

PLANNING BOARD MINUTES MARCH 13TH, 2024

The meeting of the Planning Board of the Borough of Somerville was called to order by Chairman Bernard Navatto at 7:00 PM and stated that adequate notice of this meeting had been provided in accordance with the “Open Public Meetings Act”.

Board Members Present: Bernard Navatto, Deirdre Rosinski, Mayor Brian Gallagher Councilman Roger Vroom, Andrea Adair, Lisa Werner, Jason Kraska, Al Kerestes, Larry Cleveland, Christopher Adickes, Arthur Akins

Board Members Absent: None

Professional Present Absent: Kara Kaczynski, Esq. Board Attorney and Michael Cole, Board Planner and Engineer

Pledge of Allegiance to the Flag

Approval of Regular Minutes

Upon a motion by Jason Kraska, seconded by Andrea Adair, the regular minutes of February 28th, 2024, were approved upon a roll call vote.

Roll Call Aye: Bernard Navatto, Deirdre Rosinski, Mayor Brian Gallagher Councilman Roger Vroom, Andrea Adair, Jason Kraska, Al Kerestes, Larry Cleveland

Nay: None

Abstain: Lisa Werner

See transcript.

Approval of Executive Minutes

Upon a motion by Jason Kraska, seconded by Al Kerestes, the executive minutes of February 28th, 2024, were approved upon a roll call vote.

Roll Call Aye: Bernard Navatto, Mayor Brian Gallagher Councilman Roger Vroom, Andrea Adair, Jason Kraska, Al Kerestes, Larry Cleveland

Nay: None

Abstain: Lisa Werner, Deirdre Rosinski

See transcript.

Hearing

2023-007P

Foundry Holdings, LLC
50 James, 82 Fairview Ave
B50 L 2 & 2.01

Prior to the start of the applicant's presentation Kara Kaczynski, Esq. Board Attorney stated for the record that three members of the board being Deirdre Rosinski, Andrea Adair, and Mayor Brian Gallagher were not present for the first hearing held on August 23rd, 2023. All three members have certified that they have listened to the tapes of the meeting and will be qualified to vote this evening should the board get to that point.

Attorney for the applicant Mr. Rob Simon, Esq. addressed the board to present the application for preliminary and final site plan approval with any necessary relief, whether it is a variance exception or a redevelopment plan deviation relief, regarding the property 50 James Street in Somerville, Block 50 Lot 1 and 82 Fairview Ave, Somerville Block 50, Lot 2.01.

Mr. Simon, Esq. went on to explain that the property has been previously declared as an area in need of redevelopment. The application contemplates a 112-unit housing development, 50 one-bedroom units and 62 two-bedroom units consisting of two four-story buildings, with both surface and underground parking. Mr. Simon, Esq. stated that no variances are believed to be required with regard to this application, which will be addressed within the professional's testimony. At a point of clarification Mr. Simon, Esq. addressed an issue raised in Mr. Coles report regarding a variance for a 6 ft fence – speaking to the applicant they have decided to reduce the height of the fence o 4 ft in order to comply with the ordinance.

Mr. Simon, Esq. provided some background information on professionals present to testify this evening as well as the items on specific items within the application that would be spoke to in testimony including number of driveways, width of driveway, lighting, roof type etc.

At this time Kara Kaczynski, Esq. Board Attorney marked the following exhibits

A-1 – Colored Site Plan

A-2 – Application and all supporting documents that have been submitted in connection with the application to date

A-3 – a copy of the original notice and publication, as well as the updated notice and publication

A-4 – March 6th, 2024 letter from the Fire Prevention Bureau

A-5 – March 7th, 2024 letter from the Fire Prevention Bureau

A-6 – March 11th, 2024 letter from the Fire Prevention Bureau

A-7 – Mike Cole's review letter dated July 16th, 2023

A-8 - Mike Cole's review letter dated September 19th, 2023

A-9 - Mike Cole's review letter dated March 5th, 2024

At this time Mr. Simon, Esq called upon his first witness Mr. Dave Stires.

Under direct examination by Mr. Simon, Esq Exhibit A-10 was marked as a composite of the landscaping and layout of the site with a final revision date of February 9th, 2024. Mr. Stires provided background as to where the project started from and where it is today. The background provided was related to the public comments from the August 2023 meeting relative to the building and how close it was to Fairview Ave as well as some outstanding items from Fire Marshall's comments, landscaping, front and rear yard setbacks. Mr. Stires also provided details on the revised parking plans including the creation of two garages one in each building that would hold 50 cars for a total of 100 parking spots under the building allowing them to reduce the parking south of the two buildings and shift the building back, in doing so they also significantly reduced the impervious coverage from the last design eliminating the storm water management and have a reduction in runoff from the site. After Mr. Stires completed his testimony in terms of the changes that have been made since August, Mr. Simon, Esq then asked for the benefit of the board that Mr. Stires walk them through the general layout of the building.

