

Borough of Dunellen
Planning Board
355 North Avenue, Dunellen, New Jersey 08812

Meeting Minutes
Planning Board Meeting
May 24, 2021

Call to Order:

Mr. Dornbierer called the virtual zoom meeting to order at 7:00 PM.

Statement of Compliance:

Mr. Dornbierer read the Statement of Compliance adopted by the board in January of 2021.

Roll Call:	Present	Absent
Ken Bayer	X	
Jason Cilento (Mayor)	X	
Tom D'Amico		X
Adam Gordon		X
Michael Mullin	X	
Stacey Narvesen	X	
Theresa Ratner	X	
Barbara Seif	X	
Chairman- Roger Dornbierer	X	
Julie Grof (Alternate)	X	
Robert Krause(2 nd Alternate)	X	

Approval of Minutes: a motion was made by Ms. Ratner to approve the minutes of the 4/26/21 meeting and was seconded by Ms. Seif.

	<u>YEA</u>	<u>NEY</u>	<u>ABSTAIN</u>
Kenneth Bayer			X
Jason Cilento (Mayor)	X		
Michael Mullin			X
Stacey Narvesen	X		
Theresa Ratner	X		
Barbara Seif	X		
Chairman- Roger Dornbierer	X		
Julie Grof (Alternate)			X
Robert Krause (2 nd Alternate)			X

The 4/26/21 Minutes have been approved.

Old Business:

Mr. Dornbierer asked Mr. Moench to discuss any old business, for the record he thought that the board should vote on two applications, which are technically new business: 370-372 North Ave, and 390 North Avenue. The applicant has noticed these meetings but our staff is still working on the reports. He proposed to carry these two to the June 28th meeting.

A motion was made by Ms. Seif to delay discussion of these two applications to the next meeting on June 28th and was seconded by Mayor Cilento.

	<u>YEA</u>	<u>NEY</u>	<u>ABSTAIN</u>
Kenneth Bayer	X		
Jason Cilento (Mayor)	X		
Michael Mullin	X		
Stacey Narvesen	X		
Theresa Ratner	X		
Barbara Seif	X		
Chairman- Roger Dornbierer	X		
Julie Grof (Alternate)	X		
Robert Krause (2 nd Alternate)	X		

Mr. Moench- mentioned that alternates are able to vote if regular members are missing.

New Business:

Mr. Dornbierer- announced that they were going to skip the presentation of Chelsea Builders, LLC at the moment and go into the presentation of Gabe Bailer- DMR Architects, and the modifications to the Redevelopment Plan.

Mr. Dornbierer -gave control of the screen to Mr. Bailer.

Mr. Bailer-proposed amendments to the Redevelopment plan were discussed. Amendments were made and he presented them to the board. He then answered any questions from the board.

Mr. Bayer- questioned the charging stations requirement. He thought that there should be a minimum of one at all developments.

Mr. Dornbierer- agreed that that should be in the comments.

Mr. Krause- also agreed about the electric charging stations.

Mr. Krause- questioned the parking, no right for any eminent domain?

Mr. Moench- did not know the answer to that and would have to check into it.

Mr. Krause- where do we find parking in the future without acquisition of some land?

Mr. Dornbierer-duly noted. Redevelopment committee will have to look into.

Mr. Dornbierer- asked for any other questions. – None.

There was discussion of the pay in lieu of parking fee structure.
No more questions.

Mr. Dornbierer asked Mr. Moench if a vote was needed.

Mr. Moench- stated that it was not necessary but could be provided.

Ms. Ratner made a motion that the proposed amendments are consistent with the master plan and this was seconded by Mr. Bayer.

	<u>YEA</u>	<u>NEY</u>	<u>ABSTAIN</u>
Kenneth Bayer	X		
Jason Cilento (Mayor)	X		
Michael Mullin	X		
Stacey Narvesen	X		
Theresa Ratner	X		
Barbara Seif	X		
Chairman- Roger Dornbierer	X		
Julie Grof (Alternate)	X		
Robert Krause (2 nd Alternate)	X		

Mr. Dornbierer then went back to the agenda to continue the meeting.
he thanked Mr. Bailer and then went back to the new business.

1. Chelsea Builders, LLC
440 North Avenue
Block 33 Lot 18
Application # PB20-03

Mr. Dornbierer asked who was representing the Builders.

Mr. Paparo – announced that he was representing Chelsea Builders, LLC and went on to describe the application and development of a three story building with mixed use. He announced who the witnesses would be for the presentation.

Mr. Moench- interrupted the presentation by Mr. Paparo for a housekeeping note. He stated that this was a D variance because of the waiver. As a result of that the board was acting as a zoning board. Two implications- mayor, council, class 1 2 and 3 cannot sit as zoning board. Because we have 2 absences, that gives us 6 other folks eligible to vote.

Mr. Paparo- agreed to go ahead with the presentation.

Mr. Moench- the non zoning board members must step down as members of the public. Mayor, Councilwoman Narvesen and Mr. Mullin.

Mr. Paparo- in the event that we conclude our presentation- who makes the decision to carry over the vote to the next meeting?

Mr. Moench- the board could decide they want to hear the presentation and not vote on it tonight also.

