

Please note that the audio for this hearing was not legible in many areas of the recording.

**Borough of Metuchen
Zoning Board of Adjustment Meeting Minutes
JANUARY 11, 2024**

The meeting was called to order at 7:35PM by Mr. Renaud, the Board Attorney, who read the Sunshine Act in accordance with the Open Public Meetings Act.

ROLL CALL

Iris Delgado
Jonathan Rabinowitz, Vice Chairman
Angela Sielski
Daniel Topping, Chairman
Ehrin Ziccardi
Alan Johnson (Alt. 1)
Shaun Suchan (Alt. 2)

Robert Renaud, Board Attorney
Adam Colicchio, Board Attorney
Robert Mannix, Board Engineer
Chris Cosenza, Board Planner
Sharon Hollis, Board Secretary

ABSENT: Byron Sondergard and Brian Tobin

Election of Chairperson

Mr. Topping has been nominated for Chairperson and there are no other nominations. A voice vote was taken. All ayes.

Election of Vice Chairperson

Mr. Topping nominated Mr. Rabinowitz for Vice Chairperson. There are no other nominations. A voice vote is taken. All ayes.

Appointment of Board Attorney

Ms. Sielski motions to appoint Renaud Colicchio, LLC, and Mr. Rabinowitz seconds the motion.

Vote on Motion

Ms. Sielski	Yes
Mr. Rabinowitz	Yes
Ms. Ziccardi	Yes
Ms. Delgado	Yes
Mr. Johnson	Yes
Mr. Suchan	Yes
Mr. Topping	Yes

Appointment of Board Secretary

Mr. Rabinowitz motions to approve Ms. Hollis as Board Secretary and Ms. Delgado seconds the motion.

Vote on Motion

Ms. Sielski	Yes
Mr. Rabinowitz	Yes
Ms. Ziccardi	Yes
Ms. Delgado	Yes
Mr. Johnson	Yes
Mr. Suchan	Yes
Mr. Topping	Yes

Appointment of Board Planner

Mr. Rabinowitz motions to appoint LRK, Inc. and Ms. Sielski seconds the motion.

Vote on Motion

Ms. Sielski	Yes
Mr. Rabinowitz	Yes
Ms. Ziccardi	Yes
Ms. Delgado	Yes
Mr. Johnson	Yes
Mr. Suchan	Yes
Mr. Topping	Yes

Appointment of Board Engineer

Mr. Rabinowitz motions to approve Colliers Engineering and Ms. Sielski seconds the motion.

Vote on Motion

Ms. Sielski	Yes
Mr. Rabinowitz	Yes
Ms. Ziccardi	Yes
Ms. Delgado	Yes
Mr. Johnson	Yes
Mr. Suchan	Yes
Mr. Topping	Yes

REORGANIZATION RESOLUTIONS

Zoning Board of Adjustment 2024 Meeting Dates

Mr. Rabinowitz motions to approve the 2024 Meeting Dates and Ms. Sielski seconds the motion.

Vote on Motion

Ms. Sielski	Yes
Mr. Rabinowitz	Yes
Ms. Ziccardi	Yes
Ms. Delgado	Yes
Mr. Johnson	Yes
Mr. Suchan	Yes
Mr. Topping	Yes

Zoning Board of Adjustment 1:3-5 Quorum Rules

Mr. Renaud explains that we reduced the quorum from four to five. The Borough Council is considering an ordinance to add two alternatives to the Board of Adjustment, increasing the number of alternate members to four. Mr. Rabinowitz motions to approve the new quorum rule and Ms. Delgado seconds the motion.

Vote on Motion

Ms. Sielski	Yes
Mr. Rabinowitz	Yes
Ms. Ziccardi	Yes
Ms. Delgado	Yes
Mr. Johnson	Yes
Mr. Suchan	Yes
Mr. Topping	Yes

NEW BUSINESS

23-1355 **Eric Edwers** – Applicant is seeking amended approval and “c” variances to construct an addition to the existing single-family home in the R-2 Zone.

20 Charles Street

Block 211

Lot 40

The applicant’s attorney, Mr. Sachs, gave a brief opening statement. This applicant was before the Board in October 2023 and was granted the necessary relief for the variances requested. Since that time, there is an issue accommodating mechanical equipment on the property. They are seeking amended approval with no new variances being sought relative to the original approval.

