

Borough of Dunellen  
Planning Board  
Meeting Minutes

June 27, 2022  
Regular Meeting

**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 2022.

**Roll Call**

**Present:** Adam Gordon, Theresa Ratner, Barbara Seif, Erik Walker, Robert Krause (Alternate # 1), Christopher Brillante (Alternate #2), Councilwoman Rios, Mayor Cilento, Chairman Roger Dornbierer

**Absent:** Michael Mullen, Tom D'Amico

**Approval of Meeting Minutes**

There were none.

**Board Matters**

1. Appointing Cherron Rountree as board secretary.
2. Appointing Lauren Staats as recording secretary.

Motion Mayor Cilento and Barbara Seif seconded. Adam Gordon- Yes, Theresa Ratner – Yes, Barbara Seif – Yes, Eric Walker – Yes, Councilwoman Rios – Yes, Mayor Cilento – Yes, Roger Dornbierer - Yes

**RESOLUTION DESIGNATING PLANNING BOARD SECRETARY AND RECORDING SECRETARY**

WHEREAS, the Planning Board of the Borough of Dunellen ("Planning Board") is established pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and Dunellen Ordinance 52-1 et seq.; and

WHEREAS, the Planning Board requires an individual to serve as its Secretary to perform various duties, including but not limited to signing plats, as provided in Dunellen Ordinance § 115A-8; and

WHEREAS, on June 20, 2022, the Borough Council approved the hiring of Cherron Rountree to serve as Dunellen Planning Board Secretary in a part-time capacity; and

WHEREAS, the Borough's administration has further recommended that Lauren Staats, who currently serves as Dunellen Planning Board Secretary, hereafter serve in a modified role as Dunellen

Planning Board Recording Secretary, among other things responsible for the preparation of meeting minutes; and

WHEREAS, in the event of the incapacity or acknowledged unavailability by Ms. Rountree, the Planning Board seeks to authorize Ms. Staats to execute documents in her stead.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Borough of Dunellen hereby acknowledges that Cherron Rountree is hereby designated as Planning Board Secretary and is authorized to carry out all associated duties under applicable law, including the execution of instruments.

BE IT FURTHER RESOLVED that the Planning Board of the Borough of Dunellen hereby acknowledges that Lauren Staats is hereby designated as Planning Board Recording Secretary and is authorized to execute documents in the capacity as Planning Board Secretary in the event of the Planning Board Secretary's incapacity or acknowledged unavailability.

BE IT FURTHER RESOLVED that this Resolution shall serve to repeal any past actions of the Planning Board of the Borough of Dunellen to the extent of any inconsistency.

#### **Old Business**

1. PB 20-01 – 370-372 North Avenue, LLC  
Block 32, Lot 18 – 370-372 North Avenue  
Application for Minor Site Plan  
Approval of Memorializing Resolution

Motion Barbara Seif and Mayor Cilento seconded. Adam Gordon – Yes, Theresa Ratner – Yes, Barbara Seif – Yes, Eric Walker – Yes, Councilwoman Rios – Yes, Mayor Cilento – Yes, Roger Dornbierer - Yes

**MEMORIALIZING RESOLUTION OF THE PLANNING BOARD OF THE**  
**BOROUGH OF DUNELLEN**  
**APPROVING THE PRELIMINARY AND FINAL SITE PLAN AND VARIANCES FOR THE APPLICATION**  
**OF 370-372 NORTH**  
**FOR BLOCK 32, LOT 18 (370-372 NORTH AVENUE)**  
**LOCATED IN THE AMENDED AND RESTATED DUNELLEN DOWNTOWN REDEVELOPMENT**  
**AREA REMAINDER**

WHEREAS, pursuant to N.J.S.A. 40:55D-25(c)(1) and Borough of Dunellen Ordinance § 52-1 et seq.,

the Borough of Dunellen Planning Board ("Board") sits as a nine-member single jurisdiction Planning Board afforded the full jurisdiction of both a Planning Board and Zoning Board of Adjustment under the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-1 et seq.; and

WHEREAS, on March 25, 2021, 370-372 North Avenue LLC, with an address of 370-372 North Avenue, Dunellen, NJ 08812 (the "Applicant") filed an application (the "Application") with the Board in connection with the property located on Block 32, Lot 18 on the official tax map of the Borough of Dunellen, commonly known as 370-372 North Avenue (the "Property"); and

WHEREAS, the Property is governed by superseding zoning contained within the "Amended and Restated Dunellen Downtown Redevelopment Plan," dated September 4, 2018, and adopted pursuant to the Local Redevelopment and Housing Law ("LRHL"), N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Plan"); and

WHEREAS, in the Application, the Applicant proposed to convert the second floor of an existing two (2) story building into four (4) apartments and a private coaching area for table tennis use for the Applicant's pre-existing Lily Yip Table Tennis Center, along with changes to the front façade; and

WHEREAS, the Application seeks preliminary and final site plan approval, including waivers from the requirements of the Site Plan and Use Variance Checklists ("Waivers"), as further set forth in the Review Letters (as hereafter defined); and

WHEREAS, the Application was considered by the Board at a hearing held on April 25, 2022 (the "Hearing"); and

WHEREAS, the Board considered the following evidence submitted to the Board in the record and at the Hearing:

