

MINUTES OF THE PLANNING BOARD REGULAR MEETING OF PISCATAWAY TOWNSHIP HELD ON MARCH 13, 2024.

The Regular Meeting of the Piscataway Planning Board was called to order at 7:36 P.M. on Zoom (online), Piscataway, New Jersey by Chairperson Brenda 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.

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 Brian Wahler, Councilwoman Cahill, Dawn Corcoran, Rev. Henry Kenney, Mike Foster and Chairperson Brenda Smith. **ABSENT:** E. Bahseer Ahammed Alex Adkins and Carol Saunders

Also present: Thomas Barlow, Esq., Ron Reinertsen, CME and Laura Buckley, Board Clerk. It was determined that a quorum was present by roll call.

4. **PLEDGE OF ALLEGIANCE**
5. **SWEARING IN OF PROFESSIONALS:** Ron Reinersten
6. **CHANGES TO THE AGENDA: #12, 23-PB-23/24V, Spark Car Wash, LLC; postponed until May 8, 2024-no further notice required.**
7. **DULY AUDITED BILLS TO BE PAID**

MOTION was made by Rev. Henry Kenney to pay the bills; seconded by Dawn Corcoran. **ROLL CALL:** Dawn Corcoran, Rev. Kenney, Carol Saunders, Alex Adkins, E. Basheer Ahamed and Chairperson Smith.

8. **ADOPTION OF RESOLUTION TO MEMORIALIZE ACTION TAKEN ON FEBRUARY 14, 2024:**

(a) N/A

9. **ADOPTION OF THE MINUTES FROM THE REGULAR MEETING OF FEB. 14, 2024**

MOTION was made by Henry Kenney to memorialize the minutes from the February 14, 2024 meeting; seconded by Dawn Corcoran. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran, Rev. Kenney, Mike Foster and Chairperson Smith voted yes on the motion.

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10. **DISUSSION:** KD Capital Ventures, LLC, application 22-PB-27/28V, would like a 30 day extension to perfect subdivision; Anand Dash, Esq.

Thomas Barlow states that this is a matter was in front of the Board for a subdivision that that Board Granted, the resolution was adopted. The applicant has previously been before the Board back in December of 2023 and asked for some addition time to perfect it. Mr. Dash is on the meeting, he has forwarded a letter setting forth the appropriate time, he would like an addition extension. There was some back and forth with the Township and the applicant that has been worked out. They would like an addition 30 days, Mr. Barlow states as his recommendation to the Board would be a 90 day extension; May 20, 2024. Mr. Dash agrees with Mr. Barlow.

MOTION was made by Dawn Corcoran memorialize the approve the extension (90 days); seconded by Henry Kenney. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran, Rev. Kenney, Alex Adkins and Chairperson Smith voted yes on the motion.

11. **23-PB-30/31V** **QTS Investment Properties Piscataway, LLC**
Preliminary & Final Site Plan, Bulk Variance
Block 4102, Lot 3.01 & Block 4202, Lot 6.02; LI-5
101 Possumtown Road
Applicant would like to install an accessory generator.

VARIANCES REQUIRED:

- 21-501** Required – 50 foot side yard setback for an accessory structure
Proposed – 40.34 foot side yard setback for an accessory structure

Lawrence Calli, Attorney, is here to represent the applicant. Mr. Calli states that this their third time here for improvements to this property and will be brief. The applicant has a 38 acre property that consists of a data center, large facility in the LI-5 zone. The data center is existing, they were in front of the Board a couple of years ago for an extension to that data center. This is for accessory improvements in the rear of the property adjacent to the 287 right-of-way and addition generator and container space. It is the equipment that services the engines that service a lot of the power required by the data center. No changes are proposed to the data center itself, hours, coming and goings, are all staying the same. They need relief for the setback in the rear, it is about 2 feet closer than previously approved and done in the field.

