

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
May 14, 2019**

Roll Call:

Present:

Mayor Matthew Anesh
Councilman Derryck White
Bryan Bythell; Alt. 2.
Paul Grzenda
Rich Houghton
Michael Pellegrino
Peter Smith
Bob Ackerman; Chairman
Jack Pedersen; Vice Chairman

Absent:

Stephanie Bartfalvi; Alt. 1
John Mocharski

Also Present: Larry Lavender, Esq.; Bob Bucco, PE, CME, CPWM; Stanley Slachetka, PP, AICP,

Chairman Ackerman opened the meeting at 7:00 pm stating that this meeting is being held in accordance with the Open Public Meetings Act, by posting a notice to The Observer, The Star Ledger and The Courier News and providing the same to the Borough Clerk.

It is the policy of the Borough of South Plainfield's Planning Board not to hear any new cases after 10:00 pm and no new witnesses after 10:30 pm.

Minutes: April 23, 2019.

Chairman Ackerman calls for a motion to *approve* the above listed Minutes. Vice Chairman Pedersen made motion, seconded by Councilman White. Those in favor: Mayor Anesh; Councilman White; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None

Resolutions: None

Current Files: None

Informal Hearings: None

Public Hearings: (1)

A. Case #784 - M&M Realty Partners at South Plainfield, LLC
Block 550; Lot 3; AH-4 Zone
1111 Durham Road

The applicant is requesting a *Preliminary and Final Site Plan* approval for a 410 unit – 31 buildings – condominium, townhouse and apartment complex. Carried from November 27, 2018, December 11, 2018, January 8, 2019, February 26, 2019 and April 23, 2019.

Kevin Boris, Esq - Weingarten Law Firm, 1260 Stelton Road, Piscataway, New Jersey - attorney for the Applicant addressed the Board. Planning testimony to be heard. In receipt of Mr. Slachetka's report dated May 10, 2019. Mr. Taikina will address Mr. Slachetka's report.

John Taikina - 1260 Stelton Road, Piscataway, New Jersey – to address Mr. Slachetka's report who has been previously sworn in.

Chairman Ackerman asked if Mr. Slachetka would like to review his report first. Mr. Slachetka stated that from the Board perspective and for the Applicant, have prepared a list of items that he believes is outstanding or need to be

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addressed. Believed it will be helpful for him to address some of the key issues. It is a lengthy report - 29 pages. Mr. Slachetka identified thirty (30) items that need to be addressed:

- Page 4 - Stacked townhouses - has not seen that submission.
- Page 8 - item 4c1 - Building Entrances - to be defined.
- Page 8 - item 4c3 - Building Articulation - 'applicant is to confirm that the buildings will provide for articulation for every one hundred (100) feet of the building.' Applicant revised the footprint of the buildings and need to reconfirm that the articulation is addressed.
- Page 9 - item 4c6 - Sheet A2.3 - submitted sheet in site plan - requested to revise the rear of some townhouses that the rear of those buildings front the entrance drive - rear elevations - to be enhanced. The rear should more emulate the front. This represents the project when someone enters. Have suggested differentiation of facade material, roofing enhancements over rear windows and doors, similar differentiation of gabled roofing as in the front and gabled features along the roofline.
- Page 9 - item 4c7 - Sheet A4.0 & A4.1 - submitted sheet in site plan - mid building entrances should be enhanced on buildings 29 and 32.
- Page 9 - item 4c8 - Sheet A4.1 - submitted sheet in site plan - floor elevation, Applicant to add windows.
- Page 9 - item 4c9 - Sheet 5.0 - submitted sheet in site plan - Applicant to show wall between bathroom and bedroom area on plans.
- Page 9 - item 4c10 - Sheet 5.0 - submitted sheet in site plan - Applicant to revise plans to building entrances directly accessible to the parking area. Building 28 is approximate to the site boundary.
- Page 9 - item 4c11 - Sheet 6.0 - submitted sheet in site plan - Applicant to revise plans of the terrace area or revise floor plan.
- Page 10 - item 4d2 - sidewalk width - reconstruct sidewalk to five feet (5') to ensure maximum ADA accessibility.
- Page 11 - item 4d4 - bicycle amenities - requesting additional bike racks at Buildings 28, 30, 32, and 'Minor Common Area II'.
- Page 11 - item 4d5 - raised crosswalks - requesting crosswalks to be raised especially Road F.
- Page 12 - item 4d6 - additional crosswalks - recommend additional crosswalk on Road A - roundabout. Roundabout would like to function as a 'real roundabout'... vehicles yielding or stopping - proposed signs. A lot of pedestrian activity in the area.
- Page 13 & 14 - item 4e1 - parking - technical correction on sheet T-1.
- Page 16 - item 4e4 - parking access - recommended parking more centrally located for building 28... not just on one side.
- Page 17 - item 4g4 - Applicant to provide substantial hedge screening between open spaces to buildings 10, 12, 14, 16, 17 & 18. Have not seen enhanced landscaping plan. Need differentness of common areas and private areas. Mr. Cuccinota stated these are the townhouse building along the open space areas.
- Page 18 - item 4g8 - common areas along road F. Recommending additional bench at each building and possible knee walls... important gathering areas. The area between multifamily areas and single family area.
- Page 19 - item 4g9 - picnic tables. Need to see construction details of picnic tables. Does not match styles on sheet LA 5.
- Page 19 - item 4h1 - lighting. Applicant is to revise LL2 to correct lumens volume along Durham Avenue.
- Pages 19 & 20 - item 4i1 - landscaping stacked townhouse. Applicant shows inconsistency on sheet LA-1 and LA-6 of front buildings 24 & 27.
- Pages 22, 23, 24 - item 4k1 & 2 - affordable units. One (1) affordable unit is missing. Plans show eighty-one (81) but should have eighty-two (82). Missing a three (3) bedroom unit... possibly in building 28.
- Page 24 - item 4k2 - bedroom count. Bedroom counts does not match parking calculations. Needs to be revised as necessary.
- Page 24 - item 4k3 - income. Applicant to confirm that there is correct distribution: very low income is eleven (11) units, low income is thirty (30) units and moderate income is forty-one (41) units.
- Pages 24 & 25 - item 4k4 - affirmative marketing plan. Confirm that they will follow the Ordinance requirement and to describe their affirmative marketing plan and approach. Applicant has attempted to distribute the affordable units evenly and to move those affirmative units. It is a better approach than previous. Understood the need for some sort of a differentiation between rental and for sale. Up to the Board whether or not it is an acceptable approach. In the Settlement Agreement there is a physical distribution of affordable units.
- Page 26 - item 7b - hours of operation. Applicant to confirm hours of operation for leasing activities.
- Page 25 - item 7c - conversion. Applicant to reconfirm testimony and the Board may consider as a condition of approval the limitation of spaces that can be converted to bedroom - garages and basements

