

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Reorganization Meeting Minutes  
January 6, 2016  
7:30pm**

**1. Call to Order**

Board Clerk, Karen Wick called the meeting to order at 7:34pm.

**2. Open Public Meeting Act Statement**

Board Clerk, Karen Wick read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [present]	Anthony Vietri Dec/2015 [present]
John Fuhrmann Dec/2016 [present]	John Segarra(1st alt) Dec/2016 [present]

**4. Reorganization**

**A. Election of Zoning Board Members**

**1. Chairperson**

The Board Clerk asked for nominations to this position.

Member Fuhrmann nominated Anthony Thompson for Chairperson for the Board of Adjustment, seconded by Member Vietri.

The Board Clerk asked if there were any other nominations for this position, there being none closed the nominations. Vote: Member Anello-yes, Member Jackson-yes, Member Fuhrmann-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes. Motion passed.

Anthony Thompson was voted Chairperson for the Board of Adjustment for 2016.

The gavel was given back to Chairperson Thompson.

**2. Vice-Chairperson**

Chairperson Thompson asked for nominations for this position.

Member Fuhrmann nominated John Anello for Vice Chairperson for the Board of Adjustment, seconded by Member Vietri.

Chairperson Thompson asked if there were any other nominations for this position, there being none closed the nominations. Vote: Member Anello-yes, Member Jackson-yes, Member Fuhrmann-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes. Motion passed.

John Anello was voted Vice Chairperson for the Board of Adjustment for 2016.

### **3. Secretary**

Chairperson Thompson asked for nominations for this position.

Member Fuhrmann nominated Leonard Jackson for Secretary for the Board of Adjustment, seconded by Member Anello.

Chairperson Thompson asked if there were any other nominations for this position, there being none closed the nominations. Vote: Member Anello-yes, Member Jackson-yes, Member Fuhrmann-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes. Motion passed.

Leonard Jackson was voted Secretary for the Board of Adjustment for 2016.

### **B. Appointment of Board Attorney**

Chairperson Thompson and Vice Chairperson Anello reviewed the RFP for Attorney.

The Subcommittee recommended Ms. Dowling for Attorney.

Member Fuhrmann made a motion to appoint Ms. Dowling as Attorney for the Board of Adjustment for 2016, seconded by Member Vietri. Vote: Member Anello-yes, Member Jackson-yes, Member Fuhrmann-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes. Motion passed.

Ms. Joan Dowling, Esq. was appointed Board of Adjustment Attorney for 2016.

### **C. Appointment of Board Planner**

The subcommittee recommended Michael Cole and Associates as Planner.

Member Fuhrmann made a motion to appoint Michael Cole and Associates as Planner for the Board of Adjustment for 2016 with the rates listed for 2015, seconded by Member First. Vote: Member Anello-yes, Member Jackson-yes, Member Fuhrmann-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes. Motion passed.

Michael Cole and Associates was appointed Board of Adjustment Planner for 2016.

#### **D. Appointment of Board Engineer**

The subcommittee recommended Najarian Associates for Engineering Services.

Member First made a motion to appoint Najarian Associates for Engineering Services for the Board of Adjustment for 2016, seconded by Member Vietri. Vote : Member Anello-yes, Member Jackson-yes, Member Fuhrmann-yes, Member Vietri-yes, Member First-yes, Chairperson Thompson-yes, Member Segarra-yes. Motion passed.

Najarian Associated was appointed as Board of Adjustment Engineer for 2016.

#### **E. Appointment of Recording Secretary**

Member Anello made a motion to appoint Karen Wick as Recording Secretary, seconded by Member Fuhrmann. Vote : Member Anello-yes, Member Jackson-yes, Member Fuhrmann-yes, Member Vietri-yes, Member First-yes, Chairperson Thompson-yes, Member Segarra-yes. Motion passed.

#### **F. Appointment of Board Clerk**

Member Anello made a motion to appoint Karen Wick as Board Clerk, seconded by Member Fuhrmann. Vote : Member Anello-yes, Member Jackson-yes, Member Fuhrmann-yes, Member Vietri-yes, Member First-yes, Chairperson Thompson-yes, Member Segarra-yes. Motion passed.

#### **G. Approval of Regulations**

Member Fuhrmann made a motion to approve the Rules of Order, seconded by Member Anello. Vote: All in favor. Motion passed.

#### **H. Approval of 2016 Meeting Schedule**

Member Fuhrmann made a motion to approve the 2016 Board of Adjustment Calendar, seconded by Member Anello. Vote: All in favor. Motion passed.

#### **I. Approval of Official Newspaper**

Member Fuhrmann made a motion to use Courier News as the Official Newspaper for Board of Adjustment for 2016, seconded by Member First. Vote: All in favor. Motion passed.

#### **4. Approval of Minutes**

Member Anello made a motion to approve the December 2, 2015 meeting minutes, seconded by Member Vietri. Vote: Member Anello-yes, Member Vietri-yes, Member Jackson- abstain, Member Fuhrmann-abstain, Member First- abstain, Chairperson Thompson-abstain, Member Segarra-abstain. Motion passed.

#### **5. Board Member Comments**

The Board discussed forming a subcommittee to revise the RFP's. This item will be placed on the next agenda.

#### **6. Public Comments**

Chairperson Thompson opened the meeting to the public, there being no public present he closed the public portion of the meeting.

There being no further business Member Fuhrmann made a motion to adjourn the meeting at 8:44pm, seconded by Member Anello. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Meeting Minutes**  
**February 17, 2016**  
**7:30pm**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:35pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [present]	Anthony Vietri Dec/2015 [absent]
John Fuhrmann Dec/2016 [present]	John Segarra(1st alt) Dec/2016 [present]

**4. Minutes**

Member Fuhrmann made a motion to approve the January 6, 2016 meeting minutes, seconded by Member First. Vote: All in favor. Motion passed.

**5. New Business**

**Z2015-09**

**770 Bound Brook Rd LLC**

**770 Bound Brook Rd.**

**Block 225 Lots 1, 3, 25, 27**

**Interpretation**

The applicant sent a letter requesting an adjournment of the application to March 16, 2016 due to scheduling conflict with another case in another town. The Board agreed with the request. Member Fuhrmann made a motion to adjourn the application to the March 16, 2016 meeting, seconded by Member First. Vote: All in favor.

**6. Correspondence**

Member Anello made a motion to approve the Attorney Contract with Ms. Dowling

with the terms defined in Resolution, seconded by Member Jackson. Vote: Member Anello- yes, Member Jackson-yes, Member Fuhrmann-yes, Member First-yes, Chairperson Thompson-yes, Member Segarra-yes. Vote: All in favor. Motion passed.

Chairperson Thompson opened the meeting to the public, stating that they could not discuss the application until the March 16,2016. The public stated that they understood.

