

MINUTES OF THE PLANNING BOARD REGULAR MEETING OF PISCATAWAY TOWNSHIP HELD ON FEBRUARY 8, 2023.

The Regular Meeting of the Piscataway Planning Board was called to order at 7:30 P.M. on Zoom (online), Piscataway, New Jersey by Chairperson Brenda Smith.

Chairperson Smith stated: IN COMPLIANCE WITH THE OPEN PUBLIC MEETING ACT, ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED IN THE FOLLOWING WAYS:

- *Posted on the bulletin board of the Municipal Building and made available through the Township Clerk;
- *Notice published in the Courier News;
- *Notice sent to The Star Ledger;
- *Notice made available through the Township Librarians.

Thomas Barlow, Esq., states that he would like to place on the record that we are doing this meeting through an online meeting platform in light of the COVID-19 pandemic. In keeping with the guidelines that have been disseminated by the Department of Community Affairs, the Planning Board has tried it's best to comply with the open public meeting act and the Governor's guidelines in dealing with the current situation. In addition, the applicant whose matter will be heard this evening had the login information for the online meeting platform put forth in their notice; members of the public who wish to be heard will be afforded an opportunity as if we were in an actual, physical space. He believes we have done our absolute best to comply with the DCA guidelines and the open public meetings act.

ROLL CALL: Mayor Brian Wahler, Carol Saunders, Dawn Corcoran, Rev. Henry Kenney, Alex Adkin and Chairperson Brenda Smith. **ABSENT:** Councilwoman Cahill, Michael Foster, E. Basheer Ahammed

Also present: Thomas Barlow, Esq., Ron Reinertsen, CME and Laura Buckley, Board Clerk. It was determined that a quorum was present by roll call.

4. PLEDGE OF ALLEGIANCE

5. SWEARING IN OF PROFESSIONALS: Ron Reinersten, Malvika Apte, James Clarkin, IV

6. DULY AUDITED BILLS TO BE PAID

MOTION was made by Rev. Henry Kenney to pay the bills; seconded by Carol Saunders.

ROLL CALL: Mayor Wahler, Councilwoman Cahill, Dawn Corcoran, , Rev. Kenney, Alex Adkins and Chairperson Smith.

7. CHANGES TO THE AGENDA: None

8. ADOPTION OF RESOLUTION TO MEMORIALIZE ACTION TAKEN ON JANUARY 11, 2023:

- (a) **19-PB-36/37V** **Extension of time**
L'Oreal USA Products; Arco/Murray
Block 14.01, Lot 3.03
81 New England Avenue
Approved; one year extension.

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MOTION was made by Carol Saunders to memorialize the resolution for 19-PB-36/37V; seconded by Rev. Henry Kenney. **ROLL CALL:** Mayor Wahler, Dawn Corcoran, Carol Saunders, Rev. Kenney, Alex Adkins and Chairperson Smith voted yes on the motion.

- (b) **22-PB-25/26V** **Yespac, Inc.**
Preliminary & Final Site Plan
Block 6703, Lots 4; Zone: LI-5
260 Centennial Avenue
Approved.

MOTION was made by Carol Saunders to memorialize the resolution for Yespac, Inc.; seconded by Alex Adkins. **ROLL CALL:** Mayor Wahler, Dawn Corcoran, Carol Saunders, Rev. Kenney, Alex Adkins and Chairperson Smith voted yes on the motion.

- (c) **21-PB-32/33V** **Extension of time**
Shantilal Patel & Daxaben Patel
Block 8601, Lot 25.03
8 Brotherhood Street
Approved; 90 day extension.

MOTION was made by Carol Saunders to memorialize the resolution for 21-PB-32/33V; seconded by Rev. Henry Kenney. **ROLL CALL:** Mayor Wahler, Dawn Corcoran, Carol Saunders, Rev. Kenney, Alex Adkins and Chairperson Smith voted yes on the motion.

- (d) **22-PB-22/23V** **Grand Home Investments, LLC**
Bulk Variance & Minor Subdivision
Block 3901, Lot 83.01; Zone: R-10
149 Stratton Street
Approved.

MOTION was made by Carol Saunders to memorialize the resolution for 22-PB-22/23V; seconded by Dawn Corcoran. **ROLL CALL:** Mayor Wahler, Dawn Corcoran, Carol Saunders, Rev. Kenney, Alex Adkins and Chairperson Smith voted yes on the motion.

