

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

Meeting Minutes
Planning Board Meeting
March 22, 2021

Call to Order:

Mr. Dornbierer called the virtual zoom meeting to order at 7:01 PM.

Statement of Compliance:

Mr. Dornbierer read the Statement of Compliance adopted by the board in January of 2019.

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

Old Business:

No Old Business

New Business:

Mr. Dornbierer- This is the Redevelopment Plan Modification Review- when there are modifications to the Redevelopment Plan, the redevelopment committee –in this case Borough Council will forward on these recommendations to the planning board for advice, consent, and feedback. There are some proposals so I'm going to turn this over to Gabriel Bailer. He is going to walk us through a map and existing plan with line edit changes, proposals.

Mr. Gabriel Bailer-(DMR Architects) - thanked the board and began to show the presentation of the proposed recommendations to the Dunellen Downtown Redevelopment Plan this was adopted in 2016 and since then there has been no amendments. So in our role as Borough Planners we looked at the existing conditions looked at the context of the Redevelopment Plan and we are suggesting these recommendations and it is our opinion that these recommendations will further advance creating the transit orientated development that the Borough has the foundation of doing so. Further create development opportunities within downtown and also develop standards in the Redevelopment Plan that relate to the existing conditions of Downtown Dunellen. He then shared his screen and started going through the proposed Downtown Redevelopment Plans' amendments. He went through each slide and each of the recommendations and the map of the four different areas of the development plan.

Mr. Krause- had questions about Site #1. Site #1 has a gas station, bank and a post office and a vacant lot which are set back further than usual downtown buildings. should anything happen there it may pose a restriction that we don't really want on that lot as well, so maybe that is something to take a look at.

Mr. Bailer- ok, the intent is to create as much sidewalk space as possible. But I understand that certain conditions may not be appropriate for that area. But I wanted to show an example on North Avenue of what this set back means. He then showed a slide of what he was speaking of about the setbacks.

Mr. Cilento- asked about the example and setback.

Mr. Krause- spoke of why he brought up the Site #1 location.

Mr. Bailer- stated that they could recommend 16 feet back for a sidewalk area.

Mr. Dornbierer- asked about the building in the slide and how the setback would be measured.

Mr. Bailer- answered his questions.

Mr. Dornbierer- spoke of a business with outdoor dining, how can that kind of business have a set back further so that they can have the outdoor dining?

Mr. Bailer- measuring would be from the face of the curb.

Mr. Cilento- is there any way to change the language to where it gives the Town the opportunity to negotiate the setback from the frontline?

Mr. Bailer-yeah

Mr. Cilento- spoke of a developer who is going to be developing down towards the Plainfield section of North Ave, and the opportunity for negotiation.

Mr. Bailer- Yeah, I could take a look into it. I agree you want to be flexible. We could look into putting some language that would create more flexibility to the standard in a case by case scenario.

Mr. Krause- spoke of sidewalks in the Downtown area being a little small.

Mr. Bailer- the goal of the area would be 15 feet sidewalks this would create ample space for outside seating, and pedestrian friendly space.

Mr. Krause- is it 8 foot now?

Mr. Bailer- no it is not 8 ft.

Mr. Krause – I'm sorry its 8 ft. clearance overhead.

Mr. Cilento- Asked to have Francis Reiner from DMR to be un-muted.

Mr. Francis Reiner- DMR Architect- explained how the borough wanted to increase the sidewalk width.

Currently between 15 and 16 feet between the curb and existing buildings along most of North Avenue, that is an appropriate and good dimension to provide enough space for outdoor dining and flow of pedestrian traffic. So one of the things we can do is to leave a language at a minimum of 16 ft. for any new development and if you create a minimum of 16 ft it would then give the mayor and council and the redevelopment agency the ability to negotiate if they wanted it to be back further than 16 ft. So maybe the recommendation should be a minimum of 16 ft and then it allows the agency to negotiate the rest of it.

He apologized for jumping into the conversation.

Mr. Krause- Do you think you would eliminate the adjacent property specks then?

Mr. Reiner- Yes I would

Mr. Bailer- I agree with Fran that would be a better recommendation. He then continued to go through the rest of the recommended proposed amendments to the plan, including the parking requirements. He then asked if there were any other questions.

