

METUCHEN ZONING BOARD OF ADJUSTMENT

MINUTES

January 8, 2015

The meeting was called to order at 7:47 p.m. by Robert Renaud, Attorney, who temporarily chaired the meeting and read the statement in accordance with the Open Public Meetings Act.

Present:	Suzanne Andrews	Jonathan Rabinowitz, Alt. I
	Catherine McCartin	Michael DiGeronimo, Planner
	Angela Sielski	Robert Renaud, Attorney
	Judith Sisko	Lisa DiFranza, Engineer
	Brian Tobin	Chris S. Cosenza, Zoning Officer
	Daniel Topping	

Late: (none)

Absent: Byron Sondergard

ANNUAL REORGANIZATION OF THE BOARD

Chairperson

A motion to nominate and name Judith Sisko as Chairperson was made by Mr. Tobin. Ms. Sisko respectfully declined the nomination. Ms. Sisko nominated Mr. Topping.

A motion to nominate and name Brian Tobin as Chairperson was made by Ms. Andrews. Mr. Tobin respectfully declined the nomination. Mr. Tobin indicated he would support Ms. Sisko's nomination of Mr. Topping.

A motion to close the nominations was made by Ms. Sisko and seconded by Ms. McCartin. Voice vote taken. All members voted yes. Motion carried unanimously.

A motion to name Daniel Topping as Chairperson was made by Ms. Sisko and seconded by Mr. Tobin. Voice vote taken. All members voted yes. Motion carried unanimously.

Mr. Topping relieved Mr. Renaud, thanked the Board and chaired the remainder of the meeting.

Vice Chairperson

A motion to nominate and name Brian Tobin as Vice Chairperson was made by Mr. Topping and seconded by Ms. Andrews. Voice vote taken. All members voted yes. Motion carried unanimously.

Board Attorney

A motion to name Mr. Renaud, Palumbo & Renaud, as Board Attorney was made by Mr. Tobin and seconded by Ms. Sisko. Voice vote taken. All members voted yes. Motion carried unanimously.

Secretary

A motion to name Sharon Hollis as Board Secretary was made by Mr. Tobin and seconded by Ms. McCartin. Voice vote taken. All members voted yes. Motion carried unanimously.

Recording Secretary

A motion to name Mr. Cosenza as Recording Secretary was made by Ms. Sisko and seconded by Mr. Tobin. Voice vote taken. All members voted yes. Motion carried unanimously.

Board Planner

A motion to name James Constantine, LRK, Inc. as Board Planner was made by Ms. Sisko and seconded by Ms. McCartin. Voice vote taken. All members voted yes. Motion carried unanimously.

Board Engineer

A motion to name Lisa DiFranza, Maser Consulting, P.A. as Board Engineer was made by Ms. Sisko and seconded by Mr. Tobin. Voice vote taken. All members voted yes. Motion carried unanimously.

Meeting Dates for 2015 at 7:45 p.m.

January 8, 2015	August 13, 2015
February 12, 2015	September 10, 2015
March 12, 2015	October 8, 2015
April 9, 2015	November 12, 2015
May 14, 2015	December 10, 2015
June 11, 2015	January 14, 2016
July 9, 2015	

There was a discussion regarding alternative dates for February 12, 2015. The Board ultimately decided to substitute the February 12, 2015 hearing date with February 26, 2015. It would be the fourth Thursday of the month.

A motion to adopt the meeting schedule as amended was made by Mr. Topping. and seconded by Mr. Tobin. Voice vote taken. All members voted yes. Motion carried unanimously.

TRC Appointments

Mr. Rabinowitz volunteered himself as the appointment to the Technical Review Committee.

Mr. Topping appointed Mr. Rabinowitz to the TRC Appointment.

OLD BUSINESS

14-1048 **Priti Parikh** - Applicant is seeking bulk variance approval to construct a second story addition on a corner lot.

4 Wadsworth Avenue

Block 16, Lots 1-6

R-1 Zone

Mr. Topping thanked Applicant and members of the public for their patience.

Mr. Renaud asked Applicant if they wanted to bring their professionals forward. He clarified that the application originally commenced in November and was carried to December. Unfortunately, the hearing was not held in December due to no quorum.