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with full baths.

- Page 28 - item 7k - bus service plan. Applicant to provide testimony for the intended school bus service plan.
- Page 28 - item 7l - direct access to Route 287. Applicant to provide testimony if any direct access to Route 287.
- Page 28 - item 7n - wetlands. Wetlands area southern portion of the site. Applicant to provide a LOI.
- Page 29 - item 7p - lingering reference to eighty-two (82) unit building on sheets A1.0, A1.1, A2.0 and A2.1 to be 'cleaned up'.

Councilman White stated that many of the items just discussed are for the Board to understand and visualize how this plan will look in our community. Mr. Slachetka stated correct.

Chairman Ackerman stated this is something that needs to be before the Board so the members can understand in the form of revised plans.

Mr. Grzenda stated that there is a significant amount of items that need to be reviewed.

Mr. Boris stated that he previously stated that they will go through the report. Mr. Tiakina brought several exhibits. Will go over the exhibits and should be able to answer all the questions.

Mr. Taikina stated that they had the opportunity to work with Mr. Slachetka's and Mr. Cuccinota's office and had very good dialogue. Had the opportunity to make a submission two (2) weeks ago.... Back in April. They both gave comments and brought to his attention some inconsistency. Exhibit A9 is introduced - smaller scale of submitted plans. Did not have the opportunity to meet up with Mr. Slachetka just prior to the meeting. Cannot say will do everything in Mr. Slachetka's letter. Will review and has questions regarding some of the comments.

- Stacked townhouses - plans labeled A3.0 & A3.1 floors 1, 2 and 3. Plans labeled A3.2 are elevations.
 - Referred to A3.2 - front, side and rear elevations. Covered entrances on the side were always present. The covered entrances on the front were added in response to the Planners comments. Asked if the current covered areas are sufficient or the whole courtyard should be covered. Mr. Slachetka stated that the issue was the way it is shown with the facade. Mr. Slachetka asked Mr. Tiakina how the entrance will work. Mr. Taikina stated each resident enters a 'courtyard'. Each 'courtyard' has four (4) entrances... two (2) doors in front, a door to the left and a door to the right. The doors in front access the two (2) bedroom units that are based on the ground floor. The entry door to the left and right access the three (3) bedroom units on the second and third floor. Mr. Taikina demonstrated on sheet A3.1 where the stairs are and the location of the bedrooms, kitchen etc. Ground floor is entry. Upgraded the door ways architectural. Mr. Slachetka asked regarding the courtyard area, is it open straight down. Mr. Taikina stated it is open to the sky. Mr. Slachetka suggested some sort of sheltering for the area. Mr. Taikina stated there is a small 'overhang'. Mr. Slachetka stated not thrilled with the facade but better. There are limitations as to what you can do and not do with the face of the garage.

Mr. Slachetka stated that the Board Members should have the opportunity to ask questions after each comment or testimony. Mr. Boris stated they are happy to answer any questions. Chairman Ackerman stated there are many things that will need to be addressed and complied too. Not sure if the set of plans that have been presented covers Mr. Slachetka's comments. Mr. Boris stated they will go through each of Mr. Slachetka's comments with testimony. Believes the exhibits address many of the issues. Would like to continue. Chairman Ackerman stated do the exhibits address the comments. Mr. Taikina stated for point one, yes. Provided the entry, the requisite cover, described how the units work, described the facade. Believes this submission was made with the composite of all the changes. Mr. Slachetka stated that the issue maybe when we are looking at the facades, that is a lot to 'unpack'. The Board may need to see the totality' of the project. Mr. Taikina would like to go through all the comments. The plans have been submitted and have addressed 95% on Mr. Slachetka's letter and the 5% can be addressed by comments. Chairman Ackerman asked Mr. Slachetka if his letter is in response to the plans that are currently before the Board. Mr. Slachetka stated that what is before the Board Members is not what he reviewed. However, this is the response the Applicant is giving. Chairman Ackerman stated that based on Mr. Slachetka's report, he would feel more comfortable if these revised plans be reviewed by the Professionals. Mr. Boris asked if the Chairman would like Mr. Tiakina to describe the plans and then go back to Mr. Slachetka's report. Procedurally, would do what the Board would like. Mr. Slachetka asked if there is anything not prepared that was requested. Is there is anything missing from your submission and is there any concerns. Mr. Taikina stated there

