



Borough Of Dunellen
Planning Board
Meeting Minutes

Regular Meeting
February 27, 2023

Call to Order & Statement of Compliance

Chairman Dornbierer called the meeting to order at 7:09 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. 1)	X	
Christopher Brillante (Alt. 2)	X	
Total:	8	2

Quorum: Yes / No

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

<u>Approval of Regular Meeting Minutes – 6/27/2022</u>					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico					X
Theresa Ratner			X		
Barbara Seif		X	X		
Eric Walker			X		
Mayor Cilento	X		X		
Councilwoman Rios			X		
Roger Dornbierer			X		

Approved: Yes / No

<u>Approval of Special Meeting Minutes- 12/22/2022</u>					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico			X		
Theresa Ratner					X
Barbara Seif					X
Eric Walker		X	X		
Mayor Cilento			X		
Councilwoman Rios	X		X		
Roger Dornbierer			X		

Approved: Yes / No

<u>Approval of Reorganization Meeting Minutes- 1/23/2023</u>					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico			X		
Theresa Ratner	X		X		
Barbara Seif					X
Eric Walker			X		
Mayor Cilento		X	X		
Councilwoman Rios			X		
Roger Dornbierer			X		

Approved: Yes / No

Mr. Dornbierer: I would like to make a correction. Nomination for the chair was not seconded by the chair. Recording Secretary changed the second to Tom D'Amico. Change the word "Mad" to "Made" a couple sentences down. This was corrected as well.

<u>Approval of Regular Meeting Minutes – 1/23/2023</u>					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico	X		X		
Theresa Ratner			X		
Barbara Seif					X
Eric Walker			X		
Mayor Cilento			X		
Councilwoman Rios		X	X		
Roger Dornbierer			X		

Approved: Yes / No

Old Business

**MEMORIALIZING RESOLUTION OF THE
PLANNING BOARD OF THE BOROUGH OF DUNELLEN
APPROVING THE APPLICATION OF WILLIAM S. MUNDY, JR. FOR MINOR
SUBDIVISION FOR BLOCK 5, LOT 13 LOCATED IN THE R-A ZONING DISTRICT**

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 or about October 22, 2022, William S. Mundy, Jr. (“Applicant”) filed an application (the “Application”) seeking minor subdivision of the properties currently located at 142 Dunellen Avenue and designated as Block 5, Lot 13 on the official tax map (the “Property”) to create two confirming lots, with one lot retaining the existing funeral home and site features, and the other lot developed as a dwelling with a concrete walkway and driveway; and

WHEREAS, the matter was heard at a public hearing of the Board on December 22, 2022; 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 November 8, 2022
- b. Report of Board Planners Daniel Hauben, PP, AICP and Francis Reiner, PP, LLA dated November 3, 2022

2. The Board reviewed the following exhibits:

- a. Planning Board Application dated October 22, 2022 and related documents
 - b. Site Plan, consisting of three (3) sheets prepared by Stephen E. Parker, PE dated August 25, 2022
 - c. E-mail correspondence from Applicant's counsel dated November 23, 2022 advising that the existing building is a single-family dwelling
3. The Applicant was represented by John J. Sullivan, Jr., Esq. of Vastola & Sullivan.
4. The Applicant presented testimony by the following individuals at the December 22, 2022 hearing, who were sworn and testified as follows:
 - a. Stephen E. Parker, PE
 - i. Mr. Parker is a licensed professional engineer of the State of New Jersey and was accepted by the Board as an expert witness.
 - ii. Mr. Parker generally presented the proposed subdivision.
 - iii. Mr. Parker testified that the applicant intends to leave the current fences in place.
 - iv. Mr. Parker testified that there is no intent to have a home office occupant at this time, and that any such occupancy would need to comply with local zoning.
 - v. Mr. Parker testified that screening was not necessary in light of the neighboring properties being single family homes.
 - vi. Mr. Parker testified that the proposed subdivision is conforming and complies with all applicable setbacks.

- vii. Mr. Parker advised that the applicant does not have any intention to disturb mature trees and agrees to plant trees following recommendations of the Shade Tree Commission.
- viii. Mr. Parker advised that the applicant would comply with the requirements of the CME.
- ix. Mr. Parker testified it was anticipated that the new single-family dwelling would be 4 bedrooms with parking for 2.5 vehicles provided between the driveway and garage.
- x. Mr. Parker testified that all roof drains will discharge onto splash blocks.

- 5. Applicant's counsel also represented to the Board that the property is now deed restricted against any funeral home use, and that accordingly, such past use has been abandoned and cannot be used in the future under the subdivision.

