

Borough of Dunellen  
Planning Board  
Meeting Minutes

April 25, 2022  
Regular Meeting

**Call to Order & Statement of Compliance**

Chairman Dornbierer called the meeting to order at 7:03 pm and read the Statement of Compliance adopted by the board January 2022.

**Roll Call**

**Present:** Tom D'Amico, Adam Gordon, Theresa Ratner, Barbara Seif, Erik Walker, Christopher Brillante (Alternate # 2), Councilwoman Rios, Mayor Cilento, Chairman Roger Dornbierer

**Absent:** Michael Mullen, Robert Krause (Alternate # 1)

**Approval of Meeting Minutes**

A motion was made by Ms. Ratner to approve the meeting minutes of the March 28, 2022 meeting and was seconded by Mayor Cilento.

No discussion on meeting minutes.

	Yes	No	Abstain
Tom D'Amico	x		
Adam Gordon	x		
Theresa Ratner	x		
Barbara Seif	x		
Erik Walker	x		
Christopher Brillante (Alternate # 2)	x		
Councilwoman Rios	x		
Mayor Cilento	x		
Chairman- Roger Dornbierer	x		

The minutes of the March 28, 2022 meeting have been approved.

**Old Business:**

None

**New Business:**

1. Review Application # 21-01, 370-372 North Avenue, Block 32 Lot 18

Mr. Dornbierer: Who is representing this applicant?

Mr. Sullivan: Announced that he was representing the applicant from the offices of Vastola and Sullivan. Asked for Ms. Staats and took care of some housekeeping by giving her checks from the applicant.

Stated that 370-372 North Avenue is an LLC engaged in operation and ownership of the real estate 370-372 North Ave which is right across the street. First floor is table tennis and the upstairs part is largely unused but a part is used for private lessons and coaching. Application before you tonight is to convert the use of the second floor and to continue the use of the first floor for table tennis. And also to split the use of the second floor. Left half still used for private lessons and coaching and right half used for 4 residential apartments. With regard to those apartments, three of them starting from the rear and coming forward are going to be full one-bedroom apartments. The fourth one that's closest to North Avenue is going to be a studio type apartment, and it's got the access to the roof through that particular part. Proposing it as apartment, but it's not going to be a rental unit as I understand. Stated Ms. Yip will explain this a little bit further. They have coaches and even trainees coming from far away from many countries all over the world. And that room is going to be used at times for those coaches to stay overnight. Otherwise, will be used as a combination lounge locker room. It's going to have a shower for people to shower in, so it is a residential unit, but it is not going to be a rental unit. It's not going to be for the general public. The property itself is located in the redevelopment plan. The underlying zoning is the B zoning district. It is designated as a remainder parcel in the Dunellen downtown redevelopment plan. We're not creating any new variances through this application. There are three existing conditions. One is for building coverage, 50% is permitted in 71 1/2 percent is existing not enhancing that in any way. Next is the lot coverage, 90% is permitted, 93% is existing and again we're not enhancing that and then landscaping coverage 10 percentage required 7% is existing and again we're not changing that at all. We're basically working with is what we have. The plan that we have submitted tonight is a site plan prepared by Shoen Engineering which is dated January 29, 2021 and floor plans and elevation by Shean Chang Wang dated August 8, 2020, last revised February 2nd of 2021. The witnesses are Lily Yip, who is a representative of the applicant. Following with Mr. Lang as the architect and Mr. Kin as the professional engineer.

Mr. Dornbierer: States that he would like to go through the waiver requests. He refers to Daniel Hauben from DMR Architects because the usual planner Gabe Bailer is not present at this meeting. Asked Dan if the waiver requests were worked out.

Mr. Hauben: States application was incomplete, but then it was resolved. Said he spoke with Gabe and talked about the waivers and read his notes. Spoke about wetlands and permits from NJDOT. Requesting waiver for drainage facilities. Waivers for the number of lots for subdivisions, natural features of topography and various other features. Numbers 42 to 50 on the DMR checklist.

Mr. Dornbierer : Asked if there are no objections to those that were stated by Mr Hauben.

Mr. Hauben: Replied that Gabe had no objections in his report.

Mr. Collins: Asked Lily Yip to raise her right hand and she was sworn in. He asked her to state her name and spell her last name for the record. She accepted and stated her first name and spelled her last name.

Mr. Sullivan: Asked her if she owned 370-372 North Ave.

Lily Yip: Yes.

Mr. Sullivan: Asked her how long have you owned and operated the table tennis facility?

Lily Yip: Since 2010 with my late husband.

Mr. Sullivan: Described the building and the first floor that is used for table tennis. He asked Lily to describe what goes on in the first floor of the building. Then asked for the use of the second floor.

Lily Yip: Stated 2 floors and each is 7,500 square feet. Used for private lessons, group training and a membership open for the public. Have a new program for 65 and over for free. Second floor is used for private lessons and sometimes used for tournament, but not used often.

Mr. Sullivan: States if it's approved, you can essentially continue to use the first floor the same way you use it now, and with regard to the second floor, you're going to continue on 1/2 of the building with the private lessons and the other half will be for the residential usage that.

Lily Yip: Yes.

Mr. Sullivan: What are your maximum number of employees right now?

Lily Yip: Coaches 6 and including her there would be 7.

Mr. Sullivan: Stated if this application is approved with the number of employees change at all?

Lily Yip: No.

Mr. Sullivan: Asked if Lily could maybe explain to the board during peak hours of operation and how many patrons you might have there at any given time? Regular operation or if there was a tournament. How many children there at a given time? Are you open on Saturdays and Sundays? How many people are there on the weekends? Asked if the application if approved will the number of patrons increase at all?

Lily Yip: Peak hours are 6 pm to 9 pm. Open at 3 pm from Monday to Friday. 3 pm to 6 pm for youth programs. 10 to 20 children there at any given time. Peak hours are usually a membership, about 30 members. Saturdays 9 am to 6 pm, sometimes 50 people depending on a tournament. Sundays, open same time as Saturday, but not as many people. The number of people should stay consistent if the application is approved.

Mr. Sullivan: Mentioned during the opening about the floor plans, so the three of those are going to be for rental purposes. Is that correct?

Lily Yip: Yes.

Mr. Sullivan: Asked Lily about the fourth unit and how it is going to be used.