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is nothing missing but there are some items for example, the screening between the townhouses and open space did not have time to finish them on the landscaping plan. In prepping for tonight had concerned regarding the patios, even thought of fencing the areas. The plans before the Board address ninety-five percent (95%) of the concerns. Chairman Ackerman stated has a report from T&M with many items. They only highlighted a few items. Believes a revised set of plans should be submitted, have Mr. Slachetka review the plans and address the issues and return with revised report. Does not want to do Engineering or Planning... go through thirty (30) items. Mr. Taikina stated the items are addressed in the plans before the Board. Chairman Ackerman stated that the Professionals have not seen the plans. Mr. Taikina repeated that the ninety-five percent (95%) of the issues have been addressed and what is before the Board is from the conversation, he had with Mr. Slachetka earlier last week. There is clarification where the additional affordable unit is located. Chairman Ackerman interrupted stated that the T&M report has a larger number of items listed 'not addressed' and this report is not based on the exhibit tonight. Does not want to do Engineering or Planning during hearing. That is not what the Board does. Mr. Taikina stated he understands that and Applicants are to testify. That is what he would like to do whether the report is 'crystal clean' or not. Need to have certain items on the record.

Mr. Smith asked for a better explanation of the stacked townhouses. Mr. Taikina stated there are living areas on all three (3) floors... including the ground floor. Mr. Smith asked where the bedrooms are on the first floor. Mr. Taikina stated there are no bedrooms on the first floor. The units are all two (2) floor units. Mr. Taikina proceeds to explain the location of each room for each unit for each floor... two (2) bedroom unit has the kitchen and living area on the first floor and the bedrooms on the second floor in the back. The three bedroom units have their kitchen and living area on the second floor and bedrooms on the third floor.

Mr. Boris requested a recess. Chairman Ackerman granted the recess.

Chairman Ackerman called the meeting back to order.

Mr. Boris addressed the Board. Understands that the Board would like Mr. Slachetka to review the plans. Would like to adjourn to May 28th hearing. Hopefully, Mr. Slachetka will have a list of three (3) items as to the current thirty (30) items. Chairman Ackerman stated that the Applicant will be heard on May 28, 2019 and revised plans will go to Mr. Slachetka.

Mr. Slachetka stated there are some items and direction needed before returning on the May 28, 2019 such as the fence, which he has some issues. The distribution of the affordable housing that is being presented; the Applicant should be heard this evening so the Board is comfortable with the locations. Anything that cannot be complied with, should be addressed or brought to the attention of the Board at this hearing. Mr. Boris agreed with Mr. Slachetka's 'approach'.

Mr. Taikina asked if he needed something over the entrance of the club house. Mr. Slachetka stated yes. Mr. Taikina stated previously submitted two (2) forty-one (41) unit buildings for affordable housing... building 30 and 31 in the middle. Would have thirty-two (32) units in the other two (2) buildings and moving parking. Board addressed some concerns. Heard the Board and distributed ten (10) units in the other buildings. Building 28, furthest right, proposing on the ground floor - three (3) bedroom affordable unit - three (3) one (1) bedroom unit - Balance of the units will be two (2) bedroom units. Entrances in the front. Will remove ten (10) affordable units out of building 30 and 31. Distribute three (3) of the units in building 29 and four (4) units in buildings 28. Mr. Slachetka reiterated that buildings 30 and 31 will be all affordable units. Mr. Taikina stated correct... 72 total units. There will be four (4) units in building 28 and three (3) in building 29 and 32.... Which leaves one (1) unit which he suggested to go into building 32 and be used as a sales model unit... then become the rental office. There will be no extra living unit. Because of the way the units stack had one extra unit... with use as a model and then once all built and occupied will turn into the rental office. Mr. Slachetka confirmed with Mr. Taikina that they meet the required affordable housing per Settlement Agreement. Mr. Taikina stated yes.... 20% or seventeen (17) three bedrooms - not more than 20% of one (1) bedroom which is sixteen (16) - remainder are two (2) bedrooms. Mr. Slachetka addressed the Board.... It is better than before. Still have two (2) buildings that will entirely affordable but the others will have some affordable units distributed. The Board needs to state if they are satisfied with the distribution. This affects floor plans and sizes etc. and the remainder of the application. This is the A4 district as the result of a Settlement Agreement that specifies that the affordable units be distributed throughout the multi-family units. There is another Ordinance for affordable housing however, the Settlement Agreement takes precedence. Chairman Ackerman asked if there is a possibility of distributing more of the units within the other buildings as per the Settlement Agreement. On page 24, A, B and C regarding income in the Settlement