## **7. Board Member Comments**

Member First questioned if the Board was discussing the subcommittee formation regarding the RFP's. After a Board discussion Member First made a motion to table the discussion until the March 2, 2016 meeting, seconded by Member Anello. Vote: All in favor.

There being no further business Member Anello made a motion to adjourn the meeting at 8:10pm, seconded by Member Segarra. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Regular Meeting Minutes  
March 16, 2016  
7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:34pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [present]	Anthony Vietri Dec/2017 [present]
John Fuhrmann [absent]	John Segarra(1st Alt) (Dec/2018)[present]
Mike Jones (2nd Alt) Dec 2017 [present]	

Also present were: Board Attorney- Ms. Joan Dowling  
Board Planner- Mr. Uzo Ahirakwe

**4. Minutes**

Member Segarra made a motion to approve the minutes from the March 2, 2016 meeting, seconded by Member Anello. Vote: Member Anello-yes, Member Jackson-yes, Member Vietri-yes, Chairperson Thompson- yes, Member Segarra-yes, Member Jones-yes, Member First-abstain. Motion passed.

**5. New Business**

**Z2015-10  
Quick Chek  
107 Harris Ave/ 440 Union Ave  
Block 173 Lots 1 & 1.02**

**Interpretation**

Mr. Mamora updated the Board on the easement regarding the approved McDonald's property.

Mr. Mamora stated that Quick Chek is located behind the Delta Cleaners.

Quick Chek wants to acquire the Delta lot and offer gas services.

Mr. Mamora stated that this property is located in the GB (general business) zone.

Quick Chek is proposing to have the convenience store with gas sales as was done in the 1950's to have a gas station and general store.

Mr. Mamora stated that there will be no auto repair, never has been part of Quick Chek.

Mr. Mamora stated that the gas would only be open when the store is open.

Mr. Mamora stated that the GB zone permits retail shopping as per Ordinance 420-54 A (1)

A.  
Permitted principal uses. No building, structure or premises shall be used and no building or structure shall be erected or structurally altered, except for the following uses:

(1)  
Retail shopping facilities and service establishments where commodities are sold or services provided primarily for a local market, such as:

and 420-54 A (2)

(2)  
Retail shopping facilities and service establishments servicing a widely distributed clientele over a broad market area such as

and conditionally permitted as per section 420-7

**GASOLINE SERVICE STATION**

An area of land, including structures thereon, that is used primarily for the retail sale and/or direct delivery to motor vehicles of gasoline and lubricating oil and the making of minor repairs, but not auto body work, welding or painting, nor any repair work in the open.

Mr. Mamora stated that the key words are primarily, and/or direct delivery.

Mr. Mamora stated that the primarily use is a convenience store/gas station and that there will be no minor repairs of vehicles (in reference to the definition).

Mr. Mamora stated that case law states that the convenience store and sale of gas are a combined use. He referenced Easy Auto Service vs. Plumstead.

Mr. Mamora stated that he acknowledges a site plan will need to be filed but would be at the Planning Board.

At this time Mr. John Mamora stated his name for the record, as the Attorney representing Quick Chek.

Ms. Dowling duly swore in the Planner, Justin Auciello, Cofone, 125 Half Mile Rd Suite 200, Red Bank, NJ 07701.

Mr. Auciello stated his education and credentials.

The Board accepted Mr. Auciello as an expert witness.

Mr. Auciello stated that there is one use, a retail use and the two retail uses are intertwined.

Mr. Auciello explained why this is not a gasoline service stations and the case law backs this trend across America as one permitted use.

Chairperson Thompson opened the meeting for questions from the Board Members.

Member Jackson questioned since the Quick Chek is open 24 hrs will the gas station be open 24 hours also.

It was confirmed that the gas station will be open 24 hours as the convenience store is open 24 hours.

Ms. Dowling duly swore in the Real Estate Manager for Quick Chek, Bob Vallario, 3 Old Hwy, Whitehouse Station NJ.

Mr. Vallario stated that there would be 2 employees, and 1 employee for gas during the night.

Mr. Vallario was asked who owns the property now, he stated that Delta owns the property and Quick Chek would combine the two lots.

Member Anello needed a clarification of the ordinance.

Member Jackson stated that it was a retail store; they do sell oil but can't put it in the vehicle.

Member Segarra questioned if you would be able to purchase the oil inside.

It was stated that a person could buy oil inside and that nothing would be displayed at the gas pumps.

Member Segarra questioned if there would be an air service and vacuum.

Mr. Vallario stated that there would be air service and vacuum.

Mr. Vallerio stated that NJ is the last stated where you have an attendant to pump gas, 84% of gas is sold through convenience stores, courts recognize as a single use (bundled shopping- banking/deli/coffee/fuel) and is not a service station.

Member Vietri confirmed that Quick Chek would have to file a site plan.

Member Anello questioned how much gas was sold on an average day.

Mr. Vallario stated that a tanker truck holds 9,000 gal and hoping to sell that every day.

Member Jackson asked if there would be diesel gas.

Mr. Vallario stated that there would be diesel gas but due to low flow there would be no big trucks.

Member Vietri asked if the gas sales are below what is projected what would happen.

Mr. Vallario stated that as long as the convenience store is open they will sell gas.

The Board reviewed the Planning Report from Michael Cole and Associates.

Mr. Ahirakwe reviewed the uses on page 3 of the report, ordinances, and the definitions of a gasoline service station.

Mr. Mamora compared the Quick Check site to the Costco on Route 22 selling gas.

Chairperson Thompson opened the meeting for questions to the Board Planner, there being no questions the application continued.

Chairperson Thompson opened the meeting for public comment, there being no public comments the application continued.

Member Anello made a motion to discuss before a decision is made.

The Board reviewed the request to interpret the ordinance if it is a gas service station or retail store.

Member Jones stated that the site used to be a service station.

Member Anello stated that Quick Chek is correct, the word repairs is the key word, and they will not be making any repairs to vehicles.

Member Jackson stated that it is a combined use.

Member Jones agreed that it is a convenience store.

Members Segarra, Vietri, First, Jones and Chairperson Thompson agreed with Member Anello stating that Quick Chek will not be making any repairs.

Member Anello made a motion that the Board agrees that it is not a gas service station they will not be making repairs on site, seconded by Member Vietri. Vote: Member Anello-yes, Member Jackson-yes, Member Vietri-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion approved.

**Z2015-09  
770 Bound Brook Rd LLC  
770 Bound Brook Rd.  
Block 225 Lots 1, 3, 25, 27**

## **Interpretation**

The Board received correspondence asking to adjourn the hearing to April 6, 2016 meeting. The Board agreed to carry to the April 6, 2016 and no further notices to be heard.

### **6. Correspondence**

There was no correspondence at this time.

