

Borough of Metuchen
Zoning Board of Adjustment Meeting Minutes
FEBRUARY 8, 2024

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

ROLL CALL

Iris Delgado	Adam Colicchio, Board Attorney
Jonathan Rabinowitz, Vice Chairman	Chris Cosenza, Board Planner
Angela Sielski	Thomas DiMartino, Zoning Officer
Byron Sondergard	Sharon Hollis, Board Secretary
Brian Tobin	
Daniel Topping, Chairman	
Alan Johnson, Alt. 1	
Shaun Suchan, Alt. 2	

ABSENT: Ehrin Ziccardi

RESOLUTIONS

22-1318 **Frank Kuo-Fang Shen** – (Seeking “c” variances to reconstruct the detached single-family dwelling, and construct a two-story addition, second-floor addition, one-story additions including attached two-car garage, and a wrap-around porch). Approved 1-11-24.

303 Grove Avenue

Block 107

Lot 51

Mr. Rabinowitz motioned to approve the resolution and Mr. Topping seconded the motion.

Vote on Motion

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

23-1355 **Eric Edwers** – (Seeking amended approval and “c” variances to construct an addition to the existing single-family home in the R-2 Zone). Approved 1-11-24.

20 Charles Street

Block 211

Lot 40

Mr. Rabinowitz motioned to approve the resolution and Ms. Delgado seconded the motion.

Vote on Motion

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

OLD BUSINESS

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, gave a brief opening statement and indicated that there were revisions to the engineering plans based upon questions and comments from the last hearing. Mr. Wiley introduced his first witness, Mr. Walker, the engineer, who remained under oath.

Mr. Walker goes over the revisions in detail and indicates that further revisions would be articulated in a later submission.

The Board asks questions regarding stormwater drainage; snow removal; lighting; and the gate that provides access to the downtown area.

The meeting was opened to the public for questions for Mr. Walker.

Mr. Aitken asked a question regarding parking.

Ms. DelRosario asked about stormwater drainage negatively impacting her property.

Mr. Cea asked about the parking area and stormwater drainage.

Ms. Craft asked about the pedestrian access at the rear of her property.

The meeting was closed to the public.

Mr. Wiley introduces his next witness, Mark Marcille, the applicant's architect. Mr. Marcille went over the architectural plans and the proposed apartments. The intent was to maintain the existing style of the building. Addressing the floor plans, he stated that the ground floor would feature a three-bedroom affordable housing apartment, offices, bicycle storage and an amenity room. The first floor would contain two bedroom and one-bedroom units. The top floor would contain one-bedroom apartments. The one-bedroom units are undersized and require a variance.

The Board points out the affordable unit bedroom sizes and feel that the rooms are undersized; there is an incorrect plan showing a door opening into a unit that should not be there; also, the discrepancies in measurements on the plans. Mr. Wiley feels the smaller apartment sizes accommodate market demand. There is some further discussion regarding the unit sizes and parking.

Mr. Marcille goes over the exterior of the building. The Board questions the size of the structure in relation to the neighboring properties. The Board asks if there was a sun study performed with the new proposed addition and there was not. It was asked if consideration was given to placing some of the improvements to the parking area on the ground level and there was no consideration. The Board does not feel there was much of an improvement to the structure as far as aesthetics and inadequate steps were taken to make improvements.

The Board expresses concern about the lack of storage for the units and the size of the units. The elevator size is questioned and number of windows in each unit is also a concern.

The meeting was opened to the public for questions for Mr. Marcille.

Ken Duvilla of 33 Highland Avenue asked about the number of one-bedroom units, parking, and traffic.

Nick Fagan of 42 Edgewood Road asked about Mr. Marcille's qualifications, and the height increase with the addition.

Harry Maskin of 178 Highland Avenue asked about square footage requirements for bedrooms and parking to accommodate the office space.

Chris Wang of 82 Kempson Place asked about building height and amenity space.

Dominick Manzo of 47 Highland Avenue asked about storage.

The meeting was closed to the public.

Mr. Riley introduced the applicant's planner, Paul Ricci, who was sworn in and accepted as an expert witness. Mr. Ricci testified the building location in two different zones and stated that a similar apartment building has been constructed nearby with the same

zoning. He believes that there is high demand for the use proposed by the Applicant. Mr. Ricci went over the required variances. There are two D(1) variances. One for apartments on the ground floor and one for the gravel parking lot in the R-1 Zone. The C variance for the front yard setback that the applicant will be seeking a hardship for. As for the D(1) variance for the apartments on the first floor, more intensive uses are permitted in the B-1 zone and the departure to allow apartments at the ground floor level is not a drastic departure from the permitted uses.

As for the D(1) variance for the parking lot, since the principal structure relies on the parking lot the Board should seek to harmonize the uses of the properties.

Mr. Ricci feels the variances can be granted without substantial detriment to the public good.

Mr. Wiley provided a subdivision approval from 1977 that shows that the lot the gravel parking lot is on has existed since that time. The Board noted that it is unclear how such a subdivision involving a parking lot in the R-1 Zone could have been approved without being before the Zoning Board of Adjustment since it would have required a D variance.

The Board asked how the application can be viewed as not being detrimental to the adjoining neighbors. There was discussion over whether the Application was more geared towards providing inexpensive apartment units to younger individuals, or an attempt to fit as many rental units as possible to generate the greatest profit. The Board expressed disappointment with the lack of improvement to the parking area and the massing of the addition they feel is out of place. There is discussion regarding the basement floor and the grading. The Board feels that no hardship explanation was given for the need for undersized apartment units without appropriate amenities.

The meeting was opened to the public for questions to Mr. Ricci.

Mr. Cea asked about ground floor retail space especially since there is retail use across the street from the property.

Ms. Le asked about unit size and amenities.

Mr. Ron Grayzel of 124 Hillside Avenue asked about traffic studies and the detriment to the surrounding neighborhood.

Mr. Aitken also asked about traffic and the detriment to the neighborhood.

The meeting was closed to the public.

The meeting was opened to the public for comments.

Donovan Beezer, Esq., the attorney for Mr. Aitken and Ms. Bhatnagar called his first witness, Peter Steck, Planner, who was sworn in and accepted as an expert witness.

Mr. Steck handed out Exhibit D-1 and went over the five-page handout. He explains that the addition is a substantial expansion of the building. He also explained that the building is located in the B-1 Zone while the parking lot is located in the R-1 Zone. The parking lot does not show that a variance was ever granted. Mr. Steck disputed that the property should be determined to have two front yards with applicable setbacks and because of the inaccurate setback count, he believes the notice given for the application is defective. He went on to say that the Applicant must show practical difficulties to evade design standard requirements. As for the parking lot, he indicated that the Master Plan would find residential property being developed there as more suitable for the R-1 Zone.

At this point, Mr. Erickson adjourns the meeting until March 13th when the planner will be cross examined.

The public portion of the meeting was closed.

ADJOURNMENT

Mr. Topping motioned to adjourn, and Ms. Sielski seconded the motion. All ayes.

/jr