

ZONING BOARD MINUTES JANUARY 17TH, 2024

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, John Flores, Brian Vadimsky, Eric Alvarez, Stewart Daniels

Board Members Absent: None

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

Oath of Office

Attorney for the Zoning Board F. Clifford Gibbons, Esq. lead board members Arthur Adair and Eric Alvarez in the swearing in of their oath of office for their respective terms on the board.

Reorganization Nominations & Election of Officers/Staff Appointments

Chairperson

Upon a motion by Morgan McLachlan, seconded by Ed Allatt, a Nomination for Art Adair to serve as the planning board Chairperson, was approved upon a roll call vote.

Roll Call

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

Nay: None

Abstain: None

Vice-Chairperson

Upon a motion by Richard O’Neill, seconded by Morgan McLachlan, a Nomination for Ed Allat to serve as the planning board Vice- Chairperson, was approved upon a roll call vote.

Roll Call

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

Nay: None

Abstain: None

Board Secretary

Upon a motion by Roberta Karpinecz, seconded by Richard O'Neill, a Nomination for Jenna La Russo to serve as the Zoning Board Secretary, was approved upon a roll call vote.

Roll Call

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

Nay: None

Abstain: None

Conversation between Zoning Board Members Art Adair, Richard O'Neill, and Morgan McLachlan was had regarding the RFP process and the consideration of professionals.

See Transcript.

Board Counsel

Resolution BOA 24-0111-003

Authorizing the Award of a Non-Fair and Open Contract to F. Clifford Gibbons to Serve as 2024 Board of Adjustment Attorney

Upon a motion by Roberta Karpinecz, seconded by Ed Allatt, a Nomination for F. Clifford Gibbons Esq. to serve as the Zoning Board Attorney, was approved upon a roll call vote.

Roll Call

Aye: Arthur Adair, Ed Allatt, Roberta Karpinecz, John Flores, Brian Vadimsky

Nay: Morgan McLachlan, Richard O'Neill

Abstain: None

Board Planner & Engineer

Resolution BOA 2401-11-004

Authorizing the Award of a Non-Fair and Open Contract to Cole & Associates to Serves as 2024 Board of Adjustment Engineer & Planner

Upon a motion by Roberta Karpinecz, seconded by Ed Allatt, a Nomination for Michael Cole to serve as the Planning Board Engineer & Planner.

Conversation was initiated by Board Member McLachlan regarding postponing awarding a contract for a 90- or 120-day contract as members of the board have received letters over the past 90 days and none of them have been discussed by the board. The suggestion was to discuss the letters in Executive Session so that everyone on the board is aware. Board Member Karpinecz What if any implications does postponing have on the current

applications, responded to by Zoning Board Attorney F. Clifford Gibbons, Esq. Additional conversation surrounding, RFP procedure was had between board members.

Executive Session

Upon a motion by Roberta Karpinecz, seconded by Ed Allat, the Zoning Board will be entering into executive session.

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

Nay: None

Abstain: None

Upon a motion by Ed Allat, seconded by Roberta Karpinecz, the Zoning Board closed executive session.

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

Nay: None

Abstain: None

Reorganization Nominations & Election of Officers/Staff Appointments (continued)

Board Planner & Engineer

Resolution BOA 2401-11-004

Authorizing the Award of a Non-Fair and Open Contract to Cole & Associates to Serves as 2024 Board of Adjustment Engineer & Planner

Upon a motion by Roberta Karpinecz, seconded by Ed Allatt, a Nomination for Michael Cole to serve as the Planning Board Engineer & Planner.

Roll Call

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

Nay: None

Abstain: None

Approval Minutes

Upon a motion by Richard O’Neill, seconded by Ed Allat, the minutes of December 6th, 2023, were approved upon a roll call vote.

Roll Call Aye: Ed Allatt, Morgan McLachlan, Richard O’Neill, Brian Vadimsky

Nay: None

Abstain: Arthur Adair, Roberta Karpinecz, John Flores

See transcript.

Resolutions

2023-008Z

40 West Main Street LLC

40-44 West Main Street

B113 L25

Upon a motion by John Flores, seconded by Richard O’Neill, resolution 2023-008Z 40 West Main Street LLC was approved upon a roll call vote.

Roll Call Aye: Arthur Adair, John Flores, Brian Vadimsky, Eric Alvarez, Stewart Daniels

Nay: None

Abstain: Roberta Karpinecz

See transcript.

