

MINUTES
PLANNING BOARD MEETING
THURSDAY – MARCH 2, 2023 - 7:30 PM
315 WESTFIELD AVENUE

In compliance with the Open Public Meetings Act (Chapter 231, P.L. 1975), adequate notice of this meeting has been provided by mailing the Annual Schedule of Meetings to the Star Ledger, Union County Local Source, Union County Hawk and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and by the proper filing of said Notice with the Township Clerk. Formal action may be taken at this meeting.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

1. Roll Call

NAME	PRESENT	ABSENT		
Mayor Sal Bonaccorso		X		
James Ulrich	X			
Council Rep James Minniti		X		
Kevin Koch	X			
Michael Triola	X			
Michael Altmann	X			
Erik Jacobsen	X			
Lance Steinberg	X			
Nate Clee	X			
Carmen Brocato		X		
Albert Cruz Planning Board Attorney	X			
Rich O'Connor, Township Engineer	X			
Det. Andrew Medeiros, Police Dept. Rep	X			
Chief Frank Cerasa, Fire Dept. Rep.		X		
Donna Mazzucco, Secretary	X			

2. Pledge of Allegiance

3. Minutes

A motion to approve the minutes of February 2, 2023 was made by Mr. Triola and seconded by Mr. Steinberg. All Ayes.

4. Correspondence

A motion to dispense with the reading of the correspondence was made by Mr. Triola and seconded by Mr. Altmann. All Ayes.

5. Site Plan Application

Samsel Shore Life, LLC. 1124 & 1126 Raritan Road, Block 60, Lot 53

Mr. Michael Bonner representing the applicant on behalf of the firm Javerbaum Wurgaft, LLC stated the applicant was seeking preliminary and final site plan approval requesting one variance for parking and a design waiver. Mr. Bonner explained that there were two existing variances that the applicant would like to continue and provided a brief description of the project.

Mr. John Samsel, owner of the property came forward and was sworn in by the Board Attorney. Mr. Samsel stated that he is the owner of Samsel & Associates and Samsel Shore Life, LLC. He stated that they moved into the property at 1124-26 Raritan Road which previously housed a Real Estate business since 1963. Mr. Samsel stated that the intent was to add a second floor to create another source of revenue. Mr. Samsel stated that he was looking for low impact businesses and described the current flow of his business as it relates to parking which includes Himself, a full time Office Manager and one part time employee. His intent is to keep most or all parking in the lot and to rent to businesses that do not require a lot of parking. Mr. Bonner asked about the hours of operation and Mr. Samsel stated they were 9-5 with some agents coming and going on weekends/evenings from time to time.

Mr. Koch asked about tenant options and Mr. Samsel stated that they were looking for tenants that either need a business address but do have physical employees or a business with very minimum amount. Mr. Koch asked about where the agents meet their clients and Mr. Samsel stated that most transactions were done at the clients home. Mr. Triola asked about parking for periodic meetings and Mr. Samsel said that there was not any spillover as more cars can fit into the lot than is technically specified.

Mr. Koch opened to the public the testimony of Mr. Samsel and Mr. Kevin White, 3 Myra place came forward. Mr. White stated that the neighborhood used to have more older people but now there are families with young children. He described the current situation and stated that two cars cannot pass if there are cars parked on either side. He stated concerns with water and the location of the dumpster and snow removal. Mr. Samsel stated that he would take care of the snow removal issue and Mr. Bonner stated that the water issue should be addressed after the architect's testimony.

Mr. Michael Savino of 17 Terry Lane came forward and asked about guarantees of renting to a low income business and Mr. Samsel said that while he could not guarantee anything, he is willing to work with the neighborhood on all their concerns. Discussion ensued.

Mr. Cruz interrupted and instructed Mr. White to keep his questions to the witnesses testimony. Mr. White again stated concerns about the dumpster and Mr. Samsel stated that he responded to concerns about the time of trash pickup and that the dumpster will be relocated and enclosed is required. Discussion ensued.

Elizabeth Savino, 17 Terry Lane came forward and asked about the hours for the new businesses and Mr. Samsel stated that he will make sure the hours align with his business. and that he is very community minded. Mr. Koch asked if the hours could be a condition and Mr. Samsel agreed.

Mr. Triola asked about the conference room downstairs, and Mr. Samsel stated that it was used for closings that need to be private.

Public session for this witness was closed.

The next witness was Mr. William Figdor, Art & Architecture, LLC. He was sworn in and approved by the Board. Mr. Figdor displayed several exhibits showing the existing and proposed building exterior and interior. He described the layout of the present and new second floor. Mr. Bonner stated that a DRC (Development Review Committee) meeting was held and the plans were revised to reflect the items that came out of that meeting including less impervious coverage, parking, landscaping and lighting. Mr. Figdor stated that the proposed site will have much improved landscaping providing aesthetics and privacy with downward lighting as to not affect the surrounding properties. He also described the outside staircase which will be accessed directly from the parking lot with a sidewalk.