Lily Yip: Fourth unit very small used for resting and overnight which has a kitchen, shower and sleeping area which has access to the roof.

Mr. Sullivan: Stated he had submitted photographs with the application and will mark them A1-A5. Went through each photograph with Lily and described them. Front of building, rear of building, back stucco building and neighbors parking, entire rear of building with parking area her property, and parking lot hers and neighbors. Now we have to go over the reports from the board. Starting with the CME Associates report, which is dated June 4<sup>th</sup>, 2021. Item B3 talks about the dedicated parking for the units. Asked Lily how the 6 spaces are going to be used for her site.

Lily Yip: 3 spots will be used for the units and the other three will be for coaching and staff.

Mr. Sullivan: Page 7, item 10 talks about building security measures. States he will discuss that with Lily's architect. B13 which speaks to loading zones. From the plans there is no loading zone that is proposed. Asked Lily to explain what type of deliveries that she gets.

Lily Yip: Ping pong balls, equipment, and clothing.

Mr. Sullivan: How often are these things delivered?

Lily Yip: Once a month.

Mr. Sullivan: What type of vehicles deliver these items?

Lily Yip: UPS.

Mr. Sullivan: Do they come through the front door?

Lily Yip: Yes.

Mr. Sullivan: Moving on to the DMR report which is dated June 7<sup>th</sup>, 2021. Looking at item number 4, asked about how will residents get their trash to the dumpster. Dumpster will be at the rear of the building. Residential hallway will lead to a stairway which will go down to the back of the building. Residents will take their own garbage down to the dumpster. Building management will handle the disposal.

Lily Yip agreed to all that Mr. Sullivan stated.

Mr. Dornbierer: Talked about the photos in the packet, saying that they looked like they were taken at night.

Mr. Sullivan: No more questions for Lily Yip. Then asked the board if they had any for her.

Mr. Ploskanka: Asked Lily about the parking of her patrons.

Lily Yip: Park on the street with the meters.

Mr. Ploskanka: Then they usually find enough parking on street.

Mr. Hauben: Apartment that is going to be available to coaches, that is going to be used as a lounge such used for lunch or nap.

Lily Yip: Stated just for coaches not otherwise.

Mayor Cilento: Out of the three apartments is there an affordable housing component that is being provided.

Mr. Sullivan: Quoted that Dunellen redevelopment plan states that something must be set aside for affordable housing or in lieu of that. Not sure if they are going to comply with 1 unit or the fractionable share cash option. Described to Lily her two options.

Lily Yip: Will do the affordable 1 unit.

Mr. Collins: Spoke about the memorializing resolution with plans from the meeting.



Mr. Sullivan: 3 one-bedroom apartments starting from the rear and coming forward are going to be rental units. One will be an affordable unit and the other 2 will be market units.

Mr. Hauben: Stating that with affordable housing that one unit will have to have 3 bedrooms, not feasible given the layout of the apartments. That might have to be resolved by the affordable housing council. Just wanted to state that for the record.

Mr. Collins: Stated he had conversations about affordable housing with the borough and hasn't had anyone raise anything with the 3 bedroom. If there is alternative provision, we can make that in the resolution to be flexible enough to work with the applicant.

Mr. D'Amico: Asked if anything above 5 units had a requirement for affordable housing.

Mr. Collins: Stated that years ago the borough entered into an agreement with fair share housing and part of the settlement was to amend its affordable housing ordinances and also part of the redevelopment plan.

Mr. Dornbierer: Opened the floor up to members of the public on the testimony that has been given thus far. No questions.

Lily Yip is done being questioned.

Mr. Sullivan: Calling up their architect.

Mr. Collins: Swears him in and asked him to state his name and spell his last name. Shean Chang Wang.

Mr. Sullivan: Asked Mr. Wang to state his qualifications, education and licenses and has he gone before any other boards.

Mr. Wang: Spoke about all of his education and qualifications and other boards. Stated he has a license in the state of NJ and it is in good standing.

Mr. Dornbierer: Accepted.

Mr. Sullivan: Asked Mr. Wang to give a general idea of the building as it exists now. And to use his plans to show the proposed improvements to the building.

Mr. Wang: Stated building as it exists now is very contemporary. His proposal is to use a brick facade to match what is on the street. The sign and lights will remain the same. Construction/Zoning official said that the windows should be lowered to match the other stores. So, they changed the plan and lowered the windows.

Mr. Sullivan: Stated the signage would be the same because they are removing it and replacing it with the same thing.

Mr. Dornbierer: Stated we need to see if that sign is in compliance with the sign ordinance.

Mr. Sullivan: Stated that they will have to comply with the ordinance.

Mr. Dornbierer: Stated that if approved the sign will be in accordance with the ordinance, that should be one of the conditions.

Ms. Seif: Asked if there is a cornice at the top of roof line.

Mr. Wang: Trim piece. Not a canopy.

Ms. Seif: Building next door has a nice cornice and it would be nice to match it.

Mr. Wang: Tried to be similar, but not match it exactly.

Mr. Dornbierer: Spoke about the other building and its lines and cornice. Said what is proposed is flat and no embellishments. We are looking for those details in the downtown area. Wanted Mr. Wang to maximize the esthetics on plan.

Mr. Wong: Agreed to make some slight changes.

Mr. Dornbierer: Requested to see updated drawings.

Mr. Wang: Stated that some people will like one drawing and other people may not like it. Sometimes it's quite difficult.

Mr. Dornbierer: Asked the board to look at the plans and to make suggestions.

Mr. Gordon: Likes the overall look, but not sure about the color in comparison to the top and bottom. Talked about the darker blue color.

Mr. Wang: Stated that printed out is not right in exact color and that color Mr. Gordon spoke of should be a charcoal grey, not blue.

Mayor Cilento: Stated he likes the design and the charcoal grey color. Applicant was not initially going to do a façade improvement.

Councilwoman Rios: Stated she liked the color and trimming. Felt the trimming will give the building definition.

Mr. Dornbierer: Asked about the windows on the bottom floor. Why can't there be a 3<sup>rd</sup> window when there is 4 above?

Mr. Wang: Stated because it is a bathroom.

Mr. Dornbierer: Asked Mr. D'Amico in Somerset if there are any options for a pho window? Does something like that exist?

Mr. D'Amico: Never heard of anything.

