

METUCHEN PLANNING BOARD

MINUTES

MAY 21, 2009

The meeting was called to order at 8:04 p.m. by the Chairman, Eric Erickson, who read the statement in accordance with the Open Public Meetings Act.

Present:	William Boerth Ellen Clarkson, Vice Chr. Eric Erickson, Chr. Alan Grossman John Leazer Thomas Vahalla, Mayor	Richard Weber, Councilmember Kathy Busch, Alt. II James Constantine, Planner Katherine Elliott, Engineer Robert Renaud, Attorney Sharon Hollis, Secretary
Absent:	Ted Grabowski Martin Jessen	Roseann Misrahi, Alt. I

RESOLUTIONS:

A thru Z Equities, LLC – Applicant is seeking an amendment for bulk variance approval for minimum open space coverage to construct a new single family dwelling.

43 Barnstable Street Block 166 Lot 8.02

A motion was made by Mr. Boerth to approve the resolution as presented, seconded by Mr. Grossman. Roll call vote taken. Motion carried unanimously.

Barson Realty Corporation – TRC – Applicant is seeking to amend resolution approval for the number of parking spaces and a change in the building façade.

412 Main Street Block 121 Lots 10, 19.02

Mrs. Clarkson read the recommendation. After a brief discussion, a motion was made by Mr. Boerth, seconded by Mr. Grossman. Roll call vote taken. Motion carried unanimously.

Resolution authorizing the defense in the matter of 84 Orchard Associates LLC v. Metuchen Planning Board

A motion was made by Councilman Weber, seconded by Mr. Boerth. Roll call vote taken. Motion carried unanimously.

NEW BUSINESS:

Yunco, LLC – Applicant is seeking minor subdivision approval with variances.

283 Central Avenue

Block 49

Lots 51, 52

Thomas Sharlow, Jr., attorney, explained the application. Mr. Sharlow stated this is a rather unusual lot because it is in two (2) different zones, LI and B3. There are no new improvements just a subdivision.

William Lund, Professional Engineer and Planner, was sworn in by Mr. Renaud. Mr. Lund stated the property fronts on Central Avenue. The back portion is on Norcross Avenue with a small piece of the property that fronts on Liberty Street. The commercial use in the front is fully developed with 4 different stores. It also has a full parking lot. The new subdivision lot line would run between the L-1 zone, which is undeveloped, and the developed B-2 zone in the front. All of the improvements in the B-2 zone are conforming to the town requirements. The new lot line does not conform to the L-1 zone. Variances are required for lot area, lot width and lot depth, but are existing conditions. The back portion of the property in the past was used by various tenants. There is a small building in the southeast corner that will be removed. A couple of concrete pads will also be removed so the property in the L-I zone will be completely vacant.

Drainage was discussed. Mr. Lund stated the front portion of the property drains towards Central Avenue. The back portion of the B-2 property drains back to the rear and onto the L-I piece. The grading across the undeveloped light industrial piece is a little irregular which creates a few pockets of water so that when it rains water is trapped there. It fills up but drains out to Norcross. The applicant is proposing to do some minor regrading and reseeding that will eliminate the problem. The applicant is seeking approval to create the subdivision for future development on his own or to sell the property to somebody else in the future. In the past, there was some discussion of putting formal drainage on this property in the back. The applicant doesn't want to do that at this time because the applicant isn't sure what is going to be done with the property. At the time when this property is going to be developed a formal site plan would have to be submitted and then a formal drainage plan will be submitted. (A colored site plan was marked for identification as A-1).

The Engineer's memo was discussed. Mr. Lund stated the minimum lot area for the L-I zone is 40,000'; 25,955' is an existing condition. Minimum lot width on Liberty Street is 75' and 200' is required. Minimum lot depth 200' is required, 122.33' proposed. Open space variance is required for the front lot located in the B-2 zone. Calculations were not made because nothing is changing – 20% is required but looking at it approximately 10% is proposed.

Landscaping was discussed. Mr. Constantine stated the northerly property line has a stoned area. That area should have planters or something. The existing three (3) islands located in the front of the property should be widened to include additional landscaping.

Mr. Lund stated the applicant will work with Mr. Constantine to see what could be planted along the property line and in the islands. The entire front parking area will be resealed and restriped.

