



HELMETTA PLANNING BOARD REORGANIZATION MEETING
JANUARY 10, 2024 – MINUTES

*MEETING CALLED TO ORDER - PLEDGE OF ALLEGIANCE by past Chairperson Joseph Sinagra and all in attendance stood for the Pledge of Allegiance at 7:00pm

*OPEN PUBLIC MEETINGS ACT STATEMENT

Adequate notice of this meeting has been provided as is required under Chapter 231 Public Law 1975 specifying the time, date, location and to the extent known the agenda by posting a copy on the bulletin board in the Municipal Building outside of the meeting room and providing a copy to the Home News Tribune and Sentinel newspapers and by filing a copy in the office of the Municipal Clerk in accordance with the certification which will be entered in the minutes of this meeting.

*CALLING OF THE ROLL

Class I: Mayor Christopher Slavicek
Class II: Paul Reed
Class III: Councilman Mike Duffy
Class IV: Roger Bohinski
Peter Genecki - absent
Bill Kloss – absent
Jim Marchione
Christine Reid
Joseph Sinagra

Also in attendance was Planning Board Attorney Jim Kinneally, Planning Board Engineer Kevin Meade, and Code Enforcer Joseph Kotora.

*ELECTION OF CHAIRPERSON – Christine Reid made a MOTION to nominate Jim Marchione, SECONDED by Roger Bohinski. All were in favor.

Chairperson Marchione took over the meeting.

*ELECTION OF VICE-CHAIRPERSON - Christine Reid made a MOTION to nominate Joseph Sinagra, SECONDED by Roger Bohinski. All were in favor.

*ELECTION OF PLANNING BOARD SECRETARY - Christine Reid made a MOTION to nominate Melissa Hallerman, SECONDED by Roger Bohinski. All were in favor.

*ELECTION OF PLANNING BOARD ATTORNEY - Christine Reid made a MOTION to nominate Jim Kinneally, SECONDED by Roger Bohinski. All were in favor.

*ELECTION OF ENGINEER & PLANNER - Christine Reid made a MOTION to nominate Center State Engineering, SECONDED by Roger Bohinski. All were in favor.

*PUBLIC PORTION

During the Public Portion of any Planning Board meeting members of the Public may only speak on topics of concern to the residents of the Borough. Each individual will be given five minutes to speak. During the Public Portion of any meeting, the members of the Public as well as members of the Planning Board shall be courteous and respectful to one another. No comments and/or behavior that are considered disrespectful, ill willed, or with the intent to harass shall be tolerated. If such behavior occurs, then that individual member of the public will be asked to sit down and his or her turn to speak will be over, even if the five minutes is not up.

No member of the public came forward to speak.

*ACCEPTANCE OF 2024 MEETING DATES

February 14

March 13

April 10

May 8

June 12

July 10

August 14

September 11

October 9

November 13

December 11

Christine Reid made a MOTION to accept meeting dates of 2024, SECONDED by Roger Bohinski. All were in favor.

*ACCEPTANCE OF MINUTES – February 8, 2023

MOTION – Christine Reid

SECONDED – Joseph Sinagra

ROLL CALL – 7:0

*BUSINESS

132 Main Street Subdivision Application

Attorney Jared Pape spoke on behalf of his client, Mario Maltese. Planning Board Attorney Jim Kinneally acknowledged that all necessary notices were sent, and certified copies of such notices were properly received and recorded.