9. ADOPTION OF THE MINUTES FROM THE REGULAR MEETING OF JANUARY 11, 2023

MOTION was made by Carol Saunders to memorialize the minutes from the January 11, 2023 meeting; seconded by Henry Kenney. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran, Rev. Kenney, Alex Adkins and Chairperson Smith voted yes on the motion.

- 10. 21-PB-48/49V** **UG, Inc. (Gabriel's)**
Preliminary & Final Site Plan; Bulk Variances
Block 5501, Lot 10.05; Zone: HC
1351 Centennial Avenue
Applicant would like to convert part of property for outdoor seating area.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10 acres
Proposed – lot area 5.02 acres (existing)

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Required – 500 foot lot width
Proposed – 97.45 foot lot width (existing)

Required – 96 foot front yard setback
Proposed – 80 foot front yard setback (existing)
Proposed – 65 foot front yard setback (covered entranceway) (existing)

Required – 96 foot side yard setback
Proposed – 33.7 foot side yard setback (awning)

Required – 96 foot rear yard setback
Proposed – 80 foot rear yard setback (existing)

21-613 Required – 500 foot lot frontage
Proposed – 97.45 foot lot frontage (existing)

21-1206.4 Required – a free-standing sign shall not be erected closer than 50 feet from the right-of-way line of a public street
Proposed – a free-standing sign located 4 feet from the right-of-way line of a public street (existing)

Required – one façade sign
Proposed – four façade signs (existing)

*The size of the existing free-standing sign is not provided.

**Action to be taken prior to March 27, 2023
Attorney: Tim Arch**

Tim Arch, Attorney, is here to represent the applicant. Mr. Arch states that the property is in block 5501, lot 10.05 in the HC Zone. They are here today asking for two very minor simple items. All for one is an existing variance from when they were in front of the Board in 2011. The 33.7 foot side yard setback is the only thing being affected by this application. They are asking for, on the eastern side, there is outdoor seating currently and there is a temporary covering like a party rental. They are proposing to put in a pergola that is more permanent, look nicer and provide that same covering over the outdoor seating and not enclosed. On the western portion of the restaurant there is a patio area that is directly adjacent to the even hall area.

When there are events, this is a natural area where people go to make a phone call, have a cigarette, etc. They want to be able to use the area so patrons that are there for an event can go out and use this space. They are not proposing any service in that area, no seating for food or drink services. It would be for existing patrons only during an event. The Board can impose a conditional stating no food or drink in that area.

Mr. Arch states that he has Dana Gabrielle here if she is needed to testify. He also has Rob Murray from Menlo Engineering and will go through the site. Mr. Arch states that there are two reports and they will comply with the vast majority of the reports and will put on record any issues. Mr. Hinterstein's report dated December 20, 2020 and Mr. Reinertsen's CME report dated December 16, 2022.

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Robert Murray is sworn in to testify; he is accepted by the Board. He states that he is familiar with the site. He shares the screen, A-1, color rendering showing the site. The lot is northwest between Stelton Road and Centennial Avenue and access to the site is on both of the roads. To the north is a Church and a Wendy's, to the east and west are shopping centers, and to the south is an undeveloped site. The client seeks to add a pergola which is about 20 foot x 40 foot structure that is about 10.5 feet in height. The site consists of 284 parking spaces where 280 are required.

Mr. Murray states that as previously stated, the only variance they are looking for is the side yard setback. There are several non-conformities already on the property; he lists them. He zooms in on the site plan and shows behind them there is a Motel 6 and they would not be impacting the hotel. He shows the Board where the pergola would be on the east side of the existing building. It would be an outdoor area for any events at the property.

Mr. Arch states that in reference to the CME report, pages # 8 & 9, comment 2, 3 and 5. All of these comments have to do with additional information that needs to be provided for the lot as a whole. They mean both the restaurant portion and the Hotel portion. They will comply with all of the other comments of the report but those three which will require a full site survey to comply with the comments which would be costly and rather significant. They are asking if the Board would allow them to proceed with just the partial survey that focuses on the front portion of the property. Mr. Barlow asks Ms. Corcoran if they staff is ok with the waiver; she states that they are. Mr. Reinertsen also agrees to the waiver request.

