

SAYREVILLE PLANNING BOARD

MINUTES OF May 8, 2019

The regular meeting of the Sayreville Planning Board was called to order by Michael Macagnone, Vice-Chairman and opened with a salute to the flag. The meeting was being conducted in accordance with the Open Public Meeting Law P.L. 1975, c231, Public Law, 1975.

Members of the Planning Board present were: Mr. Chodkiewicz, Councilman Dalina, Mr. Davis, Mr. Kelly, Mr. Macagnone, Ms. O'Leary, Ms. Mantilla and Mr. Volosin

Absent Members: Ms. Lee and Chairman Tighe

Also present were: Mr. Marc Rogoff, Attorney, Mr. Cornell, Engineer and Mr. Leoncavallo, Planner.

AT THIS TIME, THE MEETING WAS OPENED:

Mr. Macagnone asked the Planning Board Secretary if the board meeting was being conducted under the Sunshine Law and if all publications were notified, the secretary had stated, yes.

MEMORIALIZATION OF RESOLUTION:

Resolution of the Planning Board of the Borough of Sayreville Authorizing Heyer, Gruel & Associates to Conduct a Limited Review of the 2013 Mater Plan for Clarification of the Land Use Element & any Reference to the Circulation Plan Element Related to the Redevelopment Plan for Property Contained within the Crossman/Mocco Redevelopment Area.

Councilman Dalina made a motion to accept the resolution, seconded by Mr. Davis.

ROLL CALL:

YES: Mr. Chodkiewicz, Councilman Dalina, Mr. Davis, Mr. Kelly, Mr. Macagnone, Ms. O'Leary, Ms. Mantilla and Mr. Volosin

NO: n/a

ASTAIN: n/a

ACCEPTANCE OF MINUTES:

Councilman Dalina made a motion to accept minutes of April 10th meeting; seconded by Mr. Chodkiewicz; ROLL CALL:

YES – Mr. Chodkiewicz, Councilman Dalina, Mr. Davis, Mr. Kelly, Mr. Macagnone, Ms. O’Leary, Mr. Volosin, and Ms. Mantilla

NO – none

ASBSTAIN – none

SITE PLANS/SUBDIVISION HEARINGS:

Mr. Rogoff informs the members and public that North American Properties ~ Riverton informal hearing to discuss and clarify the Amendment to the Redevelopment Plan has been carried to May 15th meeting.

Ott/Daniels ~Minor Subdivision

3221 Bordentown Avenue, Sayreville

Blk: 29, Lots 4/6 Block: 29, Lots: 4/5

Atty: Mr. Bert Lundberg, Esq.

1816 Englishtown Road

Old Bridge, NJ 08857

Mr. Lundberg is the attorney for the applicant for the Estate of Leon Ott in which the property is located as above for a minor subdivision and 2 variances. Mr. Lundberg makes note that he has received the professional staff reports. Report from CME Engineering dated May 8, 2019 and report from John Leoncavallo, board planner dated May 6, 2019. Mr. Lundberg agrees to the reports, complies with all items within both reports and they will become part of the record.

First witness, Leon Ott Daniels is sworn in. She states she resides in Florham Park, NJ and she is the executrix of the estate of Leon Ott. Copy of the executor certificate is marked A-1. 2 deeds were provided by Ms. Ott Daniels dated 2/5/60 marked A-2 and 8/12/60 marked A-3 and were merged under common ownership. Mr. Lundberg discusses the water bill that was provided marked as A-4. Tax bills as A-5 and A-6. Ms. Ott Daniels intention if approve would make the lots buildable as they were when her parents purchased them and over the years discussed for her to use or either sell later on.

Mr. Rogoff asked if they used the extra lot during the years. Ms. Ott Daniels stated they had an above ground pool on the lot, but has been taken down. Mr. Rogoff states that he understand there is an existing condition 4.48 side yard is technically a deficit and they should ask for the board to approve.

Second witness, Christine Nazzaro Cofone licensed NJ Professional Planner, has testified before the Borough of Sayreville boards and over 420 others. She has been a professional planner for 23 years. Mr. Chodkiewicz makes a motion to accept the credentials, board agrees.