There was a lengthy Board discussion on signage and what was previously approved for the site in October 2004. The applicant agreed to work with Mr. Constantine to redesign the signs on the property. Board members questioned whether or not any items listed in the 2004 approval were ever completed.

The Zoning Official, Fany Ayala, stated paving, restriping and drainage was never met. There was some back and forth between the applicant's engineer and the Borough's engineer and an agreement was never met.

Mr. Erickson stated there were a lot of requirements prior to this application that appear to be in contention as to whether they were met or not met. It is difficult to discuss a new application when there is an existing application where the needs and requirements were not met. If the applicant did not meet the conditions in the past what assurance does the Borough have that he will meet them in the future.

Mr. Constantine stated that he noted in his memo that there were compliance issues that needed to be addressed.

Ms. Clarkson was concerned about granting the subdivision to create a significantly undersized lot on Norcross Avenue. Ms. Clarkson stated any future site plan application for a use on an undersized lot is going to be an issue. The front lot on Central Avenue is still a current issue. It is fully developed. In the current application the Board should be looking on how to improve it and move forward.

Mr. Lund explained to the Board changes that will be made to improve the property.

Mr. Boerth, after reviewing the application from 2004, stated new information is coming to light as we speak and it appears that the applicant's engineer must meet with the Board engineer and planner to make sure that the items granted in the prior application are complied with as part of

this application. It appears that by looking at some of the information here that there has been an attempt to address the issues in the prior application that was granted. But the improvements haven't been made.

Ms. Ayala explained how the applicant went to the Technical Review Committee twice for a change of use, once in 2003 and again in 2004. Both times the applicant was told to improve the property. There were years of discussion and summonses were issued to appear in Court. That's how the idea of the subdivision came up. With the sale of the back property the applicant would have the income to improve the front property.

Mr. Renaud stated all of the conditions in the approval in 2004 were not carried out even though the change of use went ahead. The Board could require the applicant to identify which conditions of the prior approval were complied with. If the applicant doesn't want to comply with certain conditions then the request is to amend that approval. That approval should be amended based on the fact that the condition isn't needed or not required or the condition shouldn't have to be done because it is a vacant lot. Then the Board can make a determination. Mr. Renaud explained how the Board could place conditions on the applicant regarding the subdivision.

After further Board discussion, the applicant was asked to meet with the Board professionals at the site in order to address the outstanding issues with the prior approval.

Mr. Sharlow stated the applicant will grant an extension in time for the Board to act on this application.

The public portion was opened.

Since no one came forward, the public portion was closed.

Mr. Renaud stated the applicant will have to renotice to be heard at the July 16, 2009 meeting.

Review & discussion of Ordinance 2009-7 – An Ordinance amending the LDO Chapter 110, by adding a new Article 67 requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, resurfacing or alterations of facilities on private property to prevent the discharge of solids and floatables to the Municipal Storm Sewer System.

Mr. Renaud stated the NJDEP a few years ago passed storm water regulations. The Borough has already adopted a number of Ordinances to implement the regulations. In order for the Borough to apply and keep in compliance with its general permit to discharge storm water into the public storm water system and eventually into the waters of the state this Ordinance must be approved

by the Borough. When someone who has a private storm water collection system on their property, such as a parking lot with storm drains, if they repave, repair, reconstruct or resurface the facilities they are required to retrofit the storm drains to prevent the discharge of bottles or garbage that will flow into the Municipal system. This is a model Ordinance which is prepared by DEP and sent to each Municipality.

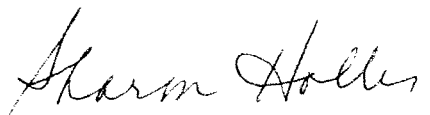
After a brief discussion, a motion was made by Mr. Boerth to approve Ordinance #2009-7 as presented, seconded by Mayor Vahalla. Roll call vote taken. Motion carried unanimously.

The minutes from the February 5, 2009 meeting were approved as written.

Mr. Constantine informed the Board that scheduled for the June 18, 2009 meeting there will be a presentation of Reconnecting Your Community and the draft Circulation Plan for the PB. Also, the draft Downtown Form-Based Code related to the Smart Future Planning Grant will be presented.

The meeting adjourned at 9:20 p.m.

Respectfully submitted,



Sharon Hollis
Planning Board Secretary