### **7. Board Member Comments**

#### **A. Review Draft letter regarding RFP**

The Board reviewed the draft letter prepared by Member Anello. The Board discussed the letter. Ms. Dowling will rewrite the letter and incorporate the changes. The Board will review at the next meeting and can take formal action once it is finalized.

There being no further Board comments, Chairperson Thompson opened the meeting to the public. There being no public, he closed the public portion of the meeting.

There being no further business Member First made a motion to adjourn the meeting at 8:55pm, seconded by Member Anello. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Meeting Minutes**  
**March 2, 2016**  
**7:30pm**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:46 pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [present]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [absent]	Anthony Vietri Dec/2015 [absent]
John Fuhrmann Dec/2016 [absent]	John Segarra(1st alt) Dec/2016 [present]

**4. Minutes**

Member Anello made a motion to accept the February 17, 2016 meeting minutes with the addition of the application number on page 2, seconded by Member Segarra. Vote: Member Anello- yes, Member Hoyt-abstain, Member Viteri-yes, Chairperson Thompson-yes, Member Segarra-yes, Member Jones-abstain. Motion passed.

**5. New Business**

Z2015-10  
Quick Check  
107 Harris Ave/440 Union Ave  
Block 173 Lot1 & 1.02

Member Anello stated for the record that his son lives within 200ft of the property and received notice.

Member Jackson stated that his daughter had worked for Quick Check but was no longer an employee.

Ms. Dowling stated that the application was “complete” and ready to proceed. Ms. Dowling stated that the taxes were paid and that notices had be given.

Member Anello made a motion to adjourn the application to the March 16, 2016 meeting, seconded by Member Hoyt. Vote: All in favor. Motion passed.

## **6. Correspondence**

The Chairperson signed the Board contract for the Engineer.

## **7. Board Comments**

Member Anello stated that it would be out of the realm of the Board to revise the RFP’s and that this does need to be brought up to date.

Member Anello will draft a letter to the Governing Body with suggestions for revising the RFP’s.

## **8. Public Comments**

Ms. Louie, 32 Harris Ave questioned if the meeting on March16 ,2016 would be at 7:30pm. Ms. Louie questioned if there are current ordinances to protect the homeowners.

Ms. Louie was informed that the meeting would start at 7:30 pm and that all ordinances are in Middlesex Borough Code Book which can be found online and that when the meeting is held for application Z2015-10 there will be certain times that the public will be allowed to speak and ask questions.

Ms. Dowling stated that without going into specifics there are zoning districts and that each district is zoned for certain uses. Ms. Dowling stated the public will have three opportunities to speak, two for questions and one for comments.

Chairperson Thompson closed the public portion of the meeting.

There being no further business Member Anello made a motion to adjourn the meeting at 8:18 pm, seconded by Member Hoyt. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Agenda Meeting Minutes**  
**April 6, 2016**  
**7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:34pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [absent]	Anthony Vietri Dec/2017 [absent]
John Fuhrmann Dec/2016 [absent]	John Segarra(1st Alt) (Dec/2018)[present]
Mike Jones (2nd Alt) Dec 2017 [present]	

Also present were: Board Attorney- Ms. Joan Dowling

**4. Minutes**

Member Anello made a motion to approve the minutes from the March 16, 2016 meeting, seconded by Member Jones. Vote: All in favor. Motion passed.

**5. New Business**

**Z2015-10**  
**Quick Chek**  
**107 Harris Ave/ 440 Union Ave**  
**Block 173 Lots 1 & 1.02**

**Interpretation**

Member Jackson made a motion to approve the Resolution that the Board states Gasoline Service stations are permitted in the General Business Zone as a conditional use. Compliance with the conditions as related to Gasoline Service Stations is not required; applicant can proceed before the Planning Board for necessary approvals, seconded by Member Anello. Vote: Member Anello-yes, Member Jackson-yes, Chairperson Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

**Z2015-09  
770 Bound Brook Rd. LLC  
770 Bound Brook Rd.  
Block 225 Lot 1, 3 ,25 ,27**

Chairperson Thompson read into the record the letter from Clarkin and Vignuolo withdrawing the application.

## **6. Correspondence**

There was no correspondence at this time.

## **7. Board Member Comments**

### **A. Review letter regarding RFP(Request for Proposals)**

The Board discussed the draft letter. Member Anello made a motion to accept the letter with the amendment, seconded by Member Segarra. Vote: All in favor. Motion passed.

The Board was reminded to fill out the Financial Disclosure Statements.

There being no further business Member Anello made a motion to adjourn the meeting at 8:03pm, seconded by Member Jones. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
June 15, 2016  
7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:45pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [present]	Anthony Vietri Dec/2017 [absent]
John Fuhrmann Dec/2016 [absent]	John Segarra(1st Alt) (Dec/2018)[present]
Mike Jones (2nd Alt) Dec 2017 [present]	

Also present were: Board Attorney- Ms. Kelly Carey  
Board Engineer- Peter Ciliberto of Najarian Associates

**4. Minutes**

Member Anello made a motion to approve the April 6, 2016 meeting minutes, seconded by Member Segarra. Vote: Member Anello-yes, Member Jackson-yes, Member First-abstain, Chairperson Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed

**5. New Business**

**Z2015-02  
Union Plaza LLC  
619 Union Ave  
Block 80 Lot 4**

**Minor site plan**

Don Whitelaw stated that he is representing the applicant.

Mr. Whitelaw stated that the application was bifurcated; the use had been approved last year and that the site plan needed to be approved.

Ms. Carey duly swore in Robert Gazzale of Fisk Associates.

The Board accepted Mr. Gazzale as an expert witness.

The Board reviewed the checklist waivers.

The applicant is seeking a waiver from the checklist item#9(existing and proposed spot elevations and contours)

Member Anello questioned the water runoff.

The applicant is also seeking a waiver from checklist item # 11 locations of existing outcrops, high points, water courses, depressions, ponds, marshes, tree, wooded areas and other significant features

The applicant is also seeking a waiver from checklist item#22 detailed plan of existing and proposed lighting including location, type, shielding ,direction and hours.

Mr. Gazzale explained the foot candle of the lighting.

Member Anello stated that since tenancy has changed, he agreed with the Board professionals and stated that the lighting should be shown on the plans.

The applicant agreed to add lighting to the site plan.

The applicant is also seeking a waiver from checklist#23 detailed plan of existing and proposed signage.

The applicant stated that no signage is proposed.

Mr. Ciliberto stated that the current sign should be shown on the site plan so there is a record that the signage complies with the ordinance.

The applicant will show the signage on the site plan.

The Board continued with the application.

The Board reviewed the Najarian Engineering letter dated June 15, 2016.

The Board discussed technical comment #4 regarding the driveway apron.

The Board agreed to have Mr. Bucco and Mr. Gazzale walk the site regarding the driveway apron and review areas that need to be repaved.

The Board discussed the 49 parking spaces on the site, typically the residential units will use the parking spots at night and weekends, the daycare and businesses will use the parking spots during the day.