1. The Board reviewed the following reports (the "Review Letters"), which are specifically incorporated by reference and made part hereof:

a. Reports of the Board Engineer, Louis Ploskonka, PE:

i. Review Letter, dated June 4, 2021

ii. Review Letter, dated June 24, 2021

b. Reports of the Board Planner, Gabe Bailer, PP, AICP:

i. Review Letter, dated April 19, 2021

ii. Review letter, dated June 7, 2021

2. The Board reviewed the following exhibits:

a. Application dated March 25, 2021

b. Minor Site Plan Review Checklist

c. Engineering Plan, one (1) sheet, prepared by James Kin, P.E. of Shoen Engineering, dated January 29, 2021

d. Floor Plans and Elevation, two (2) sheets, prepared by Shean Chang Wang, dated March 2, 2021

e. Letter from County Planning Board dated May 24, 2021

f. Five (5) pictures of subject area, undated

g. Photographs A-1 to A-5, introduced into evidence at the hearing

3. The Applicant was represented by John J. Sullivan, Jr. of Vastola and Sullivan and presented testimony by the following sworn witnesses:

a. Ms. Lily Yip, Principal of Applicant

b. Mr. Shean Chang Wang, AIA

c. Mr. James Kin, P.E.



; and

WHEREAS, the public had an opportunity to ask questions and/or provide testimony regarding the Application at the Hearings, though no such comments were received; and

WHEREAS, the Board having carefully considered all of the evidence and exhibits presented, and the questions and comments of the witnesses, the Board makes the following findings of fact with regard to the Application:

1. The Board found the testimony of the Applicant's Witnesses to be credible.
2. The Applicant seeks to convert the second floor of the Lily Yip Tennis Center into four (4) apartments and a private coaching area, along with changes to the front façade.
3. The Applicant has owned the Property and operated it as the Lily Yip Tennis Center since 2010.
4. The tennis center is open to the public on a regular basis. Peak periods for the center are from 6:00 pm to 9:00 pm on certain nights with attendance of up to 100 members.
5. The applicant proposed constructing four (4) apartments on the second floor. The proposal was revised at the hearing to include three (3) rental units and one (1) unit that will be utilized as a resting area by coaches (the "Resting Area Unit").
6. The Property will have six (6) dedicated parking spots, with one spot decided to each of the three (3) rental units.
7. The applicant was aware of the obligations imposed by the Borough's affordable housing ordinance and agreed to same.

WHEREAS, based upon the foregoing, the Board makes the following conclusions of law:

1. The Board has been furnished sufficient information so as to enable it to make an affirmative decision with regard to the requested proposal to undertake the Project subject to the imposition of specific and general conditions set forth in this Resolution;
2. The Applicant, though its witnesses, as more specifically set forth during the course of the testimony herein, has provided sufficient evidence to demonstrate that its Application conforms to the standards required for obtaining site plan approval pursuant to Dunellen Ordinance § 115-12 and § 115A-1 et seq., subject to the terms contained in this Resolution herein.
3. The Applicant, though its Witnesses, as more specifically set forth during the course of the testimony herein, has provided sufficient evidence to satisfy the standard for waivers from certain checklist requirements, and that such relief is reasonable and appropriate for the reasons set forth during the hearings on the record, in the body of this Resolution and/or in the Review Letters.

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

1. The foregoing recitals are incorporated as if set forth at length.
2. The application of 370-372 North Avenue, LLC for preliminary and final site plan approval with waivers is hereby granted, subject to the terms and conditions contained herein.
3. The terms of such 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 Letters, except as amended on the record and within this Resolution. Said Review Letters are attached hereto and incorporated herein by reference.

5. The following terms are imposed as conditions of approval:

- a. Applicant agrees that all signage to be located on the front façade shall comply with the Borough's sign ordinance.
- b. Applicant agrees to move doorway contained within the subject plans to separate the three (3) apartment units from the one (1) unit to be used as a Resting Area Unit.
- c. Applicant agrees to plant a street tree consistent with the terms discussed at the Hearing.
- d. Applicant agrees to include a compact bike rack along North Avenue with bikes racked in a direction parallel to the front façade.
- e. Applicant agrees to resurface and re-stripe the parking lot.
- f. Applicant agrees to install landscaping and shrubbery along North Avenue pursuant to plans that shall be first submitted to and approved by the Zoning Board Engineer.
- g. Pursuant to Item 15 within the CME Report, Applicant agrees to install a masonry enclosure that compliments surrounding architectural elements pursuant to a design that shall be first submitted to and approved by the Zoning Board Engineer.
- h. Applicant agrees to prepare and submit a photometric plan demonstrating light levels to the satisfaction of the Zoning Board Engineer.

- i. The Board grants Applicant an off-site parking waiver. Applicant agrees that the on-site parking shall comply with requirements under applicable law, including but not limited to the Americans with Disabilities Act, to the satisfaction of the Planning Board Planner, in consultation with Dunellen's Parking Authority if necessary.
- j. Applicant agrees to obtain and submit a sewage flow report to the satisfaction of the Zoning Board Engineer.
- k. Applicant agrees to obtain approval regarding fire flows from the Fire Subcode Official.
- l. Applicant agrees to follow a construction staging plan approved at the discretion of the Construction Official.
- m. Applicant agrees that the Resting Area Unit shall not be rented or occupied as part of any tenancy.

