

After a brief discussion, it was agreed that if the applicant requested a change in the lighting, it would require the review and approval of the Planner. Should the applicant refuse to agree to the Planner's stipulations, the applicant would be required to seek approval from the Zoning Board of Adjustment.

Ms. Lagay noted that page 11 of the resolution stated that the application was subject to various conditions and questioned why it was included in the resolution.

Mr. Renaud stated that he has been directed by the Borough Attorney to list certain conditions of approval in all resolutions moving forward.

A motion was made to approve the resolution with corrections noted by Mr. Spiegel, seconded by Mr. Sondergard. Roll call vote taken. Motion carried unanimously.

NEW BUSINESS

03-6371 **Benjamin Bisogne / Metuchen Mower** – Applicant is seeking to amend site plan and use variance approval to increase the building height and install a small warehouse area above the counter.

865 Middlesex Avenue Block 130.01, Lots 5 & 6 B-4 Zoning District

Mr. Spiegel noted that he has heard this particular application before and disclosed before the Board that he had recently purchased a snow thrower from the applicant.

John Wiley, applicant's attorney, provided a history of the previous applications given that not all Board members were present for the previous application heard by the Board in 2010. In 2005, an application for a use variance and site plan was granted to construct a two-story building consisting of 8,671 square feet of floor area: 4,694 square feet on the first floor and 3,977 square feet on the second floor. The second floor was going to be used solely for storage of the inventory. This approval included a parking waiver, where 19 parking spaces were required and 14 parking spaces were provided.

Mr. Renaud clarified that page 6 of the 2005 resolution stated that there were 14 proposed parking spaces: 13 standard and 1 van-accessible.

Mr. Wiley continued and stated that the highway access permit from the NJDOT, which took five (5) years to obtain, required some site plan changes. In 2010, the applicant obtained amended site plan approval for a one-story building consisting of 4,791 square feet of floor area. The height of the building was lowered to 20 feet and the second floor was removed. The original plan to provide 14 spaces did not change.

Mr. Renaud clarified that paragraph 10 of the 2010 resolution stated that the footprint of the building did not change and there were 14 parking spaces provided.

Ms. Elliott confirmed that the removal of the second floor eliminated the need for the applicant to seek a parking waiver.

Mr. Wiley continued and stated that the applicant now sought approval for a two-story building with a balcony that will serve as storage, approximately 1,100 square feet in floor area.

Mr. Bisogne began to add to Mr. Wiley's statements but Ms. Lagay indicated that Mr. Bisogne had to be sworn in first before continuing.

Mr. Wiley continued and stated that the application would require a parking waiver of one (1) parking space, where 15 parking spaces are required and 14 parking spaces are provided. The proposed building is less intense than what was presented to the Board in 2005.

Mr. Wiley summarized his comments and invited his first witness, Mr. Bisogne, to approach the Board and be sworn in.

Mr. Bisogne was sworn in by Mr. Renaud.

Mr. Renaud requested Mr. Bisogne for his full name and address for the record.

Mr. Bisogne stated his name and address as 212 Main Street, Metuchen, New Jersey.

Mr. Wiley asked Mr. Bisogne of his position within Metuchen Mower.

Mr. Bisogne stated that he has been the President of Metuchen Mower for over 30 years.

Mr. Wiley asked Mr. Bisogne to explain to the Board why he is requesting changes from the 2010 approval.

Mr. Bisogne stated that he has reconsidered the 2010 approval and decided that Metuchen Mower needed more storage space. Construction costs have come down over the past year and felt that he could afford to construct the extra storage space upstairs. Should the business grow so as to require additional storage space, he would come back before the Board for a fourth time, as necessary, to seek approval.

(continued) The upstairs space would be for only seasonal equipment and not to be used for repairs. This would allow the showroom to be more presentable and less unsightly.

(continued) He acknowledged that he should have built the building as presented in 2005 and apologized for appearing before the Board for the third time.

Mr. Wiley stated that he had no further questions.

Mr. Spiegel was concerned about the architecture as proposed and asked Mr. Wiley if he would testify to the changes to the exterior with consideration that the exterior materials / features were pertinent in the granting of the previous approvals.

Mr. Wiley stated that there were no plans to change the exterior materials.

Ms. Lagay asked Mr. Wiley if he had a chance to review the Planner's memo.

