



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

**Call to Order & Statement of Compliance**

Chairman Dornbierer called the meeting to order at 7:00 pm and read the Statement of Compliance adopted by the board January 23, 2023.

**Pledge of Allegiance**

**Roll Call**

<b><u>Attendance</u></b>		
<b>Name</b>	<b>Present</b>	<b>Absent</b>
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
<b>Total:</b>	<b>8</b>	<b>3</b>

**Quorum:** Yes / No

**Approval of Meeting Minutes**

There were none.

**Old Business**

Mr. Collins: Mr. Gordon, you were absent from the last meeting, but you did in fact listen to the recording of the last meeting. Can you confirm that so that you are fully prepared to vote on this application.

Mr. Gordon: Yes.

Mr. Collins: Noted 2 members absent. Mr. Krause will be seated at this meeting, and he was present at the last meeting. He will participate as a voting member.

Mr. McGowan: Summarized the project for the board and the public who may not have been present at the last meeting. 23-unit apartment building. The applicant has signed a redevelopment agreement with the Borough. The architect who designed the building will provide his testimony tonight along with the planner as well. John Istranyi, engineer is not here tonight but Arthur Kuyan from Stonefield Engineer is here to take his place.

Mr. Gordon: Had a couple of questions for the engineer.

Mr. Collins Swore in Mr. Kuyan.

Mr. Kuyan: Stated his qualifications and was accepted by the chairman.

Mr. McGowan: Provided exhibit A2 that was shown at the last meeting.

Mr. Gordon: Asked questions about the site plan, drainage, basins, and how the firetrucks will come into the development and what driveway they will use.

Mr. Kuyan: Explained how everything is graded and collected along with the basins and how they have to comply with the municipal and state regulations. They were very limited with this project and used shallow pipes. The pipes discharge into the brook. Explained how 2 trucks can fit using the parking deck if needed and how they would make turns. We are designing the parking deck to hold cars plus the firetrucks.

Mr. Krause: Is there a drawing of the parking deck? Asked what the side elevation of the structure was.

Mr. McGowan: If you are looking at the parking deck from the street it is to remain level with the street. Explained they would screen in a section to make the deck aesthetically pleasing when looking from the townhomes.

Mr. Kuyan: Not an elevated parking structure. Designed for flood waters to enter and then exit underneath. Explained the side elevation of the parking deck and what it included.

Mr. Ploskanka: State they did complete stormwater report, and the only concerns are what we put in the comment section of our report.

Mr. Krause: Commented about the construction fence that is there now and Mr. McGowan said that they will remove the black screening so people can see through the fence until construction starts.

Mr. Dornbierer: Opened the floor up to the members of the public just on the testimony that was just given.

Terrance McMullin: 741 Bound Brook Road. Spoke about the privacy fence and if they took it down it would be greatly appreciated. Also, about how Bound Brook Road is on a curve and the speed limit on the street from Middlesex to Dunellen.

Mr. McGowan: Stated they will take down the fence assuming it can be done.

Mr. Dornbierer: Closed the public section, there were no more questions.

Mr. Collins swore in Yogesh Mistry, architect.

Mr. Mistry: Stated his qualifications and was accepted by the board.

Mr. McGowan: Showed exhibit A3 pdf booklet dated 11/18/2022. Digital version of plans that were already submitted.

Mr. Mistry: Went over what they are proposing for the new 23 unit, 3 story building. Ground floor 7,045 square feet, second and third floor each having 9,253 square feet totaling 25,551 square feet. Went over how to read the plans and where residents would enter from, two different entrances. The building will be sprinkler and ADA compliant with no basement. Stainless steel appliances with granite countertops. Spoke about the 3-bedroom COA unit and how it faces the driveway and the windows in the unit. They are going to keep the gym where it was originally planned. The first floor is set 1 foot above the flood elevation. The only low point is the stair door which will be a floor proof door. Spoke about all of the exits on the first floor. Not all of the exit doors need to be flood proof. There will be no flood vents.

Mr. Mistry: Exhibit A4 color drawing. The driveway to the right is the driveway to service the pump station. We wanted to mix materials for the façade to give it relief rather than being flat. Spoke about the color of the bricks. There will be no rooftop units, only condensers which are smaller in scale and will be in the back. Asking for a variance in signage. They are all backlit and not internally illuminated to give a halo effect on the lighting. Variance on the size of the sign. Thought the signs were appropriate for the scale of the building.

Mayor Cilento: Sign ordinance does permit this lighting.

Ms. Seif: Asked about the windows on the different floors and seeing into them.

Mr. Mistry and Mr. McGowan: Spoke about uniform window treatments.

Mr. Krause: Asked about the coloring of the bricks on the building.

Mr. Mistry: Described each of the colors and where they are being used. The white portions on the building are not glass they are panels.

