residential zones an accessory building should not exceed 25 feet by 25 feet or 625 square feet

Proposed – an accessory building 26.8 feet by 25.8 feet or 691.44 square feet (lot 4.11.01) (existing) **

21-501

Required – 8 foot side yard setback for an accessory structure

Proposed – 0 foot side yard setback for an accessory structure (shed) (lot 4.11.02) (existing) *

Required – 8 foot rear yard setback for an accessory structure

Proposed – 3 foot rear yard setback for an accessory structure (shed) (lot 4.11.02) (existing) *

21-601

Required – no open space, municipal drainage way, right-of-way or easement shall be encroached upon or reduced in any manner

Proposed – fence located with the right-of-way (existing) *

*The applicant has indicated that these structures will be removed.

**The applicant has indicated that the garage/shed will be reconstructed to conform to the size limitations established by the ordinance.

Action to be taken prior to February 25, 2021

Attorney: Robert J. Zullo

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Robert Zullo, Attorney, is here to represent the applicant. He states that the applicant, Nathan Yates, would like to separate the property into two lots; the property is 1 ½ acres. The property is located in a R-15 zone and both lots will exceed the lot requirement. There are no variances being sought as part of this application. Nathan Yates, the owner, is sworn in to testify.

Mr. Yates states that he owned the property for 27 years. He shares the subdivision map on the screen which was originally dated Jan. 26, 2021 and revised October 28, 2021; marked as A-1. Mr. Yates states that he is proposing to turn his property which is currently one and a half acres into two separate lots with a minor subdivision. It is a single family home with detached garage which would be encompassed in the first portion of the subdivision and the open field would be the second lot; it's in a R-15 zone. They are not seeking any variances with this application.

Mr. Zullo states that he would like the applicant to address the CME report dated May 19, 2021. They will comply with the report and all of the bulk standards have been complied with. Mr. Yates states that the garage is 1.44 square feet oversized as per the ordinance; it will be reconstructed to comply. The side and rear setbacks for the shed will be relocated so that they conform. In the front yard, in the County right-of-way, there is a split rail fence that will be removed. 7.E in the CME report it raises the issue of reconfiguration of the existing driveway. As of right now, there are no plans to develop the vacant lot in the near future. Mr. Yates will reconfigure the driveway if there is a severance of ownership or proposed development of the lot.

In reference to Henry Hinterstein's report, dated May 21, 2021, there are several items. They would need County approval if developed. Mr. Zullo states that they have received a letter from Middlesex County from December; the Board did not receive a copy. Mr. Yates shares a copy of the letter on the screen with the Board. Mr. Barlow reads that "have been waived after compliance by the applicant with the conditions outlined, dated 8-12-21"; he doesn't know what letter with that date they are referring to. He doesn't know what was complied with for the County waiver. Mr. Zullo states that it's from the plans dated 10-8-2021 in response to the County's letter which added the right-of-way and center line.

Dawn Corcoran asks if the County has sufficient right-of-way or does the client have to dedicate additional right-of-way? Mr. Zullo states that there is no requirement for additional right-of-way. Mayor Wahler states that he just wants to get this correct, the applicant already has the 55 foot half width out there? Mr. Zullo states that it is 66 feet. Mayor Wahler states that there is a 10 foot right-of-way and we always ask for the right-of-way and they need a 55 foot half width. Mr. Zullo states he is not willing to provide it.

Ms. Corcoran states that the subdivision ordinance was very clear with regard to sidewalks, to widening of existing streets, it's a requirement. They are looking for the easement and installation of new sidewalks. Mr. Zullo doesn't understand by what authority the Township of Piscataway gets to require installation of sidewalks within a County right-of-way if the County isn't requiring it. Mayor Wahler states that the County is under an engineering design right now, there will be a sidewalk out there. If they want to they can have a Developer's agreement with the Town, but the right-of-way and sidewalk is going to happen. All applications that have been through the Boards within the last 25 years have done this.

Ms. Corcoran states that in regards to the Developer's agreement, they would request the easement or dedication of the right-of-way, the sidewalk and a temporary construction easement. Mr. Zullo states that the letter of December 8th (County) requires no such thing. Mayor Wahler respectfully disagrees.

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We have an agreement with the County, they have to require all rights-of-way and pay for all improvements out there with the County. Mr. Barlow would like all of the letters from the County. Mr. Zullo states that he isn't aware of any provision where Piscataway can take 15 feet of Mr. Yates property in a totally conforming subdivision. Ms. Corcoran states that the subdivision ordinance makes it very clear, 20-511.2-5, widening of existing street, and it specifically says that "Subdivisions that do not conform to widths as shown on the Master plan or official map shall dedicate additional width along either one or both sides of the road".

Mr. Zullo states that is the Township, the County owns the street. Ms. Corcoran states that our Master Plan calls for a 55 foot half width. Mr. Zullo states they don't have jurisdiction over the Road. Mr. Barlow states that we have jurisdiction over the subdivision. Mr. Zullo states that it is a legal issue. Mr. Barlow states that the application is going to be denied because the applicant does not want to comply with the conditions set forth by the Municipal professionals, or they could grant the application with all of the conditions. The Board would like to work with the applicant.

Mayor Wahler states that down the road when Colgate had their addition, they have to give the 55 foot half width down there. They put escrow money aside for the County to do sidewalks because the County is going to put them in as part of their construction. Mr. Zullo thinks the applicant needs some time to consider the options. Mayor Wahler states the three lot subdivision fronting River Road, same thing, 55 half width and sidewalks. Mr. Barlow states that he's been here for 3 years and the Town always asks for this. Mr. Barlow states they can ask for an adjournment and come back to the next meeting; there is not a noticing issue; Mr. Zullo agrees. Carried until February 9, 2022.

13. DULY AUDITED BILLS TO BE PAID

MOTION was made by Carol Saunders to pay the bills; seconded by Rev. Kenney. **ROLL CALL:** Mayor Wahler, Dawn Corcoran, Carol Saunders, Dennis Espinosa, Rev. Kenney and Chairperson Smith.

14. ADJOURNMENT: MOTION made by Rev. Henry Kenney to adjourn; seconded by Ms. Saunders; All in favor. The meeting was adjourned at 10:41 P.M.


NEXT PLANNING BOARD WORKSHOP BOARD MEETING – JANUARY 26, 2022 2:30 P.M.

NEXT PLANNING BOARD REGULAR MEETING FEBRUARY 9, 2022 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 January 12, 2022, same having been fully adopted by the Planning Board of Piscataway on February 9, 2022.



CAROL SAUNDERS, SECRETARY
PISCATAWAY PLANNING BOARD