

**METUCHEN ZONING BOARD OF ADJUSTMENT**

**MINUTES**

**May 12, 2011**

The meeting was called to order at 7:45 p.m. by Robert Fair, Vice Chairperson, who read the statement in accordance with the Open Public Meetings Act.

**ROLL CALL**

Present:        Robert Fair, Vice Chairperson                Brian Tobin, Alt. I  
                  Catherine McCartin                         Jonathan Rabinowitz, Alt. II  
                  Judy Sisko     James Constantine, Planner  
                  Byron Sondergard                                Robert Renaud, Attorney  
                  Daniel Spiegel                                     Chris S. Cosenza, Zoning Officer

Late:            (none)

Absent:         Suzanne Andrews (with notice)  
                  Pat Lagay, Chairperson (with notice)  
                  Kathy Elliott, Engineer (with notice)

**OLD 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

John Wiley, applicant’s attorney, introduced himself to the Board on behalf of the applicant and invited his witness, Albert T. Ondar, AIA, to approach the Board and be sworn in.

Mr. Ondar was sworn in by Mr. Renaud.

Mr. Wiley requested Mr. Ondar to describe his licensure and experience.

Mr. Ondar stated he has been a registered architect in the State of New Jersey for the past 30 years and has provided testimony before Boards numerous times in various townships.

Mr. Wiley requested the Board to deem Mr. Ondar as an expert witness.

Mr. Renaud stated that Mr. Ondar is qualified.

Mr. Ondar stated that he has been working with Mr. Bisogne to work on a concept of his new mower shop along Route 27. Capitalizing on the additional square footage needed for storage for Mr. Bisogne’s expanding business, he revised the floor plans to add a balcony for storage.

This would also allow for a full second story to possibly be added in the future. The building was raised by approximately 7 courses to a height of 25'-6". Changes to the façade per Mr. Bisogne's wishes are reflected in the drawings as presented to the Board.

(continued) He presented an exhibit, marked as A1, which consisted of four sketch elevations of the building, in color: the front elevation in the upper left, the parking lot elevation in the upper right, the rear elevation towards the residential dwelling units in the lower left and the elevation along Prospect Street in the lower right.

(continued) He described EIFS, which is a stucco-based material which can be carved and made into various colors. The dark lines at the top of the building depict a pre-formed decorative fascia, approximately two feet in depth. The lower part of the building, shown in a darker color, has a projection of approximately three to four inches off the face of the building. This creates depth and shadow lines and helps break up the building into smaller planes.

Mr. Wiley brought to the Board's attention samples of EIFS, marked and described as below:

<b>Mark</b>	<b>Description</b>
A2	EIFS, Blue in color
A3	EIFS, Off-white in color
A4	EIFS, Gray in color

Mr. Ondar stated that the blue material does not exist in the building but was presented to show the composition of EIFS to the Board: On top of the masonry block structure, there would be 1 to 2 inches of (solid insulating) foam, skin-coat of plaster, mesh material for strength, another skin-coat of plaster and top coat of color which can be applied in various colors and textures.

(continued) Upon review of exhibit A3, the off-white color is the primary color of the building. The grayish tone of exhibit A4 is the color of the base of the building.

Mr. Wiley asked Mr. Ondar if the color of the cornice would be similar to the color of the base.

Mr. Ondar confirmed that it would match.

Mr. Wiley stated that he had no further questions for Mr. Ondar.

Mr. Constantine questioned how thick the trim would be around the doors and windows.

Mr. Ondar described the Dryvit façade: the lower band is approximately 3'-6" to 4' high and is scored in a 2' x 2' pattern and projects off the building approximately 4 to 5 inches. The base of the façade consists of 3'-6" x 6'-0" blocks. The coping is a pre-manufactured shape, bent into form, has a homogeneous marble-like finish and is composed of two (2) 1'-10" elements totaling 3'-8" in height.

Mr. Renaud recalled that Mr. Bisogne referred to the façade as EIFS, whereas Mr. Ondar referred to it as Dryvit.

Mr. Ondar clarified that Dryvit is a manufacturer of the EIFS material. EIFS stands for Exterior Insulation and Finish System. There are three (3) to four (4) major manufacturers.

Mr. Fair questioned the composition of the soffit.

Mr. Ondar clarified that the coping consists of two separate elements in order to have a more definition and, at its maximum, projects 10 inches off the face of the building.

Mr. Constantine stated that there seemed to be some inconsistencies with the plans submitted to the Board for review. He questioned the belt course and the trim around the doors and windows. The trim is around some of the windows, but not all of them.

Mr. Ondar clarified that the intention was to wrap all doors and windows with the base course material as shown on the lower left portion of A-1, despite not being shown on the plans.

Mr. Constantine questioned the color of the garage door.

Mr. Ondar stated that the color illustrated on the plans is green, but it could be subject to the Planner's recommendation and/or Board as a condition of approval.

