METUCHEN ZONING BOARD OF ADJUSTMENT

MINUTES

August 14, 2014

The meeting was called to order at 7:46 p.m. by Pat Lagay, Chairperson, who read the statement in accordance with the Open Public Meetings Act.

Present:	Pat Lagay, Chairperson	Jonathan Rabinowitz, Alt. I
	Judith Sisko	Mike DiGeronimio, Planner
	Byron Sondergard	Robert Renaud, Attorney
	Daniel Spiegel	Lisa DiFranza, Engineer
	Brian Tobin, Vice Chairperson	Chris S. Cosenza, Zoning Officer
Late:	(none)	
Absent:	Suzanne Andrews	Catherine McCartin

Ms. Lagay explained the procedures of the Board to the public.

RESOLUTIONS

Appointment of Katherine Hering, PE of R3M Engineering, Inc., as a conflict engineer to provide professional engineering services to the Zoning Board in connection with the review and hearing of the site plan application for St. Joseph's High School.

A motion to approve the resolution as written was made by Ms. Sisko and seconded by Mr. Spiegel. Roll call vote taken. Ms. Lagay, Ms. Sisko, Mr. Sondergard, Mr. Spiegel, Mr. Tobin and Mr. Rabinowitz voted yes. Motion passed unanimously.

NEW BUSINESS

14-1039 **Florence Reyes** – Applicant is seeking bulk variance approval for a second story addition to the front and a two-story addition to the rear of the single-family dwelling.

58 Plainfield Avenue Block 50, Lots 11, 11.01 R-2 Zone

Ms. Reyes and Robert A. Hernandez, Applicant's Architect, were sworn in by Mr. Renaud.

Ms. Reyes stated that she and her husband recently bought the home at 58 Plainfield Avenue. The current dwelling only has two (2) bedrooms and they wished to expand the home which requires variances. She wished to expand the home such that her two (2) sons could each have their own bedroom.

Ms. Reyes indicated the variances that were required: Lot Area, Lot Width, Front Yard Setback, Minimum Side Yard and Minimum Combined Side Yard. She also wished to phase the project

into two (2) phases (front first, rear later) due to budget constraints because she is currently paying two (2) mortgages; she has not yet moved into this home. Phase 1 would consist of the second floor addition above the porch at the front of the home which would convert one (1) bedroom into two (2) bedrooms. Phase 2 would consist of the two-story addition at the rear of the home which would also expand the kitchen and provide for a living area.

To date, Ms. Reyes has already removed the carport (on the left side of the home). She would like to add the necessary landscaping. There was a tree at the front yard area which had appeared to have been cut (down prior to her purchasing the home). She would renovate the entire home and do everything to code.

Ms. Reyes presented Exhibit A-1; photographs of other dwellings, with two-story massing, similar to what is being proposed. She described the dwellings in the photographs, including the neighboring property which received variances from the Zoning Board of Adjustment. Ms. Reyes described the reasons for why the variances should be granted.

Mr. Renaud clarified the variances required and discussed the phasing issue. The Ordinance requires that a construction permit is taken out within a year of the approval, otherwise the approval expires. He suggested that if a permit is not taken out (for phase 2: the rear addition), she could come back to the Board and ask for another year which the Board may or may not approve. Otherwise, she may take construction permits out for the entire project and deal with the Building Department regarding completing the project should additional time be necessary.

Mr. Hernandez indicated that the existing home is 22 feet wide and 24 feet deep. The habitable area is approximately 1,000 square feet (both floors combined). The addition will fit in with the character of the existing home – it appears to be a Dutch Colonial home. The front of the home has an old stone façade which will be removed. In trying to not ask for too much, only a small roof overhang is being projected from the existing enclosed porch. Building and Impervious Coverage are actually being reduced, which were not non-conforming to begin with. Two (2) additional bedrooms will be added to have a total of four (4) bedrooms, including a master sweet. The exterior will consist of hardie-board siding with a nice color and contrasting white trim.

Ms. Lagay asked about the chimney, a metal tube: if it was on the plans and/or will remain.

Mr. Hernandez believed it was the gas fireplace flue and it may be removed.

Ms. Lagay asked about the side entry door and if access will be provided to the rear yard area.

Mr. Hernandez indicated that the side door would be maintained. He requested the Board to allow Ms. Reyes to have a rear entry as an option.

Mr. Cosenza indicated that as long as the (uncovered) deck has at least a four (4) foot setback, the deck should not have any issues.

Ms. Lagay asked about the window on the right side.