Mr. Bonner asked if runoff would increase due to this addition and Mr. Figdor stated that the impervious coverage increase is so small that it will not change the current grading or increase runoff.

Mr. O'Conner asked for confirmation that the lighting would meet the Township standards and Mr. Fignor agreed. Mr. O'Conner stated that the runoff can be directed through the curb so that it will not drain to adjoining properties. Mr. Bonner said that he would work with the Township Engineer to make sure that the neighbors were not impacted and Mr. O'Connor stated that the impervious coverage increase was minimal and that a drainage plan would not be needed.

Mr. Cruz asked for clarification about the two suites on the second floor resulting in a total of three occupants of the building.

Mr. Koch opened to the Public, comments on the Architect's testimony and Ms. Blanche Powers, 5 Terry Lane came forward. Ms. Powers asked about the drainage and freezing water. Mr. O'Conner reiterated that the increase in runoff is negligible.

Mr. Victor Ferreira, 12 Terry Lane came forward and asked about a new sewer lateral. Mr. Conner stated that if there was a new lateral necessary, it would come out to Terry Lane. Mr. Ferreira asked for details about the dumpster. Mr. O'Connor stated that the dumpster location be shown on the plan and approved by the Township. Mr. Bonner stated that the applicant would be willing to have internal trash and recycling but that would require a new variance. Mr. Ferreira asked for clarification on the water runoff and Mr. O'Conner state that the County would allow draining to street but not through the curb. Mr. Bonner stated that there would be no change to the onsite grading or drainage as the increase in impervious coverage does not affect the current drainage.

Mr. White came forward again and discussed the general drainage issues on the street and Mr. Bonner responded that they are only responsible for the site application property. Mr. White asked about the location of the outside staircase and Mr. Fignor stated that moving it was not feasible and Mr. O'Conner stated that moving the staircase would cause another variance. Discussion ensued. Mr. White then asked about the lighting and Mr. Bonner stated that the applicant is in compliance with the ordinance for lighting.

Mr. Chris Boscia, 2 Terry Lane, came forward and asked about the lighting and Mr. Bonner stated that the lighting would be in compliance with the ordinance. Mr. Fignor stated that the lights will shine down. Mr. Cruz asked if they would accept the condition to have the lights turned off at 8:00 p.m. Discussion ensued.

Mr. Altmann asked about handicap access to the second floor and Mr. Fignor stated that the property meets ADA standards but does not have an elevator and will not provide access to a person that cannot climb the stairs.

Mr. Lee D. Klein Traffic Engineer came forward as the next witness and was accepted by the Board. Mr. Klein testified that the ordinance required 13 parking spaces and the variance was proposing 7 spaces with overflow on Terry Lane, a public street. Mr. Klein stated that there are no posted signs or restrictions regarding public parking on Terry Lane. Mr. Klein stated that he did a study of the traffic conditions on Terry Lane on a weekday from 10:00 a.m. to 12:00 p.m. which is the typically the peak hour for an office use. During this sample time there were 12 available parking spaces on Terry Lane. Mr. Klein stated there were three cars in the lot at the time of his observation which is in line with ITE standards for the current business on site. He further stated that with the expansion to 2,400 sq. ft. the increase in parking would be 6 spaces according to ITE standards. A low impact business would also create less parking. Mr. Klein then discussed trip generation with the increase in sq. ft. which would generate 3 more cars during the peak hours of 7:00 to 9:00 in the morning and 4:00 to 6:00 in the evening. Mr. Klein stated that retail and/or restaurants would generate more than a small business.

In regard to the Clark Police comments there would be no change in the maneuvering through the parking lot and parking on Terry Lane should be minimal. Mr. Bonner stated that the applicant would

put bollards in if necessary or something more decorative if approved by the Township. Mr. O'Conner commented that a tenant would not be interested in a location that offered minimal parking. Mr. Klein summarized his testimony and it was opened up to Board for comments. Mr. Koch stated that street parking was not allowed to be included in the calculations on an application and Mr. Klein stated that ITE data states that 7 spots would be sufficient for the 2,400 sq. ft. building but that it would not be illegal to park on Terry Lane. Mr. O'Conner reiterated Mr. Samsel's statement about double parking, etc during the occasion of a meeting that may require more cars and Mr. Klein agreed. Mr. Jacobsen asked if there was any difference in parking in January vs. June and Mr. Klein stated that he did not have that data. Mr. Klein's testimony was then opened to the public for comment.