The Board referred to Mr. DiNiscia planning report from the last meeting regarding the parking spaces.

Ms. Kelly and Mr. Whitelaw reviewed their notes and confirmed the parking spaces.

Member Anello asked what type of business is in the first floor of the building.

Mr. Alpert owner of the building stated that there is a doctor's office on the first floor.

Ms. Carey duly swore in Mr. Ira Alpert owner of 619 Union Ave.

The Board discussed the lighting on the site and also discussed the adequacy of the dumpster located on the site.

The Board questioned the location of the dumpster and that it takes up parking spaces.

Mr. Bucco and Mr. Gazzale will meet to discuss the dumpster location and the revised plans will show where the dumpster will be relocated to.

The trash dumpster will have the proper screening.

The applicant is not proposing any additional landscaping on the site.

The applicant will provide 2 shade trees in the front of the building that faces Rt. 28.

Mr. Ciliberto stated:

- the pavement on the site will need to be reconstructed in various areas
- the curb will need to be replaced
- the handicapped parking spaces will meet ADA standards,
- the drywell will need to be fixed to ensure proper drainage
- the entire site will need to be seal coated and restriped.

Chairperson Thompson opened the meeting to the public, there being no public comments the Board continued with the application.

The Board reviewed the Planners' report.

Member Anello made a motion to approve the site plan with the following conditions; lighting to be added to the plan, Engineering approving the signage and being added to the site plan and if not compliant the applicant will return to the Board, the Entrance and driveway will be reviewed by Engineering, drywells will be addressed by Engineering, the existing dumpster will be removed and relocated to a spot approved by Engineering, 2 new shade trees will be added, the pavement project is subject to Engineering comments, seconded by Member First. Vote: Member Anello-yes, Member Jackson-yes, Member First-yes, Chairperson Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

## **6. Correspondence**

There was no correspondence at this time.

## **7. Board Member Comments**

Member First inquired as to the status of the request made to the Governing Body regarding RFP's.

The Board directed the Board Clerk to place this subject on the next Zoning Board Agenda.

Chairperson Thompson opened the meeting to the public, there being no public he closed the public portion of the meeting.

There being no further business Member First made a motion to adjourn the meeting at 8:35pm, seconded by Member Segarra. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Agenda Meeting Minutes**  
**July 6, 2016**  
**7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:43pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [absent]	Anthony Vietri Dec/2017 [present]
John Fuhrmann Dec/2016 [absent]	John Segarra(1st Alt) (Dec/2018)[absent]
Mike Jones (2nd Alt) Dec 2017 [absent]	

Also present were: Board Attorney- Ms. Joan Dowling  
Board Engineer- Peter Ciliberto of Najarian Associates

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
August 17, 2016  
7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:40pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [absent]	Anthony Vietri Dec/2017 [absent]
John Fuhrmann Dec/2016 [absent]	John Segarra (1st Alt) (Dec/2018) [present]
Mike Jones (2nd Alt) Dec 2017 [present]	

Also present were: Board Attorney- Ms. Joan Dowling  
Board Planner-Uzo Ahirakwe

**4. Minutes**

Member Anello made a motion to approve the July 6, 2016 meeting minutes, seconded by Member Segarra. Vote: All in favor. Motion passed.

**5. New Business**

**Z2016-01  
TCAT Properties  
294 Lincoln Blvd  
Block 340 Lots 40, 37.01, 29.01**

**Interpretation**

Chairperson Thompson stated that only five members of the Board are present; the applicant is entitled to a full Board and asked if the applicant wanted to proceed.

Mr. Robert Gaccione stated that he representing the applicant TCAT Properties and would like to proceed with the application with the five Board Members in attendance.

Mr. Gaccione stated that the application was an interpretation regarding using the building on the property as a catering venue.

Mr. Gaccione stated the following Borough definitions:

RESTAURANT

An establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food to its customers.

A.

LIMITED SERVICE RESTAURANT

A business or establishment characterized by the following: the placing of orders at a counter, a lack of waiter or waitress table service and the serving of prepared food in or on disposable wrapping or containers in a form ready for consumption.

B.

FULL-SERVICE RESTAURANT

A restaurant with waiter or waitress table service, primarily serving food cooked to order, which is paid for after consumption. A full-service restaurant may also have a limited take-out service accessory to and incidental to its main operation as a full-service restaurant.

Mr. Gaccione stated that the catering hall was not a limited service restaurant and is seeking to be considered a full service restaurant as the use is permitted in the zone the building is located.

Ms. Dowling stated that if the Board deemed the catering hall as a restaurant then it would be a permitted use and needs to be heard in front of the Planning Board.

Ms. Dowling stated that if the Board deemed the catering hall- not as a restaurant then it would need a use variance and need to be heard in front of the Zoning Board of Adjustment.

Ms. Dowling stated that the Board could agree or not agree with Mr. Gaccione.

Member Anello stated that a catering hall is not a full service restaurant.

Ms. Dowling stated that the catering hall could not fit in either definition; the applicant would need to file for a use variance.

Chairperson Thompson clarified that this would be the venue that the food would be brought to.

Mr. Ahirakwe stated that this use doesn't fall into either category.

Mr. Gazzione stated that the use didn't fit into either category.

Members Jones, Segarra, Jackson and Anello stated that it doesn't fit into either category.

Member Anello made a motion that the Zoning Board is not in agreement with the Applicant considering a catering hall as a Full Service Restaurant. There is a direct conflict with the definition as shown in our ordinance; and the applicant needs to apply for a use variance, seconded by Member Jones. Vote: Member Anello-yes, Member Jackson-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

Chairperson Thompson opened the meeting to the public.

James Peterson, 301 Lincoln Blvd, He received the notice regarding the application that was heard tonight. He stated that he was looking for a better description of the use.

Ms. Dowling stated that the purpose of the meeting tonight was to declare a permitted use or not permitted use with the limited information that was provided by the applicant.

The Board stated it was not a permitted use so the applicant will have to apply for a variance seeking permission and there will be more specifics on the future application.

Board Members explained the process and when the application is ready to be heard the public will need to be re-noticed.

There being no more public comments, Chairperson Thompson closed the public portion of the meeting.

## **6. Board Member Comments**

### **A. Discussion of RFP's**

This discussion was tabled to a future meeting.

There being no further business Member Anello made a motion to adjourn the meeting at 8:07pm, seconded by Member Segarra. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
September 7, 2016  
7:30 PM**

**1. Call to Order**

Vice Chairperson Anello called the meeting to order at 7:40pm.