Mr. Dornbierer- reminder; rules and regulations state that all testimony must be done before 10 pm.

Mr. Dornbierer- we will see how everything proceeds.

First order of business: First application itself then waiver requests.

Mr. Paparo- in order to do that, he called Mr. Joshua Kline, Engineer to go thru the submission waivers and the justification as to why we are requesting the board to grant those waivers.

Mr. Dornbierer- asked Mr. Bailer if he had a copy of the application to put on the screen but he did not have one.

Mr. Paparo- stated that the waivers would be on the CME report from March 2, 2021

Mr. Moench- swore in Mr. Joshua Kline, Engineer with Stonefield Engineer Design.

Mr. Kline- stated his affiliation with Stonefield Engineer Design and his licenses in good standing.

Mr. Dornbierer- asked if he has appeared in front of other boards before.

Mr. Kline- stated his experience in land development and his appearances.

Mr. Dornbierer- accepted his credentials.

Mr. Kline- referred to the CME report on March 2, 2021 and went over the waivers and engineering review.

Mr. Paparo- directed him through the report to go over.

Mr. Kline- went through the whole report for all waivers requested.

Mr. Ploskonka- announced to the board that they (CME) would have no objection to the waiver requests as per the testimony.

Mr. Dornbierer- asked Mr. Moench if we needed an official motion, and he agreed that you can't go wrong.

Mr. Dornbierer asked for a motion to grant the waiver requests.

A motion was made to grant the waiver requests by Mr. Bayer and seconded by Ms. Ratner.

	YEA	NEY	ABSTAIN
Kenneth Bayer	X		
Theresa Ratner	X		
Barbara Seif	X		
Chairman- Roger Dornbierer	X		
Julie Grof (Alternate)	X		
Robert Krause (2 nd Alternate)	X		

Mr. Dornbierer gave the floor to Mr. Paparo to proceed.

Mr. Paparo- presented a housekeeping item that he wanted on the record- He wanted the fact that the applicant appeared before the Mayor and Council to make a presentation which was done back in March to demonstrate that the project was consistent with the redevelopment plan. Mr. Paparo asked Mr. Klein to share his site plan on the screen so that the board and public could follow the presentation.

Mr. Klein- went through the site plan page by page describing the site as it is and what it will become.

Mr. Dornbierer- asked Mr. Klein a question- do you know what the current set back is?

Mr. Klein- stated that it is 20 feet from the property line.

Mr. Dornbierer- Just to note, one of the items not officially part of the development plan as of yet that was discussed tonight, in terms of standards, was a set back and again it's not officially adopted as of yet, but he suggested that they look into that set back standard.

Mr. Klein- stated that there is sufficient setback in their plans. Adequate frontage and adequate space between the curb line and the plans.

Mr. Dornbierer- Ok, he thanked Mr. Klein.

Mr. Klein- continued on-going through the site plans.

Mr. Dornbierer- had some questions about the plantings in the back for maintenance. Also spoke of the shared drive or shared parking with the other lot.

Mr. Klein continued with the site plan descriptions.

Mr. Paparo- spoke about the O&M manual which sets forth the developers obligations to routinely maintain and repair and manage that system.

Mr. Klein- agreed with him.

Mr. Ploskonka-spoke about the easement requirement.

Mr. Krause- asked about any scheduled reviews?

Mr. Ploskonka- answered his question about the records that are kept.

Mr. Paparo- was not aware of an easement requirement. He stated that he would look into it with Mr. Ploskonka.

Mr. Dornbierer- asked Mr. Moench if he had any comment at this time.

Mr. Moench- He stated that he couldn't speak of the ordinance at this time, but he agreed with Mr. Paparo, about access to the building in emergency.

Mr. Paparo- stated that this is a redevelopment and he would not have any objection to working with Mr. Ploskonka to put some language into the redevelopment agreement that would confirm the boroughs access rights. That is certainly another vehicle to protect the borough in such a situation.

Mr. Dornbierer- you will work with Mr. Ploskonka?

Mr. Paparo- yes, absolutely.

Mr. Moench- said that it would make a lot of sense for this type of application for this issue.

Mr. Dornbierer- asked Mr. Ploskonka if he had any other comments.

Mr. Ploskonka- sounds like a good idea.

Mr. Paparo- asked Mr. Klein about utilities

Mr. Klein- went through the plans for the utilities.

Mr. Paparo- asked Mr. Klein about the deviations on the plans.

Mr. Klein- went over the deviations on the plans with the board.
Any plan related comments can be addressed as a conditional approval.

Mr. Paparo- asked about the Middlesex County Planning Board approving the project already, any other outside agencies issued a letter of no interest for the driveway?

Mr. Klein- we received a letter of no interest from the DOT. Soil conservation district plan certification for the improvements, also received will serve letters from PSEG for the gas and electric service; MCUA for the sewer service as well as American water for the water service.

Mr. Paparo- no further questions for Mr. Klein at this time.

Mr. Dornbierer- opened up to the board for any questions.

No questions at this time.

Mr. Dornbierer- he opened it up to the public for questions.

Public: Mr. Anthony Rutunno, Esquire. Address: 170 Rt. 31, Flemington, NJ 08822. He represents the adjoining property owner with the easement. My clients concern focuses on the parking and the easement of the shared driveway. He went over the plan where it shows an ADA parking space.