Mr. Sullivan: We are not going to add a cornice at the top, correct?

Mr. Dornbierer: No cornice required.

Mr. Wang: Described the floor plans. First floor- changing the entrance to create the lobby. Spoke about the L- shaped stairs leading to second floor which part of it can be used to for competitions and a set in the back. Described the small single bedroom apartments.

Mr. Sullivan: Moving onto the DMR and CME reports.

Mr. Hauben: Asked about the windows in the second floor being removed, the one on the right side of the building. They provide more lighting into the building. Asked about the dimensions of the new windows.

Mr. Wang: Gave the size of widows.

Mr. Hauben: Asked about the door accessing the hallway to the residential units, can it be moved so that the public who are using the building cannot access the same hallway as the residents. Move door up past the coach's door.

Mr. Wang: Stated yes, they could, and building doesn't have an elevator because its two story.

Mr. Sullivan: Made a comment about roof top equipment.

Mr. Wang: Stated cannot see and it will not be changing.

Mr. Ploskanka: Asked Mr. Wang to speak about the building mounted lighting style that is being proposed.

Mr. Wang: Keeping the same lighting, goose length.

Mr. Dornbierer: Opened the floor up to members of the public. There were none.

Mr. Sullivan: Introduced Mr. Kin as the professional engineer.

Mr. Collins Swore in James Kin.

Mr. Kin: Spoke of his educational background and that he is licensed professional in NJ. And has worked in other towns.

Mr. Dornbierer: Accepted.

Mr. Sullivan: Asked Mr. Kin to describe the site as it exists then described the proposed site improvements.

Mr. Kin: Stated that there are not many improvements. Talked about the parking authority owning part of the parking lot and the proposed plan is to improve it. Then spoke about an easement and how the parking lot is shared.

Mr. Sullivan: Stated that people have to drive through their parking lot to get out to Front Street. No access from any of the parking lots to North Ave.

Mr. Kin: Lot 11 has a parking meter.

Mr. Sullivan: Stated title search came out with no former easements.

Mr. Dornbierer: Small alley way is only a one way. Not an egress to North Avenue.

Mr. Kin: Stated they wanted to improve the parking lot by putting one way and two way direction markings. Proposed to fence the dumpster that is there per the ordinance. Spoke about the exhibit A drawing designed to not block neighbors' access. Spoke about if your lot is less than 20,000 feet and the requirements.

Mr. Sullivan: Going through DMR report, dated June 7, 2021, item 7.4.4 walkway with decorative pavers along the frontage of the property.

Mr. Kin: Stated walkway is not changing because it is in good condition.

Mr. Sullivan: Next 7.4.4 (8) speak to the street scape in particular benches, bushes, trash receptacles, bicycle rack. Asked Mr. Kin to speak about what is being proposed.

Mr. Kin: Stated if we put a bicycle rack in, it will reduce the space for people to walk on the sidewalk. Trash receptacles not necessary and then spoke about the street tree with the 50 ft requirement and crosswalk.

Mr. Hauben: Asked about the tree in front of the building.

Mr. Kin: Spoke again about the tree and the crosswalk with the tree being an obstacle.

Mr. Hauben: In order to comply with the redevelopment plan to request the tree may be 40 ft.

Mr. Kin: Stated they are placing a potted bush.

Mr. Dornbierer: Stated there has to be a tree not a bush with the redevelopment plan and work with shade tree on type of tree.

Applicant stated yes for the tree.

Mayor Cilento: Stated where the current potted plant was there once was a street tree there. Just use that cut for the tree and move benches over.

Mr. Dornbierer: Stated that from Lily Yip's testimony that younger school children are using facility that there ought to be a bike rack. Suggested a smaller bike rack and have them running a different way so that they do not take up a lot of space on the sidewalk.

Mr. Kin: Stated willing to do a small bike rack that runs parallel.

Mr. Sullivan: CME report site plan B7 not proposing and improvements. Item 8 asphalt area at the rear of the property portion of that has already been repaved and Lily Yip will be resurfacing and restriping the rest of parking lot.

Mr. Ploskanka: Asked about the narrow strip that runs out to Front Street.

Mr. Kin: That is part of the landscaping.

Mr. Sullivan: Stated the ordinance requires 10 percent, but they have 7 percent.

Mr. Kin: Small area where there is currently grass right now. Not doing anything with it as for right now.

Mr. Ploskanka- Asked if maybe some shrubbery or trees can be put there.

Mr. Kin: Said that there cannot be a tree and talked about the rainfall on the leaves of the trees and the passthrough. Next to that is a fence.

Mr. Sullivan: Asked Mr. Kin if we can work on planting some bushes not trees.

Mr. Ploskanka: Asked about the enclosure for dumpster.

Mr. Kin: Spoke about the enclosure and how it will be similar to the neighbors next door. Will give board a construction detail of enclosure subject to board engineers review.

Mr. Dornbierer: Stated to Mr. Kin that it will be a masonry enclosure.

Mr. Ploskanka: Wanted it to blend in with the back of the building. Look at the neighbors because it was already approved by this board.

Mr. Collins: Adopted item 15 of the CME report that it will be masonry enclosure that compliments the architecture elements with the satisfaction of the board engineer.

Mr. Kin: Stated ok, it will be similar to the neighbors.

Mr. Sullivan: They will continue to use all of the existing utilities, asking if that item could be waived on the CME report. Number 3, applicant has already provided a survey. Number 4, with regards to lighting, it is shown on the plan.

Mr. Kin: Described the parking lot lighting. Some lights are coming from Front Street into the parking lot.

Mr. Ploskanka: Asked if they could produce light ripple photograph.

Mr. Dornbierer: Should that be a condition?

Mr. Ploskanka: If existing utilities are being used, we need to see something that they have adequate capacity for the new units that are being added such as sewer and water.

Mr. Kin: Spoke about how he did not display because they are using current and talked about the water flow and discharge. Told board he will submit a sewer report.

Mr. Sullivan: Item 5 page 5, 2 ft. setback for off street parking in driveway, requesting a waiver of that because they just don't have the room for that.

Mr. Ploskanka: That is fair given the site constraints.

Mr. Sullivan: Page 6, item 2, how is roof drainage is conveyed.

Mr. Kin: Described the roof drainage system and how the water collects and then drains.