Mr. Krause- \$5000 per deficient parking space? Is that a one time payment?

Mr. Bailer- one time payment of \$5000 as well as monthly payments to the Borough as well.

Mr. Krause- ok, so the monthly payments on top of that. It's a little tricky sometimes, we had in the past allowed a building to be done and tenant parking spaces applied to that with signage that said they were for that tenant building only. You can start eating up valuable parking spaces if that happens. So how would that be handled? And what would be the proximity of those parking spaces to those properties? Have you thought through any of that?

Mr. Reiner- a couple of things with the parking was discussed. Parking usage; lower than what is required from the RSIS standard. Regarding placing parking in adjacent municipal lots, we encourage it to be an open system, meaning that you don't assign one parking space to one user. Lease over the number 15 to 20%. That allows you to over sell the lot and parking starts to pay for it self.

Mr. Krause- asked about resident stickers.

Mr. Reiner- answered his question.

Mr. Krause- outside of the downtown but still within the remainder area there is pressures to do more residential buildings there. They don't have any municipal parking lots there. Do you then say ok that's allowed to be on the street?

Mr. Reiner- we do not recommend residential parking on the street, overnight it starts to impact your retail or commercial. If you are further than 800 to 1200 ft. than you should provide parking on site for residential.

Mr. Krause- not far from the downtown is all single family residential. Generally lots of parking on those streets. Although some people may not want people parking in front of their houses all the time. How do you handle availability of parking?

M. Reiner- I probably don't know enough about that to give you a definitive answer, and he recommended sitting and talking with the planner and BA to understand the parking a little bit better before we make a recommendation in the single residential area.
Mr. Reiner had to leave the meeting.

Mr. Bailer- any other questions?

Mr. Cilento-I think bob brings up a good point of adding in another stakeholder regarding parking which is the parking authority. Maybe you can enlighten us; is opportunity for using onsite parking such as a development project – opportunity for the public to use on site parking during certain hours of time like a public/private share opportunity, or is that what the pilot may be able to address?

Mr. Bailer- there would have to be agreements with the property owner, it could be a possibility. But maybe using some of these funds from the pilot could go to creating more parking spaces or parking opportunities in different locations. Another thing to think about; maybe a developer can provide additional parking spaces and that could be used for other developments around. There are some creative ideas that can be done, but must be in agreement with private developers.

Mr. Bailer- any other questions?

Mr. Krause- agreed with the one bedroom units with one space and so on and so forth, is very good.

Mr. Bailer- this is not just for large scale developments, this is for smaller parcels also.

Mr. Gordon- about the no minimum parking for the ground floor establishments, is there a consideration that if someone buys up a couple of adjacent lots and then makes one mega project that we want to have a cap on that? That 20,000 to 40 or 50 thousand and then anything above that needs to have something? Can you give some backup behind the thought on that and what you see through out your professional experience?

Mr. Bailer-we feel that we don't want to limit development for having the ground floor retail, commercial retail etc. our recommendation is 20,000 square feet and over. If it is a mega project should there be parking requirement for those uses; we could put a cap on it if you feel that it is appropriate but the way it is written right now, it is 20 thousand or over.

Mr. Krause- that's a very good point Adam, doesn't seem like were ever going to get one, like a supermarket or a row of stores, like a set back strip mall. They have to have parking.

Mr. Cilento- Is there opportunity in this one again to change the language were we can negotiate the required parking?

Mr. Bailer- or we could put a cap and some language where it makes it negotiable.

Mr. Krause- I think you want to think through that, it could also be the type of commercial space. Where people want to have the parking right there as a convenience. The planning or zoning board has prerogative over what would be required, some language that would give us the opportunity.

Mr. Bailer- Ok, we will look into that. And update that. Any other comments?

Mr. Krause- is that it for the changes?

Mr. Bailer-Yes those are the recommendations.

Mr. Krause- backup on the first one you had, I had a question. The amount of affordable housing. There is a percentage over if there is an integer that's over 1.4 for instance. They must provide the 1 and a payment in lieu of .4? Or they can do a payment in lieu for everything? How does that work?

Mr. Bailer- they have the option to do a payment in lieu for everything if they do so choose. But the goal of this is to have one onsite affordable unit and the rest is the payment in lieu. The payment in lieu is \$155,000 for one affordable housing unit. This is based on development costs and the affordable housing standards.

