

ZONING BOARD MEETING DECEMBER 6TH, 2023

The meeting of the Zoning Board of the Borough of Somerville was called to order by Vice Chair Ed Allatt at 7:00 p.m. and stated that adequate notice of this meeting had been provided in accordance with the "Open Public Meetings Act".

Board Members Present: Ed Allatt, Morgan McLachlan, Richard O'Neill, Brian Vadimsky, Eric Alvarez, John Flores, Stewart Daniels

Board Members Absent: Arthur Adair, Roberta Karpinecz

Professionals Present: Clifford Gibbons, Esq., Board Attorney and Michael Cole, Board Planner and Engineer

See transcript.

APPROVAL OF MINUTES

Upon a motion by Richard O'Neill, seconded by Morgan McLachlan, the minutes of November 1st, 2023, were approved upon a roll call vote.

Roll Call Aye: Ed Allatt, Morgan McLachlan, Richard O'Neill, Brian Vadimsky, Eric Alvarez, John Flores

 Nay: None

 Abstain: None

See transcript.

RESOLUTIONS

2022-020Z
200 E Main Street LLC
200-204 E Main Street
B58 L2&3

Upon a motion by Richard O'Neill, seconded by Eric Alvarez, the Resolution of 2022-020Z, 200 E Main Street LLC, was approved upon a roll call vote.

Roll Call Aye: Ed Allatt, Richard O'Neill, Brian Vadimsky, Eric Alvarez, John Flores

 Nay: None

 Abstain: None

See transcript.

2022-003Z
15 Fourth Street
ARC Development Group
B55 L5.02

Upon a motion by Richard O'Neill, seconded by Morgan McLachlan, the Resolution of 2022-003Z, 15 Fourth Street was approved upon a roll call vote.

Roll Call Aye: Ed Allatt, Morgan McLachlan, Richard O'Neill, Brian Vadimsky
 Nay: None
 Abstain: None

See transcript.

2023-006Z
RWJ Barnabas
453 Williams Street
B81 L1.011

Upon a motion by Richard O'Neill, seconded by Brian Vadimsky, the Resolution of 2023-006Z, RWJ Barnabas, was approved upon a roll call vote.

Roll Call Aye: Richard O'Neill, Brian Vadimsky, John Flores, Stewart Daniels
 Nay: None
 Abstain: None

See transcript.

LAND USE

2023-002Z

Manjit Bajwa

25-27 N. Middaugh Street

B127 L 9

Attorney for the applicant Michael Selvaggi, Esq. from Lavery, Selvaggi, Abromitis & Cohen addressed the board expressing that they were before the board this evening to seek a use variance site plan approval to take an underutilized piece of property that abuts along the NJ Transit line and convert the main building into 13 apartments, 8 one bedroom and 5 two bedrooms. Mr. Selvaggi went on to explain that the use variance was needed because the site is located in the R-2 single family residential district, however they believe that through their planner Gary Dean they can justify the special reasons that would support the relief being sought.

At this time Civil Engineer Jeffrey Hoser was sworn in by Clifford Gibbons, Esq., Board Attorney. Mr. Hoser provided his education and professional background and was accepted by the board as a professional. Mr. Hoser then reviewed the report that was issued by Michael Cole, Board Planner and Engineer, beginning with an overview of what the site as it exists currently then went into what is being proposed including orientation, drainage, utilities, parking lot, improvement coverage, landscaping, lighting, and driveway width. Mr. Hoser also made mention of a truck turn analysis and the ability for 90 degree and 180 degree turns within the lot. Mr. Selvaggi then had Mr. Hoser provide testimony on the specific requests throughout the report provided by Mr. Cole.

At this time Vice Chairman Allatt opened up to questions from the board pertaining to the testimony just given by Mr. Hoser.

Several Board members provided questions related to onsite parking and if there is an opportunity to increase what is currently being proposed as well as if the other building on the site would be used for residential housing also. There was a lengthy discussion between board members and applicants professionals in regard to what the use of the buildings will be.

At this time Vice Chairman Allatt opened up to questions from the public.

Nancy Krieger, 46 Middaugh Street expressed concerns with the environmental portion of the Mr. Hosers testimony. Vice Chairman Allatt reminded her that there was no testimony given from Mr. Hoser on the environmental and that he will not be able to answer based on his role as the civil engineer on the project.

Harold Willard, 44 North Middaugh Street asks questions pertaining to the number of parking spots being provided to residents and if they can create more parking.

