

ZONING BOARD MEETING OCTOBER 18TH, 2023

The meeting of the Zoning Board of the Borough of Somerville was called to order by Chair Arthur Adair 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: Arthur Adair, Ed Allatt, Morgan McLachlan, Richard O’Neill, Roberta Karpinecz, Brian Vadimsky, Eric Alvarez, John Flores, Stewart Daniels

Board Members Absent:

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

See transcript.

ANNOUCEMNT

Colin Driver presented the zoning board with their parking passes for the new civic center and provided them with additional parking details for all future meetings at the civic center.

APPROVAL OF MINUTES

Upon a motion by Roberta Karpinecz, seconded by Ed Allat, the minutes of September 20th, 2023, were approved upon a roll call vote.

Roll Call Aye: Ed Allatt, Roberta Karpinecz, Brian Vadimsky, Eric Alvarez, Stewart Daniels

 Nay: None

 Abstain: None

See transcript.

RESOLUTION

2023-004Z

Blueprint Mental Health

73 West End Ave

B129 L6

Clifford Gibbons, Esq., Board Attorney explained to the board that the attorney for the applicant would like to address some of the items in the resolution that they felt were conflicting with what was testified and agreed to during the hearing. Clifford Gibbons, Esq., expressed that he felt the revised version of the resolution that had been made and presented to the board accurately depicts what was set forth in the transcripts of the meeting and that if changes need to happen that the applicant may need to present this as an amended application with notice to the public.

Attorney for the applicant John Sullivan, Esq. explained that there were two concerns with the resolution one being the prohibition against weekend hours in perpetuity and the other being the restrictions in the resolution that stated during group sessions no individual therapy sessions could be held.

Upon a motion by Roberta Karpinecz, seconded by John Flores, the resolution for application # 2023-004Z, was approved upon a roll call vote with the understanding that the item in which the applicant had issues with would be presented in a separate application.

Roll Call Aye: Arthur Adair, Roberta Karpinecz, Morgan McLachlan, Eric Alvarez, John Flores, Stewart Daniels

Nay: None

Abstain: None

See transcript.

23-011Z
Jeffrey Martinez
12 Lisa Terrace
B53 L7

Michael Cole, Board Planner and Engineer addressed the board to request that they allow for some revisions to the resolution to ensure that the stormwater management was addressed prior to any other compliance items for the application as well as the option of street trees be that of the applicant to plant or make a financial contribution to the environmental commission.

Upon a motion by Roberta Karpinecz, seconded by John Flores, the resolution for application # 23-011Z, was approved upon a roll call vote with pending revisions.

Roll Call Aye: Ed Allatt, Roberta Karpinecz, Brian Vadimsky, Eric Alvarez, Stewart Daniels
 Nay: None
 Abstain: None

See transcript.

LAND USE

23-005Z
14 Fairview Ave LLC
14 Fairview Ave
B51 L21

The attorney for the applicant Kara Kaczynski, Esq. addressed the board presented the application to the board that proposed to demolish the existing auto body shop and construct a duplex. Mrs. Kaczynski explained that the duplex will have parking beneath the dwellings, living room, dining room and kitchen of the second floor, and three bedrooms on the third floor. Mrs. Kaczynski, Esq added that the use of a duplex is a permitted use within the R-3 district, stating that the use of the property as a two-family dwelling as opposed to the existing auto body shop will bring the property into compliance with the Brough's zoning ordinance.

Mrs. Kaczynski, Esq expressed that the application requires 6 variances and that after review of Mr. Coles report they have a full understanding of what needs to be done in order to bring the development into more compliance with the ordinance and they agree to do so. Tonight, they are requesting an approval for a variance from the permitted number of stories in the R-3 district, two and a half are allowed, where three are proposed to ensure they can comply with parking requirements however they are still complying with the heigh requirements for the zone. She also touched on the side yard set back and impervious coverage variance requirements.

Mrs. Kaczynski, Esq stated that she had two witnesses this evening, the first is Venkat Talasila and the second is Charles Isiofia, architect for the project.

At this time Mrs. Kaczynski, Esq called upon the first witness Venkat Talasila. Under direct examination by Kara Kaczynski, Esq. Mr. Talasila testified to his relationship with the applicant LLC, when the property was acquired, its prior use, how he intends to develop the property, as well as stated various changes that he will agree to make in order to be in compliance with the ordinance including the fence height, reduce the width of the driveway, lighting etc. He also stated that he was willing to comply with the recommendation set forth in Mr. Cole's report regarding stormwater management and noise levels at the property line in relation to the air conditioning compressor.

At this time Mrs. Kaczynski, Esq called upon the second witness Charles Isiofia. Under direct examination by Kara Kaczynski, Esq. Charles Isiofia testified to his education and experience as well as provided names of local municipalities he had testified before previously. Mr. Isiofia confirmed that he was the preparer of the architectural plans for the application and presented the colorized version of the elevations which was marked as exhibit A-1. Mr. Isiofia reviewed the structure in detail as well as presented how the site works referencing A-100 of the site plan. Mr. Isiofia also testified to the 5A construction, fire rating and sprinkler system.