Mr. Simon, Esq then instructed Mr. Stires to identify the non-variance relief that remains to be granted by the board. This included a two-way driveway covered into a 20 FT one- way driveway where 15 is permitted, foot-candle measurements for minimum illumination levels, and flat roofs,

At this time Mr. Simon, Esq and Mr. Stires turned their attention to Mike Cole's March 5th, 2024 letter that was marked as exhibit A-9 and provided testimony on specific items. Mr. Simon, Esq also stated that the applicant was prepared to comply with the requests that were contained within the report. Exhibit A-6 Marked as the March 11th Fire Marshalls report was also reviewed by Mr. Stires

Chairman Navatto then opened up to questions from the board. Mr. Stires then responded to questions from Board Member Larry Cleveland, Vice Chair Deirdre Rosinski, and Councilman Vroom.

At this time Mr. Simon, Esq called upon his second witness, architect for the project John Saracco, whom he instructed to identify to the board to what extent, if any, the design has changed since the previous submission to the board. Mr. Saracco explained that the most significant change to the building was the addition of the basement parking as well as noted several other smaller modifications to the plans including mansard roofs and a reduction to the size of the sky bridge between the two buildings to allow for more setbacks. It was also noted that the plans were mislabeled for the upper floor apartments that have rooms called studies and that if they got to the point of compliance drawings, they would be corrected to storage rooms. Additional conversation was had surrounding comments within Mike Coles report as well as if the applicant can demonstrate that the character and style of the residential development be consistent with the architectural style found in the borough and surrounding county. Mr. Saracco also addressed the Fire Marshalls letter specifically the request to have no electric vehicle charging station within the parking garage in the basement. Additional conversation was had on this topic was had between Mr. Saracco and members of the board with the applicant ultimately deciding that they would agree with the recommendation and eliminate EV chargers in the parking garages. Board Member Larry Cleveland also commented on the testimony given in relation to the building being within the character and style of the residential development.

Mayor Brian Gallagher asked questions of the professional testimony regarding where the property is situated and setbacks from the Fairview Ave.

At this time Mr. Simon, Esq called upon his next witness, Gary Dean. Mr. Dean, who was qualified as an expert in the field of traffic, parking, circulation, and planning at the previous meeting began his testimony by providing an extensive overview to the board regarding the parking and circulation on the revised plan. Mr. Dean also testified that the original findings in the traffic report have not changed and provided some testimony to support his findings. Design waivers for the width of the driveway, number of driveways, curb cuts, and lighting minimum foot – candle levels, and flat roofs were also discussed.

At this time Chairman Navatto opened up to the board for questions of Mr. Dean's Testimony. Hearing none, Mr. Simon then call on Mr. Stoms to make some comments. Greg Storms, principle of the applicant spoke to the board briefly about the background of the application and family history of developing in Somerville.

At this time Chairman Navatto opened up to the members of the public for questions and comments on the testimony that was given.

Catherine Santos, 79 Fairview Ave addressed the board stating that she lives directly across the street from the applicant. She also stated that she works SSP Architects in town, providing her with a certain set of skills to produce plans, she then presented a three-dimensional model created to show the board what they are asking other residents of Fairview Ave to look at and experience daily. Mr. Simon, Esq attorney for the applicant then asked Mrs. Santos if she has a degree in architecture – it was responded to and clarified that she did not have a degree in architecture, but she has been working in the field for 10 years and is a designer at SSP Architects. It was also clarified that she was not submitting herself as an expert to the board. Ms. Santos then explained that using a program called Revit she was able to create the presented 3-dimensional model showing a scaled model of the proposed development along with the existing homes on Fairview Ave. Ms. Santos also provided images of the sun and where it is at various times of the year for example the location of the sun in the sky during the 9am winter solstice, also prepared in Revit. She stated that at 9am on a winter solstice the applicants' building completely shadows Ms. Roberta's property and it wouldn't be until about 11am when it would no longer be shadowed. Apart from providing the three- dimensional model and images of the sun Ms. Santos stated that she also wanted to mention that on apartmentfinder.com you can see that there are 42 open available apartments in Somerville along with two other residential developments that are still being built – being that there are so many vacancies Ms. Santos argument was why we needed more.

At this time several questions were asked of Ms. Santos by Mr. Simon, Esq., attorney for the applicant as well as board member Larry Cleveland.

