

MINUTES OF THE
EAST BRUNSWICK TOWNSHIP
PLANNING BOARD

September 23, 2020

STATEMENT - Open Public Meetings Act

MOMENT OF SILENCE

ROLL CALL -

PRESENT:

ABSENT:

Shawn Taylor, Chairman
Laurence Bravman
Joseph Criscuolo
Sharon Sullivan
Charles Heppel
Laurence Reiss
Steve Philips
Julie Clarke
Muhammad Hashmi

Brad Cohen, Mayor

ALSO PRESENT:

David Lonski, Esquire
Loren Morace, Secretary
John Kriskowski, Engineer

MINUTES

August 19, 2020 - Motion to adopt by Mr. Criscuolo,
second by Mr. Reiss. Minutes adopted.

DISCUSSION

Discussion authorizing a preliminary investigation
for redevelopment located at block 834, lots 4.17,
4.19, and 4.23, on Edgeboro Road. Discussed.

RESOLUTIONS

Application #19-17 - Tices Developers Urban Renewal,
LLC - Proposed residential, retail, and open space

components located at 119 Tices Lane, block 32, lot 1.33, in the MXD2 zone. Motion to adopt resolution by Ms. Sullivan, second by Mr. Reiss. Resolution adopted.

Resolution authorizing a preliminary investigation for redevelopment located at block 834, lots 4.17, 4.19, and 4.23, on Edgeboro Road. Motion to adopt resolution by Mr. Criscuolo, second by Mr. Reiss. Resolution adopted.

ADJOURNMENT

THE CHAIRMAN: Good evening, all. This is the September 23, 2020, meeting of the East Brunswick Township Planning Board. The township is using the telephone meeting format in an effort to mitigate the chance of exposure of COVID-19 as part of the township's ongoing effort to slow the rate of transmission and avoid overwhelming our treatment centers. The dial-in information and the agenda have been posted on the township web site and are posted on EBTV for members of the public, and it is indeed posted because I am looking at it now. Members of the public can call in with the number provided, which is 1-646-558-8656, if they have any questions for the planning board members. You will have 3 minutes to speak. Should you have any further comments or questions, the planning board and the engineering office is always available by e-mail and phone. Each member of the public shall have one opportunity to speak during the public portion.

As with all planning board meetings, the Chair reserves the right to call an application from an order different from that appearing on the agenda, and on each application, the Chair will give the public an opportunity to comment. The Chair will entertain no new business after 10 p.m. and will close all proceedings by 10:30, and if that's the case tonight, we're all going to shoot ourselves.

In lieu of the pledge of allegiance, I would ask this evening for a moment of silence for the more than 200,000 Americans who have been victims of this horrible COVID virus, and I would also add a moment of silence for one of my personal

heroes, justice Ruth Bader Ginsburg, who at 87 left us far too soon, and I would just ask for a moment of silence, please.

(Moment of silence)

THE CHAIRMAN: Thank you. And, Loren, will you now please call the roll.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Here.

MS. MORACE: Miss Clarke.

MS. CLARKE: Here.

MS. MORACE: Mr. Philips. Steve, unmute yourself.

THE CHAIRMAN: Steve, you're muted.

MS. SULLIVAN: Still muted. Steve, you're still muted. Now you're not.

MR. PHILIPS: Okay. I'm here, but it looks like the machine is going to shut me off.

MS. MORACE: Okay.

MR. PHILIPS: It's a final patch so I'm sorry. I don't know how fast I'll get back on.

MS. MORACE: Mr. Reiss.

MR. REISS: Here.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Here.

MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Here.

MS. MORACE: Mr. Heppel.

THE CHAIRMAN: Charlie, you're muted.

MS. MORACE: Mr. Bravman.

MR. HEPPEL: Here.

MR. BRAVMAN: Here.

MS. MORACE: Mayor Cohen. Chairman Taylor.

THE CHAIRMAN: Here. The first item of business is the minutes from August 19, 2020. We approve minutes by voice vote. So what is the board's pleasure with the minutes of August 19?

MR. CRISCUOLO: Motion to adopt.

THE CHAIRMAN: Motion. Do we have a second?

MR. REISS: Second.

THE CHAIRMAN: Moved and seconded by Larry Reiss. Any comments, questions, concerns, additions? Seeing none, all those in favor signify by raising your hand and saying aye. Any opposed? The minutes carry and are passed as submitted.

Next is the discussion authorizing a preliminary investigation for redevelopment located in block 834, lots 4.17, 4.19, and 4.23, on Edgeboro Road. Mr. Lonski, I'm looking for you to the expert

-- for the explanation.