Mr. Sullivan: Page 6, item 6, fire flows and need for fire hydrants. Will this have to be a condition? This will have to be a discussion with the fire official.

Mr. Ploskanka: Yes.

Mr. Sullivan to Mr. Kin: Is this building going to be sprinkler?

Mr. Kin: Already fully sprinkler.

Mr. Sullivan: Page 7, item 7, speaking about a construction staging plan. Would like a waiver request.

Mr. Ploskanka: Defer to the construction official on that topic with building permits.

Mr. Sullivan: County planning board has already approved this application.

Mr. Hauben: Did you address ADA parking?

Mr. Kin: Discussed the requirements for ADA parking. 11 spaces total behind the building. Parking authority spaces on their property.

Mr. Hauben: 6 spaces and 1 is not properly sized, the one closest to the building.

Mr. Dornbierer: Suggested that we consult with the parking authority. Mr. Hauben agreed.

Mr. Hauben: 1 space has to be ADA whether it be one of Lily Yips or parking authority.

Mayor Cilento: Asked a question about the alleyway and the markings and Mr. Kin answered them.

Mr. Dornbierer: Any questions from the board or public. There were none.

Mr. Sullivan: Summarized the application.

Mr. Collins: Conditions: 1. The signage must comply with the sign ordinance. 2. The doorways agreed to be moved inside to separate the apartments from the staff utilized space. 3. Agreed to plant a street tree. 4. Applicant agrees to add a compact bike rack with bike rack parallel to the façade. 5. Parking lot will be resurfaced and restriped. 6. Plans will be reviewed to install landscaping and shrubbery to the satisfaction of the board engineer on the narrow portion of the lot near Front Street. 7. Item number 15 of the CME report if adopted a masonry enclosure that compliments architectural elements will be added to the satisfaction of the board engineer. 8. There will be a submission of photometric plans demonstrating light levels to the satisfaction of the board engineer. 9. There will be a submission of a sewage report addressing flows to the satisfaction of the board engineer. 10. Board grants an off-street parking setback waiver. 11. Fire flows and fire considerations hydrants will be addressed to the satisfaction on the fire subcode official. 12. The staging plan shall be at the discretion of the construction official. 13. The application shall be subject to any outside necessary approval. 14. ADA parking issue will be addressed in consultation with the planner and parking authority. 15. There will be a term requiring for the affordable housing.

Mr. Hauben: Another condition prohibiting Ms. Yip or her successors from renting the staff reserved apartments for coaches.

Mr. Dornbierer: Yes, that will be correct. Opened up this application to members of the public. No public comments. Roll Call.

	Motion	Second	Yes	No	Abstain
Tom D'Amico	x		x		
Adam Gordon			x		
Theresa Ratner			x		
Barbara Seif			x		
Erik Walker			x		
Christopher Brillante (Alternate # 2)			x		
Councilwoman Rios		X	x		
Mayor Cilento			x		

Chairman- Roger Dornbierer			x		
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Mr. Dornbierer: The application is approved.

## 2. Review application # 21-03, 545 Fourth Street, Block 39 Lot 10

Mr. Dornbierer: Taking a 12-minute break and coming back at 9:00 pm. Reconvened at 9:03 pm and everyone is present.

Mr. Sullivan: Stated his law firm and he is representing the applicants, Ricky and Silvia Switzer who are the owners located at 545 Fourth Street. Lots 10 and 11 block 39 shown on the subdivision plan. The application is for minor subdivision approval and for a single bulk variance. Property located in the RA zone. Right now, on that property is an owner-occupied single-family home towards the east side of the property. The application is to subdivide this property to create another lot. Switzers current house will remain there and be used as a single-family home. Proposed a single-family dwelling with an attached garage to be built on the new lot 10.01. Variances that this application has: 1. Existing side yard setback for an accessory structure for the garage of proposed lot 10.01. 5 feet is required, 5 feet is existing and there will be no proposed changes to that. 2. Overall lot depth with an irregular shaped lot, frontage on both Fourth Street and Third Street, lot depth requirement of 100 ft. Roughly 57.11 average measurement from the center of the lot, not from the portion that is going to be development, the developed portion is deeper. Witness are: Ricky Switzer- property owner, Lee Titus- licensed engineer, Henry Hinterstien – planner. Subdivision plans by Titus Engineering dated May 26, 2021, and last revised March 8, 2022.

Mr. Switzer is sworn in by Mr. Collins. Stated his name and spelled his name out.

Mr. Sullivan: Asked Mr. Switzer if he and his wife were owner of the property and how long have they lived there. 28 years in lot 10, the bigger lot and did you purchase lot 11 more recently. Lots have merged and even though we have two lot numbers it is a single lot. Will you continue to reside at the location towards Madison Avenue and is that location in overall good shape. Not proposing anything on that lot.

Mr. Switzer: Yes, we are the owners and have lived there for 28 years. Yes, 28 years in the bigger lot and purchased lot 11 more recently. Correct it is a single lot. Yes, will continue to live there and not proposing anything on that lot.

Mr. Sullivan: If this application were to be granted you are proposing at single family home to be built on this new lot. Would you briefly describe what you plan to build there in terms of number of bedroom and bathrooms. This home will be built within the footprint that is showed.

Mr. Switzer: Answered, correct. Build a home with 3 bedrooms and 2 bathrooms with an attached garage.

Mr. Sullivan.: Other than the lot depth variance, they will not need any other variances for setbacks, coverage requirements or height.

Mr. Dornbierer: Any questions from the board?

Mr. Gordon: Asked a question about the lots on the map that he has in front of him. Might be from a prior tax map regarding block and lots.

Mr. Sullivan: Engineer will answer his question.

Mr. Dornbierer: What was your objective to purchasing the lot that was owned by the municipality?

Mr. Switzer: The reason why we acquired that piece of property was that I have maintained that property every year since I have lived there. My wife and I have elderly parents that we thought it could be a dwelling for them in the future. That was the main reason for the purchasing of the land.

Mr. Dornbierer: Any questions from members of the public. There were none.

Mr. Sullivan: Called up Lee Titus.

Mr. Titus is sworn in by Mr. Collins. He stated and spelled his name along with his educational background and qualifications.

Mr. Dornbierer: He is accepted.

