



Borough Of Dunellen
Planning Board
Regular Meeting Minutes
June 26, 2023

Call to Order & Statement of Compliance

Chairman Dornbierer called the meeting to order at 7:08 pm and read the Statement of Compliance adopted by the board January 23, 2023.

Pledge of Allegiance

Roll Call

<u>Attendance</u>		
Name	Present	Absent
Tom D'Amico	X	
Adam Gordon	X	
Theresa Ratner	X	
Barbara Seif		X
Eric Walker	X	
Mayor Cilento	X	
Councilwoman Rios		X
Michael Mullin		X
Chairman Roger Dornbierer	X	
Christopher Brillante (Alt. 1)		X
Robert Krause (Alt. 2)	X	
Total:	7	4

Quorum: Yes / No

<u>Attendance</u>		
Name	Present	Absent
Michael Collins (Attorney)		X
Krishna R. Jhaveri (Attorney)		X
Ryan J. Windels (Attorney)	X	
Lou Ploskanka (Engineer)	X	
Daniel Hauben (Planner)	X	

Approval of Minutes

<u>Regular Meeting Minutes 2/27/2023</u>					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico			X		
Adam Gordon					X
Theresa Ratner	X		X		
Eric Walker			X		
Mayor Cilento		X	X		
Roger Dornbierer			X		
Robert Krause (Alt. 2)			X		

Approved: Yes / No

<u>Regular Meeting Minutes 3/27/2023</u>					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico		X	X		
Adam Gordon					X
Theresa Ratner			X		
Eric Walker – Not at that meeting					X
Mayor Cilento	X		X		
Roger Dornbierer			X		
Robert Krause (Alt. 2)			X		

Approved: Yes / No

<u>Regular Meeting Minutes 4/24/2023</u>					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico			X		
Adam Gordon					X
Theresa Ratner		X	X		
Eric Walker			X		
Mayor Cilento	X		X		
Roger Dornbierer			X		
Robert Krause (Alt. 2)			X		

Approved: Yes / No

Old Business

None.

New Business

Mr. Dornbierer moved up an item on the agenda – 120-126 North Avenue.

Michael E. Silbert is the attorney representing the applicant.

Mr. Silbert: Described the property and the preliminary and final site plan approval that the applicant is asking for. Three story mixed use building with 33 residential apartment units with 5 being affordable units including 35 parking spaces. Explained how this property fits in the Downtown Redevelopment Plan and is consistent. The applicant is seeking a bulk variance with a number of design waivers. Stated the professionals for the project.

Mr. Dornbierer: Asked Mr. Silbert a question about the setback.

Mr. Silbert: Answered as per the redevelopment agreement and the redevelopers agreement made with Mayor and council.

Mr. Dornbierer: Went over the rules for the public and how they can ask their questions when the professional is done speaking.

Mr. Windels swore in all of the professionals at once.

Mr. Silbert: Called upon the first professional Afton Savitz from Stonefield Engineering.

Ms. Savitz: Stated her education and experience.

Mr. Dornbierer: Accepted.

Mr. Silbert: Stated that Ms. Savitz prepared the plans along with stormwater management reports.

Ms. Savitz: Stated what the applicant is proposing to do with the property. Gave out exhibits A1 and A2 to the members of the board which is a colorized version of a copy that they already had in their packet. Dated June 3, 2023. This was an ariel exhibit. Described the different lots on the property and their square footage.

Mr. Dornbierer: Asked for Ms. Savitz to define the transition area.

Ms. Savitz: Explained the transition area along with the downtown redevelopment retail space while keeping the urban feel. Described exhibit A2 dated June 13, 2023. Colorized version of the site plan with the total square footage of the proposed building. There is covered parking and uncovered parking. Native species will be planted on the property. There will be ADA parking spaces. Described the trash enclosure. There will be electric vehicle charging spaces as well as bike racks. There will be one driveway. There will be a fence around the property. Street scape will be decorative pavers. Spoke about the site distance coming out of the garage and signage as well as stormwater which will be managed

onsite. Small portion of stormwater is touching the ground. Spoke about the runoff water that will be treated by a filtration system. Also, about the lighting to make sure it is safe and adequate. All utilities will be new and underground. Provided will be street trees, grass, and shrubs. Shrubs do not require irrigation. There will be some lighting in garage which will be motion censored. Not proposing the overflow of water into the right of way, it will be in the underground filtration system. Stormwater design is subject to DOT review.