Mike D’Innocenzi, the applicant’s architect, was sworn in and accepted as an expert witness. Mr. D’Innocenzi stated that they will try to redesign the ends on the proposed eaves. In response to the window recommendations, they will work out the actual mix of types of windows.

The Board asks questions about the inconsistency with the dormers. The submitted plans were not updated but the final plans show identical dormers for each side of the home. The Board engineer asked about a shade tree and a flowering tree. The shade tree will be accommodated but there is no room for a flowering tree.

The meeting is opened to the public for questions and comments.

There are none.

The Board finds that the relief may be granted. Ms. Sielski motioned to approve the application and Mr. Rabinowitz seconds the motion.

Vote on Motion

Ms. Sielski	Yes
Mr. Rabinowitz	Yes
Ms. Ziccardi	Yes
Ms. Delgado	Yes
Mr. Johnson	Yes
Mr. Suchan	Yes
Mr. Topping	Yes

OLD BUSINESS

22-1318 **Frank Kuo-Fang Shen** – Applicant is seeking “c” variances to reconstruct the detached single-family dwelling, and construct a two-story addition, including an attached two-car garage, and a wrap-around porch.
(continuation from 11-9-23)

303 Grove Avenue

Block 107

Lot 51

The applicant’s attorney, John Wiley, gave a brief description of the application. Mr. Wiley states that the project began with a building and zoning permit for an addition to the existing dwelling. During construction, it was discovered that parts of the building were impaired which would require more than 50% of the dwelling renovated and now be considered a “new” dwelling and the need for variance relief.

Mr. Wiley calls his first witness, John Riggio, the Applicant’s Architect, who was sworn in and accepted as an expert witness. Mr. Riggio states that the original designs showed a one-story portion of the house near the street line. The new proposal shows two new porches on two sides of the house both fronting streets and would meet the requirements of the eight-foot distance between the porch and garage.

The new plans show the revisions triggered by the “new” house regulations. Mr. Riggio states that they will comply with the Board Planner’s recommendations. Mr. Riggio clarifies the brick finish on two sides of the dwelling with the other two having vinyl.

The Board asks about the third floor and whether they have the most recent plans.

The meeting was opened to the public for questions.

Carlyle Owens of (recording is not legible) asked about the height requirement.

The meeting was closed to the public.

There is great discussion between the Board, the Board professionals and Mr. Wiley regarding setbacks, the discrepancy in submitted plans and proposed revisions to floor plans. With the dwelling needing to be partially demolished, new plans need to be provided. It is suggested that a temporary berm be constructed since the runoff is affecting the adjoining properties since the work stopped on this property in July of 2022. The landscaping plans were questioned since the Board did not have the updated plans.

Paul Fletcher, the Applicant's Engineer, was sworn in and accepted as an expert witness. He indicates that his firm was retained as the surveyor and site engineer. Mr. Fletcher goes over the four variances that are now required. He discusses the drainage that will be connected to an existing inlet and the landscape plan that will comply with the ordinance requirements.

The Board planner asked Mr. Fletcher the difference between the fourth and fifth version of the plans. Mr. Fletcher indicated the landscape schedule was corrected and the Board Planner's memorandum was addressed.

The hearing was opened to the public for questions.

There were none.

Mr. Riggio was recalled as a witness and indicated that he submitted revised plans after the stop work order that resulted in a need for variances. He indicated that the original plans did not call for a greater than 50% alteration to the dwelling. Roughly 80% of the original plans that were approved by the Board are the same with the remainder focused on front facades, setbacks, and inclusion of the wrap around porch.

Mr. Fletcher was recalled as a witness as a planner. He stated that because of the incurred costs to date, it would be a considerable hardship for the applicant to meet the front yard setbacks and that the existing home was already nonconforming. Mr. Fletcher reiterated Mr. Toppings' comment that the corner lot location of the property creates a hardship to comply with having dual front yard setbacks.

The meeting was opened to the public for comments.

There were none.

Mr. Wiley gave closing statements.

The Board asked questions about the relocation of the foundation, the façade variance and porch dimensions. The Board deliberates and feels the application should be approved with the conditions that Mr. Renaud will place in the Resolution.

Mr. Rabinowitz motioned to approve the application and Mr. Johnson seconds the motion.