**2. Open Public Meeting Act Statement**

Vice Chairperson Anello read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [absent]	Anthony Thompson Dec/2018 [absent]
Jeff First Dec/2018 [absent]	Anthony Vietri Dec/2017 [present]
John Fuhrmann Dec/2016 [absent]	John Segarra (1st Alt) (Dec/2018) [present]
Mike Jones (2nd Alt) Dec 2017 [present]	

Also present were: Board Attorney- Ms. Joan Dowling

**4. Minutes**

Member Segarra made a motion to approve the August 17, 2016 meeting minutes, seconded by Member Vietri. Vote: All in favor. Motion passed.

**5. Old Business**

**Z2016-01**

**Resolution**

**TCAT Properties**

**294 Lincoln Blvd**

**Block 340 Lots 40, 37.01, 29.01**

Member Segarra made a motion to approve the Resolution, seconded by Member Jones. Vote: Member Anello-yes, Member Vietri-abstain, Member Segarra-yes, Member Jones-yes. Motion passed.

**6. Correspondence**

**A. McDonald's Letter**

Ms. Marina Solo of K & L Gates (McDonald's Attorney) stated that the application had been previously approved in 2014.

Ms. Solo explained the Board issued the approval with conditions.

Ms. Solo stated that one of the conditions was to tie into a storm water drain and this condition is not going to be able to be met.

Ms. Solo stated that the McDonald's would have to put in a new pipe and not tie into the existing pipe.

Ms. Solo stated that McDonald's would like to have this considered a field change and also extend the approval to December 2017.

Ms. Dowling duly swore in Lauren Monaghan of Bohler Engineering, 35 Technology Dr., Warren NJ.

Ms. Monaghan stated her education and credentials.

Ms. Monaghan explained the nature of the changes with the new pipe and paving restoration.

Members Jones, Vietri, Segarra, Anello stated that this was a field modification and also approved the time extension requested to December 2018.

Member Segarra made a motion to consider the changes as field adjustment after hearing the representation of Council, grant the extension to December 2018, allowing the Board Engineer to approve the change and this would negate 1D on Resolution Z2014-01 dated December 17, 2014, seconded by Member Vietri. Vote: Member Anello-yes, Member Vietri-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

## **9. Board Member Comments**

### **A. Discussion of RFP's**

The Board tabled this matter.

Vice Chairperson Anello opened the meeting to the public, there being no public present he closed the public portion of the meeting.

There being no further business Member Segarra made a motion to adjourn the meeting at 8:06pm, seconded by Member Jones. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
October 5, 2016  
7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:30pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [absent ]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [present]	Anthony Vietri Dec/2017 [present]
John Fuhrmann Dec/2016 [absent]	John Segarra (1st Alt) (Dec/2018) [present]
Mike Jones (2nd Alt) Dec 2017 [present]	

**4. Minutes**

Member Jones made a motion to approve the September 7, 2016 meeting minutes, seconded by Member Vietri. Vote: Member Jackson- abstain, Member Vietri-yes, Member First-abstain, Chairperson Thompson-abstain, Member Segarra-yes, Member Jones-yes. Motion passed.

**5. Old Business**

**Z2014-01  
McDonald's  
125 Bound Brook Rd  
Block 6 Lot 2 and 2.01**

**Memorialize Resolution**

Member Segarra made a motion to approve the Resolution, seconded by Member Jones. Vote: Member Jackson-abstain, Member Vietri-yes, Member First-abstain, Chairperson Thompson-abstain, Member Segarra-yes, Member Jones-yes. Motion passed.

**6. Correspondence**

None

## **7. Board Member Comments**

Member First inquired if the Council had responded to the Board request to review the RFP process. Chairperson Thompson stated that Governing Body did receive the request and will inform the Board of any decisions when made.

Chairperson Thompson opened the meeting to the public, there being no public present he closed the public portion of the meeting.

There being no further business Member First made a motion to adjourn the meeting at 7:40pm, seconded by Member Segarra. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Agenda Meeting Minutes**  
**October 19, 2016**  
**7:38 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:38 pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [absent ]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [absent]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [absent]	Anthony Vietri Dec/2017 [absent]
John Fuhrmann Dec/2016 [absent]	John Segarra (1st Alt) (Dec/2018) [absent]
Mike Jones (2nd Alt) Dec 2017 [absent]	

Chairperson Thompson announced that the meeting has been cancelled due to lack of quorum and that all business currently scheduled to be heard by the Zoning Board of Adjustment on Wednesday October 19, 2016 will not be heard. The applicant will notice for the November 2, 2016 meeting.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
November 2, 2016  
7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:34 pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [absent ]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [present]	Anthony Vietri Dec/2017 [present]
John Fuhrmann Dec/2016 [absent]	John Segarra (1st Alt) (Dec/2018) [absent]
Mike Jones (2nd Alt) Dec 2017 [absent]	

**4. Minutes**

Member First made a motion to approved the Oct 5, 2016 and Oct.19, 2016 meeting minutes, seconded by Member Vietri. All in favor.

**5. New Business**

**Z2016-01**

**TCAT Properties**

**294 Lincoln Blvd.**

**Block 340 Lots 40, 37.01, 29.01**

**Use variance and site plan**

The applicant asked the Board to adjourn the matter to the December 7, 2016 meeting as they are entitled to a full board. The Board preserved the notice stating that the applicant will appear on December 7, 2016.

**Z2016-03**

**Olechnowicz**

**131 Walnut St**

**Block 123 Lot 5**

**Minor subdivision**

The Board announced that the applicant had a deficiency with their notice. The Applicant will re-notice for a future date to be determined.

## **6. Correspondence**

There was no correspondence at this time.

## **7. Board Member Comments**

The Board discussed the procedures that the applicant has to do before it get assigned a meeting date. The procedures that they follow once the meeting date has been given.

There being no further business Member First made a motion to adjourn the meeting at 7:50pm, seconded by Member Jackson. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
December 7, 2016  
7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:40 pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [absent ]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [present]	Anthony Vietri Dec/2017 [absent]
John Segarra (1st Alt) (Dec/2018) [present]	
Mike Jones (2nd Alt) Dec 2017 [present]	

Also present were Board Attorney: Ms. Joan Dowling  
Board Engineer: Mr. Bob Bucco  
Board Planner: Mr. Uzo Ahairakwe

**4. Minutes**

Member First made a motion to approve the November 2,2016 meeting minutes, seconded by Member Jackson. All in favor.

**5. New Business**

<b>Z2016-01 TCAT Properties 294 Lincoln Blvd. Block 340 Lots 40, 37.01, 29.01</b>	<b>Use variance and site plan</b>
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Mr. Michael Piromalli stated he is the Attorney for applicant.

Mr. Piromalli stated that the application is for a banquet hall use and will be a D1 variance and C bulk variance with design waivers for parking spaces.

Mr. Piromalli stated that in the prior Resolution for the site the security lighting stays on until 11pm, there is a proposed change for Friday and Saturday nights to have the security lighting stay on until 1:30am.