Mr. Ploskanka: Asked about off street loading, garbage, soil contamination concerns, deed restrictions, lighting, frontage parking, consolidation of lots, and submittal to DOT. Concerned about an emergency overflow system. Asked about the streetscape. Location of EV spaces. (Traffic Engineer will answer that question)

Ms. Savitz: Traffic engineer will elaborate more on loading. Spoke about the limited access to the garage. Garbage area will have one double swing gate. No soil contamination. No deed restrictions. Will work with the borough professionals on the lighting. Lots will be consolidated. The traffic engineer will answer parking and DOT questions. Submitted field data about the plants acting as a rain garden. Water will run through the garage and out onto North Avenue (100-year storm model). Clean water is not being treated but all other water will be. We will work with the borough on streetscape and planters and adequate lighting.

Mr. Hauben: Asked a question about parking supply. 37 spaces and could go down to 33 spaces depending on whether or not the board accepts the off-street parking. Is the street parking not going to be striped? Condition with the outdoor dining? Loading and unload will take place on the street? Lighting in garage will be recessed.

Ms. Savitz: This will not be striped. Outdoor dining will not be provided with the amount of space that will be there. Spoke about the shrubs and light coming into the garage. We can possibly put some type of grass on the left-hand side of the building. Applicant is happy to work the professionals with the species that will be put there. Lighting in garage will be motion censored.

Mr. Windels: The loading can be a condition upon council approval.

Mr. Silbert asked Ms. Savitz questions about the setback and C2 variance. Read a statement from MLUL. Spoke about a case from South Plainfield in 1996 benefits from development exceed any detriments. Spoke about section 2 of the MLUL on bulk variance. Asked Ms. Savitz if the development will provide adequate light, open space, population densities, preservation of the environment, different types of uses, and a desirable visual environment. Do you believe that this development is largely in line with the borough's redevelopment plan (2011) and affordable housing.

Ms. Savitz: Said that these will not cause any detriments to the borough. Spoke about the retail space and why a setback is needed. Responded I do to all the development questions. Spoke about the sidewalk widths of this project and other projects and ensured that the space is sufficient.

Mr. Dornbierer: Garbage will be removed from the interior and brought out and picked up by the borough? West side would install a fence and east side currently has a fence. Do you have any plans to remove it? Pipes running out to the street beyond the 100-year flood, this will not happen.

Mayor: Garbage is privatized in Dunellen.

Mr. Silbert: Applicant will get a private hauler. They would have a management company. Spoke about replacing the fence that is on the east hand side. Currently there is a multifamily unit there.

Mr. Ploskanka: Water from garage and roof will go into this subsurface filtration system. If the system cannot handle the water, it will bubble up on the ground and run into the garage. I would like an emergency pipe that would take that water onto North Avenue. I have rarely seen an underground system like this with no outlet. I would like to see an emergency pipe to North Avenue.

Ms. Savitz: With the pipes getting smaller there is an opportunity to have a curb connection subject to DOT approval.

Mr. Krause: Asked question about capacity of flooding and about the garage, if it has any catch basins. How is the recycling going to be picked up?

Ms. Savitz: All of this is designed for the 100-year storm. Spoke about the flow of the water in the garage.

Mr. Silbert: Both garbage and recycling will be privatized.

Mayor Cilento: Spoke about the trees and the grass area.

Mr. Gordon: Asked a question about the door next to the alleyway.

Ms. Savitz: This door would be locked.

Mr. Walker: Was concerned about the drilling and digging from the project. Do you foresee any damage possibly happening to the surrounding properties? Ms. Savitz stated that the contractor will ensure that surrounding properties will be protected during the construction.