Mr. Hernandez indicated it would have to be removed after discussion with the Building Inspector. The new window would have to be fire-rated. The existing windows will remain as they are grandfathered in. He understands the wall and roof would have to be fire-rated.

Mr. Rabinowitz noted the square footages on the first sheet and that they appear to be in error.

Mr. Hernandez observed that error as well and clarified that approximately 700 square feet is being added. The front addition will add 169 square feet with the rear addition adding 528 square feet for a total of 697 square feet.

Mr. Rabinowitz asked about the carport and if a new one would be provided. He asked if the basement was finished.

Mr. Hernandez indicated that the carport would be removed and the existing basement, which is small, is unfinished (at this time).

There being no further questions from the Board, Ms. Lagay opened the hearing to the public for questions regarding the application.

Mark Chiusano, 60 Plainfield Avenue, asked about the highest point at the front and rear of the dwelling. He understood the roof was being turned so it would no longer go north-south, it would now be east-west.

Mr. Hernandez indicated existing height is under 27 feet. The ridge for the addition will be maintained and will be continuous from front to back. The height will not change.

Ms. Lagay asked if there were any other questions from the public.

Mr. Chiusano indicated that he had a lot of questions. He would be here for a while. He asked how much light is being blocked.

Mr. Hernandez stated that he did not do a study but offered that that the side yard setback is being maintained. The existing side yard setback is greater than what is permitted. The distance between the homes is 20 feet. He offered an assumption that the requirements of the Ordinance made an effort to protect sunlight.

Mr. Chiusano indicated that he had concerns and would wait until later.

There being no further questions from the public, Ms. Lagay closed the public portion. Ms. Lagay opened the hearing to the public for comments regarding the application.

Mr. Chiusano was sworn in by Mr. Renaud.

Mr. Chiusano indicated that he had a lot of concerns. He has lived in the current home for 33 years. He lives with his wife and four (4) kids, three (3) of which are teenagers. They have three (3) bedrooms. The existing home at 58 Plainfield Avenue has two (2) bedrooms because the previous owners changed it. He was concerned about changing the roof line because it changes the whole block and affects shadows. He described the sun's patterns at his home. He described the existing features of the existing home at 58 Plainfield Avenue and opined that a similar addition (at 56 Plainfield Avenue) greatly affected the shadows. He was concerned about the addition affecting the garden in his backyard and the value of his home. He explained his concern about variances being requested. Variances should be given as the exception, not as the rule. He indicated that he has gone to great efforts to maximize the light into his yard space. He also discussed the Monarch Butterfly.

Ms. Lagay asked Mr. Hernandez to respond.

Mr. Chiusano opined that nothing could be spoken to these issues; as long as the roof remains as it is proposed, he will get less light.

Mr. Hernandez clarified solar functions and generally described the location of the sun as it relates to the two (2) properties. He generally showed the location of the sun at 6 a.m., 9 a.m., noon, and so on. He opined by 9 a.m., the addition would not affect his light. The addition only affects his early morning light.

Mr. Chiusano opined that the rear addition will consistently block the light on his property.

Ms. Lagay noted that Mr. Chisusano has trees on his property.

Mr. Chiusano indicated that it is a matter of science; he has worked to maximize light on his property.

There being no further comments from the public for the application, Ms. Lagay closed the public portion.

Ms. Lagay asked Mr. DiGeronimo to comment.

Mr. DiGeronimo indicated that, generally, adding volume as proposed will generally affect the shadows; however, without a detailed analysis, he could not definitively describe how exactly it would be affected. He offered that both Mr. Chiusano and Mr. Hernandez were correct.

Mr. Hernandez asked if making the gable roof a hip roof would help.

Mr. DiGeronimo indicated that by reducing the amount of overall ridge line, it would help.

Ms. Lagay asked if that would impact the floor plan.

Mr. Hernandez indicated that it would not. He described the merits of the application and why the hardship variances should be given. He opined that his client is victimized by the Ordinance.

Mr. Spiegel opined that two (2) words should be stricken from the record: "hardship" and "victimized" because a hardship application is not one in which a property owner buys a property and says "I did not realize what the law was" and later claims that there is a hardship. He further opined that referring to Applicant as being victimized is another difficult description that he would not characterized this property as. The Board listens to the application and weighs the positive with the negative. In response to Mr. Chiusano, there have been cases where the neighbor successfully proved that an application would have a negative impact. There is a reason why there are setbacks. Much of what you see around town is not because of only the Zoning Board of Adjustment. The Planning Board hears many applications as well.