Mr. Parikh introduced Kenneth Anness and Paul Fletcher as his professionals.

Mr. Anness was sworn in by Mr. Renaud. Mr. Anness indicated that he was the project architect on this job.

Mr. Renaud asked Mr. Anness to qualify himself to the Board.

Mr. Anness testified that he has been working in New Jersey in architecture since 1979. He received his architecture license in 1991. Right now, he is working with Joanne Montero on this particular project, who is the architect of record. He has testified before numerous boards.

Mr. Anness stated he looked at the project and had resubmitted plans based on comments made by the Board and professionals. He opined that comments appeared to be about aesthetics and that there was no objection to the variance. He indicated that the front will have clapboard / composite siding. Colors are undecided; they will likely be pastel tones with Azek trim. He indicated that he has done a lot of work with builders in the Borough of Metuchen. He has worked on approximately 15 homes.

Mr. Anness introduced Exhibit A-1: a larger representation of the front elevation that was submitted as part of the application. The issue with this house is that the existing house is 70 feet wide; most of the new homes are 30 feet wide. He explained that he introduced an overhang due to rooflines and providing more space to the bedroom. He indicated that it would be possible to introduce trim and brackets.

Mr. Anness stated that the two-car garage was necessary because it will be a 3-generation home: Applicant's parents, Applicant and Applicant's children. The cars would also be protected from the elements, which is especially important for the parents. There will be a suite on the ground floor for the parents.

Mr. Anness stated that there was intent to minimize the impact of the project. He opined that the dwelling is well thought out. He wished to make a correction: the plans showed casement windows; they will actually be double-hung windows. He advised his clients to eliminate the front yard variance (on the second floor). It was making the existing problem worse. The existing first story portion of the dwelling (within the front yard setback) remains. The focus is to maintain the proposed two-car garage. He opined that it would be difficult to have a house with six (6) to seven (7) people in the house with only a one-car garage.

Mr. Topping asked about the cantilever, particularly the one in the rear.

Mr. Anness indicated it was a design decision for additional square footage. The extra two (2) feet helps. Regarding the front of the dwelling, he indicated that many of his 30' homes have cantilevers. He did not understand the comment regarding the cantilever (made at the last hearing).

Mr. DiGeronimo stated that there were a few reasons why comments were made regarding the cantilever: 1) there is an aesthetic reason which he would discuss later how it affects the traditional look and massing of the house and 2) the more practical reason in that there is a substantial amount of volume above the volume that is already there. The cantilever creates a problem with its form in addition to the problems with its aesthetics. He recognized (the intent of the cantilever) for the narrower home. He asked if consideration was made for a different massing over the garage: roof forms, dormers, anything that would be in keeping the traditional style of the community.

Mr. Anness indicated that the cantilever was an aesthetic decision.

Mr. DiGeronimo indicated that the proofs must still be made since it was a variance application.

There was a discussion regarding why a cantilever was introduced.

Mr. Anness stated that he understood and expressed that there are many different ways to address the front facade. This was the way he chose to do the design. He would be willing to address certain aspects of the design but would not be willing to do that at the direction of the Zoning Board.

Ms. Andrews asked about the garage.

Mr. Anness discussed the intention of the garage addition. It would have a nice garage door.

Ms. McCartin asked if the garage could be moved further into the house (to the right).

Mr. Anness indicated that it could not be; there is a basement. He then retracted his statement; it was possible but it would be cost-prohibitive. Applicant would have to demolish much of the house.

Mr. Cosenza asked if the project will truly be an addition; he asked how much of the dwelling would be removed in order to accommodate the renovation and addition. He raised his concern regarding applications that come in indicating that they are doing a second story addition, only to find that most of the house is brought down to the foundation anyway.

Mr. Anness indicated that the house will come down to the top of the first floor (top) plate. Most of the perimeter walls will remain. It will not be a tear-down rebuild.

Mr. Cosenza indicated that he was OK with this reasoning. Having this testified to benefits Applicant. By explaining to the Board and the public that since the house was not being demolished, therefore, the garage could not be moved in (as asked by Ms. McCartin). There would be issues with the approval had the house come all the way down instead.