Mr. Piromalli stated that the applicant owns 288 Lincoln Blvd and 294 Lincoln Blvd and they are interconnect with a parking easement.

Mr. Piromalli stated that there are currently 98 parking spaces and the parking would be increased to 105 parking spaces.

Mr. Piromalli stated that the peak parking for the banquet hall will be off site hours for the entire site.

Ms. Dowling duly swore in William Dubiel, 11 Pine St. Montclair NJ as a lay witness as he is the manager of the banquet hall.

Mr. Dubiel gave an overview of the business; the hall would be rented privately for Sweet 16 parties, graduation parties, family parties.

Mr. Dubiel stated that the banquet hall would hold 90 people or less and would be similar to Chill, 310 Bloomfield Ave, Montclair NJ.

Mr. Dubiel was asked if food would be prepared at the site.

Mr. Dubiel stated that no food is prepared at the site, the customers choose a caterer.

Mr. Dubiel explained the kitchen equipment that would be at the site;

- Sink and hand sink
- Refrigerator
- Freezer
- Hot Box
- Prep table

There would be no gas stoves on the premises.

Mr. Dubiel explained that the food would be brought to the site by caterers and the food served by the catering firm.

Mr. Dubiel explained there would be a site manager, independent contractors and security if there was a teen event.

Mr. Dubiel explained that for a Sweet 16 party there are 2 security personnel; one male the other female to screen kids as they enter the party.

Mr. Dubiel explained that during a Sweet 16 party no alcohol is on the premises.

Mr. Dubiel explained that they do not have a liquor license and it is BYOB for beer and wine.

Mr. Dubiel explained that alcohol must be served by a Bartender usually done through the catering.

Mr. Dubiel explained that parties are booked in 4 hour increments and the options are: 6pm to 10pm, 7pm to 11pm, 8pm to midnight, 9pm to 1am.

Mr. Dubiel explained that Monday to Thursday are normal hours.

Mr. Dubiel explained that for a project graduation party the guest are bussed in and not allowed to drive themselves so everyone shows up and leaves at the same time.

Mr. Dubiel explained that the caterers are required to take garbage with them.

Member First questioned if the hall was furnished with tables and chairs.

Mr. Dubiel explained that the table and chairs are rented for an event.

Member Segarra questioned if there was a dumpster on the property.

Mr. Dubiel stated that there is a dumpster on the property.

The Board questioned security at the site after a party ends.

Mr. Dubiel stated that security stays 30 minutes after the last guest leaves and guests remain inside to be picked up.

Chairperson Thompson asked if Mr. Dubiel has ever said no to a party.

Mr. Dubiel stated that he has said no to male review and female reviews.

Member First asked how is security differentiated from the normal guest.

Mr. Dubiel stated that security is in uniform and explained how his staff deals with unruly kids.

Member Jackson asked if there were security cameras at the site.

Mr. Dubiel stated that there are internal cameras and night vision cameras by the outside doors.

Mr. Dubiel stated that this is similar to a VFW.

The Board discussed the area that this property is located and its proximity to residential areas

Chairperson Thompson opened the meeting to the public for questions, there being no public present the Board proceeded with the application.

Ms. Dowling duly swore in Todd Maino, 42 Colts Glen Lane, Basking Ridge.

Mr. Maino stated that he is the property owner of 288 and 294 Lincoln Blvd.

Mr. Maino stated that he received a variance in 2008 for 288 Lincoln Blvd for a retail building that currently holds Doggie Bow Wow, Pet Supply Co, Eye Level Tutoring, Zeulus Nation and Sal's Deli.

Mr. Maino stated that he received approvals from the Planning Board for 294 Lincoln Blvd for a Dollar General store and the vacant building.

Mr. Maino explained the common parking easement and has had no complaints from his tenants regarding parking.

Mr. Maino explained that the catering hall would be a good fit for the area and would be busy on the off peak hours of the other tenants.

Mr. Maino stated that there are no issues with circulation on these properties.

Mr. Maino stated that the property has a dedicated dumpster and it gets picked up 3x times a week and the catering hall will use the dumpster on 288 Lincoln Blvd because it is closer.

The Board and Mr. Maino discussed restrictions/conditions of approval and lease agreement.

Chairperson Thompson questioned the current state of the building.

Mr. Maino stated that work had begun on the building and has been insulated on the outside. He explained he is waiting for approvals to continue otherwise he has a backup plan for the building.

Chairperson Thompson opened the meeting to the public for questions, there being no questions the Board preceded with the application.

Ms. Dowling duly swore in Robert Gazzale of Fisk Associates, 631 Union Ave, Middlesex NJ 08846.

Mr. Gazzale was accepted as an expert witness as he has testified on numerous occasions in front of the Zoning Board.

Mr. Gazzale reviewed the site plan; the square footage, the two way driveway and showed the proposed head on parking will allow for 7 parking spaces, showed the trash

enclosure, reviewed the monument sign, reviewed the peak times for parking on Fridays and Saturdays for the building on 288 Lincoln Blvd, reviewed the parking distance between parking spaces.

The Board reviewed the Najarian Associates Engineering letter dated October 6, 2016.

Mr. Bucco had no objections to the design waivers for parking, the bulk variances were referred to the Board Planner.

Mr. Bucco had no objections to granting the waiver for Ordinance 248-17 B(1) (b) the parking spaces.

The zoning schedule had been provided on the last revised plans as requested.

Mr. Bucco had no objections to granting the waivers for Ordinance 248-15 G & H (check list items 9 and 11- spot elevations, contours etc).

Mr. Bucco had no objections to granting the waivers for Ordinance 248-15 F (checklist items 10 & 21- drainage)

Mr. Bucco had no objections to granting the waivers for Ordinance 248-15 E & K (checklist items 15 & 16- dimensions and details)

The applicant will comply with Ordinance 248-15 N.(checklist items 19 & 20) so no waiver will be necessary.

The applicant will comply with checklist item #23 Details of signs- no waiver is necessary.

The Board Planner had no objections to the waivers being granted.

The applicant addressed technical site comment 1.

The applicant addressed technical site comment 2; a waiver is required.

The applicant addressed technical site comments 3 & 4 through testimony.

The applicant addressed off-site and off-tract improvement comment #1, the information will be transferred to the site plan.

Comment #2 addressed the condition of the site as neat and clean.

The applicant addressed the site requirements/layout comments in the revised plan.

The applicant will comply with grading/drainage comments and show on revised plans.

The brick paver patio will not affect the grading drainage plan.

The traffic comment was addressed through testimony by the applicant.

The environmental comment was addressed through applicant testimony.

The landscaping/lighting comment was addressed, the applicant will move the Dogwood tree to the left and the detail will be added to the plan.

The landscaping is maintained by the owner of the property and there are outside hose bibs on the building to water landscaping.

The Board reviewed the County Fire Marshall letter stating that no additional hydrants are required.