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Agreement. Mr. Cuccinato stated one comment up. Mr. Slachetka stated K1. Mr. Cuccinato stated that there is a table on top of Page 24. What Mr. Taikina has demonstrated is consistent with the table except it is in building 28. Therefore, four (4) affordable units in building 28, three (3) affordable units in building 29, between building 30 and 32 a total of seventy-two (72) units and three (3) in building 32. Mayor Anesh asked Mr. Taikina why they would not do a full distribution of all the affordable units within all the multi-family units. Mr. Taikina stated it will affect the marketability of the for sale units. Mayor Anesh asked why. Mr. Taikina explained that someone who is purchasing a \$350,000 unit does not want to be next to someone who is in an affordable housing unit paying \$536. Not that its bad... just different. Chairman Ackerman stated economics should have no bearing on this Board. Mr. Taikina responded with 'it may or may not.' Mr. Boris stated the economics do matter when it comes to affordable housing projects. Condition of approval cannot be an economic burden on the Applicant that makes the construction of affordable housing development impracticable to build. Mr. Lavender asked if the Board is suggesting that this is impracticable. Mr. Taikina stated no, not suggestion that. In general, the Board cannot do things to a plan that is cost generative.... It puts additional cost on the developer that makes the production of the affordable housing difficulty. Mr. Smith stated his question is as it is stated in question three (3)... 'the classification of the Fair Share Act is as follows: Very Low Income – eleven (11) units.... Low Income – thirty (30) units... Moderate income – forty-one (41) units'. How are those units projected in these eighty-two (82) and where are they? Mr. Taikina stated he expects that any of the units in the for sale buildings will be moderates. Balance of the units in building 30 and 31. Mr. Lavender stated that the consideration of the Board cannot make such requirements that makes it impractical to move forward with the project. However, the Board does not have to take into consideration that the Applicant is losing money. The Board does not have to consider that the Applicant is getting a little less because of the location of an affordable unit. Mr. Lavender suggested to the Board that there will be a stigma to those living in the mass group in the two (2) buildings. That is more of the concern to the Borough. Mayor Anesh stated that it goes to his point... if he bought a unit, he does not know what his neighbor paid for their unit. They may have different interior features. Mr. Taikina stated the resident will know there are a number of affordable housing units in the building. It must be disclosed. Mr. Smith stated that a unit with one bedroom would be considered a very low income. Mr. Taikina stated no... the for sale units will have moderate income units. The very lows will be in the affordable housing buildings. Mr. Smith stated he wants to make sure that this follows what was handed from the State. Mr. Slachetka stated it gets complicated no matter what the income distribution is. Cannot say all very low income are all one (1) bedroom. They do have to be distributed. Councilman White stated to him it is not the income levels, it is the about the fact that the premise of COAH is to have people have a better life, co-mingled not stigmatized. Had residents at the first few meetings that stated they did not want these kids going to school, these families be stigmatized being separated out. Two (2) buildings with the bulk of the affordable housing is better than have them all in the back. However, only ten (10) units were moved out and disbursed out of eighty-two (82). There is still two (2) full buildings that remain affordable buildings.... Not units but affordable buildings. Different from an affordable unit. That is his issue. Mayor Anesh stated that if he buys a unit in the building next to the affordable building that is no different in marketing if they were commingled. Mr. Taikina stated they believe the plan is the best by the Ordinance and for marketing. Councilman White stated that Mr. Slachetka stated that the Settlement Agreement supersedes the Ordinance. It is a three (3) party agreement, the Borough, the Courts and the Applicant. Mr. Slachetka stated that the A4 reflects the Agreement. Again, this is a direct relation to a specific and contractual Agreement of all parties. Mr. Boris stated that the plan that is presented complies with the Ordinance... the A4 Ordinance. Councilman White apologized and explained he thought they were stating the regular Ordinance not the A4. Mr. Slachetka stated from the Planning perspective, looking at an uneven distribution of units. The first iteration was one (1) large building with eighty-one (81) units. That was physically disconnected from the site amenities. The buildings presented today, have a better access to the amenities.... Clubhouse and common amenities. What is the difference of having three (3) units versus four (4) or five (5). Mr. Taikina stated not easily. Can go a couple more... ten (10) or twelve (12). To go beyond that cannot begin to stack them. Believes this complies. Mr. Boris stated there are engineering hurdles that is difficult. Mr. Smith asked aren't buildings 28, 29, 30, 31 and 32 the same buildings. Mr. Taikina stated 28, 29 and 32 are the same building. They are three (3) or four (4) affordable units within them. Chairman Ackerman stated he would like a larger disbursement of affordable units.... Throughout all the buildings. Mr. Lavender asked Mr. Taikina to point to the buildings and state the number of total units and affordable units to the Board. Mr. Taikina begins:

- Building 28 - twenty-eight (28) market unit and four (4) affordable units and a model.
- Building 29 - thirty (30) market units and three (3) affordable units.
- Building 32 - thirty (30) market units and three (3) affordable units.

Mr. Lavender stated they are in the buildings in the back. Per Mr. Tiakina correct. Mr. Lavender continued... cannot put any in the other buildings. Per Mr. Tiakina correct. That was never the intention. Chairman Ackerman asked where are the other seventy-two (72) affordable units. Mr. Tiakina stated there are thirty-two (32) in Building

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31 and forty (40) in Building 30. Mr. Smith asked if building 28, 29 and 32 have the same layout. Mr. Taikina stated yes. Mr. Smith stated that one (1) three (3) bedroom unit is in Building 28.... Why can't there be more? Mr. Taikina stated if he takes an affordable unit out of building 30 or 31, then there is no place to put a market unit. Mr. Lavender asked there are thirty (30) buildings in the complex and the affordable units are in only three (3) buildings why cannot use the other buildings. Mr. Taikina stated the other buildings are townhouses and stacked townhouses. The affordable units are typically not included in townhouses or stacked townhouses. The Ordinance states that the affordable units to be distributed among the multifamily units. The agreement stated that there could only be five (5) buildings of affordable units. Mr. Taikina stated it did not.... But the Settlement, Ordinance and submitted a concept plan are similar to what is before the Board.