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

7. The Health and Zoning Officer shall be permitted access to the Applicant's site during regular business hours to verify compliance with this approval, as well as applicable statutes, codes, and regulations.

8. All taxes, fees, escrows, assessments, and other monies due to the Borough of Dunellen shall be paid in full.

9. Should the Borough Attorney desire a developer's agreement, the Applicant shall enter into such agreement with the Borough.

10. Applicant shall comply with the Borough's Affordable Housing requirements. To this end, Applicant represented and agreed that compliance will be made in the form of either: a) one (1) of the three (3) apartment units being made subject to affordable housing controls; or b) payment of an in-lieu fee for one (1) unit of affordable housing.

11. Applicant shall submit a fully completed compliance report prior to the commencement of any work.

12. 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.

13. The approval contained within this Resolution shall be valid for the period prescribed under the Municipal Land Use Law, including but not limited to N.J.S.A. 40:55D-52.

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 June 27, 2022.

2. PB 21-03 – Switzer  
Block 39, Lots 10 and 11 – 545 Fourth Street  
Application for Minor Subdivision  
Continuation of Application

Mr. Sullivan: Spoke on the application and said that there are revised plans with a revision date of June 9, 2022.

Mr. Titus: Explained the revised plans. Not many changes.

Mr. Dornbierer: Asked the board and the public if there were any questions for this witness. There were none.

Mr. Collins swore in Mr. Brian Taylor, architect.

Mr. Taylor: Stated his education and qualifications.

Mr. Dornbierer: Accepted.

Mr. Taylor: Plans are dated June 10, 2022. Explained the floor plans and elevations. Footprint of the home is 920 square feet without the front porch. Entire home is about 1840 square feet which does have a full basement and a garage. Enter the home you would walk through the front porch then into a living room, dining room and kitchen which is an open floor plan. There is a mud room off from the single car garage. Powder room adjacent to mudroom. There is also a rear porch. Second floor has 3 bedrooms and 2 bathrooms. Master bedroom that has a master bath and walk-in closet. We wanted to make this home modest and appealing. Spoke about the façade and how the porch adds curb appeal.

Ms. Seif: Asked about the setbacks on this home and average setbacks on the street.

Mr. Titus: Explained the setbacks.

Mr. Taylor: Explained Dunellen's ordinance on setbacks with the porch. Asking for a variance. Spoke about the two front yards on this unique lot.

Mr. Krause: Asked about Dunellen's ordinance and two front yards.

Mr. Riener (Planner): Explained Dunellen's ordinance on this topic with triangular lots with no rear lot lines.

Ms. Seif: Then you would need two variances.

Mr. Ploskanka: Stated on Third Street you are set back a little farther than the other home.

Mr. Taylor: Yes.

Mr. Titus: Gave the dimensions of the setbacks from the survey/plans.

Mr. Dornbierer: Asked if there were any board member comments. There were none. Asked the public if there were any questions for Mr. Taylor. There were none.

Mr. Sullivan: Summarized the application for the board and the public and stated that is suitable for subdivision. Also stated the variances.

Mr. Collins: Went over the conditions that were discussed. The existing home to stay with above ground wiring, but new home underground wiring. The right of way dedication for the end of the triangle piece to be subject to determination to the board attorney and in consultation with engineer and planner. The sidewalk be modified and to address the current trees if necessary. Terms with road opening and water lines.

Mr. Sullivan: Discussed the question on the trees and said that some had to be removed. And most of the trees will remain.

Mayor Cilento: The applicant went well beyond the expectations of the planning board.

Mr. Dornbierer: Opened the application up to members of the public. There were none. No member of the public present.

Motion by Mayor Cilento and seconded by Councilwoman Rios to accept the application.

Mr. Gordon- Yes, Ms. Ratner- Yes Ms. Seif- Yes, Mr. Walker – Yes, Councilwoman Rios- Yes, Mayor Cilento – Yes, Chairman-Yes

Application is approved.

### **New Business**

1. PB – Dunellen Prism Associates Urban Renewal LLC;  
K. Hovnanian at Dunellen Urban Renewal LLC  
Block 85, Lots 1.01, 1.02  
Amended Site Plan for Drive Through Facility

Mr. Flannery (Attorney): Legal Notice was provided for this meeting. Explained the new development going up on South Washington Avenue that was approved in 2018 and then up again in front of the board for utility uses in 2021. And tonight just a reconfiguration of the existing building that was already proposed. 9,240 square foot building was already approved, looking to increase the size to about 10,084 square feet including the drive through facility which is permitted under the redevelopment plan. For tonight's application we have two witnesses.

Mr. Collins: Swore in Mr. Scott Turner.

Mr. Turner: Stated his education and qualifications.

Mr. Dornbierer: Accepted. Robert Krause had to abstain from any discussion on this application.

Mr. Turner: Spoke about exhibit A1 which was not part of the submitted plans, it was prepared for tonight's presentation, dated May 19, 2022. This exhibit shows what was originally proposed to what the new proposal will look like. Block 85 Lot 1.01. No changes to the enter and exit of the property. 48 parking spaces which is conforming to the redevelopment plan. Brick pavers will stay the same and there will be a bicycle rack and benches in the front. Exhibit A2 which is a larger drawing of the amended site plan dated May 19, 2022. There will be a bump out which is the drive through for the bank. Reconfigured the center island for a bump out in the curb. Explained the enter and exiting out of this

site. Bank could accommodate 5 to 6 vehicles in line at the drive through. Spoke about the trash pick-up. We will be using LED light fixtures. Landscaping was revised to accommodate the building and parking lot.