Mr. Calli states that he has two witnesses for the applicant. They have generally no issues, except the conduit required in the front yard. He states that they have over 2,000 feet of linear frontage between Possumtown and the abutting street. To implement that would be about half a million dollars the applicant estimated. They understand the goal, but that is one recommendation that they will have to discuss this evening with the Board and professionals. The applicant cannot accommodate that one request. Their experts will go into this further, they can accommodate all of the other items.

Mike Marinelli, Menlo Engineering, is sworn in to testify; he is accepted by the Board. Mr. Calli asks Mr. Marinelli to explain to the Board what is proposed; he shares his screen with the Board. First exhibit is A-1, QTS, dated 3-13-2024. Property is known as 101 Possumtown road, Circle drive is off to the left and 287 is to the right of the property. Mr. Marinelli states that the site has two access points, one to the bottom of the exhibit is their access point with a guard shack and security gate. Off to the left is an emergency egress off of Circle Drive. The property is 38.21 acres and is located entirely in the LI-5 zone.

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They utilized the exhibit that had in 2022 showing the proposed data center at the time, this is has since been constructed as to that approval. They would like another generator, container and two transformer pads. It is consistent off of the rear property line. Other than creating pads, there are no other site improvements proposed this evening. The generator is 40.34, container is 41.01 and the closest transformer is 49.21 setback. All of these are new variances, but they are similar to what has been previously granted by this Board. When they had proposed the expansion to the each, they were approved for an accessory structure setback of 39.4 feet where 50 feet is required for the second to last most eastern transformer pad.

Mr. Marinelli states that during construction, this transformer pad was also supposed to be at the setback but was built a little closer at 37.17 feet which has really no impact to the site plan. Each pair of units needs its own pad, the last unit that had the pad is being moved further away. The use within the building is not changing, the amount of employees is not changing and no further site improvements. This is for an existing client in the building looking for more capacity in the building. Councilwoman Cahill asks is there a reason why they didn't think about capacity prior to building. Mr. Marinelli states that they didn't contemplate this prior to construction.

Ms. Corcoran asks, in reference to the conduit line, is there anything that prohibits the conduit being installed? Mr. Marinelli states that he is not sure. As the Board is aware of, immediately to the southeast is creek and wetland buffers, there are three driveway connections that would need to be crossed. It would need to be ripped up to put in. The applicant was required to put in curb and sidewalk last time and there is not a lot of room. In order to put conduit in that area the sidewalk and maybe the retaining wall adjusted to fit in the new conduit. It is a little more than just digging a trench and putting conduit it. Ms. Corcoran said that there could be an easement on QTS's property, not in the right-of-way, that conduit could be run. Mr. Marinelli states that potentially, but again, he doesn't know about the wetlands and buffer requirements.

Mayor Wahler states that they need to enter in a developers agreement for him to approve the application. Mr. Calli states that the case law is very clear on this, there has to be a rational access between the implementation of condition of approval and relief being sought. It is a 38 acre site with the Data center being the number one tax payers in the Township, this is the extent of the improvements being proposed, it is incredibly small in this 38 acre site. There would be no reason under the case law, the statute for the implementation of such a condition for this type of site plan. It is incredibly cost prohibited for the applicant. Mayor Wahler states that he needs to enter the developers agreement with the Township. If they don't want to do it that is fine, but he will be voting no. Mr. Marinelli states that they are adding .0009% of impervious coverage to the site; four (4) small concrete pads.

Mr. Barlow states that he would envision a developers agreement that instead of having the applicant immediately putting in the conduit, there would be a time frame of say 2-3 years in which to do it. They could bond for it so they know there is a time frame in which it would be done. It is on the record that they don't want to do it, but it is on the record. Chairperson smith opens it up to the public, seeing none, she asks Mr. Calli to call his next witness.

Matt Flinn, 101 Jabralter Drive, Morris Plains, NJ; is accepted sworn in to testify as a Professional Planner. He is familiar with the plans and is ready to testify. Mr. Flinn states that they are looking at an already developed piece of property, a permitted use in the LI-5 zone and has prior approvals. They would like to continue the use of the property as it stands today. In reference to the C variances that are being requested, it is pretty clear that this is just a continuation of what is out there today. It's continuing that patter.