There is property that was built a long time ago in a dimension that is very difficult to live in today. In many situations, variances are requested and relief is granted because the lot is fixed, Applicant is being judicious by not expanding to the sides and going into the back, where there is plenty of space. This situation is very similar. If there was not an objector, he would probably have voted in favor. Since there is one, however, an application for a variance should not be a variance for him. He would like to see a conference between the objector and Applicant to see if any modification can be made to the plan such that the objectors' property rights are preserved and Applicant can get what they are looking for. He is cognizant of issues faced by properties in the Radio Section. At this particular moment, he is not in favor of the application.

Board members similarly raised concerns.

Mr. Hernandez indicated that he would look at reducing side walls.

Mr. Cosenza observed that the Board sometimes wants to understand why an Applicant is before the Board. He indicated that, as the Board knows, there is a certain allowance for expanding upon non-conforming side yard setbacks. To put this into perspective, in a technical manner only, if the home was set back an additional 1.1 feet (13 inches) from the right side yard line and set back an additional 1.5 inches from the street, Applicant would not require variances and would probably be in the middle of construction.

Ms. Lagay agreed that the requests appeared to be minimal.

Mr. Cosenza indicated that may be and further indicated that the Planner, James Constantine wrote the 50% side yard setback allowance some 30 years ago with this neighborhood and Charles Street homes in mind.

Board members discussed the application.

Mr. Spiegel suggested that Mr. Hernandez and Mr. Chiusano

Mr. Hernandez and Mr. Chiusano discussed their availability.

Mr. Chiusano offered additional comments.

Mr. Renaud suggested that the Board made a motion to approve, deny or carry the application.

Ms. Lagay indicated that the Board appears to be favoring carrying the application to the following month. The hearing is September 12, 2014.

Mr. Cosenza stated that revised plans would have to be filed by September 2, 2014.

A motion to carry the application to September 12, 2014 was made by Mr. Sondergard and seconded by Mr. Rabinowitz. Ms. Lagay, Ms. Sisko, Mr. Sondergard, Mr. Spiegel, Mr. Tobin and Mr. Rabinowitz voted yes. Motion passed unanimously.

Mr. Renaud announced that the application would be carried to September 12, 2014 at 7:45 p.m. There would be no further notice.

Board members requested a recess.

The Board recessed at 8:48 p.m. and reconvened at 8:55 p.m.

14-1032 **St. Joseph's High School** – Applicant is seeking major site plan, d(3) conditional use variance and bulk variances with exceptions and waivers to replace the track and field and construct bleachers, ticket booth, concession stand and fencing.

145 Plainfield Avenue Block 2, Lot 1 R-1 Zone

Thomas Sharlow, Jr., Applicant's Attorney, introduced himself to the Board. He indicated that he represents Applicant. There are a number of bulk variances and waivers. The major reason they are before the Board is because of the d(3) variance. The parochial high school use is a permitted conditional use in the R-1 Zoning District, with the application not meeting one of the conditions that being that there be "no active recreational area is permitted in the front yard." The front yard area, for this particular property, is 147 feet deep, which is very large. A portion of the track is in the front yard area and that is why they are before this (particular) Board.

Mr. Sharlow indicated that the subject site is one of the largest properties in the Borough of Metuchen and is probably the most beautiful as well. He generally described the history of the school. The Brothers of Sacred Heart have been in the community for over 100 years and the property itself has been a high school since 1961. The proposed athletic field improvements will improve the aesthetics of the site. He indicated that there would be several witnesses to testify in support of the application. The application is effectively to improve accommodations for an existing use. There are no proposed uses.

Mr. Sharlow wished to describe two (2) statutes as part of his application. Under the Municipal Land Use Law (MLUL), N.J.S.A. 55D-66(b) in which it states that the Zoning Ordinance governing the use of schools shall not discriminate between public and private schools. St. Joseph's High School is subject to the conditions, but not the public high school. In his eyes, it is a violation of the MLUL. He also cited Religious Land Use and Institutional Persons Act, 41 U.S.C.A. §2000(cc) in which a provision states that "no government shall impose or implement a land use regulation in a manner that treats a religious institution on less or equal terms as a non-religious institution."

Mr. Renaud indicated that he did not follow how the Borough's Zoning Ordinance treated St. Joseph's High School differently.

Mr. Sharlow indicated that the conditional use conditions are only applicable to St. Joseph's High School, but the procedures to obtain approval for a public school are much different.

Mr. Renaud stated that was not because of the Borough's Zoning Ordinance; a public school has to obtain approval from the State's Board of Education. He noted Mr. Sharlow's comments.

Lawrence Walsh was sworn in by Mr. Renaud.