Mr. Sullivan: Asked Mr. Titus if he prepared the minor subdivision plan and if he had a chance to visit the site. Can you describe the site as it exists now?

Mr. Titus: Yes, to preparing the plan. Yes, I did visit the site. Sheet 2 of the plans marked as A1. Entire parcel is triangularly shaped, shows towards the east the existing dwelling with a driveway and an attached garage. Dwelling has a front porch which fronts on Fourth Street. Property on Third and Fourth Street. We would have to honor the front yard setbacks for both of those streets. Fourth Street is the front and Third Street is the rear yard. Lot is relatively flat with large trees and some of those trees are dead. 40-inch maple has been removed along with the stump. Both of the right ways are relatively wide, Fourth Street right away 66 ft. wide and Third Street right away is 80 ft. wide. This allows extra green space around the property. Existing sidewalk across the front of the property, stops about 80 percent of the way across the lot that is proposed for the existing dwelling. Proposing to continue the sidewalk to the driveway, but not all the way across. Weird intersection between Third and Fourth Street that allows cars to turn to the right and a grass island in that area. Dedicate the required site distance of that pavement there and there a guide wire, 25 ft. from the intersection to the borough.

Mr. Sullivan: Subdivision line is shown on the plans.

Mr. Titus: Yes, it goes in a southeast direction across the property.

Mr. Sullivan: What would be the resulting size for these types of lots?

Mr. Titus: The existing lot area is 16,407 square feet and the minimum lot size is 5,000 square feet. It is about 3 times the size, enough for technically 3 lots. The lot 10.01 that has the existing house on it is 7,613 square feet. Proposed lot would be 8,566 square feet.

Mr. Sullivan: Other than the lot depth variance, are there any new variances being created with this application?



Mr. Titus: No.

Mr. Sullivan: Would you explain to the board using your exhibit the formula for measuring lot depth. Let everyone know what is existing and what is going to result at the end with both lots, 10.01 and 10.02.

Mr. Titus: Take the setback line and measure the width of the setback line and then take half of that, that is perpendicular to the setback line and that is what gives you the depth. Using that formula proposed lot 10.02 would have a depth of 57.11 feet. The existing lot is trapezoidal in shape that would result in a depth of 137.11 square feet.

Mr. Sullivan: The area where the home is going to be constructed has a much greater lot depth, correct.

Mr. Titus: Yes.

Mr. Sullivan: What is it at its widest point there?

Mr. Titus: 96.37 ft. which is just short of 100.

Mr. Sullivan: Tapers down to roughly 80 ft.

Mr. Titus agreed.

Mr. Sullivan: With regard to parking, there would be one space in the garage and additional room for one car in front of the garage.

Mr. Titus: Yes, plenty of room for 2 cars.

Mr. Sullivan: Looking at the CME Report. Dated December 28, 2021. Page 2 Items 1-4. Is there anything that we do not comply with or requesting a waiver?

Mr. Titus: Looking for a waiver for number 1. (In accordance with section 115-11c and h, the tax map sheet number should be indicated on the plan as well as all existing structures, topography, and wooded areas within 200 ft.) Felt that the topography is relatively flat and would be quite an expense and it is unnecessary.

Mr. Sullivan: Number 5 (Section 115a-19. Q indicates that the exterior of a site with greater than 100 ft. of street frontage shall provide decorative lampposts. The frontage of the proposed lot 10.02 on Fourth Street exceeds 100 ft. The board should discuss the applicability of this requirement at this location.) Are the posts really required in these residential areas as apposed to the downtown area? We are requesting a waiver on that.

Mr. Ploskanka: Addressing items 2 and 3 on the report.

Mr. Titus: No reason that utilities can't be installed underground. We are not going to take the existing wires that are above ground and put them underground. The new lines and wires for the new lot will go underground. There is poll in the front yard.

Mr. Sullivan: Moving onto the same page in the subdivision section.

Mr. Ploskanka: Asked about the shade trees.

Mr. Titus: A tree planting detail has been provided on sheet 3, however, proposed trees are not on the plan. We can work with the Shade tree commission.

Mr. Ploskanka: Shade tree commission would work with you on the type of trees and location, but for the purposes of tonight we need to know if you are agreeing to plant those trees. How many trees do you propose? Will the maple on Fourth stay? Would it be possible to put a street tree in front of the home that is currently there.

Mr. Titus: Yes, but there is no number on the report. There are a few trees on the property now that could stay and should stay. Maple on Fourth street will stay. No trees in front of the existing house and a street tree could possibly go there.

Mr. Switzer: There are trees in front of my house and two were added years ago by the shade tree commission.

Mr. Sullivan: With all of the trees on the property, we don't feel that the planting of an additional tree is necessary. If you wanted, we can work with the shade tree to see if there is a spot to put it. We would be requesting a waiver.

Mr. Ploskanka: Two dead ones that were taken down on lot 10.02, can you replace at least one of those?

Mrs. Switzer: We will have to assess what trees are on the property now and what trees are staying and decide if there is a new tree that would need to go in its place. There are 16 to 18 trees currently there.

Mr. Dornbierer: How many would be removed?

Mr. Titus: Only the dead ones. Spoke about the oak trees and maple trees currently there. Only 2 trees are dead.

Mr. Dornbierer: Asked a member of the board about the planting of the trees, considering what is currently on the lot.

Councilwoman Rios: There are a lot of trees already there and wouldn't be opposed to one.

Mayor Cilento: The amount of trees on property are sufficient.

Mr. Gordon: Saw a gap on the drawing where a tree could possibly be placed.

Mr. Dornbierer: There is a spruce there, but nothing until the lot line.

Mr. Sullivan: Moving onto the subdivision section. Items 1-5. Number 4 we will comply with, lots 10 and 11. Number 5 and 6 the triangle piece dedication would be approved by the board engineer.

Mr. Collins: Is that dedication an easement?

Mr. Titus: It is the right of way dedication.

Mr. Ploskanaka: Who will maintain that?

Mr. Titus: Usually maintained by the homeowner.

Mr. Collins: If it is maintained by the homeowner and you are dedicating it to the borough, it might be easier as an easement.

Mr. Titus: There is a little piece of pavement there.

Mr. Dornbierer: No growth or grass?

Mr. Titus: Part of the road very tiny, but its there. We can see if we can do an easement. Talked about the borough coming and plowing the road. The piece is mostly grass and a small piece of pavement. You can see it on the drawing.

