

Municipal Land Use Board Minutes for May 20, 2019

STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Chairman Harms called a public meeting of the Roselle Park Municipal Land Use Board to order on May 20, 2019 at 7:04 p.m. in Council Chambers at the Municipal Building, 110 E. Westfield Avenue, Roselle Park, New Jersey. Chairman Harms announced this meeting is in compliance with the "Open Public Meetings Act": as adequate notice of this meeting has been provided as required by law.

ROLL CALL

Members Present:

Mr. Harms
Mr. Robaina
Mr. Nitche
Mr. Costello
Mr. Stephens
Mr. Kolbeck
Mr. Ferdinando
Mayor Signorello
Councilman Mathieu

Alternates Present:

Mr. Baiamonte
Mr. Iungerman
Mr. Delano

Alternate Absent:

Mr. Curio
Mr. Schkolnick, Esq.

Also present:

Thomas C. Jardim, Esquire; Victor Vinegra, Municipal Land Use Planner; Anthony Kurus, Municipal Land Use Engineer; Madeline Colandro, Interim Clerk.

MINUTES

Mr. Harms asked for a motion to accept the April 15, 2019 MLUB Meeting Minutes. Mr. Kolbeck motioned to accept; seconded by Mr. Robaina. Being no additional comments, additions or deletions, all serving and present members voting affirmative, motion passed. Members Serving: Chairman Harms, Mr. Nitche, Mr. Robaina, Mr. Costello, Mr. Kolbeck, Mr. Ferdinando and Mr. Stephens.

PUBLIC PORTION OPEN:

Mr. Harms requested motion to open the Public Portion for any comment. Mr. Nitche motioned; seconded by Mr. Stephens. All serving and present members voting Aye, motion carried. Present Board Members Serving: Chairman Harms, Mr. Robaina, Mr. Nitche, Mr. Costello, Mr. Stephens, Mr. Kolbeck and Mr. Ferdinando.

Chairman Harms asked for anyone wishing to speak.

PUBLIC PORTION CLOSE:

There being no one wishing to speak, Mr. Harms asked for motion to close the Public Portion. Mr. Nitche motioned; seconded by Mr. Stephens. All serving and present members voting Aye, motion carried. Present Board Members Serving: Chairman Harms, Mr. Robaina, Mr. Nitche, Mr. Costello, Mr. Stephens, Mr. Robaina, and Mr. Kolbeck.

New Application:

Preliminary Site Plan, Use & Bulk Variance

Newlands Asset Holding Trust, 243 Sherman Avenue Block: 1102 Lot 14 & 15.

Variance request to allow a two-family residence within the Single-Family Residence District and Yard and Height Variance.

Appearing for the Applicant: Kevin J. Dimedio, Esq.

Witness for the Applicant: Brian McPeak, Professional Planner

Kevin DiMedio, Esq., Attorney for the applicant, Newland Asset Holding Trust.

Mr. DiMedio provided a summary of the Applicant's request and identification of their expert witness – Brian McPeak.

Mr. DiMedio introduced Mr. McPeak. Mr. McPeak was sworn in and provided his credentials and was accepted as an expert Professional Planner.

Mr. McPeak has conducted a review of the property and its surroundings. Mr. McPeak stated the existing structure presently vacant. Configured with two units. The first unit is residential and second unit is commercial. The applicant is seeking to renovate the interior and rehabilitate the structure and restore both units to residential use. No expansion of the existing structure is proposed. Variances requested including use variance to allow a two family residence within the single family residence.

Mr. McPeak reviewed the existing requirements and the proposed requirements.

Mr. McPeak addressed the positive and negative criterias.

Mr. McPeak's opinion is the approval of these variances will advance the intent purpose of the Masterplan.

Mr. McPeak's opinion is the board can grant the requested variances as a purposes of planning with the advance and in recognition of the hardship associated with the non-conforming structure.

