

**METUCHEN PLANNING BOARD  
MINUTES**

**January 19, 2023**

The meeting was called to order at 7:36pm by Eric Erickson, Chairman, who read the statement in accordance with the Open Public Meetings Act.

**ROLL CALL:**

<b>Present:</b>	Ellen Clarkson, Vice Chairperson	James Griffin I
	Jason Delia, Councilmember	Lauren Cohn, Alt. I
	Melissa Perilstein, Administrator	Shannan Foat-Gelber, Alt. II
	William Love, Mayor's Designee	Robert Renaud, Attorney
	Lynn Nowak	Denise Hamilton, Secretary
	Jonathan Lifton	Christopher Cosenza, Planner
	Eric Erickson, Chairman	

**Absent:** Jonathan Busch, Mayor  
Alan Grossman  
Robert Mannix, Engineer

**NEW BUSINESS:**

**22-1329E Thomas Mullins, Jr** – Applicant is seeking minor subdivision approval to merge a portion of the rear yard of 57 Oak Avenue into the rear yard of 67 Oak Avenue. Both are single family dwellings.  
57 & 67 Oak Avenues Bl: 103 Lots: 1 & 4

Richard Mongelli, Applicant's Attorney, stated that Applicant proposes to acquire a portion of the neighbor's backyard that is not in use. The new lot sizes would remain appropriate for the area.

Sarah Mullins, Applicant, was sworn in by Mr. Renaud. The expansion requested is for placement of a pool. Their neighbors were agreeable to the proposal.

The Board questioned the location of the garage and use.

Thomas Mullins, Applicant, was sworn in by Mr. Renaud. He responded that the space in question is a garage with additional storage above it. The space is not used as a residence.

John Logan, Owner of 57 Oak Avenue, was sworn in by Mr. Renaud. The family does not use the section they have agreed to subdivide. It is an area detached from the rest of the property.

Michael Burns, Architect, was sworn in by Mr. Renaud. He is a graduate of Drexel University, a Planner and Architect in New Jersey, who has testified before several municipalities. (Inaudible). Exhibit A, an overhead view of the area, was displayed. The sloped area to the rear of both properties is designated for the subdivision. There are existing setback non-conformities with each lot that will not be affected by the application. Both lots are currently undersized for the zone, but as a result of the subdivision, 67 Oak would be in compliance.

The two variances being requested are: 1) For the new decreased lot size at 57 Oak; 2) The rear yard setback of 4 feet from the property line of 67 Oak by the garage. Variances would fall under the C2 criteria; 1) benefits substantially outweighs any detriment, 2) what is being requested is a permitted use in the area, and 3) promotes all requirements under the MLUL. The application also encourages diversity which is consistent with the Master Plan.

The Board expressed concern for the precedent this application would set by decreasing property to increase another. The proposal reduces lot size of 57 Oak Avenue from 75% to 40% of the zone requirement.

Mr. Burns responded that the application is consistent with lots already in the neighborhood.

Mr. Mongelli (inaudible).

The Board inquired about the location of the fence.

Mr. Burns responded that the location was impacted by the sloping of the lot. The fence is pre-existing.

Mr. Cosenza stated that the diversity of lot size is consistent with the neighborhood. (Inaudible). Additional testimony was requested to support granting of the variances.

Mr. Renaud and Mr. Cosenza clarified lot zone line and requirements.

Mr. Burns commented further on the C2 Criteria. Pools are permitted use in the zone. The application is not a detriment to the public. It is consistent with the Master Plan. Change will contribute to the wellbeing of the applicants and is appropriate for the environment.

Mr. Renaud mentioned that granting of the variances could include Conditions.

Mr. Cosenza stated that as a Condition, 57 Oak Avenue could not be divided further.

## **PUBLIC PORTION:**

Mr. Ericson invited questions/comments from the public.

Residents testified in support of the application. It would be an improvement to the neighborhood and eliminate the empty space in the back of both properties.

Mr. Renaud summarized that the Applicant is requesting approval for a C2 Variance. The Board's decision should be based on whether the granting of the variances would advance the purposes of the MLUL. Is the intent sufficient for the variance without substantial detriment to the public good? The benefit of granting the deviation should outweigh any detriment.

The Board questioned if the application could have been done by easement instead of a subdivision.

Mr. Mongelli and Mr. Renaud agreed that it would not be possible.

Mr. Mongell expressed appreciation to the Board for the hearing. The changes requested would not be visible and would not change the character of the neighborhood. The additional space at 67 Oak Avenue is to accommodate a pool in the back yard for the Mullins.

Mr. Cosenza inquired whether or not a sidewalk should be required as a Condition of Approval.

The Board responded that a sidewalk would not be a requirement. Suggestion was made to buffer the pool so it would not be visible from the street.

Mr. Cosenza mentioned that the Ordinance requires a pool to be screened by fence or landscaping.

The Board held a brief discussion regarding the proposed sizes of the properties, integrity of the neighborhood, and possibility of further subdivisions. Members expressed their individual concerns.

Motion to approve was made by Ms. Nowak and seconded by Mr. Erickson.

Mr. Renaud stated the Conditions; 1) 57 Oak Avenue cannot be further subdivided, 2) the new land acquired by 67 Oak would not count for lot size for all bulk requirements as it relates to construction. The sidewalk would not be included as an exception.

Ms. Clarkson, Councilmember Delia, Mr. Love, Ms. Nowak, Mr. Griffin and Mr. Erickson voted yes. Ms. Perilstein, Mr. Lifton and Ms. Cohn voted no. Motion was approved.

#### **CORRESPONDENCE:**


Minutes: January 5, 2023

Motion to approve was made by Mr. Lifton and seconded by Mr. Griffin. Voice vote, with all in favor, the minutes were approved.

#### **ADJOURNMENT:**

Motion to adjourn was made by Mr. Griffin. Voice vote, with all in favor, the meeting was adjourned at 9:24pm.

Respectfully submitted,

  
D. Hamilton, Secretary