Mr. Krause- in that proposed change, it can be for everything or just the integer amount?

Mr. Bailer- it can be for everything.

Mr. Dornbierer- I thought that they could buy out of having to supply any low income housing? I think that was part of the settlement with the county, that not allowed because than everyone would be buying out of it and that was a problem in the past.

Mr. Bailer- let me double check into that.

Mr. Dornbierer- the percentage I could understand, but the obligation no.

Mr. Cilento- I'm going to concur with Roger. Please check.

Mr. Bailer- any other questions or comments?

Mr. Krause- commented on enjoying the opportunity a few weeks ago on the presentation of DMR.

Mr. Cilento- had a question; it's a matter of using the survey and starting to implement those. Am I able to make a recommendation on the redevelopment plan before it goes back to the Council on a different item or are we specifically just allowed to discuss this what you presented?

Mr. Bailer- I mean you as a board member are free to make a recommendation. Is it a different section of the redevelopment plan?

Mr. Cilento- yes its 7.2 basically around the existing uses to be permitted for businesses in our redevelopment area. And, regarding any changes in use or major alterations in structures. How do we prevent an existing used car dealership in the downtown; preventing it to be used as another used car dealership? That's not where we want to go as a town; are we able to meet that amendment within our development plan? And I guess this is potentially a legal question to ask Mr. Moench.

Mr. Moench- so, generally if someone has a use variance or approvals typically that runs with the land. Assuming they are not making any other changes, if they want to expand, then it's a different situation. But typically you can't say, hey seller it's only for you specifically John Smith, but if you don't own this property its no good, you have to come back. When it comes to redevelopment sometimes you have a freer hand, I would suggest that you check with the redevelopment council. You may have a slightly broader hand.

Mr. Dornbierer- So, here's a question, with this example of a used car lot. If it is a change of business I understand, but to what a degree is there a change of business. so if it was a used car lot and a new user comes in and wants to add to the business, does that in essence change the use?

Mr. Moench- yes and it goes back to the resolution – what was permitted and conditions. What was approved?

Mr. Dornbierer- question on unit sizes; including the square footage of balconies. Does that included functioning balconies?

Mr. Bailer- outdoor where they can go outside, and use the balcony.

Mr. Krause- one other thing, a height of three stories? Say there is a development, of housing units over by the Library site and they want more than that? What is the flexibility that we would have for that?

Mr. Bailer- it would have to be an amendment to the Redevelopment Plan. It could be done, but it would have to be an amendment. It could be on a case by case basis.

Mr. Cilento- Bob, sites 1 and 2, are these sites that you would think we could afford to have 4 story buildings?

Mr. Krause- I would think that the library site could possibly have that. Its deep enough and the height is far enough from the neighboring residential that it might work. He spoke of urban planning and design.

Mr. Dornbierer- if I'm a developer, and it says I can build 4 stories, I'm building 4 stories.

Mr. Krause- maybe we leave it at 3.

Mr. Dornbierer- with the understanding that if there is change that you have to go through the amendment process.

Mr. Cilento- you want to fix it now, so it's streamlined now or do we want them to have to come back later on and have to go through the process? That is what it comes down to. Planning board members, what do you think?

Ms. Seif- I think three stories is adequate. And, if they want to build four to come before us with their plans.

Mr. Krause- I think we keep it that way. That will protect us from them saying they will go four stories right up to the neighbors residential property.

Mr. Dornbierer- I do like the concept though; that as things might be approaching an established residential lot, house, that the stories have to taper down, so that you are not looking at a three or four story structure next to single family homes. That's a nice concept.

Mr. Dornbierer discussed some notes about the discussions.

We want to add language allowing the negotiation of set back distances; that was one of the things that were recommended by the board.

Different zones, different set backs.

Mr. Krause- I think clearly from Madison to Washington Ave. along North Ave. that's fairly consistent, there are some exceptions but a rescue squad building so on and so forth, but moving forward, if we want those buildings done, probably should come up to the adjacent building, not be set back to the adjacent buildings. so or be that 15 or 16 feet would be the minimum set back.

