

MINUTES OF THE PLANNING BOARD REGULAR MEETING OF PISCATAWAY TOWNSHIP HELD ON MARCH 9, 2022.

The Regular Meeting of the Piscataway Planning Board was called to order at 7:30 P.M. on Zoom (online), Piscataway, New Jersey by Vice-Chairman Rev. Henry Kenney.

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 Wahler, Councilwoman Cahill, Dawn Corcoran, Dennis Espinosa, Rev. Henry Kenney, Carol Saunders, Mike Foster and Chairperson Brenda Smith. **ABSENT:** None

Also present: Thomas Barlow, Esq., Ron Reinertsen, CME Associates, Laura Buckley

It was determined that a quorum was present by roll call.

4. PLEDGE OF ALLEGIANCE

5. SWEARING IN OF PROFESSIONALS: Ronald Reinertsen, CME Associates

6. CHANGES TO THE AGENDA: Mr. Barlow states that application #21-PB-24, Maplewoods Condominium Associates, has withdrawn their application. # 21-PB-34/34V, 140 Circle Drive North, postponed until April 13 2022; no further notice required.

7. ADOPTION OF RESOLUTION TO MEMORIALIZE ACTION TAKEN ON FEBRUARY 9, 2022:

- (a) **21-PB-40/41V** **Revolutionary Housing Group, LLC**
Minor Subdivision and Bulk Variance
Block 8404, Lot 2; Zone: R-10
9 Water Street
Approved.

MOTION was made by Carol Saunders to memorialize 21-PB-40/41V; seconded by Dawn Corcoran. **ROLL CALL:** Mayor Wahler, Dawn Corcoran, Carol Saunders, Rev. Kenney, Dennis Espinosa and Chairperson Smith voted yes on the motion.

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- (b) **21-PB-46/47V** **ACMY, LLC**
Preliminary & Final Site Plan, Bulk Variance
Block 1701, Lot 2.03; Zone: M-5
4100 New Brunswick Avenue
Approved.

MOTION was made by Carol Saunders to memorialize 21-PB-46/47V; seconded by Rev. Kenney.
ROLL CALL: Mayor Wahler, Dawn Corcoran, Carol Saunders, Rev. Kenney, Dennis Espinosa and Chairperson Smith voted yes on the motion.

- (c) **21-PB-44/45V** **QTS Investment Properties Piscataway, LLC**
Preliminary & Final Site Plan; Bulk Variance
Block 4102/4202 Lots 3.01/6.02; Zone: LI-5
101 Possumtown Road
Approved.

MOTION was made by Carol Saunders to memorialize 21-PB-44/45V; seconded by Rev. Kenney.
ROLL CALL: Mayor Wahler, Dawn Corcoran, Carol Saunders, Rev. Kenney, Dennis Espinosa and Chairperson Smith voted yes on the motion.

8. ADOPTION OF THE MINUTES FROM THE REGULAR MEETING OF FEB. 9, 2022.

MOTION was made by Carol Saunders to memorialize the minutes from the February 9, 2022 meeting; seconded by Rev. Henry Kenney. **ROLL CALL:** Mayor Wahler, Dawn Corcoran, Rev. Kenney, Carol Saunders, Dennis Espinosa and Chairperson Smith voted yes on the motion.

9. DULY AUDITED BILLS TO BE PAID

MOTION was made by Carol Saunders to pay the bills; seconded by Dawn Corcoran. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran, Carol Saunders, Dennis Espinosa, Rev. Kenney and Chairperson Smith.

- 11. 21-PB-32/33V Shantilal Patel & Daxaben Patel**
Minor Subdivision & Bulk Variance
Block 8601, Lot 25.03; Zone: R-10
8 Brotherhood Street
Applicant proposes to subdivide property into two lots.

VARIANCES REQUIRED:

Proposed Lot 25.031

- 21-501** Required – 100 foot lot width
Proposed – 82.32 foot lot width

- 21-613** Required – 100 foot lot frontage
Proposed – 78.31 foot lot frontage

Proposed Lot 25.032

- 21-501** Required – 100 foot lot width

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Proposed – 81.45 foot lot width

21-613 Required – 100 foot lot frontage
Proposed – 78.31 foot lot frontage

Action to be taken prior to February 13, 2022
Attorney: Tim Arch

Tim Arch, Attorney, is here to represent the applicant. Court stenographer present; transcripts are on file in the Community Development Office.

MOTION was made by Dawn Corcoran to approve the application as discussed; seconded by Rev. Henry Kenney. **ROLL CALL:** Mayor Wahler, Dawn Corcoran, Councilwoman Cahill, Carol Saunders, Rev. Kenney, Dennis Espinosa and Chairperson Smith voted yes on the motion.

MINOR SUBDIVISION

12. 20-PB-06 Nathan A. Yates
Minor Subdivision
Block 11701, Lot 4.11; Zone: R-15
1023 River Road

The applicant proposes to subdivide the property into two (2) lots.

VARIANCES REQUIRED:

21-3(b) Required – in residential zones an accessory building should not exceed 25 feet by 25 feet or 625 square feet
Proposed – an accessory building 26.8 feet by 25.8 feet or 691.44 square feet (lot 4.11.01) (existing) **

21-501 Required – 8 foot side yard setback for an accessory structure
Proposed – 0 foot side yard setback for an accessory structure (shed) (lot 4.11.02) (existing) *

Required – 8 foot rear yard setback for an accessory structure
Proposed – 3 foot rear yard setback for an accessory structure (shed) (lot 4.11.02) (existing) *

21-601 Required – no open space, municipal drainage way, right-of-way or easement shall be encroached upon or reduced in any manner
Proposed – fence located with the right-of-way (existing) *

*The applicant has indicated that these structures will be removed.

