

**BOROUGH OF SPOTSWOOD**  
**77 Summerhill Road**  
**Spotswood, New Jersey**

**Planning Board**  
**September 4, 2018**  
**7:30 PM**

The regular meeting of the Planning Board of the Borough of Spotswood was called to order by Curt Stollen at the Spotswood Municipal Building, 77 Summerhill Road, Spotswood, NJ.

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in the new schedule of meetings of the Spotswood Planning Board on December 20, 2017. The new schedule was transmitted to The Home News Tribune and the East Brunswick Sentinel; it was filed with the Clerk of the Borough of Spotswood and posted in the Spotswood Municipal Building, 77 Summerhill Road, Spotswood, NJ.

**The following Planning Board Members and Professionals were present at the meeting:**

Mayor Edward Seely, Business Administrator Dawn McDonald, Councilman Curtis Stollen, James Farley, Mark Koppel, Charles Catania, James Kinneally, Esq., Bruce M. Koch, P.P., P.E, C.M.E. Larry Kraemer (shows up @ 7:55pm)

**The following Planning Board Members and Professionals were absent from the meeting:**

Vincent Davis, Charles McCook, Daniel Auciello, Larry Kraemer (missed first application), Andy Mashanski

**Note:** There are three alternate positions ( #2, #3 & #4) vacant on the Board roster.

**APPLICATIONS**

**Scott Psulty**  
**397 Main Street**  
**Block 108, Lot 5**

Mr. William Doran appears on behalf of Scott Psulty is sworn in by Mr. Kinneally and will give testimony. Mr. Doran is a licensed architect with valid credentials in the state of New Jersey. Mr. Doran is requesting a height variance for the expansion of a 2 car detached garage for personal use. Mr. Doran states that is an expansion of an existing garage (580 sq ft) will be made to 780 sq ft along with a ridge height. This is for personal use only not for business. Mr. Koppel asks what side of Main Street is it on it is stated that it is on the left side. Property size is irregular size but goes deep. Eighty feet separates him and the neighbor. Multiple repairs will be in place, no necessity for sprinkler systems (800 sq ft). A motion is made by Mr. Stollen to open to the public and seconded by Mr. Koppel all in attendance approve motion. No one in attendance is there so Mr. Koppel makes a motion to close and is seconded by Mayor Seely all are in favor to close. A motion is then made by Mr. Koppel to approve said application and

seconded by Ms. McDonald and a roll call is made. Application is approved and Mr. Kinneally states to Mr. Doran that it will be memorialized at our next meeting and he will receive documentation in the mail.

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. McCook			X			
Mr. Kraemer						X
Mayor Seely			X			
Ms. McDonald	X		X			
Mr. Stollen		X	X			
Mr. Davis						
Mr. Farley			X			
Mr. Koppel						X
Mr. Catania						
Mr. Auciello						X

Recording is put on hold for 25 minutes and meeting is started again 7:57pm

**APPLICATIONS**

**BVM/BUMBACA  
47 & 53 SNOWHILL STREET  
BLOCK 17, LOT 62**

This application is a use variance and Mr. Stollen and Mayor Seely needs to step down and recuse themselves since they are part of the governing body. Mr. Kraemer shows up @ 7:55 pm and apologizes for his tardiness and states he lost track of time. Mr. Kraemer takes over running the meeting. Mr. Kinneally states why it was necessary to wait for another Board Member to show and why Mr. Stollen and Mayor Seely need to recuse themselves.