Mr. Cilento- i think the 16 is the best because we are going to have a property like 440 that's going to be coming down the pipeline to planning board. They want to put a cafe in there, and there will not be enough room on that sidewalk for sidewalk dining. So I do think the 16 ft minimum throughout the downtown is probably the most appropriate.

Mr. Krause- in front of the town hall is a little narrower. Mis Amigos has outdoor dining, and I guess that's just enough.

Mr. Cilento – what is in the planner's point of view the best width to guarantee that streetscape experience?

Mr. Bailer- I think 16 feet is a good standard; that would be my recommendation.

Ms. Seif- good

Mr. Cilento- I mean, if we have buildings set back 5 ft from its adjacent property, I mean look at Somerville, they used that wall for art and bring the downtown to life.

Mr. Krause- it doesn't hurt if its set back a little bit in certain areas. It's all a matter of how you legislate these things. Mr. Krause asked Mr. Cilento about one more step further on the plan.

Mr. Cilento- DMR is coming back after the initial presentation to make their recommendations on how to move forward on some of the other recommendations. Those recommendations came from our redevelopment attorneys in conjunction with DMR.

Mr. Krause- so this is not the final document?

Mr. Cilento- no this is not fully the final document.

Mr. Bailer- so the in terms of the set back we are in agreement to the 16 ft? Is that something that the Board agrees to?

Mr. Krause- sure, and I guess on a case by case basis if someone wants to do a restaurant here, and you might want to set it back a little bit.

Mr. Dornbierer- so we are making it a minimum of 16 ft doesn't mean that someone can't come in say that they would like to do 25 ft and have outdoor space. OK

Mr. Cilento- so what is next?

Mr. Dornbierer- we would make a vote in favor of the modifications or not and if there is anything in particular that we want to point out. I know we are pointing out the set back is there anything else we want to recommend as a board?

Mr. Bailer- the question about the on site parking for sites over 20000 sq ft for commercial ground floor, restaurants, and bars. There was a good recommendation that there should be a cap on that if it's particularly a large site. That was something that should be looked further out.

Mr. Dornbierer- so if we agree with that and make that recommendation, who ultimately is making the determination of what that is?

Mr. Bailer- as a board, you can discuss now, or we can make a recommendation to make a cap of 40000 sq ft if you feel that is appropriate.

Mr. Dornbierer- I personally could not make that decision, because I'm not looking at reference materials what would it look like if it were that. If it were that it would just be pulling a concept out of the air for me and I couldn't make a determination based on that.

Mr. Krause- yes I don't think we say that 40000 is the next cut off line. I think maybe we've had more questions than answers perhaps and a little investigation on a few of these things would be worth while. Again these came from the attorneys and with consultation with you folks so we are throwing out what our concerns are and we have to rely on you for the answers of what these things are.

Mr. Bailer- ok, ill discuss what would be more appropriate to protect the borough from that requirement.

Mr. Krause- you understand the concern, of either the type of use or the size might dictate that commercial really needs to have some parking on site; it needs to satisfy some parking.

Mr. Cilento-knowing that this has to go back to council, for the redevelopment agency for a vote, based on the planning boards' recommendations and questions, do you think you can fulfill those concerns and recommendations for a vote by council, or do you think that needs to be postponed?

Mr. Bailer-we could amend the recommendations for the board and go back, but maybe it would be beneficial to get some feedback on the recommendations from the board again, before this goes back to council. If you feel that's appropriate.

So the options are, based on the suggestions of tonight's meeting, we can make suggestions to the council, or we can present these suggestions back to the planning board and make sure everyone is in agreement and then present it to the council, those are the options.

Mr. Gordon- I think that the open item is what the maximum cap should be for the parking. My general thought is whatever the average lot width size is for that remainder area, basically if somebody bought up three of them what's the biggest property they can build? And what kind of square footage is that , if you combine three of the average size lots that's when you might need to start adding parking, but I don't know what that evaluates to.

Mr. Krause- We have a lot of 50 ft wide lots and you get further out and they vary in size enormously , maybe 200 ft or 150 ft deep, so you are over 20 with three lots, but you take a property down near the Plainfield area, where they are pretty sizable already, what should we do there? Is there enough parking? You planners are the ones to see what makes sense. So we can't answer that.

