

PLANNING BOARD MINUTES AUGUST 23rd, 2023

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, Councilman Roger Vroom, Arthur Akins, Jason Kraska, Al Kerestes, Larry Cleveland, Christopher Adickes, Lisa Werner

Board Members Absent: Deidre Rosinski, Mayor Dennis Sullivan, Andrea Adair

Professional Present: Jamie R. Placek, Esq. Board Attorney and Michael Cole, Board Planner and Engineer

Approval Minutes

Upon a motion by Jason Kraska, seconded by Al Kerestes, the minutes of August 8th, 2023, were approved upon a roll call vote.

Roll Call Aye: Bernard Navatto, Councilman Roger Vroom, Arthur Akins, Jason Kraska, Al Kerestes, Larry Cleveland,

Nay: None

Abstain: Christopher Adickes, Lisa Werner

See transcript.

Hearing

23-007P

Foundry Holdings, LLC

50 James Street & 82 Fairview Ave

B50 L1, 2, & 2.01

Robert Simon Esq, attorney for the applicant Foundry Holdings, LLC addressed the board to provide an overview of the project explain that the applicant has filed before the planning board for a preliminary and final site plan approval as well as various variances and exceptions and or redevelopment plan deviation relief. He went on to give geographic location of the parcel and provided information on the property being declared in need of redevelopment under the local redevelopment housing law, located in the R-3 zone in the redevelopment overlay zone as part of the Kirby Avenue Redevelopment Area. He presented the application before the board that evening contemplates 112 multi-family housing development comprised of 50 one-bedroom units and 62 two-bedroom units within two four-story buildings. The project will also include 208 parking spaces, 30 bicycle spaces provided inside the building as well as various site plan amenities.

Robert Simon Esq, attorney for the applicant went into further detail explaining that the application does contemplate a permitted use within the subject redevelopment zoning district

and that the applicant will be asking for variance relief, including variance relief that requires that parking, under the ordinance, only located in the side and rear yard, as well as a flat roof that is prohibited under the redevelopment plan.

Robert Simon Esq. attorney for the applicant then introduced the applicants and professions on the project including Greg and Ryan Storms, Dave Stires engineer of the project, John Saracco licensed architect, and Gary Dean who will be providing traffic and professional planning testimony.

At this time Planning Board Chairman Bernie Navatto took a moment to address the public in attendance to explain that we would be listening to the full testimony of all witnesses this evening. At the end of the presentation and once all reports have been reviewed and addressed there will be an opportunity to speak, each individual will be confined to 5 minutes of questions and comments.

Attorney for the board Jamie Placek swore in the above-mentioned parties.

Managing member of Found Holdings, Greg Storms addressed the board to give an overview of the Storms Family and their history within Somerville as well as past projects that they have completed here in town. He then introduced his son Ryan Storms, to provide additional details on his project.

Under direct examination by Robert Simon Esq. David Sties testified that he was familiar with the application, site plan, property, and surrounding neighborhood. Mr. Simon then asked if there were any exhibits that Mr. Stires would wish to mark this evening. Mr. Stires explained that there was a compilation of the site plan that he would be presenting this evening that had extra layers including things such as a utility plan and landscaping plan. He provided the last revision date, and the site plan was marked in as exhibit A-1. Robert Simon Esq. then asked Mr. Stires to describe the project from an engineering perspective, including a review of the various site plan elements of the application. Mr. Stires went on to give an in-depth analysis of the site, neighborhood, location, landscaping including shade trees, lighting, light trespass and parking as well as zoning and variance relief that the application was seeking regarding their plan and specific design elements for the project. This included the min lot requirement, frontage requirement, front yard setback etc.