David Himmelman steps forward to represent the owner of BVM construction. He states, “ Proof of affidavit and service for property owners within 200ft was provided”. He states that applicant is ready to proceed with application and present its case but needs 5 affirmative votes from board members and will determine if they wish to proceed to a vote. Mr. Himmelman states that this is a request for an approval on a preliminary and final site plan along with a D use variance and a C bulk variance relief. Mr. Himmelman goes over lot size, MSRT zone and what it will be used for (construction vehicles, office personnel vehicles and storage and office space) along with improvements that will be made to this property. Mr. Himmelman also explains that in addition to the a D variance applicant seeks a C variance also for pre-existing non-conformity for the front yard set-back, the requirement is 7.5ft as opposed to 10ft which is now a borough ordinance. Mr. Himmelman explains that there are a variety of design waivers from the applicant’s engineer and she will describe and explain what she thinks will work appropriately and why they should be granted. Mr. Himmelman states Mr. Bumbaca is also looking for a D use variance since the proposed use of the property is not permitted in the MSRT zone as set

forth in ordinance section 120-413D as the board is aware as part of the D1 variance relief sort applicant must provide positive and negative criteria. Applicants planner will testify that there are certain circumstances as to why this application should be granted.

Mr. Bumbaca will be sworn in by Mr. Kinneally. Mr. Himmelman asks Mr. Bumbaca a series of questions in regards to business and what property will be used for. Mr. Bumbaca states that he is the principal owner of BVM construction LLC. Mr. Bumbaca gives a brief overview of what he wants to do with the property stating that property will be used as an office, some storage inside and outside, parking overnight of construction vehicles. Mr. Bumbaca states that he has a roll off business (construction company) and that he purchased the property 3 years ago he has 3 to 4 employees, business will start at 7:00am and will return around 4:30pm. Storage at property will consist of a small excavator, roll off trucks, and some steel containers. There may be 2 to 3 employee vehicles left at the site during business hours. BVM Construction LLC will be the only business at this site and will not be renting out anything for storage. Construction vehicles will not interfere with the flow of traffic, material deliveries will not be made to site. Mr. Kraemer asks about average tonnage for a construction vehicles weighing about 80,000lbs when fully loaded and empty about 30,000lbs with a container. Gas will not be stored on site or anything flammable. Equipment and vehicles will not be washed or maintained at site to avoid run off. Days of operation consist of Monday thru Saturday. No more questions were asked of Mr. Bumbaca and Mr. Himmelman asks to bring up the engineer,

Carolyn Feigin will be sworn in by Mr. Kinneally. Ms. Feigin gives a brief summary about her background and her credentials. Ms. Feigin brings a copy of site plan which is sheets 1 thru 4 to council which was revised on May 4, 2018 at the request of Mr. Koch based on his report. Mr. Kinneally asks Ms. Feigin to adjust tripod so it can be seen by members of the audience and board members. Ms. Feigin talks about design of structure and property size and utilities of the building. She begins to testify about the use variance needed for the property and a second variance for a non-conformity structure. At the request of Mr. Koch a sidewalk will be put in place since there is none to the East or West of the property along with proper signage which will be very close to property. A 24" wide driveway will be used for parking on the side of building and behind building is a 50ft buffer and the curb waiver requires certain footage.. A 6ft solid privacy fence will be put up at the request of business owner instead of a chain link which was previously discussed. Some planting will be done around the parking lot along with a gate and along the Conrail siding. Storage area needs to remain gravel for clients use and the storage of vehicles so they are requesting a curb waiver. No planting along the Southern side of property since this is densely populated area. Lighting is another one of their design waivers there is one utility lighting pole at the entrance to the driveway and is set on an 18ft pole and ordinance requires it be in the parking lot it is just over the property line. They are only permitted to have 0ft candles at property line and they have 1.07 which goes lower as you move away from the light pole however, it is a concentrated closest to the pole, a house site shield is on building to throw light. An exhibit is marked A1 with today's date (9/4/18) showing site plans and remodeling is presented.. They did receive an LOI (letter of interpretation) from NJ Department of Environmental Protection and regulation program stating they will maintain a 50" buffer line. Mr. Himmelman asks Ms. Feigin some questions regarding the utilities that already exist on property Ms. Feigin states that in front of property sanitary sewer was found and that test pits will be dug and checked. Mr. Koppel asks if Conrail was given notice about meeting and Mr.