Chairman Harms stated there was a recommendation to combine the lots. Will the lots be combined? Mr. DiMedio replied it's acceptable.

Chairman Harms inquired about the chain link fence. Mr. DiMedio stated the chain link fence can be removed.

Chairman Harms spoke about the Township Engineer sign off on the condition of the sidewalks along both streets. If the sidewalks are substandard it's recommended they be replaced before the Certificate of Occupancy is issued.

Mr. DiMedio has spoken to the applicant and is aware of the Complete Streets Policy.

Chairman Harms asked about the maintenance of the property.

Mr. DiMedio stated the company's name is Kagan based in Illinois. Will send information to the Clerk.

Chairman Harms inquired about the use of the two car garage.

Mr. DiMedio stated each tenant will have 2 parking spaces. One inside and one outside.

Mr. Jardim inquired about any landscaping to the property.

Mr. DiMedio stated they do not have a landscaping plan but there will be one and would upgrade the property.

Mr. Costello asked about the third floor. Will that be storage or another apartment?

Mr. DiMedio replied that it will not be an apartment. It may be a traditional attic space.

Mr. Jardim asked is there a basement and if so the use of the basement.

Mr. DiMedio replied that it's not a livable basement. Storage would be a possibility. Utilities are in the basement.

The Board spoke of a new deed to reflect combining the lots legally.

PUBLIC PORTION OPEN: 243 Sherman Avenue Application

Mr. Harms asked for a motion to open the Public Portion for any comment. Mr. Nitche motioned; seconded by Mr. Robaina. All serving and present members voting Aye, motion carried.

Max Lafalce 237 Sherman Avenue

Mr. Lafalce expressed concerns with this property.

Leslie Gutierrez 229 Sherman Avenue

Mrs. Gutierrez asked if there will be a bedroom in the attic. She noted that parking is a problem. The lack of maintenance of grass and weeds in the past is a concern. Sidewalks are terrible and need to be fixed.

Mr. Nitche spoke about removing the stairs leading up to the attic. Mr. Ferdinando expressed they should not be moved will need access to the attic if there's a fire.

Gary Gutierrez 229 Sherman

Mr. Gutierrez expressed some of his concerns. His main concern was parking.

PUBLIC PORTION CLOSE: 243 Sherman Avenue Application

Chairman Harms would like to secure the attic space. Mr. DiMedio and Mr. McPeak will advise the applicant should be secure the so no one should be living in the attic. Would like also the recommendations from the planner in the resolution.

Mr. Harms asked for a motion to close the Public Portion for any comment. Mr. Robaina motioned; seconded by Mr. Nitche. All serving and present members voting Aye, motioned carried.

Chairman Harms requested a motion to accept or reject the Newlands Asset Holding Trust to allow a two family residence within the Single Family Residence for 243 Sherman Avenue Block 1102, Lots 14 & 15. Mr. Robaina motioned to accept; seconded by Mr. Nitche. Chairman Harms requested a roll-call for the motion. Vote was six “yes” and one “abstain” to accept. Motion carried.

Board Members	Yes	No	ABS	N.V.	AB	Board Members	Yes	No	ABS	N.V.	AB
Loren Harms	X					Owen Iungerman				X	
Jay Robaina	X					Greg Delano				X	
Al Nitche	X					Mayor Signorello				X	
Glen Costello	X					Robert Mathieu				X	
Kevin Kolbeck	X										
John Stephen			X								
William Ferdinando	X										
Paul Baiamonte				X							
John Curia					X						

X – Indicate Vote ABS – Abstain N.V. – Not Voting AB - Absent

Borough of RP Governing Body Resolution No. 165-18, authorizing and directing the Municipal Land Use Board to undertake a Preliminary Investigation to determine whether West Lincoln Avenue and Locust Street Redevelopment Area, Block 503/Lots 1 through 10 (commonly known as the Ryan Property) of the Borough meet the criteria for an Area in Need of Redevelopment, which was adopted at the meeting of Mayor and Council held on May 17, 2018.

