

Borough of Metuchen
Zoning Board of Adjustment Meeting Minutes
SEPTEMBER 14, 2023

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

ROLL CALL

| | |
|------------------------------------|--------------------------------|
| Iris Delgado | Chris Cosenza, Board Planner |
| Jonathan Rabinowitz, Vice Chairman | Robert Renaud, Board Attorney |
| Angela Sielski | Sharon Hollis, Board Secretary |
| Byron Sondergard | |
| Brian Tobin | |
| Daniel Topping, Chairman | |
| Ehrin Ziccardi, Alt. 2 | |

ABSENT:

Jonathan Capp, Alt. 1

RESOLUTIONS

23-1352 **David Wyrzten** – *Applicant is seeking “d” and “c” variances to construct an addition to the existing single-family home in a B-3 Zone. (Approved 7.13.23)*

19 Halsey Street

Block 144

Lot 15.01

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

Vote on Motion

| | |
|----------------|-----|
| Ms. Delgado | Yes |
| Mr. Rabinowitz | Yes |
| Ms. Sielski | Yes |
| Mr. Sondergard | Yes |
| Mr. Tobin | Yes |
| Mr. Topping | Yes |
| Ms. Ziccardi | Yes |

NEW BUSINESS

23-1355 **Eric Edwers** – Applicant requires “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, Lawrence Sachs, gave a summary of the application which is a two and a half-story addition to the existing one story resulting in various C variances that are required, as well as a waiver for front yard tree plantings. Mr. Sachs introduced his first witness, the applicant, Eric Edwers.

Mr. Edwers was sworn in and gave testimony. He described the current home with the first floor having one bedroom and the second floor having two bedrooms. With this renovation, the bedroom on the first floor will be relocated to the second floor. The basement will be finished for use as a recreation area for his children and the attic above the new second story will serve as an office.

The architect, Mike D'Innocenzi, was sworn in and accepted as an expert witness. Mr. D'Innocenzi displayed an aerial photo of the property with surrounding properties and indicated that the addition being proposed by the applicant is a common addition with various other houses in the area. The architectural plans are displayed and show the addition at the rear of the house. The addition will allow for three bedrooms on the second floor including a master bedroom, two bathrooms and a laundry area. The basement will get a new set of stairs going down into the basement. An air compressor will be placed in the rear of the house and will comply with the accessory structure setback requirements.

The Board asks questions regarding trees and a sump pump which are all satisfied. The Board feels that the applicant has demonstrated that due to their exceptional situation with the narrowness of the property and location of preexisting structures, abiding by the current zoning regulations, would result in difficulties and undue hardship. The applicant agrees to adhere to the conditions that will be contained in the Resolution.

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

Vote on Motion

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|----------------|-----|
| Ms. Delgado | Yes |
| Mr. Rabinowitz | Yes |
| Mr. Sielski | Yes |
| Mr. Sondergard | Yes |
| Mr. Tobin | Yes |
| Mr. Topping | Yes |
| Ms. Ziccardi | Yes |

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.

145 Plainfield Avenue

Block 2

Lot 1

The applicant's attorney, Tiena Cofoni, asks that the objecting attorney be given the opportunity to speak. Richard Mackiewicz, the attorney representing Susan and Catherine Marshall who reside at 156 Plainfield Avenue. Mr. Mackiewicz states that he feels that the notice is incorrect as he feels it should state a D(1) variance as the application is a self-imposed condition not a relief from a prior act by the Board. He further stated that the current use of the field by third parties is already in violation of the Board's 2014 resolution and wanted to subject the Board to a conflict of interest if any Board member has made use of the subject property. The board attorney, Mr. Renaud, stated that he is satisfied the notice confers jurisdiction on the board and through the applicant's testimony, it will be elicited as to what type of relief is required. As for the conflicts of interest, Mr. Renaud does not feel that the level of interaction would create a conflict of interest but if any Board member felt differently, they should recuse themselves. Ms. Sielski indicated that her children have used the field but does not feel that that will impact her ability to be impartial.

Ms. Cofoni readdresses the Board and gives a brief statement describing the application. Ms. Cofoni indicates that the Applicant requests a conditional use variance for the use of eight temporary lights on Brenner Family Field for six night athletic events per school year, as well as a design exception as the average light illumination level exceeds 0.9 footcandles. Lastly, the Applicant requests relief from a condition of the 2014 resolution to allow use of the Brenner Family Field by third parties as that is customary and incidental to the athletic field use by a school.

Ms. Cofoni's first witness is John Nolan, President of Saint Joseph High School. Mr. Nolan is sworn in. Mr. Nolan stated that the school participates in the community by allowing neighbors to use the property's track and field, the parking lots when needed and the Police Department to conduct training on the property. St. Francis uses the property for their field day and Metuchen Recreational Soccer uses the fields for their games.

The Board questioned the 2014 Resolution with the lighting, the frequency of renting out the field to third parties, and lacrosse tournaments.

The Applicant's engineer, Richard Adelsohn, is sworn in and accepted as an expert witness. Mr. Adelsohn displayed the field which was marked as Exhibit A-1 and pointed out where the proposed lights would be. The 24.5-foot candles would be placed on the track surrounding the field in a uniform pattern.