Mr. Anness indicated that the plan was to keep as much of the house as possible. He believed that he had addressed all of the concerns.

Mr. Rabinowitz asked why there was no window on bedroom #3.

Mr. Anness indicated that could be done.

Mr. Rabinowitz indicated that it would address the boxy-nature of the top-right portion of the addition.

Ms. McCartin generally understood that moving the garage in would create an issue with the fire wall but asked why the garage could not go above a basement.

Mr. Anness indicated that structural support would have to be added to the basement and the basement would possibly have to be filled in. He has done it before but it is cost-prohibitive and would require demolishing down to the basement.

Mr. Topping concurred.

Mr. Topping noted that earlier testimony provided that the existing house did not fit in. He opined that it was (an) interesting (comment) being that it was a 70 feet wide. Then there was testimony and concerns about the additional volume. Given the variance application, he opined that there should be an effort to mitigate the variance that is being sought in order to lessen the impact that the scale of the house would have. This was not a square footage hardship.

Mr. Anness discussed the configuration of the dwelling. He indicated that the front yard variance was an issue; there is the corner lot; the house is on an angle. It was presented this way. He opined that this was the best way to address the issues for his client.

Mr. Rabinowitz asked about rooms in the basement.

Mr. Anness indicated that there is a bathroom.

Mr. Tobin asked if there would be bedrooms in the basement.

Mr. Parikh indicated that there would not be.

There being no further questions from the Board, Mr. Topping opened the hearing to the public for questions for Mr. Anness.

William Jeney, 216 Norris Avenue, asked about the variances being requested. He wanted to make sure Applicant was not seeking a bulk variance and only a setback variance.

Mr. Renaud clarified that the original application was for five (5) variances: minimum front yard setback from Norris Avenue, which has now been withdrawn, along with minimum side yard setback along the garage side where 10 feet is required and 5.5 feet is proposed, width of the driveway at the apron, which pertains to the existing driveway, public sidewalk along Wadsworth Avenue and a private walkway to a public sidewalk. There were five (5) variances, now there are four (4) variances.

Mr. Jeney asked if there were no longer any bulk variances.

Mr. Renaud stated no, in terms of the size of the house, there are no "bulk" variances, but the four (4) variances being requested are still technically bulk variances.

Nancy Neuman, 228 Norris Avenue, asked if the house would be classified as a two-family, if there would be separate entrances and if the house has been evaluated structurally. She had been in the house before.

Mr. Anness stated no, it would be a single family dwelling with one (1) primary entrance, one (1) kitchen. He will do the structural evaluation; that is the next step.

Mary Kohl, 12 Aldrich Avenue, rhetorically asked: when does a desire become a need?

Mr. Anness indicated that he did not understand the question.

Ms. Kohl recalled testimony where it was stated that the two-car garage was necessary.

Mr. Anness opined that the two-car garage was not uncommon.

Ms. Andrews asked how many two-car garages are in the neighborhood.

Ms. Kohl said that there were very few. She noted that the new Fox & Foxx house would have a two-car garage. Her house only has a one-car garage.

There being no further questions from the public for Mr. Anness, Mr. Topping closed the public portion.

Mr. Fletcher was sworn in by Mr. Renaud. He qualified himself and was accepted by the Board. He indicated that he would testify as an engineer and a planner.

Mr. Fletcher indicated that the property is a corner lot in the R-1 zone. The lot is 12,000 square feet in area. Applicant is seeking to construct a second floor addition as well as a small expansion to the single-car garage to a two-car garage. He indicated that the allowable building lot coverage is 30%. Proposed is 22%. The property will not be overbuilt. Allowable impervious coverage is 50%. Proposed is 34%.

Mr. Fletcher addressed comments in the Planners' report; with respect to sidewalks, there is a sidewalk on the Norris Avenue side, there is no sidewalk on the Wadsworth Avenue side. Applicant seeks a waiver of the requirement to install the sidewalk; however, Applicant recognized that the Board wants to see one and is willing to do that. There is an existing private walk that connects to the driveway. With respect to comment #5, he has attempted to address the concerns regarding landscaping. There will be foundation plantings. Applicant has assured that the stone area in the front yard area will be history; it will be restored as lawn area.