Mr. Klein- there is an ADA parking space as well as a four foot isle associated with the application.

Mr. Anthony Rutunno- did you take into account the maneuverability of an ADA compliant van getting in and out of a 12 foot wide easement?

Mr. Klein- so a 12 foot wide for one way access, is more than adequate for an ADA vehicle to access the site.

Mr. Anthony Rutunno- asked about the turning radius getting around the bollard depicted on the plans.

Mr. Klein- answered his question about the sign bollard at the end of the ADA space, and they would not interfere with access.

Mr. Anthony Rutunno- asked about pedestrian access.

Mr. Klein- answered his questions about access and shared easement. There is room for a pedestrian and vehicle to pass.

Mr. Rutunno- asked about the lighting size and locations.

Mr. Klein- answered m by stating he would have to pull up the architectural plans to answer.

Mr. Rutunno- asked about the parking spaces encroaching on the easement.

Mr. Klein- there is a space that does encroach on the easement.

Mr. Rutunno- asked about the closing off the easement during the construction.

Mr. Klein- stated that there was no intent to close the access during the construction.

Mr. Rutunno-will my client be able to use the easement during the construction.

Mr. Klein- all work and construction is on the applicants' property and will maintain access to the adjacent property during the construction.

Mr. Rutunno- Mr. Chairman, I have no further questions for Mr. Klein.

Mr. Dornbierer- are any other members of the public present?

None

Mr. Paparo- our next witness is the project architect Mr. Marcille.

Mr. Moench- swore in Mr. Marcille – architect at his own practice located at 505 Main Street in Metuchen, NJ.

Mr. Paparo-asked that Mr. Marcille bring up his architectural plans for the meeting.

Mr. Marcille- brought up his plans for the board to follow along, plans dated 10/10/20.

Mr. Paparo- asked him to take them through the ground floor plan and then the 2nd and 3rd floor.

Mr. Marcille- described the plans to the group in detail.

Mr. Paparo asked about the utilities where they will be located.

Mr. Marcille- answered his questions.

Mr. Marcille- continued his description of the plans and the front elevation to the group.

Mr. Paparo- asked if he designed this building while paying attention of the Downtown Dunellen Redevelopment Plan. And if the bottom floor apartment was ADA accessible.

Mr. Marcille- stated that he followed the plan and yes the bottom floor apartment was to ADA standards.

Mr. Paparo- stated that he had no further questions for Mr. Marcille.

Mr. Dornbierer- asked for board questions.

Mr. Krause- had questions about the HVAC systems, asked about venting of the HVAC.

Mr. Marcille- Magic Pack makes a unit that has a 29 inch vent the M series unit. Look of a shutter under a window, we are proposing a fixed windows above the magic pack vents.

Mr. Krause- asked about decorative vents and fixed windows.

Mr. Marcille- answered his questions.

Mr. Krause- asked about the commercial space having use of the utility room with some adjustments.

Mr. Marcille- answered his questions to his satisfaction.

Ms. Grof- asked about pedestrian circulation, do the residents of the building need to walk down the easement in order to access North Avenue?

Mr. Marcille-Yes they do.

Mr. Krause- any thought of giving that side another foot?

Mr. Marcille- to be honest we thought it would be enough space, we could narrow the building slightly, we are just under 800 sq ft per apartment, about as compact as we could make it. I feel comfortable with the width of the easement in terms of a car going by and a pedestrian.

Mr. Paparo- is there an opportunity to provide the residents access directly to North Avenue, without walking outside, maybe a corridor inside the building?

Mr. Marcille-We could redesign the ground floor, along the right side of the building, create an access corridor.

Mr. Dornbierer- would the addition of the door throw off the symmetry of the facade?

Mr. Marcille- in the front, yes, but because we have sort of a tower element in the front, I think that we could create sort of a residential entrance, probably push it in a bit.

Mr. Dornbierer- asked Mr. Paparo about the applicant having to agree to all the changes to the plans.

Mr. Paparo- at some point tonight the builders representative could be sworn in and discuss the changes and opinion to accommodate the changes.

Mr. Moench- one thought; I saw a building recently that had a parking lot in back with a walkway strip- a foot or two, you don't want to encourage people to walk alongside the building – a designated walkway – without changing the front of the building.

Mr. Bayer- this would not be for the residents, they would use the rear door to enter the building. So the situation would not be all the time, it wouldn't be the residents.

Mr. Marcille- parking in the back is intended for the residents use; most likely they will park in the back and go in the back door. It's not going to be parking for the commercial space that is my understanding.

Mr. Moench- if a resident was sitting in their apartment now and wanted to go out how would they get out right now?

Mr. Marcille- that is correct, they would need to go out the back and use the walkway to the front to get out to the front.

Mr. Krause- is one door fine or do you need two doors?

Mr. Marcille- when a building has three stories and fully sprinkled there is only one exit requirement in conformance with code. Agrees with the comments and thinks the ground floor plan should be adjusted.

Mr. Moench- could it be possible to have a door enough room of the left side, to have a door there so you don't ruin the facade?

Mr. Marcille- he would refer to the engineer about these issues.