The Borough Council directs the Land Use Board to conduct a preliminary investigation to determine whether the following area, inclusive of the following properties, qualifies as an area in need of redevelopment:

STREET ADDRESS	Block	Lot
525 Locust Street	503	1
58 West Lincoln Avenue	503	2
56 West Lincoln Avenue	503	3
54 West Lincoln Avenue	503	4
50 West Lincoln Avenue	503	5
40 West Lincoln Avenue	503	6
38 West Lincoln Avenue	503	7
34 West Lincoln Avenue	503	8
515 Locust Street	503	9
501-511 Locust Street	503	10

Mr. Anthony Kurus of Neglia Engineering has been designated by the Borough to update the area of need of redevelopment for West Lincoln and Locust Street Block 503 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10. Study was previously presented back in December 2018. Since there’s been discussions and comments from the Municipal Land Use Board to the Borough Council. Between December and not the Mayor and Council passed a new resolution authorizing to amend the study. To change it from an area in need of redevelopment with condemnation to an area in need of redevelopment non-condemnation. As far as the study from December 2018 is the same. The only difference is if the Borough Roselle Park is granted an area in need of redevelopment the Borough will not be able to utilize the power of condemnation for the lots within the area of redevelopment area. In conclusion our study shows that lots in the study areas satisfies at least one of the four criterias. Our recommendation that study be declared an area in need of redevelopment non-condemnation and that the Board move forward and adopt.

PUBLIC PORTION OPEN:

Mr. Harms asked for a motion to open the Public Portion for any comment. Mr. Nitche motioned; seconded by Mr. Robaina. All serving and present members voting Aye, motion carried.

John DeMassi, Esq. – 1771 Front Street, Scotch Plains

He stated he dealt with LoBello’s contract. He asked the Board to adopt this resolution.

PUBLIC PORTION CLOSE:

Mr. Harms asked for a motion to close the Public Portion for any comment. Mr. Robaina motioned; seconded by Mr. Nitche. All serving and present members voting Aye, motioned carried.

Chairman Harms requested a Motion to recommend that the Borough Council designate West Lincoln Ave and Locust Street Redevelopment Area – Block 503, Lots 1 – 10 as in need of redevelopment non-condemnation.

The motion made by the Board. Mr. Costello Motioned. and seconded by Mr. Nitche. Chairman Harms requested roll-call for the motion. Vote was seven “yes” and zero “no” to designate Bock 503, Lots 1-10 an area in need of redevelopment non-condemnation. Motion carried.

Board Members	Yes	No	ABS	N.V.	AB	Board Members	Yes	No	ABS	N.V.	AB
Loren Harms	X					Owen Iungerman				X	
Jay Robaina	X					Greg Delano				X	
Al Nitche	X					Mayor Signorello				X	
Glen Costello	X					Robert Mathieu				X	
Kevin Kolbeck	X										
John Stephen	X										
William Ferdinando	X										
Paul Baiamonte				X							
John Curia					X						
X – Indicate Vote ABS – Abstain N.V. – Not Voting AB - Absent											

NEW BUSINESS - None

Unfinished Business: None

Bulk Variance: None

Payment of Bills: None

For the Benefit of the Board:

Chairman Harms noted that the next meeting date is July 15, 2019 at 7 PM

There being no further business to come before the meeting, Chairman Harms asked for a motion. Mr. Nitche moved at 8:16 PM to adjourn the meeting; seconded by Mr. Costello. All serving and present members voting Aye, motion carried.

Present Board Members Serving: Chairman Harms, Mr. Niche, Mr. Kolbeck, Mr. Costello, Mr. Robaina, Mr. Ferdinando, Mr. Stephen, Mr. Baiamonte, Mr. Delano & Mr. Iungerman.

Respectfully submitted,

Madeline Colandro
Roselle Park Municipal Land Use Board - Interim Clerk