Robert Simon Esq. then asked Mr. Stires to address several items in the Cole Report including spot grades for the driveway curb ramps, surface parking area crosswalks, slope of the curbs, and installing a fire hydrant in the vicinity of the surface parking lot. He also addressed PSE&G site utilities, New Jersey American Water hot box requirements, and noise controls for generators at the property complying with N.J.A.C. 7:29 for both daytime and nighttime. Lastly Mr. Stires addressed comments from the Cole Report regarding stormwater management, waste management and sanitary sewer flows/ connection fees and testified to the capacities to accommodate the additional effluent.

At time Chairman Bernie Navatto opened up to questions from the board for Mr. Stires. Board Member Larry Cleveland had a few questions for Mr. Stires including PSE&G transformers and

shade trees in the rear parking lot. Along with Michael Cole, Board Planner and Engineer they briefly discussed a request to get an easement from the property owner to the east.

Councilman Vroom questioned Mr. Stires about comments from the Fire Marshal specifically in relation to the EV charges in the front of the building. Board Member Lisa Warner questioned how close the chargers are to the building. Mrs. Werner asked an additional question to receive some clarity on the previously testified stormwater management.

At this time Robert Simon Esq. called on Managing Member Greg Storms to respond to comments from Mr. Stires testimony including confirming that he did in fact the adjoining property regarding emergency access. Greg Storms called upon his son and Managing Member Ryan Storms who confirmed that they had contacted the adjoining property owner however they were not looking to move forward with an easement for emergency access unless it was required by code or if they were compelled to do so. Greg Storm then responded to the comments raised about the fire hydrant in the parking lot and discussed the topic heavily with Councilman Vroom.

Robert Simon Esq. then called upon his next witness John Saracco, the architect on the project.

Under direct examination by Robert Simon Esq. Mr. Saracco confirmed that he created the architectural plans for the project and that he was familiar with the property and surrounding area. Robert Simon Esq. then requested that Mr. Saracco review the architectural plans with the board including elevations, floor plans and how they relate to the surrounding area. Mr. Saracco reviewed all details of the plans including number of units and sq footage of units, layouts, shape of the building, roof plan, parking, amenities, trash and recycling, elevations and building materials. Mr. Saracco responded to all comments provided by board members during his testimony.

At time Chairman Bernie Navatto opened up to questions from the board for Mr. Saracco.

With no questions being heard Robert Simon Esq. then called upon his next witness Gary Dean, professional planner and traffic engineer.

Under direct examination by Robert Simon Esq. Mr. Dean confirmed that he is familiar with the plans and the proposed development for the application as well as being familiar with the property and surrounding area. Mr. Dean began by first addressing driveway circulation, traffic, parking, and impacts regarding the project. Mr. Dean explained that the traffic study was conducted at the intersection nearest the subject property, James and Fairview. Performed during periods of fair weather, when schools were in session and that he believed to be representative of typical conditions. He then went on to present the finding from the impact study, determining that there was very light activity resulting in exceptional levels of service during peak hours. He also stated that in terms of overall access it meeting all of the appropriate criteria under the residential site improvement standards.

Robert Simon, Esq. then asked Mr. Dean to confirm that based on his review of the site design and geometry, that he believed that design is safe and efficient in the interest of public safety, confirmed by Mr. Dean. Mr. Simon then asked him if he believed that the sites capable of

accommodating the proposed traffic volume of the proposed residential use, also confirmed by Mr. Dean.

The two then turned their attention to the items in the Cole Report that specially deal with traffic or circulation issues. Items such as EV chargers and proposed parking and loading spaces were addressed by Mr. Dean.

Michael Cole, Board Planner and Engineer then addressed the potential impact of traffic going westbound through Loeser Avenue. Mr. Dean had addressed that by logic the nearest intersection is studied and that by looking at maximum impact that produced very light impact would have no effect on the traffic condition at Loeser. Councilman Vroom stated that living on that side of town he can attest that Loeser is a passthrough to 206 and that there is a significant amount of traffic at that intersection. Mr. Dean stated that he didn't disagree however the traffic that would be generated from the site would not be enough traffic for it to have any kind of impact. Further discussion was had in terms of the addition of stop signs or traffic lights within that intersection between Mr. Dean, Mr. Cole and Board Members.