Mr. Krause- on the floor plan you have a car and a recess there, perfect place for a door.

Mr. Marcille- I like that idea, we could definitely make that work.

Mr. Dornbierer- board members any other questions? Is the intent to design the ground floor unit with ADA compliant with ADA sink levels etc?

Mr. Marcille-it will be ADA compliant- we will construct the space as an adaptable apartment.

Mr. Dornbierer- how is the recycling and waste going to be accessed to be removed.

Mr. Marcille- the containers for waste and recycling will be handled the same. I would defer to the applicant.

Mr. Dornbierer- one item strongly encouraged is architectural lighting. How receptive is the applicant to include architectural lighting.

Mr. Marcille- would be receptive to that.

Mr. Dornbierer- some sort of delineation of a foot path, columns or barrier something painted or stripping that denotes pedestrian. The side entrance is very favorable.

Mr. Paparo we can circle back about the lighting question

Mr. Dornbierer- asked Mr. Ploskonka about the lighting in the area in question.

Mr. Ploskonka- said that he believed that the lighting was completed in the area.

Mr. Ploskonka asked about the garbage room, if it was only for the residential units. Is there potential for a restaurant use in this space? Would the refuse from that be put into the garbage room?

Mr. Marcille- answered that it would be but he would recommend frequent pick ups in that case.

Mr. Ploskonka- is there any rooftop mechanical proposed.

Mr. Marcille- there will be two, one for the commercial space and one for the ground floor common area. They will be towards the back part of the building, should not be visible. If required, we will screen them.

Mr. Ploskonka-do you anticipate any building mounted signage?
Would it be the intention to meet the sign ordinance in town?

Mr. Marcille- on the sign board or the awning. Yes to the sign ordinance.

Mr. Ploskonka- lastly, if there were a restaurant in the building has there been any review of whether or not the front area would accommodate outdoor seating?

Mr. Marcille- not to my knowledge.

Mr. Dornbierer- in the beginning I asked if there would be sufficient set back to accommodate outdoor dining.

Mr. Marcille- I don't know if we have enough space for outdoor dining. He deferred this subject to the engineer Mr. Klein.

Mr. Paparo- stated that Mr. Seckler as the engineer and traffic consultant could certainly speak of the distance there is and if there is an opportunity to increase that distance to accommodate a table or two for food use. Please let's have Mr. Seckler speak to that if Mr. Klein does not return.

Mr. Dornbierer- any other questions?

Mr. Klein- asked if the ground floor was not being proposed, would the building be ADA compliant?

Mr. Marcille- No

Ms. Groff- where is the entrance to the ground floor apartment?

Mr. Marcille- in the rear of the building.

Ms. Groff- and those double doors in the front are for the commercial unit?

Mr. Marcille- Yes.

Mr. Dornbierer- any other questions from the board before I open it up to the public? None, so he opened the floor to the public.

Mr. Rutunno- asked if there was a private garbage hauler; if there was a restaurant it would be more frequently; and if the location of the garbage area would have to be accessed through the common easement and into the parking area. That would be at least one time a day; the garbage truck would be a pretty sizable vehicle?

Mr. Marcille- tried to answer but Mr. Paparo stopped the answer to correct Mr. Rutunno. He asked Mr. Rutunno to rephrase his question.

Mr. Rutunno- with this size apartment how frequently would the garbage need to be picked up?

Mr. Marcille- I don't know the answer specifically.

Mr. Rutunno- I believe there was a suggestion of a side entrance to be installed. To be ADA compliant what type of turning radius would have to be on the outside of the building for a person in a wheelchair?

Mr. Marcille- 5 feet, we would increase the recess to 5 feet.

Mr. Rutunno- continued to ask questions about the ADA requirements and changes to the building.

Mr. Marcille- answered his questions to his satisfaction.

Mr. Dornbierer- asked if there were any other questions from the public. There were none so he thanked Mr. Marcille.

Mr. Moench- asked for a 2 minute break.

Mr. Dornbierer- suggested 5 minutes and a break was taken.

After 5 minutes the meeting was resumed.

Mr. Dornbierer- asked Mr. Paparo how many more witnesses had to testify.

Mr. Paparo- introduced Mr. Mathew Seckler- the final witness, professional engineer and planner.

Mr. Moench- swore in Mr. Seckler

Mr. Paparo- asked Mr. Seckler to introduce himself and his credentials.

Mr. Seckler- introduced himself as a principal at Stonefield Engineering Design, located at 92 Park Ave, Rutherford, NJ. He continued with all of his credentials.

Mr. Dornbierer- accepted his credentials.

Mr. Paparo- as part of the application, he asked Mr. Seckler to discuss parking and traffic assessment report and the deviations requested.

Mr. Seckler- stated that this site was designed not to generate a significant amount of traffic on the roadway network. The report was generated on September 9, 2020; included in the report was described the area around the site. He talked about the flow of traffic and this site being a very low trip generator well suited and well connected to multiple means of transportation.

Nine parking sites in the rear would be for the residents and commercial parking on the street. Limiting the traffic alongside the building to the residents.

Mr. Paparo-before we get into planning- he asked about the street light in the vicinity.