Mr. Walsh indicated that he is the President of St. Joseph's High School. He has been president for eight (8) years. He previously was a principal for six (6) years, an academic assistant principal for 14 years and a teacher and coach prior to that. He began teaching in 1972. He graduated in 1968. He indicated he was familiar with the application, the property and Brothers of the Sacred Heart.

Mr. Walsh stated the Brothers of Scared Heart moved to this area in 1901. In around 1930, they began to use the property as a school up to about 1961. In 1961, they opened St. Joseph's High School as a day school for all boys. It has remained as an all-boys Catholic High School since that time. St. Joseph's High School is a not-for-profit religious corporation and an accredited high school. The main high school was opened in 1964. They have had approximately 10,000 graduates. There are 36 boys who reside in Metuchen. The high school had a major renovation in 2001 in which a gymnasium was added as well as science laboratories, classrooms. The old gymnasium was converted into a multi-media library. The current gym holds approximately 1,300 spectators. In total, there are 44 classrooms.

Mr. Walsh further testified that there is a track with a field inside the track. Photographs from the 1966 yearbook show a track from the spring season in 1965. In the 1970s, they had the first of its kind, the Chevron 440, which was a soft track. In the 1980s, the track was replaced. The current track has been in place since 1985. This track will be replaced. The current track is used for running by the track team, cross-country team and physical education classes. It is also used by residents of both Metuchen and Edison after hours. The current track is in poor shape. Inside the track is a grass athletic field. It is used for football, which was started five (5) years ago, in the fall. In the spring, they use it for lacrosse. They use it periodically for soccer. It is also used for physical education classes. The athletic field has been used since the early 1970s.

Mr. Walsh indicated he is also a lacrosse referee. He is familiar with natural turf for athletic fields. The athletic field at St. Joseph's high school is a natural grass field, so it has a lot of bumps and dips. It is tough for athletes to run on them and it is easy for them to sprain their ankles because of the unevenness that comes with natural grass. The proposal is to install a synthetic turf field to replace the natural field. A synthetic field will be a lot safer for their athletes. It will provide for a more uniform playing surface. Many of the surrounding and public schools are replacing their fields with synthetic turf fields, including JFK, Iselin, Woodbridge and Edison JP Stevens. In the event that the proposal is approved, the field would be available to St. Joseph's students and the teams they play.

Mr. Walsh indicated that the plan is to use the field for football and soccer in the fall. There will generally be four (4) or five (5) games per season, played on Saturday afternoons between noon and 2:00 p.m. He has personally attended these games. He would estimate that 800 to 1,000 spectators would come to a game. The most he observed was against Bishop Ahr, which had 1,500 people. There are currently portable aluminum bleachers, which each hold 40 people and there are about 10 of them. Most of the spectators bring their own lawn chairs or stand around. A temporary fence has to be installed for these games. According to N.J.S.I.A.A. regulations, some type of barrier is required between the spectators and the athletes. The varsity football games attract the most spectators. He makes efforts to make sure there are no other events at the campus when there is a football game.

Mr. Walsh further testified that there are 386 parking spaces. There are no new parking spaces provided. There is additional parking available. He opines that parking is adequate for people that attend football games. The Father's Club helps with directing people to parking areas. Football parents also help, directing parking, collecting tickets, etc. If there is an overload of parking, they allow parking on the grass at the rear of the property. To date, they have not had to use that parking for a football game. St. Joseph's High School also has an arrangement to use available parking at the adjacent middle school, which has 160 parking spaces. Other than the fall football and soccer games, the field is used for lacrosse during the spring. There are approximately 10 home games. It will also be used for spring track. Winter track practices on the track but the events are held indoors. At a typical lacrosse home game, about 500 people are in attendance. There may be other events, such as track meet and baseball, held at the same time in the spring. If there is a track meet, they will take precedence. At a typical baseball home game, about 100 people are in attendance. Many fans bring their own chairs; they also have portable aluminum bleachers which they roll to the back of the property. The existing parking accommodates both lacrosse and baseball games. Grass parking is not necessary during those events. At a typical track meet, approximately 50 to 100 people are in attendance.

Mr. Walsh indicated that he has not received any complaints from the neighbors or Metuchen Police Department at the high school athletic events. He does not see a need for additional parking because the use will not be intensified by the replacement of the track.

Mr. Walsh indicated that the application seeks approval to construct permanent bleacher seating is proposed, seating for 1,570 people. Currently, fans stand around the track. Bleacher seating would be a better, safer arrangement and would allow for a more enjoyable game experience. Whether or not the application was approved, there will still be over 1,500 people coming to the games.

