



Borough Of Dunellen
 Planning Board
 Regular Meeting Minutes
 November 27, 2023

Call to Order & Statement of Compliance

Chairman Dornbierer called the meeting to order at 7:05 pm and read the Statement of Compliance adopted by the board January 23, 2023.

Pledge of Allegiance

Roll Call

<u>Attendance</u>		
Name	Present	Absent
Tom D'Amico		X
Adam Gordon	X	
Theresa Ratner	X	
Barbara Seif	X	
Eric Walker		X
Mayor Cilento	X	
Councilwoman Rios	X	
Michael Mullin		X
Chairman Roger Dornbierer	X	
Christopher Brillante (Alt. 1)		X
Robert Krause (Alt. 2)		X
Total:	6	5

Quorum: Yes / No

<u>Attendance</u>		
Name	Present	Absent
Michael Collins (Attorney)		X
Krishna R. Jhaveri (Attorney)		X
Ryan Windels (Attorney)	X	
Lou Ploskanka (Engineer)	X	
Daniel Hauben (Planner)		X
Francis Riener (Planner)	X	
Lauren Staats (Rec. Secretary)		X

Cherron Rountree (PB Sec.)		X
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Approval of Meeting Minutes

Approval of Regular Meeting Minutes of July 24, 2023					
Name	Motion	Second	Yes	No	Abstain
Tom D’Amico					
Adam Gordon					
Theresa Flannery					
Barbara Seif					
Eric Walker					
Mayor Cilento					
Councilwoman Rios					
Roger Dornbierer					
Christopher Brillante (Alt. 1)					
Robert Krause (Alt. 2)					

Old Business

There was no old business.

New Business

Mr. Dornbierer: Application PB 23-303, Prism Associates.

Mr. Flannery: Stated why they needed to come in front of the board for site plan and variance approval. The applicant came before this board in 2018, for the Nell, it is now a 252-unit development with 6 apartment buildings and 130 townhomes. The applicant was also in front of this board in 2021 for some wiring of utilities and again last year for the drive through for the commercial building. We are back before the board for the building because it has a slight discrepancy with height. The building height was slightly above the permitted height for the redevelopment plan. We have our architect and planner for their testimonies.

Mr. Dornbierer: Asked about the waiver requests.

Mr. Flannery: Amended site plan application, very little is changing. Final site plan was submitted.

Mr. Windels: Swore in the architect, Angelo Alberto from Spiezle Architects.

Mr. Alberto: Stated his education and qualifications.

Mr. Dornbierer: Accepted.

Mr. Alberto: Exhibit A1 is an arial view of Washington Avenue, looking East. A2 is the site plan approved which is the arial view projected over time. A3 Columbia Street residences, selected 4 key residences. A4 is the elevation detail from the architectural plans.

Mr. Alberto: The height of the building is limited to 55 feet, the current height of the building is 55.7 feet. Stated how this occurred. Spoke about the schematic drawings from 2018 and how it goes to the technical team. Something happened with their computers systems such as a breach and that is how the discrepancy occurred with the height. All the other buildings on the site are 55.7 feet high or lower. Went over the planner's letter. The impact is minimal or dominimus. Looking at Exhibit A5 it shows that it's 66 ft and 6 inches from the closest neighbor's property line. We calculated today from the back of the closest residence to the corner of the building is 140 feet. Explained how over the weekend, the team went out and photographed all the residences along Columbia Street and only about 2 can you see the project visually behind with all of the trees that are around the houses. In terms of the impact of the building height we think this is very minimal, using a 6-foot person next to the building, showing the height difference. This is a C variance, under the C2 we believe the benefits substantially outweigh the detriments. Spoke a bit about the roofs on the buildings.

Mr. Dornbierer: Wanted Mr. Alberto to go over the positive criteria again, the benefit to the community.

Mr. Alberto: Went over the positive benefit to the entire site. Maximizing the height is a better visual to the project. 1 percent discrepancy is dominimus.