Kinneally states they were given notice. Mr. Farley asks if trucks will damage the roadway with constant wheels turning on Snowhill Street.

Ms. Feigin asks if there are weight restrictions on the roadway and that they never looked into it so she wasn't sure. With such a narrow driveway will there be a problem for trucks entering and exiting the site. Ms. McDonald states that there are weight limits on township roads and that Snowhill is a township road and it was paved two years ago. Ms. Feigin asks if Ms. McDonald knows proper weight restrictions and Ms. McDonald states that she would have to check our road ordinances. Ms. Feigin is done with her testimony.

Mr. Koch to review his completed report which begins with a completeness review. Items to be waived are physical features within a 100ft of property and that there are no issues if waivers are granted by board. Item 54 requires an LOI (letter of interpretation) which was acquired by applicant and with further information by the DEP and the survey updated. Last item on the list is a traffic impact statement which was testimony from the applicant which was recommended by Mr. Koch and if comfortable it can be waived. Mr. Koch states that if Mr. Kraemer and Mr. Kinneally poll the board so the application can be deemed complete. Mr. Kraemer agrees with Mr. Koch's review of applicants. Mr. Himmelman asks if there should be a roll call. Mr. Koch asks one last question of Ms. Feigin stating as to a prior conversation about the non- removal of trees and she states on record that no trees will be removed so the tree removal ordinance does not apply. Mr Koch asks Mr. Bumbaca if there will be a low boy on site? Mr. Bumbaca states that he has no intention of purchasing a tracker or a low boy. Mr. Koch also wants clarification between stone and gravel stating that stone is the appropriate answer. Ms. Feigin states there will be stone parking lot and puts it on the record. Ms. Feigin discusses adequate parking for the business and not infringing on adequate space. Mr. Bumbaca agrees to have employees park their personal vehicles behind the gate. Mr. Koch asks about an architect checking out the building structure and that renovations can be made with no chance of the building collapsing. Ms. Feigin states that her office did not have an inspection done and applicant states that building is structurally sound and siding to be removed and replaced. Board needs to grant appropriate waivers. Mr. Koch asks that sanitary sewer be TV inspected or robot with a plumber pushing something down there and that no digging should be done. Mr. Koch asks about suppression fire system Mr. Bumbaca states it doesn't qualify because of the square footage. Ms. Feigin to check out about trucks and weight requirements on roadway Ms. McDonald already has answer it is over 8 tons gross weight are excluded from all streets and Snowhill Street isn't one of them. Board has no right to relax that issue and it will need to go before the council. Ms. Feigin is asked to stay and not leave in case any other questions arise.

Allison Kaufin is sworn in as a professional planner by Mr. Kinneally. Mr. Himmelman states that Ms. Kaufin was hired to do a planning analysis and justification by their client. Mr. Himmelman asks Ms. Kaufin to describe the nature of the analysis that was done. Ms. Kaufin states that the property in question is 74,000sqft and is an irregular property with frontage on Snowhill Street and boarded west by a Conrail right of way (railroad track) and to the East by Cedar Brook and the property contains 2 vacant buildings that are by the Snowhill front. The eastern and southern portions of the site consist of wetlands and wetlands buffer which impact building on this site. She also talks about improvements to be made to the site and surrounding businesses in the vicinity. She discusses variances that are needed for this area and that it will have no detriment to the area. She also discusses a possible soil contamination issue from

historic fill with extensive sampling that will be signed off by an LSRP. Remedial activity report will be sent to Mr. Koch. Mr. Koch wants something from the LSRP along with environmental reports and a sign off making sure that safety is not an issue for everyone on that site. No further question from Mr. Himmelman. Mr. Farley asks if construction vehicles will be serviced at site. Mr. Bumbaca states all his vehicles are professionally maintained and newly purchased. Mr. Kraemer asks Mr. Bumbaca how many boxes does he have and he answers 8-30yd boxes, 3 trucks, 2 bobcats, 2 trailers, 1 back hoe, mid- size excavator and a smaller excavator. Mr. Koch asks about fencing Mr. Bumbaca states he would do a vinyl fence if agreed upon. No more questions are warranted and meeting is opened to the public. Mr. Kraemer makes a motion to open to the public and it is seconded by Ms. McDonald all that are present are in agreement. Mr. Kinneally explains protocol and how if anyone has any questions or opinions on the application should come up to the podium and have them addressed.

