

## **PLANNING BOARD MINUTES OCTOBER 11<sup>TH</sup>, 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:** Deidre Rosinski, Councilman Roger Vroom, Andrea Adair, Al Kerestes, Larry Cleveland, Mayor Dennis Sullivan, Arthur Akins, Christopher Adickes and Lisa Werner

**Board Members Absent:** Bernard Navatto and Jason Kraska

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

### **Approval Minutes**

Upon a motion by Deidre Rosinski, seconded by Jason Kraska, the minutes of September 27<sup>th</sup>, 2023, were approved upon a roll call vote.

Roll Call      Aye: Deidre Rosinski, Councilman Roger Vroom, Andrea Adair, Al Kerestes, Larry Cleveland, Lisa Werner

Nay: None

Abstain: None

See transcript.

### **Hearing**

23-011P

Somerset Station Urban Renewal, LLC

South Bridge, Borough of Somerville Landfill Redevelopment Area

B123.05 L2.03

Attorney for the applicant Michael Bruno addressed the board to present the phase 2 area of the redevelopment that is currently underway over at the Somerville Train Station explain that they are seeking an interim approval to allow a surface paved lot consistent with the flood hazard permit that was used for the property. Mr. Bruno stated that the urgency is due to the fact that the permit expires in December, and they would like to get the work done before then.

Mr. Bruno provided more context on the interim plan stating that the project will be back before the board as a phase 2 site plan application, consistent with the redevelopment plan and anticipated to be before the board sometime during the first quarter of 2024.

Kara Kaczynski, Esq. Board Attorney then entered the following into the record:

A-1 – Application, letter from September 25<sup>th</sup> from Counsel, and all documents submitted with the application.

A-2 – Notice and publication proofs

PB-1 – Letter from the board engineer CHA dated October 9<sup>th</sup>, 2023.

Vice Chairwoman Rosinski opened to questions from the board. Hearing none the Vice Chairman opened to questions and comments from the public. Hearing no questions, the public session was closed.

Upon a motion by Andrea Adair, seconded by Arthur Akins, application 2023-011P Somerset Station Urban Renewal, LLC, was approved upon a roll call vote.

Roll Call      Aye: Deidre Rosinski, Councilman Roger Vroom, Andrea Adair, Al Kerestes, Larry Cleveland, Mayor Dennis Sullivan, Arthur Akins, Christopher Adickes and Lisa Werner

Nay: None

Abstain: None

See transcript.

23-006P

Tacoria

24 Division Street

B11 L16

Michael O’Grodnick Esq. attorney for the applicant addressed the board to present the application 24 Division Street, Tacoria seeking a preliminary and final minor site plan approval.

Kara Kaczynski, Esq. Board Attorney then entered the following into the record:

A-1 – application and supporting documents

A-2 – notice and publication proofs

A-3 - packet of photographs, consisting of 3 photographs that council distributed to the board

PB1- letter from the board engineer and planner, dated October 4<sup>th</sup>, 2023

Mr. O’Grodnick then described the photographs as 3 colored pictures from the applicant’s website of their Piscataway, Hoboken and Paramus locations to give the board an idea of the general aesthetic of the brand. He went on to explain that the only exterior improvement proposed the application if the intake and exhausts fans which are necessary for the commercial kitchen. He went on to identify the potential variance in Michael Cole’s memorandum questioning a nuisance from the exhaust and intake fans stating that there will be testimony later from Mr. Stires addressing this. Mr. O’Grodnick also discussed items such as hours of operation and called for his first witness to provide a brief history of the business.

At this time Kara Kaczynski, Esq. Board Attorney swore in the first witness Dipen Patel who gave the board an in depth look into how the concept for Tacoria came to be along with the

current locations that are operational as well as what the vision is for operation in Somerville should the application be granted. He answered a number of questions pertaining to hours of operations, number of employees, number of shifts, anticipated deliveries, grease trap storage, trash and recycling.