Ms. Nazzaro Cofone states that the lots have been own by the family a 2 separate lots, 4.05 and 4.06 in block in 29. There is an existing dwelling on the plans on Lot 4.05 – 1 and ½ masonry dwelling and garage that sits 4.48 off the property line. They are seeking a variance based on the R10 zone. The R10 zone required 100’ of frontage. Besides the non-conformity of masonry garage, these lots will meet all other bulk criteria in the R10 zone. The lot area of 28,000 SF fits within the zoning. There are 7 residential lots on the side of Bordentown Tpk – 4 of them have 75’ frontages, 2 of them have 100’ and 4.13 is triangular in shape, but has more frontage due to the odd shape lot. The board can rely on Criteria C (adequate light, air and open space) under the C2 statutory of Criteria under the Municipal Land Use Law. In Ms. Nazzaro Cofone opinion, the board can rely on Criteria E. The site has a density of 1.5 units per acre of land, and the proposed density is 3 units per acre. Criteria G this has been an appropriate use, residential use is around the area. Criteria M is an efficient use of the land.

Mr. Chodkiewicz asked Ms. Nazzaro Cofone if she had a spreadsheet of the existing properties square footage. She provided the tax map that shows the lot sizes. He mentions about relief of curbs and sidewalks to Mr. Cornell. Mr. Cornell states this would be a county approval, he states majority of the stretch of where the property is does not have them until the s turn and they can request a waiver to the county.

Mr. Lundberg reviews the CME, letter dated May 8th; they agree to numbers 1-4 and technically review. Mr. Lundberg reviews Mr. Leoncavallo’s report dated May 6th and will agree and comply with all items.

Mr. Macagnone opens the public portion for this application, no one speaks and he closes the public portion.

Mr. Chodkiewicz makes a motion to approve and accept with the variances and waivers as identified, Councilman Dalina seconds. ROLL CALL:

YES: Mr. Chodkiewicz, Councilman Dalina, Mr. Davis, Mr. Kelly, Mr. Macagnone, Ms. O'Leary, Mr. Volosin, and Ms. Mantilla

NO:

ABSTAIN:

Application Granted

**Heyer, Gruel & Associate ~ Fulton's Landing Redevelopment Plan
Review Discussion of the HGA Report dated April 11th.**

In the audience, Mr. Jeff Lear, Esq was present and represents the property owner of this site.

Mr. John Barree was sworn in. Mr. Barree is a Professional Planner for Heyer, Gruel & Associates located 236 Broad Street, Red Bank, NJ. Credentials were accepted from the board.

The Fulton's Landing Redevelopment Plan was forwarded to the board by the Borough Council on April 23rd for their review and recommendation based on the master plan and in an advisory role to send back to the Borough Council. The Redevelopment plan was marked in evidence A1, two (2) plans that were present are marked into evidence A2 Arial map of the subject property and surroundings and A3 zoomed in map with buffer lines.

Subject property in 2018 was an area of redevelopment consist of 3 tax lots; Blk 249, Lot 1, Blk 250, Lot 1 and Blk 251, Lot 1 as referred to as the Mocco Property. Total area of the lots are 158 acres, south side of Main Street between White Oaks Drive and Crossman Road, North of Kennedy Park and Lakeview Drive. In 2011 to revise the master plan to rezone western portion from the PD7 zone (remains the zoning today) to a SD2 zone. A site plan was approved in 2013 for 610,000 SF of mixed warehouse space with office space and an application filed for the Western portion for a proposed construction of 207 single family homes.

The redevelopment plan recommends warehouse and distribution of the entirety of the property, to promote economic development and address the long term goals of jobs and tax base. There is great demand in NJ of this type of product currently anywhere there is good transportation arteries. Traffic patterns along Main Street will be modified to support the site and truck access. CME associates had the opportunity to review the plan and provide an opinion for what traffic items will be needed, such as, signals at various site

driveways and truck traffic west of Main Street will be restricted. These were incorporated within the plan.