Mr. Wiley stated that he did not. After receipt of the Planner's memo, he asked for a recess so as to review the Planner's comments with Mr. Bisogne.

The Board recessed at 8:09 p.m. and reconvened at 8:17 p.m.

Mr. Wiley stated that upon review of the Planner's memo, the only thing he could suggest was to have the applicant's architect meet with Mr. Constantine. Otherwise, Mr. Wiley stated that he has no objection to several comments including coordination of materials and colors.

Ms. Andrews stated that she was uncomfortable moving forward.

Mr. Wiley stated that Mr. Bisogne could move forward with the 2010 plans.

Mr. Spiegel questioned the intent of that statement.

After a brief discussion, Mr. Wiley clarified that Mr. Bisogne could adhere to the previous conditions of approval with regards to the materials and colors and opined that the actual changes in the application was infinitesimal. He felt the changes were minor and that it could have been heard by the Technical Review Committee. Ultimately, it was determined that the application should be heard by the Board and the Board could act on the application as is.

Mr. Bisogne stated that the building as proposed would be approximately seven (7) courses taller or about five (5) feet higher than the previously approved building by the Board in 2010 in order to construct a "legal" second floor.

(continued) During the previous hearings, it was suggested to parge the outside of the building. Instead, he proposed to utilize EIFS, which is a plastic insulating material that could be customized so as to create a more professional look.

(continued) There would be no mechanical equipment on the roof. Instead, there would be interior gas-fired heaters hung from the ceiling. There would be no air-conditioning units since outside ventilation is required because of fumes or emissions from small motors would be worked on inside the building.

Mr. Bisogne presented to the Board a colored rendering from the previous application and a black-and-white rendering of the current application. He stated that EIFS is just as expensive as stucco but offers insulation value. The material can be applied in such a way so as to have a block effect.

Mr. Constantine interjected that EIFS is the material which was utilized at Bridgepoint across the street. It may be the same material utilized on part of the storage facility as well.

Mr. Bisogne discussed the various benefits of EIFS including color choices and maintenance. He proposes to utilize a color of light tone.

Ms. Lagay questioned what "light tone" meant.

Mr. Bisogne clarified that it would be similar to beige.

Ms. Lagay asked Mr. Constantine to discuss the accent bands, coping and glazing.

Mr. Constantine discussed the changes in the architecture with Mr. Bisogne.

Mr. Renaud questioned the renderings that were shown.

Mr. Constantine clarified that the colored rendering was from the previous application and the black-and-white rendering illustrates what Mr. Bisogne is currently proposing.

Ms. Andrews expressed that it was difficult to understand what exactly the applicant is proposing when the rendering is in black and white.

Mr. Spiegel pointed out that in the first use variance application, architectural features were an important part of the approval and that on the second approval, the Board was insistent that there should be architectural features. The Board approved the application given the trade-off that the building was reduced from two stories to one story. However, the proposed building offers less architectural features.

Discussion ensued regarding the architectural features, or lack thereof, as commented by several members of the Board.

Mr. Renaud interjected that it was apparent there were two primary issues: 1) the Board is not satisfied with the plans as presented in terms of determining what it is that the applicant is proposing or trying to visualize what it is that is being proposed by the applicant and 2) it is of his opinion that there seems to be a push-back from the Board with regard to the architectural change(s) that are being proposed by the applicant.

(continued) There could be two things that could happen: 1) the application could be carried or 2) the applicant can continue with the plans as presented.

Mr. Wiley stated that he understood.

Mr. Renaud further commented that the application that was submitted for review had indicated that there would be no changes to the building except for adding a few feet to the height of the building and mostly interior changes. However, when the application was actually presented to the Board, it was found that significant changes were proposed. The building has a completely different appearance than what was previously approved.

Mr. Bisogne stated that it was his understanding that his architect met with Mr. Constantine.

Mr. Constantine stated that he did not recall meeting with Mr. Bisogne's architect and discussed the architectural changes and the shift of the design to a different material, EIFS.

Ms. Lagay summarized the Board's concerns about the renderings and not knowing what the rendering was intended to show.

Mr. Bisogne discussed the materials of neighboring buildings in the area and that he had wanted to construct a modern building, not one with Victorian details.