Mr. Arch states that in reference to Mr. Hinterstein's report, they will give a breakdown of the restaurant parking. They will install the sidewalks with crosswalks. Ms. Corcoran would like to discuss the sidewalk issue. She states that this requirement was part of their 2008 approval, they did post a bond for that sidewalk in January 2010. To date, the sidewalks have not been installed. Her question is when does the applicant intend on installing the sidewalks? Mr. Arch states that there was an misunderstanding that they thought the performance bond that was being posted was to be used by the Township to install those sidewalks.

Ms. Corcoran states that they do have to put a time on this, she was thinking that maybe no permits be approved until the sidewalks are installed. If his client needs a year or two years max that is something the Township can consider, we can't let another 15 years go by. Mr. Arch states that he agrees with that and they can do a developer's agreement with a time limit. Number 3 in the staff report, EV charging stations, they aren't asking for a waiver, it's a State statute, it doesn't fall under a site plan that triggers that State requirement. The DCA's interpretation is that only applies to site plans that are proposing new parking or significantly reconstructed parking.

Mr. Arch states that they will they will install ADA compliance handicap ramps, there is currently one near the awning. If they are not ADA compliant they will make them compliant. In reference to #'s 8, 9 and 10, landscaping, they will comply and work with Mr. Hinterstein to see what the Town would like. Mr. Arch states that there are 4 façade signs, they need these signs to navigate in and out of the site. Ms. Corcoran asks if they have any permits for the existing signs. They have been there for over 30 years and they there is no detriment. The signs were there in 2008 and there was no issue then. Mr. Arch is not sure, if they do not then they will apply for them.

Mr. Arch states that in reference to lighting, there is no new lighting proposed. The pergola itself has LED lights that are a part of the structure. Mr. Murray states that lights can be connected to the pergola. They will provide information for the LED lights if the Township needs. Mr. Barlow asks if the pergola

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will have open slats. Ms. Dana Gabriele is sworn in to testify. Ms. Gabriele would like to apologize to the Board for her husband, now as a married couple she understands what the bond is for. She states that she has spoken to Bellamy construction in reference to installing the sidewalks. The pergola is a freestanding pergola and the top is louvers that open and close. So you can open and close it depending on the weather. Mr. Barlow asks if there will be a door to access this area. Mr. Arch states that there is actually an existing door there now to the patio.

Mr. Arch states that is the end of his testimony. What they are asking for is minor and they are hopefully satisfying the Board Professionals. They have been here for 30 years and would like to continue. Rev. Kenney asks if this is used all year. Ms. Gabriele states it could be, but mostly when it's nice out. There will not be any heat provided. Chairperson Smith asks the Board if there are any further questions; none. Public portion open/closed.

MOTION was made by Dawn Corcoran to APPROVE the application; seconded by Rev. Henry Kenney. **ROLL CALL:** Mayor Brian Wahler, Carol Saunders, Dawn Corcoran, Rev. Henry Kenney, Alex Adkin and Chairperson Brenda Smith voted yes on the motion.

11. DISCUSSION: Amendment to Application 19-PB-19, SW Investors, Block 5203, Lots 1.01, 5.02, 16.01, 19.01.

Mr. Barlow states that the applicant would like to amend the previous approval removing 2c, financial agreement. It is a minor change from the original; all parties desire to remove the condition. Chairperson Smith asks the Board if they have any questions, none.

MOTION was made by Rev. Kenney to APPROVE the extension of time, seconded by Carol Saunders. **ROLL CALL:** Mayor Brian Wahler, Carol Saunders, Dawn Corcoran, Rev. Henry Kenney, Alex Adkin and Chairperson Brenda Smith voted yes on the motion.

12. ADJOURNMENT: MOTION made by Dawn Corcoran to adjourn; seconded by Ms. Saunders; All in favor. The meeting was adjourned at 8:19 P.M.

NEXT SITE PLAN/SUBDIVISION BOARD MEETING – FEBRUARY 22, 2023 AT 2:30 P.M.
NEXT PLANNING BOARD REGULAR MEETING –MARCH 8, 2023 AT 7:30 P.M.

Respectfully Submitted,



Laura A. Buckley, Planning Board Clerk for Carol A. Saunders, Secretary

I certify that the foregoing is a true and correct copy of the Minutes of the Regular Meeting of February 8, 2023, same having been fully adopted by the Planning Board of Piscataway March 8, 2023.



CAROL SAUNDERS, SECRETARY
PISCATAWAY PLANNING BOARD