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Mr. Flinn states the improvements will help them thrive and continue which is in line with what the zone wants as per the Master Plan to keep businesses up and running. He explains the rear yard setback requirements. They don't have much choice but to put the accessories in those locations. The C-2 balancing test, the benefits of the project as a whole outweigh any detriments on the property. He puts his planner testimony of the record; A, G, N. There is no negative detriment to the zone plan or master plan. Mr. Calli states that they will enter into a developers agreement with the Township in reference to the conduit. They will also correct the zoning table in their site plan. They will also agree with all the other statements in the reports. Public portion open/closed.

Action to be taken prior to April 18, 2024
Attorney: Lawrence Calli

MOTION was made by Dawn Corcoran memorialize the approve application; seconded by Henry Kenney. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran, Rev. Kenney, Mike Foster and Chairperson Smith voted yes on the motion.

12. **23-PB-29/32V** **Pepsico Beverage North America**
Preliminary & Final Site Plan, Bulk Variance
Block 1301, Lot 2.04; Zone: LI-5
2200 New Brunswick Avenue
Applicant requests variances for free standing and directional signs and add concrete pads with silos.

VARIANCES REQUIRED:

- 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 20 feet from the right-of-way line
- 21-1207.5-1** Required – all signs under 10 square feet must be set back a minimum of 10 feet from the property line
Proposed – directional signs located 7.7 feet, 9 feet and 9.5 feet from the property line (existing)

Action to be taken prior to April 19, 2024
Attorney: Daven Pursuad

Daven Persuad, 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 memorialize the approve application; seconded by Henry Kenney. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran, Rev. Kenney, Mike Foster and Chairperson Smith voted yes on the motion.

14. **DISCUSSION:** To Determine if block 5701, Lots 11 & 12 on the Piscataway Township tax Map, also known as 1700 South Washington Avenue & 120 Sylvan Avenue will be deemed an Area in Need of Redevelopment. AINOR study is dated February 1, 2024.

James Clarkin, IV, 4Site Planning, is sworn in to testify. Mr. Clarkin states that he is presenting for the AINOR Study for block 5701, lots 11 & 12; 1700 South Washington Avenue. It is right across from the Halper Farm property. Mayor Wahler states it's across from the ecological park for clarification.

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Mr. Clarkin states that his findings for the investigation he looks at the Master Plan, environmental, zoning, etc. and compares them with the criteria. The area is about 56 acres which is quite large, lot 11 is the bigger of the two tax lots which is about 42 acres and is owned by Fields of Corn, LLC. Lot 12 is just shy of fifteen (15) acres and is below lot 11 and is owned by DiLeo Housing. The property extends by to Suttie Avenue which is residential. The area has never been developed with the exception of lot 12 which has a single family home on it. Besides from the home there is electric utility towers that split the Suttie area in half which is a utility easement that is in place.

Mr. Clarkin states that with respect to the home, it is occupied and is a two story single family home on lot 12; built in 1956. The current occupant is open to relocating without any assistance from the Township if the area is redeveloped. The utility easement is 100 feet wide, and has support towers; Texas Eastern. They are located in the SCH Zone, Senior Housing Zone. In terms of environmental analysis, he uses NJDEP GIS mapping tool and the only item that came up was wetlands. Both lots have wetlands, lot 11 has 19 acres and lot 12 has 3.4 acres of wetlands within the entire study area. There are no other environmental concerns on both lots.

In terms of surrounding land uses, the park, to the west is an existing residential neighborhood and then there are some homes to the South on Woodland Avenue close to Lake Nelson that boarder the study area. There is warehouse use being developed to the north, lot 2 and further north is the Town Center. Mr. Clarkin shares his screen, starts with lot 11; 42 acres and vacant land. No Police or building records were found. The entire site is wooded, meadow and you can see the utility lines/easements on the photos. Lot 12 has the one single family home on it, has mostly meadow and also has utilities on it. There is a culvert that drains to the other side of the property.

