



Borough Of Dunellen
Planning Board
Regular Meeting Minutes
April 24, 2023

Call to Order & Statement of Compliance

Chairman Dornbierer called the meeting to order at 7:03 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	
Robert Krause (Alt. 2)	X	
Christopher Brillante (Alt. 1)	X	
Total:	10	1

Quorum: Yes / No

Mr. Collins was absent and Mr. Krishna R. Jhaveri from King, Moench and Collins LLP took his place.

Lauren Staats- Recording Secretary – Present

Cherron Rountree- Planning Board Secretary- Present

Approval of Meeting Minutes

None.

Old Business

**MEMORIALIZING RESOLUTION OF THE
PLANNING BOARD OF THE BOROUGH OF DUNELLEN
APPROVING THE APPLICATION OF SRV DUNELLEN URBAN RENEWAL, LLC
FOR PRELIMINARY AND FINAL SITE PLAN FOR BLOCK 49, LOT 43, KNOWN AS
745-753 BOUND BROOK ROAD**

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and Dunellen Ordinance 52-1 et seq. and 115A-1 et seq., the Planning Board of the Borough of Dunellen (“Board”) is established and empowered to hear and determine applications for site plan approval; and

WHEREAS, on or about December 7, 2022, SRV Dunellen Urban Renewal, LLC (“Applicant”) filed an application (the “Application”) seeking preliminary and final site plan approval with variance relief and design waivers for the property currently located at 745-753 Bound Brook Road and designated as Block 49, Lot 43 on the official tax map (the “Property”) to construct a 3-story multifamily residential building with 3 studio units, 15 one-bedroom units, and 2 two-bedroom units with 2 two-bedroom affordable units and 1 three-bedroom affordable unit; and

WHEREAS, the matter was heard at public hearings of the Board on February 27, 2023 and March 27, 2023 (the “Hearings”); and

WHEREAS, the following evidence was submitted to and considered by the Board at the hearing:

1. The Board reviewed the following reports, which are attached hereto and incorporated by reference (the “Review Letters”):

- a. Report of Board Engineer Louis Ploskonka, PE, dated February 9, 2023; and
 - b. Report of Board Planners Daniel Hauben, PP, AICP and Francis Reiner, PP, LLA dated January 9, 2023.
2. The Board reviewed the following submitted plans, documents and exhibits:
- a. Plans entitled: "Preliminary & Final Site Plan for 745-753 Bound Brook Road, Proposed Multi-Family Residential Building", consisting of fifteen (15) sheets, prepared by Stonefield Engineering & Design, revised through November 30, 2022;
 - b. Architectural Plans entitled: "745-53 Bound Brook Rd Apartments", consisting of two (2) sheets, prepared by Mistry Design LLC., dated May 2, 2022, last revised November 18, 2022;
 - c. Plan entitled: "Effective FEMA Flood Insurance Rate Map", consisting of one (1) sheet, prepared by Stonefield Engineering & Design, dated October 24, 2022;
 - d. Report entitled: "Stormwater Management Statement", prepared by Stonefield Engineering & Design, dated November 18, 2022;
 - e. Report entitled: "Traffic & Parking Assessment Report", prepared by Stonefield Engineering & Design, dated November 18, 2022;
 - f. NJDEP LOI Verification Application prepared by Arthur Kuyan PE, CME, dated October 24, 2022;
 - g. Application and Supplemental Application Information, dated December 6, 2022;
 - h. Exhibit A-1, which is a colorized aerial map of the Property;

- i. Exhibit A-2, which is colorized site plan rendering;
- j. Exhibit A-3, which is a floorplan and elevation exhibit of the building;
- k. Exhibit A-4 which is a colorized rendering of the proposed building;
- l. Exhibit A-5, which is an exhibit used to aid the planning testimony

; and

3. The Applicant was represented by Sean R. McGowan, Esq. of Greenbaum, Rowe, Smith & Davis, LLP.

4. The Applicant presented testimony by the following individuals at the February 27, 2023 and March 27, 2023 hearings, who were sworn and testified as follows:

a. Jonathan Istranyi, PE – Mr. Istranyi is a site engineer and is from Stonefield Engineering & Design. He provided expert testimony on the engineered site plan which was submitted as part of the application at the February 27, 2023 portion of the hearing.

b. Arthur Kuyan, PE – Mr. Kuyan is a site engineer and is from Stonefield Engineering & Design. He provided expert testimony on the engineered site plan which was submitted as part of the application at the March 27, 2023 portion of the hearing.

c. Yogesh Mistry, AIA – Mr. Mistry is the project architect. He provided expert testimony regarding his submitted architectural plans, the design of the proposed building including specific discussion about proposed building lighting. Mr. Mistry provided specific testimony that the ground floor plans and layout should not be altered and that the gym and 3-bedroom apartment on the ground floor should remain as proposed.

- c. TJ Ricci, PP –Mr. Ricci testified at the March 27, 2023 hearing as a professional planner regarding the proposed improvements, including addressing compliance with the bulk and use standards and various waivers of relief that the Applicant requires. His testimony also specifically addressed the Application’s compliance with the redevelopment plan’s parking standards.