**The applicant has indicated that the garage/shed will be reconstructed to conform to the size limitations established by the ordinance.

Action to be taken prior to February 25, 2021
Attorney: Robert J. Zullo

Robert Zullo, Attorney, is here to represent the applicant. Councilwoman Cahill must recuse herself for this application. Mr. Barlow states that they were in front of the Board at our previous hearing on February 9, 2022. They put on the proofs but then there was an issue that came up in reference to a

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Middlesex Planning Board document the Board was not in possession of. Let the record show that the Board has received that document. Mr. Zullo states that he does not have any further witnesses this evening but he had intended to go over what they had addressed. The issue in this case are 270 feet of sidewalk and what amounts to a 21 foot easement on Mr. Yates property. Mr. Zullo states that there is a 60 foot right-of-way that already exists. His client is not going to dedicate an easement to provide for a 110 foot right-of-way as suggested in Mr. Hinterstein's memorandum.

Mr. Zullo states that as far as the sidewalks are concerned, how can they put them in on County property and if Piscataway Township was to affiliate that, the 21 foot easement is off the table. Mr. Barlow states that just to be clear, the split rail fence that the client has agreed to remove or move as part of the hearing and also to remove all of the accessory structures that were noted because if they remained, they would have variances; Mr. Zullo agrees. Mr. Barlow states that the Township Ordinance, 25:07 doesn't limit the reach to Municipal roadways, it reaches the Municipality. There is no exception in the ordinance for roadways under the jurisdiction of the County. Piscataway has to enforce their ordinance until a Court rules otherwise.

Mr. Barlow state that the CME plan for the County calls somewhere from a 33 to 35 foot half width, those plans are preliminary and he believes haven't gone out to bid yet. The Township doesn't want to be in a position where the final plan that is adopted by the County requires acquiring additional right-of-way in the future. The Township could probably do with maybe a 40 foot right-of-way which would limit the dedication as long as we have a 10 foot temporary construction easement. In reference to the sidewalks, that is also in the ordinance so the sidewalks have to be constructed at the proposed elevation that the County is saying and hold off on curbs as to such time as the roads are being put in; or at least bond for it until the County knows what they want to do.

Mr. Barlow states that the Board has three (3) ways that they can proceed, they can deny it, approve it, or grant it with conditions. If the applicant doesn't agree with the end result, they have every right to appeal that decision. Anything beyond that, it will be going over ground that they have already covered. Mr. Zullo states that Mr. Hinterstein's memo states a half width of 55 feet, right now what exists is 33 feet. That is worth \$25,000 as per the assessment. Mr. Barlow states they can give a dedication of a 40 foot width with a 10 foot width temporary construction easement.

Mr. Zullo states that they already have an approval through the County, then the Township has jurisdiction if the applicant wants to subdivide the property. Ms. Corcoran states that there is an ordinance in place 25:07 that requires that sidewalk, curb and the dedication. Mr. Zullo states that he read that, but it's a Township ordinance and begs the question if the Township has jurisdiction over County property. They have an approval from the County to proceed, there is no mention of sidewalks and dedication.

Mr. Barlow reads an insert from the County letter received on December 8, 2021 states "the above approval does not in any way relieve the applicant from constructing all improvements in accordance with all Federal, State and local government regulations and design specifications". Mr. Barlow states that his opinion is that they need sidewalks, curbs and the dedication. The Municipality, as a way of trying to work with the applicant, could live with a 40 foot half width and a 10 foot temporary construction easement.

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Mr. Zullo asks if there is an existing plan to widen this road in this area; he doesn't believe they would get this approval if they were widening the road. Mayor Wahler asks if someone can just go to a vote; both sides have said what they needed to say. Mr. Zullo states that the only additional testimony is if the applicant is willing to comply with the letter of May 19th; he has already testified to that. Chairperson Smith asks if there is anyone in the public who would like to comment; none.

Dawn Corcoran states that as per the ordinance that requires sidewalks, curbing and right-of-way dedication, in addition to the fact that the County also indicated in their December 8, 2021 letter, the applicant is not in any way relieved from constructing all improvements in accordance with Federal, State and Local Government. She would like to make a motion to approve the application subject to the CME report, subject to the staff report with the revision that the dedication made to be a 40 foot half width with a 10 foot temporary construction easement, the sidewalk and the curbs. Mr. Zullo asks when this has to be done. Ms. Corcoran states that in order to perfect the subdivision, all conditions of the approval must be met. However, the applicant could post the bonds for those improvements. The bonds would be returned to Mr. Yates once improvements have been completed. Chairperson Smith asks for a second on the motion.

MOTION was made by Dawn Corcoran to approve the application as amended; seconded by Rev. Henry Kenney. **ROLL CALL:** Mayor Wahler, Dawn Corcoran, Carol Saunders, Rev. Kenney, Dennis Espinosa and Chairperson Smith voted yes on the motion.

14. **ADJOURNMENT: MOTION** made by Rev. Henry Kenney to adjourn; seconded by Ms. Saunders; All in favor. The meeting was adjourned at 8:19 P.M.

NEXT PLANNING BOARD WORKSHOP BOARD MEETING – MARCH 23, 2022 2:30 P.M.

NEXT PLANNING BOARD REGULAR MEETING APRIL 13, 2022 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 March 9, 2022, same having been fully adopted by the Planning Board of Piscataway on April 13, 2022.



CAROL SAUNDERS, SECRETARY
PISCATAWAY PLANNING BOARD