MR. LONSKI: Yes, I'm happy to provide some background and an explanation for this matter. Members of this board may recall that 38 Edgeboro Road, which I remember as a kid as the old Herbert Sand Company site, was previously designated as an area in need of redevelopment, and soon thereafter, this planning board granted site plan approval for a 500,000-square-foot industrial building to be constructed on that site. The building is now under construction, and the owner has a prospective tenant that requires additional parking areas in order to make the site work for them. The property owner discussed this requirement with the redevelopment agency, and the redevelopment agency has recommended to the town council that that adjacent land area, which is actually owned by the Middlesex County Utility Authority, be studied and perhaps designated as an area in need of redevelopment to accommodate that request of the property owner.

The council met on Monday and adopted a resolution authorizing the referral to this planning board to determine whether those properties, that land, would meet the criteria for designation in need of redevelopment, and as this board is aware, in order to do that, the step 1 is to authorize the appointment of a planner to conduct the study. So what is on your agenda this evening is the resolution to do just that, to appoint DMR to undertake a study to determine whether or not those lands surrounding the landfill would meet the criteria as an area in need of redevelopment. This board would subsequently be asked to conduct a hearing and to make the recommendation to the council as to whether or not it agreed that the criteria were met.

THE CHAIRMAN: And DMR is the firm that has -- did our prior redevelopment studies.

MR. LONSKI: Yes, especially --

THE CHAIRMAN: They're not coming to this cold. They're the firm that knows East Brunswick and has worked here in the past.

MR. LONSKI: That's correct, Mr. Chairman. So, I mean, I don't -- I can field questions, but that's really the background that I have with respect to this request and the resolution that's on for adoption this evening on your agenda.

THE CHAIRMAN: Does any board member have questions?

MR. REISS: I have one.

THE CHAIRMAN: Sure.

MR. REISS: When we did this originally, why was it pulled out? Was it because it was a county land?

MR. LONSKI: Yes, I believe so. I believe because there were some issues with respect to whether or not it should be. I know there were other areas on Edgeboro Road going up the street that were also pulled out. I'm not exactly sure why certain areas were in and certain areas were left out, but I understand that there has already been dialogue between the property owner and the Middlesex County Utility Authority for a long-term lease to allow them to construct the parking area should this go forward.

MR. REISS: So no -- it wasn't like this determined that it meets the criteria but then pulled out. In other words, no study was ever done for that piece -- that property or -- I'm wondering if it was done.

MR. CRISCUOLO: There was nothing that -- it was never included, Larry.

MR. REISS: It was never even looked at.

MR. CRISCUOLO: And the prospective -- if you remember the application, they were building the site on spec, but they have now a prospective tenant, but they're going to need more parking, so that's why they engaged the utility authority, and that's why they have come to us to ask us to do this. So it certainly makes sense. It's a good ratable for the town, and it's a good tenant.

THE CHAIRMAN: And, Joe, it really is a win-win because it improves the application and enlarges the application, and the potential return to the town would be greater I would imagine.

MR. CRISCUOLO: It is, and certainly, there's a rental fee that would go to the county for use of the space that is just a -- pretty much a separator lot from the landfill, and it puts those two lots that are underleased from the county onto the tax rolls, although they're only a parking lot. It's untaxable land right now so it becomes taxable. So it's good for our cash flow.

MR. REISS: So, Joe, what I was wondering is how do we in essence fast-track it.

MR. CRISCUOLO: No, the study is -- the study will have to be done, and then there will have to be advertisement for these lots, just like a normal process, presentation to us, and then we would make the recommendation. The advertising

portion is pretty much the longest part.

MR. REISS: Right, so if we fast-track it or not, it's pretty much the same timeline?

MR. CRISCUOLO: Yeah, I believe so.

MR. LONSKI: I think that the answer to your question, Larry, is I believe the township is trying to fast-track it. That's why the council met Monday, we're meeting Wednesday. We're trying to do what we can, but as far as, you know, rushing the study, we've got to just let it run its course.

MR. REISS: Yeah, I agree. When we had this the first time, it was always like this piece of land is like what is going to be done with this extra piece of land, so it's being made for good use now.

MR. CRISCUOLO: Absolutely.

THE CHAIRMAN: Any further questions?

MR. REISS: Thanks.

MR. CRISCUOLO: I'll make a motion to adopt.

MR. REISS: I'll second.

THE CHAIRMAN: Well, now, do you want to do the resolution now, Larry, or do you want to do -- you want to -- or do 110 Tices and come back to this?

MR. LONSKI: Well, I think there's a motion on the floor to approve the resolution to authorize DMR. We might as well -- I don't have a problem with that being taken out of order.

THE CHAIRMAN: Okay. Good. Yes, however, we need to open the public portion. So, Loren, is there any member of the public wishing to be heard on this issue?

MS. MORACE: No, there's nobody on. Give them a minute just in case anybody calls in?

