

Borough of Metuchen
Zoning Board of Adjustment Meeting Minutes
March 14, 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

Present:	Alan Johnson, Alt. 1	Adam Colicchio, Board Attorney
	Jonathan Rabinowitz, Vice Chairman	Chris Cosenza, Board Planner (arrived 8:15pm)
	Angela Sielski	Thomas DiMartino, Zoning Officer
	Byron Sondergard	Robert Mannix, Board Engineer
	Shaun Suchan, Alt. 2	Robert Renaud, Board Attorney
	Brian Tobin	Joanna Roberts, Board Secretary
	Daniel Topping, Chairman	
	Ehrin Ziccardi	ABSENT: Iris Delgado

RESOLUTIONS

ZB2402-09 Resolution appointing the new Zoning Board Secretary, Joanna Roberts.

Mr. Sondergard motions to approve the appointment and Mr. Tobin seconds the motion.

Vote on Motion

Ms. Sielski	Yes
Mr. Sondergard	Yes
Mr. Tobin	Yes
Mr. Rabinowitz	Yes
Ms. Ziccardi	Yes
Mr. Johnson	Yes
Mr. Suchan	Yes
Mr. Topping	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 introduces his first witness, the architect, Mark Marcille, of Marcille Architecture, who goes over the design of the building. The units were reduced from 23 to 20 units with the square footage increasing by 1,000 square feet with the squaring off of the building. All unit sizes meet the requirements of the ordinance. The elevator has been enlarged. In response to Mr. Cosenza’s comment regarding the size of Unit 2B, they will take footage from unit 2C to conform the unit size. All units have a coat closet, a storage closet, with washer and dryers.

The Board questions the size of the building which has increased; a sun study that was not completed; a comment about the three bedroom being moved to the third floor which the Board felt was a better fit; bike racks and storage.

The meeting is opened to the public for questions for the architect.

Suzanne Cea of 58 Robins Place questions the office space on the first floor and the proposed apartments on the first floor, as well as the elevator.

The meeting is closed to the public for questions to the architect.

Mr. Wiley introduces the engineer, Les Walker, of Meridian Engineering. He explains that the required parking is 38 and provided parking including the ADA and EV is 38 and the parking variance is no longer required.

The Board asks questions about the drainage issues. Mr. Walker and Mr. Mannix spoke the day of the meeting and decided to switch to permeable pavement for the gravel parking area. There will also be a maintenance manual that will be filed with the Deed. Questions about water tables and a trench drain are discussed. There is a question regarding a loading area which will be the responsibility of building management. It is confirmed that residents will have designated parking spaces.

The meeting is open to the public for questions to the engineer. There are none. The meeting is closed to the public.

Mr. Wiley introduces the planner, Paul Ricci. Mr. Ricci discusses the concessions made by the applicant to be compliant. Mr. Ricci compares previous projects to the 20 Highland Avenue project and feels this is the least dense project with the most amount of parking.

The Board asks about 25 Hillside and the comparison of the distance of that building to the next property as with this building and the distance to the neighboring property. The building is 3.3 feet from the 20 Highland Avenue property line, but it is estimated that the 25 Hillside project is fifteen or twenty feet from the property line. Mr. Cosenza informs us that the approximate distance between 25 Hillside and the adjoining residence is between 30 and 35 feet and is a three-story building.

The meeting is opened to the public for the planner. There are none. The meeting is closed to the public.

The objecting resident's (David Aitken) attorney, Donovan Bezer, introduces his client, Mr. Aitken who has a handout labeled "O2" which describes the impact of the 20 Highland Avenue project to their residence at 24 Highland Avenue which adjoins the development property. Mr. Aitken displays the exhibits on the screens and goes through the exhibits which show pictures of their backyard and the proposed building that will be within ten feet of their property. Mr. Aitken feels the proposed building dominates the adjacent properties with the four-story façade. Mr. Aitken points out that authorizing Tract 2 parking as the principal use of this lot precludes any future residential development and impairs the attractiveness and value of his property.