Mr. Moreno, 15 Terry Lane stated that there are kids on the street all the time and he was concerned about the traffic going in and out of the lot and Mr. Klein reiterated his testimony that there are two now and there will be four in the future and that they would enter and exit onto Raritan. Discussion ensued.

Mr. Jeremy Riggs, 7 Terry Lane came forward stated that the cars would go down Terry Lane towards Myra and it would enhance traffic through the neighborhood where kids play in the street. Mr. Klein stated that the ITE considers the peak hours so that it is worst case scenario. Mr. Koch stated that a Real Estate business would typically have traffic in and out all day and Mr. Bonner stated that the applicant's business is more of a listing Real Estate business and agents typically go to client's homes rather than the office.

Mr. Savino came forward again and asked about sidewalks and stated that most homes have multiple cars. Mr. Klein stated that the street had plenty of parking during the peak hours and at 4:00 to 6:00 p.m. there were still 4 parking spaces available. Discussion ensued. Mr. O'Conner asked if another conforming business might generate more parking and trip generation (i.e., hair or nail salon) and Mr. Klein agreed.

The final witness was Mr. Nicholas Graviano, Planner stated his credentials and was accepted by the Board. Mr. Graviano stated that while he appreciated and understood the neighbors coming out to comment on this application it is a modest proposal to add 1,280 sq. ft. on the top floor and 280 on the first floor. It is a permitted use in the district which is CN (Commercial Neighborhood). Mr. Graziano stated that there could be other uses that would have enough parking including a convenience store which would be open more hours with traffic in and out all day. Current applicant is committing to low intensity tenants. The variances requested for lot size is not changing (7,500 required 6,632 existing variance). Parking setback design waiver from the street also existing with no change proposed. Two new variances are front yard setback on Terry Lane 25 ft required, 15 feet proposed to accommodate the outside staircase and parking 13 spaces required, 7 proposed. These two variances can be granted under the C2 criteria existing office building Purpose A promotion of general health safety and welfare in addition to employment opportunities and ratable increase, screening to the neighbors, etc. and purpose G to provide a variety of commercial uses to meet the needs of New Jersey citizens and lastly Purpose I, promotion of a desirable visual environment and development techniques. Applicant's proposal provides a building that fits in with character of neighborhood. In summary, the benefits outweigh the variances as applicant is not requesting any setback relief directly to any properties and is providing landscaping to buffer that building. In addition, the updated building will provide a gateway appearance to the neighborhood. Granting of these variances will eliminate the possibility of retail use for the site. Mr. Graziano stated that the world is changing and office spaces are not used as often as in the past and his business being one that hardly has anyone in the office in person. Mr. Graziano finished his testimony and it was opened up to the Public for comments. Seeing no one come forward, public session for this witness was closed.

Mr. Bonner came forward to summarize and Mr. Cruz asked Mr. Bonner to confirm that the applicant would comply with all comments by the professionals as follows:

Fire Official Frank Cerasa requested a monitored fire alarm and carbon monoxide alarms will be complied with by applicant.

Township Engineer, Richard O'Conner's requirements regarding, grading, draining, landscaping, lighting, traffic circulation, ADA parking spaces, etc. will all be complied with except for changes made at tonight's meeting.

Clark Police comments by Det. Andrew Medieros will be complied with as well with the possibility of another form of barrier instead of bollards that will be approved by the Township.

In addition, conditions discussed at this meeting including hours of 9:00 a.m. to 5:00 p.m. to members of the public.

Mr. Cruz asked about number of employees on site at one time and Mr. Bonner replied that they cannot guarantee the number of employees there at one time but the applicant's business would have no more than three on a daily basis and the business being sought for the upstairs suites would be low impact with few employees. Discussion ensued.

Lighting (doorway sidewalk and staircase) and drainage will be in compliance with the Township as well as the dumpster location or obtaining a waiver for no dumpster.

Lights will be off at 8:00 p.m. and parking bollards and/or parking stops approved by the Township will be complied with be approved by the Township will be installed.

The application was opened up for public comment and Mr. Mike Savino came forward and for an allowance for no on-street parking which would result in denying the variance and therefore the application unless the Board decides to approve in pieces. Mr. O'Conner stated that permit parking can be an option if a problem developed. Discussion ensued.

Elizabeth Savino came forward again and stated that they supported Mr. Samsel but the neighborhood residents did not want people that did not live in the neighborhood driving down their street as they would not be as careful or park in front of houses.

Mr. Rodney Watkins, 14 Terry Lane there are two vacant homes that will have additional cars once occupied and was there a possibility of renting parking in adjacent lots.