Lauren Watson, 57 Fairview Ave addressed the board station that she has lived at this address for 3 years and prior to living at 57 Fairview Aves she rented for 5 years in Somerville. Ms. Watson testified that she was going to talk number and stated that she was a certified math teacher. She spoke specifically about doubling and how it was being stated that they were doubling the set

back of the building. Ms. Watson stated that I the end of you have one dollar to your name and you doubled your money it still really isn't that great, and that she did not think doubling the setback was really that great in this situation. Ms. Watson also stated that Mr. Dean kept referring to Parc Apartments as the neighbors of the development, which was in her opinion not accurate, she expressed that the individuals seated behind her that evening were the neighbors, and that the development did not fit with the surrounding environs.

Paulina Harkiewicz, 58 Fairview Ave addressed the board stating that the third bedroom that will now be listed as a storage room did sit right with her, she did not feel like it sounded like a place for storage. Ms. Harkiewicz also stated that there were some inconsistencies with the traffic testimony and wanted to know if a traffic expert ever sat in front of her house on the corner of Loser and Fairview and watched Torpey's ball games come out because there are 30 – 40 cars from Main Street to Torpey all spring and summer long creating havoc. Ms. Harkiewicz also questioned if there was a soil test on the very back portion of the property close to the train tracks. Chairman Navatto addressed the soil contamination comment explaining that the applicant will have to clean up any contamination on the property to the satisfaction of the DEP.

Roberta Karpinecz, 66 Fairview Ave addressed the board expressing that she disagreed with the testimony given comparing Somerville to Warren and Hillsborough, she stated as Mayor Gallagher had in the past that we are two and a half square miles of awesome and that Fairview Ave is part of that awesome and that she was upset to be overlooked when talking about the neighbors as she is the closest neighbor to the development. She also stated that the built environs are houses, small and large – none 50 Ft tall and none of them 169,000 Sq Ft. Ms. Karpinecz also stated that she is not opposed to redevelopment nor does she have a problem with the work than the Stoms Family has done in Somerville, however she does have a problem with this development on this property due to the fact that she feels it does not fit with the build environs.

Alex Thorson, 59 Fairview Ave addressed the board stating that he has only been in his home for two weeks and if he would have known about the development being proposed it would have influenced their decision to buy and that he did have some concerns ad they are coming from Morristown and sees a lot of similarities especially those to come in the future. Mr. Thorson compared living in Morristown to living in a fishbowl with the ability to hear other conversations and has concerns about privacy, safety, and traffic.

Dennis Sullivan, 8 South Richard Ave addressed the board to express his concerns with traffic and asked some questions of the testimony given and report prepared by Mr. Dean. Mr. Sullivan also suggested the idea of a shuttle bus service to accommodate the new residents along this trac and encouraged either the planning board or mayor and council to speak with development owners and encourage a collaboration with ride wise or DOT to explore the concept of a shuttle bus.

Hearing no more public comment, Chairman Navatto closed the public session, then addressed the room stating that the board did ask the applicant to go back and consider the comment that the board had made and feels they made a real effort to make it a better project, having said that the public also needs to understand what the limits of the board are. Attorney for the Board Kara

Kaczynski, Esq. then added for the board's edification a full overview of what relief the applicant does need and what they are allowed to consider in connection with the testimony and exhibits that have been provided. Reiterating that she is not stating that the residents don't have goof concerns or good points, however legally they just have to consider the stated relief issues based upon the testimony given.

Planning Board Members then voiced their thoughts and feelings on the project and the interpretation of the testimony given by the applicant's professionals regarding variances, design waivers and the redevelopment plan. Kara Kaczynski, Esq. also provided an explanation of two-step process and two-piece involvement that goes into the redevelopment plan so that it was clear from a historical and legal perspective.

Vice Chairwoman Deirdre Rosinski then questioned if they were voting preliminary or preliminary and final this evening, Chairman Navatto confirmed that it would be preliminary this evening and they would be coming back for final.

Upon a motion by Dierdre Rosinski, seconded by Mayor Brian Gallagher, the application 2023-007P, Foundry Holding, LLC, was approved upon a roll call vote.

Roll Call Bernard Navatto, Deirdre Rosinski, Mayor Brian Gallagher, Councilman Roger Vroom, Andrea Adair, Lisa Werner, Jason Kraska, Al Kerestes

Nay: Larry Cleveland

Abstain: None

Adjourn

Upon a motion by Mayor Brian Gallagher, seconded by Andrea Adair, the adjournment of the planning board meeting of March 13th, 2024, was unanimously approved upon a roll call vote.

Roll Call Bernard Navatto, Deirdre Rosinski, Mayor Brian Gallagher, Councilman Roger Vroom, Andrea Adair, Lisa Werner, Jason Kraska, Al Kerestes

Nay: None

Abstain: None

The planning board meeting of March 13th, 2024 was adjourned at 9:22 p.m.