Mr. Aitken's planner, Mr. Steck, goes over the proposed changes by the applicant which he feels are incomplete and that they are going in the wrong direction. The building volume has increased, there is no commercial space on the first floor. The gravel parking lot on Tract 2 has no evidence of approval by the Board and Mr. Steck feels that the Board should not punish the applicant for use of a parking lot that shows no approval but not reward them in allowing the continued use of the lot. He feels there is substantial detriment to the public good if approving this application.

Mr. Wiley questions Mr. Steck regarding the zoning ordinance and the definition of the basement and building stories, as well as the "parking" area that has been utilized by the applicant.

The Board questions the turnaround area in the parking lot of Tract 1, the definition of a mixed-use building and whether this is a mixed-use building by definition. There is also the question whether this is four stories or three stories,

The meeting is opened to the public for the objector's planner, Mr. Steck.

David Aitken from 24 Highland questions the variance and the additional floor added and whether it affects the setback variance. Mr. Steck indicates that it intensifies the variance.

Yvonne Maskin of 178 Highland comments that the applicant indicated extensively that this would not change the nature of the neighborhood and would like to know Mr. Steck's comments. Mr. Steck disagrees as this will be the tallest building in the area and feels it is not a good transition into the residential area.

The meeting is closed to the public for questions for the objector's planner, Mr. Steck.

The meeting is opened to the public for comments on the application.

Sondra Flite of 194 Highland Avenue is sworn in and indicates that she has lived here for 27 years on Highland Avenue and feels this building is not attractive because it projects to close to the street. She asks the Board to consider rejecting these variances.

Beth Strom of 25 Carson Avenue is sworn in, and she feels the building is too large and has almost doubled in size. She does not consider this a mixed-use building. She questions how garbage will be collected since a garbage truck will not be able to get through to any dumpsters. The fact that Tract 2 has been used as an illegal parking lot for all these years, in her opinion, is not a reason to impair the zoning use by codifying that use. She feels the application should be denied. It will be detrimental to the surrounding properties and to the zone plan. She agrees with Mr. Steck in that this is too dense of a project.

David Aitken (the objector) of 24 Highland Avenue is sworn in and discusses how Tract 1 and Tract 2 both butt up to his property and he and his wife have lived here for over eighteen years. Displaying a photo of his home and the building next door, he points out that the distance between both buildings will only be eighteen feet apart. They will have apartments overlooking their backyard and the rear of their home. He feels this will have a negative impact on his property and privacy. There is a picture of Mr. Aitken's backyard western view with an outline of the proposed building that will now block the sun from the full width of their backyard. Mr. Aitken utilized a NOAA Solar Position Calculator to show a diagram in the exhibits depicting the lack of

sun in his backyard with times and dates that this will be impacted. He feels that the presence of this building will have a negative on his property and the neighborhood.

Kenneth Duvilla of 33 Highland Avenue is sworn in and indicates his wife and his children live on Highland Avenue and feels it is a mistake to grant these variances and is concerned about the congestion in the area. The permit parking is not enforced on Highland Avenue and is already an unsafe street due to the traffic. Street parking is very difficult and there is poor visibility for residents to back out of their driveway and hopes that the Board will deny this proposal.

Mr. Bezer, the objector's attorney, states that the Board is obligated to follow the law. If the Board feels that this parking lot has been misused after fifty years, the Board can prevent this applicant from using Tract 2 so that this lot can be used for residential use.

Mr. Wiley makes closing statements.

The Board deliberates and feels there are too many things that don't work; the massing is massive; the parking is not big enough for larger vehicles; the fourth story is too intrusive to the neighbors and the neighborhood; the building is not attractive; the second lot could be used for a conformed residential use; the apartments are a good transition but the mass is too much; the back parking lot could be utilized for houses to be put up and a possible cul-de-sac in the R-1 zone. A question is asked if the applicant could return with a different application on the same property and Mr. Renaud confirms they do have the ability to return to the Board.

Mr. Sondergard motioned to deny the application and Mr. Rabinowitz seconded the motion to deny.

Vote on Motion

Ms. Sielski	Yes
Mr. Sondergard	Yes
Mr. Tobin	Yes
Mr. Rabinowitz	Yes
Ms. Ziccardi	Yes
Mr. Johnson	Yes
Mr. Topping	Yes

ADJOURNMENT

Mr. Sondergard motioned to adjourn and Mr. Rabinowitz seconds. All ayes.

/jr