Mr. Dornbierer: What is the square footage difference in the plans? Where exactly is that distributed?

Mr. Turner: A difference of 844 square feet. Increases the size in a little bit of everything and showed where on the plans.

Mr. Dornbierer: Members of the board do you have any questions?

Ms. Seif: Is Brudner Drive a right turn only onto Washington Avenue?

Mr. Turner: Yes, it is.

Mr. Dornbierer: Asked about the site triangles.

Mr. Turner: Explained the site triangles and said that he will add them to the plan.

Mr. Walker: The exit is the right turn only? On the opposite side of the tracks there is a strip mall with traffic coming out and buses making left turns and I am afraid the fixture of the train tracks may be blocking the view of one of the drivers making a left or right turn.

Mr. Turner: Explained that there were many traffic studies done and would provide them to the board if needed. These studies were reviewed by Middlesex County and their traffic engineers.

Councilwoman Rios: If it is a right turn only, will there be guidance there, so it is forcing a right turn only.

Mr. Turner: Yes, it is pointing cars right onto South Washington Avenue.

Mr. Dornbierer: No more questions from the board. Opened the floor up to members of the public.

Deanna Calabrese, 239 Columbia Street: Asked about the expansion of the drive through building? Asked if it is definitely going to be a bank. She then asked what branch.

Mr. Turner: Referred to the architect to answer the first part of the question and said yes, it is a bank but doesn't know the branch.

Bonnie Sutton, 241 Columbia Street: What type of drive through business is going there? A Starbucks? Spoke about the traffic reports. Said that the traffic is not fine on that street with plenty of 18 wheelers and cars. Said that she had to hire a mason because the foundation on her home is cracking.

Mr. Flannery: A bank. Said we could hear from a traffic engineer tonight if necessary.

Resident ( Name was inaudible) , 111 South Washington Avenue: Who did the traffic study? The traffic is terrible between 3 pm and 6 pm. Spoke about the damages on this home from the vibrations and there were pictures taken.



Robert Lubertazzi, 239 Columbia Street: Asked about the exit of the property and the bus stop. Will the bus stop remain there? Talking about how hard it is to get out of his block and with traffic there and this might be worse.

Mr. Dornbierer: The traffic engineer can address that.

Mr. Collins: Swore in the traffic engineer, Mr. Corey Chase.

Mr. Chase: Stated his education and qualifications.

Mr. Dornbierer: Accepted.

Mr. Chase: There was a supplemental study submitted from May 3, 2022 in addition to the original. My job was to compare the two with the additional square feet to see if there is any significant changes in traffic. Based on the study comparison it will be an additional 5 trips during peak hours focusing on weekday mornings, evenings, and Saturday mornings. This is not a significant increase during peak hours. There will be a signal on Washington Avenue. And a right turn egress which have already been approved by the borough and the county. There are no changes in the right of way.

Ms. Ratner: Has to abstain because of where she works.

Ms. Seif: Had a question about the traffic studies, does someone actually stand on the corner?

Mr. Chase: They do. They count the volume of cars going to the intersections, whether they are turning left, right or going straight.

Mayor Cilento: Stated that what is talked about here is also on the website under Redevelopment with each project listed.

Mr. Walker: The exit will be used for the bank patrons and residents, correct? Asked about pedestrian walkways.

Mr. Chase: Yes. That was part of the original approved plan. Yes, there will be walkways along with signals and push buttons.

Mr. Dornbierer: Opened the floor to members of the public.

Robert Lubertazzi, 239 Columbia Street: Washington Ave is a one lane road, will it turn to 2 lanes with this project? Asked about the lanes and signals for the new light.

Mr. Chase: Spoke about the turn lanes and what will facilitate the traffic.

Mayor Cilento: Working with NJDOT with truck traffic. Trucks can no longer make left or right turns at Washington and 28 as well as Madison and 28. That will lessen the truck traffic through town. Looking at traffic and safety very seriously in this town.

Deanna Calabrese, 239 Columbia Street: What time of day was the last traffic study? Spoke about the kids during school hours and people from the train.

Mr. Chase: A time of day during peak hours. 7 am – 9 am, 4 pm – 6 pm, Saturday 11 am – 2 pm. Overall traffic from the retail space is small. Spoke about the signals and street lighting.

Mr. Collins: Swore in the architect, Mr. Angelo Alberto.

Mr. Alberto: Spoke about his education and qualifications.

Mr. Dornbierer: Accepted.

Mr. Alberto: Explained his exhibits and the way he designed it. They had to reduce the length of the building because there had to be a drive through facility. Same design as original submission, but the proportions have changed. This exhibit is A3. The building is 5 feet deeper, but 12 feet narrower. Spoke about the DMR report about lighting and signage. The building will have a traditional hanging sign. Rear conventional signage. Traditional red brick. Framing each door are wall sconces.

Mr. Flannery sent a letter and a copy of the application to Windels Marx in early May and did not hear back from them within the 15-day period.

Councilwoman Rios: What is on the second level?

Mr. Alberto: It is vacant, and he explained why and there is access to it.

Mr. Gordon: Asked about the wall and bump out of the drive through.