Mr. Boris stated that the Settlement Agreement states 'apartments' where the affordable units to go. The concept plan shows the affordable units in the back. Mr. Smith stated that the Applicant is asking for the Boards direction and the Board is asking for the direction of why the units be distributed more evenly. Mr. Taikina stated that they are offering ten (10) units and the Board is asking for more. Asking for twelve (12) or fifteen (15) or thirty (30) that would be the direction and the Applicant will move according. Mr. Slachetka asked are there any restraints in architectural that would limit that one floor be larger than the next.... In size of the unit. Are there any physical limitations to the distribution other than economics? Mr. Taikina stated that the physical limitation is that you would like the unit to stack.... Cost efficient and operational. When the floors are the same the bathrooms line up, the kitchens line up, the plumbing lines up. All load bearing are the same. To mix and match is hard to construct. Mr. Slachetka said if they line up vertically, why couldn't marketable units be in buildings 30 and 31. Mr. Taikina stated it is marketability. Mr. Slachetka stated it is not about the design. Mr. Taikina stated anything can be designed, but it is marketability. Believes the plan before the Board are compliant. Chairman Ackerman stated there are five (5) buildings. If spread out, it is sixteen (16) units in each building. That would adequately spread out the units. Mr. Taikina stated he cannot answer that. Does not have authority to agree. Only has authority to agree to ten (10).

Chairman Ackerman stated that the Board along with residents have some concerns. Sprinklers.... The Applicant has stated only going to sprinkler what the fire code requires. Has issue with the safety... Board members and public have approached him. Sees it as a serious safety issue. A lot has happened recently in the State with developments similar to this one that were disastrous because there were no sprinklers. Would like the entire project sprinklered... it is a safety issue. Loss of property, loss of life... by the time they get from one side of town to the other. Mr. Taikina stated will advised ownership.

Chairman Ackerman stated that the other issue is the basements. Again, has been approached by public and even other Boards regarding the basements. Do not want to have the basements.... Doors leading out of the basements. Does not want the liability of those units being converted to apartments. Will affect safety, additional children in schools, additional vehicles... would like the doors removed. Windows or wall in its place. Asked Mr. Taikina to advise ownership.

Mr. Boris stated that he will take the two (2) issues back to ownership. Wanted to know if there is anything else. Chairman Ackerman stated went through Mr. Bucco's report during the last meeting. A very extensive report. The Board would like to see updated plans addressing the traffic, drainage, Fire Marshall concerns and landscaping. Mr. Taikina stated these plans address those items except one (1) landscaping item issue. Chairman Ackerman stated there was a number of 'will comply' and very uncomfortable with the number. Would like to see revised plans of all items discussed... traffic, stormwater, Fire Marshall concerns and landscaping. Mr. Taikina stated will have plans by Friday.

Mr. Taikina stated will revise townhouses for the additional brick along the main entry road, fence, page 10 sidewalk width - provide compliance width. Along multifamily are all six feet (6'). Through the townhouse area there is a mixture of four (4) and five (5) feet. They comply with the law. All sidewalks being five feet (5') is cost prohibited. Chairman Ackerman stated that the issue with the sidewalk is the ADA accessibility. Mr. Taikina stated will provide for ADA compliance. The plan complies with it... with a mixture of four (4), five (5) and six (6) feet wide. Mr. Slachetka stated that the plans should show in detail on the plans the ranges of widths and ADA compliance.

Mr. Taikina stated there are seven (7) bike racks throughout the facility. There is a request for four (4) additional bike racks... seven (7) is enough. If the Board would like them moved to other locations from what is proposed, that can be done. Mr. Cuccinota refers to the seventeen (17) page letter dated February 15, 2019, the response that was received stated there will be bike racks at each multifamily building. Not shown on the plans. That is why the request for additional bike racks. Last open space area does not have a bike rack. Mr. Taikina stated it will be

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looked into.

Mr. Slachetka asked the rear facade of the townhouse buildings along the main access driveway, Buildings 3, 5, 6 and 8, would like a combination of treatments similar to the front of the buildings... brick elements, features over the windows and possibly faux gabling. Mr. Taikina stated that referring to the plans there is five (5) gable points. Propose to carry the brick up to the gable area. Mr. Slachetka stated the windows and the doors can be articulated in the same manner. Possibly add a gable in the middle. The roofline is what will be seen the most in that area. Mr. Taikina stated will look into it. Mr. Slachetka stated would like to see that facade to look similar to the front along those buildings.

Mr. Taikina referred to page 18 regarding gathering areas. Ordinance has a requirement for seating of four (4) people. Provided for three (3) benches at five feet (5') each. Asking for another... believes there is enough. Knows the residents will be active... by walking. Mr. Slachetka stated maybe a knee wall... people are not going to want to stand in these areas but will sit. Provides opportunity for residences to interact. Chairman Ackerman stated eliminate the middle bench and create two (2) sections.... left and right. A small wall or two (2) benches. Mr. Boris asked Mr. Taikina to address issues that they have encountered with knee walls. Mr. Taikina stated that the knee walls become skateboard 'heavens'. Have not had much success with knee walls. Mr. Slachetka stated add an extra bench. Mr. Taikina stated the Ordinance states a seating for four (4) and the Board would like seating for twelve (12). Have provided seating for nine (9). Mr. Slachetka asked if this is a real issue. Mr. Taikina stated will take it back to ownership. Chairman Ackerman stated that this is a very large community... large project. Believes needs an additional bench. Chairman Ackerman asked if any Board Members disagreed. No members disagreed.

Mr. Taikina stated that there is a play structure provided in the large open space. Does not believe that is the target market but have provided the play structure. Mayor Anesh asked Mr. Slachetka why this is important. Mr. Slachetka stated that the age of the residences. However, if the Board does not want the play structure, then it can be removed. Mr. Cuccinota stated there were a number of public comments requesting a play structure. Chairman Ackerman stated he would like to see a play structure.

Mr. Boris asked Mr. Taikina if there are any further concerns. Mr. Taikina stated no further concerns.

Mr. Boris stated will submit plans in plenty of time before the next hearing... the 28th. Consents to the Board to make a decision to the 29th. Requests no further notice required. Chairman Ackerman agreed.

Chairman Ackerman calls for a recess at 9:05 pm.