Ms. Lagay stated that it was not about Victorian details, but to have a design similar to that of Bridgepoint and the storage facility.

Mr. Spiegel stated that the reason the Board is expecting certain details is because of the property's location and its transition into the residential neighborhood.

Mr. Bisogne questioned why he should be the only one to do so.

Mr. Spiegel clarified that the design of original application had significant architectural features and details. The design of the second application had very little architectural highlights and there was a compromise made just to get an approval from the Board. He appreciated Mr. Bisogne's opinions regarding the architecture but felt that the architecture of this proposal is inconsistent with the previous approvals.

Ms. Lagay asked Mr. Bisogne if he was agreeable to continue the application at a later date after working with Mr. Constantine.

Mr. Wiley reiterated that he understood the Board's concerns.

Ms. Andrews stated that she would like to see a sample of EIFS and its colors.

Mr. Wiley stated that what should happen is that he should present colored renderings and samples of EIFS.

Mr. Spiegel stated that he would be interested to hear what the public had to say about the changes in the architecture as well.

Mr. Renaud stated that the application would be carried to the Board's next regularly scheduled meeting, to be held on May 12, 2011 in the same room. The meeting will start at 7:45 p.m. There will be no further notice.

Ms. Lagay opened the hearing to the public for questions.

Arlene D'Amico, 13 Prospect Street, questioned the height of the building.

Ms. Lagay stated that the original approval was two stories.

Mr. Wiley clarified that the floor-to-ceiling height was approximately the same.

A resident on Prospect Street noted Mr. Bisogne's comments that fumes would be unbearable and questioned how the fumes would be ventilated.

Mr. Bisogne clarified that the garage doors would be opened to allow the fumes to be ventilated out of the building. The doors would be open only when small engines were running during the repair process.

The resident further questioned the proposed days and hours of operation.

After a long discussion, it was established that the hours of operation would generally be from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturday and Sunday. Repair work is rarely done on Sundays. The 12'-0" x 12'-0" overhead door will be on the parking lot side, facing the BMW store on the other side. Customers who drop off their repairs will be on the property for only a few minutes. Deliveries will come in off of Route 27, consisting of mostly box trucks and tractor trailers and they will park in the parking lot.

Mr. Constantine stated that much of the concerns that are being raised at this meeting have already been discussed in previous resolutions.

Mr. Spiegel stated the parking lot is sufficient because most customers and landscaping

companies are only on the site for a few minutes at a time. There are rarely any customers on weekdays. He commented that if you go to Metuchen Mower's present location at 212 Main Street, you do not notice that the business is there unless there is a snow storm and a reason to be there.

There being no further questions, Ms. Lagay closed the public portion and requested the Board to raise any questions for the applicant.

Mr. Constantine asked Mr. Bisogne to verify the number of employees.

Mr. Bisogne stated that presently working at Metuchen Mower are himself and two other employees as well as some part-time employees. Even with the additional square footage, he does not anticipate hiring additional employees at this time.

Ms. Lagay opened the hearing to the public for comments.

Arlene D'Amico, 13 Prospect Street, stated that the business would be busy with landscaping trucks. She was very concerned with parking.

Ms. Lagay and Mr. Spiegel both clarified that at Metuchen Mower's current location, there is no parking lot whereas the property where the building is proposed to be constructed will have its own parking lot. The primary concern of the Board, at this time, is the architecture.

Shawn Tierny, 25 Prospect Street, stated that he does not feel that a 2-story building does not fit into the neighborhood into a residential area.

There being no further comments, Ms. Lagay closed the public portion and announced that the application would be carried.

Mr. Spiegel raised his concern regarding why the application did not go to the Technical Review Committee. Much of the questions that were raised could have been addressed at TRC.

CORRESPONDENCE

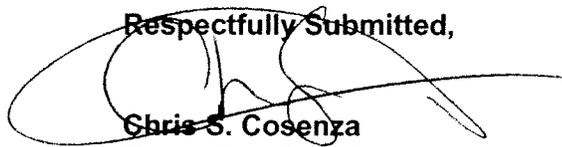
Minutes from February 10, 2011

A motion was made to approve the minutes as written by Mr. Spiegel, seconded by Mr. Sondergard. Voice vote taken. Motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 9:09 p.m.

Respectfully Submitted,



Chris S. Cosenza
Recording Secretary