; and

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

- 1. The Applicant seeks subdivision approval to establish two lots and allow for the development of a new single-family dwelling upon the proposed new second lot.
- 2. The Board is authorized to grant minor subdivision approval pursuant to N.J.S.A. 40:55D-38 et seq. and Dunellen Ordinance § 115A-1 et seq.
- 3. A minor subdivision is defined as a "subdivision of land for the creation of a number of lots specifically permitted by ordinance as a minor subdivision; provided that such subdivision does not involve (1) a planned development, (2)

any new street or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to [N.J.S.A.] 40:55D-42,” pursuant to N.J.S.A. 40:55D-5.

4. An applicant is permitted to request the waiver of certain submission requirements, commonly referred to as checklist waivers, which the Board is authorized to grant under N.J.S.A. 40:55D-10.3.
 - a. The Board granted such waivers in accordance with the Review Letters, including specifically waiving requirements as to the installation of the electric service underground, installation of drywells as not required, and screening as not required.
5. As such, the Board finds that the necessary proofs were adduced to approve the minor subdivision application subject to the following specific conditions:
 - a. The driveway at the former funeral home is to remain unaltered.
 - b. The applicant shall comply with all requirements of the Shade Tree Commission and plant requested/approved trees.
 - c. The applicant shall reconstruct the existing driveway apron on First Street that is presently shared with the neighboring property.

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 instant application for minor subdivision approval is hereby granted, subject to the terms and conditions contained herein.

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 November 8, 2022 and Board Planners Daniel Hauben, PP, AICP and Francis Reiner, PP, LLA dated November 3, 2022 except as amended on the record and within this Resolution. Said reports are attached hereto and incorporated herein by reference.

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

6. 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.

7. 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 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 February 27, 2023.

<u>Docket # 22-200, 142 Dunellen Avenue -Memorializing Resolution</u>					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico			X		
Theresa Ratner		X	X		
Barbara Seif					X
Eric Walker			X		
Mayor Cilento	X		X		
Councilwoman Rios			X		
Roger Dornbierer			X		

Approved: Yes / No

New Business

Docket # 22-201, 745 – 753 Bound Brook Road, Block 49 Lot 43- Application

Sean R. McGowan is the attorney representing the applicant, SRV Dunellen Urban Renewal LLC.

Mr. McGowan: Application is for a brand-new construction of 23 units which contains 3 affordable housing units with 23 onsite parking spaces. Property is in the B business district, however, is subject to the Dunellen Downtown Redevelopment Plan. Applicant has designed the site in conformance with transition zone of the redevelopment plan. There are a few “C” variances and design waivers we are asking for. Notices were sent for this meeting and published in Courier News at least 10 days in advance. Spoke about flood hazard issues and an easement owned by the Borough along with a pump station. Variances are for signing, landscaping, and buffering with the parking area which needs a wider strip. Letters for signage exceed the maximum height plus the lights on the sign. Design waiver for a 22.5 ft. wide drive aisle whereas 24 ft. is required. Design waiver for trash receptacle screening, street tree plantings and a stairway ending the flood zone. Witnesses: Engineer, Jonathon Istranyi. Architect, Yogesh Mistry. Planner, TJ Ricky.

Mr. Dornbierer: Seeking approval for Preliminary and Final Site Plan Approval. On the checklist for the Preliminary Site Plan there were a number of waivers requested. First is number 7 – If lots are proposed to be subdivided front on or requiring access directly to a State Highway, Applicant shall submit copies of any permits issued by NJDOT pursuant to N.J.A.C 16: 47-1 et. Seq.

Mr. McGowan: No subdivision or lot consolidation.

Mr. Dornbierer: Number 19- Number of lots following subdivision including areas in acres if one acre or over or in square feet if under one acre.

Mr. McGowan: Again, no subdivision.

Mr. Dornbierer: Number 21- Constraints provision calculations- under general information on page 3 of 4.

Mr. McGowan: Asked for this waiver because we were unclear of what it was requesting.

Mr. Ploskanka: Any constraints on the site that would basically constrain you from developing the property.

Mr. McGowan: There are constraints because this is flood hazard area, there is an easement in the boroughs name as well.

Mr. Dornbierer: Number 23 - Cliffs and rock outcroppings- Not applicable. Location of trees- Not applicable. Number 36 - Plans and profiles of proposed utility layouts, such as sewers, storm drains, water, gas, communications and electric, showing feasible connections to existing or proposed utility systems.