Chairman Ackerman calls the meeting back in session at 9:15 pm. Calls up the next case.

B. Case #793 - Atlas Evaluation & Inspection Services

Block 446; Lot 1.04; M-3 Zone
801 Montrose Avenue

The applicant is requesting a *Preliminary and Final Site Plan* approval with bulk variance to construct a:
Phase I -- 2,011 square foot warehouse addition and a 336 square foot detached lab ----
Phase II -- 1,923 square foot office addition, 3,457 square foot second floor office addition and 763 square foot mezzanine storage.

James F. Clarkin, III – Clarkin & Vignola, PC, 86 Washington Avenue, Milltown, New Jersey – attorney for Applicant addressed the Board. Application is almost variance free. New variance is with regard to the number of parking spaces. Believes has sufficient parking. Seeking several waivers. Three (3) witnesses... representative of the Applicant... Michael Soriano - Cornerstone Architectural.... Mitch Ardman - The Reynolds Group.

Nagesh Goel - 801 Montrose Avenue, South Plainfield, New Jersey - Principal and operator of the property. Mr. Clarkin questioned Mr. Goel:

- Test metal alloys and composite for infrastructure and aerospace.

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- Customers: New York Power Authority, New Jersey Transit, Port Authority of New York and New Jersey, Lockheed Martin etc.
- Construction of buildings, bridges, missiles, aircraft systems, submarines etc.
- Would like to do business with Department of Defense.
 - Must update facility to qualify.
- Issue certification that the metals will or will not meet the specifications.
- Testing has impact on public safety.
- Hours of Operation - 8:30 am to 5:15 pm.
 - Monday through Friday - no weekend hours.
- Maximum number of employees at one time - twenty-six (26) - twenty-seven (27).
- When built, maximum of employees at one time - Maximum of thirty-five (35).
- Two (2) to three (3) visitors per day to the site.
 - Agency Personnel, Government Inspectors.
- Start Phase I as soon as possible.
- Start Phase II in 2020.
- Phase 1 – two thousand eleven (2,011) square foot warehouse addition and a three hundred thirty-six (336) square foot detached lab.
 - Detached lab - Mobile. Sometimes on site - sometimes at client's facility.
 - Addition will have very large testing machine.
- Phase 2 - two story addition. Will have a mezzanine.
 - Two story Northwest side addition:
 - First floor:
 - Think Tank.
 - Area for Children.
 - Lounge Area
 - Exercise room.
 - Need the above to attract the type of staff needed to work in the facility.
 - Second floor:
 - Conference room.
 - Large graphics area.
 - Storage. Tremendous need for storage.
 - Must keep records seven (7) to ten (10) years.
 - Mezzanine:
 - Storage.
 - Labs.
- Second location in Rahway, New Jersey.
 - Used for storage.
 - If application approved, will not need this facility.
- Deliveries:
 - One (1) to two (2) tractor trailers daily.
 - Maximum tractor trailer length - forty-five feet (45').
 - Sample for testing are large and heavy. Delivered by tractor trailer.
 - Two (2) to three (3) times a day - FedEx, UPS etc.
- After sample is tested:
 - Larger samples go back to client.
 - Smaller samples go to scrap yard... two (2) blocks from facility.
- Recycle - Gall Carting. Recycling plan submitted. Has details and frequencies.
- Solid Waste - mostly cardboard boxes.
- Najarian Associates did site inspection - notice dumpster enclosure filled with pallets.
 - New equipment delivered. Will remove pallets for recycling.
- Store lubricant for machines. Conforms with Government regulations.

Mr. Slachetka asked if there is any change in manufacturing operations from today to what is being proposed. Mr. Goel stated there is no manufacturing. Test materials. Need larger testing area and storage area.

Chairman Ackerman asked what type of chemicals stored for testing. Mr. Goel responded that they are listed on the plans. Small quantities of acids. There was a time that all testing was done by 'wet chemistry'. Not anymore.

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Done by spectrometers... very little use of chemicals - measured in ounces. Chairman Ackerman asked any large quantities or anything flammable. Mr. Goel stated no.

Chairman Ackerman asked if the building has ever been inspected by the Fire Inspector. Mr. Goel stated yes. Mr. Clarkin stated have a 'no comment' report from the Fire Inspector.

Chairman Ackerman asked if the building is sprinklered. Mr. Goel stated yes. The additions will be sprinklered.

Mr. Bucco asked regarding Page 15, #5 - fence. Next door building had their trucks come through the applicant's property. Put fence up. The entire site will be fenced for security per DOD (Department of Defense) requirement. Mr. Bucco asked if the fence will be remotely controlled. Mr. Goel stated the gate is in place and is remotely controlled.

Michael Soriano - Cornerstone Architectural Group, LLC - 202 Hamilton Boulevard, South Plainfield, New Jersey - accepted as Professional Architect and is sworn in. Mr. Soriano addressed the Board:

- Occupied the existing building for over a year.
- Have been able to utilize the facility for ninety percent (90%) of operation.
- Phase I addition is needed to house a particularly large stress testing machine which is vertical.
 - Large samples to be stress tested.
- Leaving one (1) loading dock in place.
 - Area to hold testing materials.
- Office area.
- Bank of small testing labs... compression testing, tension testing, x-ray testing etc.
- Phase II addition - Think Tank, Family services area.
- Mezzanine - additional testing labs and storage.
- Existing mezzanine used for training room and IT office.
- Records detention and office space.
- Elevation:
 - Currently, mixed materials - concrete masonry facade.
 - Proposing brick facade with some masonry, windows and awnings (ledge type) to shield windows from direct sunlight.
- Has reviewed T&M Associated report dated April 12, 2019.
 - On second floor 'an auto CAD booboo'. Windows do not exist on the roof. Will be corrected.