Mr. Collins: Brought up a map and spoke about the grass piece, which was a different piece that is also there but not part of the project. Going to speak with board professionals and agree to a term for an easement or fee for the resolution.

Mr. Sullivan: Item 7 was already addressed. Item 8 we will provide a monument (this is what is said exactly in the report) at the intersection of the subdivision line and the Third Street right of way line. Number 9 roof drainage.

Mr. Titus: Talked about finalizing the house and get the square footage with the driveway plus the sandy soil in Dunellen takes the water pretty good. They could do a type of perc test when they begin excavating.

Mr. Sullivan: Would that be a condition subject to the board engineer's approval? Number 10 is being addressed. Number 11 we will comply with. Number 12 described earlier about curbing the sidewalk. Items 13 – 20 are we able to comply with all of those? Item 21 we will comply with and the County Planning Board has already approved the application.

Mr. Titus: Yes. I have no problem with the driveway apron wherever it may be. No problem with the pressed curb. Proposing we stop the sidewalk at the driveway apron of the new lot, rather than go across the frontage of the road until the end. Yes, we are.

Mr. Titus: Answering the question about the lots from a board member. There was an old lot from 1969 and there are lot numbers from that on this from the old map. When they do surveys they refer to the old maps sometimes. Spoke about how properties were bought in the 1900's.

Mr. Sullivan: Is there anything in the planning report to address?

Mr. Hauben: Spoke about the maple trees, walkways and right aways.

Mr. Titus: Said that they could make a curve closer to the right away line.

Mr. Hauben: From the existing house there shows the curbs are tinder ties with stone, what is that? Is that just an esthetic thing place there. Mr. Titus confirmed.

Mr. Dornbierer: Asked to go back to page 2, 1-3. Number 2. Verify that the existing data in the zoning table is for both lots and modify the zoning table accordingly.

Mr. Sullivan: There will be change for lot 10 and 11. Not just lot 10.

Mr. Hauben: Talks about one point that he didn't address is the zoning table for proposed lot 10.02 on the front page of the engineering plan and mentions the 25 ft. minimum yard dimensions.

Mr. Titus: Talked about architectural plans on a house, that the dimensions will be met.

Mr. Sullivan: They will not create any variance conditions.

Mr. Hauben: Building plan is conceptual that is on the plans.

Mr. Dornbierer: Page 4, item 12, sidewalk, and curbing, asked for clarification.

Mr. Ploskanka: Applicant is proposing they extend the sidewalk on Fourth Street to the driveway of the new home and end it there. Not going to continue it because it would be a sidewalk leading to nowhere.

Mr. Dornbierer: Is there a sidewalk on Third Street or across the street?

It was stated that there is no sidewalk.

Mayor Cilento: Connections to the water and sewer. Is there a timeline for that because that road is going to be paved this year and if it is torn up again will have to be repaved to the standards it was at before. Ideally the road will be getting paved in 90 days. Trying to save applicant money in the end to get sewer and water installed before so the applicant would not have to pay to repave the already paved road.

Mr. Titus: We can try, probably the way to go.

Mr. Sullivan: In order to meet that moratorium, we should include in the resolution something that allow applicant to truncate the permit process. So we can get the connections from the mains to the property line as quickly as possible.

Mayor Cilento: Third Street is getting paved as well.

Mr. Ploskanka: Mentioned there is a road opening permit ordinance in town and perhaps an application can be done through that if the board is ok with that.

Mr. Sullivan: We are going to have to move quickly.

Mr. Collins: That would be a condition of approval that would be handled separately.

Mr. Titus: New water lines have been installed on the other side of the street on the north side of Fourth Street. We need to get everything in beforehand.

Mr. Dornbierer: Stated that if this can't be completed beforehand the applicant will have to pay to have the road repaved.

Mr. Sullivan: Yes, they understand that.

Mr. Dornbierer: Opened the floor up to members of the public for the witness, Mr. Titus. There were no questions.

Mr. Sullivan: Next witness is the planner, Henry Hinterstein.

Mr. Collins: Swore in Mr. Hinterstein.

Mr. Hinterstein: Stated his education and qualifications.

Mr. Dornbierer: He is accepted.

Mr. Sullivan: Asked Mr. Hinterstein to describe the site for the board and the planning criteria.

Mr. Hinterstein: Neighborhood consists of single-family dwellings. What is being proposed here is in character with the neighborhood. The variance we are seeking is for the lot depth. The lot depth can be granted based on the C1 or the C2 criteria. As far as the C1, this is a classic hardship case. The lot is an irregular shape, it is a triangle. The area of the lot is 3 times of what is required, which is 5,000 square feet. C2 criteria, the two lots that will be created will be along the lines of the existing neighborhood verses one lot that is 3 times the amount in the neighborhood. Purposes for planning: A. To encourage municipal action to guide appropriate use or development of land in manner to promote public safety and health. B. To promote and establish appropriate population density and concentrations that will contribute to the well-being of persons, neighborhoods, regions, and preservation of the environment. C. To provide sufficient space to appropriate locations of agricultural, recreational, and open space in order to meet the needs of NJ citizens. No negative impact provided. Will not have the appearance of being a short lot. Spoke about the right of way or easement dedication to the town. Sidewalk is a benefit and agreeing to work with the shade tree commission. Talked about the garage being there on the home that is already existing. Gave an overall description of what the C1 hardship condition that can't be helped and C2 better alternative to what currently exists variances are as requested by Mr. Dornbierer.

Mr. Sullivan: Lot we are proposing could easily accommodate the proposed use.

Mr. D'Amico: Asked question about the setback, putting the new structure in line with the existing structure. This one would be sticking out a little bit.

Mr. Hinterstein: Stated what they proposed is the best location for new structure. Widest which is in the building envelope. This would not create a variance there.

Mr. Dornbierer: Variance being sought with a requirement of 100 feet and the proposal of 57.11 feet (measured at midpoint), this is not dominimus. Looking about a significant amount of distance.