Mr. McGowan: This will be a condition of the waiver.

Mayor Cilento: Number 27 - Wooded areas indicating predominant species and size.

Mr. McGowan: Site is fully developed already. Asking for a waiver since nothing new is being redeveloped. All trees on site that are existing may be coming down.

Mr. Dornbierer: Location of existing structures- Not applicable Roxy and Dukes will be removed. Location of existing easements or rights of way including power lines. Spoke about the pump station next to the site. Existing wells and septic systems- Not applicable. Plans and profiles of proposed utility layouts, such as sewers, storm drains, water, gas, communications and electric, showing feasible connections to existing or proposed utility systems. Location and description of monuments whether set or to be set. Required road dedications. Sketch of prospective future street system of the entire tract where a preliminary plat covers only a portion thereof- Not applicable. Limitation for foundation. Limitation for local road and streets. Agricultural capacity- Not applicable.

Mr. McGowan: These waivers are on the plans can be discussed further with the professionals. I don't think we have any monuments on the site and none are proposed. No road dedications are required. No new proposed easements, there is just the one that is currently there and no drainage easements. Went to the DEP for FHA approval. Foundations and limitation for local road and streets are on the plans.

Mr. Jhaveri: Swore in Engineer, Jonathon Istranyi.

Mr. Istranyi: Stated his education and qualifications.

Mr. Dornbierer: Accepted.

Mr. Istranyi: All of these items are on the soil map which we could provide if needed, which the county prepares. Applicant did a more extensive report which can be provided to the board but has not been provided today, this can be a condition of approval. Spoke about the existing easement.

Mr. Dornbierer: Do you have a landscaping plan?

Mr. McGowan: We do.

Mr. Dornbierer: Completed the preliminary checklist. Next, we will be reviewing the "C" variance checklist. Number 23- Aquifer recharge areas, including safe sustained ground water yield. Providing access to the streets that are already there.

Mr. McGowan: Asked to proceed with all of the waivers that we requested?

Mr. Dornbierer: Yes.

Mr. Istranyi: Presented what is on Cover sheet C1. Larger scale of the aerial map. Marked as exhibit A1.

Mr. McGowan: This site has a number of challenges that you usually don't encounter when developing a new building.

Mr. Istranyi: Exhibit is highlighted in yellow and is on Bound Brook Road and described all of the sites surrounding the property. Portion of the municipal pumpstation is located on site and the maintenance access. We are widening that driveway access. Spoke about Bonygutt Brook on the property it is a category 2 waterway. Also, a flood hazard area in a floodplain. Applicant submitted to

DEP for permitting. April 5 we will have the decision on that permit. Described the challenges and how he was able to work around them. Next Exhibit A2 which is same exhibit but more colorized. Layout is to push the building as far north as possible. Three story building about 9,300 square feet and described all the different types of units with 3 affordable units. 23 parking spaces-22 standard and 1 ADA compliant with a total of 3 charging stations plus bike parking. Spoke about the parking standards and credits. Described how the parking will be on the site with a concrete structured slab supported by columns, looking like a crawl space underneath. Described the flood water entering and receding naturally with possibly a fence around that part so no one can get in that part. Comments on this have been submitted to DEP. Structural engineering plans will be submitted to the borough as one of the conditions.

Mr. Ploskanka: Asked to describe the parking deck if looking from the side.

Mr. Istrayni: Looks like there will be a crawl space underneath, the deck would be designed by structural engineer. Looking similar to a parking garage.

Mayor Cilento: This goes straight along the property line? On the east side where there are townhomes, is there any way to put some vegetation there?

Mr. Istrayni: Yes, that is correct. A comment from the professionals was to propose a trellis. Proposed maybe a stucco. The deck is at the property line. Described the space underneath the parking. Only two townhomes would be looking at the deck and this portion is only about 1 ft. high. Vegetation that is there are bushes/trees currently that will remain. There is a 50 ft. buffer shown on the site plan. (Page C3) Talked about the outer and inner 25 ft. and the elevation of the parking deck. Because of the flood hazard the building must be elevated.

Mr. Dornbierer: Its hard to view because we do not have the plan of the parking deck.

Mr. Ploskanka: On the east side of the deck, you show the belgium block curb and then part of the parking is 90-degree area. From that curb to the existing tree line provided the adjacent property owner agreed you can plant that up with evergreen. Looks like there a triangular space there that can be filled. Agreed to provide planting plans with condition of approval.

Mr. Istrayni: Yes, if there is room to plant or is it entirely necessary to plant there. Spoke about the vegetation that is currently there. Said that they could possibly paint or pattern the side that will face the townhouses.