The regularity the land use plan promotes economic in balance way with residential surrounding area. Mr. Barree discusses the uses that would comply within this zone and are mentioned in detail within the report. He also discusses what is prohibited, especially stacking or storing containers. Mr. Barree discusses A3, the plan requires 40 acres, and min. required front yard and rear yard setback – 200' and 300' side to side set back. There is a requirement of 100' landscape buffer be maintained along main street. The Westside of the property requires 150' landscape buffer. He goes on with more detail of what type of buffer. Maximum building coverage for the lot is 30%; lot coverage is 80% and maximum height of any building is 50'. 1 parking space for 5,000 SF of warehouse and 1 space for 500 SF of office. Loading standard 14' width, 55' in length and vertical clearance of 15'. Requirement of 1.5 truck parking space per loading dock. The circulation improvements in the plan call for widen main street along the property frontage, provide dedicated turning lanes – the design will need to be work through with Borough Engineer. Signals will be added by Kimball Drive East and West. All truck traffic will be from the East on Main Street. The master plan includes a connector drive from Lakeview Drive to Main Street. The plan included a more industrial use, would be to remove the connector road under this proposed plan. The circulation plan requires the owner to provide bus/cargo to pick up employees from different mass transportation locations and a traffic study. Mr. Barree discusses the design plan in which is in full description with in the plan marked A1. Mr. Barree states the only issue within the master plan is the circulation and removal of the Lakeview Drive connector road.

Mr. Volosin asked about the road widen plan, are you planning making main street a 4 line highway? Mr. Barree states at this point the consideration is currently within the property frontage and left turn movements within the plan. He is unsure what the Borough's intentions are passed the site. Mr. Volosin stresses about the traffic in the morning between 7 a.m. – 8:30 a.m.

Mr. Leoncavallo asks, if the expansion of the road would come out of the buffer. Mr. Barree notes that the 100' would come from the property line. So after the expansion, the 100' would start from there.

Ms. O'Leary asks, there is currently one access in and out of the property since the Lakeview Drive extension was removed. Mr. Barree states there would be signals at Kimball Drive East & West.

Mr. Macagnone states in the report, it mentions 1.8M SF of warehouse space. That is 18x the size of a Home Depot Store. Mr. Barree states that this comes from the Legal discussion and the end design is not within his position. Mr. Macagnone asks why his opinion to remove the north/south connector road on Lakeview Drive. Mr. Barree states the north/south connector is not appropriate to send trucks into that area. Mr. Macagnone stated they would not permit that. He feels that 1.8M SF employees would be over 100. He does not feel that shuttle buses would be realistic. Based on a safety prospective that connector road is important and with the future development of Riverton, that the connector is needed. Mr. Barree makes mention that this location for the connector would be challenged due to the train tracks.

Mr. Kelly asks that about the height of 50' building and buffer that the trees a going to be high enough. Mr. Barree mentions that most of the trees along Main Street are probably higher and they hope to keep those and the property is lower as well.

Mr. Leoncavallo mentions the 150' buffer in the rear, years ago they discussed to have a pedestrian walk way back there. Mr. Barree was not aware of that, and states it could be an option, but not knowing if the Borough would think of it as a security issue.

Mr. Chodkiewicz states that the north/south connector is important for passenger vehicles only, and states that Mike's comments about safety are important. He asks how this development will assist or effect the by-pass road and take care of the truck traffic and agree to develop this site without the by-pass road leading east to the bridge. Ms. O'Leary asks if one can be contingent on the other. Mr. Barree does not know at this point that is an option.

Mr. Macagnone opens the public portion.

Ed Little
12 Pero Court, Sayreville

Mr. Little is sworn in. His wife had purchase the townhome 30 years ago, she knew about the by-pass. They do not have any deep objection to the development across the street as long as it constructed properly and in consideration of the residents around them. Main focus is the safely of the community. His concern is about the by-pass stopping at both Kimball Drives. Also, concern about continuing water since the work across the way has happened. Water flow has changed with the water table. If traffic is using the Kimball drives, he is concerned about people parking or not being able to park on the street or speeding up the road, snow removal in the community. Noise pollution is a concern and

crime report has that been issued. If the traffic is going up the Kimball Road, would want strips to slow traffic down and no trucks.