At time Chairman Bernie Navatto opened up to questions from the board for Mr. Dean.

After hearing no further questions Robert Simon Esq. then directed Mr. Dean to turn to his professional planning testimony. Mr. Dean began his testimony by addressing parking in the front yard and the technical definition of what a front yard is stating that the relief they are seeking is to provide that parking is somewhere other than a side or rear yard. He explained that the reason is that it provides access to the loading and handicap spaces directly in front of the building with angled parking for visitors. The second item he addressed was related to the flat roof and how he believed it meets the spirit and intent of the ordinance by providing the gables to create the visual effect of looking like a traditional peaked roof to screen the mechanical equipment. He went on to then address the bulk standards and variances as well as the positive and negative criteria.

In summation Robert Simon, Esq. confirmed with Mr. Dean that he is relying on the c(2) , 40:55D-70C(2), a flexible c variance, and that he has cited the purposes of the MLUL that would be advanced by the proposed deviation and that Mr. Dean believed that the benefits of the deviation would substantially outweigh any detriment, that the variances can be granted without any substantial detriment to the public good, and without significantly or substantially impairing the intent and purpose of the zone plan or zoning ordinance. Mr. Dean confirmed that he is correct and drilled into the c(2) variance under the Kaufman case in regard to the parking for the project being a better design option. Lastly Robert Simon Esq. asked Mr. Dean to address the design exceptions. Mr. Dean Stated that under section 51B of the MLUL a planning board when acting upon application such as a site plan approval has the power to grant exceptions for the site plan requirements as mat be reasonable and within the general purpose and intent of the provision for site plan review and approval. The project would include five exceptions including one dealing with the number of trees in the parking lot, one dealing with the width of the driveway, two dealing with lighting, and one dealing with maximum number of driveways. Each of these items were discussed in detail by Mr. Dean.

At this time Chairman Bernie Navatto opened up to questions from the board. Hearing no questions Chairman Bernie Navatto opened up to the public.

Lauren Watson, 57 Fairview inquired if the particular property is different than Station House as she believes the Architect was the same for the downtown Somerville project as opposed to being in a residential area. Inquiring about how the architect changed this design. Mr. Saracco addressed the significant difference between the two projects.

Additionally, Lauren Watson, 57 Fairview asked how the light percentage stated by the engineer was calculated and how they could state that the light will provide no light onto the homes on the north side of Fairview. Mr. Stires addressed the question and explained how foot candle studies are conducted.

Lastly, Lauren Watson, 57 Fairview inquired about the exit and entrance of the building and why it is on Fairview Ave and not James Street. Mr. Saracco explained that James street is only a public street until a couple of hundred feet where it becomes a private driveway.

Dr Carissa Liverpool, 59 Fairview stated that she was very concerned about the traffic on Loeser and that she would really like the board to think about the challenge of that intersection and how her two-year-old can be safe in that intersection. Stating that her questions was if the board can sincerely think about it.

Margaret Clarke, 17-G Loeser Ave stated concerns with traffic and fires on Fairview Ave as well as the fact that she believed that townhouses would be better than apartments, as places that people could own and her concern that the development does not fit in.

Catherine Santos, 79 Fairview Ave prepared a scale representation of the proposed project as well as the homes that currently stand to give an idea of how the building sits on the site in relation to the surrounding homes. She expressed that the lounge in its mass is bigger than her house, and that she understands that the Storms Family would like to have the property in order to make generational income but that the residents that also live there have put their own hard-earned money into purchasing these homes and that they feel as through they are giving up the peacefulness of their street. The question that she has for the architect would be in preparation of the rendering at what viewpoint was the camera pointing? Mr. Saracco stated that in order for the board and the members of the public to get a grasp of the overall project, without a doubt they are stepping our further west from the sidewalk on Fairview that would be similar to standing in the rear yard and if they would try to capture the entire building from the sidewalk on Fairview it would distort everyone's understanding of the building.

