

**METUCHEN ZONING BOARD OF ADJUSTMENT
MINUTES
November 11, 2021**

The meeting was called to order at 7:45pm by Daniel Topping, Chairman, who read the statement in accordance with the Open Public Meetings Act.

Present:	Catherine McCartin Angela Sielski Judith Sisko Byron Sondergard Jonathan Rabinowitz Daniel Topping, Chairman	John Schumann, Alt I Iris Delgado, Alt. II Robert Renaud, Esquire Christopher Cosenza, Planner Robert Mannix, Engineer Patricia Kaulfers, Zoning Official
Absent:	Brian Tobin, Vice Chairman Denise Hamilton, Secretary	

RESOLUTION:

21-1282 BKM Leonard Street LLC – *(Applicant is seeking to amend a condition of approval mandated by the ZBA in 2006, to acquire the vacant lot that resulted from the subdivision).*

Appy. 10.14.21

70 Leonard Street Block 48.01 Lot 2.01

Motion to approve the resolution was made by Mr. Sondergard and seconded by Mr. Sisko. Ms. McCartin, Ms. Sielski, Ms. Sisko, Mr. Sondergard, Mr. Rabinowitz, Mr. Schuchman, and Topping voted yes. Motion was approved.

OLD/CARRIED BUSINESS:

20-1268 A&G Renovations LLC – Applicant is seeking major site plan and variance approval to demolish existing single-family house to construct an eight (8) unit apartment building.

(Carried from October 14, 2021)

434 New Durham Road Block 72 Lots 48-52

Mr. Wiley stated that the application had been revised to offer a seven (7) unit apartment building instead of eight (8) units. It was now in compliance with RSIS parking requirements. Site plan for the parking lot had been updated for Board's review.

Mr. Renaud confirmed that Mr. Quinn had remained under oath from the previous hearing.

Mr. Quinn displayed the revised site plan, sheet 2, dated November 11, 2021. The proposed unit now contains five one-bedroom, one two-bedroom, and one three-bedroom apartments. Parking requirement was now in compliance with 13.1 spaces offered. The parking waiver had been eliminated. The front yard setback average proposed was now 16.6 feet and no longer required a variance. Maximum building height will stand at 39.36 feet not 49 feet, however, site design remained the same. There are no changes to the elevation or the footprint of the building.

Mr. Renaud labeled the site plan on display Exhibit A1.

Mr. Cosenza mentioned that one EV charging station could be counted as two regular spaces. The reduction in units reduces the parking spaces required to 12, and therefore the 13.1 offered would be sufficient.

The Board questioned whether the upper right parking space would be usable based on its proximity to the retaining wall.

Mr. Quinn responded the parking space would be usable.

Mr. Renaud requested testimony for the building height as a D-Variance was being requested for 38.5 feet where 35 feet was permitted.

Mr. Mark Marcille, who had remained under oath from the previous hearing, responded that the roof can be lowered by .86 feet leaving the deck line.

Mr. Topping opened the floor to the public for questions/comments. No one responded. The floor was closed.

Mr. Renaud stated that the one three-bedroom unit offered is subject approval of the Affordable Housing Office. County Planning Board approval will also be required. The two EV stations required reduces the RSIS parking regulations. Applicant will provide a bike rack. A/C units will be located on the roof. Parking spaces will be to the right of the building. There is a D1 Variance being requested for the apartments to be permitted in an area zoned for commercial use. The D6 Variance is for height.

Mr. Cosenza added that a C Variance is required for the distant between the grade and the first floors.

Mr. Renaud stated that the motion must include whether the D6 Variance would be granted. If not, the building height must be less than 38.5 feet.

Mr. Cosenza commented that the exceptions include; building setback and parking areas, dwelling unit sizes, dwelling unit storage space, dwelling unit private space and common open spaces.

Motion to approve application with the D6 Variance was made by Mr. Sondergard and seconded by Mr. Rabinowitz. Ms. McCartin, Ms. Sisko, Mr. Sondergard, Mr. Rabinowitz, Mr. Schuchmann, and Mr. Topping voted yes. Motion was approved.

NEW BUSINESS:

21-1303 51 Holly Road Associates – Applicant is seeking major site plan approval, variances, and waiver to convert existing three-story commercial building to a three-story mixed-use building.
195 Main Street Block 158 Lots 1.01 & 1.02

Ms. Sielski recused herself from the hearing.

Mr. John Wiley, Applicant's Attorney, stated that Applicant proposes one office space in the front of the building and the remainder to consist of single-family dwellings. Floor layout would remain. Metuchen Parking Authority has authorized the use 15 parking spaces in their lot for a leasing fee. The building was built in the late 60s.

Mr. Leslie Walker, Engineer, was sworn in by Mr. Renaud. He is licensed in New York, New Jersey, and Connecticut. He holds a Bachelor's and Master's Degree in Civil Engineering from Rutgers University and is President of Meridian Group. He was accepted as an expert witness.