THE CHAIRMAN: We'll give them a minute, yes. Are there any further board questions now that we're actually voting on the resolution? I see none. So we'll just hold it in abeyance for a second until we can see if any member of the public calls in. Once again, that number is 1-646-558-8656. It's 7:43. Let's give it to 7:45 and then --

MR. BRAVMAN: Mr. Chairman, may I just ask one question while we're sort of --

THE CHAIRMAN: Of course, Vice Chairman.

MR. BRAVMAN: Mr. Lonski, the -- who owns this property again? Did you say it was owned by a public entity?

MR. LONSKI: The county utility

authority, MCUA.

MR. BRAVMAN: And there's no issue, you know, like the concept I guess -- and I know this isn't eminent domain. We're talking redevelopment, but under the concept of eminent domain, it's private property. Is this considered public property since it's owned by a public entity, and does that impact redevelopment in any way, or it's the same rules?

MR. LONSKI: No, it's similar rules for the designation, although I believe the eminent domain would be a much more difficult concept.

MR. BRAVMAN: And I --

MR. LONSKI: I don't know that we would be able to go that far. But, you know, just to echo while we have a minute what Mr. Criscuolo was saying, as a government owned property, the township's receiving no revenue for this. It's a full tax exemption. And unlike other charitable organizations where if there's unrelated business income being generated -- in other words, if a church had a convent that was being rented for office space, the town would be entitled to claim taxes that would be due on that use because it's unrelated to their business purpose. That does not apply to governmental use property. So if the government owns it and they lease it, the town would still not get revenue. So what's being contemplated here for inclusion into the redevelopment is that the property now could become part of that PILOT or finance agreement so that the town could achieve some revenues from the occupant of the property even though it's not getting it from the property owner. So it's a little technical distinction there.

MR. BRAVMAN: Yeah, I just wanted to, you know -- and forgive me. I wasn't saying it was eminent domain because, in fact, I see in the resolution we're obviously talking about noncondemnation area, but I just didn't know -- and I thank you for the clarification -- whether redevelopment would apply to a property that is owned by a public entity as opposed to a, you know, a private entity, and you've answered that. Thank you.

THE CHAIRMAN: Good question, Larry. Loren, has anyone called in?

MS. MORACE: No, we haven't received any calls from the public.

THE CHAIRMAN: Then I declare the public portion closed, and if I -- if there are no other

questions from the board, I will ask, Loren, please call the roll.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Yes.

MS. MORACE: Miss Clarke.

MS. CLARKE: Yes.

MS. MORACE: Steve is no longer on the call. He I guess was having some computer issues.

Mr. Reiss.

MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Yes.

MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Yes.

MS. MORACE: Mr. Heppel. Charlie, you're muted. Charlie.

THE CHAIRMAN: Charlie, unmute.

MR. HEPPEL: Yes.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Yes. This resolution is approved.

Moving on to the next resolution, and again, resolutions are items that we had previously acted upon and we are adopting them in their formal form. The resolution for Tices Developers Urban Renewal, LLC, 110 Tices Lane, East Brunswick, New Jersey, one of our longer resolutions.

Mr. Lonski, is this resolution in order for us to vote on this evening?

MR. LONSKI: It is, and I just want to call everyone's attention to the fact that it was revised earlier today to include or to adjust a date that was incorrect and that actually John Kriskowski had pointed out, so that page 11 date was changed between the earlier version of the resolution and the one that you're being asked to adopt this evening.

THE CHAIRMAN: That's why CME pays him the big bucks.

MS. MORACE: I did e-mail everybody the revised resolution.

THE CHAIRMAN: Yes, you did. Thank you, Loren. Do any board members that have any questions of Mr. Lonski or questions on the resolution in general or in specific? Okay. Seeing none, what is the board's pleasure with this resolution?

MS. SULLIVAN: So move it.

MR. REISS: Second.

THE CHAIRMAN: Been moved and seconded. I heard no questions before. I assume there are none now. We have to open the public portion on this resolution, also, or we don't, right, Dave, because we had the public portion during the hearing when we voted on it initially.

MR. LONSKI: Exactly.

THE CHAIRMAN: So, Loren, please call the roll on this resolution.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Yes.

MS. MORACE: Miss Clarke.

MS. CLARKE: Yes.

MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Yes.

MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Yes.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Yes.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Yes. This resolution is approved. Thank you, all.

Is there any other business to come before us this evening?

MS. MORACE: No, that's all.

THE CHAIRMAN: Loren, our next meeting is?

MS. MORACE: October 14.

THE CHAIRMAN: I got a little secret to tell everybody. Lonski is wearing coach's pants. So we got to let him get to practice. He doesn't want to stand up while we're still on the air.

MR. LONSKI: I got to get my whistle out.

THE CHAIRMAN: Have a good practice, Dave. Tell the all the Buffalos we said hello.

MR. LONSKI: I will. Pleasure seeing everyone, and enjoy our next meeting if I'm not there.

THE CHAIRMAN: This meeting is adjourned.