The structure didn't meet any of the criteria found in the local redevelopment housing law and the inside has been lived in and taken care of. The criteria for the study area is "E" and "H" both apply. The reason for "E" is two factors. The first is the condition of title which discourages the other taken of improvements, the utility easement is cutting the lots in two and is creating a develop challenge in respect to location of potential improvements. You can't build under the easement area as well. Further, the overhead lines are ascetically displeasing and might raise health and safety concerns for segments of the general public. Both lots over the last 60 years have been vacant except for the SFD. The second factor for the "E" criteria is diversity of ownership. There is a distinct separate owner for each lot.

These lots were rezoned in December of 2022 to the SCH Zone. There is no other land zoned for senior housing except for Sterling Village and there is a significant demand for senior housing. There are a lot of aging residents and there is not enough for them to stay in so they have to leave Piscataway for lack of options. It is a negative social and economic impact to the Township. It can be rectified through redevelopment of these lots. Designating this parcel as an area in need of redevelopment will open up more opportunities for redevelopment of the land to reverse these conditions.

"H" criteria applies which is the smart planning criteria, the principles of smart planning are furthered in that they are on a major suburban arterial that is South Washington and is directly connected to route 287 less than a mile away. If developed, it would be able to use all of the existing infrastructure around it; sewer, roadway, utilities, etc. He recommends that this Board and the Township Council determine that the study area is indeed an area of redevelopment because it meets both the "E" and "H" criteria. Moving forward with the redevelopment plan will help reinforce the Township's goals, the Master Plan and the State's smart growth planning principles. It would be a non-condemnation area in need of redevelopment.

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Chairperson Smith asks the Board if they have any questions of Mr. Clarkin. Mr. Kenney asks if it would only be senior housing? Mr. Clarkin states that the combination of the wetlands and the utility easement is causing conditions that make it difficult for development. It is zoned for it, but nothing has happened yet. The redevelopment plan will help this property go forward.

Chairperson Smith opens questions or comments to the public: Several members of the public came to the meeting to voice their comments and concerns.

1. Rosalie Geuther, 130 Woodland Road is sworn in. She asked about the pipeline on the property; it is an easement and will not be built on. She asked is the use can be changed; it is for senior housing only.

2. Kathleen Bass, 112 Sylan Avenue is sworn in. She comments about the high tension wires, loss of trees, nature and animals.

3. Kerry Falloon, 138 Woodland Avenue is sworn in. They moved in to their home in 2022 and enjoy the area. Discusses flooding in their yard, nature and quality of life.

4. Brian Rak, 1247 Brookside Road is sworn in. Mr. Rak asks what year the wetlands map is from; Mr. Clarkin states 2018 to 2021. Mr. Clarkin states that any developer will have to get DEP approval prior to anything being built.

Public portion closed.


MOTION was made by Henry Kenney memorialize the approve the AINOR study; seconded by Mike Foster. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran, Rev. Kenney, Mike Foster and Chairperson Smith voted yes on the motion.

15. **ADJOURNMENT: MOTION** made by Dawn Corcoran to adjourn; seconded by Henry Kenney; All in favor. The meeting was adjourned at 9:20 P.M.

NEXT SITE PLAN WORKSHOP MEETING – MARCH 27, 2024 AT 2:30 P.M.

NEXT PLANNING BOARD REGULAR MEETING – APRIL 10, 2024 AT 7:30 P.M.

Respectfully Submitted,



Laura A. Buckley, Planning Board Clerk

I certify that the foregoing is a true and correct copy of the Minutes of the Regular Meeting of March 13, 2024, same having been fully adopted by the Planning Board of Piscataway April 10, 2024.



CAROL SAUNDERS, SECRETARY
PISCATAWAY PLANNING BOARD