Mr. Walsh further testified that there is currently a six (6) foot chain-link fence, which is rusted, along the perimeter. It is planned to replace it with a decorative fence. It will be steel with vinyl-coating. There will be a four (4) foot fence around the perimeter and track to separate the players from the fans, as required by N.J.S.I.A.A.. There will be a small building, made up of red brick and green vinyl siding in an attempt to match the adjacent building. The building will contain bathrooms, snack area and a ticket booth. Currently, parents bring out tables and chairs to the entrance. The snack area would have a steel pull-down door. In addition to the building, a PA sound system would be installed. Currently, a portable PA sound system is utilized. The speakers can be pre-set. The speakers will be located on top of the press box over the home bleachers and will be oriented to face the field and school building(s) so that sound does not travel toward Plainfield Avenue. Shorter distance allows for smaller speakers. The existing scoreboard is located approximately mid-field along the rail line, installed in approximately 1990. The proposed scoreboard will be installed at the far end of the complex, near Woodburn Hall. The existing 3' x 4' free-standing sign was destroyed either by the snow storm or by snow plows. A new free-standing sign is proposed to be erected. Mr. Sharlow presented Exhibit A-1 showing various signage on the property. Mr. Walsh took the photographs and described the signage.

Mr. Sharlow and Mr. Walsh addressed the Planner's memorandum dated August 11, 2014. The bleachers will be aluminum with a brick face panel, as it is a raised structure, and behind the bleachers will be green aluminum color. The plan detail showing the brick piers every eight (8) feet (within the decorative fence) is an alternative design; it is subject to fundraising efforts. If not enough money is raised, only the corners will have brick piers. Only security lighting will be provided at the bleachers, gates and walkways. All of those lights will be LED lights.

Mr. Spiegel asked about overflow parking. He asked if an additional curb cut would be necessary to address parking.

Mr. Walsh indicated that access is through the grass and parking can be accommodated on the tennis and basketball courts.

Ms. Lagay asked about the lacrosse festival.

Mr. Walsh indicated that, in the past, most of the games are in the back. Usually the final game is up front.

Ms. Lagay asked about the parking, if it spilled into the streets.

Mr. Walsh indicated that it did. In the past two (2) years, it has not. They have been working with the Metuchen Police Department. They have given the school ideas in order to deal with the overflow of parking. It happens once a year, during the summer.

There being no further questions from the Board, Ms. Lagay opened the hearing to the public for questions for Mr. Walsh.

Mr. Renaud advised the public the procedures for asking questions. Comments will

A. Paul Stofa, 168 Plainfield Avenue, asked if Metuchen residents will be allowed to use the track and field.

Mr. Walsh clarified that the public may use the track, but not the field. It is private property. Residents should not be using the fields without permission. Metuchen residents have and will continue to use the track. There will be a gateway within the four (4) foot chain-link fence to permit access. There will be no night games, no lights. The games start in September to approximately the first week of November. There may be a football game during community events. Sound could not be directed to the rear of the property, otherwise the fans would not be able to hear it. The ideal place for bleachers would be at mid-field.

Len Roseman, 40 Miller Drive, asked about bleacher seating, parking for the games, ability to rent the facilities and if a comparison was made between St. Joseph's and with other schools.

Mr. Walsh clarified that over 1,500 seats are being provided. He felt that parking is adequate. Most of the fans that come are students who get dropped off by parents and then leave. St. Joseph's will not rent the facility to outside groups. There will be no night football games. Temporary lights had been used in 1970s for soccer games. It has not happened since. The football program has been around for five (5) years and is a significant addition to the sports program. Sometimes, they are asked by the State to allow two (2) other teams to play on the field. It has been allowed in the past, but not at night, only during the day. They will continue to work with the Metuchen Police Department for events. The complex is not much bigger than Metuchen High School's which has 1,250 seats.

Karen Blanchard, 69 Willow Road, asked if the gate would be locked, about tailgating, bleacher capacity, rental of the fields, replacement of the pine trees and landscaping.

Mr. Walsh clarified that there are two (2) gates. The main gate will be locked during the school day and the other will remain open after hours. There may be tailgating. Most of the tailgating that is referred to occurs at the rear of the property after the games. There will be an attempt to sit everyone in the bleachers. If there are more people attending, there may be some people standing for games. The turf field will not be rented; the fields in the back of the property may be rented. He indicated that, currently, there are about a dozen of large pine trees. They are planning to install more shrubs between the track and the road. There will be additional shrubs to buffer the parking lot.