Exhibit A-2 is displayed of enlarged aerial photographs. These photos show that the lighting to the east and north would be relatively well screened by existing trees.

The Board questions lighting at nearby schools, the effect the lighting will have on the properties across the street, and possibly adding additional evergreen trees.

The Applicant's planner, James Higgins, was sworn in and accepted as an expert witness. Mr. Higgins goes over the relief from the ordinance, for conditional use, and the lighting for security purposes. Mr. Higgins does not see a substantial detriment based on the proposed

use. There is a substantial benefit, an inherently beneficial use, in recreational activities to benefit students and the municipality.

The Board asks questions about third-party use and whether it was customary for schools to use other schools' fields, and whether Metuchen High School was installing permanent lighting.

Mr. Nolan was recalled to testify and stated that Friday night games have added benefits of promoting admissions for the Applicant and the hosting of events on the property enables prospective students to familiarize themselves with the school.

Mr. Nolan was cross-examined by Mr. Mackiewicz.

The meeting was opened to the public for questions.

Karen Blanchard of 69 Willow Road, asked about students and residency.

The meeting was closed to the public.

Mr. Adelson was recalled to testify and was cross examined by Mr. Mackiewicz.

Mr. Higgins was recalled to testify and was cross examined by Mr. Mackiewicz.

Mr. Mackiewicz called his first witness, Catherine Marshall, of 156 Plainfield Avenue, who was sworn in. The witness presented a video marked O-1 showing traffic and lighting from the last Friday night sporting event. She expressed concern about noise, parking, and traffic.

The Board asked questions to Ms. Marshall regarding the time of day the video was taken, traffic, and police activity which was shown in the video.

Mr. Mackiewicz called his next witness Samuel Bellamy, Planner, who was sworn in and accepted as an expert witness. Mr. Bellamy feels that athletic events do not meet the definition of security which the ordinance states. Since the proposed use does not fit into the permitted uses in the zone, that use should be regulated to ensure there is no detrimental effect to the surrounding neighborhood. He also states that use of fields by third parties qualifies the school as a sports and athletics facility which would suggest that the applicant need a D(1) variance. A traffic study in his opinion should be required. He feels the applicant has failed to meet its burden of proof.

The Board points out that the witness focused mostly on negative criteria.

The meeting was opened to the public for questions.

John Birri of 11 Miller Drive was sworn in and gave testimony. He stated that many of the trees buffering the property have died and no longer block the subject property from surrounding residences.

Karen Blanchard of 69 Willow Road was previously sworn in and stated that she is not opposed to the use of lighting but hoped it would not be frequent. She is not in favor of third-party use of the fields.

Paul Stufa of 168 Plainfield Avenue was sworn in and gave testimony. Mr. Stufa stated his opposition to the application as he is concerned about traffic and noise, especially with third party uses.

John Langdon, the Chairman of the Board for the Applicant's Board of Directors, was sworn in and gave testimony. He said many schools across the country have Friday night athletic events and they should not be denied this application, and the third-party use provides scholarships to students.

Jeremy Decaro of 6 White Court, Middletown, was sworn in and gave testimony. He stated that as a student enrolled in the school, the Friday night activities would provide a benefit to the community, giving students, alumni, and residents the chance to enjoy such events.

William Kwiatkowski of 106 Lake Avenue was sworn in and gave testimony. He is a current student at Saint Joseph High School. He stated that such events bring joy to the community and added that third party rental provides the school with the ability to have activities that sometimes are not available without the funding.

Glenn Barrett of 120 Plainfield Avenue was sworn in and gave testimony. He stated that the events at the school are a noise nuisance.

Susan Marshall of 156 Plainfield Avenue was sworn in and gave testimony. She stated attendees of the evening athletics have littered her property and parking at the school is inadequate.

Terry Irving of 8 Cape Court was sworn in and gave testimony. She stated that while the proposal is not ideal, it is not atypical for residential areas.

Ryan Joseph Lechner of 1293 North Barkley Road, North Brunswick, was sworn in and gave testimony. Mr. Lechner is the Director of Operations for the applicant and states that third party soccer organizations do not use the Applicant's sound system and no events start before 1pm. He said the school makes every attempt in renting their property with the intent of not disturbing the neighbors. He clarified that the video shown earlier with the police presence was the recommendation of the Applicant that there be a police officer present to direct traffic.

The meeting was closed to the public.

Karl Kemm, one of the attorneys for the Applicant, gave a closing statement.

The Board and professionals asked for clarification on the timing of the lighting; the number of events per night; parking at Woodrow Wilson school and possibly coming up with a detailed plan for parking; permanent lighting; having police direct traffic at larger events; Mr.

Kemm was asked to describe a typical Friday night event; it was indicated that the lights will be rented as needed and that third parties will be unable to use the lights.

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

Vote on Motion

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|----------------|-----|
| Ms. Delgado | Yes |
| Mr. Rabinowitz | Yes |
| Mr. Sielski | Yes |
| Mr. Sondergard | Yes |
| Mr. Tobin | Yes |
| Mr. Topping | Yes |
| Ms. Ziccardi | Yes |

ADJOURNMENT

Mr. Erickson motioned to adjourn the meeting. All ayes.

/jr