Mr. Dornbierer: Asked a question about the existing sidewalk and Ms. Savitz said that it will be dug up and a new one will be put in its place. If the sidewalk is being dug up, can this be an opportunity for the new pipe to be possibly put there for the drainage. Had a couple more questions- the architect would have to address them.

Mr. Hauben: Asked a question about the stormwater drainage.

Ms. Savitz: Middle area is acting as a rain garden. The water will pond a little bit before entering into the ground.

Mr. Dornbierer opened up the floor to members of the public for this testimony only.

Harriet Soujka- 110- 116 North Avenue- owns property next to the project for over 40 years and spoke about the sewer system. Wondering how big the grass area that Ms. Savitz talking about. Spoke about a sewer problem in the street on her property.

Ms. Savitz: Design is keeping all stormwater on the property. We will submit what is called a will serve to the utility company providers for a future connection.

Mr. Ploskanka: They are required to provide a calculation of the sewer flows.

Relative of Harriet Soujka- Stated that they have well water right now and what happens with this system. Can the water they have get contaminated? Do not want to go to borough water because it is more expensive. There will be no basement but there will be a foundation and parking lot.

Ms. Savitz: We are proposing what is called a treatment unit for the water and how it works. All permits will have to be approved for the structural foundation.

Brian Doyle, 107 Dunellen Avenue. Double checking there will be no outside dining. Ms. Savitz stated no outside dining.

Mr. Gordon: Spoke about fencing along the northern part of the building.

Mr. Dornbierer: Concluded that part of the testimony.

Break at 8:45 pm and restarted at 8:59 pm.

Took a break from the application to move onto the review of the Amended Downtown Redevelopment Plan.

Mr. Hauben presented the PowerPoint below on the investigation study for block 85 lot 3 to explain how this meets the criteria from the state as an area in need of redevelopment. The planning board reviews our report and lets us know if they agree with our findings. The governing body will adopt a resolution if everyone agrees. Property is now behind The Nell and is on the border of Dunellen and Piscataway. Currently occupied by abandoned building that has not been maintained for many years. Mr. Hauben read through the entirety of the power point. Does the board agree with these findings? If so, he went through the process of this being adopted.

Mr. Krause: Asked about wetlands and Mr. Hauben stated that this could be addressed at a later time in the review.

Mayor is abstaining from this vote being that it is going back to the council.

There were no questions from the public.

For a copy of the presentation by DMR Architects click the link below:

https://drive.google.com/file/d/17w08bi-ueq1f4Zw2Juo_58Mi3KMvUxcq/view?usp=sharing

<u>Preliminary Investigation for Block 85 Lot 3 130 South Second Street</u>					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico	X		X		
Adam Gordon			X		
Theresa Ratner		X	X		
Eric Walker			X		
Mayor Cilento					X
Roger Dornbierer			X		
Robert Krause (Alt. 2)			X		

Approved: Yes / No

RESOLUTION
DUNELLEN PLANNING BOARD

**RESOLUTION RECOMMENDING DESIGNATION OF BLOCK 85, LOT 3 (130 SOUTH
2ND STREET) AS AN AREA IN NEED OF REDEVELOPMENT FOR NON-
CONDEMNATION PURPOSES**

WHEREAS, on March 6, 2023, the Borough Council of the Borough of Dunellen adopted a resolution (the "Governing Body Resolution") directing the Planning Board to conduct a preliminary investigation as to Block 85, Lot 3, commonly known as 130 South 2nd Street (the "Area of Investigation") to determine if same should be considered for delineation as a non-condemnation Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL"); and

WHEREAS, pursuant to resolution, the Dunellen Planning Board ("Board") authorized and directed its Board Planner to prepare a preliminary investigation report and study of Block 85, Lot 3 to be presented and reviewed at a property noticed public hearing in accordance with the requirements of the LRHL set forth at N.J.S.A. 40A:12A-6, so that the Planning Board may consider said investigation and submit its findings in the form of a resolution to the Borough Council for such action as it deems fit; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6(d), the Planning Board effectuated proper notice of a public hearing to be conducted at its public meeting on June 26, 2023 to determine if the area of investigation shall be designated as an area in need of redevelopment, including legal notice in the Courier News on May 23, 2023 and May 30, 2023; and