Mr. Fletcher further testified that site drainage is essentially unchanged. The existing drainage patterns will remain the same. The existing driveway exceeds the standards as it is wider at the apron. It is required to be 12 feet, 15 feet exists and flares out to 18 feet. The driveway (width at the apron) will remain. Although there it is an existing non-conformity with respect to the front yard setback, the second floor addition was pulled back to eliminate the variance. The main variance being requested is side yard setback. The existing setback is 10.5 feet. Behind the garage is the family room, which is set back 5.2 feet, from the same lot line. Applicant seeks approval to construct a first floor addition that will add five (5) feet to the garage, bringing the

setback to 5.5 feet. The addition will only be one-story. They would be happy to work with the Borough to provide landscaping to mitigate the impact of the one-story addition.

Mr. Topping noted that the proposed 5.5 foot setback is not for the entire length of the one-story addition (given that the house is on an angle).

Mr. Fletcher confirmed that only the corner of the garage would be within the setback area. It will be approximately seven (7) to eight (8) feet in length before it hits the 10 foot setback line. It would be approximately less than 20 square feet of area that violates the setback area. He opined it is a de minimis deviation. He does not believe it would have an adverse impact on the neighborhood.

There being no further questions from the Board, Mr. Topping opened the hearing to the public for questions for Mr. Fletcher. There being none, Mr. Topping closed the public portion.

Mr. Parikh indicated that he had no further witnesses.

Mr. Topping opened the hearing to the public for comments regarding the application.

Donald Coleman, 12 Wadsworth Avenue, was sworn in by Mr. Renaud. Referring to the elevation, he believed it would be a beautiful house but opined that is overbuilding the property. It fits better on a five (5) acre lot. His property is just to the left. It will affect him the most because it will only be five (5) feet away. His house was built in the 1960s by his parents. He has been in the house for a very long time. He recalls in the mid-1960s, his father was OK with the family room addition. He welcomed Applicant to the neighborhood, but is still not happy with the five (5) foot setback. He preferred not to see a two-car garage. The neighborhood features homes that are spread out a little bit. Most of the homes have a one-car garage. If Applicant could stay within the same footprint, he would be OK.

Mr. Rabinowitz asked about Mr. Coleman's home with respect to the side lot line. Was the house itself closer to the property line or closer to the back.

Mr. Prikh indicated that Mr. Coleman's house is about 25 to 30 feet away from the proposed garage.

Ms. Andrews indicated that photographs were submitted as part of the application and asked Mr. Coleman to further describe the area between the homes.

Mr. Coleman indicated that the property line was generally where his red car was located.

Mr. Topping if his driveway was Y-shaped because it appeared to be that the car was parked on lawn area.

Mr. Coleman indicated he black-topped the whole area.

Mr. Cosenza indicated that he would have to research this further.

Ms. Kohl was sworn in by Mr. Renaud. She indicated that she has lived in the neighborhood for 43 years. She has been a realtor for many years as well. A number of her neighbors have been putting additions to the home. There are a few homes that have been torn down and rebuilt. There is currently one on Wadsworth Avenue. There were others on Clive Street and Norris

Avenue. She can probably count on one (1) hand the number of homes with two-car garages. Most of them are not used for cars; they are used for storage because some people do not have the luxury of having a basement. She indicated that she has a concern regarding water in basements. She asked the Board to consider seriously that some of her neighbors would consider a second car garage as a luxury. Most of the neighborhood has young drivers who park in the driveway and street. She was concerned about setting a precedent. This house will have an impact on the neighbors.

Ms. Neuman, 228 Norris Avenue, was sworn in by Mr. Renaud. She indicated that she has a couple issues: 1) the visual impact and the size of the structure on the lot and 2) structural issues with the dwelling. She had previously been inside a house. There was a crack in the bathroom and is concerned.

James Guinane, 228 Norris Avenue, was sworn in by Mr. Renaud. He indicated that he is grateful for all of the comments that have been made. He agrees with them. His property looks directly at the subject property. He is elated at improvements being made; however, the idea of a mega mansion is unsatisfactory. He thanked the Board for his time.