Mr. Sondergard questioned the base course and the thickness of the actual finish. He was particularly concerned that the thickness would not be sufficient.

Mr. Ondar stated that the base course projects 4 to 5 inches off the face of the building. The plaster-finish itself is 1/8 of an inch thick. There are two finishes (base and final) and the mesh underlayment provides strength against damage.

Mr. Fair raised his concern regarding the projection of the base course as it would be subject to being run into by vehicles and/or mowers.

Mr. Constantine clarified that the mesh material provides the strength it needs and the thickness itself is only for aesthetic purposes.

Mr. Bisogne stated that there will be a four (4) foot planting bed surrounding the building, except at the garage doors.

Mr. Constantine stated that bollards could be added around the building. He then questioned who would be accessing the building through the garage doors.

Mr. Bisogne stated that the public would not be encouraged to go through the garage doors and to enter the building through the retail entrance doors instead. The public will not be driving through the garage doors, only the employees.

Mr. Constantine stated he suspected that the employees would be sure to be careful around the new building. He believes the detail of the base course as well as other changes addresses much of the comments as listed in his report. He commented that, in comparison to Bridgepoint, Honda and the storage facility buildings, the Metuchen Mower sign could be highlighted or the applicant could provide goose-neck lighting.

Mr. Bisogne asked Mr. Constantine what color the garage door should be.

Mr. Constantine stated that door color could be gray or black, but the main façade of the building should have some color, much like the Honda building.

Ms. Sisko stated that she had listened to the tapes and requested clarification as to the height of

the proposed building and what the actual change in height is between the proposed building and that of the previous application.

Mr. Ondar corrected the height difference from the last application. The 2010 application proposed a 20' tall building, whereas the current application proposes a building 25'-6" in height.

Mr. Renaud stated for the record that three (3) Board members had listened to the tapes and their certifications were in the file.

Ms. McCartin questioned the mezzanine and if it would be possible to expand to the full length of the building.

Mr. Bisogne stated he had originally intended for a full second floor. At this point in time, he feels he does not need full two floors.

Ms. McCartin questioned again if the mezzanine could be transformed later into a full second floor.

Mr. Wiley clarified that it could be expanded to a full second floor in the future but it would require Board approval.

Mr. Fair opened the hearing to the public for questions.

Arlene D'Amico, 13 Prospect Street, questioned why the building cannot go back to the originally approved architectural scheme.

Mr. Wiley described the history of the application. After the 2010 approval, the applicant considered additional floor area as well as a less expensive façade treatment. The Board raised its concerns in the April meeting to pay more attention to the architecture. Mr. Wiley feels that the latest changes per the Planner's recommendations are sufficient.

Mr. Constantine asked Ms. D'Amico if that had answered her question, or if the question was about the exterior materials proposed.

Ms. D'Amico stated that, yes, it was about the materials.

Mr. Ondar stated that it is effectively the same material. It is a stucco finish. The previous approval had a stucco-parged block system whereas the current application proposes EIFS which has a stucco-like finish.

Mr. Renaud added that the question itself is directed to the Board. Generally, the applicant comes before the Board and proposes a design that they want to construct. The Board may say yes, no, or yes with conditions. To the extent of the question, rephrased as "why can't [the Board] make [the applicant] put back the 2005 building." The answer to that is that the Board cannot do that.

Mr. Constantine stated that the exterior wall will look like Bridgepoint and parts of the storage facility.

Mr. Spiegel raised his concern that Bridgepoint looks weathered and moldy.

Mr. Constantine and Mr. Fair stated that they believe that since Bridgepoint was constructed, EIFS has become a much more reliable material and better resists mold.

Mr. Spiegel understood Ms. D'Amico's concerns but felt it was regarding the color scheme. The application previously had earth tones, whereas now it does not.

Mr. Constantine questioned if EIFS could be painted or refinished.

Mr. Ondar confirmed that the material and its application have improved greatly over the years and that, yes, the system could be repainted or refinished very easily.

Mr. Fair stated that the deep cornice will help alleviate staining concerns.

Mr. Constantine stated that the EIFS system is better than the previously proposed parged block system.

Mr. Spiegel raised his concern regarding the fact that the proposed site is next to a highway. Several things occur when buildings are adjacent to a highway: the exhaust fumes attack the building and soften the materials. However, what is being proposed is a light-colored building.

Mr. Constantine stated that the Borough has generally encouraged earth-tone colors for industrial buildings.

Mr. Constantine and Mr. Spiegel discussed the Honda building.

Mr. Constantine asked Mr. Ondar if the off-white could be shifted to a light gray.

Mr. Ondar stated that it could be blended to any tone desired.

Ms. McCartin raised her concern regarding the light gray color but ultimately was uncomfortable telling the applicant what color their building should be.