Donald Alena, 5 Paddock Court, Edison, asked about parking issues and described a past event at the property.

Mr. Walsh opined that parking is adequate. The event that Mr. Alena referred to, over the summer, is the lacrosse tournament, which draws about 4,000 people. There have been no parking issues for football or soccer games. He sees no increase in parking. The lacrosse tournament is an extraordinary event. In those cases, they will consult with the Metuchen Police Department.

Richard Mackiewicz, 140 Plainfield Avenue, asked about Mr. Walsh's background.

Mr. Walsh indicated that he taught English, History and Religion.

Mr. Mackiewicz pointed out that Mr. Walsh is not a parking expert. There was no football program prior to about five (5) years ago. When the track and field was originally put in, it was not installed with the intention of having football games.

Mr. Walsh opined that argument could be made for anything, including using computers. The same could be said about the field not being installed with the intention of having lacrosse games.

Mr. Mackiewicz asked why this location was chosen. He suggested that the proposed facility could be located elsewhere.

Mr. Walsh indicated that the present location had been used for decades. There is a large sewer easement which restricts use of the property.

Mr. Mackiewicz asked Mr. Walsh if he had any expertise in field safety dynamics.

Mr. Walsh stated that he did not.

Mr. Mackiewicz asked the size of the scoreboard and signage.

Mr. Walsh described the new scoreboard and other signage on the property. The scoreboard will be 18' x 24'.

Susan Marshall, 156 Plainfield Avenue, asked how many days of the week the field will be used.

Mr. Walsh indicated that it would depend. There is track practice is just about every day in the winter and spring. Cross country practices is every day. There will be about five (5) home varsity games. Freshmen and junior varsity will have about four (4) home games.

There being no further questions from the public for Mr. Walsh, Ms. Lagay closed the public portion.

Brent Papi, Applicant's Engineer, was sworn in by Mr. Renaud. He provided his education and experience and was accepted by the Board. He put together and is familiar with the application. He indicated that the project site is located on the west side of Plainfield Avenue, north of the Port Reading Rail Road. To the north is a middle school and residential properties. Across Plainfield Avenue are residential properties as well. The property is developed as a parochial school, with a cemetery, baseball fields, basketball field and 386 parking stalls. The site was subject to an approval by the Planning Board in 2001.

Mr. Papi presented Exhibit A-2, a rendering of the recreational area, which is approximately 113 feet from the front property line. There are large evergreen trees and a six (6) foot chain-link fence bordering Plainfield Avenue. There are storm drains at the center of the track and field that will connect to a ditch located at the southerly border of the property. He described the easements as well. The plan is to demolish the existing deteriorated track. In its place, a new turf field will be constructed (shown in green) with an asphalt synthetic rubber track (shown in red/brown). It was designed to meet standards. It was designed carefully to accommodate 50 foot easement and existing pipeline. The field is approximately 99 feet from the property line. There are also areas for pole vault and long jump lanes. The home bleachers have 13 rows of bleachers, totaling 996 seats and is 21 feet high. The visitors' bleachers have ten (10) rows of bleachers, totaling 574 seats and is 15 feet high. There is a press box above the home

bleachers, which is 10 feet high with a 24 inch speaker. The speakers will face away from Plainfield Avenue, toward the building. The overall height is 33 feet. The new scoreboard is located on the western side of the track, near Woodburn Ball. The scoreboard is 18 feet by 24 feet, mounted ten (10) feet above grade. A building, 1,105 square feet in area, is for the concession area, bathrooms and tickets, with several LED light fixtures for security.

Mr. Papi indicated that several trees, ornamental trees and shrubs are to be provided. They will be spaced within the existing evergreen trees to fill in gaps. A six (6) foot high ornamental estate style fence will be installed. There will be brick columns at the corner. If budgeting allows, additional piers would be spaced every 24 feet. The fence would continue to the concession area. The chain-link fence along the south side of the property would be replaced.

Mr. Papi further testified that signs would be installed to direct traffic to other lots. An additional ADA parking stall is proposed in place of two (2) parking spaces. An additional parking space will be removed to permit emergency access. In total, 384 parking spaces are proposed. With overflow parking available on the lawn area, 500 cars can be accommodated. There are an additional 160 parking spaces available at the adjacent middle school. In total, 17 ADA parking spaces are proposed, whereas eight (8) area required. Existing utilities will be maintained.