Larry Soto, 227 Norris Avenue, was sworn in by Mr. Renaud. He wished to support his neighbors and to balance their concerns with the needs of Applicant. He stated that the second garage will alter the character of the neighborhood. He discussed change. He thanked the Board for his time.

Mr. Jeney, 216 Norris Avenue, was sworn in by Mr. Renaud. He indicated that he has lived in the neighborhood since 1992. He specifically bought into the neighborhood because of the space that the lots provide. In 2000, an addition was put on that maintained the character of the neighborhood. No variances were necessary. The space between the houses was important. His concerns are that if the Board grants this setback variance, it would set a precedent. He believes it would totally change the character of the neighborhood if this was allowed.

George Connors, 19 Wadsworth Avenue, was sworn in by Mr. Renaud. He supports the concerns raised by his neighbors. He has jogged and walked by the property since 1998 and does not see how the proposed elevation could possibly be done. He is just here to support his neighbors. He cannot fathom how the proposed home could be built without demolishing everything.

There being no further comments from the public, Mr. Topping closed the public portion.

Mr. Renaud asked if there were any final comments from Applicant.

Mr. Anness opined that the reason most existing homes were constructed with one-car garages because it was built at a time where one car was only necessary. Where possible, it can be done. Some places you could not have a two-car garage. 30 foot homes could not accommodate a two-car garage. Here, there is an opportunity to design for the family. He described how the home is designed is how it will be built. He advised the Board and public that it was going to happen, even without the garage. He offered that it was not a threat.

Members of the public spoke about what they have done to their property and the parking of vehicles in driveways and in the street.

Mr. Topping recognized the neighbors comments were about the bulk of the house. The main variance was only for the corner at the back of the garage. There are certainly changes in town. The architect, while he indicated was not a threat, made a very clear point that if they kept the one-car garage, they could make the house even bigger. That is the reality that the Board and town face. He indicated that the engineer testified that the coverage is still quite low. There are certainly scale and bulk issues. A five (5) bedroom house should probably have a two-car garage.

Ms. Sisko agrees with Mr. Topping. While the architect said he did not make a threat, it was a threat. She indicated that she is not bothered by the two-car garage but is bothered by the bulk of the house. As you drive down Wadsworth, this will absolutely smack you right in the face. Despite the fact that it would be built anyway, she is troubled by this.

Ms. Andrews indicated she was troubled too. She recalled earlier testimony indicated that a two-car garage was possible, to which Mr. Anness indicated that it would be cost-prohibitive.

There was a discussion regarding the two-car garage and possible structural issues, to which Mr. Anness responded that he would have to do a structural analysis. He would correct whatever problems that there may be.

Ms. Andrews indicated that there are still a lot of issues. She is not inclined to vote against a family having a two-car garage but still has issues with the general design. Applicant knows what they bought in and there is some bulk; however, to infringe on the neighbors next door, that is an issue that she has. She recognized the big turnout and offered the same sentiment. She opined that the concerns raised should be considered.

Mr. Renaud indicated that the Board should work backward: decide what the legal issue was. Applicant seeks several variances, only one (1) of which really makes a big difference: the side yard setback for the garage expansion. The sidewalk and walkway would have to be put in and the driveway is what it is. The only variance issue is the side yard setback with respect to the garage. He indicated that the variance could meet the criteria of either the c(1) or c(2) variance. He noted that there may be a hardship for the footprint of the exiting home, which may be for the grounds of a c(1) variance. The c(2) variance is a weighing variance: the Board has to decide if there is a benefit to the community by granting the variance and, if so, whether the benefit outweighs any detriments that arises with respect to the granting of that variance. Those are the legal issues. He opined that the Board should focus on the side yard setback. For the benefit of the public, Applicant could walk out without the variance for the five (5) feet and they could exactly that house without the five (5) feet on the corner, regardless of what this Board does. There may be talk about how could the Board allow this to happen; however, the reality is that the Board has no control over this. They are allowed to have a two-story house, a two-story house of that size (and larger) and a two-car garage. It could have more building and impervious coverage. The Board could grant with conditions. If it is denied, the Board could not impose conditions and be stuck with a 3,800 square foot house that the Board could not do anything about.