Lot 21, Block 13, 132 Main Street is requesting a sub-division of the property to build a home for family members. Lorolei Totten, Crest Engineer and Planner was sworn in and was accepted as an expert. Exhibit A-1 was submitted as evidence to show the minor subdivision plan and the

details of the areas to be removed, including the existing and proposed site displays. Exhibit A-2 was submitted as evidence to show the aerial display of the property. She stated a waiver will be required because the driveway line doesn't meet the requirements of 5 feet. She discussed the square footage of the division, the lineage that is dedicated to support the current home, and the maximum right of way since it is a county road. Attorney Pape stated that they have been in contact with the Middlesex County Planning Board to make sure all requirements and regulations are being followed. Mayor Slavicek asked about the square footage of the property and Engineer Totten stated it is a unique property because the frontage will be 56.5 feet roughly and extend back to 100 feet. She also stated that all regulations will be followed with the NJDEP, New Jersey Department of Environmental Protection and they will be required to attain a Flood Hazard Permit. She further commented on the requirements that the subdivision will follow that include adequate light, air and open space, environmental and residential zone guidelines, and adequate architectural design. Mayor Slavicek asked about any violations from NJDEP in the past. Property owner Mario Maltese was sworn in to testify and stated that the department visited his property twice and both times no citations were issued. Mayor Slavicek asked for a copy of that report. Helmetta Planning Board Engineer Kevin Meade stated that NJDEP approval will be required for this project. Attorney Kinneally stated that if the NJDEP requires major adjustments, then the applicants will need another approval from the Planning Board.

The hearing was opened to the public.

Jessica Vlcej, 130 Main Street, was sworn in to testify. She stated she has a differing survey for her property that was in the sub-division plan survey. Attorney Kinneally stated that boundary disputes of properties need legal counsel to settle, not the Planning Board. She stated that she has a concern about flooding with the proposed sub-division and has pictures of videos of past flooding. Engineer Totten stated that stormwater run-off to prevent that will be included in the design and that a flood hazard permit must be issued by NJDEP.

The public portion was closed.

Attorney Kinneally stated that all requirements from outside agencies must be met.

MOTION to APPROVE – Mike Duffy

SECONDED – Joseph Sinagra

ROLL CALL – 6:1

4 Main Street Amendment Land Use Variance

Attorney Walter Toto spoke on behalf of his client, Derek Dzierczyk from H & D Construction, 4 Main Street. Planning Board Attorney Jim Kinneally acknowledged that all necessary notices were sent, and certified copies of such notices were properly received and recorded.

Lot 27, Block 25 is seeking an amendment to their land use variance and an amendment to the current site plan. The current variance is for vehicles on the property not to exceed 11 in number and they can be no more than 10 feet in height. Attorney Toto stated that the submitted plan states they are seeking 5 tractor trailer vehicles to be allowed, but they are only seeking 4 and will have to update the application. Derek Dzierczyk was sworn in to testify, he stated that he purchased the property in 2016 from Bob Lance and that he was leasing it prior to that for his company H & D Construction for around 15 years. He stated he has 2 tenants, a fence company and Storm Master. The fence company has 4 parking lots, 2 box trucks and a shed. The storm company has 2 box trucks. He said the hours of operation are 7:00am to around 4:00-5:00pm Monday through Friday, weather permitting. He stated there are currently 3 tractor trailers parked there by outside companies who rent out the space through a verbal agreement with him