Seeing no one else come forward, public session was closed and Mr. Koch asked Mr. Samsel if he would consider not putting the second story on. Mr. Samsel replied that he bought the building with the intention of adding the second story as a source of revenue and enhancing the streetscape on Raritan Road. Mr. Triola asked about reducing the size by having one office and the staircase inside. Mr. Samsel said it would not be feasible due to the cost of redesign and construction downtime. It would not be worth the investment to create a beautiful new building if the revenue cannot be generated.

Mr. Ulrich asked if there would be possibility to have tandem parking in the back for employees and Mr. Bonner stated that was feasible. Mr. Koch asked about removing the trees and fence but that would require more variances and would the area is not wide enough for additional spaces. Mr. Bonner also stated that the neighbors seemed to be in favor of screening with landscaping and fencing. Mr. Koch asked if the applicant would not consider reducing the size of the building as he has done so already but would consider the tandem spaces as well as possibly leasing spaces from surrounding properties. Mr. Ulrich asked if the dumpster can be moved to the other side of the building away from the residents with a continuance of the 6:30 a.m. pickup.

Mr. Cruz asked if the applicant could come back next month with the discussed changes shown in revised plans to present a clear picture to the Board along with a lease agreement for parking if obtained.

Mr. Cruz stated that this matter is being continued to the April 6th meeting and no further notice will be given.

6. Review of 2023 Master Plan Re-examination Report

Presentation of the 2023 Master Plan Re-examination Report by Township Planner, Paul Ricci,

Mr. Ricci came forward stated that the Township must evaluate their Master Plan every ten years this re-exam dated February 17, 2023 will address the Township's ten year statutory requirement. Multiple sections were reviewed and changes noted since the last re-exam such as L'Oreal development, Westfield Avenue development as well as Clark Commons. New State laws have been incorporated as well as affordable housing information. Policies and objectives have remained largely the same. The Township Zoning map will also be updated as necessary to reflect changes in zoning regulations and commercial/residential lines due to lot consolidation and development over the last ten years. Mr. Ricci proposed adding some verbiage to the report to reflect resolved split zoning and updates to the Zoning map.

Mr. Koch asked for clarification of the split zoning and whether it would affect building height changes, etc. and Mr. Ricci stated that it was a map change only and therefore if a property had split zoning due to use variances or lot consolidation and now was fully commercial or residential the zoning laws applied to that type of property would prevail.

Mr. Triola asked if the Board could see the revised map and Mr. Ricci stated that it could be shared. Mr. Koch stated that it was a well written document and that he recommended a "Yes" vote and Mr. Triola seconded that statement.

Mr. Cruz stated that the Report and Resolution be updated to change the date in the 7th Whereas clause to the date of this meeting (March 2, 2023) to reflect the changes discussed.

Mr. Koch opened up the 2023 Re-examination plan to the Public for comment and seeing no one come forward, public session was closed.

Motion to adopt Resolution adopting 2023 Re-examination Report made by Mr. Altmann and seconded by Mr. Steinberg. Roll Call. 7 Ayes, 3 Absent. Resolution passed.

7. Substantial Consistency Review of Ordinance Adopting Redevelopment Plan

Substantial consistency review of the Ordinance adopting the Redevelopment Plan for 27-33 Westfield Avenue and 26 Washington Street, Block 91, Lots 8.01, 10.01, 36 with the Master Plan.

Mr. Cruz stated that this Redevelopment area had been before the Board and approved, then sent to Council who then adopted the plan and now the Board has to determine if the plan is consistent with the Master Plan. Mr. Ricci stated that although this plan allows for four stories as part of the DTV (downtown village district), that level of detail is not in the Master Plan and that there are no inconsistencies.

Mr. Koch noted that the Redevelopment plan approved by the Board had four lots and this revised plan has three to reflect removal of a house that the owner requested be removed. Mr. Koch asked if that lot could be added in later and Mr. Ricci stated that it could not be added.

Mr. Koch opened to the Public comment on this resolution. Seeing no one come forward, public session closed.

Motion to adopt Resolution determining Ordinance adopting Redevelopment Plan for 27-33 Westfield Avenue and 26 Washington Street substantially consistent with the Master Plan made by Mr. Altmann and seconded by Mr. Steinberg. Roll Call. 6 Ayes, 1 Nay, 3 Absent. Resolution passed.

8. Public Session

A motion was made by Mr. Triola to open the meeting to the Public and seconded by Mr. Steinberg. All Ayes.

Seeing no one come forward, a motion to close the Public Session was made by Mr. Triola and seconded by Mr. Clee. All Ayes.

9. New Business

None

10. Next Meeting

April 6

May 4

June 1

11. Adjournment

Mr. Koch asked for a motion to adjourn the meeting made by Mr. Altmann and seconded by Mr. Steinberg. All Ayes. Meeting Adjourned.