Arthur Rittenhouse
33 Delikat Lane, Sayreville

Mr. Rittenhouse was sworn in and chairman of the shade tree commission. He agrees with Mr. Little concerns. Mr. Rittenhouse refers to Page 22 of the report which the county recommends the by-pass and Washington Road. Logical would be Lakeview Drive. He has a main concern that nobody knows what is going on within the site. He states the last 5 years truck have been going in and out of site, during morning and night 6 days a week. He asked Mr. Cornell, who is testing the soil. Per Mr. Rittenhouse, he stated Mr. Cornell states, Freehold Soil Conservation. Mr. Rittenhouse states they do not. They only provide a permit to dump the soil. He mentions possible pollution coming from the soil into their sump pump. Per him, the DEP permits have expired March 1, 2018. He states they took a few trees down on their property for an opening and mentions the site next to them has contaminations and is going into the Burks creek. This stream runs behind Kimball Drive East. The homes on the eastern section of Main Street Townhomes states this overflows with heavy rains a potential chemicals in there. The by-pass once phase I is approved, then apply to phase II and phase III is already on the Riverton plan. If the Borough goes ahead of phase I then it ends at Kimball Drive East/West. The county is saying they are allowing trucks on the by-pass and Washington Road. He wants to know if they are going to change the master plan and not permit any trucks on Main Street. This will stop the steel mill and the township of Woodbridge/Old bridge garbage trucks come down Main Street. The industry down on main street extension come west down main street. He stated there are no permits filed with the Borough. DEP says the Borough is responsible to have testing, Borough stated DEP or Freehold Soil Conservation. Mr. Macagnone stated Mr. Rittenhouse should discuss with the council. We are only here with the redevelopment plan for recommendation and comments. Mr. Rogoff states we are here to discuss two issues, the redevelopment plan and an amendment to the master plan. We are just a referral agency. Mr. Chodkiewicz asks how Mr. Rittenhouse knows there is work be conducted without permits. Mr. Rittenhouse states he did an OPRA request.

Lisa Michelle
8 Saddler Lane, Sayreville

Ms. Michelle was sworn in. She discusses the frustration of what is going on within this area of the construction across the street and main street extension. This is an opportunity to be heard. She goes on to discuss the conflict of what needs to be developed either residential or commercial revenue. She thinks the plan is lack specificity and she believes

there needs to be a pause and really vetted. She feels this should have been developed earlier before other residential area have been constructed. She feels the industrial complex is not appropriate, whether the master plan permits it or not. Safety concerns and traffic circulation is an issue. She believes no employee will take the commuter bus. The jobs that would be provided should be for local residents. All development in the area should be noted as one area. She goes on about safety in the area, in which people have been hit getting of the bus on Main Street. Kimball Drive should not be open up for anything traffic or strangers and kept for residents of the complex. She understands this is not an easy job, so she feels the community should be involved.

Rick Zinna
Patton Drive, Sayreville

Mr. Zinn was sworn in. He agrees with all items that the other residents have mentioned. He is concerned about the weight of the trucks and the condition of the roads. He doesn't understand the by-pass road, if people are coming in from South River, how are they accessing this road without going thru residential neighborhoods. He speaks of safety not having enough volunteers on the EMS, schools overcrowded. He mentioned something to SERA about the trucks coming out of Riverton and going to this site, are they one in the same. He was told no – but how do we know? Mr. Macagnone states the access to the by-pass is Sayreville Blvd. by River Road. He is concerned about the paper streets to access it. Mr. Cornell makes note there is not connecting streets from the South River Bridge. Mr. Zinna feels this area is going to be a zoo. Possible weber by the old Sayreville Diner. He does not want the traffic in this area of Patton Drive or the 55' containers driving through with the weight for safety and road conditions.

Mr. Macagnone states the by-pass has nothing to do with the plan in front of the board this evening. The planning board is also concerned about the circulation plan.