; and

WHEREAS, the Board also afforded an opportunity for members of the public to ask questions of witnesses and provide public comment, including inquiries from Kathy McMullin, a resident of 741 Bound Brook Road, Dunellen, NJ, on various issues of concern, including resident street access to the proposed building, stormwater and floodwater management, the proposed parking structure and ongoing remediation; and

WHEREAS, the Board makes the following findings of fact and conclusions based upon the foregoing evidence:

1. The Applicant seeks site plan approval to erect a three (3) story residential multi-family building containing 23 units within the Transition Zone of the Downtown Redevelopment Area. The use is permitted pursuant to the Downtown Redevelopment Plan.
2. Under New Jersey law, site plan approval is designed to “assure compliance with the standards under the municipality’s site plan and land use ordinances,” such that planning boards are expressly authorized to “to impose general terms, conditions, and requirements peculiar to site plan approval as related to public health and safety.” See, e.g. W.L. Goodfellows & Co. of Turnersville, Inc. v. Wash. Tp. Planning Bd., 345 N.J. Super. 109, 116 (App. Div. 2001).

3. Under New Jersey law, a “(c)(1)” bulk variance may be granted pursuant to N.J.S.A. 40:55D-70(c)(1) affording relief “from a bulk or dimensional provision of a zoning ordinance, such as frontage, when, by reason of exceptional conditions of the property, strict application of a bulk or dimensional provision would present peculiar and exceptional practical difficulties or exceptional hardship to the applicant,” provided the applicant satisfies the negative criteria. See, e.g. Ten Stary Dom P’ship v. Mauro, 216 N.J. 16, 29 (2013).
4. Under New Jersey law, the Board is authorized to grant so-called design waivers, which are exceptions from the requirements contained in a site plan ordinance, pursuant to N.J.S.A. 40:55D-51. See, e.g. Wawa Food Market v. Planning Bd. of Borough of Ship Bottom, 227 N.J. Super. 29, 34 (App. Div. 1988).
5. The Board finds that the proposed site plan to erect a three (3) story residential multi-family building containing 23 units including 3 affordable housing units is consistent with the provisions of the applicable zoning contained within the Downtown Redevelopment Area, and thus site plan approval is warranted.
6. The Board further finds that bulk variance and design waiver relief requested by Applicant are appropriate, as further addressed in the Review Letters and on the record.
7. The Board imposes reasonable conditions upon the foregoing relief, as set forth herein, to ensure health and safety as it relates to the proposed improvements.

; and

WHEREAS, at the March 27, 2023 hearing, the Board voted 7-0-1 to approve the Application as provided on the record at said meeting, with aye votes from Mayor Cilento,

Councilwoman Rios, Chairman Dornbierer, Members D'Amico, Krause (seated alternate), Ratner, Seif, and one abstention from Member Gordon (who was absent from the February 27, 2023 hearing, represented on the record that he listened to the subject recording, but nevertheless abstained from voting), which the Board seeks to memorialize herein, in accordance with N.J.S.A. 40:55D-10(g).

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Dunellen, as follows:

1. The foregoing recitals are hereby incorporated as if set forth at length.
2. Applicant's application for preliminary and final site plan approval with variance relief and design waivers is hereby granted, subject to the terms and conditions contained herein

a. The variances, design waivers and relief include the following:

- i. Lettering for any sign shall not exceed 12" in height, whereas lettering between 24" and 36" shall be permitted;
- ii. When off-street parking is adjacent to residential use a continuous screen in accordance with applicable buffer requirements is required, whereas no buffering plantings or fence along the property line is required for this application;
- iii. The minimum required width of a required buffer area requiring a solid and continuous landscape screen does not need to be planted;
- iv. A buffer strip for off-street parking area for four or more vehicles abutting a residential zone shall not be required;
- v. A 24-foot-wide drive aisle is required whereas a 22.5-foot-wide drive aisle is proposed and permitted;
- vi. Trash receptacle screening shall not be required other than as set forth herein;
- vii. Street Tree Plantings as proposed on the plans shall be permitted and the typical required spacing shall not be required;
- viii. Stairway at the lower level is within the flood plain shall be permitted;
- ix. An exception from the parking requirements contained in the Residential Site Improvement Standards;
- x. Light spillage from the building lighting shown on the plans shall be permitted;
 - xi. All other variances and relief required for plans as submitted, subject to the modifications set forth herein.
 - xii.

3. The terms of this Approval are to be strictly in accordance with the plans, testimony, and representations presented to the Board and the same are incorporated into this Resolution by reference.

4. The Applicant shall comply with the review report of Report of Board Engineer Louis Ploskonka, PE, dated February 9, 2023 and Board Planners Daniel Hauben, PP, AICP and Francis Reiner, PP, LLA dated January 9, 2023 except as amended on the record and/or within this Resolution. Said reports are attached hereto and incorporated herein by reference.

a. The Applicant shall not be required to modify the floor plans of the first floor of the building and the 3-bedroom apartment and the gym on the first floor do not need to be altered from the proposed plans.