Mr. Spiegel stated that he felt that these issues are significant for the Board to consider.

There being no further questions, Mr. Fair closed the public portion and requested the Board of their questions.

There being none, Mr. Fair opened the hearing to the public for comments.

Ms. D'Amico questioned about when the fence will go up. When the whole process began in 2005, she was promised a fence at the edge of the property on top of the retaining wall.

Mr. Wiley stated that the applicant intends to start construction in the summer and construction would take approximately four months. The fence would have to be installed prior to the issuance of a Certificate of Occupancy from the Building Department. Unless a Performance Bond is posted to the Borough, the applicant could not even move into the building without installing all site improvements as proposed on the site plan.

Mr. Bisogne clarified, for Ms. D'Amico's benefit, that before he moves into his building, there will be a retaining wall and a fence up.

Ms. McCartin asked Mr. Bisogne if there will be awnings or trellises to help break up the façade.

Mr. Bisogne stated that he does not want awnings because he wants people to be able to see the products through the windows along Route 27.

Mr. Constantine stated that the awnings would not necessarily block the display(s) and that, in fact, they actually help the building and merchandise become more visible. Furthermore, merchants have used awnings over commercial windows for centuries.

Discussion ensued regarding the landscaping at the site. There will be a brick paver patio area along the front corner of the building. There are six (6) trees and a base of shrubs along the perimeter of the building. The shrubs are 30 to 36 inches in height.

Mr. Renaud clarified that the site plan is unchanged. Technically, in addition to the use variance, the application is for site plan review because there are some requirements that are different, such as parking. However, the applicant is relying on the same site plan that was previously approved in 2010.

(continued) On a different topic, he had received a letter from concerned neighbors, unsigned, dated May 8, 2011. The essence of the letter was that the testimony given at the last hearing was different than that with respect to testimony given in 2005 on the issue of fumes. The letter requests the Board to essentially revisit the 2005 granting of the variance.

(continued) Last month, Mr. Bisogne stated that there would be no air conditioning and the garage doors would be open because work would be going on inside of the building. The fumes would be intolerable to those inside the building.

(continued) He asked the staff to listen to the tapes of the March 10, 2005 and May 9, 2005 hearings. On the topic of fumes, he determined that the testimony was not inconsistent, but just slightly different.

Ms. D'Amico questioned the letter that was submitted with respect to lawnmowers and fumes.

Mr. Renaud apologized and stated that he did not intend for his statement to be testimony but rather just to repeat what was stated in the previous hearings.

Mr. Tobin stated he felt that the letter was immaterial since the letter could not be cross-examined and was unsigned.

There being no further comments, Mr. Fair closed the public portion and requested the Board of their comments.

Mr. Spiegel stated that he has been on the Board a long time and wanted to ensure that the Board was diligent in its review. With respect to the original application before the Board, the main issues were: architecture, design, colors and breaking up of the façade. These were the mitigating factors in the Board's decision. In the 2010, one-story application, the building lost a lot of architecture and the Board spent a lot of time reconciling the same issues.

(continued) However, what he is still looking at is a very large façade and while there are modest improvements over what was presented last month, it is not what he was expecting to see: this building is not appropriate as a transition to the residential neighborhood.

Ms. Sisko asked Mr. Spiegel for what he would suggest.

Mr. Spiegel spoke about Mr. Constantine's previous comments such as additional banding or anything that would break up the shear wall. Something should be done to help make the building appear to be less commercial even though he understands the property is in a commercial zone and fronts onto Route 27.

Mr. Fair agreed with much of Mr. Spiegel's comments but stated that, in comparison, the proposed building is much smaller than that of Bridgepoint or the storage facility.

Mr. Spiegel countered that in this particular case, the building appears larger because it is much closer to the street than that of the aforementioned buildings.

There was a brief discussion regarding how to reconcile final design, landscaping and signage.

Mr. Renaud stated that these issues, in addition to actual color selection(s), would be conditions of approval and they would be subject to the review and approval of the Planner.

A motion was made to approve the application by Mr. Sondergard, seconded by Ms. Sisko. Roll call vote taken:

Aye: Mr. Fair, Ms. McCartin, Ms. Sisko, Mr. Sondergard, Mr. Tobin, Mr. Rabinowitz

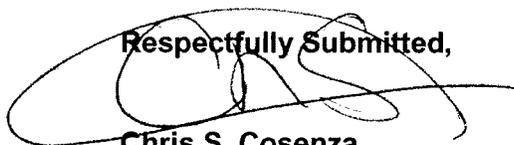
Nay: Mr. Spiegel.

Motion carried.

## **ADJOURNMENT**

The meeting adjourned at 9:11 p.m.

**Respectfully Submitted,**

A handwritten signature in black ink, appearing to read 'C. S. Cosenza', written over a large, loopy flourish that extends to the left and right.

**Chris S. Cosenza  
Recording Secretary**