The Board instructed the Board Clerk to give the site plan to the Traffic Safety Officer for a review letter to be issued.

Chairperson Thompson opened the meeting to the public for questions.

There being no public, the Board continued with the application.

Ms. Dowling duly swore in Elizabeth Dolan, 792 Chimney Rock Rd., Martinsville NJ.

Ms. Dolan stated her education and her credentials.

The Board accepted Ms. Dolan as an expert Traffic Engineer.

Ms. Dolan explained the volume of DOT standards for a "shopping center."

Ms. Dolan explained that there would be about 30-35 cars at the beginning of an event and at the end of an event.

Chairperson Thompson asked about the overlap of an event with the current tenants.

Ms. Dolan explained what hours the traffic study was conducted.

Ms. Dolan explained how busses would navigate the site.

Chairperson Thompson asked where the front entrance was for the building.

Ms. Dolan referenced architectural plans with the building being named Spot 294.

Mr. Uzo Ahairakwe referenced the Planner's Report regarding parking circulation and putting the urban methodology on the record.

Exhibit A1 12/17/16 was entered as an architectural of the building.

Mr. Maino explained that the main entrance of the building is looking at the Dollar General parking lot.

Mr. Maino explained that the building would be glass tempered.

Ms. Dowling duly swore in Michael Tobia, 546 Van Beren Rd, Morristown NJ.

Mr. Tobia stated his education and credentials as a Planner.

The Board accepted Mr. Tobia as an Planning Consultant.

Mr. Tobia entered:

Exhibit A2 12/17/16 as a photograph board of the site from the East side.

Exhibit A3 12/17/16 as a photograph board of the site front east corner.

Exhibit A4 12/17/16 as a photograph board of the back of the building showing the 2 angled parking spaces.

Mr. Tobia used Exhibit A4 to explain how there are 2 angled parking spaces currently and with head on parking spaces there will be 3 parking spaces, gaining a parking space.

Mr. Tobia stated the area land uses and that the property is in the CLW zone.

Mr. Tobia stated the types of uses in the CLW zone such as retail shopping, service and restaurants and recreation facilities.

Mr. Tobia stated that the use is not specifically permitted but similar uses are.

Mr. Tobia stated the special reasons for a variance and the synergy and the suitability with the banquet hall and Sal's Deli.

Mr. Tobia stated how the Master Plan had stated that this property was in need of redevelopment, and Mr. Maino has turned this property from weeds into a viable property.

Mr. Tobia reviewed the parking variance, that 78 parking spaces are required and 57 parking spaces are proposed.

Mr. Tobia explained the cross parking agreement and that overall there are 105 parking spaces proposed and with restriping the lot 8 new parking spaces will be created.

Mr. Tobia explained that the banquet hall is a better zoning alternative than removing the building and adding more parking.

Mr. Tobia stated that the businesses are a complementary fit for the property.

Mr. Tobia stated the sign is conforming to the and height and sign area and the variance is for number of signs on the property.

Mr. Tobia explained the size and location of the monument sign.

The Board confirmed that the sign detail was added to the plans dated October 3,2016.

The Board reviewed the proposed parking stall size of 9 x 18 and is an accepted standard.

The Board reviewed the Planners' report

The Board discussed the signage, the applicant will add a note to the plan about internally illumination of the sign and when the business is closed the light will be turned off an 1/2 hour after closing.

Member Jackson inquired about the landscaping around the monument sign and sight line.

The applicant will limit the landscaping to low lying plants or shrubs.

The applicant will be using single line parking spaces not hairpin.

The Board continued with the Planner's Report and a note will be added to the plan regarding landscaping and was already in the Resolution from the Dollar General application.

The applicant requested leaving the lighting on extended hours for the entire site for Friday and Saturday.

The applicant will add a detail to the plan for the signage.

The applicant will also need Middlesex County approval.

Mr. Tobia summarized the negative and positive criteria of the application.  
The Board would like to seek input from the Police Department.

The Board will discuss the application at the next Zoning Board meeting on December 21, 2016.

The Board reviewed potential conditions of the application.

- Maximum occupancy of 99 (90guests and 9 employees)
- Security cameras in and out
- Private Security (less than 50 would be 1 security officer)  
(more than 50 would be 2 security officers)
- Security lighting to remain on 30 minutes after party ends or last guest leaves.
- Hours of operation Sunday to Thursday 7am to 10pm
- Hours of operation Friday and Saturday 7am to 1am
- Plantings will be no more than 1ft in height

The applicant will submit revised plans and the application has been adjourned to the December 21, 2016 meeting.

## 6. Correspondence

There was no correspondence at this time.

## 7. Board Members Comments

Chairperson Thompson stated that Mr. Fuhrmann resigned from the Board.

Chairperson Thompson stated that the Governing Body did not act on the boards recommendation to review the RFPs.

Member Jones, Member First and Member Segarra volunteered to be the Subcommittee to review the RFP's.

There being no further business Member Jones made a motion to adjourn the meeting at 11:00pm, seconded by Member First. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
December 28, 2016  
7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:35 pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [present]	Anthony Vietri Dec/2017 [absent]
John Segarra (1st Alt) (Dec/2018) [present]	
Mike Jones (2nd Alt) Dec 2017 [present]	

Also present were Board Attorney: Ms. Joan Dowling  
Board Engineer: Mr. Bob Bucco  
Board Planner: Mr. Uzo Ahairakwe

**4. Minutes**

Member First made a motion to approve the December 7, 2016 meeting minutes, seconded by Member Segarra. All in favor.

**5. Old Business**

**Z2016-01** **Use variance and site plan**  
**TCAT Properties**  
**294 Lincoln Blvd.**  
**Block 340 Lots 40, 37.01, 29.01**

Member Anello stated that he listened to the recording of the December 7, 2016 meeting and has filled out the appropriate paperwork.

Mr. Piromalli stated that he is representing the applicant TCAT properties.

Mr. Piromalli stated the Borough Ordinance for signage 420-61 D(2) (b)(3)

[3]

The permitted sign area of a freestanding sign shall be equal to 0.25 square foot for every foot of roadway frontage but shall not exceed 100 square feet.

Mr. Piromalli stated that the application will require a bulk variance and that they had advertised for any other variances the Board deems necessary.

Mr. Piromalli stated that the Dollar General doesn't want to share their signage space.

The Board stated that they received correspondence from the Police Department and there are no concerns with the traffic at the site.

Mr. Piromalli stated that each lot could have a 100 sq. ft. monument sign and that the applicant is seeking to change the condition regarding the lighting on the site.

Ms. Dowling gave a history of the previous applications and which boards heard these applications as some Board Members are new to the Board.

Mr. Maino, owner of 294 Lincoln Blvd informed the Board that these are 3 separate tax lots which led to a Board and applicant discussion regarding separate lots and deeds and signage requirements.