2023-009Z

1141 Fifth Street, LLC

41 Fifth Street

B53 L7

Upon a motion by Richard O’Neill, seconded by Ed Allat, resolution 2023-009Z 1141 Fifth Street, LLC was approved upon a roll call vote.

Roll Call Aye: Arthur Adair, Ed Allatt, Richard O’Neill, Brian Vadimsky, Eric Alvarez, Stewart Daniels

Nay: None

Abstain: None

See transcript.

2023-013Z
87 West End Ave, LLC
87 Went End Ave
B129 L5

Upon a motion by Richard O’Neill, seconded by Ed Allat, resolution 2023-013Z 87 West End Ave, LLC was approved upon a roll call vote.

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

Nay: None

Abstain: Roberta Karpinecz

See transcript.

Mayor’s Address

Mayor Brian Gallagher addressed the board and discussed his vision and “Marching Orders’ for the year.

Resolution BOA 24-0111-001

Scheduling meeting dates for 2024 and January 2025 in Accordance with “Open Public Meeting Act”

Upon a motion by Brian Vadimsky, seconded by Morgan McLachlan, the resolution scheduling meeting dates for 2024 – Jan 2025, was approved upon a roll call vote.

Roll Call

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

Nay: None

Abstain: None

Resolution BOA 24-0111-002

Approval of Official Newspaper 2024 Courier News & if needed Star Ledger 2nd Official Newspaper

Upon a motion by Brian Vadimsky, seconded by Morgan McLachlan, the resolution approving the official newspaper was approved upon a roll call vote.

Roll Call

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

Nay: None

Abstain: None

Hearing

23-014Z

Bank of America

10 West High Street

B112 L9.01

Attorney for the applicant Mr. Tom Letizia addressed the board presenting the application Bank of America located at 10 West High Street expressing that the bank is a pre-existing non-conforming use in the zone and that the proposed improvements constitute an expansion of a non-conforming use which under the MLUL is considered a D-2 Variance. Mr. Letizia, Esq. explained that they are going to be presenting plans this evening that include the installation of updated business signs consistent with the banks current national branding. The proposed signs consist of one Bank of America sign on each face of the building and one new free standing Bank of America sign at the corner, in addition there are new directional and clearance signs. It was also stated by Mr. Letizia, Esq. that the second category of improvements would be new HVAC equipment as the banks existing equipment is obsolete and that they would be proposing that the new units be located on the ground. Other sign improvements include ADA parking, pavement maintenance and landscaping maintenance.

At this time Mr. Letizia, Esq. called upon Civil Engineer Paul Mutch for examination.

At this time Mr. Mutch was sworn in by F. Clifford Gibbons, Esq.

Under direct examination by Mr. Letizia, Esq. Mr. Mutch provided his educational and professional background to the board followed by engineering testimony directly related to the submitted site plans regarding branding, signage, parking light and utility, HVAC upgrades, landscaping, general site maintenance including drainage, as well as the existing driveway. Mr. Mutch also presenting a summary of the signage package that they are proposing as an upgrade to the Bank of America rebranding.

At this time the following exhibit was entered into the record:

A-1 – Signage Exhibit prepared Jan 17th, 2025 by Stonefield Engineering.

Several questions were asked by Board Members regarding the testimony given by Mr. Mutch.

At this time Mr. Letizia, Esq. called upon Professional Planner Thomas Ricci for examination.

At this time Mr. Ricci was sworn in by F. Clifford Gibbons, Esq.

Mr. Ricci summarized the variance relief as well as provided his professional planning opinion as to whether the variances are justified, reviewing the D-2 variances as well as purpose A, and I of the MLUL. Mr. Ricci also provided testimony regarding the C Variance and C-2 test associated with the application.

At this time Chairman Adair opened up to questions from the board of Mr. Ricci's testimony. Hearing none he then opened up to questions from the public.

At this time Mr. Letizia, Esq. completed the presentation before the board this evening.

Discussion was held between board members and professionals.

F. Clifford Gibbons, Esq. then provided a recap of the conditions of approval.

Upon a motion by Richard O'Neill, seconded by Morgan McLachlan, the application 23-014Z Bank of America was approved upon a roll call vote.

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

Nay: None

Abstain: None

See transcript.

Adjourn

Upon a motion by Richard O’Neill, seconded by Morgan McLachlan the adjournment of the planning board meeting of January 17th, 2024, was unanimously approved upon a roll call vote.

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

Nay: None

Abstain: None

The zoning board meeting of January 17th, 2024 was adjourned at 9:15 p.m.