Mr. Walker stated that the site is an irregular shaped lot with the building located parallel to the street. It is situated north of the Municipal Parking lot previously mentioned. He shared his screen to display a colored rendering of the site plan that was labeled Exhibit A1. Side yards are triangular shaped. Repairs proposed for the existing curb. The existing sidewalk is four (4) feet, and they will widen it to five (5) feet. Front yard has shrubs and mulch that will be upgraded to include perennials, flowering trees, seasonal flowers, etc. They will replace the sidewalk along the Municipal lot to the back of the site. A concrete pad will be provided for a bicycle rack to accommodate up to 10 bicycles. There will be an accessible ramp in the back for entrance. A patio with bench and landscaping is also proposed in the back. HVAC will be located on the roof. Where the A/C units are currently located will become a refuse area fully enclosed on all sides with a door on the front for access. All improvements will be ADA accessible. Parking lot will run along the southside

of the property. Two handicapped spaces will be allocated. Leaders are piped to the curb. Impervious coverage increases by 275 sq. feet total which includes widening of the sidewalk, bike side, and concrete patio. Renovations will not impact any adjacent properties. The owner will contract with a private company to collect the trash. There are two existing non-conformities for the property for which variances are needed; 1) lot depth on the right-hand side is 91.22 feet where 100 feet is required; and 2) the existing rear yard has 11.3 feet, where 25 feet is required. Neither of those conditions will change with the application. The two new variances being requested are for parking and use. 26 parking spaces are required where 15 are proposed, and of those 15 spaces, two will be designated for office use. On street parking is also available in front of the property for approximately four (4) spaces. A use variance is required to allow for the three apartments on the first floor, which is not permitted in the B2 Zone. The existing curb will remain. They will comply with all suggestions mentioned in the Engineer's memo. There is no depressed curb in existence where the two new ADA spaces are being proposed and spaces will be striped.

Mr. Mark Marcille, Architect, was sworn in by Mr. Renaud. His license remains in good standing. He was accepted by the Board as an expert witness.

Mr. Marcille shared his screen to display the first page of renderings submitted. The building is over 11,000 sq. feet, contains offices, and is in good condition. Individual apartments were created within the framework. Aesthetic in existence will remain. The first floor will have an office, the two COAH units (one three-bedroom and one two-bedroom apartments), a one-bedroom apartment, and meter room to the rear. Brick will remain on the first-floor exterior, while the second floor will be sided. A new roof is proposed. The upper floors will be converted to five (5) apartments. All condensers will be located on the roof towards the back of the building and screens can be provided. A total of 13 apartments are proposed: one three bedroom, one two bedroom, and eleven one-bedrooms. There will be an outside staircase.

Mr. Cosenza stated that the is waiver being requested for smaller sized units than the Ordinance allows. Other exceptions relate to the Ordinance for the garden apartments, storage space and private open space, non-residential parking, and trash enclosure buffer. The Board could waive the parking requirement because with the 15 parking spaces rented, the office parking space could be shared. The Ordinance requires a 10-foot buffer for refuse which would not be practical in this instance. Two main questions relate to the plan; 1) first floor could include common space, and 2) more green sustainable use could be proposed.

Mr. Marcille responded that renovations will improve the footprint of the buildings. The light fixtures will be low watt LED, plumbing will be low-water flow, and high efficiency A/C systems and hot water heaters are offered.

Mr. Justin Auciello, Professional Planner, was sworn in by Mr. Renaud. He has been a Licensed Planner in New Jersey since 2007 and holds a Master's Degree in Planning from Rutgers. He has appeared before numerous municipalities in the County and was accepted by the Board as an expert witness.

Mr. Auciello stated that the building is vacant. Use variance is for residential use because the zone does not permit an apartment on the first floor. Two variances are for pre-existing conditions for the setback and lot depth since both will continue. There is no way to change them unless the building is raised, which would not be good use of the land, making it a C1 Hardship. It is mixed use area, located in the South Main Street, adjacent to a parking lot, with single family dwellings to the west. The improvements would be better than keeping the building vacant. Variance is required for the first floor. Suitability of the site is that it is 10 minutes from train station and leads into downtown. A positive criteria is that the application advances many general welfares; sufficient space in an appropriate location, visual environment, and prevents improper use of land. Effort is being made to preserve what currently exist with curb appeal enhanced, which would help with effort to improve the South Main Street area. There are no negative criteria since the application causes no detriment to the area and no negative impact to the zoning Ordinance. Apartments on the first floor fits the site.

