

**PLANNING BOARD
REGULAR MEETING
MINUTES**

March 22, 2022

**CALL TO
ORDER**

The was called to order at 7:01p.m.

Via ZOOM Teleconference Link:

<https://us02web.zoom.us/j/7373206419?pwd=STZFRIBTRUVqTEk5MEp5Y1BhV2c0QT09>

Meeting ID: 737 320 6419

Password: 922644

Adequate notice of this meeting, as required by the New Jersey Open Public Meetings Act, also known as the Sunshine Law, has been provided by an Annual Notice sent to the City's official newspaper NJ Star Ledger on January 8th, 2022 and posted on the bulletin board of the Municipal Complex, posted on the City website, and filed with the Clerk of the City.

FLAG SALUTE

The Board will then salute the flag.

ROLL CALL

On a call of the roll, the following Board Members and Officials should be present:

BOARD

Mr. Raymond Giacobbe, Mayor; or,
Mr. Eric Miles, Mayor's Designee
Mr. Jeremy Mojica, Commissioner
Mr. Frank Spallone, Commissioner
Mr. Robert Simon, Commissioner
Mr. Thomas O'Reilly, Commissioner
Mr. Alexander Shipley, Commissioner
Mr. William Cladek, 1st Alternate Commissioner
Mr. Christopher Brown, 2nd Alternate Commissioner
Mr. William Hering, Commissioner Vice Chairman
Mr. Jeffrey Robinson, Commissioner Chairman
Mr. Karl P. Kemm, Esq, Board Attorney
Ms. Jacqueline Dirmann, Board Engineer
Ms. Leigh Fleming, Board Planner
Mr. Steven Decker, Board Secretary

Absent from this meeting: Commissioners Mojica, Spallone and O'Reilly

The meeting was called to order 7:01pm.

Commissioner Timmons joined the meeting immediately following roll call.

Chairman Robinson opened the meeting with the regulations and reading of the agenda into the record.

The following action took place.

First to be heard was:

329 New Brunswick Ave. Owners, LLC
329 New Brunswick Avenue
Application # 01/22
B 276 L 10
Final Site Plan Approval

This application is a continuation from previous meeting. Chairman Robinson asked them to just address the comments from the Engineer's letter that still need to be addressed from the last meeting.

Victor Vinegra was sworn in as the applicant's engineer and planner. He was accepted as an expert.

Board professionals Jacqueline Dirmann and Leigh Fleming were sworn in by attorney Karl Kemm.

Victor Vinegra explained that he had meetings with the board Planner and Engineer to address all of the issues from the last meeting. He has agreed with all comments in the most recent letter from Colliers Engineering dated March 22nd, and Heyer Gruel Associates dated February 18th.

Mr. Vinegra then stated there are a few conditions that need to be added to the resolution. One is regarding supplying additional sanitary sewer information to the city as the project moves forward. 329 New Brunswick will prepare a blanket easement for the city to access the site. There are multiple storm sewers on the site, and this will allow anyone to assess the site and access the situation during a storm.

The applicant has submitted an updated traffic study provided by Dolan and Dean of the intersection at Route 27 and New Brunswick Ave. The study shows the intersection will not be affected negatively. All trucks will exit by making a left out of 329 New Brunswick. There will be roughly 2 trips per hour, 10-12 hour per day with no more than 24 trucks per day. Peak traffic will be 32-34 cars per day. It will not decrease the level of service to the area. The only potential negative is the wait to make a left onto Rt. 27 to travel toward 1 & 9 at peak hours in the evening.

Attorney Karl Kemm, updated everyone that Vice Chairman Hering had returned to the meeting via video.

Mr. Vinegra explained that there is ample parking at the lot, and overflow parking. The only new asphalt will go around the new building for employee parking.

Site triangles will be provided on the site plan. The applicant is going to make a mountable curb so large trucks can make the turn a little bit wider. Mr. Vinegar will work with city Engineer regarding this issue.

Board Planner Leigh Fleming commented she would like driveway dimensions for the possibility of granting a waiver.

Mr. Vinegra stated for a wb-60 it would need to be 60 ft depressed curb and the driveway will narrow in, but still be at least 50ft at least. This is needed to accommodate the WB-67.

Ms. Fleming would like to know that any changes to the interior of the building.

Mr. Vinegra stated they will come back to the board if there are any changes.

Board Planner Fleming also notified that any deviation from the proposed signage would need to come back to the board for a variance. The applicant agreed to that.

Board Engineer Jacqueline Dirmann stated that Victor Vinegra, the City Engineer and herself met about the letter. Everything was addressed, and the documentation provided satisfied these issues. Most items are resolved. The applicant has agreed to work with the board on easements and storm sewer investigation.

The meeting was opened to the board for comment.

Commissioner Shipley asked about the concerns in the Engineer's letter regarding the few things that still need to be worked out with the client. He stated that any approval needs to come with conditions that these will be addressed.

Attorney Merman responded that they will accept any of these conditions as condition of approval. Most of these issues are not with the site plan, and can be worked out outside of the Planning Board.

Chairman Robinson asked about the truck traffic, what size are the majority of trucks going to be?

Mr. Vinegra said it depends on what type of tenant the building has. The building is too small for large distribution. Possibly large tractor trailers coming in, and smaller trucks leaving the site. The current tenants do not generate a large amount of traffic.

The applicant has no other testimony to present.

Mr. Rotonda also confirmed the same entrance and exit as the current parking lot will be used. Some of the pavement will be porous which will allow water to flow through and will hold water for green infrastructure report. The porous is shown as dotted pavement on exhibit A-2.