Mr. Alberto: Explained the reasoning, that is why we are here before the board tonight. And all of the elevations.

Mr. Dornbierer: Opened the floor up to members of the public.

Robert Lubertazzi, 239 Columbia Street: Do you have a bank lined up for this space. Or is this a Starbucks. Spoke about the banks in town.

Mr. Dornbierer: This is time to ask questions solely on the architecture.

Mr. Flannery: We are in discussions with a bank.

Mr. Collins: Swore in Mr. Robert Fourniadis who represents the applicant.

Mr. Fourniadis: Tried to get a Starbucks or Dunkin Donuts but they didn't want to come because you can't make a left hand turn out of the parking lot. The bank is Blue Foundry Bank, have not signed lease yet, but on the third draft of it. Can't agree to a restriction to not make it a food establishment. Possibly a physical therapy establishment on the other end.

If this space is not used by a bank, the applicant would have to come back before the board with a new application. This was agreed upon.

Mr. Dornbierer: Opened the floor up to the public.

Deanna Calabrese, 239 Columbia Street: Mr. Collins swore her in. Spoke about people on her block

have structural damage due to construction and want to know who they should speak to. Said she has a claim number.

Mr. Fourniadis: Said that they sent out a company that inspected the homes which reports were then generated. Instructed the company to send reports to all of the homes that they went into.

Mr. Dornbierer: This is a private property dispute. Provide your information to Mr. Fourniadis.

Public portion closed.

Mr. Ploskanka: Mr. Flannery are you agreeable to all the comments in the CME report?

Mr. Flannery: Yes. I have one comment about the jurisdiction of Middlesex County Planning Board. We believe they don't need to reach back out to them.

Mr. Ploskanka: Can you get a letter or email from them?

Mr. Collins: Went over everything that went on in the meeting about the application stated above.

Motion by Ms. Seif and seconded by Mr. Gordon. Mr Gordon – Yes, Ms. Ratner – Abstain, Ms. Seif – Yes, Mr. Walker – Yes, Mr. Brillante – Yes, Councilwoman Rios – Yes, Mayor Cilento – Yes, Roger Dornbierer – Yes

**Approved**

**Break from 8:45 pm to 8:55 pm.**

2. PB 21-03 – KSG Middlesex 700, LLC  
Block 52, Lot 7 (Dunellen); Block 267, Lots 4, 5, and 6 (Middlesex Borough)  
Approval of Resolution Determining Lack of Land Use Relief Required As to Dunellen Parcel

Mr. Dornbierer: Meeting reconvened at 8:57 pm.

Mr. Collins: Described the situation with this application and that this lot in Dunellen is not developable.

Mr. Murphy: Went before the board in Middlesex in February 2022 and a resolution was passed in March 2022 for site plan approval. Small portion in Dunellen, no proposed improvements and this site is in the wetlands, which is undevelopable. Currently a vacant building in Middlesex and an unused lot.

Mrs. Seif: How much land?

Mr. Murphy: Very small portion. Referred to the drawing.

Mr. Sewald: (Civil Engineer) Went over the wetlands letter of interpretation and stormwater management. Wetlands are meant to be protected. In this project there will be groundwater recharge.

Mayor Cilento: Will this impact our culvert project?

Mr. Sewald: Should provide access to whatever you will need.

Mr. Murphy: Described the traffic study that was done. This will be a very unique building that will not generate a great amount of traffic and will mainly be for storage.

Motion – Councilwoman Rios seconded by Mayor Cilento. Adam Gordon- Yes, Theresa Ratner- Abstain, Barbara Seif – Yes, Eric Walker – Yes, Christopher Brillante – Yes, Councilwoman Rios- Yes, Mayor Cilento- Yes, Roger Dornbierer – Yes.

**Approved**

**RESOLUTION OF THE**  
**PLANNING BOARD OF THE BOROUGH OF DUNELLEN**  
**KSG MIDDLESEX 700, LLC**  
**BLOCK 267, LOTS 4, 5, AND 6 (MIDDLESEX BOROUGH) BLOCK 52, LOT**  
**7 (DUNELLEN)**

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and Dunellen Ordinance 52-1 et seq., the Planning Board of the Borough of Dunellen (“Dunellen Planning Board”) is established as the land use board for the Borough of Dunellen; and

WHEREAS, on May 23, 2022, counsel for KSG Middlesex 700, LLC (“Applicant”) submitted a letter to the Borough of Dunellen requesting a purported finding of “no jurisdiction” (the “Request”) relative to an approval (the “Middlesex Approval”) memorialized in a resolution dated March 23, 2022 (the “Middlesex Resolution”) that it received from the Borough of Middlesex Joint Land Use Board concerning Block 267, Lots 4, 5, and 6 in the Borough of Middlesex and Block 52, Lot 7 in the Borough of Dunellen (collectively, the “Lots”), commonly known as 700 South Avenue; and

WHEREAS, Applicant’s Request was made pursuant to Condition 16 of the Middlesex Approval, which provides that “[t]he Applicant shall confirm that the Borough of Dunellen asserts no jurisdiction with regard to Block 52, Lot 7”; and

WHEREAS, the Middlesex Approval afforded preliminary and major site plan approval in

accordance with various plans that were submitted, and which the Applicant provided to the Dunellen Planning Board; and

WHEREAS, the Dunellen Planning Board had its professionals review the Applicant's Request; and