At this time Chairman Adair opened to questions from the board.

Mr. Cole questioned how they envisioned the light divides which was responded to by Mr. Isiofia. Mr. Cole also encourages that they go to 9 FT ceiling heights in the units instead of 8. Additionally, Board Member Flores asked for calcification on the fence heigh.

At this time Chairman Adair opened to questions and comments from the public. Hearing none the public portion of the application was closed.

Kara Kaczynski, Esq. then summarize the application and testimony that was heard this evening stating that they are going to bring the property into more compliance with what the ordinance states and what the MLUL strives to do and that they will work with the board engineer to and planner to make sure all issues are addressed including any stormwater management issues.

The board then discussed the application and conditions for approval.

Upon a motion by Richard O'Neill, seconded by Morgan McLachlan, Zoning Board application 23-0011Z 12 Lisa Terrace, was approved upon a roll call vote.

Roll Call Aye: Arthur Adair, Ed Allatt, Morgan McLachlan, Richard O'Neill, Roberta Karpinecz, Brian Vadimsky, John Flores

Nay: None

Abstain: None

23-013Z
87 West End Somerville LLC
87 West End Ave
B129 L5

Attorney for the applicant Michael Selvaggi Esq. addressed the board on behalf of the applicant 87 West End Somerville LLC for the property located at block 129 lot 5 with the address of 87 West End stating that the application was before the board in December of 2021 and a resolution had been adopted. Mr. Selvaggi Esq. refreshed the board memory expressing that the prior application was to convert a professional office – residential building into a home for the developmentally disabled and that while the work was being done they realized there was a large attic space that they would like to make available for the residents not as a bedrooms but as a communal space however the resolution bared them from using the attic therefore they are back before the board to amend the approval to allow for use of the attic.

Mr. Selvaggi Esq. stated that there were two witnesses before them this evening, one of which is Wendy Mandelbaum, on behalf of the applicant and the second of which is Bill Byrne, architect and planner for the application.

At this time Wendy Mandelbaum was sworn in. Under direct examination by Mr. Selvaggi Esq. she testified to her position with the application and the decision that was made about the attic during the construction phase of their previous application to now use the space as a common area, stating that they are not allowed to have any additional residences and that the space would not be used at the bedroom. She also described how they envisioned building out the space.

Chairman Adair then opened up to the board for questions of Mrs. Mendelbaum.

Mr. Cole questioned from what floor the space would be accessible from and what the residences would be doing within the space, both answered by Mrs. Mendelbaum.

Clifford Gibbons, Esq., Board Attorney asked if Mrs. Mendelbaum could confirm that all conditions of the approval from 2001 have been complied with. This was confirmed by Mrs. Mendelbaum. Mr. Gibbons, Esq also asked if the board was inclined to approve the application will the applicant continue to comply with the conditions of the resolution, Mrs. Mendelbaum confirmed they would.

At this time Mr. Selvaggi Esq. then called upon his second witness, Mr. Byrne, as the applications architect and engineer. Under direct examination by Mr. Selvaggi Esq., Mr. Byrne testified to how the space itself is going to be built out marking the highlighted copy of the submitted plans as A-1 that provides some calculations on the floor space based on the ordinance requirements. Mr. Byrne also provided a comprehensive overview of the application and property as well as the comments that appeared in Mr. Coles report regarding the architecture. Mr. Byrne then went on to confirm that the original application was been an inherently beneficial

use and that the additional living area further enhances that inherently beneficial use, adding that the creation of this additional space does not create a change in density or parking resulting in no impact to the neighborhood. Additional conversation regarding the positive and negative criteria was had been Mr. Byrne and the board representatives.

At this time Chairman Adair opened up to the public for questions, hearing none the public portion was closed.

The board then discussed the application and conditions for approval.

Upon a motion by Richard O'Neill, seconded by Ed Allatt, Zoning Board application 23-013Z 87 West End Ave, was approved upon a roll call vote.

Roll Call Aye: Arthur Adair, Ed Allatt, Morgan McLachlan, Richard O'Neill, Roberta Karpinecz, John Flores, Eric Alvarez

Nay: None

Abstain: None

AJOURN

Upon a motion by Roberta Karpinecz seconded by Brian Vadimsky, the adjournment of the Zoning Board meeting of October 18th, 2023, was unanimously approved upon a roll call vote.

Roll Call Aye: Arthur Adair, Ed Allatt, Morgan McLachlan, Richard O'Neill, Roberta Karpinecz, Eric Alvarez, John Flores, Stewart Daniels

Nay: None

Abstain: None

The meeting was adjourned at 8:43 p.m.