Vice Chairwoman Rosinski opened to questions from the board. Chairman Cleveland confirmed with Mr. Patel that no alterations will be happening to the façade. Mr. O'Grodnick responded that there were no proposed façade changes other than the vent for the commercial kitchen, also confirming that signage would comply and provided an image of signage at other locations.

Kara Kaczynski, Esq. then entered the provided signage image as A-4 into the record.

Mr. O'Grodnick then called upon his next witness Craig Stires who was then sworn in by Board attorney Kara Kaczynski, Esq.

Under direct examination by Mr. O'Grodnick, Mr. Stires testified to the existing conditions as well as the proposed exterior changes with the econair system. There was a brief discussion between Mr. Cole and Mr. Stires regarding moving the intake to the rear to comply with the state noise ordinance. Mr. Stires elaborated on the location and clarified questions from the board. Additional conversation was had surrounding the impact of the provide exhaust may have on the apartments above. Mr. O'Grodnick confirmed that they would agree on the condition that if there was an adverse impact or odor that they could extend the exhaust higher.

Vice Chairwoman then asked the for additional information on their plan for garbage and recycling. Mr. O'Grodnick explained the complex situation of the building be landlock and unable to be serviced by a garbage truck therefore they will likely partake in the practice on division street to wheel garage out to the end of the street once a week as the other store fronts do and explained the screening, they anticipate for the dumpster enclosure area behind the property where a nonfunctional park space currently.

Vice Chairwoman then opened up to comment from the public, hearing no comment she then closed the public portion.

Kara Kaczynski, Esq. then reviewed the application with the board as well as the recommendations and conditions from the board.

Upon a motion by Andrea Adair, seconded by Arthur Akins, application 23-006P Tacoria was approved upon a roll call vote.

Roll Call      Aye: Deidre Rosinski, Councilman Roger Vroom, Andrea Adair, Al Kerestes, Larry Cleveland, Mayor Dennis Sullivan, Arthur Akins, Christopher Adickes and Lisa Werner

Nay: None

Abstain: None

See transcript.

23-004P

Moorehouse Marcella, LDT. PTNSHP

89 Route 206

B124 L1.02

John Sullivan, Esq. attorney for the applicant addressed the board to present the application for Moorehouse Marcella, LP providing the location of the property as well as describing the existing and proposed conditions and its history of the prior board action. Mr. Sullivan went on to explain that Dunkin' Donuts is already a tenant of the shopping mall, and they are just proposing to move them over to the pad site, seeking preliminary and final site plan approval.

Mr. Sullivan then provided an overview of the plans and materials that were submitted as well as introducing the witnesses that he would be calling upon.

Kara Kaczynski, Esq. Board Attorney then entered the following into the record:

A-1 – application and supporting documents

A-2 – notice and publication proofs

PB1- letter from the board engineer and planner, dated October 3<sup>rd</sup>, 2023

Kara Kaczynski, Esq. Board Attorney then swore in Gergori Verb.

Under direct examination Mr. Verb testified to his position with the application, the number of years that it has been owned and their plans for the bank site and prior approvals. Mr. Verb also spoke on the number of employees, seatings, garbage and recycling, shifts that will be in operation on the new site as well as the operation of loading and unloading occurring.

Mr. Sullivan then began to review Mr. Cole's report with specific attention on item number 5, 6, 8, 9, 10 and 12 with additional conversation surrounding each of these items. They also spoke about screening for the neighborhood and the proposed flow of traffic for the drive thru that is being proposed.

Kara Kaczynski, Esq. Board Attorney then swore in Craig Stires and marked exhibit A-3 into the record for the colored version sheet 7 or 8.

Under direct examination by Mr. Sullivan, Mr. Stires testified that he has prepared the site plan and drawing that were submitted to the board and provided a quick description of the site as it exists now, and the proposal being set forth including the circulation. Exhibit A-4 was then entered into the record as the colorized version of the landscape plan for the 2005 approval of the site. Mr. Stires reviewed items such as parking, queueing, circulation dumpster enclosure, storm water sewer, and impervious coverage.