WHEREAS, on June 26, 2023, the Planning Board conducted a public meeting and held a public hearing to determine if the Area of Investigation shall be designated as an area in need of redevelopment; and


WHEREAS, at said meeting, the Planning Board received the report of DMR Architects, dated April 2023 and titled "Preliminary Investigation for Determination of an Area in Need of Redevelopment For: Block 85, Lot 3 (130 South 2nd Street), which is incorporated by reference herein; and

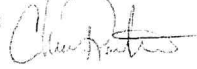
WHEREAS, said Report concludes that the Area of Investigation meets the statutory criteria for an area in need of redevelopment based upon the "d" criteria contained at N.J.S.A. 40A:12A-5(d); and

WHEREAS, at the hearing, the Planning Board heard from all persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area, with any such comments given orally or in writing received and considered and made part of the public record.

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

1. The foregoing recitals are hereby incorporated as if set forth at length.
2. The Board hereby recommends that the Area of Investigation be determined by the governing body to be an area in need of redevelopment, pursuant to the LRHL, for the reasons set forth in the Report and record.
3. A true copy of this Resolution shall be transmitted by the Board Secretary to the Borough Administrator.


ROGER DORNBIERER, Chairman
Dunellen Planning Board

ATTEST: 

CHERRON ROUNTREE, Secretary
Dunellen Planning Board

Mr. Hauben: Spoke about the amendments to the downtown redevelopment plan and about rezoning properties on Front Street to allow multifamily projects to preserve the residential nature of the properties.

Copy of the report which Mr. Hauben read through. See Below.

TO: Mayor Jason Cilento

William Robins, Borough Administrator
Borough of Dunellen Council Members

FROM: Dan Hauben, PP, AICP, LEED® Green Associate™, DMR Architects

DATE: June 16, 2023

RE: June 2023 Downtown Redevelopment Plan Amendments

Dear Mayor and Council Members:

DMR Architects has prepared the proposed Downtown Redevelopment Plan amendments in coordination with Mayor Jason Cilento, William Robins, the Borough's Engineering Consultant Lou Ploskonka of CME Associates, and the Borough's Redevelopment Counsel Charles Liebling of Windels Marx Lane & Mittendorf.

While amendments to the Redevelopment Plan were initiated for the purpose of permitting multi-family development on Front Street without ground-level commercial uses, DMR and Mayor Cilento determined that amendments should also be made at this time to fix issues with the RDP such as lack of clarity on permitted uses, and expand upon the existing language to advance the purposes of the Redevelopment Area and promote the public good.

The proposed amendments to the Downtown Redevelopment Plan do the following:

1. Create two new subsections of the Downtown Redevelopment Area – the Front Street Transition Area and the Flex Transition Area.
 - a. The Front Street Transition Area replaces the “remaining parcels” area on Front Street between Washington and Lincoln Avenues. Permits 2.5-story multi-family dwellings or rear portions of mixed-use buildings fronting upon North Avenue.
 - b. The Flex Transition Area contains properties between North Avenue and the Railroad right-of-way between Washington Avenue and the Piscataway border, and is intended to attract larger scale commercial uses such as grocery stores, assembly uses, and film studios.
2. Rename the subsection previously known as the “remaining parcels” of the downtown to the “Downtown Core” for further clarity.
3. Clarifies and expands upon the uses permitted in the existing and new zones with the exception of Site 3 (Section 7.5), as the “Nell” project has been approved and is nearing completion.
 - a. New permitted uses include assembly halls, indoor recreation, artistic and institutional uses, artist live-work establishments, supermarkets/grocers, entertainment.
4. Establishes permitted uses and standards that apply to the entirety of the Redevelopment Plan Area (Section 7.5.1) in order to eliminate repetition and provide consistency across areas.
5. Provides definitions for new and existing uses (Section 7.4) that are not currently defined in the Borough Code.