WHEREAS, Planning Board Planners Dan Hauben, PP, AICP and Francis A. Reiner, PP, LLA of DMR Architects prepared a review letter dated June 20, 2022, a copy of which is attached hereto and incorporated by reference, which in relevant part finds:

- a) The Middlesex Approval concerns the development and use of the Lots for warehouse industrial purposes.
- b) The Lots, based on function and ownership, constitute a single tract of which a small portion is located in Dunellen and the remainder is located in Middlesex Borough.
- c) Warehousing is a permitted use under the subject zoning in both Dunellen and Middlesex Borough.
- d) The subject site plan does not contain any improvements or buildings proposed in the Borough of Dunellen, nor do any of the improvements or buildings approved on the Middlesex Borough portion of the tract encroach into any required setbacks in Dunellen or trigger any other variances on the Dunellen portion of the tract which would warrant formal review of the application by the Board.

; and

WHEREAS, N.J.S.A. 40:55D-37(a) authorizes a municipality to require site plan approval as a condition of a permit for "development," which is in relevant part is defined at N.J.S.A. 40:55D-4 as "the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required"; and

WHEREAS, consistent to same, Dunellen Ordinance § 115-12 requires site plan approval prior to the issuance of “building permits” that would be “issued for the construction, structural alteration or relocation of any building or structure.”

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. The Planning Board hereby finds that the improvements contained within the Middlesex Approval, and which were approved by the Middlesex Resolution, do not contain any improvements that would require any land use relief from the Dunellen Planning Board under applicable law.
3. The foregoing determination is limited to the improvements contained within the Middlesex Approval as adopted in the Middlesex Resolution on March 23, 2022. This determination shall be void and inapplicable if the Middlesex Approval or Middlesex Resolution is altered, modified, superseded, or vacated in any way.
4. The Applicant shall record a true copy of this Resolution as a Deed Notice against Block 52, Lot 7 in the Borough of Dunellen prior to this Resolution being deemed to have any effect in satisfying the requirements of Condition 16 of the Middlesex Resolution. Applicant further agrees to provide the Dunellen Planning Board’s counsel with a copy of the recorded instrument upon acceptance by the County Clerk



3. Ordinance 2022-15 – Amended Dunellen Downtown Redevelopment Plan Consistency Review Pursuant to N.J.S.A. 40A:12A-7(e)

Mr. Reiner: Presented the amendments in detail dated June 2, 2022. Amendments are in red on what the board was given. When you look on the map we are talking about the areas in yellow (Remaining parcel sections). Added in a transition area with one exception- this permits residential on ground floor whereas the remaining parcel areas does not. Require native tree species with the exception of cherry trees. And also, to provide pervious pavers which were described to the board.

Mayor Cilento: Are the pavers required or are they recommendations?

Mr. Reiner: Just says strongly encouraged, so it is not a requirement. Then spoke about storefront space with commercial space and how it could be utilized.

Recommendations will go back to the governing body.

Motion- Theresa Ratner and seconded by Barbara Seif. Adam Gordon – Yes, Theresa Ratner – Yes, Barbara Seif – Yes, Eric Walker – Yes, Christopher Brillante – Yes, Robert Krause – Yes, Councilwoman Rios – Yes, Mayor Cilento – Yes, Roger Dornbierer – Yes.

**06-06-2022: #2**

Whereas, the Dunellen Downtown Redevelopment Plan, Phase One, was adopted in February 2003 and revised on July 12, 2004, with further Amendments in June 2011, August 2013, November 2014, February 22, 2016, November 2017, September 4, 2018, October 1, 2018, June 7, 2021, and February 7, 2022; and

Whereas, on June 6, 2022, the Dunellen Borough Council introduced for first reading Ordinance 2022-154, an Amended and Restated Dunellen Downtown Redevelopment Plan, Phase I; and

Whereas, the entirety of this Amended Ordinance is contained in the attached document. The following contains sections being modified and reflect the amended versions for:

1. Section 4.1- Added Transition Areas with the identified Block and Lots. Do note these Block and Lots were in the originally in Remainder Parcels



Redevelopment Area.

2. Section 4.1 - Removed Block and Lots that are now in Transition Area from the Remainder Parcels Redevelopment Areas.
3. Section 4.1 -Added new Transition Areas map. See attached
4. Section 6.1.5 -Added description of the new Transition Area.
5. Section 7.4.1.5 - Added "Landscaped area is required to be native species of New Jersey, with the exception of nonnative Cherry trees. If possible, depending on site constraints, and approvals, rain gardens located adjacent to subject property upon which a development is proposed, counts towards the ten (10) percent landscaping requirement."
6. Section 7.4.1.7 - Added "pervious pavers are strongly recommended".
7. Section 7.4.2.5 - Added "Landscaped area is required to be native species of New Jersey, with the exception of nonnative Cherry trees. If possible, depending on site constraints, and approvals, rain gardens located adjacent to subject property upon which a development is proposed, counts towards the ten (10) percent landscaping requirement."
8. Section 7.4.2.7 -Added "pervious pavers are strongly recommended".
9. Section 7.4.4.5 -Added "Landscaped area is required to be native species of New Jersey, with the exception of nonnative Cherry trees. If possible, depending on site constraints, and approvals, rain gardens located adjacent to subject property upon which a development is proposed, counts towards the ten (10) percent landscaping requirement."
10. Section 7.4.4.7 - Added "pervious pavers are strongly recommended".
11. Section 7.4.5- Added

new Transition Areas:

Principal Permitted Uses:

Residential/Commercial/Office: This land use designation contemplates a mixed-use development that may include commercial, office and residential on the ground floor and office and residential on the upper floors. The commercial uses to be limited to the ground floor include personal and business service establishments, offices, restaurants, craft breweries, craft distilleries, winery salesrooms, brewpubs and cider and meadery establishments. As noted, office uses also may be permitted on the upper floors

Building Requirements:

1. Building height requirements. The maximum building height shall be three stories.
2. Minimum Unit Size:
  - a. Studio unit - 500 sf exclusive of balconies or other outdoor seating areas.
  - b. One (1) bedroom unit - 700 sf inclusive of balconies or other outdoor seating areas.
  - c. Two (2) bedroom unit - 800 sf inclusive of balconies or other outdoor seating areas.
  - d. Three (3) bedroom unit - 1,000 sf inclusive of balconies or other outdoor seating areas.
3. Materials: Materials used shall be conducive to creating a Railroad Town (Transit Village) environment encouraging the use of brick, awnings, planters and wrought iron railings.
4. Front, side, and rear Setback Requirements. Front yard setback is a minimum of 16 feet measured from the face of the curb. Front yard setback does not include building overhangs such as awnings and balconies. There shall be no side yard or rear yard setback requirements.
5. Landscape Requirements. The minimum area devoted to landscaped open space shall be ten (10) percent of the total lot area. Landscaped area is required to be native species of New Jersey, with the exception of nonnative Cherry trees. If possible, depending on site constraints, and approvals, rain gardens located adjacent to subject property upon which a development is proposed, counts towards the ten (10) percent landscaping requirement.
6. Lighting. Decorative lighting in accordance with Borough specifications shall be used. The specifications are in the process of being developed.
7. Walkways: All walkways shall use decorative pavers. Pervious pavers are strongly recommended.
8. Trash receptacles and benches. Both trash receptacles and benches are required and shall be of materials complementing the buildings and the Railroad Town theme.

Any redevelopment project containing a residential component shall be subject to the affordable housing requirements in Section 6 of this Plan and the provisions of the plans, agreements, statutes and codes referenced therein.

12. Section 8.2.iii- Added "Native shrubs, decorative trees and ground cover of New Jersey. Nonnative Cherry trees are permitted to be planted".

13. Section 8.2.iV -Added "Pervious pavers are strongly recommended".
14. Section 8.3 - Added "decorative trees". "Nonnative Cherry trees are permitted to be planted."
15. Section 8.4 - Added "decorative trees". "Nonnative Cherry trees are permitted to be planted."
16. Section 8.5.3 - Added "native shrubbery", "native decorative trees", "Nonnative Cherry trees are permitted to be planted".
17. Section 8.5.4 -Added "native landscaping".
18. 8.5.7 -Added "native landscaping".
19. 8.5.9 -Added "native landscaping".
20. 8.5.10 -Added with "native species of New Jersey". "Nonnative Cherry trees are permitted to be planted."

Now, Therefore, be it Resolved, by the Mayor and Council of the Borough of Dunellen, that Ordinance 2022-15 be forwarded to the Dunellen Planning Board for review and a report containing its recommendation regarding the proposed amended ordinance.

#### 4. Legislation Undermining Local Planning and Zoning- Draft

Mr. Dornbierer: This item will not impact Dunellen. Went over the legislation. Does anyone have any comments or questions?

Mr. Gordon: Spoke about the strip mall with the UPS store in it.

ASSEMBLY, No. 1294

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

#### **Sponsored by:**

**Assemblyman LOUIS D. GREENWALD District 6  
(Burlington and Camden) Assemblyman CLINTON  
CALABRESE District 36 (Bergen and Passaic)**

#### **SYNOPSIS**

Authorizes conversion of certain office parks and retail centers to mixed-use developments.

#### **CURRENT VERSION OF TEXT**

As reported by the Assembly Community Development and Affairs Committee on  
March 7 2022 with amendments

**BE IT ENACTED by the Senate and General Assembly of the State  
of New Jersey:**

1. The Legislature finds and declares:

a. New Jersey is one of the most suburban states in the country.

b. The rapid, post-World War II development of New Jersey was based upon an automobile-dependent economy and lifestyle, and led to the proliferation of large regional shopping malls and suburban office parks.

c. While, for decades, large regional shopping malls and suburban office parks prospered, and enabled New Jersey to prosper, these old single-use forms of development are now in such significant decline throughout the State and the country that academics and planners have termed them “stranded assets.”

d. Rutgers University professors, James W. Hughes and Joseph J. Seneca, in their 2015 publication “New Jersey’s Postsuburban Economy,” explain that just as New Jersey successfully evolved from an urban manufacturing-based economy to a suburbanized information-age, and research-driven economy, societal changes are again challenging the State to reinvent itself.

e. As the post-war baby boom, suburban-centric workforce declines, and is replaced by a new generation comprised of echo boomers and millennials, the preferences of the new generation are causing corporations to leave regional shopping malls and suburban office parks behind, and to locate in places that are attractive for the new workforce.

f. Millennials are driving these changes because there are so many of them. People between 20 and 36 years old outnumber every other generation in the country. Businesses want to hire them, sell to them, or both. While in a former day, it was common for employees to relocate to secure employment, today it is more and more common for companies to relocate to areas in which millennials want to live, work, and play.

g. According to Professors Hughes and Seneca, the new workforce does not find the car-culture suburbs in which they grew up an attractive place to live, work and play. “Density, walkability, public transit, work-life balance, and urban amenities have grown significantly as quality-of-life locational attractions. Suddenly, New Jersey’s greatest core advantage in the late twentieth century –

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 a suburban-dominated, automobile-dependent economy and  
2 lifestyle – is regarded as a disadvantage.