Mr. Seckler- the existing light is just to the east of the property line, existing decorative light. He spoke about the Streetscape; we are proposing a bench, existing street tree, paver band, missing pavers, replace, parking for one or two bikes.

Mr. Paparo- asked about the building setback.

Mr. Seckler- spoke about what could be done to make more room in the front of the building. Even if shifted back he does not think there would be enough room for tables.

Mr. Paparo- Thanked Mr. Seckler.

Mr. Dornbierer- wanted to know what the size of a regular table would be.

Mr. Seckler- assumed a table for two, 2 ½ to 3 feet.

Mr. Dornbierer- asked Mr. Plonskonka about the lighting that must be provided.

Mr. Plonskonka- stated the requirement and stated that this building would not have to provide a decorative light.

Mr. Paparo- asked Mr. Seckler to describe the deviations requested.

Mr. Seckler- described the deviations requested and the proposed amendments. He thinks that the nine units are appropriate for this site. He continued to cover all the deviations requested.

Mr. Paparo- stated that he had no other question for Mr. Seckler.

Mr. Dornbierer- any board member questions?

Mr. Krause- The benches on the street have been designed without back. A back on this bench could be enough for people to sit and eat if they wish.

Mr. Seckler- regarding bringing benches with backs, we could bring them back.

Ms. Seif- do you have any idea what the setback is on the tropical food store. And also on the other side of quick chek, what are the setbacks on the other two buildings. Is this building in line with these buildings or further out to the street?

Mr. Seckler- shared his screen so that the Board could see the setbacks on the properties around the site plan.

Ms. Seif- thought it would look better if it was in line with the other buildings.

Mr. Seckler- we have no objection if that's the pleasure of the board. To push back two feet.

Mr. Bayer- so that would leave the other building sticking out one or two feet.

Mr. Dornbierer- believes that the intention of the council is to modify and encourage the increase in the setbacks. Mr. Dornbierer asked if any other board members had an opinion on the matter.

Mr. Krause- agreed to the changes. Talked about the plantings on the property.

Mr. Dornbierer- asked for other opinions, and the board members agreed on pushing the building back at least two feet.

Ms. Ratner- spoke about garbage receptacle on the property.

Mr. Seckler- if the board wants a receptacle they will try to find a place to put it.

Mr. Dornbierer- the redevelopment agency borough council is very much encouraging eating establishments.

Mr. Paparo- would like to go on record that a deviation be requested to not have the building on the property line but slide the building back.

Mr. Seckler- spoke about the landscaping shrinking because of sliding the building back.

Mr. Dornbierer- I think the board fully understands that.

Ms. Groff- had a question about the parking and traffic assessment. At peak there are four trips per hour, just counting residential; any deliveries or trash that would increase the trips or the property that shares the driveway?

Mr. Seckler- adjoining development, just looking at the size of their parking lot, may have 3 or 4 customers or employees arriving at a time. The busiest time may be 7 or 8 cars an hour; that is an approximation because we have not been able to do the requisite counts because of Covid. The majority of deliveries or trash pick up typically occurs during off peak hours.

Ms. Groff- my concern is with the density and then the shared driveway and the amount of traffic that would go in and out and the people having to walk along that driveway as well , I think that is concerning.

Mr. Seckler- to answer the question, I think this board has gone through a good redesign with the architect to remedy the pedestrian concerns, whether it becomes a striped path or the side door addition.

Mr. Dornbierer- asked if there were any other questions.

Mr. Moench- asked a legal question; are you in any DOT right of ways with regard to the improvements?

Mr. Seckler- we have a letter of no interest from the DOT for the driveway access. When it comes to the streetscape improvements, we are required to file a highway occupancy permit, for any general work in right of way. We have currently filed for that.

Mr. Moench- asked Mr. Paparo if the client would be willing to comply with whatever needs to be done to comply with the DOT requirements.

Mr. Paparo- we can address that issue up front this time. I'm sure we can definitely agree to the conditions as you framed it. DOT approval of improvements would not hold up the project as long as we are pursuing it diligently and if denied we come up with an alternate solution, I am in agreement with your understanding.

Mr. Moench- we saw this on a Communipaw application in the fall, where DOT was holding it up; they needed to meet our conditions which required the DOT conditions. The last meeting or the one prior to that we amended the prior approvals for purpose of allowing them to proceed pending DOT approval. That is the issue I raised here and I recommend that we do that again to the extent that the application is approved.

Mr. Dornbierer- asked for any other questions.

Mr. Ploskonka- asked Mr. Seckler, with regards to the streetscape, we suggest that a certified tree expert be hired to evaluate the street tree, and recommend treatment or if need be replace that tree. Would your client be agreeable to that?

Mr. Seckler- yes they would be agreeable to that.

Mr. Ploskonka- with regards to some traffic issues, can you explain how loading will be handled for the building?

Mr. Seckler- in terms of the occasional move in –move out loading-being that there are 9 units- there is limited turnover of tenants – depending on the type of vehicle either would park within a stall or likely would end up loading within the rear drive up aisle. In terms of the retail tenant I think it we would not have any tractor trailer on the site; retail delivers would likely happen on the street.

Mr. Ploskonka- can you speak of the adequacy of the driveway that is shared with the neighbor.