Mr. McGowan: Intent of the applicant is to make it aesthetically pleasing.

Ms. Ratner: Asked a question about the property line and Mr. Istrayni answered it.

Mr. Istrayni: Spoke about the parking deck on the plans and how it is highlighted in grey.

Mr. McGowan: The applicant will provide maximum screening where the deck ramps up.

Mr. Istrayni: Spoke about the two ways there are access to the site from Bound Brook Road. There is an existing driveway there today which we are going to widen. Western driveway needs to be there for municipal access to pump station. The driveways will be signed accordingly. Spoke about the curb

height as well. This will have all new curbs and walkways according to redevelopment plan. Applicant will be responsible for maintaining the streetscape as well as trash receptacles and benches.

Mr. Dornbierer and Mr. Ploskanka spoke about the pavers. Will make that a condition on approval to match the existing.

Mr. Istrayni: Yes. Spoke about all the technical details about the site circulation. There is not enough space between our driveway and the townhome parking lot to plant anything significant or we can put a fence there and reduce the walkway from 5 ft. to 4 ft.

Mr. Krause: Said he was onsite today and asked about any proposed fencing.

Mr. Istrayni: No fence is currently proposed. The driveway is 22.5 ft and widens out to 24 ft., reduced it to get more space off the ground floor. This will be a two-way drive aisle and that the amount of space should be sufficient. Went over the report from Middlesex County Fire Marshall. There were 3 comments: first is to confirm the clearance height of the breezeway (11ft.), second- whether or not the driveway can be two way, three- 18 ft. of new pavement for municipal access- wanted to see if we could get 20 ft. instead. Emergency vehicles will not go underneath- the vehicles would gain access through other driveway. Spoke about the trash enclosure (aesthetically pleasing) and how residents will utilize it and private haulers will take it away. (DPW does not take it away)

Mayor Cilento: On the backside towards wooded area, is there proposed lighting for safety concerns?

Mr. Istrayni: There is 1 light pole proposed on the southern most portion of the deck across from parking spot number 10. The light poles from the townhomes will illuminate our site as well. Spoke about move in and move out operation planning. Spoke about the 3 wall mounted signs that will be proposed that will be compliant. They will be haloing illumination. Spoke about the landscaping and how 10 percent is required, and applicant will be doing three times that amount. These will be non-invasive native plants. Proposing 3 trees. Spoke about the lighting in the frontage.

Mr. Hauber: Asked about the removal of current trees.

Mr. Istrayni: Trees may have to be removed to install drainage for the piping. Spoke about the drainage of the site- it would default to the regulations of the municipality. Spoke about some questions from the board's professionals and proposed curbing and the waterflow. Applicant will install a tyflex valve to prevent the brooks water from backflowing. Geotect testing has been done. Applicant will agree to provide decorative lighting. The lighting was described. Possibly remove sconces. Spoke about the fence where it is being reduced from 5 ft. to 4 ft. Mr. Ploskanka asked what type of fence would possibly be put there, vinyl? It would be solid fence, wood, or vinyl. Would the fence near the face of the building and run it down to near the crosswalk?

Mr. Dornbierer: The fence is this a condition? Mayor Cilento said it maybe creating an alleyway. The fence would be screening for light. Deferring to board if we need a fence. Spoke about removing the sconces from that side of the building.

Mr. Istrayni: There are just accent lights for the building. Spoke about the soffit lights and the sconces.

Mr. Dornbierer: Board agreed- no fence.

Mr. Ploskanka: Asked about the adequate parking and asked if they were seeking a dominimus waiver. Asked about the pavers and then the traffic study.

Mr. Istrayni: Yes, according to the RSIS.

Mr. Dornbierer: Questions from the board on engineering.

Ms. Seif: Asked about the 3 proposed charging stations.

Mr. Istrayni: Answered her questions how they are each phased in over time.

Mr. Dornbierer: What is the project timeline?

Mr. McGowan: Explained the model ordinance for the State of New Jersey regarding this subject. Applicant hasn't decided on the schedule of installation yet.

Mr. Istrayni: We can work with Boroughs engineer to finalize the placement of the EV charging stations. We will utilize the space where more that one parking space could use the charging station.

Mr. Ploskanka: Asked for two upfront, then one later on. The applicant agreed. Then later agreed on 2 initial, then 2 make ready spaces.

Mr. D'Amico: Asked a question about who picks up the Borough recycling. Mayor responded that the county does.