5. The Applicant must obtain all necessary approvals from any state, county, or other government agencies necessary for construction of the project.

6. Applicant shall be subject to the following special conditions that were established upon the record at the Hearings:

a. Applicant shall submit structural plans for the parking deck to the Borough as part of resolution compliance.

b. Applicant agrees to complete permanent screening of the parking as viewed from the adjacent property at 741 Bound Brook Road in consultation with the Borough Engineer or designee, if deemed necessary by the Borough Engineer and as more fully set forth on the record.

c. An updated easement providing the Borough with access to the pump station located to the west of the Property shall be provided.

d. Applicant agrees that sidewalk improvements shall match existing sidewalk materials.

- e. Applicant agrees to provide 4 EVSC parking spaces of which 2 shall be furnished with EV charging equipment and 2 shall be make ready and finalize the location of designed EVSC parking spaces in consultation with the Borough Engineer.
- f. Applicant represents that it understands that solid waste and recycling collection shall be performed by private hauling under the Borough's current provision of services.
- g. Applicant agrees to complete the trash enclosure using masonry as discussed on the record.
- h. Applicant agrees to complete striping on the portion of the driveway that accesses the pump station and provide signage on North Avenue indicating that public access is prohibited, in consultation with the Borough Engineer or designee.
- i. Applicant agrees to provide decorative lighting along the street front in accordance with the Borough's development standards.
- j. Applicant agrees to install planters at ground level and on the decorative lighting along the street front per Borough standards.
- k. Applicant agrees that all lighting to be installed shall comport with the Borough's development standards governing lighting except as set forth on the record.
- l. Applicant agrees that all utilities shall be installed underground.
 - m. Applicant agrees to paint the pump station in a color that is consistent with the proposed building.
 - n. The applicant shall relocate the proposed bike racks into the site rather than situating them in front of the building.
- o. The applicant shall provide a flap valve on the stormwater outfall to prevent flood waters from backing up into the underground stormwater management system.

7. All taxes, fees, escrows, assessments and other monies due to the Borough of Dunellen shall be paid in full prior to resolution compliance under the terms of this Resolution.

8. The Applicant shall comply with all rules, regulations, statutes, and ordinances of the United States of America, State of New Jersey, County of Middlesex, and the Borough of Dunellen, the latter of which shall include all obligations under the Borough's Affordable Housing Development Ordinance § 89-4.

The undersigned Chairman of the Borough of Dunellen Planning Board hereby certifies that the within resolution of memorialization was adopted by this Board pursuant to N.J.S.A. 40:55D-10(g) at its meeting on April 24, 2023.

Mr. Dornbierer: Stated that this resolution was reviewed by our professionals from CME and DMR.

Mayor Cilento: Had a question about the recycling hauling if we were going to be using MCIA.

Mr. Gordon: Asked how is Art Color recycling done?

Mayor Cilento: We would have to check the financial agreements between the Borough and the developer.

Ms. Seif: Thought that it was going to be privatized, speaking about the project at 150 North Avenue.

Mr. Krause: Asked about a building that has been in Dunellen for years and how do they do their recycling.

All answers are in each of the project's financial agreements with the town.

<u>Memorializing Resolution for 745-753 Bound Brook Road</u>					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico			X		
Adam Gordon			X		

Theresa Ratner			X		
Barbara Seif		X	X		
Eric Walker					X
Mayor Cilento	X		X		
Councilwoman Rios			X		
Roger Dornbierer			X		
Robert Krause (Alt. 2)			X		

Approved: Yes / No

New Business

Some new applications have been handed in but need to be reviewed.

Board Member Comments

Mayor Cilento: Last meeting in May our planners will be coming with the Master Plan Reexamination presentation.

Mr. Dornbierer: No other board member comments

Public Comments

There were no members of the public present.

Adjournment

<u>Adjournment</u>					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico		X	X		
Adam Gordon			X		
Theresa Ratner	X		X		
Barbara Seif			X		
Eric Walker			X		
Mayor Cilento			X		
Councilwoman Rios			X		
Roger Dornbierer			X		
Robert Krause (Alt. 2)			X		

Approved: Yes / No

Meeting Ended at: 7:16 pm


Adam Gordon			X		
Theresa Ratner	X		X		
Barbara Seif			X		
Eric Walker			X		
Mayor Cilento			X		
Councilwoman Rios			X		
Roger Dornbierer			X		
Robert Krause (Alt. 2)			X		

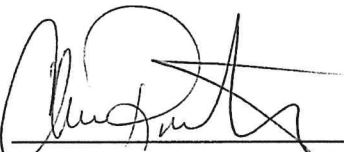
Approved: Yes / No

Meeting Ended at: 7:16 pm

The next regular planning board meeting will be on May 22, 2023.

Minutes Approved: 6/26/2023


 Roger Dornbierer, Chair


 Cherron Rountree, Board Secretary