Member of the board Larry Cleveland questioned if they would be adding additional signage at the norther entrance to the drive through and if there was a preferred way to enter that line, both answered by Mr. Stires.

Additional conversation was had between board members, Mr. Sires and Mr. Verb surrounding the speak box that would be operational in the drive through line.

At this time Vice Chairwoman Rosinski opened up to the public for questions for the engineer.

Member of the public including Terry Prokop, 91 Washington Place, Mike Prothero, 85 Washington Place, Joe Pomar, 77 Washington Place, Myrna Samski 105 Washington Place asked questions pertaining to noise generated from idling vehicles, if the lights on the property will be dimmable, fence materials, shielding from headlights, differences in the use of the site now verses the bank site, and parking concerns.

Kara Kaczynski, Esq. Board Attorney then swore in Jay Amin, the current Dunkin' Donut operator since 2004 whom testified to the number of customers the site is serving between 5am and 7am providing the answer of 20-25 customers between 5 am and 6am, and 35 customers between 6 am and 7am.

Additional conversation was had surrounding the noise levels at these times and the ability to test in the field and make adjustments if the levels are not in compliance with state laws.

At this time Mr. Sullivan then called on his last witness, Nicholas Graviano, a professional planner whom provided the board with an overview of the application as well as providing an overview of the variances that were being requested. He went on to provide commentary on the C2 criteria and how the applicant has shown they are advancing the purposing of the zoning in the Municipal land use law, including purpose A , purpose G, and advancing the master plan.

At this time Vice Chairwoman Rosinski opened up to the public for comment.

Individuals of the public including Glenn Thorne, 112 Washington Place , Terry Prokop 191 Washington Place, Myrna Samski 105 Washington Place, Mike Prothero, 85 Washington Place provided comments pertaining to the condition of the existing fence, headlight glares, noise disturbance and sound barriers, delivery times and location, exhaust fumes, trash pickup and enclosures.

After hearing all comment, Vice Chairwoman Rosinski closed the public session.

At this time the board members discussed various components of the application and testimony that was heard this evening along with a review of the engineering/planning report by Mr. Cole including fencing and fencing material, lighting, spot grades, ADA, stormwater management, shade trees, parking spot orientation.

Kara Kaczynski, Esq. Board Attorney then reviewed the recommendations and conditions from the board.

Upon a motion by Lisa Werner, seconded by Andrea Adair, application 23-004P Moorehouse Marcella, LDT. PTNSHP was approved upon a roll call vote.

Roll Call      Aye: Deidre Rosinski, Councilman Roger Vroom, Andrea Adair, Al Kerestes, Larry Cleveland, Mayor Dennis Sullivan, Arthur Akins, Christopher Adickes and Lisa Werner

Nay: None

Abstain: None

### **Items not on the Agenda**

Resolution  
Somerville Urban Renewal Phase II, LLC  
Wolfgang's Dining Enclosure Project

Upon a motion by Deidre Rosinski, seconded by Al Kerestes, resolution for Somerville Urban Renewal Phase II, LLC was approved upon a roll call vote.

Roll Call      Aye: Deidre Rosinski, Councilman Roger Vroom, Andrea Adair, Al Kerestes, Larry Cleveland, Mayor Dennis Sullivan, Arthur Akins, Christopher Adickes and Lisa Werner

Nay: None

Abstain: None

### **Meeting Open to the Public**

No comments.

**Adjourn**

Upon a motion by Lisa Werner, seconded by Andrea Adair, the adjournment of the planning board meeting of October 11<sup>th</sup>, 2023, was unanimously approved upon a roll call vote.

Roll Call      Aye: Deidre Rosinski, Councilman Roger Vroom, Andrea Adair, Al Kerestes, Larry Cleveland, Mayor Dennis Sullivan, Arthur Akins, Christopher Adickes and Lisa Werner

Nay: None

Abstain: None

The planning board meeting of October 11<sup>th</sup>, 2023 at 9:21 p.m.