Mr. Topping indicated he would prefer the public sidewalk.

Ms. Sisko agreed.

Ms. McCartin noted the dangerous intersection.

Mr. Rabinowitz indicated that he would vote in favor of the two-car garage with substantial landscaping to the point where it would essentially go away. He opined that, aesthetically, the house would look bad with just a one-car garage.

Mr. Topping agreed with Mr. Rabinowitz's comments but questioned how that could be specifically addressed.

There was a discussion regarding the landscaping.

Mr. Tobin requested that the landscaping be subject to the approval of the Planner.

Mr. Renaud clarified that it was more than foundation plantings but some sort of hedge or other mitigating landscaping.

Ms. McCartin observed that a lot of new houses have two-car garages.

Mr. Rabinowitz opined that because there are (typically) two (2) people in the family who drive cars, they may want to park both cars in the garage. In a house of this size, to picture it with a one-car garage underneath those windows is aesthetically bad.

Mr. Topping opined that a two-car garage for a five (5) bedroom house was better.

Ms. Andrews recognized the opposition from the neighbors.

Mr. Coleman indicated that his house has five (5) bedrooms and only a one-car garage.

Board members discussed the other variances.

Mr. Fletcher indicated that Applicant would be willing to install the public sidewalk and private walkway.

The Board discussed the other variances and possible conditions.

A motion to approve the side yard setback variance, deny the variances from §110-112.7.I for the public sidewalk and §110-112.7.J for the private walkway, along with general conditions as well as specific conditions with respect to the foundation landscaping, screening landscaping along the side of the garage, detailing of the front cantilever(s), providing a window in front of bedroom #3 and windows in the garage, subject to the approval of the Planner, was made by Ms. Sisko and seconded by Mr. Rabinowitz. Roll call vote taken. Ms. Andrews and Ms. McCartin voted no. Ms. Sisko, Mr. Tobin, Mr. Rabinowitz and Mr. Topping voted yes. Motion carried.

The Board recessed at 9:38 p.m. and reconvened at 9:45 p.m.

NEW BUSINESS

14-1053 **Nassau Development VII, LLC** – Applicant is seeking use variance and minor site plan approval for change of use for a portion of the former Pet Pals to a house of worship (81 seat Church with classroom and office space).

12 Jersey Avenue

Block 49, Lot 56

B-2 Zone

Eric Berger, Esq. was sworn in by Mr. Renaud.

Mr. Berger testified that he is both the attorney and principal for the owner of the property at 10-26 Jersey Avenue. He is seeking a d(1) variance to convert a portion of the existing Pet Pals tenancy to a house of worship. It is a good space and an inherently beneficial use. He recognized that the use is not permitted in the B-2 zone. He referred to a 2005 case entitled House of Fire Christian Church v. Zoning Board of Adjustment of the City of Clifton and the City of Clifton where the Appellate Division determined that a house of worship was an inherently beneficial use.

Mr. Berger indicated that the subject site is a mixed-use site in the true sense of mixed-use: there are apartments, a dance school, a Montessori school, a Chinese after-school program, retail use, hair salon, dry cleaner and office uses. The Pet Pals Resort boards and groom pets. There are 94 parking spaces on the site. The building fronts on both Jersey and Durham Avenues. On Jersey Avenue, which is a short stub street, there are a couple other businesses: Tom's Automotive, the Department Public Works and the subject site itself. Most of the tenants are closed on Sundays, with only CrossFit and Pet Pals open with limited hours. Sunday would be the day of services for the proposed church.

Mr. Berger further indicated that he submitted photographs of the site as an architectural plan prepared by Mark Marcille that illustrates the site and changes to the tenancy. All work will be within the confines of the building. The only change is the change of use. 2,500 square feet of the 40,000 square foot space will be for the church. One of the issues raised in the Engineer's review letter is that the survey is 12 years old. There have been no changes to the buildings (on the site). The site was purchased in 1999; there were approvals in 2002-2003 to build an additional building. Since then, there are been no further site development at the site. With respect to comments regarding ADA spaces, he indicated that there are five (5) handicap-accessible spaces with signage, to which he would have his planner/engineer testify to existing site improvements later.