Mr. Cosenza stated that the South Main Street plan was prepared in the 1990s to offer land use urban improvements. Regarding the D1 Variance, the building does have a residential appearance. Improvements met will not be a detriment

to the public and the building has a design that is not being changed. He agreed with the C1 Hardship for the rear yard setback. It is a corner building with residential homes to the rear. Although the setback is deeper than permitted, it does not infringe upon the space in between buildings. 24 parking spaces should be offered for the 13 units being proposed. Board has two options; 1) grant deminimis exception, or 2) establish alternative parking standards.

Board asked of a possible outcome if the Parking Authority decided to retain the lot next to the building.

Mr. Wiley responded that they could enter a contract with the Parking Authority to prevent that from happening.

A brief discussion continued with the parking situation.

Mr. Auciello reiterated that this is for a C1 Hardship as they are not tearing down the building. With the C2 criteria, a vehicle would not be necessary to get around. Based on studies, these units will not be rented by families. Applicant will enter into an agreement for 15 spaces. This could be part of the alternative arrangements allowed by the RSIS. The proposal outweighs the detriments.

Mr. Cosenza stated that testimony for C1 or C2 Variance was not required. The Board's decision should be based on whether 15 spaces would suffice. Clarity is needed to determine if additional spaces could be acquired if necessary.

Mr. Renaud mentioned that the Board should determine what number spaces would be sufficient. Alternative standards can apply if the Applicant has demonstrated it affects local conditions.

Mr. Wiley stated that the number of spaces available would be 17 for the residents based on agreement with the Authority Parking. A condition could be included in the lease to not allow for tenants' parking in front of residents' houses.

Mr. Jaime Gordon, Applicant, was sworn in by Mr. Renaud. He stated that the office will have one employee requiring one parking space, where maximum usage of parking space for the office will be two spaces. A total of 15 spaces will be available. The 15 plus the two that will only be occupied during weekday, totals 17 available spaces.

Mr. Cosenza stated that the general analysis for parking is to provide spaces on the lot, however this is different. There are 80 spaces available at the next-door lot. At night those parking spaces could become available.

Mr. Topping opened the floor for additional questions from the Board. Having no response, the floor was opened to the public for questions.

PUBLIC PORTION:

Resident of Charles Street asked what would happen if the parking lot was no longer owned by the town.

Mr. Wiley responded that a variance would be required if the condition no longer existed, which would require another appearance before the Board.

Mr. Renaud stated that the Ordinance was amended to allow for parking, therefore, if parking spaces are required to be obtained from the Parking Authority, then the condition that the tenants park in the lot designated must be carried through.

Mr. Cosenza stated that the parking agreement could be included with the developers' agreement to allow for inclusionary development. The Parking Authority could develop a property.

Another resident of Charles Street questioned the calculation for number of spaces required.

Mr. Wiley responded which the two commercial spaces that would become available at night for residential a total of 17

spaces are being offered.

Mr. Topping closed the Public Portion for questions and opened the floor to the public for comments.

Residents of Charles Street voiced their concerns; tenants will park in front of their homes because of insufficient parking spaces offered, traffic would increase on the street, tenants will choose not to rent spaces but opt instead to park on street, and with pandemic more people work from home making less spaces available.

The Board agreed the number of spaces should be mandated and terms of use must be that employees of the commercial spaces be required to have permit tags.

Mr. Renaud mentioned several areas for consideration; would this apply for other applications, would there be free parking in the evenings and weekends, and would landlord require provisions in the lease that tenants park in the lot.

Mr. Wiley stated that a condition of the lease would be that tenants could only park in the lot. Tenants could receive tags based on the number of cars they have. The amount could be collected in the rent. The COAH occupants would not be charged for permits.

The Board appreciated the varied unit sizes and change of sharing of space from commercial to residential. The landlord would provide tags to park in the lot.

Mr. Topping summarized the grounds of approval included everything that was presented; the requirements from the Board's professionals satisfied, underlying pre-existing variances, maximum of 24 parking spaces, and COAH tenant not be required to pay for permits.

Mr. Renaud added that the lease should stipulate tenants can park only in the municipal lot and be provided tags based on number of cars. Additionally, the trash will be privately collected. These items are being approved along with the items mentioned by Mr. Topping.

Motion to approve the application was made by Mr. Rabinowitz and seconded by Mr. Schuchman. Ms. McCartin, Ms. Sisko, Mr. Sondergard, Mr. Rabinowitz, Mr. Schuchman, Ms. Delgado and Mr. Topping voted yes.

Motion to close the Public Portion was made by Mr. Rabinowitz and seconded by Ms. Delgado.

CORRESPONDENCE:

Minutes for October 14, 2021

Motion to approve was made by Ms. Sielski and seconded by Mr. Sondergard. Voice vote, with one abstention made by Ms. Delgado, the minutes were approved.

ADJOURNMENT:

Motion to adjourn was made by Mr. Sondergard and seconded by Ms. Sielski. Voice vote, with all in favor, meeting was adjourned at 11:15pm.

Respectfully submitted,
D. Hamilton 