Mr. Papi indicated that the project qualifies as major development and, therefore, must conform to the Stormwater Management requirements. New storm chambers will be provided beneath the field and western side of the track. They will tie into existing storm pipes but will not go into the environmentally sensitive areas. They drain into a grass field. Existing drainage will be maintained in the area north and east of the track. The system is designed to meet peak rates of runoff. He is confident that it will exceed Borough and DEP requirements. He has addressed and will comply with all of the recommendation and requirements contained in the Borough Engineer's memorandum. They will require approvals from Freehold Soil Conservation District, Middlesex County Planning Board, Metuchen Fire Department, Middlesex County Utilities Authority and Middlesex Water.

Mr. Papi further testified that new scoreboard will be approximately 660 to 700 feet from the Plainfield Avenue right-of-way. The existing scoreboard is 360 feet away (from same). The track is approximately 46 to 47 feet encroachment into the front yard area. Only a small portion of the track will encroach. None of the playing field or bleachers will be in the front yard setback. The existing track already encroaches into the front yard area. Open Space is being reduced from 94% to 89%, a total reduction of 5.4%, as measured only in the front yard area.

Mr. Papi indicated all of the bulk variances and waivers required by the application, which are all indicated on the cover sheet of the site plan packet:

- §110-53.C: Environmental Analysis: site is presently developed;
- §110-53.C.(11): Urban/Architecture Inventory: existing buildings will remain as is and are not in scope; there will be one (1) new building;
- §110-53.N.(5).(a): Storm Sewer Profiles;
- §110-112.2.A.(1): Chain-link in front yard area: Four (4) foot vinyl-coated chain-link for safety purposes, as required by N.J.S.I.A.A.;
- §110-112.2.B.(1).(a): Height of ornamental fence in front yard area, six (6) feet;
- §110-112.2.B.(2).(a): Height of gate, eight (8) feet;
- §110-112.6.C: Accessory structure, 996-seat home bleachers inclusive of the press box; 33 feet; in comparison, the Metuchen High School bleachers has 1250 seats and is 34

feet in height; the Metuchen High School parking has 200 parking spaces;

- §110-112.6.C: Accessory structure, scoreboard height: 18 feet high mounted at 10 feet above grade, a total of 28 feet; in comparison, the Metuchen High School scoreboard is similar in size and mounting height;
- §110-87.A.(7): d(3) variance for (expansion of) active recreation field in front yard area;
- §110-185.B: number of signs;
- §110-186.B(1-5): size of free-standing signs;
- §110-154.A or §110-154.C in event Board determines more parking is required; given that there is no change in use or intensification of the use, only an upgrade of the facilities, Mr. Papi argued that additional parking is not required.

Mr. Papi indicated that the home bleachers is located 310 feet from the property line. Neither the home or visitor bleachers are located in the front yard area.

Mr. Papi presented Exhibit A-3, a series of photographs of existing conditions. He took all of the photographs, except for the first page which is an aerial photograph obtained from the internet. The photographs showed existing facilities, landscaping, buffering and screening from Plainfield Avenue and views of the area to be developed shown from various locations. Photographs were also provided of the Metuchen High School, showing what he described as an active recreation area in the front yard area.

Mr. Spiegel asked why dual jumping pits were being provided.

Mr. Papi indicated that the intention is to accommodate wind direction.

Ms. Lagay asked if Ms. Hering was satisfied with the testimony.

Ms. Hering indicated that she only had a couple questions. She asked how many lanes exist and are being proposed.

Mr. Papi indicated that there are six (6) lanes on the existing track. An additional two (2) lanes were being provided (to make it a total of eight (8) lanes).

Mr. Walsh clarified that, in investigating the improvements to the track, they felt that eight (8) lanes would provide for more opportunities: it would allow more practice time and allow meets to run faster.

Ms. Hering asked if there was a sidewalk installed in the passive recreational area, between the track and Plainfield Avenue.

Mr. Papi clarified that a five (5) foot sidewalk is to be installed around the track, mainly for access to the bleachers.

Ms. Hering noted that the impact into the front setback area, with consideration of the additional two (2) lanes and five (5) foot sidewalk, the encroachment is approximately 14 feet.

Mr. Papi confirmed.

Ms. Hering asked about geotechnical report.

Mr. Papi indicated they will comply with everything.

Ms. Hering indicated that she is satisfied with the stormwater management report in accordance with Storm Water Regulations. The proposal meets all stormwater requirements.

Mr. Spiegel asked about the parking calculations.

Mr. Papi indicated that curb-side parking was not counted in the parking calculation.

Mr. Spiegel asked if the portable bleachers are not within the setback area and if they sought to use them for additional capacity, if they would need to come back before the Board.