Mr. Berger continued and indicated that there will be no improvements to the site as part of this application other than one (1) sign over the Jersey Avenue door. The parishioners will enter from Jersey Avenue. All of the utilities (necessary) for the premises already exist. Refuse and recyclables are stored behind the 3-story building. He indicated that there is adequate capacity. It is a shared dumpster for the site.

Mr. Renaud stated that he agreed with Mr. Berger that the house of worship can be viewed as an inherently beneficial use. That is one of the exceptions for the need of proof of positive criteria under a d variance. Applicant would not need to show special reasons. Applicant still has to demonstrate that the application meets the negative criteria, which is that the application can be granted without substantial detriment to the public good and without impairing the intent and purpose of the zone plan and zoning ordinance. The testimony so far has addressed that. There is also the parking waiver which needs to be addressed.

Mr. Berger introduced Reverend Benny Rusli as his witness.

Rev. Rusli indicated that church currently rents space 18 West Inman Avenue in Rahway, New Jersey. They want to come to Metuchen because every week they have to set up the sound system and then, after the service, they have to put it away. They would like a more permanent space. They have services on Sundays from 9 a.m. to 2 p.m. They have approximately 50-60 parishioners. During the week, they meet once or twice a week from 7 p.m. to 9 p.m. The

church is a house of prayer for Indonesians. The services will be in the Indonesian language. 90 to 95% of the parishioners are from Middlesex County. When reviewing the architectural plan, he indicated that there is seating for 81 people along with a kitchen, classrooms and office space. They would be involved in the community.

Mr. Topping asked about the weeknight activities.

Rev. Rusli indicated that there would be smaller gatherings for prayer and study from 7 p.m. to 9 p.m.

Mr. Rabinowitz and Mr. Renaud asked about special events and the maximum amount of people that would show up at such special events.

Rev. Rusli indicated that they would work within the space.

Ms. Sielski asked if the bulk of the congregation comes on Sundays.

Rev. Rusli confirmed.

Mr. Berger introduced Joseph Schaffer, Applicant's Engineer.

Mr. Schaffer was sworn in by Mr. Renaud. He qualified himself and was accepted by the Board as a professional engineer and planner.

Mr. Schaeffer presented Exhibit A-1, an aerial photograph of the site, and Exhibit A-2, (updated) parking analysis. He indicated that churches are not technically allowed in the B-2 zone. He theorized as to why the use was dropped off from business zones (in the 1970s), which was to promote walkability in business zones. He does not see this as an issue for this site as this site is a destination. People drive to this site. He opined that the application preserves natural resources because it utilizes existing building and parking. There will be no changes to the site. They will not be building anything new for this new use to be in Metuchen. Traffic for the use will see a traffic generation of 27 cars entering and leaving the site. Mr. Schaffer illustrated that the site permits ingress from Durham Avenue and forces circulation around to the back of the site and out onto Jersey Avenue, allowing for stacking of approximately 20 cars on Jersey Avenue. He described the surrounding uses. What is being proposed at this site is not out of the ordinary as compared to other uses at the site. There are existing sidewalks, landscaping, lighting and signage are already in place and will be maintained.

With respect to negative criteria, Mr. Schaffer opined that there is no substantial detriment to public good. There is the issue of the B-2 Zoning District versus the residential zones. In this particular case, he does not see this as a detriment because of the separateness of this site from the downtown area. It does not infringe on that idea.

Mr. Schaeffer indicated that he analyzed the parking requirements overall as well as the peak demand on Sundays. It really comes down to the Sunday analysis and he found that there is no parking deficit specifically on Sundays. By centralizing the congregation to Metuchen within Middlesex County, vehicle miles traveled are being reduced, which benefits the public. In addition to the 94 parking spaces on the site, there are many on-street parking spaces available on Jersey Avenue directly in front of the tenancy. He indicated that, on especially nice weather days, these spaces may be utilized first.

Mr. Rabinowitz asked about the handicap parking spaces.

