

**PLANNING BOARD
MEETING MINUTES
AUGUST 27, 2019**

**CALL TO
ORDER**

The meeting was called to order at 7:04 p.m.

FLAG SALUTE

The Board saluted the flag.

ROLL CALL

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

BOARD

Mr. William Hering, Vice Chair
Mr. Raymond Giacobbe, Mayor
Mr. Jeff Brooks, Mayor's Designee
Mr. Michael Pakay, Commissioner
Mr. Jeremy Mojica, Commissioner
Mr. Richard Watkins, Commissioner
Mr. Robert Simon, Commissioner
Mr. Alexander Shipley, Commissioner
Mr. Thomas O'Reilly, Commissioner
Mr. William Cladek, 1st Alternate Commissioner
Mr. Jeffrey Robinson, Commissioner Chair
Mr. James Polles, Esq, Board Attorney
Ms. Jacqueline Dirmann, City Engineer
Mr. Kevin O'Brien, City Planner
Mr. Paul Phillips, City Planner
Mrs. Rayna Harris, Board Secretary

*Absent from this meeting were Commissioners Watkins, O'Reilly and Cladek. Mayor's designee represented the Mayor.

MINUTES: Any necessary changes to the Planning Board minutes of June 12, 2019 shall be made at this time and approved by action of the Commissioners.

Motion: Commissioner Shipley Second: Commissioner Simon
Yes: Commissioners Brooks, Pakay, Mojica, Simon, Shipley and Robinson
Absent: Commissioners Watkins, O'Reilly and Cladek
Abstain: Commissioners Hering, Brown
Minutes were approved

Chairman Robinson opened the meeting with the regulations and reading of the agenda into the record. The following action took place.

SWEARING IN OF BOARD PROFESSIONALS:

Chairman called up attorney Gary Goodman representing 329 New Brunswick for their application request seeking a minor site plan approval for 329 New Brunswick Ave Block 276 Lot 10 for their Presentation.

Goodman advised that this applicant was before the board for this same location January 2019. The one tenant building was converted to a 12-tenant building and there is now a need for outside storage. They are here for an approval on the amended site plan. Outdoor storage will be an ancillary use to the new tenants' lease. Witness tonight is Victor Vinegra of Harbor Consulting who was sworn in and accepted as a witness. Vinegra presented a photograph labeled Exhibit A-1 which showed the previous conditions and Exhibit labeled A-2 which shows the current conditions. EPA and DEP applications/copies are on file with the Municipal Clerk from the City of Rahway. Report was prepared and submitted to the Board of Engineering. Clean up is residential levels, beyond industrial levels. No deed restrictions. Exhibit labeled A-3 is sheet 5 from the original plan. Banked parking because no tenants right now. Permit by rule. No DEP application they are just required to notify the Municipality. Outdoor storage is under height restrictions. They do not have a signed lease with the client who wants to keep/use Racks.

Chairman opened the floor to questions from the commissioners.

Goodman asked Vinegra to go through the Maser Report. City Engineer Dirmann received confirmation from Vinegra that he would: submit the permit by rule number and supply a letter of applicability from the DEP. Engineer will be updating the letter listing the current condition and completion is dependent upon approval from the DEP. Vinegra confirmed he does not have exact details of the rack system but will need it before a permit is pulled. Vinegra explained the Storm Water Pipe to the professionals and the EPA report was supplied. A survey of the wetlands buffer line is reflagged on the site. There is 150 ft buffer zone now flagged in the field and no flood plain involved. Provisions were made to get the 150 ft buffer as there is a possible Blue Herrings area. DEP issues are resolved in the rear. Applicants team agreed to comply with the property walk through with the Engineer. Vinegra confirmed that the outdoor storage only requires one parking space for one forklift and he agreed to comply with the overnight parking restrictions and maintaining the fence. Goodman called upon the owner of the property who was sworn in. Commissioner Brooks questioned the type of businesses he would rent to and he confirmed small businesses. Applicant also clarified how and where the loading dock would operate. City Planner Phillips received confirmation that the height of the racks would follow City ordinance. Applicants are concerned with anything going over 15ft would trigger a hearing for a C variance, so the variance was amended to comply with 20ft. Vinegra advised that the spaces were being stripped and as of the date of the meeting the building has no active tenants. Applicant can provide a turning radius template to prove trucks can exit without hitting the curb and they are moving forward with the lighting plan. Engineer advised applicants team that there has yet to be action taken on the landscaping nor any of the offsite improvements at this time. A shed storage roof will be required now that the height is 20 ft and the area require a buffer.

Chairman opened the floor to questions from the public. – None.

Motion: Commissioner Simon Second: Commissioner Hering
Yes: Commissioners Hering, Brooks, Pakay, Mojica, Simon, Shipley, Brown and Robinson
Absent: Commissioners Watkins, O'Reilly and Cladek
Abstain: none
Motion was approved

Chairman called up attorney Tom Malman and Engineer James Henry representing applicant Merck who is seeking preliminary and final major site plan approval.

City attorney confirmed that the application was ready to be heard and Malman and Henry were sworn in and accepted as a witness. Malman distributed materials labeled Exhibits A1 & A2 and advised that this was for employees only and these additional spaces is what caused the need to get approval from the board. Henry confirmed the spaces would be drive aisle compliant; the fence will remain as is; there will be new sidewalks along the new driveway; fence will cover the utility structures and 15 ft lighting will be downward facing. City Planner O'Brien received confirmation from Henry that the 5 ft buffer area and sheet 12 of 2 would be corrected. Henry advised that the new parking area complies with set back and they are proposing a 7ft high fence. They are also not increasing the impervious coverage and overall this is a significant improvement. The ADA spaces will be re located. Dirmann advised that the plans needed to be revised to show exactly where and how many. Dirmann asked for clarity on the stormwater system that would discharge to the Rahway River and what is the net. Dirmann wants the past drainage supplied. Henry confirmed they will comply with all of the engineers report comments and that the date of the aerial image is July 2019. The existing non conforming utility area will not be changing. The lights will be on a luminal schedule and Henry confirmed at the request of the City Planner the 25 ft reference for the lights will be removed. The lot has 4,709 but only 3,900 employees total at that location. To accommodate all the different shifts the lot will be opened 24/7. Henry confirmed applicant will also comply with all the City Engineers requirements. Dirmann advised that he plan needs to be updated to reflect the 7ft fence agreed upon vs the 6ft.

Chairman opened the floor to questions from the commissioners.

Commissioner Simon inquired on a section of Exhibit A-1 and was advised it is a gravel lot and will be paved once the work gets started. He also received clarity on the number of spaces and a grassy area. Commissioner Brooks was advised that there is not currently plans for an additional lot. Commissioner Mojica received clarity on the beam on Exhibit A-1 size and it will not flow towards W Scott. Henry advised it is not in the budget to repave Bond Street.

Chairman opened the floor to questions from the public. – None.

City Planner advised the applicant on the revisions needed on fencing, landscaping and lighting plans. No further questions or comments.

Motion: Commissioner Hering Second: Commissioner Simon
Yes: Commissioners Hering, Brooks, Pakay, Mojica, Simon, Shipley, Brown and Robinson
Absent: Commissioners Watkins, O'Reilly and Cladek
Abstain: none
Motion was approved

ADJOURN: There being no further business; the meeting shall adjourn.

Motion: Commissioner Hering; Second: Commissioner Brooks

Yes: Commissioners Hering, Brooks, Pakay, Mojica, Simon, Shipley, Brown and Robinson

Absent: Commissioners Watkins, O'Reilly and Cladek

Abstain: none

Motion was approved

Meeting ending at 9:20pm