Vote on Motion

Ms. Sielski	Yes
Mr. Rabinowitz	Yes
Ms. Ziccardi	Yes
Ms. Delgado	Yes
Mr. Johnson	Yes
Mr. Suchan	Yes
Mr. Topping	Yes

23-1359 **51 Holly Road Associates, LLC** – Applicant is seeking “d” and “c” variances to renovate the existing building and construct an addition, converting the existing office building into a mixed-use building consisting of office space and 23 apartment units, and various site improvements.

**20 Highland Avenue Block 118 Lots 15, 16, 17, 18.05,
40.02 & 44**

Mr. Wiley, the applicant’s attorney, opens with discussing the easement in the gravel parking area and indicates that there will be a parking easement to the neighbor (Block 118, Lot 48) who currently utilizes the lot. Mr. Wiley calls his first witness, Philip Provenzano.

Philip Provenzano of Cydana Realty, LLC and the current owner of the property which currently has four tenants. He indicates that the employees have always used the second parking lot. He states that since Covid, the building is not fully utilized, and they have entered into a contract to sell the property to 51 Holly Road Associates, LLC, and their intent is to convert the building into a mostly residential use.

It is noted by the Board Attorney, that the second parking lot is in a residential zone and requires a use variance. The Board asked if there have been any attempts to rent the subject property and the owner indicated he was advised by a realtor that there would not be any interest in leasing the building without renovations and modifications.

The meeting was opened to the public for questions.

Suzanne Cea of 58 Robins Place asked questions regarding approval of the mixed-use building with the sale of the property, lighting in the gravel parking lot, and hours that employees park on said lot.

Bogie Boscha of 101 Hillside Avenue asked a question regarding elevators.

Daniel Cea of 58 Robins Place asked questions regarding the mixed use creating a need for more parking and had concerns regarding traffic.

The meeting was closed to the public.

Lesle Walker, the Applicant's Engineer, was sworn in and accepted as an expert witness. Mr. Walker describes the property and displays a site plan marked Exhibit A-1. Next is Exhibit A-2 which is a magnified version of A-1. He indicates that a portion of the gravel parking lot would be paved with landscaping and a sidewalk added. An electric vehicle charging station will also be installed.

Mr. Walker addresses drainage and that the application would not increase impervious coverage and will maintain the current drainage pattern. Mr. Walker indicated he would work with the Board Engineer's office to address any drainage issues.

The Board has concerns about how pervious the gravel lot is with the impact over the years and also lighting concerns.

Exhibit A-3 is displayed with the easement being provided to the owner of Lot 48. The Board attorney questions the parking layout associated with the drive aisle.

Mr. Walker discusses the variances required, as well as design and development standards. Landscaping and waste management are also discussed.

The meeting was opened to the public for questions.

David Aiken of 24 Highland Avenue questions a green area near his property and a sidewalk.

Cheryl Craft of 59 Robins Place asks questions about access to the gravel lot and the existing stairwell to the downtown area.

Ms. DelRosario of 55 Robins Place asked about sidewalks and the perimeter design of the parking lot.

Mr. Aiken returned to ask about stormwater flowing towards his property.

David Nelson of 54 Kempson Place asked about additional lighting.

Christina Le of 29 Hillside Avenue has concerns about the traffic and congestion on the already narrow Inn Place.

Bogie Boscha of 101 Hillside Avenue questions the number, as well as size of the units proposed in the mixed-use building.

Seema Bhatnagar of 24 Highland Avenue asked about snow plowing and the leasing of parking spaces to residents of the building.

Dan Cea of 58 Robins Place asked about snow plowing and retail space on the ground floor of the building.

The meeting was closed to the public.

At this time Mr. Topping informs the Board and members of the meeting that the meeting will be adjourned, and the application will be carried to the February 8th meeting with no further notice.

PUBLIC PORTION

There is none. Mr. Johnson motions to adjourn the public portion and Mr. Suchan seconds the motion. All ayes.

CORRESPONDENCE

Meeting Minutes October 12, 2023

Ms. Sielski makes a motion to approve the minutes and Mr. Rabinowitz seconds the motion. All ayes.

Meeting Minutes November 9, 2023

Mr. Rabinowitz makes a motion to approve the minutes and Ms. Sielski seconds the motion. All ayes.

ADJOURNMENT

The meeting was adjourned.

/jr