Mr. Hinterstein: Partially due to the fact to the way the ordinance is written for lot depth and triangular/irregular shaped properties. Doesn't think the lot is inconsistent with other homes in the area. We do meet the setback requirements but don't have the lot depth which is a direct relation to the triangular shape of the property. Meets all the other bulk requirements. Does not cause a detriment. If we were to make this lot smaller you could make it work where the lot depth would be a little bit greater. Spoke about the calculations of the lots and depths. This application meets two front yard setbacks. Triangular shape of the lot is not self-created. Variance itself is self-created.

Mr. Dornbierer: Issue that he has as to the testimony that was given earlier these were two separate lots and looking back into an ordinance from 2002 that authorized the sale of a substandard strip, block 39 lot 11 on the tax map of the Borough of Dunellen. Item 3 (Because the property to be sold is less than the minimum size for development under the Borough's Land Development Ordinance, only contiguous property owners are qualified to purchase the premises and the sale at auction shall be limited to such contiguous owners.) Because that lot could not meet the minimum size adding that lot to this existing lot is a self-created hardship. Now that you are going back and wish to subdivide that. Mr. Switzer said

that it was his intent to someday subdivide and build something for his elderly family members, but the problem is this is a self-created hardship and when you create your own hardship finds it difficult to state that it's a hardship when you created it. Not convinced that this is meeting the C1 criteria.

Mr. Hinterstein: Spoke about the shape of the lot. Just because they added more area to their property, they still could have had 10,000 square feet and say that they want to create two 5,000 square feet lots. Again, not self-created.

Mr. Dornbierer: Self-created, in that they would need a variance.

Mr. Hinterstein: Tried to create a lot which had no variances whatsoever. Spoke about bulk variances. Believed this can be approved on either standard C1 or C2 because of the shape of the lot. Sill that shape by adding the parcel to the lot. Could not just build a house on lot 11. But if we combined it with lot 10 then yes.

Mr. Dornbierer: Yes, could not do it without a variance. Limited to only combining it with contiguous property by default, only one contiguous property. Stated in the ordinance that the lot is less than the minimum for development under the boroughs Land Development Ordinance that the lot cannot be developed. Now the two lots are merged and now the desire to subdivide that lot and it doesn't match. And this is just the chairs opinion. 42.89 ft. is a big variance. Does not see that having this knowledge prior is enough for the satisfaction of a hardship case.

Mr. Hinterstein: On its own, correct. Can be satisfied using the C2 criteria as well or just C2 alone. More harmonious with the existing characteristics of the neighborhood, homes, and lot sizes. Meets all the bulk standards except for the lot depth.

Mr. Dornbierer: Character of that neighborhood was that land. I see this as a clear self-created hardship. And I find it difficult to argue for a hardship. Ultimately it is up to this board to make that decision. Any other questions for this witness. Opened the floor up to members of the public. There were none.

Mr. Sullivan: That does conclude our presentation. If you look at the overall application this property is suited for subdivision despite the lot depth variance. The existing structure is set to one side leaving the other half vacant. And suitable for development as a residential structure. Which would be a single-family home, which complies with the ordinance. Mr. Hinterstein went through the C1 and C2 and I don't necessarily agree with the chairs determination that this is a self-created hardship. In my opinion a self-created hardship would be something where the applicant previously subdivided a piece of this property to create a substandard lot and then come back before this board to resub divide and ask for some variances at that time. That is not what we did here. We didn't take anything away from this lot, what we did was add to the lot. Although we have to be here for the lot depth variance, the numbers on that are extremely misleading because under your ordinance we have to measure that distance at the midpoint of the lot. When we do that, we come up with 57.11 ft. In reality, because it is a triangle the lot where the house is going to be built it is deeper, 98.37 feet tapering down to about 80 feet. That is just one factor made by Mr. Hinterstein. We have two front yards with this, which makes this more difficult to comply with the ordinance. We are able to comply with the front yard setback on both Third and Fourth Street. There are no side yard setbacks. We are in the building coverage requirements of your ordinance. We are in the overall impervious coverage. This lot can clearly accommodate this use. I think the lot depth variance is misleading. This can be considered under the C1 hardship or under C2. I don't

see any detriments of this application from a use standpoint. We have a single-family zone and proposing a single-family house. We are only asking for one variance here.

Mr. Dornbierer: In terms of the character of the neighborhood, I do have another concern. If this is approved, we have no elevation drawings, so we have no ability to know what the character of this structure is going to be. I have this concern because we have homes surrounding Washington Park and they are all of a similar style, large front porches and there has been some development on the lots that are there. The structures that have been put there do not match any of those characteristics of the surrounding properties and it has killed to some percentage the area around that park. My concern is the same here. I am afraid that the new structure will be built, and it will stand out like a sore thumb. I have no way to have that concern appeased because I see no elevation drawings here.

Mr. Sullivan: Certainly, I understand and if it is of the boards pleasure that we have to submit those and return to the board we can. However, because we are showing you a building footprint that complies with all the requirements of the ordinance, I don't think it is necessary.

Mr. Dornbierer: That would be my pleasure, but this is not a board of one. I leave it up to other members of the board to express their opinion. Opened the floor up to members of the public. No comments.

Ms. Seif: I have a comment since I live in that neighborhood, and I have seen development in that area clearly change the whole character of the neighborhood. I would like to see some plans. Just to see that a monstrosity is not going to be built there.

Mr. Collins: Should we make that as a condition, otherwise we will need to bring it back at the next meeting perhaps with submitted plans that are satisfactory with the board members.

Mr. Dornbierer: I would be in support of that before we make a decision.

Mr. Gordon: One comment that I have of getting the blueprint. We are showed architectural plans of what could go there but that is not necessarily what actually goes there based on the previous years on the board. I don't think this would have to be a condition.

Mr. Dornbierer: Doesn't necessarily agree with that when commercial properties come before the board. They are stating this is what is going to be built and if they were not to comply with that then we would have an issue.

Mr. Collins: Ordinarily a single-family home is required to get site plan approval you would pull the permits, this board would not be accustomed to seeing a single-family home. If you would want to impose some conditions of approval there may be some latitude, there requesting further details of the applicant.

Mayor Cilento: Are you aware of any certain style that you would want to build?

Mr. Switzer: We love our neighborhood and this town, and we are not going to build on monstrosity for two reasons. One, it wont fit. Two, we wanted to it to fit the neighborhood. For me to take up every square foot that you would give us is not the direction we are going in. There are many homes in our area that we agree that do not fit the neighborhood and that is not what we are looking to do.