Mr. Berger indicated that four (4) handicap parking spaces are required, whereas five (5) exists and will be maintained.

Mr. Schaffer noted the locations of the five (5) handicap parking spaces on Exhibit A-1.

Ms. Sisko noted that Pet Pals is open with limited hours on Sundays. What concerns her is that people park right in on Jersey Avenue and people run in and out. They are open on Sundays for drop-offs from 7 a.m. to 10 a.m. She further raised her concern about the noise. The church will be right next to Pet Pals.

Mr. Berger noted that his client is aware of the proximity of Pet Pals. A soundproof wall is being considered.

Mr. Topping indicated he is an advocate of shared parking and asked what the recourse is if it is found that there may eventually be parking issues at the site.

Mr. Renaud indicated that the Board could not really limit it. The Board would have to rely on the property owner to have enough sense not to lease to tenants who would also be open on Sundays. Prospective tenants would look at that issue as well. Theoretically, a condition could be fashioned, but it would be difficult to enforce. Mr. Cosenza noted he does not work Sundays.

Mr. Berger noted that the site, even without the church, is heavily under-parked.

Mr. Cosenza concurred. He indicated that there is recognition that the parking requirements are restrictive and opined that if the parking analysis was made on an hourly basis on a weekday, it would find that parking is sufficient. Mr. Berger has come in with many applications and it was found (as a finding of fact) that parking has been sufficient. The weeknight utilization of the church (7 p.m. to 9 p.m.) will occur when most other businesses are closed. In effect, there is no intensification of parking at the site during the week as well as Sundays.

Mr. Topping indicated that answers his question.

Ms. McCartin noted the very small size of the classrooms as indicated on the plans.

Mr. Renaud indicated that that is subject to the building code. There are other questions related to fire wall but all that is subject to the building code as well. He did have a question regarding lighting given that lighting is not shown on the plans and that testimony was provided that there would be some activity in the evenings.

Mr. Berger indicated that there are lights on the building and it is pretty well lit along Jersey Avenue. That was approved as part of the 2003 Planning Board approval. There being no further questions from the Board, Mr. Topping opened the hearing to the public for questions and comments regarding the application. There being none, Mr. Topping closed the public portion.

A motion to approve the application as presented was made by Ms. Andrews and seconded by Mr. Rabinowitz. Roll call vote taken. Ms. Andrews, Ms. McCartin, Ms. Sielski, Ms. Sisko, Mr. Tobin, Mr. Rabinowitz and Mr. Topping voted yes. Motion passed unanimously.

13-1004 **Eugene Dooley** - Applicant is requesting to extend Board approval for one year in order to construct a second floor addition.

25 Beverly Court

Block 125.02, Lot 18

R-2 Zone

Mr. Renaud summarized the prepared resolution and described the request to the Board. He noted that there is the Permit Extension Act, but it is good to have such requests on file, for the benefit of Applicant.

A motion to approve the extension and prepared resolution was made by Ms. Sisko and seconded by Mr. Tobin. Roll call vote taken. Ms. Andrews, Ms. McCartin, Ms. Sielski, Ms. Sisko, Mr. Tobin, Mr. Rabinowitz and Mr. Topping voted yes. Motion passed unanimously.

CORRESPONDENCE

Minutes from June 12, 2014

A motion to approve the minutes as written was by Ms. Sisko and seconded by Mr. Tobin. Roll call vote taken. Ms. Andrews, Ms. McCartin, Ms. Sisko and Mr. Tobin voted yes. Ms. Sielski and Mr. Topping were not board members at the time and Mr. Rabinowitz was absent from the hearing. Motion passed unanimously.

Minutes from July 10, 2014

A motion to approve the minutes as written was by Ms. Sisko and seconded by Mr. Tobin. Roll call vote taken. Ms. Sisko, Mr. Tobin and Mr. Rabinowitz voted yes. Ms. Sielski and Mr. Topping were not board members at the time and Ms. Andrews and Ms. McCartin were absent from the hearing. Motion passed unanimously.

ADJOURNMENT

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

The meeting adjourned at 10:32 p.m.

Respectfully Submitted,

Chris S. Cosenza
Recording Secretary