Mr. Dornbierer: Asked about the architectural lighting and why is it only on the first floor and not the second.

Mr. Mistry: Described why it is not on the second. Typically, do not put it up high on buildings.

Mr. Gordon: Asked a question about the site plan and 3 of the parking spaces.

Mr. Mistry: Said that they have updated the parking since this plan and you cannot see all parking spaces from that angle. Spoke about the elevator shaft, windows, columns, and stairwell.

Mr. Collins: Spoke about the requirements that are in the redevelopment zone and that the applicant is complying with those.

Mr. McGowan: These plans were also submitted to the redevelopment agency which they did approve.

Mr. Krause and Mr. Mistry went back and forth about the height of the Gateway sign. It was either 2 or 3 feet on the site plan. Final decision to leave the sign as is.

Mayor Cilento: There will be decorative lighting, benches, trees, and planters. Engineer confirmed.

Lou Ploskanka: The planters will be hanging from the lights and ground planters.

Mr. Gordon: Asked a question about the poles and PSE&G lines, sprinkler system.

Mr. Mistry: Not looking to relocate any of the poles unless it is totally necessary along the driveway. Described sprinkler system.

Mr. Kuyan: All utilities will be underground.

Mr. Hauben: Asked a question about the 3-bedroom COA unit and its placement in the building and why it is smaller and facing the driveway.

Mr. Mistry: We are meeting all the requirements that COA has.

Mr. Dornbierer: Closed that portion to the board members and then opened the floor up to members of the public.

Kathy McMullin: 741 Bound Brook Road. How are the residents getting in and out, are they using a key card? Do they have to come down and let their guests in. Asked about the utility pole on Bound Brook Road.

Mr. Mistry: Yes, there are 2 access points on the ground floor. Residents will have to come down to let their guests in the building. The utility pole will just get offset from the driveway which we work with PSEG to relocate the pole.

Mr. Dornbierer: Closed the public portion. There were no more questions.

Took a ten-minute break at 8:11 pm. Restarted meeting at 8:22 pm.

Mr. Collins swore in the planner TJ Ricci from Stonefield Engineering.

Mr. Ricci: Stated his qualifications.

Mr. Dornbierer: Accepted.

Mr. Ricci: Walked the board through the relief that applicant is seeking and why the board should grant that relief to the applicant. Shared ariel exhibit A5- from google earth and photos from February 23, 2023, on a site visit. Gave handouts to the board. Went over each page starting with showing the lot lines and spoke about the brook and the surrounding properties. Property to the right is not a redevelopment area. Spoke about the mixed-use areas and downtown. Sheet 1 is the pump station. Sheet 2, photo of the subject site. Photo 3 is the actual site. Spoke about how compliant they are and where they are compliant. Also compliant with all the bulk and use standards. Variances are basically design related. Need relief for screening, landscape, and buffers- parking screen for parking areas 4 or more cars, parking visual screen for when you are 50 feet from another residential property screen for multitenant building. Cannot build on a portion of this property because of how close it is to the brook, about one third of the property. There is a substantial amount of property, that is vegetation. Relief for the screening of trash enclosure, not a lot of space to screen that in with vegetation. Signage lettering is not to exceed 12 inches in height, but ours are going to be much bigger but we think it is in scale with the building. This will be what you see when you drive into town. Lastly is relief for street tree planting. Spoke about the trees and the poles that are on the street now and what is proposed. Also spoke about the lighting on the building.

Mr. Ploskanka: Asked if they were going to remove the sconce lighting.

Mr. McGowan: Talked about removing it, but we decided not to.

Mr. Ricci: Spoke about reducing the number of people going in and out of this site because it used to be bar now the site will be residential. Spoke about how this project can be categorized under either the C1 or C2 variance. Dominimus waiver for parking under the RSIS requirements. Do not need a C variance for parking.

Mr. Collins: Does the redevelopment plan state RSIS as the standard for parking? This will not be a dominimus waiver.

Mr. Hauben: Yes, it does for residential.

Mr. D'Amico: Asked question about the garbage enclosure and where the bicycle racks are going.

Mr. McGowan: This is a masonry enclosure. The design for the bike racks is in their report.

Ms. Seif: Asked about how guests would get into the building and what path they would take.

Mr. Kuyan: Explained the path that the guests would take.

Mayor Cilento: Spoke about the bike rack and how if he owned a bike would possibly want it around the back instead of the front. Spoke of the decorative lighting and the new and old trees on the site.

Mr. Kuyan: We will see if we can relocate them to the back. Also, the utilities will be on the back side of the building.

Mr. Dornbierer: No more questions from the board. Opened the floor up to the public for questions and there were none.

Mr. McGowan: Gave a brief summary of the entire project.