Gary Lattanzi
4 Gwizdak Court, Sayreville

Mr. Lattanzi is sworn in. He is on the Mayors advisory committee for the by-pass road and they were told nothing to do with the NL site. Now he is hearing that it has something to do with Riverton. Kimball Drive East is going to be the main thorough fare, major issues with safety. He concern is that this community is an ungated community. They provided those road on Kimball Drive East and West back to the borough in 1994. This was never discuss at the time. Our main concern should have nothing to do with Riverton unless that bypass road heads all the way to Chevalier.

Kamila Ciringione
21 Mochen Court, Sayreville

Ms. Ciringione was sworn in. She has been living in Main Street Townhomes for 13 years, she has 2 boys. Doesn't under the logistic to place warehouses within the area of their residential. She asks for quality of life and would they want this in front of their home. All she hears everyone talking about is money and generating revenue. The traffic is horrible and please think about it.

Marcia Peters
20 Fern Court, Sayreville

Ms. Peters was sworn in. She is the speaking on behalf of Park Village. Her major concern is noise and safety. Her court is on the map. She is wondering about the buffer, possible adding a fence for extra protection, she is concerned about the safety, and quality of life and property value.

Michael D'Addio
13 Zaleski Drive, Sayreville

Mr. D'Addio was sworn in. He is Chairman of SERA. He would like to make something clear to the members of the public. Right now, this builder can build 3 warehouse with over 600, 000 SF as well as 207 4 bedroom homes and he doesn't need to appear in front of the board for an approval. He just has to present plans. You will have truck traffic whether or not what this board decides this evening or the Council. We lost and we have been to court of the year. The borough has spent \$1.2M in tax payer money. The plan now rather than 207 homes with over 400 kids (\$12,000 a kids) approx. \$4.5M and their taxes raising 20%. He is already paying over \$11,000 in property taxes. The only alternative is to make the warehouses larger and eliminate the homes, probably 2 cars at least for every home, and 414 cars on the road. Yes to more truck and our taxes will not going up. My job on SERA is to bring revenue into this town and will bring a positive cash flow into our town. The owner of Crossman does not own Main Street, he likes the idea of a fence as Ms. Peters suggested. We cannot afford adding more money to school board budget.

Mr. Macagnone closes the public portion.

Mr. Barree discusses the next items in regard to the clarification document with regard to the 2013 master plan. The document prepared clarifies the intent of master plan have a Special Economic development district on the Mocco Tract for future land use. This document also discusses the connector road from Lakeview Drive to Main Street to change

back in the 1998 master plan. With the change of the area and being a special economic development or this redevelopment plan and the different nature of traffic and land uses, the connector is not as appropriate and not be required as a master plan road.

Mr. Macagnone's issue is that the workers of the proposed warehouse and the residents would be about the same number vehicles. He does not feel changing a master plan to accommodate a developer. John made a nice presentation, but the development plan is not consistent to the master plan. This issue needs to be resolved and I don't see the planning board changing the plan to accommodate a development that is not in compliance with it. I am interested in hearing from my fellow board members.

Mr. Jeff Lehrer, Esq. attorney of Fulton's Landing and Mocco Family. He states that he has the 1998 master plan, IV page 25 – Mr. Lear reads this in its entirety to the board. He states within this statement does not say, must, should – it states could. He feels that over the years there has been a misunderstanding that this connector road is a requirement. It's not a mandate, it's a could. It's not required.

Mr. Barree continues with the 2013 master plan CP8 and discusses the connector Lakeview Drive and it's discussed but left open.

Mr. Volosin feels that a practical approach needs to be taken with egress, traffic within this section. He feels a recommendation to the council should be a study with regard to widen the road from Crossman Road east on Main Street.

Mr. Macagnone opens the public portion.

Gary Lattanzi
4 Gwizdak Court, Sayreville

His comment is to Mr. D'Addio regarding 400 homes to large warehouses. Are there going to be tax abatements to the warehouses as we have previously done on the Main Street extension and 400 homes will pay taxes. He would rather have homes with children and quality of life with trucks, tractors and noise – there would be a balance of homes paying taxes.