Craig Gallagher is sworn in by Mr. Kinneally. Mr. Gallagher is the new owner of the mechanic shop located on Snowhill Street. He states he has no issues and he himself will eventually be before the board for a variance. He claims that whole area needs to be cleaned up because the area is a mess.

Mr. Kraemer makes a motion to close to public and it is seconded by Mr. Koppel all in attendance agree.

Mr. Himmelman to summarize and get a sense which way the board is leaning for the applicant and if they are heading in the right direction. Mr. Kinneally explains again how Mr. Bumbaca needs 5 affirmative votes or the applicant can request an adjournment. Mr. Koppel to vote “yes” as long as Mr. Koch’s report is followed through. Mr. Catania to ask about foliage in winter when a majority of plant life dies Mr. Koch states that Leyland Cypress grows to 30ft high. Ms. Feigin brings up a guardrail to be put behind fence. Ms. McDonald has restrictions regarding the weight restrictions and wishes that the Chief of Police weigh in on the subject. Mr. Kinneally states that board will be voting on preliminary and final site plan, the use variance, the C variance and the design waivers that were testified to from earlier in the evening and that Mr. Koch stated he had no objection to the board granting so if a motion is made it will be an affirmative. A motion is made by Mr. Kraemer and seconded by Mr. Koppel all in attendance were in agreement. A transcript will be sent so a resolution can be prepared.

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. McCook						X
Mr. Kraemer	X		X			
Mayor Seely						X
Ms. McDonald			X			
Mr. Stollen						X
Mr. Davis						X
Mr. Farley			X			
Mr. Koppel		X	X			
Mr. Catania			X			
Mr. Auciello						X

**MINUTES** – A motion to approve the minutes from the July 17, 2018 meeting was presented by Mr. Kraemer and seconded by Ms. McDonald. All present were in favor, and the minutes were approved.

**PAYMENT OF VOUCHERS**

Vouchers were circulated to the Board. Mr. Kraemer moved that the vouchers be approved for payment. Mr. Koppel seconded the motion. All present were in favor, and the vouchers were approved for payment.

**MEMORIALIZATION**

**Roger Mumford**  
**Major Subdivision**  
**Heritage of Spotswood**

**Dora Avenue**  
**Block 94, Lot 11**

The above resolution was circulated and a motion to approve was made by Mr. Kraemer, which was seconded by Ms. McDonald. A roll call vote was taken; all eligible members were in agreement.

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. McCook						X
Mr. Kraemer	X		X			
Mayor Seely						
Ms. McDonald		X	X			X
Mr. Stollen						X
Mr. Davis						X
Mr. Farley			X			
Mr. Koppel			X			
Mr. Catania			X			
Mr. Auciello						X

**CORRESPONDENCE**

Prior to the meeting, members received copies of correspondence for their review and comment. Correspondence did not need acted on and was for informational purposes only.

**BOARD COMMENTS**

**PUBLIC COMMENT**

There were no public comments

**ADJOURNMENT**

As there was no other business before the Board, Mr. Kraemer moved that this meeting be adjourned. Mr. Koppel seconded the motion. All present were in favor, and the meeting was adjourned at 9:35 PM.

**NEXT SCHEDULED MEETING**

Tuesday, September 18, 2018 at 7:30 P.M.

Location: Court Room, 77 Summerhill Road, Spotswood, NJ

Respectfully submitted,

*Joanna Carlson*

Joanna Carlson  
Board Secretary

Approved at meeting held on:  
September 18, 2018