on a month-to-month basis. Attorney Toto went over the conditions of the amendment with Mr. Dzietyczk that would include set times of hours of operations, Monday through Friday, 7:00am to 7:00pm. No trucks would drive through North 12th Street to enter or exit the property, and no refrigerator trucks. Mr. Dzietyczk stated that he has never had refrigerator trucks on his property. Attorney Toto stated that further conditions that need to be included will be that no tractor trailers will drive through Helmetta, they all will be making a right turn out of the property. He further stated that they will provide a traffic circulation map, additional landscaping on the border, remove the shipping container on the property, and clean up the area near the Spotswood border of the property. Planning Board Attorney Kinneally stated that the Planning Board will need a traffic circulation map and revised application with the requested 4 tractor trailers allowance. Mayor Slavicek stated that on more than one occasion the tractor trailers that are exiting the property make a left hand turn into Helmetta. The Mayor asked what the current variance allows for regarding tractor trailers and inquired about there also being landscaping trucks on the property. Mr. Dzietyczk stated that the landscaping trucks for Redscape are only on the Spotswood side of the property. Code Enforcer Joseph Kotora was sworn in to testify, he stated that there are no tractor trailers allowed on the property because they would exceed the 10 feet height limitation. He further stated that he went to the property today, and last week and the landscaping trucks were parked both times on Helmetta property, not the small sliver of property that is in Spotswood. Joseph Sinagra asked about the hours of operation and who will be monitoring it and about the inevitable gas and oil spills that will occur from these tractor trailers. He stated that he does not want this in Helmetta. Mayor Slavicek stated that the applicant is not currently following the variance, not currently monitoring the property, and is currently not in compliance. The Mayor asked if they would plan to pave the property, the applicant said no, it will be left as gravel. Christine Reid asked about the signs that are on property for businesses that are no longer there, they are not representing the businesses. Mr. Dzietyczk stated they are for advertising purposes for companies. Jim Marchione inquired about who will be monitoring to make sure that none of the tractor trailers are making left turns into Helmetta. Mr. Dzietyczk stated he would be the one monitoring it to make sure none of them made a left turn. He was asked how that is possible and if he would be there continuously during all operational hours to make sure no one is making a left turn. Mr. Dzietyczk stated he would install a camera then. The hearing was opened to the public.

Jim Misner, 5 North Shore Boulevard, was sworn in to testify. He stated that he lives next to JLV Landscaping and having all these trucks at the property changes the complexion of the community. He further stated that the applicant does have refrigerator trucks that run all night. He cares for his 10-year-old autistic grandson, and it is greatly impacting their quality of life. John Bundy, 1 Avenue A, was sworn in to testify. He stated he has been complaining about the applicant since 2019 and nothing has been done. He stated the property has numerous tractor trailers coming and going all day and night, dump trucks dumping and loading material at 4:00am. He also stated he has concerns about pollution from the diesel fumes and the noise pollution as well. He further stated that there are pipes that run under the gravel, and he is concerned about all these large trucks on that surface.

Bob Lance, 41 John Street, was sworn in to testify. He is the previous owner of 4 Main Street and asked why the stipulations regarding the property are not being followed, but when he owned it, he was threatened with \$2,000 a day fines and possible closure. He stated that he had to strictly follow the rules of variance, but the current owner is not, and wants to know how the Planning Board allows that. Since he sold the property to Mr. Dzietyczk, he has been renting out

space there and his rent has since doubled. He stated that he never would have sold the property if he knew he could get away with whatever he wanted there.

Don Vitale, 5 Avenue A, was sworn in to testify. He stated that he lived here for 50 years, and he wants to make sure the right decisions are being made for the betterment of the town.

Almantas Buikus, 10 North Shore Boulevard, stated that twice he was almost hit by a tractor trailer making a left into Helmetta. He also stated that he has seen on multiple occasions vehicles entering and exiting the property as early as 5:30am and on the weekends.

Borough Engineer Meade stated that he has been in contact with the Spotswood Zoning Officer, and they have deferred all decisions to Helmetta. Attorney Toto stated that he will follow up with the Spotswood Zoning Officer.

Planning Board Attorney Kinneally stated that we will adjourn this hearing to the next Planning Board meeting scheduled for Wednesday, February 14 at 7:00pm. At that time the applicant needs to have an updated amendment application and a traffic circulation map. Attorney Toto stated that they are also in Municipal Court because of the summons of violation that Code Enforcer Kotora issued. Jim Marchione asked Mr. Kotora to keep them updated with the outcome of the court. Attorney Kinneally further stated that public notice of the adjournment will not need to be mailed with another certified mail, and announced to all in attendance that it will be adjourned to February 14th. Attorney Kinneally stated to Attorney Toto that a vote will be made on this application at the February 14th meeting no matter what.

***ADJOURNMENT**

Christine Reid made a MOTION TO adjourn the meeting at 8:31pm, SECONDED by Roger Bohinski. All were in favor.



Melissa Hallerman
Planning Board Secretary