Mr. Dornbierer and Mr. Ploskanka: Went over a number of conditions that were discussed: DEP and or all approvals, structural plan for parking deck, screening requirements with parking deck (permanent screening is different from the temporary screening), match existing sidewalk with similar materials, agreeable to concerns in the engineering report, spaces for electric vehicles 2 upfront, recycling and trash will have private haulers, striping on road surface not for residential access, garbage enclosure, easement will be provided for municipal drive and paved with asphalt, bike rack relocation, provide decorative lighting along the street, provide a flat valve for the basin, planters per the boroughs standards, all utilities will be underground.

Mr. McGowan: Applicant agreed to paint the pump station the same color as the bricks on the building.

Mr. Gordon: Can we put do not enter sign or borough/emergency vehicle only access sign by the pump station?

Mr. McGowan: We will work with the borough engineer on the appropriate signage.

Mr. Dornbierer: Closed the portion to members of the board and open the floor up to members of the public.

Kathy McMullin: 741 Bound Brook Road. Asked about the oil tanks in the back of the property, if they were removed and was the soil tested. If the soil was tested, what are the results? Are the sealed drums part of the remediation? Only 1 parking space per unit, correct? EV spot is also a handicap spot. Is all the water from that property going to drain into the brook?

Mr. McGowan: They were removed, the soil was tested and there is remediation that is taking place. The drums are for water that was removed. People will know what they are renting and realize that they will be allotted only one space. The EV spot that is handicap is a requirement.

Mr. Kuyan: Not all of the water will drain into the brook, some will drain into the roadway.

Mr. McGowan: Flood storage plans met all requirements.

Mr. Dornbierer: Public portion closed. Asked about putting up the supports that come up from the roof like at the Art Color building. Mayor would like it just to be painted, just aesthetically keeping it simple.

Mr. Hauben: Went over all the variances.

<b>Docket #22-201 -745 – 753 Bound Brook Road- Application</b>					
<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Tom D’Amico		X	X		
Adam Gordon					X
Theresa Ratner			X		

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

Approved: Yes / No

#### New Business

03-06-  
2023: #2

### RESOLUTION OF THE DUNELLEN BOROUGH COUNCIL, COUNTY OF MIDDLESEX, NEW JERSEY AUTHORIZING THE PRELIMINARY INVESTIGATION BY THE PLANNING BOARD OF BLOCK 85, LOT 3 TO DETERMINE WHETHER SUCH PARCEL SHOULD BE DESIGNATED AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

**WHEREAS**, the Local Redevelopment and Housing Law, *NJS.A. 40A:12A-1, et seq.*, authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment, the Borough Council (the "Borough Council") of the Borough of Dunellen (the "Borough") must authorize the Borough's Planning Board (the "Planning Board") to conduct a preliminary investigation of the area and make recommendations to Borough Council; and

**WHEREAS**, the Borough Council believes it is in the best interest of the Borough that an investigation occur and therefore authorizes and directs the Planning Board to conduct an investigation regarding Block 85, Lot 3 on the official Tax Maps of the Borough, commonly known as 130 South 2nd Street (the "Property"), to determine whether the aforementioned area meets the criteria set forth in *NJS.A. 40A:12A-5* and should be designated as an area in need of redevelopment; and

**WHEREAS**, a redevelopment area determination shall authorize the Borough to use all those powers provided by the Legislature for use in a redevelopment area, except the use of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area").

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council:

1. The Planning Board is hereby authorized and directed to conduct a preliminary

investigation to determine whether the Property satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment.

2. As part of its investigation, the Planning Board shall prepare a map of the Property as required by *N.J.S.A. 40A:12A-6* which will include the block and lot of the Property.

3. The Planning Board shall conduct a public hearing, after giving due notice of the boundaries of the Property and the date of the hearing to any persons who are interested in or would be affected by a determination that the Property is a Non-Condemnation Redevelopment Area.

4. At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Property is a Non-Condemnation Redevelopment Area. All objections to a determination that an area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

5. After conducting its investigation, preparing a map of the proposed Non-Condemnation Redevelopment Area, conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Borough Council as to whether the Borough Council should designate the Property as a Non-Condemnation Redevelopment Area.

6. The Borough Council authorizes the expenditure of those funds necessary for the Planning Board to retain its planning consultant, DMR Architects, to conduct such preliminary investigation on its behalf, at a cost not to exceed \$12,450.00.

7. This Resolution shall take effect immediately.

Mayor Cilento: Explained the location of this piece of property. This is right behind the townhouses. This piece is in Dunellen and another piece is in Piscataway. A warehouse is currently there. Mr. Brudner would like to develop this piece of property.