Mr. Dornbierer: Are you going to sell off that lot?



Mr. Switzer: There has been no decision made yet other than wanting to build a home when we are ready to build a home.

Mr. Dornbierer: If you are building that home, are you going to own that lot? If that lot is sold off to a developer, what say do you have over what they are going to develop.

Mr. Switzer: We don't.

Mr. Dornbierer: It would be my recommendation that we hold off and would like to see what exactly is being proposed. If you have a builder who is interested, it would be very beneficial to see what we are potentially approving.

Mr. Sullivan: Is there anyway the board would reconsider that knowing what the Mayor has told us with the time limit with the pavement and also this was brought forth to the town a year ago in June.

Mr. Dornbierer: If the application was not ready to be heard and there were extenuating issues with the lot that does not impact this board. That is a matter of completeness, and we have no control over that. That is worked out with the professionals with legal requirements. In terms with the situation of the paving, that is out of our control. I do not want to potentially create an issue on that lot just to want to not having to abide by the requirement to repave. There is nothing that you can do once that lot is sold based on what type of house is put there.

Mr. Sullivan: This was filed in June the board would have 45 days to deem it complete or not. That was not done. I don't think the first report was issued on this case until December of 2021. I understand there was something through the administration, but still this board has the obligation to deem that application complete or not and if it is incomplete to list the reasons for that. And that is part of what puts us in this position now with the moratorium. Should we have to wait longer, there is a good chance that they will not meet that moratorium.

Mr. Collins: Just a response to the time issue that has been raised by council, from the boards perspective. The reason why this application from my perspective has been delayed was the ordinance that the chairman had referenced earlier with respect to second lot that has merged into the singular lot that is being asked to be sub divided. At the time that the board acted, governing body, in the 2000's to selling off the portion of land to the applicants. There was a resolution that was passed by the governing body that indicated something about not further subdividing the property. And the legal issue that had to be researched by myself, the municipal attorney and other parties was whether or not that bound this application. Ultimate determination was that it was not contained within the deed. The board in good faith was looking into the legal issues and if there were any delays in attempt by the applicant to seek judicial redress because of the time that was taken to get this application to the board today. I would note that it was done in good faith to the subdivision issue.

Mr. Dornbierer: Stated it was 10:30 pm. Time to adjourn. It would be my recommendation to carry this over and get to see some elevations of what will actually be built there. Do I have the consensus of the board on that. Yay or nay.

Mr. Gordon: Stated he doesn't think it is necessary.

Mayor Cilento: Nay.



Mr. Dornbierer: 2 Nays.

Mr. Gordon: Willing to make a motion to approve without the elevation and architectural drawings and approving the variance and plan as is.

Mr. Collins: Do you want me to read the conditions?

Mr. Sullivan: Not asking for that motion. Should be whether or not the board will be willing to proceed to a vote tonight with or without the architectural drawings. It is directional vote. I have two members that say they don't need the elevations, but the rest say that we do. I am fine with you taking a vote on that particular issue, otherwise we will have to get the plans together.

Mr. D'Amico: This is not a historic district where we can have specific things that we go by. Strictly our opinion whether or not this is aesthetic.

Mr. Collins: I do think the board should take it into consideration that our inquiry here is whether or not the applicant meets the C1 or C2 criteria. Our job is to take the facts that are presented and apply them to the law in this case which is the C1 and C2 criteria. Reasonable conditions can be opposed at the same time things that are strictly aesthetic are more addressed to historic preservation district or under redevelopment plan.

Mr. Dornbierer: For instance, the structure goes up and the two-car garage is attached, you now have a big wide garage door on structure. Is the door on the garage one big wide or are they separated with individual doors? It is things like that; therefore I would want to see the drawings. What I have seen go up in residential areas is not what necessarily fits those areas.

Mr. Collins: Any board members have any direction formal or informal if they want to make a motion to carry this application over. This is up to the discretion of the board.

Mayor Cilento: Do we have to choose between C1 or C2 or does it both have to be together?

Mr. Collins: If a motion for relief is granted, it could be either or both. Based upon whatever relief the board members believe. C2 requires a deviation from the zoning ordinance requirements. Benefits of this would definitely outweigh the detriments.

Mr. Dornbierer: Do we want to proceed requiring the elevation drawings?

Mr. Collins: I would suggest a motion whichever direction we are going in. To be carried over or to approve as it.

Mr. Sullivan: I think the motion would simply be does the board want us to provide floor plans and elevations. If the answer is yes, we will come back and provide those. And if the answer is no, then perhaps we can move to a vote this evening. One of the things that I do up here is not only advocate for my client but at the same time I am not going to forsake my own creditability before this and any other board. I recognize that if this board wants to see those elevations that they certainly have a right to tell us that.

Mr. Dornbierer: Do we have a motion requiring elevation drawings?

	Motion	Second	Yes	No	Abstain
Tom D'Amico			x		

Adam Gordon				x	
Theresa Ratner			x		
Barbara Seif	x		x		
Erik Walker		x	x		
Christopher Brillante (Alternate # 2)				x	
Councilwoman Rios				x	
Mayor Cilento				x	
Chairman- Roger Dornbierer			x		

Mr. Dornbierer: 5 Yes and 4 No. We do need to see those and could you have them ready for the next meeting.

Mr. Sullivan: This matter will be carried to the next meeting, which is?

Mr. Dornbierer: May 23. No further notice is required.

Mr. Sullivan: Thank you all very much and for listening to me on both applications tonight.

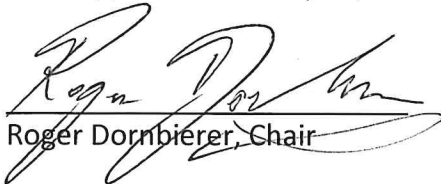
Mr. Dornbierer: Is there any board member comments?

Mayor Cilento: My only comment would be just for the record that if we are going to have these standards then something has to be addressed with the board on future applications.

Mr. Dornbierer: Agreed. There were no more comments from the board. Opened the floor up to the members of the public. None present. Motion to adjourn Mayor Cilento and seconded by Councilwoman Rios.

Meeting ended: 10:28 pm.

Minutes Approved: January 23, 2023

  
Roger Dornbierer, Chair

  
Cherron Rountree, Board  
Secretary