Mr. Gordon- at this point, back to whether or not we need to meet again I can't visualize it, unless you do whatever analysis and you come up with something visually for us to see, its probably going to be ok, what your saying , you did whatever analysis makes sense ok we agree. At least I would imagine that's how it's going to wind up going. I don't know that we need to meet again if the analysis doesn't like what we are talking about.

Mr. Dornbierer- I sense our role is advise and consent, and we are not the ones who have any jurisdiction over the content of redevelopment plans, the committee or agency knows that what we are recommending is the establishment of a cap and with that recommendation then the redevelopment agency would need to determine what that cap is, I don't know if that necessarily has to come back to us. I would say it doesn't.

Mr. Cilento- so Gabe; between today's meeting and when Council which is our redevelopment agency next meets, you can come up with that determination and then make that recommendation for redevelopment agency to make the final decision. So I think that Adam may be right with Rogers's point we may not have to come back as a planning board and can go back to the redevelopment agency knowing that DMR is making that recommendation.

Mr. Bailer- and knowing that these are the concerns and questions from the planning board; based on these concerns for the recommendations we can amend it with these certain requirements

Mr. Krause- I think so, again the redevelopment is in the hands of the redevelopment agency, which is the mayor and council. So again we are the advisory, and we brought up these questions and advise them and you will investigate that and Jason is on both so hell be aware of what our concerns are and how they were addressed. So I think that's fine.

Mr. Dornbierer- questions, comments? Would I be correct to say that the board is in favor of the recommendations with the suggestions of there being a cap placed and the minimum set back be 16 ft.?

Mr. Krause- yes and then, what else did we have, you are looking into the payment in lieu of affordable housing?

Mr. Bailer- I'm almost certain that it's required to put an affordable housing unit on site, they can't make a payment in lieu.

Mr. Dornbierer- and I would say even if someone were to come back and go "oh no the developer can buy out 100%", I would not recommend that because I know somewhere in the future, even if it is allowed today, there will be someone swimming around "well you haven't had any builds in X amount of projects" so fractions yes, I totally agree, but whole units , I would not recommend that.

Mr. Krause- and then in the parking situation, your other associate mentioned looking at our downtown area, and as we get further out deficiencies in municipal parking lots and so forth; that's a look see and a recommendation back to the council what might be remedied there for parking.

Mr. Dornbierer-considering municipal parking outside of the floor of the downtown. Is that what you are saying Bob?

Mr. Krause- yes he was going to look at, I think , when we get further out, there is really no municipal lots, so how would that be handled when there is a parking requirement for the residences in that area. We were looking for a recommendation from the redevelopment agency on how that is handled. Maybe we look in the future for a couple municipal lots further away but we probably don't want to buy property and do that, we want to have the developers supply the parking; that was something that was going to be explored.

Mr. Dornbierer- I have here written; consider municipal parking options, parking solutions, outside the downtown. Setting the minimum setback to 16 ft.; recommend eliminating the adjacent requirement to determine the setback, and DMR is going to check on the buyout of fractions or whole units of affordable housing. I think that is it. So with those, does anybody have a recommendation or want to make a motion? Does anyone think that there should be a motion to be in favor of the recommended changes along with those that we have identified? Does anybody consider recommending that? Someone's got to make a motion.

Mr. Cilento – made a motion to move.

Ms. Ratner- Seconded the motion.

Mr. Dornbierer- any last minute discussion, there being none, he asked for roll call.

	<u>YEA</u>	<u>NEY</u>	<u>ABSTAIN</u>
Jason Cilento (Mayor)	X		
Adam Gordon	X		
Robert Krause (2 nd Alternate)			X
Stacey Narvesen	X		
Theresa Ratner	X		
Barbara Seif	X		
Chairman- Roger Dornbierer	X		

Mr. Dornbierer- thanked Mr. Bailer for his presentation.

Any other new business? None

Any board member comments? None

Any public comments? None

Adjournment:

Mr. Cilento made a motion to adjourn the meeting and Ms. Ratner seconded. The meeting was adjourned at 8:29 PM.

Roger Dornbierer
Chairman

4/26/2021
Date of Approval

Lauren Staats
Lauren Staats (Apr 27, 2021 09:29 EDT)
Secretary

Virginia Gordon
Virginia Gordon (Apr 26, 2021 20:13 EDT)
Recording Secretary