<b><u>Resolution- Approving Redevelopment Investigation</u></b>					
<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Tom D'Amico			X		
Adam Gordon	X		X		
Theresa Ratner			X		
Barbara Seif		X	X		
Mayor Cilento			X		
Councilwoman Rios			X		
Roger Dornbierer			X		



Robert Krause (Alt. 2)			X		
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Approved: Yes / No

**RESOLUTION OF THE**  
**BOROUGH OF DUNELLEN PLANNING BOARD**  
**GRANTING EXTENSION OF SUBDIVISION APPROVAL**  
**TO RICKY L. AND SILVIA C. SWITZER RELATIVE TO BLOCK 39, LOTS 10 AND 11**

**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 subdivision approval; and

**WHEREAS**, on June 15, 2021, Rick and Silvia Switzer (“Applicant”) filed an application (the “Application”) seeking minor subdivision of the properties currently located at 545 Fourth Street and designated as Block 39, Lots 10 and 11 on the official tax map (the “Property”) to create two lots, one which would contain the existing single family dwelling, and the second which would be developed with a single family dwelling, which requires variance relief; and

**WHEREAS**, on June 27, 2022, the Planning Board granted the applicant’s application for minor subdivision approval with variance relief (the “Approval”) to applicant Ricky and Silvia Switzer (the “Applicant”) relative to Block 39, Lots 10 and 11, which was approved in a memorializing resolution dated August 22, 2022; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-47(d), the Approval remains valid for a 190-day period, expiring on or about February 28, 2023; and

**WHEREAS**, through its counsel, the Applicant has requested a 120-day extension of the Approval pursuant to N.J.S.A. 40:55D-47(f), which would carry to June 28, 2023; and

**WHEREAS**, N.J.S.A. 40:55D-47(f) authorizes the Planning Board to extend the Approval “if the developer proves to the reasonable satisfaction of the planning board (1) that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the developer applied promptly for and diligently pursued the required approvals”; and

**WHEREAS**, the Planning Board finds that the Applicant has been delayed in achieving resolution compliance due to issues with obtaining the municipality’s acceptance of an easement or fee simple interest as required in the memorializing resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Dunellen Planning Board that its approval to granted to applicant Ricky and Silvia Switzer for minor subdivision approval contained in a Resolution dated August 22, 2022 is hereby extended for a 120-day period to June 28, 2023.

The undersigned Chairman of the Borough of Dunellen Planning Board hereby certifies that the within resolution was adopted by this Board at its meeting on March 27, 2023.

Mr. Collins: Went over the resolution and what is going on with the project. They can ask for extensions for however long they would like if they are having issues with the municipality.

<b><u>Resolution- 545 Fourth Street Granting Extension</u></b>					
<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Tom D’Amico			X		
Adam Gordon			X		
Theresa Ratner			X		
Barbara Seif			X		
Mayor Cilento	X		X		
Councilwoman Rios		X	X		
Roger Dornbierer			X		
Robert Krause (Alt. 2)					X

Approved: Yes / No

#### Board Member Comments

Mr. Dornbierer: Asked if we have anything new coming up.

Mayor Cilento: Possibly 120-126 North Avenue. In May we will most likely be having a presentation from the planners on the master plan reexamination.

Mayor Cilento: Would like this to be a hybrid meeting.

Mr. D'Amico: Asked a question about commemorating the art color building on the new site.

Mayor Cilento: Still going to happen, possibly a sculpture and a plaque. 50 Townhouses have been sold. Blue Foundry Bank will go in along with a physical therapy and a sushi place. Townhomes will be using a pilot program for their taxes. 745 Bound Brook Road gave in community benefit donation for a study to be done. A lot of the other projects in town did give a community benefit for different things in town such as putting in push button lights. From the townhouses that have been sold there are only 2 school age kids. Explained how the pilot programs and redevelopment agreements work.

#### Public Comments

No members of the public were present, portion closed.

#### Adjournment

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

Approved: Yes / No

#### Meeting Ended at: 9:32 pm

The next regular planning board meeting will be on April 24, 2023.

Minutes Approved: 4/26/2023

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#### Public Comments

No members of the public were present, portion closed.

#### Adjournment

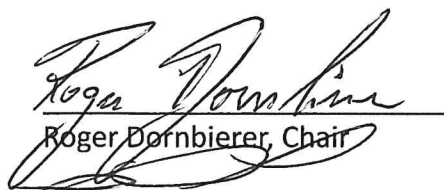
<b><u>Adjournment</u></b>					
<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Tom D'Amico			X		
Adam Gordon			X		
Theresa Ratner	X		X		
Barbara Seif			X		
Mayor Cilento		X	X		
Councilwoman Rios			X		
Roger Dornbierer			X		
Robert Krause (Alt. 2)			X		

Approved: Yes / No

#### Meeting Ended at: 9:32 pm

The next regular planning board meeting will be on April 24, 2023.

Minutes Approved: 6/26/2023

  
Roger Dornbierer, Chair

  
Cherron Rountree, Board  
Secretary