Catherine Santos, 79 Fairview Ave also inquired if there were other options that were considered before they settled on this option as far as the site and architectural plans? Mr. Saracco responded that Mr. Stires the Storms Family and Himself spent considerable amount of time exploring different options.

Catherine Santos, 79 Fairview Ave additional questioned if the sun was considered in the plan when the massive building was sitting next to a small single-story dwelling that would never get morning sun or afternoon sun either.

Catherine Santos, 79 Fairview Ave asked regarding the additional traffic partners, was it taken into consideration the new construction that's being done on Kirby? Mr. Dean confirmed Yes that they were involved with that site as well.

Lastly Catherine Santos, 79 Fairview Ave asked if it was possible to understand that the design is the way it is with the frontage that's being required, but if there any possibility of configuring the building so it's a little further back to reallocate parking? Mr. Saracco responded that they had explored that option and felt that significant parking in the front of the building would really be more detrimental to the overall planning of the neighborhood and neighbors.

Paulina Harkiewicz, 58 Fairview asked how many board members had visited the site? Board members confirmed that they have all been by it. Mrs. Harkiewicz went on to express her concern for the traffic on Fairview and asked if they could have Juliette balconies instead of people sitting on their balconies cooking and looking into neighbors back yards. She also expressed concern for the people that live on the north side of the project, feeling that the structure would shade their front lawns.

Lastly Paulina Harkiewicz, 58 Fairview commented on the noise control on the west side for the generators. Chairman Bernie Navatto assured her that they would need to be compliant with noise ordinances. Mr. Saracco added that he was very confident based on experiences with other projects that these relatively small generators will meet the sound ordinances.

Bronwyn Pucci, 63 West Orchard Street expressed that she was present as a concerned citizen based on the fact that the town keeps approving large building in residential neighborhoods and they are going to and will continue to change the face of Somerville. Her concern was the potential strain on the school systems of the town 5, 10, or 15 years from now and encouraged the board to reduce the scale of the project to make it more fitting with the town and the community we live in.

Lauren Watson, 57 Fairview provided commentary that her and her family were crushed that this is being build in front of their house, stating that they are not against development and that they understand that this land needs to be developed but that she is asking to request a better plan that would fit the neighborhood.

Roberta Karpinecz, 66 Fairview stated that what were all talking about tonight is investment and that the Storm Family made a phenomenal investment in Somerville stating that their properties are top quality with low vacancy rates which speak to the desirability of their properties. Stating that they want to make an investment now on Fairview Ave and they deserve a ROI that goes without saying but that her neighbors have also made investments too and that she was asking the board to try and find a way to balance out both the investments of her neighbors along with the investment of the Storms Family.

At this time Chairman Bernie Navatto closed the public session and called a five min recess.

Upon conclusion of the five min recess Robert Simon, Esq stated that during the recess he has the opportunity to speak to his client about the testimony provided along with the comments from the neighbors and the questions from the members of the board and at this point they would like to stop for now and ask to carry the hearing for 30 days if that works for the boards schedule.

Chairman Navatto agreed to carrying the meeting and the team of professionals for the project confirmed their availability.

Michael Cole, Board Planner and Engineer requested that if the plans were going to be revised that they be submitted within a reasonable time so that he can get a report out and the board have time to review.

Robert Simon, Esq. agreed that if they are submitting anything further they would do so within 10 days prior to the meeting on the 27th of September.

See transcript.

Chairman's Comments

No comments.

Meeting Open to the Public

No comments.

Adjourn

Upon a motion by Lisa Werner, seconded by Jason Kraska, the adjournment of the planning board meeting of August 23rd, 2023, was unanimously approved upon a roll call vote.

Roll Call Bernard Navatto, Councilman Roger Vroom, Arthur Akins, Jason Kraska, Al Kerestes, Larry Cleveland, Christopher Adickes, Lisa Werner

Nay: None

Abstain: None

The meeting was adjourned at 10:08 p.m.