

**METUCHEN ZONING BOARD
MINUTES**

October 12, 2023

The meeting was called to order at 7:30 pm by Daniel Topping, Chairman, who read the statement in accordance with the Open Public Meetings Act.

ROLL CALL:

Present:

Daniel Topping, Chairman	Tom DiMartino, Zoning Officer
Brian Tobin	Robert Renaud, Board Attorney
Angela Sielski	Adam Colicchio, Board Attorney
Jonathan Capp, Alt .I	Christopher Cosenza, Board Planner
Ehrin Ziccardi, Alt. II	Sharon Hollis, Board Secretary
Jonathan Rabinowitz, Vice Chairman	Kim Kirk
Byron Sondergard	

Absent:

Robert Mannix, Board Engineer	Iris Delgado
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RESOLUTION:

Zoning Board of Adjustment Secretary – Kim Kirk

Motion to appoint Ms. Kirk as the Board Secretary was made by Byron Sondergard and seconded by Jonathan Rabinowitz. Voice vote taken. All members voted yes. Motion approved.

23-1355 Eric Edwers – *Applicant is seeking “c” variances to construct an addition to the existing single-family home in the R-2 Zone. (Approved 9-14-23)*

20 Charles Street- Block 211 Lot 40 R-2 Zone

Motion to approve the resolution was made by Jonathan Rabinowitz and seconded by Byron Sondergard. -Voice vote taken. All members voted yes. Motion approved.

OLD BUSINESS:

23-1360 Saint Joseph High School – Applicant is seeking preliminary and final major site plan and “d(3)” variance approval, exception, request for waiver of submission requirements and request to modify a prior condition of approval to permit temporary lights on the athletic field and allow use of the athletic field by third parties. (Continuation from 9-14-23)

145 Plainfield Avenue- Block 2 Lot 1 R-1 Zone

Daniel Topping, Board Chairman stated the application for St. Joseph High School, had concluded. The purpose of this meeting is to update the audience and ask applicant if anything transpired since last month. He asked Applicant’s Attorney Karl Kemm of any final comments to Board.

Mr. Topping noted that Jonathan Capp was not at the meeting last month, however, he had listened to testimony and reviewed the application. Every Board member present is a voting member.

Mr. Kemm summarizes the four reasons the application was before the board:

- 1- Conditional use variance to permit temporary lights on the athletic field.
- 2- Relief from 24 resolution requiring restricted use of third parties.
- 3- Design exemptions for lamination on field.
- 4- Waiver for submission requirements.

Mr. Kemm discussed the need for variance and waivers. He explained that when you have a conditional use, you need to include a survey of property which is very large, he states that is not needed that there are no physical changes. They are putting up temporary lights. He explained the exception for illumination and the average 0.09-foot candle requirement. The foot candles fall off beyond the field and after the running track, far from Plainfield Avenue and the public. Exterior lights will be turned off after 11:00 pm and there will be no outdoor activity after 10:00 pm.

Mr. Kemm explained that one of the goals and objections of the application is to increase open space to residents of the borough, not just for St. Joseph High School students. Neighbors walking on the track benefits the public including third party use by local clubs. The Applicant is asking for only 6 nights of the school year and no more than one game/event per night for the temporary field lights. Third parties will not be permitted to bring in their own additional speakers. The existing speakers attached to the press box will be relocated to face the Peter J. Barnes III Wildlife Preserve where the sound will carry away from Plainfield Avenue or residential homes. St. Joseph’s High School agree to set the sound level on the public address system, not allowing any third parties to have the sound turned up. St. Joseph High School will not allow sound of speakers be on before 11:00 am on weekends with the exception for certain championship events.

St. Joseph High School will continue to hire extra duty police officers based on their availability on heavily attended events. The school will hire additional help for parking off campus and put-up signage for larger third-party events such as temporary signs for on and off campus parking that will all have approval of the Metuchen Police Department. An additional sign will be put up to discourage parking off campus on Miller Drive. Notices will go out to all third-party rentals to discourage off campus parking, and encourage on campus parking for their events.

Mr. Kemm also stated that they agreed to work with the Board Planner to install additional evergreens along Plainfield Avenue. The Applicant would also agree to work with a group or form a committee with St. Joseph High School representatives, the Borough, residents to address any complaints or other conditions that may arise.

Mr. Topping requested clarification regarding exterior lights to be turned off at 11:00 pm and regarding the 6 events, that there would be no more than one event or game on each of those evenings. Regarding parking, he recalled someone at the last meeting spoke about an agreement allowing parking on the Woodrow Wilson Middle School parking lot for St. Joseph for spill-over parking and he asked if that plan will continue and how will they direct parking to Woodrow Wilson School.

Mr. Kemm explained that there is a verbal agreement that has not been formalized but he could not guarantee that it will always be available. They will approach them to continue that agreement.

Mr. Topping asked if there will not be parking allowed on Miller Drive and if Woodrow Wilson Middle School does not allow parking when St. Joseph's is full, where will the other cars go?

Mr. Rabinowitz asked for verification that there will only be one game per night.

Mr. Kemm stated that if the Woodrow Wilson Middle School parking lot is not available, there are other fields that can be used for temporary parking. Off-duty police officers will direct cars to Woodrow Wilson Middle School, and they will have volunteers on site to direct on open grass as has been done in the past.

Mr. Cosenza stated that the Applicant had offered reasonable conditions. He suggested working with the Zoning Office to consolidate those conditions where people can park, and he can be part of a working group that consists of St. Joseph High School, the Borough, the Police Department, and neighbors. He suggested a parking management plan package with diagrams consisting of a parking plan. The working group can be formed to work out the details and address issues as they arise.