Mr. Seckler- the driveway width at its narrowest point is about 11 ½ feet; what I really compare it to is an old style alley design; alley in the rear with a minimum width maybe a little narrower than your standard driveway. Benefit from the applicants' point of view is that they are looking at only having residential traffic in the rear of the site. A lot of similar designs on North Ave. and this is what we are maintaining here.

Mr. Ploskonka- how would you communicate that to the commercial store patrons that they are not to go in the back?

Mr. Seckler- some of that requires some discussion with our neighbor to the west, because I don't want to put a sign up that says residential traffic only, because I believe that the adjoining property does have commercial traffic. I'm thinking there should be some kind of guidance sign, but it may have to say we may need to work it out with our neighbor to the west.

Ms. Ratner- is that something that could be worked out in the lease? As lease agreements with the commercial tenant?

Mr. Seckler- the commercial tenant, we will not be providing any parking in the rear, I think it more of a customer who's unaware. We don't want to scare away any customers for our neighbor to the west because they use that aisle for their customers. I think it would likely require some legal cooperation between both parties to come up with the right language.

Mr. Ploskonka- have emergency services been consulted with regard to access to the rear?

Mr. Seckler- Mr. Paparo, I think we did provide to the fire department I don't think they have a desire to go back there to fight a fire.

Mr. Paparo- just to be clear for the record, the submission was made; we have not received formal comments from the fire department. I'm guessing that because the building is fully sprinkled I'm guessing that the fire department would be supportive of from their perspective.

Mr. Seckler- that is my assumption as well.

Mr. Ploskonka- thank you.

Mr. Dornbierer- if there is nothing that would prevent emergency services from having to utilize the Quick Chek parking lot. They are not prevented from using the parking lot are they?

Mr. Seckler- my understanding is that any emergency service is allowed onto any private property to support another private property. Also in front of our site we do have a fire hydrant, I imagine that would also be of service to the fire department.

Mr. Dornbierer- any other questions?

Ms. Seif- how wide is an ambulance?

Mr. Seckler- three different styles of ambulances, 6- 7½ foot range and would have no problem accessing the rear of the site.

Mr. Bailer-is it your testimony that a vehicle cannot ingress and egress at the same time in the driveway.

Mr. Seckler- it would be difficult for them to ingress and egress at the same time, from the driveway itself its a little bit wider than the pinch point, the pinch point occurs about halfway up the isle, so depending on the turning templates there may be an opportunity for the vehicles to pass each other at the very end, but there is a pinch point at 11½ feet where only one vehicle would be able to get past.

Mr. Bailer- so possibly one vehicle would have to back up it that situation where to occur.

Mr. Seckler- yes and again its actually fairly close to the rear structure of our adjoining neighbor where it pinches down so if a vehicle would have to back up it would be one car length for a vehicle to get around. We could look into putting up some sort of signage that says yield to incoming vehicle so that the vehicles coming in have the right of way.

Mr. Dornbierer- anyone else with questions?

No questions from the Board. So Mr. Dornbierer moved to the members of the public for questions.

Mr. Rutunno- asked Mr. Seckler as he refers to the plan –the overall goal that the retail area become walk able. A pedestrian that has to traverse the common driveway with vehicle traffic, what does a pedestrian need to do to ensure their safety while traversing that common driveway?

Mr. Seckler- some of that discussion was made earlier, thanks to some of the comments that board members may have raised is that having it so that the pedestrians that utilize or live in this site would only have to traverse the property the last 15 feet or so to get to the public right of way. The fact that we do not need the pedestrians walk the entire length of property would be a huge benefit or redesign if we do that kind of internal corridor. We could provide some striping or marked area for the last 15 feet or so.

Mr. Rutunno- what would the commercial clients of the neighboring building who walk the entire length of the building from back to front to get into their office. What do they do?

Mr. Seckler- I imagine they would do whatever they do today.

Mr. Paparo- I would like to put on the record the easement agreement was included with the application. Mr. Rutunno seems to be suggesting that there is a use restriction in the easement, there is no use restriction in the easement, no limitation of what can be done. So for purposes of Mr. Rutunnos' questioning of Mr. Seckler, if it has to go to intensity, I'm going to object because that is irrelevant for the easement agreement as it is currently drafted.

Mr. Rutunno- Mr. Paparo you are going up the wrong alley, no pun intended. That's not where I was going. So you indicated that because there are 8 parking spaces now that you would only be adding one. How many of those spaces are utilized on a daily basis?

Mr. Seckler- I do not know how many are utilized on a daily basis, but I do know that it could support eight cars on our site.

Mr. Rutunno- has it ever has eight cars parked there?

Mr. Seckler- I'm not sure one way or the other. I don't know how this site typically operated in the past but it obviously had the ability to park eight cars or had the requirement to park eight cars.

Mr. Rutunno- would an ADA vehicle in order to back out of the space and perform a maneuver to exit via the common easement; they would have to encroach upon my clients' property beyond the limit of the easement? Wouldn't they?

Mr. Seckler- the movement that I'm looking at, an ADA vehicle would back out of the parking space, with the rear to the Quick Chek they are going to pull head first and turn down the cross access aisle. is your concern that the cross access aisle isn't wide enough?