Mr. Dornbierer: Wanted to know how many other projects that they have done that haven't met the design.

Mr. Alberto: This is the first one.

Mr. Gordon: As far as where the maximum height is, looking at A1 which is closest to Washington Ave, is the center peak of the roof the highest point or another section where there is peak of the roof, can't tell from the drawing.

Mr. Alberto: Explained that the highest point occurs at the very center of the building and that is where the height exceeds the limit.

Mr. Dornbierer: Asked about the trees and if they are on residents' property or the development property.

Mr. Alberto: Most of them are on residential properties.

Mr. Dornbierer: Has any presentation been made to the redevelopment committee on this issue?

Mr. Flannery: I do not think so. It was determined that it was unnecessary for this application.

Mr. Dornbierer asked the Mayor if the Redevelopment Committee was made aware that this application was coming to the planning board and the Mayor said no, this was through Cherron.

Mayor asked Mr. Riener if he thought this should go before the Redevelopment Agency. He doesn't feel this is necessary and that the planning board is where it needs to be heard.

There were no more board member comments.

Mr. Dornbierer: Is there a plan where you are going to compensate this overage to the community?

Mr. Flannery: Mr. Fourniadas will answer this question.

Mr. Windels swore in Mr. Fourniadas.

Mr. Fourniadas: We certainly did not do this on purpose. Plus or minus 8 inches does not make or break this project. This was an innocent mistake. Each time we submitted plans was a chance for it to be caught but it wasn't by us or zoning. We did not try and hide it. If we did not have to do a survey for final approval for Lou or refinance it would not have been caught. As far as this project I believe it came out very nicely and none of the homes were negatively impacted by this 8 inches. No plan for compensation.

Resident from 203 Park Lane (Could not make out his name) spoke about the height and the zoning. Why wasn't this caught?

Mr. Alberto: Spoke about how the plans are drawn up and all the detailing that goes into them and how the discrepancy happened. Spoke about the code chart on the drawings and the trusses manufacturer.

Ms. Ratner asked about why you don't do the surveys while the project is going on and why do you wait until the end.

Mr. Fourniadas: The survey was something we had to do at the end of the project. This was for the lender. We have to do an as built at the end of the project. We thought the right thing to do was to bring it to the town.

Mr. Alberto: This is a glaring example that there is no perfect set of drawings. This part was missed by the review of the set of drawings. This has no life safety ramifications.

Mr. Gordon: Are all of the heights of the buildings correct and is the peak the only discrepancy?

Mr. Fourniadas: I don't know if all that is correct, but we just checked on the overall heights of the building.

Mr. Gordon: What would happen if we said that no it had to be 55 ft?

Mr. Fourniadas: We would have to have someone come and tear the roofs off. We really can't do this and make the roofs all flat because we have engineered trusses up there. If it was a bigger mistake someone would have caught it earlier.

Mr. Alberto: We do not want to mess with trusses, they are highly engineered.

No more comments.

Docket # 23-303, Amended Site Plan & Variance Approval, The Nell					
Name	Motion	Second	Yes	No	Abstain
Adam Gordon					X
Theresa Ratner			X		
Barbara Seif			X		
Mayor Cilento	X		X		
Councilwoman Rios		X	X		

Roger Dornbierer			X		
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Approved: **Yes** / No

Mr. Fournidias: Spoke on how the project is an overall success in Dunellen.

Board Member Comments

There were no board member comments.

Public Comment

There were none.

Adjournment					
Name	Motion	Second	Yes	No	Abstain
Adam Gordon			X		
Theresa Ratner			X		
Barbara Seif		X	X		
Mayor Cilento	X		X		
Councilwoman Rios			X		
Roger Dornbierer			X		


Approved: **Yes** / No

Meeting Ended at: 7:49 pm

The next regular planning board meeting will be on December 27, 2023.

Minutes Approved: January 22, 2024


 Roger Dornbierer, Chair


 Cherron Rountree, Board Secretary