Chairman Ackerman reiterated that one (1) loading dock door will remain. Mr. Soriano stated yes... and a new one in the addition.

Mr. Smith asked what type of trucks will 'backup' to the second loading dock and how close to Montrose Avenue. Mr. Soriano stated can tell better with the site plan. Both doors will be able to accept tracker trailers and flatbed trucks. Mr. Smith asked how far is the dock from the street. Mr. Soriano stated seventy-six feet (76') one inch (1").

F. Mitchel Ardman - The Reynolds Group, Inc, 575 Route 28, Suite 110, Raritan, New Jersey - is accepted as a Professional Engineer and Planner. Principal with The Reynolds Group, Inc. Is sworn in. Mr. Clarkin questioned Mr. Ardman:

- Prepared plans.
- Has visited the site on several occasions.
- Current site:
 - Using Sheet 3 with revision date of April 20, 2019 - color rendering of plans before Board Members.
 - Bock 446. Lot 1.04
 - North is left of plan.
 - Montrose Avenue runs east to west.
 - West is South Clinton Avenue.
 - East is Skyline Drive - dead end road.
 - Undeveloped property across Montrose - wooded site.
 - All other surrounding properties are developed - industrial properties.
 - 1.6 acres.
 - Phase I - northeast
 - Existing pavement will not be extended.

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- Entrance off of Montrose Avenue is existing and will remain.
- Ditch on the east of site and pipes under Montrose Avenue.
- Proposing:
 - Using Sheet 3 with revision date of April 20, 2019 - color rendering of plans before Board Members.
 - Proposed loading dock - seventy-six feet (76') off of Montrose Avenue. Main loading dock.
 - Smaller deliveries... UPS, FedEx etc - the existing loading dock.
 - Pavement will be milled and repaved, restriped, compliant ADA parking and ramps, parking bumpers.
 - Mobile testing lab will be at the rear of the site - south end of building
 - Chairman Ackerman asked if there is a fence along that side. Per Mr. Ardman yes. Fence has been reconstructed. Once shared driveway with building next door. No longer the case.
 - Chairman Ackerman asked if the gate off Montrose is a locked gate. Per Mr. Ardman, yes, it is siren activated. There is a second gate in the back that has a Knox Box.
 - Existing condition - 'bump out' - twenty feet (20') required distance - existing thirteen feet (13'). Need variance for existing condition - only for the 'bump out'.
 - Driveway not curbed. Providing bumper stops. Asking for curb waiver. If curbs are added, will affect drainage flow.
 - Drainage flow - existing inlet. Piped to the ditch.
 - Chairman Ackerman stated when visited site, there is a 'ditch' in front of loading dock. Per Ardman stated on plans shows that will be corrected and pitched accordingly.
 - Variance condition for driveway width - Twenty-four feet (24') required - twenty-one feet (21') existing for parking. Existing wall. Affects ten (10) parking spaces. Amble circulation. Requesting variance.
 - Circulation... off of Montrose Avenue. Refuse area on east side. Car parking and emergency vehicles can access site.
 - New lighting - twenty foot (20') LED lighting. Even distribution. Requesting design waiver. Northeast corner below standard.
 - Chairman Ackerman asked if there is lighting along the back of the building. Per Mr. Ardman, no. Outside of the doors will have emergency lights.
 - Mr. Clarkin stated hours of operation end at 5:15 pm.
 - Landscaping:
 - Evergreen edge along Montrose Avenue.
 - Added street trees along Skyline Drive.
 - Added ornamental tree in corner.
 - Existing trees on front of Skyline.
 - Two (2) existing trees fall in site triangle. Asking for design waiver. Do not impair vision. Would like to leave the trees.
 - Waste Management & Emergency Vehicle access:
 - Waste management - fence area. Off of Montrose. Will be updated.
 - Did provide turning template.
 - Back up generator in front of the Phase I addition.
 - Signage:
 - Two (2) signs on building.
 - Both twenty-four (24) square feet - west elevation and north elevation. Ordinance is eighty (80) square feet - below ordinance.
 - Above door entrance.
 - Chairman Ackerman asked if the sign on the fence that states '801 Montrose' will remain. Per Mr. Ardman, yes.
 - Height of Mobile Testing Lab - fourteen feet (14') two inches (2"). Fifteen feet (15') is Ordinance maximum.
 - Refrigeration equipment on south side of building will be removed.

Mr. Slachetka asked Mr. Ardman regarding ground sign if it conforms to the standards in the Ordinance. Mr. Ardman stated he did measure the sign and it conforms.

Mr. Pellegrino asked regarding the electronic gate, it is activated by siren. Is it mechanical or electrical? Mr. Goel stated electrical. Mr. Pellegrino asked when the fire rig arrives to the site and the siren is on, the gate will open

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24/7. Mr. Goel stated yes. Mr. Pellegrino questioned the fire connection. Fire Department have talked to employees of the facility previously regarding the fence which limits the access of the fire connection. There has been discussion that the connection was going to be turned away from the street. When the Fire Prevention office reviewed the plans, it was prior to the fence being installed. Therefore, these items are not listed on the report. Mr. Pellegrino stated as long as the Knox Box works on 'the switch', gate opens upon siren and the fire connection turned. Mr. Goel stated there is a hole. Mr. Pellegrino stated as long as Mr. Goel is willing to work with the Fire Department it will be resolved. Mr. Goel responded 'whatever is needed'.