Mr. Rutunno- yes.

Mr. Seckler- I believe that it would be wide enough for an ADA vehicle, but I can't say that I ran that template specifically.

Mr. Rutunno- with regard to the adjoining property owner, you indicated that the fire department would support the application because your property is sprinkled. Do you hold that same opinion for the adjoining building?

Mr. Seckler- I think that the fire department would find the fact that our building is sprinkled to be favorable. I did not speak to whether the fire department has approved this application nor has any comments because we've received none. I don't want to speak on the Fire Departments feeling on your properties site but again I would make the case that the drive aisle as to the buildings set back between your clients' property and ours is nearly unchanged as in terms of the narrowest points. Our building is up against the access easement today and we are proposing it right up against the access easement in the future.

Mr. Rutunno- do you know what kind of business my client is engaged in?

Mr. Seckler- from driving by I believe it was some sort of Tax Services or preparing tax returns I believe based on signage, but I don't know what else goes on inside that building.

Mr. Rutunno- with regards to the traffic movement during tax season would your opinion change about the number of vehicles that would traverse that common easement during that high season.

Mr. Seckler- I would make the case that the current access easement is the same size as it is proposed and your clients' site currently operates with that size easement.

Mr. Rutunno- with regard to the proposed nine units what time of day in your opinion was the high traffic count?

Mr. Seckler- the high traffic count is typically in the evening peak hour so that normally occurs in this area around 5:15 to 6:15 pm, there is also a morning peak hour, in this location it would probably be around 7:45 to 8:45 am.

Mr. Rutunno- in regard to your evening peak hour what was your traffic projection? For your portion?

Mr. Seckler- for our portion, the residential portion would have about four trips, two in and two out.

Mr. Rutunno- that's the evening high point; what's the morning high point?

Mr. Seckler- that would be about three trips. Usually two leaving and one returning. That's within one hour.

Mr. Rutunno- also indicated that the applicant would maintain access through the easement, does that include during the construction period?

Mr. Seckler- During the construction period, I haven't seen the easement, I don't know if the language speaks to any construction is permitted or what notifications need to be provided, obviously there will be a time period where the pipe needs to be installed under the easement. Obviously when that pipe needs to be installed there will have to be some sort of protection around the area. Perhaps it is a property issue in terms of the two property owners to allow for construction. This is more a property owner to property owner use issue than a land use issue.

Mr. Rutunno- what information did you rely upon with regard to where the employees of the commercial property were going to park?

Mr. Seckler- the parking lot on this site is solely for the residential users I believe that this application is exempt from any parking requirements so that I would imagine that any retail employees would have to seek parking on the street or another private lot.

Mr. Rutunno- if the property is moved back off of the lot line how does that impact the site triangle.

Mr. Seckler-the further you move a building back the better the site line would be.

Mr. Rutunno- so would moving your building back from the side lot; would that improve the site line?

Mr. Seckler- any movement back from the property line would be an improvement from the site line prospective.

Mr. Rutunno-So building it to the limit of the easement does impact negatively the site line or the pedestrian public, is that correct?

Mr. Seckler- when you were talking about sliding it one or two feet, I assumed you meant sliding it back to the rear.

Mr. Rutunno- that was the first question, I'm talking about sliding the building east away from the easement.

Mr. Seckler- So, shift everything towards the Quick Chek? As opposed to pushing it back two feet, there is no room to push it to the east; the building is at the property line.

Mr. Dornbierer- gentlemen, we have reached the witching hour, we are at 10:30. Mr. Paparo we'll carry this over to next month and continue the questioning for this expert?

Mr. Paparo- sure, let me just make sure Mr. Seckler is available.

Mr. Seckler- what is the date next month?

Mr. Paparo- June 28th.

Mr. Moench- let me make two brief suggestions, Mr. Rutunno has the right to continue asking questions, but to the extent that Mr. Rutunno is almost done, if he has three or four more questions, I suggest that we finish that up as opposed to stopping him in the middle of his questions if we are close, if he has another half hour of questions, he has the right to do that as long as they are relevant, and in that case we could come back. And the second one would be, if there were still comments and arguments than it would be later. I don't know if some of the changes that were proposed, if Mr. Paparos' clients are going to provide amended plans with some of these changes or what the Board wants in regard to that. Those are my two thoughts.

Mr. Dornbierer- how many more questions do we have?

Mr. Rutunno- I don't have too many more questions, but I do have two witnesses that I want to put on.

Mr. Moench- Mr. Rutunno- you obviously have the right to do that but I would ask in the interim that normally when we have attorneys that are representing objectors certainly they would let us know, so council would be aware of it. We would give you the opportunity to be seen on here as a panelist, and we ask that you provide us the witness list and any exhibits to the extent that you know, so we can properly plan. Right now we have two other applications on for the next meeting, so I would hope between now and the next meeting we could have some discussion between council just regarding planning and what your expectations are going to be.

Mr. Paparo- who are those witnesses?

Mr. Rutunno- Bill Dirosa, the members of Due North and Angela Dirosa

Mr. Moench- and those individuals are just your clients, not experts or planners or engineers.