Mr. Renaud indicated that they would have an approved site plan. If they were to install new bleachers, they would have to apply to have the site plan modified. Having said that, if someone brings over the portable bleachers and leaves it there for a day, no, they would not have to come back.

Ms. Lagay noted that the portable bleachers were not counted in the calculations.

Mr. Papi confirmed.

Mr. Rabinowitz asked about why five (5) foot sidewalk was provided and not something wider.

Mr. Papi indicated that the chain-link fence posts are located in part of it, and so only four (4) feet is left over. There are constraints to existing landscaping to make it wider. It is the standard pedestrian width. It goes wider on west side leading to access to the gates.

Ms. Lagay asked about controlling parking.

Mr. Walsh indicated that the Father's Club and/or parents. They help manage the parking, helping to direct traffic. They have walkie-talkies to communicate, which allows them to manage traffic very quickly without having to run back and forth. Traffic cones are used to close off lots when they are full.

Mr. Renaud asked what the front yard setback requirement.

Mr. Papi confirmed it is 25 feet.

Mr. Renaud asked what the actual front yard setback is.

Mr. Papi confirmed that the closed structure is the canopy, which is set back 140 feet.

Mr. Renaud asked if the buildings were set forward to 25 feet (as is permitted), would there be any encroachment into the front yard.

Mr. Papi indicated no.

Mr. Renaud noted, therefore, that it is the actual front yard condition that sets the standard, not the front yard setback requirement in the Ordinance. The reason Applicant is here (before the Zoning Board of Adjustment) is because the buildings are set back farther from the street than they are required to be.

Mr. Papi confirmed.

Ms. Lagay noted that it is close to 11:00 p.m. It is the policy of the Board not to accept any new testimony beyond 11:00 p.m. She asked Mr. Sharlow if he had any other witnesses.

Mr. Sharlow indicated he had a planner.

There being no further questions from the Board, Ms. Lagay opened the hearing to the public for questions for Mr. Papi.

Mr. Stova asked if sound system will be directed to the school and if the sound system could be placed on the north side.

Mr. Papi indicated it would be feasible but there would be an issue with mounting and aesthetics. It is better if located above the press box because the bleachers are not as high. There is nothing to affix it to on the north side. It would have to be mounted at a greater height.

Ms. Marshall asked if there was a comparison made between other public and private schools.

Mr. Papi indicated that when looking at the Metuchen High School, the active recreational area is the striped field with fixtures.

Ms. Marshall asked what was counted in the Metuchen High School parking calculations.

Mr. Papi indicated he counted the gravel area.

Ms. Marshall asked why no traffic study had been performed.

Mr. Papi indicated there was no intensification of the use, there would be no anticipated increase in the traffic.

Mr. Mackiewicz asked questions about the intensification of the use dating prior to the time when football started.

Mr. Papi indicated that he did not know what happened before there was a football program at St. Joseph's High School.

Mr. Mackiewicz opined that the introduction of the football program is an intensification of the use.

Ms. Marshall asked why sidewalks are shown on Plainfield Avenue.

Mr. Papi indicated that is required by the Middlesex County Planning Board. He raised the same concerns to the County.

Ms. Blanchard asked about the setbacks to the pipeline; essentially how much closer to the proposed bleachers and press box compared to the existing scoreboard.

Mr. Papi confirmed that the setback to the proposed bleachers and press box is set back 50 feet whereas the existing scoreboard is set back 100 feet.

Mr. Mackiewicz asked what the interface is with the County.

Mr. Papi indicated it is ongoing.

Mr. Mackiewicz asked if the field could be moved behind the school.

Mr. Papi opined that there would be difficulty in relocating all of the facilities there as there are other recreational fields back there.

There being no further questions from the public, Ms. Lagay closed the public portion.

Ms. Lagay noted that it is 11:06 p.m.. She asked Mr. Sharlow if Applicant could come back in September.

Mr. Sharlow confirmed.

Mr. Renaud announced that the application would be carried to September 12, 2014, to be held in this room at 7:45 p.m.. There would be no further notice.

Mr. Sharlow interjected that September 12 is a Friday.

Mr. Renaud corrected the prior statement and announced that the hearing would be carried to September 11, 2014 instead, same place, same time. He requested Mr. Cosenza to contact Ms. Reyes and Mr. Chiusano tomorrow to clarify the meeting date and time.

CORRESPONDENCE

NONE

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Sondergard and seconded by Mr. Spiegel. Voice vote taken. All voted yes. Motion carried unanimously.

The meeting adjourned at 11:07 p.m.

Respectfully Submitted,

Chris S. Cosenza
Recording Secretary