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6. Modifies the bicycle parking credit to only allow the parking requirement to be reduced by up to 10% whereas the ordinance currently permits developers to reduce the parking requirement by up to 30% by providing bicycle storage.
7. Includes language strongly encouraging green building practices such as rooftop solar, green roofs, living walls, and rainwater harvesting (Section 8.3, 8.10).
 - a. The purpose of this language is to encourage developers to go beyond what is required by NJ DEP stormwater regulations to provide a benefit to the Downtown and surrounding neighborhoods.
8. Clarifies and removes duplications of requirements for planting street trees on Washington Avenue and Route 28 (Section 8.4).
9. Requires a rear-yard setback of 12 feet between any building in the redevelopment area and property line shared with an existing residence in a residential zone, such as the R-A and R-B zones (Section 7.5.1.9).
 - a. This will help to reduce the impacts of Downtown Redevelopment on the privacy and daylight access for contiguous residences, while creating a wide enough space to provide for screening between residential and non-residential uses.
10. Includes language strongly encouraging redevelopers to set-aside housing units for households earning 80% to 120% of regional income, also referred to as “workforce housing” or “middle income housing”, in addition to the required affordable housing set-aside (Section 7.5.1.11).
 - a. The number of units would be negotiated between the Borough and the Redeveloper.
 - b. The units would be administered by the same entity to be appointed to administer the Borough’s affordable housing units; however, they will not count towards the Borough’s affordable housing obligation.
 - c. The Borough would be able to require a developer to advertise the middle income unit locally before advertising to the general public.
11. Includes language strongly encouraging redevelopers to designate areas for loading and staging of deliveries and moving activities (Section 8.8.6).
 - a. Recent site plans received by the Borough contemplate that deliveries and moving activities will be staged either in the streets, in parking spaces, or in circulation areas.
12. Provides language permitting artist-oriented development, including artist live work studios as a conditional use in the Transition Areas and artist working/crafting areas as ground-level uses and uses within artistic institutions.
13. Generally streamlines and clarifies existing language.

Sincerely,

Dan Hauben, PP, AICP, LEED® Green AssociateTM

Mr. D'Amico: Had a question on workforce housing.

Mr. Hauben: Covers the entire redevelopment area. Spoke about the flex/transition area and what it allows for.

RESOLUTION DUNELLEN PLANNING BOARD

RESOLUTION MEMORIALIZING PLANNING BOARD REVIEW OF AMENDED AND
RESTATED DUNELLEN DOWNTOWN REDEVELOPMENT PLAN

WHEREAS, the Borough of Dunellen maintains the Dunellen Downtown Redevelopment Plan, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, the governing body requested that the Dunellen Planning Board ("Board") conduct a review of proposed amendments to same, contained within an "Amended and Restated Dunellen Downtown Redevelopment Plan," a copy of which is attached hereto and made part hereof (the "Amendment"); and

WHEREAS, under the LRHL, N.J.S.A. 40A:12A-7(e) provides:


Prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan. This report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate.

; and

WHEREAS, the Board reviewed the proposed Amendment at its regularly scheduled June 26, 2023 meeting.

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

1. The foregoing recitals are hereby incorporated as if set forth at length.
2. The Board hereby recommends to the governing body adoption of the Amendment without any comments.
3. A true copy of this Resolution shall be transmitted by the Board Secretary to the Borough Administrator.


ROGER DORNBIERER, Chairman

Dunellen Planning Board

ATTEST:



CHERRON ROUNTREE, Secretary

Dunellen Planning Board

Resolution of Approval for Amended Downtown Redevelopment Plan					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico		X	X		
Adam Gordon					X
Theresa Ratner			X		
Eric Walker			X		
Mayor Cilento	X		X		
Roger Dornbierer			X		
Robert Krause (Alt. 2)			X		

Approved: Yes / No

Moved back to the application for 120-126 North Avenue.

Mr. Silbert: Spoke about the case from South Plainfield and the details about the bulk variance and said how it is similar to this application and cited information from the MLUL. When the developer was doing this project, this was based upon a previous redevelopment plan than what we have now.