The first question Mr. Chairman is whether the board would like Mr. Rutunno to continue his questions this evening or just stop and pick up with Mr. Rutunnos' questioning later on.

Mr. Rutunno- I am done with questioning Mr. Seckler

Mr. Moench- well that resolves that issue. I think the next question for Mr. Paparo and the Board in addition to deciding whether we are carrying it to the June meeting the other question is; that we discussed some changes to both the door, the access issue as well as pushing the building back, what does that mean for the open space requirements, site lines etcetera. Mr. Paparo, I don't know if you have thoughts on that and how you want to handle that and present that information to the Board.

Mr. Paparo- I'm guessing; I have to still speak to the client, but in light of what I'll call very positive feedback as far as ideas and suggestions that we received tonight, I think that the applicant is going to want to incorporate those suggestions as the architect stated on the record. Especially for the pedestrian connectivity to North Avenue. I think there have been some good recommendations that I have to imagine my client will want to incorporate to make the project even better than it is. I envision making a resubmission if at the very minimum to address that item to provide an alternative route for residents to North Avenue. So I am expecting to get a new plan submitted, with that being said, it's something I think we can get accomplished before the June 28th meeting and certainly enough time for Mr. Ploskonkas' office to appropriately review it. So they don't seem like substantial revisions but they are important. So I think we are going to follow the guidance of the recommendations Mr. Moench. I do anticipate at the minimum submitting revised architectural plans and also looking into moving the building back.

Mr. Moench- so Mr. Chairman what we may want to do is to carry this to June 28th until that time Mr. Paparo and his folks can work with Mr. Ploskonka with regard to new submissions. And if for whatever reason Mr. Paparo you don't have your stuff in on time and you need more time we will carry it to a new date at the June meeting. That is my suggestion Mr. Chairman.

Mr. Dornbierer-there is also an option of a special meeting also, there are costs.

Mr. Moench- Sure, however we want to handle that that can be done as well. But I think the goal for right now, is to carry this to the June meeting and if everything gets in on time and Mr. Ploskonka has time to review it, recognizing that he cannot be handed something the day before I assume their reports would be as kind if they don't have reasonable notice and we carry it from there. Mr. Rutunno, you indicated the witnesses, unless you are adding anybody; then after we pre-sieve with Mr. Paparos' amended submission, then Mr. Rutunno can present his witnesses and then we can go from there.

Mr. Dornbierer- thank you very much, I don't know if there is sufficient time Mr. Paparo to work with CME regarding at least the preliminary architectural lighting concepts but please include that as well.

Mr. Paparo- before we adjourn for the evening, can we just confirm that Mr. Rutunno and his witnesses are available for the June 28th meeting?

Mr. Rutunno- I have just received a text message that they are both available, and I reserve the right to see if I have an expert, I will get an expert planners report out to everyone in anticipation, I don't know if I will have one or not.

Mr. Moench- that's alright Mr. Rutunno, if you do I would request that you let us know ten days in advance so that everyone is prepared. I think that covers it, to the extent I don't know if you've had conversations or not, if your clients have concerns that can be addressed I would encourage you and Mr. Paparo to speak to see if as they are doing these amended submissions some of the next door neighbors concerns could be taken care of. That's all I have Mr. Chairman.

Mr. Dornbierer- thanked Mr. Paparo and his experts for their time we will carry over. Will all that have given testimony tonight be available for the June meeting?

Mr. Paparo- yes chairman, if there is going to be plan changes those individuals will need to return. If there is any issue I will communicate that to the board secretary.

Mr. Moench- Mr. Paparo do we have any issues with regard to needing extensions granted from your client with regard to the application?

Mr. Paparo- I'll send you a letter agreeing to extend the time period for the Board to act.

Mr. Moench – suggested a vote to be clear, I suggest a motion to carry the application without further notice to June 28th to be added to the calendar for that day.

Mr. Dornbierer- who would like to make the motion to carry the meeting over without further notice?

Ms. Ratner made the motion to carry the meeting over to the June 28th meeting without further notice. And was seconded by Mr. Bayer.

	YEA	NEY	ABSTAIN
Kenneth Bayer	X		
Theresa Ratner	X		
Barbara Seif	X		
Chairman- Roger Dornbierer	X		
Julie Grof (Alternate)	X		
Robert Krause (2 nd Alternate)	X		

Mr. Dornbierer- looking forward to seeing updates and any other ideas you may have.
Mr. Paparo thanked the board for their feedback.

Mr. Dornbierer- board member comments? None

Public Comments:

None

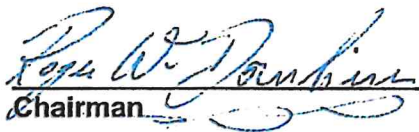
Adjournment:

Mr. Dornbierer- do I have a motion to adjourn?

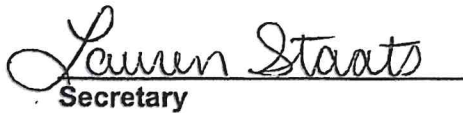
Mr. Bayer- motioned to adjourn, and Ms. Ratner seconded.

Mr. Dornbierer-without objection so ordered, the time is 10:45pm

The meeting was adjourned at 10:45 PM.


Chairman


Date of Approval


Secretary


Recording Secretary