At this time William Byrne, licensed engineer for the project was sworn in by Clifford Gibbons, Esq., Board Attorney and provided his education and professional background and was accepted by the board as a professional. Mr. Bryne then provided testimony surrounding the architectural

drawing that were prepared for the application including plans for 12 apartments with exterior renovations to restore to be more of an upscale appearance, while preserving the character of the interior of the building to the extent possible. He also reviewed colors and materials along with the variety of sizes and configurations of the units. He also mentioned the free-standing independent building that they are looking to repurpose.

At this time Exhibits A-1 through A-4 were marked into the record as colorized photographs that were taken as part of initial fieldwork. These were entered into the record primarily to address one of the comments that was included in the report provided by Michael Cole asking for what the intent to use some of the existing features in the interior of the building in the apartments. Mr. Byrne testified that he felt that the photos represent a lot of the quality features that people may not have expected that this building offered, including heavy timber support beams. Mr. Selvaggi then requested that Mr. Byrne address the additional comments included in Mr. Coles' report.

At this time Vice Chairman Allatt opened to questions from the board pertaining to the testimony just given by Mr. Byrne.

The same question was posed about the ability to include more parking as well as how many units the structure can hold as well as what the ceiling heights are in the two units facing Middaugh street and the inclusion of a generator and what the building in the back of the L shape would be used for. Mr. Cole additional questions the three-phase power that is being supplied to this building.

At this time Vice Chairman Allatt opened to questions from the public.

Rob Bayait, 43 North Middaugh questioned the entrances to each apartment on North Middaugh.

At this time Mr. Selvaggi requested a five-minute recess.

The meeting was resumed, and the final witness Gary Dean was sworn in by Clifford Gibbons, Esq., Board Attorney. Mr. Dean is serving as the Professional Planner on the project who testified to the conditions of the D-1 variance required for the project while also addressing the discuss that had been focused on the parking sustainability and parking demand. In speaking about the D-1 variance he referenced the master plan and its premise to encourage sensitive infill development that is compatible with the surrounding area, as well as the comprehensive development objective that recognizes that the brough is a residential community and should remain committed to that purpose including providing various housing options and a rang of housing type to preserve residential areas. Mr. Dean also testified that by eliminating the industrial, manufacturing, commercial use he believe that they meet all of the criteria of the objectives expressed in the Master Plan. Mr. Dean also address the negative and positive criteria associated with the plan stating that he believes that the positives out weigh the detriments substantial and that the use can be granted notwithstanding the deviation from the zone plan which does not expressly permit multi-family homes but it permits things that are very close and that he would argue adjacent to multi-family uses in the building. Mr. Dean additionally reviewed the bulk variances that are associated with the property and all of the requested relief in terms of the variances that already pre-exist.

At this time Vice Chairman Allatt opened to questions from the board pertaining to the testimony just given by Mr. Dean.

Questions from the board included parking and the ability to create more spaces with the discussion expanding to off-street parking and if the miscellaneous building were removed how much parking would you be able to gain. There was some discussion between professionals and applicant to convert the shed into covered parking to include EV parking as well in order to create additional spaces. It was the position of several board members that they would not be able to make a determination on this as they did not provide any drawings for this building. It was stated that not having this included in the plan may have been an oversight on the application. Additional conversation was had between the professionals and board members in relation to this issue.

At this time Vice Chairman Allatt opened to questions from the public.

Margaret Weinberger, 42 North Middaugh Street asked Mr. Dean if he could read the R-2 community use from the ordinance. Mr. Dean confirmed that community residence or shelter was permitted in the zone. He was then asked to explain in layman's terms what that meant and if he could explain what two tenths of a car was from his earlier testimony relating to parking demand.

James Vonschilling, 42 North Middaugh Street questioned is they looked into how many employees typically worked at the property when it was a commercial use and what the traffic looked like at that time.

Harold Willard, 44 North Middaugh Street questioned if there were entrances on Middaugh Street.

Nancy Kriger, 34 Middaugh Street provided her background of knowledge from living on the street as well as expressed her dislike for the proposed use. Questioning why they were building it there as well as expressing her concern with parking.

At this time Attorney for the applicant Michael Selvaggi, Esq recognized that there were several revision on the fly that evening and asked if the board would be ready to vote or if they would need more information. It was the general consensus of the board that the depictions of additional parking should be provided to them so that they can see what they are approving of. It was determined that the applicant would revise the plans and come back before the board to present.

AJOURN

Upon a motion by Richard O'Neill seconded by Morgan McLachlan, the adjournment of the Zoning Board meeting of December 6th, 2023, was unanimously approved upon a roll call vote.

Roll Call Aye: Ed Allatt, Morgan McLachlan, Richard O'Neill, Brian Vadimsky, Eric Alvarez, John Flores, Stewart Daniels

Nay: None

Abstain: None

The meeting was adjourned at 9:26 p.m.