The Board asked the applicant for a survey of the property.

Member Anello made a motion to take a 5 minute recess, seconded by Member First. Vote: All in favor.

The Board took a 5 minute recess, upon returning at 8:30pm roll call was taken with all members in attendance were still present.

The Board continued the discussion regarding tax lots.

Exhibit A1 12/28/16 was entered as Sheet 1 of Site Plan dated Jan 24, 2014 revised through October 14, 2014.

Exhibit A2 12/28/16 was entered as Proposed Conditions

Ms. Dowling stated that this was a use variance and that the Board Members heard, at the last meeting the testimony from the planner that supports the granting of the variance and the Board needs to discuss and state the reasons that they support or deny granting the variance.

Member Anello asked about the hours of operations of the banquet hall.

Member Jones had a site plan question regarding parking.

The Board started the discussion of the use variance part of the application.

Member First stated that this use would be beneficial for the town.

Member Jones agreed that this would be beneficial for the town.

Member Anello disagreed and stated that the applicant did not meet the requirements to grant a use variance and questioned what happens when the original tenant moves out. He had concerns about Rave dance parties and the bussing to the site and where would the teens be coming from. Member Anello stated that the applicant compared the site to an ELKs and he disagreed with this. He stated that this did not meet the criteria for Lincoln Blvd Redevelopment and there is going to be future development to the west of this property.

Member Jackson was in favor of the application stating that the town needs places like this.

Ms. Dowling asked the Board to be more specific and state the special reasons why it should be allowed.

Member First stated that they should not bus to the site.

Member Jackson stated that church groups and veterans groups need places like this to have a place for a get together.

Member Jackson stated that this would help the community and the deli next door would benefit from this use.

Member Anello stated that he felt the applicant did not meet the requirements and this is for parties targeted at teens.

The Board asked Mr. Ahairakwe, the Planner his professional opinion.

Mr. Ahairakwe stated that he based on their planner's testimony and the reasons that their Planner stated that they met the requirements and met the intent of the master plan.

Ms. Dowling stated that the applicant has to prove the special reasons why it should allow the use variance based on NJ Statute 40:55 D-2 A through O.

Member Jackson stated that there are no negatives to it and conditions can be written into the lease.

Chairperson Thompson stated that he had concerns about the hours of operation and noise for nearby residents.

Chairperson Thompson also stated the benefits from the banquet hall that businesses could rent it, job opportunities, the parking works out and the benefits outweigh the negatives.

Member Anello stated that it would be used for teenagers to have parties.

Chairperson Thompsons stated that the conditions would be added into the lease agreement.

The Board questioned the conditions from ownership to new ownership and from tenant to tenant.

Member Anello made a motion to deny the use variance as it is detrimental to Middlesex, there being no second to the motion, the Board proceeded with the application.

Member First made a motion to take a 5 minute recess, seconded by Member Jones. Vote: All in favor.

The Board took a 5 minute recess, upon returning at 9:50pm roll call was taken with all members in attendance were still present.

The Board started to review Exhibit A2 12/28/16 the Proposed Conditions:

1. The applicant requested Maximum Occupancy of 99 persons which would include a maximum of 90 guests and 9 employees.

The Board discussed this condition and had concerns with allowing occupancy without the Fire Marshall review of the revised plans.

Mr. Piromalli stated that Mr. Anello was deliberately holding up the meeting and wanted it noted for the record.

The condition was approved subject to the Fire Marshall's approval, if not approved by the Fire Marshall the applicant will need to return to the Board.

2. Digital security cameras to be installed both inside and outside of the building.

This condition was discussed and the Board added to have 24hr minimum record and 360 degrees of the interior and exterior.

3. Private security personnel to be provided for all teen events in proportion of 1 private security guard for all teen events have 50 guests or less and 2 private security guards for all teen events having more than 50 guests.

This condition was discussed and the Board modified the condition to have target audience between the ages of 13-21 to have 1 male and 1 female security guards.

4. Either private security guard or manager to remain at the site for at least 30 minutes after the end of any event or until the last guest leaves the premises whichever is later.

This condition was discussed and the Board removed "or until the last guest leaves the premises whichever is later"

5. Hours of operation to be limited to 7am to 10pm from Sunday through Thursday and 7am to 1am on Fridays and Saturdays.

This condition as discussed and the hours of operation will be:

Sunday 7am to 10pm

Monday 9am to 10pm

Tuesday 9am to 10pm

Wednesday 9am to 10pm

Thursday 9am to 10pm

Friday 9am to Midnight

Saturday 9am to Midnight

6. Sight Lighting to be dimmed to security lighting at 11pm on Sunday through Thursday and at 1:30pm on Fridays and Saturdays.

This condition was discussed and only change was to Friday and Saturdays the security lighting will turn off at 12:30am.

7. Monument sign to be turned off 30 minutes after closing or 1:30am Sunday through Thursday and 1:30 on Fridays and Saturdays

This condition was discussed and the monument sign will be turned off 30 minutes after closing each night.

8. Plant material surrounding the monument sign to be limited to 1ft in height.

This condition was discussed with no changes.

Mr. Bucco stated that these conditions should be added into the lease agreement.

9. Conditions 1-8 will be added into the lease agreement.
10. BYOB will be Beer and Wine only to be an added condition.
11. Private Events only will be an added condition
12. No Food Stored at the site will be an added condition
13. No ovens or stoves constructed. Only a hot box will be an added condition
14. Caterer serves alcohol will be an added condition.

The Board reviewed Najarian Associates review letter dated December 28, 2016.

Mr. Bucco stated that he had no objections to granting the waivers requested.

Mr. Bucco stated that the applicant needs to apply to Middlesex County Planning Board for approvals.

Mr. Bucco stated that a note was added to the plan regarding landscaping.

Member Segarra made a motion to approve the waivers, seconded by Member Jones. Vote: Member Anello-no, Member Jackson-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

Member Segarra made a motion to approve the site plan and use variance with the conditions, seconded by Member Jackson. Vote: Member Anello-no, Member Jackson-yes, Member First-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

## **6. Correspondence**

There was no correspondence at this time.

## **7. Board Member Comments**

Chairperson Thompson asked about the status of review of the RFP's. The Subcommittee has reviewed the RFP's and will make their recommendations at the reorganization meeting.

## **2016 Zoning Year End Report**

The Board discussed the Report and amended the Report to approving the TCAT application with conditions.

Member Segarra made a motion to approve the 2016 Year End Report as amended, seconded by Member First. Vote: Member Anello-yes, Member Jackson-yes, Member First-yes, Chairperson Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

Chairperson Thompson opened the meeting to the public, there being no public he closed the public portion of the meeting.

There being no further business Member Jones made a motion to adjourn the meeting at 11:14pm, seconded by Member Anello. Vote: All in favor. Motion passed.

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Board Secretary

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Karen Wick, Board Clerk