Mr. Istrayni: Spoke about the recycling and trash pickup.

Mr. Krause asked Mr. Istrayni to go over the application again that was sent to DEP. Deemed complete in February 2023. Applicant not going to disturb the floodway.

Mr. Dornbierer: Asked if there are any other questions from the board for the engineer. There were none. Then opened the floor up to members of the public. Asked to stand state your name, spell your last name and for your address.

Kathy McMullin, 741 Bound Brook Road Unit 4: Stated that they have a problem with flooding all of the time, not occasionally. Asked about the parking structure and how it will dissipate the flood water. Said she personally has french drains. She lost cars when we had Hurricane Ida. There are just trees between us and the brook. There is no place for the water to go once it hits the ground if you are taking out the grass. How are they going to collect the recycling? Asked if the town will plow the driveway by the pump station because they have been doing it for years. Also where is the snow going to be pushed when plowed?

Mr. Istrayni: Spoke about how there is no prevention from flood water entering, cannot build a dam. As part of the DEP permitting, we had to raise the structure and add fill. Spoke about the townhome parking lot. Discussed the stormwater management system that will be onsite. Once this is built it will have no impact on what currently exists today.

Mr. Ploskanka: Asked if they had to do runoff reductions?

Mr. Istrayni: Had to do peak rate run off reductions and explained that concept with flood control and flood storage.

Mr. McGowan: The developer may use a private hauler for recycling. The town should continue to plow by the pump station if they wish to.

Ms. McMullin: Her opinion is that the decorative part is not going to be needed because there are trees there. The trees there are dead and the owner of the trees is the person who owns the pallet company. If I was to buy an apartment there and had two cars, where would we park our other car? Worried that the people from the new complex will park in their lot next door.

Mr. Istrayni: Explained the number of units with the number of spaces that is allotted for the units that will be explained in the lease when purchasing a unit.

Terrance McMullin, 741 Bound Brook Road Unit 4: Spoke about the space under the parking deck being a hazard with children possibly starting a fire. Also, a concern with homeless people.

Mr. Dornbierer: Understands what Mr. McMullin is saying, but this is for any questions on the testimony that was given. There were no more questions from the public.

Mr. Istrayni: Spoke about the pavers or concrete that will be placed on the driveway near the pump station.

Mr. Krause: Asked about the flow of the flood water.

Mr. Istrayni: Spoke about flow of the water under the parking deck. The flood water should not even touch the bottom part of the deck nor should flow towards the townhomes. The flow of water is towards the Northwest.

Mr. McMullin: Explained the public parking on the street near the townhomes.

Mr. Dornbierer: Time is now 9:15 pm. No new testimonies after 9:30 pm. We can start traffic if you would like.

Mr. Istrayni: Explained some of the traffic impact study and trip generation. Stated that this development will not impact traffic during peak hours.

Ms. Seif: Someone coming west on Rt. 28 and needed to make a left into parking lot, is there enough room on the should for the other traffic to get by?

Mr. Istrayni: At that point there is a full shoulder width of room.

Mr. Walker: Asked question about deliveries and space for them to park.

Mr. Istrayni: Explained the space that is provided for them and where the mailroom is. Explained the site triangle (submitted to DOT) as well when turning out of the development.

Mr. D'Amico: Asked if a part will remain dirt on the plans. Answer was yes stone/dirt.

Mr. Dornbierer: No more questions from members of the board on traffic and was the floor was opened up to members of the public.

Ms. McMullin: Spoke about in the townhomes they cannot see to get out of parking spots because of everything being on the property line. Must block the sidewalk when pulling out.

Mr. McGowan: Construction code should not allow that, and we will look into it to fix that.

Mr. Dornbierer: No more questions from the public on the traffic testimony.

Mr. McGowan: Asked to carry over the application.

Mr. Dornbierer: Continue over to the next meeting which is March 27 and there is no need for another public notice.

Board Member Comments

No comments.

Public Comments

Ms. McMullin would like to see a copy of the plans.

Mr. Dornbierer: A link will be provided of what was presented tonight of all the plans and will be placed on the borough website. Closed public comment.

<u>Adjournment</u>					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico			X		
Theresa Ratner		X	X		
Barbara Seif			X		
Eric Walker			X		
Mayor Cilento	X		X		
Councilwoman Rios			X		
Roger Dornbierer			X		

Approved: Yes / No

Meeting ended: 9:30pm.

The next regular planning board meeting will be on March 27th 2023.

Minutes Approved: 6/26/2023


Roger Dornbierer, Chair


Cherron Rountree, Board
Secretary