3 h. PlanSmart NJ’s 2016 publication, “A Guide to the Future:  
4 Repurposing Stranded Assets and Revitalizing New Jersey’s  
5 Suburbs,” states that “technological advances and changing societal  
6 demands have eroded the suburbs’ attractiveness to residents and  
7 corporations leaving behind large isolated and underutilized  
8 buildings, or ‘stranded assets,’ which no longer act as economic  
9 engines.”

10 i. While the new workforce and employers alike want to locate  
11 in livable walkable mixed-use communities, in which employees  
12 can have a range of amenities within walking distance of work and  
13 home, it is possible and desirable to repurpose stranded office parks  
14 and shopping malls into mixed-use communities.

15 j. One significant impediment to repurposing stranded assets  
16 into mixed-use communities are outdated, rigid zoning regulations  
17 that often separate residential and commercial uses from each other.

18 k. According to the PlanSmart NJ report, “[z]oning ordinances  
19 in suburban towns almost universally limit opportunities for mixed  
20 use walkable designs because of the Euclidean template where uses  
21 are rigorously separated. . . . In fact, single-use zoning ordinances  
22 often ‘unintentionally stand in the way of providing developers,  
23 employers, and workers the types of modern spaces they desire,’  
24 therefore, ‘inhibiting a community’s economic competitiveness.’”

25 l. In order to encourage developers to repurpose stranded  
26 assets, it is appropriate for the Legislature to temporarily preempt  
27 local use restrictions that stand in the way of attempts to redevelop  
28 stranded single-use regional shopping centers and office parks into  
29 vibrant, desirable, mixed-use communities. 30

31 2. a. As used in this section:

32 “Eligible property” means an office park of at least 50,000  
33 square feet or a retail center of at least 15,000 square feet, which  
34 office park or retail center has a vacancy rate of at least 40 percent.  
35 “Mixed-use development” means a development which includes  
36 both a non-residential development component and a residential  
37 development component.

38 b. A mixed-use development shall be a permitted use and shall  
39 not require a use variance pursuant to subsection d. of section 57 of  
40 P.L.1975, c.291 (C.40:55D-70) if the mixed-use development is the  
41 subject of an application for development to convert an eligible  
42 property to a mixed-use development, the application for  
43 development is submitted for approval prior to the first day of the  
44 25th month next following the effective date of P.L. ,

45 c. (C. ) (pending before the Legislature as this bill), and the

1 (1) the application proposes to develop at least two types of  
2 uses;

3 (2) the application proposes to either:

4 (a) reuse the existing building or buildings without expanding  
5 the square footage of the building or buildings on the eligible  
6 property, or

7 (b) redevelop the eligible property without expanding the square  
8 footage of the building or buildings on the eligible property; and

9 (3) if the application for development proposes new residential  
10 units, at least 20 percent of the residential units constructed <sup>1</sup>[for  
11 owner-occupancy and 15 percent of the residential units constructed  
12 for rental occupancy]<sup>1</sup> shall be reserved as low income housing,  
13 moderate income housing, or very low income housing, as those  
14 terms are defined in section 4 of P.L.1985, c.222 (C.52:27D-304).

15 <sup>1</sup>Of the units reserved as low income housing, moderate income  
16 housing, or very low income housing, at least 50 percent within  
17 each bedroom distribution shall be low income housing including at  
18 least 13 percent within each bedroom distribution as very low  
19 income housing, and the units shall be otherwise in compliance with  
20 the Uniform Housing Affordability Controls, adopted to implement  
21 P.L.1985, c.222 (52:27D-301 et seq.).<sup>1</sup>

22 c. The planning board shall approve an application for  
23 development to convert an eligible property to a mixed-use  
24 development if the board determines that:

25 (1) the application can be granted without causing substantial  
26 detriment to the public good and without substantially impairing the  
27 intent and purpose of the zone plan and zoning ordinance, and

28 (2) the application complies with the other requirements of this  
29 section.

30 d. The planning board may condition approval of an  
31 application for development to convert an eligible property to a  
32 mixed-use development upon complying with requirements for  
33 parking, water supply, sanitary sewer capacity, storm water  
34 management, bulk standards, and all reasonable site plan review,  
35 recreation, and design standards provided, however, that the height  
36 and setback limitations applicable to a converted mixed-use  
37 development shall be the greatest height and least restrictive  
38 setback limitations allowed within the zoning district under

- 39 municipal ordinance or variance approved by the planning board.  
40 This act shall take effect immediately.

**Board Member Comments- None.**


**Public Comments- None.**

**Adjournment**

Motion – Mayor Cilento seconded by Councilwoman Rios.

Meeting ended: 9:35 pm.

Minutes Approved: February 27, 2023



Roger Dornbierer, Chair



Cherron Rountree, Board Secretary