Jeff Lehrer, Esq. represents Fulton's Landing and the Mocco interests. He has heard a lot of the soil, trucks and he understands there are concerns. He was in front of the board 8 years ago and received an approval for 600,000 SF of industrial. Many issues will be dealt with SERA in terms of design and working with the planning board as site plan approval and will be working with your professionals to address all the lighting, sidewalk, buffer and

all other matters – everything. He goes on about what the board is meant to do this evening.

Ed Little
12 Pero Court, Sayreville

He is concern about the safety of Main Street Townhomes. Who do I speak with in regard to the water level under the home? Mr. Macagnone states to contact the Construction office.

Rick Zinna
Patton Drive, Sayreville

What does he mean they do not need permits? What about the roads being widen? More schools as well? Mr. Macagnone notes there will be all study to be completed.

Mr. Macagnone closes the public portion, Mr. Chodkiewicz make the motion, seconded by Ms. O’Leary.

Ms. Mantilla takes offense to the attorney that states this is a simple issue for us. She feels strongly that there were many issues stated this evening. With that being said, I strongly suggest that we include in the document. She feels that the board can make a clear recommendation.

Mr. Barree suggests that the 2013 Addendum of the Master Plan should be voted on first, then the recommendation report.

Mr. Volosin would like to add the traffic. Ms. O’Leary states if they vote yes on the master plan that is taking out the connector road. Mr. Macagnone states that Mr. Barree suggests that the connector road will not be required due to the change of use on the site. Ms. O’Leary feels that the connector should be there to make the traffic of cars a little lighter. Mr. Rogoff explains in detail the vote and keeping the development plan in line with the master plan. Mr. Volosin feels he is confused and would like to table it to the next meeting. Mr. Volosin states the Planning Board would like to make a motion to table the addendum 2013 master plan to the next meeting May 15, 2019, Ms. Mantilla seconded.

Mr. Rogoff states they everyone needs to understand these are two separate issues. They will need to be dealt separately. If we are going to table these, both items have notice requirements in the newspaper. Mr. Lear comes up to the microphone and explains what the planning board has in front of them with regard to a vote.

Mr. Volosin recedes the motion, Ms. O’Leary seconded.

Councilman Dalina made a motion to approve the addendum of the 2013 master plan, Mr. Chodkiewicz seconded. ROLL CALL:

YES: Mr. Chodkiewicz, Councilman Dalina, Mr. Kelly

NO: Mr. Davis, Mr. Macagnone, Ms. O’Leary, Mr. Volosin, Ms. Mantilla

ASTAIN:

Addendum Denied

Mr. Chodkiewicz makes a motion to inform the council that the Planning Board’s opinion that the development plan is inconsistent to the master plan due to circulation, Ms. O’Leary seconded. ROLL CALL:

YES: Mr. Chodkiewicz, Councilman Dalina, Mr. Davis, Mr. Kelly, Mr. Macagnone, Ms. O’Leary, Mr. Volosin, Ms. Mantilla

NO:

ASTAIN:

OLD BUSINESS/NEW BUSINESS/ADMINISTRATIVE MATTERS:

Resolution #2019- 121 to appropriate funds or bonds in the event of a shortfall in funding for the Borough’s Affordable Housing Programs – received/file

Councilman Dalina made a motion to approve the resolution, Mr. Davis seconded.

ROLL CALL:

YES: Mr. Chodkiewicz, Councilman Dalina, Mr. Davis, Mr. Kelly, Mr. Macagnone, Ms. O’Leary, Mr. Volosin, Ms. Mantilla

NO:

ASTAIN:

Resolution #2019-122 Adopting the affirmative marketing plan for the Borough of Sayreville – received/file

Councilman Dalina made a motion to approve the resolution, Mr. Davis seconded.

ROLL CALL:

YES: Mr. Chodkiewicz, Councilman Dalina, Mr. Davis, Mr. Kelly, Mr. Macagnone, Ms. O’Leary, Mr. Volosin, Ms. Mantilla

NO:

ASTAIN:

Councilman Dalina made a motion to adjourn, Mr. Chodkiewicz seconded.

Respectfully submitted,

**Beth Magnani
Planning Board Secretary**