Mr. Cosenza brought up Mr. Rabinowitz' point of one game a night and asked whether there will be more than one game for each evening. He anticipated that there will be warmups, pep rally and whatnot before the actual game.

Mr. Kemm stated that warmups will be included in the "game night."

Ms. Sielski referred to how Mr. Kemm talked about bringing in police presence, and asked if that will only be for night games or of a certain capacity expected.

Mr. Kemm answered that they will be brought in when they have a larger crowd. The history of working with the Police Department in the past was pertained to a certain size of the event, and they will continue to do that.

Ms. Sielski recommended some type of coalition or committee between St. Joseph High School, neighbors and the Police by meeting and putting together a calendar of events for police so they can plan their schedule. She suggested open communication so that neighbors would have an idea ahead of time.

Mr. Topping relayed that was what he believed Mr. Cosenza was saying in that the public safety component and traffic direction would be a part of the parking management plan.

Mr. Cosenza stated that he anticipated some sort of public notification as a courtesy to advise the public when they have the night games well in advance of those games.

Mr. Kemm replied that the President advised him in the past that they did mailings when they have certain large events on when and how the event takes place. If they needed to go through the police department, they could put something on the website and the Borough website, thus continuing that process and memorialize that process in the parking management plan.

Mr. Capp requested clarification regarding a large event, will the Police Department be approached if needed including traffic control for in and out of the parking lot. He asked if the Police Department will be paid by the school.

Mr. Kemm indicated that the Police Department are paid by St. Joseph's High School.

Mr. Capp asked for clarification from listening to the recording of the last meeting on specific to the lighting, whether was the same temporary set up as Metuchen High School.

Mr. Kemm verified that the temporary lighting that they are proposing is the same as at Metuchen High School. The set up of the light fixtures is mirrored even to where they are placed on the field.

Mr. Cosenza indicated that he confirmed with the Borough Administrator that is true.

Mr. Capp asked if the lights are rented.

Mr. Kemm stated that they are rented for each event, and they will be picked up by the rental company, however he was not sure if will remain there for more than two or three days.

Mr. Cosenza asked if they have games two weeks in a row, and if the lights stay until next week's game.

Mr. Kemm confirmed that the lights will be there until next the week's game in that instance.

Mr. Capp had stated it was his understanding that St. Joseph High School High School's other practice fields are currently being used by third parties. The main field is bigger and will have sound and temporary lights, and that was why concerns have been raised from neighbors. To reiterate St. Joseph High School will only have 6-night games, and to be clear that the sound system will only be used by third parties, but not the use of the lights, and a limitation on the sound controls of which they cannot turn up volume.

Mr. Kemm clarifies that lights for night games will be for the St. Joseph High School vs. other schools' only.

Mr. Capp indicated that he had wanted to understand clearly that the night games are only for St. Joseph High School and during daylight, and on weekends, third parties can use the main field, but not the use of the lights.

Mr. Cosenza asked Mr. Kemm for clarification of what was meant by the fields and the main field being open to the public during games.

Mr. Kemm response to use of field during a game would only be walking on the track around the outside of the main field and around the other practice fields.

Mr. Capp asked about traffic control of third-party events, and what is the mechanism for a third party to interact with the borough that will take ensure proper traffic control.

Mr. Kemm explained that when there is a third-party event, St. Joseph High School will approach the Police Department of the dates of those large events that are scheduled ahead of time by the school. Under the conditions previously mentioned in the meeting, if the police department allows St. Joseph High School themselves to put signs in neighborhood, they will do that.

Mr. Capp asked Mr. Cosenza to confirm that all the points that were referenced in his memo had been addressed.

Mr. Cosenza indicated that he was satisfied with the positive and negative criteria and that reasonable conditions were currently offered. He appreciated that the Applicant would deal with glare of the lights although not specifically addressed in the ordinance. He was in agreement everything had been addressed.

Ms. Sielski stated her biggest concern was sound concerns from testimony at the previous meeting September 14, 2023, and appreciated the efforts to take control of the volume levels and turning the speakers away from the houses across the way.

Mr. Topping has stated that the specific conditions the Applicant came back with were reflective with additional dialogue that was not previously talked about showed good faith. He stated that he understood the benefits of additional open space and access to them, which is the lifeblood of the Metuchen Community. Seeing growth through sports today, having access to that field outweighs putting restrictions on the use of fields. He recognized that they came a long way with balancing some of the concerns of sounds and light trespass.

Mr. Topping thanked the Applicant for clarifying conditions and preparing a well-presented application.

Mr. Mackiewicz, Attorney, and a neighbor requested an opportunity to comment. After some discussion, Mr. Topping asked Mr. Mackiewicz to speak briefly.

Mr. Mackiewicz spoke about having felt the application has no parameters, that the application could have more information that would make the neighbors understand. He went on to say that third parties coming in to rent the field being access to the school is not for the Borough and having no limits.

Mr. Renaud, Borough Attorney summarized having a “d”(3) variance, conditional use variance permitting temporary lights on the field, design exception level of light asking for relief on condition if was a condition for 3rd party. Better decision on the board wavier of submission requirements which seem not to be necessary. The name of those conditions will be listed in the resolution when approval is granted.

Motion to approve the application with conditions was made by Mr. Rabinowitz and seconded by Mr. Sondergard. With all in favor.

Mr. Kemm thanked the Board and the Professionals for their time and always being available.

Mr. Topping asked for a motion to close the public portion.

Motion to close the public portion was made by Ms. Sielski and seconded was (inaudible), with all in favor.

No correspondence this evening was presented.

ADJOURNMENT:

Motion to adjourn was made by Byron Sondergard and seconded by Brian Tobin. With all in favor, the meeting was adjourned at 8:34 pm.

Respectfully submitted,

Kim Kirk

Secretary of Zoning