Mr. Clarkin asked Mr. Ardman if he had the opportunity to review the Najarian Associates review letter dated May 14, 2019. Mr. Ardman stated yes. Mr. Clarkin began review:

- Page 6 - E1a - will comply.
- Page 7 - E2i - does not believe an easement exists. Will provide.
- Page 7 - E2j - will comply.
- Page 9 - E3vii - no fence required on eastern side.
- Page 10 - E4d - will comply.
- Page 10 - E4e - will comply.
- Page 10 - E4g&h - discussed. Requested partial waiver.
- Page 10 - E4i - two (2) lights will remain on for security.
- Page 11 - E6aiv - solar converter has been moved inside. No need for concrete pad.
- Page 13 - G4 - wire has not been an issue.
- Page 13 - G6 - Chairman Ackerman confirmed with Mr. Ardman that turning radius was provided to Fire Prevention. Mr. Pellegrino stated he did not see it... but it may have been provided to the Fire Marshall. Mr. Ardman stated he will confirm with the Fire Marshall.
 - Chairman Ackerman asked if comments were received from the Fire Marshall. Mr. Clarkin stated yes... no comment received from the Fire Marshall.
- Page 14 - G11 - will comply.
- Page 14 - H1 - 5 - have been addressed.
- Page 15 - all addressed.

Mr. Bucco asked Mr. Clarkin to address page 3 - variance. Mr. Clarkin stated will address during Planning testimony.

Mr. Clarkin asked Mr. Ardman if the minor plan revisions being requested can be done. Per Mr. Ardman, yes.

Mr. Clarkin confirmed with Mr. Ardman that there are no concerns from Fire, Health and Police. Per Mr. Ardman, correct.

Mr. Clarkin confirmed with Mr. Ardman that there is one (1) new variance - Parking. Mr. Clarkin asked if Mr. Ardman can address:

- C2 - Flexible.
- Parking - Many different ways to calculate for industrial zone.
 - Maximum employees per shift - one (1) space per 1.25 employees. Thirty-five (35) employees equates to twenty-four (24) spaces.
 - Floor Area - one (1) space for four hundred (400) or one (1) space for one thousand five hundred (1,500) for storage or warehouse which equates to fifty-nine (59) spaces.
 - Per Borough's Professional request, asked to break out office space from industrial space.
 - Approximately, four thousand (4,000) office space and with remaining storage and industrial space equates to sixty-nine (69) spaces.
 - Per testimony, an employee maybe in the office and then tend to a big machine that requires lots of space. Therefore, does not require a lot of parking space.
- Benefits:
 - Expanding and modernizing an existing space.
 - Mobile testing lab.
 - All comply with bulk requirements.
 - Increasing tax ratable.
 - Increasing jobs.
 - Centralizing business in one (1) location. Will reduce trips between sites - South Plainfield and Rahway.

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- Will reduce emissions.
- Does not see any detriments.
- Operational standpoint - sufficient parking. Thirty-five (35) employees - twenty-four (24) parking spaces required.
- Variance for parking.
- Benefits out way detriment on site.
- Negative Criteria:
 - Parking variance can be granted without any detriment to the public good.
 - Goals and objectives being furthered by granted by this application.
 - A - appropriate use of site.
 - G - appropriate location. Existing industrial use, enhancement to the property, will provide size and space without the need of additional paving.
 - H - 'To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.' By keeping all of applicants on one (1) site eliminates movement between sites.
- No impairment to the Zone Plan. Business not employee intensive.
- Continuing of existing non-conformity. No detriment. Bump out has existed.

Chairman Ackerman opens the discussion to the Public. No comments or concerns.

Chairman Ackerman reviewed the requested waivers. Mr. Bucco stated that he has no objections from an Engineering standpoint granting the waivers. Does have concern regarding his report on page 5 item 7. Mr. Ardman stated the main loading dock does meet the forty-five feet (45'). The second is 'delivery space'. Does have one loading dock per Ordinance. Box truck can fit in the delivery space. Per Mr. Bucco, waiver is not needed. Applicant agreed to all plan revision requested.

Mr. Smith asked that the Traffic Safety Committee is requesting a stop sign. Mr. Ardman stated will comply.

Chairman Ackerman reviewed the waivers that are being requested.

Chairman Ackerman calls for a motion for approval for all waivers listed on Najarian Associates report dated May 14, 2019 on pages 4, 5 and 6. Vice Chairman Pedersen made motion, seconded by Councilman White. Those in favor: Mayor Anesh; Councilman White; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Pellegrino; Mr. Smith; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None.

Chairman Ackerman called for a motion of approval for Preliminary and Final Site Plan. Vice Chairman Pedersen made motion, seconded by Councilman White. Those in favor: Mayor Anesh; Councilman White; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Pellegrino; Mr. Smith; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None.

Chairman Ackerman called for a motion of approval for parking variance and continuing of existing non-conforming situation. Vice Chairman Pedersen made motion, seconded by Councilman White. Those in favor: Mayor Anesh; Councilman White; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Pellegrino; Mr. Smith; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None.

Old Business: None

Committee Reports:

- A. Street Naming Committee** – Bob Ackerman – report progress.
- B. Environmental Committee** – Rich Houghton & Bryan Bythell – report progress.
- C. Council Reports** – Councilman White – Community Outreach downtown from 11 am to 4 pm on Saturday.
- D. Mayoral Updates** - Mayor Anesh – report progress.

Minor Site Plan: None

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New Business: None

Correspondence: None

Audience Comments: Would like to discuss space next to Magic Car Wash. Councilman White advised the gentlemen that he will set a meeting up to discuss.

Executive Session: None

Adjournment: 11:15 pm.

Respectfully Submitted,
Joanne Broderick
Planning Board Secretary