Mr. Trimboth (Architect): Was already sworn in. He stated his education and background. He is accepted by Mr. Dornbierer. Spoke about the front elevation of the plan and overall ground floor plan which have been submitted to the board. There will be no residential units on the ground floor. Described the ground floor with a lobby with an elevator, mailroom as well as the parking garage with ADA and EV charging. Also, will have an area for bicycles and refuse. Explained how many of each unit there will be and items 7 and 8 on the plan. Second and third floor will have fiber cement shiplap siding. Primary roof will be metal and the rest asphalt shingles. Spoke about the door to window ratio. There will be 3 separate signage elements. Building signage about the main door for the building. Spoke about the air conditioning units on the roof which will be shielded from the front view. Exhibits A101 and A102 show right hand elevation and rear elevation. Page 2, spoke about the depth of the area and that it is narrow and minimum square footage.

Mr. Silbert: Spoke about prosing a departure from the front yard setback and the commercial space. Stated that this was mixed use project with many different elements and Mr. Trimboth agreed with everything that he said. Asked Mr. Trimboth if this project promotes a desirable visual environment, Mr. Trimboth agreed.

Mr. Trimboth: Spoke about the emergency doors and the stair towers. They will be locked from the lower-level floor.

Mr. Ploskanka: Where are the utility meters being placed?

Mr. Trimboth: Page 4, right behind the commercial space has an area reserved for mechanical utility(electrical) and spoke about the wall and that it will be screened from public view. Also, off the entry lobby there will be a water and utility room.

Mr. Krause: Will this be all electric or gas?

Mr. Trimboth: This has not been decided yet. Spoke about where the meters might go and the air condenser units. Also spoke about how the natural light will shine into the units from the windows along with natural ventilation.

Mr. Hauben: How high is the ceiling where the utilities will be? Will the building have false windows? Could you use green architecture? Box signage and no wall signs? Asked questions about the rear of the building. Spoke about the size of the units and making them smaller. Asked if the square footage includes the balcony.

Mr. Silbert: Twelve feet high. Yes, the building will have false windows. There is enclosed attic space at the top that cannot be converted into living space. Green architecture in terms of a blue roof? This would make this project more difficult yet impossible for what we are trying to achieve. There will be box signage. Brought up the plan for the rear of the building and explained the plan. There are no units that will have dens meaning nothing can be converted. (This will be included in the resolution) The square footage does not include the balcony. We couldn't make the units any smaller, that would be a big challenge.

Mayor Cilento: In terms of the balconies, the property owner in their lease, will state that nothing can be hung from them? Would the developer consider doing a back lite sign off the building? Final project name?

Mr. Trimboth: We can have restrictions for balconies in the lease, most rental agreements usually have them. There are gooseneck light fixtures in the front of the building. We can provide 2 gooseneck fixtures at each door. Not sure if the final project name will be Lofts at Dunellen.

Mr. Silbert: The signage will be totally acceptable with the applicant. For the lighting there will be the borough required streetlamps.

Mr. Dornbierer: Stated that it was 10:00 pm and stated that this application will be carried over to the next meeting, July 24. No need for further notice.

Public Comments

None.

Board Member Comments

Mr. D'Amico: Stated that the Mayor gave an excellent presentation at the NJ Planning and Redevelopment Conference in New Brunswick. He presented everything that Dunellen was doing.

Adjournment

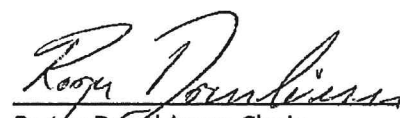
Adjournment					
Name	Motion	Second	Yes	No	Abstain
Tom D'Amico			X		
Adam Gordon		X	X		
Theresa Ratner	X		X		
Eric Walker			X		
Mayor Cilento			X		
Roger Dornbierer			X		
Robert Krause (Alt. 2)			X		


Approved: Yes / No

Meeting Ended at: 10:04 pm

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

Minutes Approved: Yes _____


 Roger Dornbierer, Chair


 Cherron Rountree, Board
 Secretary