This lot is in a bulk area, it is a general lot to be used by anyone. It is more for Merck employees to have them closer to the building. They will not have to cross East Scott Ave.

The lighting is the same that is part of the set, nothing has changed. The lighting plan is shown on sheet 6, 06-0. Down facing shoebox style LED, which will reduce glare. They will face directly down. All lights will meet the requirement for lighting on site.

Mr. Rotonda addressed the drainage at the site. The porous pavement will collect underground into gravel, and then discharge into pipes and will run into existing drainage.

The applicant has provided spaces for electrical vehicle charging stations. This will be electric ready.

No ADA spaces will be provided. It is further from the buildings than other parking lots. They have many spaces closer to the buildings that provide ADA spaces. The Merck site has a sufficient amount of handicap parking.

The walkways and ramping that cross Montgomery do meet all ADA requirements.

The landscaping plan was discussed. Sheet C0-20 shows that nine trees are going to be removed. The landscape plan exhibit A-2 was shared with the board. This shows that hedges will be added between Bond street and Montgomery, and 4 trees will be added in place of trees removed.

The applicant plans to make all revisions and changes recommended by the professionals. They will comply with all issues.

Board Engineer Jacqueline Dirmann stated that Mr. Rotonda showed her all conditions that will be met and revised the plans in order to satisfy all comments.

Board Planner Leigh Fleming said all comments were addressed during testimony.

The meeting was opened to the board members.

Commissioner Shipley asked if the only entrance and exit is from Montgomery street and if there will be landscaping along that area. Yes, the applicant is proposing to only use the existing entry. (Yes) 20 evergreens running along the parking lot. He believes this is a good buffer. Will they continue the hedges down Scott Ave. from Montgomery to Bond Street? Mr. Rotonda responded that yes they will run down Scott Ave. and Bond street.

Mr. Shipley would like to know what type of trees are being planted. They will be Red Chokeberry.

Commissioner Shipley commented that he likes the landscaping they have done with parking lots.

The meeting was opened to the public.

Erinel Pagan of 309 East Scott Ave, stated that there is a lot of traffic in the areas during the mornings. She is asking if there will be more traffic now. She lives across the street from the site.

Mr. Rotonda stated he doesn't think there will be a traffic issues because of the safety and security that keeps traffic free flowing.

Ms. Pagan responded that there is traffic on Bond Street from people making left into Merck. She doesn't think that Montgomery is as bad because of parking lot.

Rotonda stated this will have no impact on Bond except for people possibly using Montgomery which could actually reduce the amount going to Bond.

The public portion of the meeting ended.

Mr. Malman said there is no other testimony to be provided.

Commissioner Shipley motioned to approve the final site plan for application # 03/22, Merck Sharp Dohme, East Scott and Montgomery Ave parking lot.

Motion: Commissioner Shipley Second: Commissioner Simon
Yes: Commissioners Miles, Simon, Timmons, Shipley, Cladek, Brown, Hering and
Robinson
No: None
Absent: Commissioner Mojica, Spallone, and O'Reilly
Abstain: None

Motion was approved.

Commissioner Simon made a motion was made to memorialize the resolution for Irving Street Bridge.

Motion: Commissioner Simon Second: Commissioner Hering
Yes: Commissioners Miles, Simon, Timmons, Shipley, Cladek, Brown, Hering and
Robinson
No: None
Absent: Commissioner Mojica, Spallone, and O'Reilly
Abstain: None

Motion was approved.

Any necessary changes to the Planning Board minutes of February 22nd, 2022 and shall be made at this time and approved by action of the Commissioners.

Chairman Robinson noted that Mr. Victor Vinegra's name was spelled incorrectly in two different places.

Vice Chairman Hering motioned to approve the minutes from February 22, 2022 with the changes recommended by Chairman Robinson.

Motion: Commissioner Hering Second: Commissioner Cladek
Yes: Commissioners Miles, Simon, Timmons, Shipley, Cladek, Brown, Hering and Robinson
No: None
Absent: Commissioner Mojica, Spallone, and O'Reilly
Abstain: None

Motion was approved.

Chairman Robinson asked Attorney Kemm about the R2N2 lawsuit.

Attorney Kemm believes it is going to be resolved. The court has proposed to move the lot line slightly and give more buffer to the R2N2 building. It wouldn't change anything except the property line. R2N2 will then withdrawal the lawsuit if this happens. It will move the property line 7ft, and it will put an easement on that area. All parties want to make sure there are no other structures in that area. It appears the judge will approve, and it will be settled.

Chairman Robinson reported for the environmental commission. There are some possible changes from ANJEC. They have notified the environmental commission the NJDCA is thinking about publishing regulations that will prohibit municipalities from adopting ordinances that are stricter than the NJDEP (residential site improvement standards) RSIS for residential areas. This is to limit the municipality authority.

Rahway has always had stricter regulations regarding storm water.

Karl Kemm commented that towns League of Municipalities have taken action against this. Every town is different, and towns should make decisions on their own, and can have standards that are in excess of state standards.

Announcement was made that the April meeting will be in person.

Vice Chairman Hering provided an update on the Zoning Board. The latest meeting was canceled.

A motion was made to adjourn the meeting.

Motion: Commissioner Hering

Second: Commissioner Simon

Yes: Commissioners Miles, Simon, Timmons, Shipley, Cladek, Brown, Hering and Robinson

No: None

Absent: Commissioner Mojica, Spallone, and O'Reilly

Abstain: None

Motion was approved.

Meeting was adjourned at 8:20pm.