

BOROUGH OF BOUND BROOK

Planning and Zoning Board
Minutes of the Regular Meeting
Thursday, May 24, 2018 at 7:30 p.m.
Council Chambers Brook, New Jersey

Compliance Statement: This meeting is being held in compliance with the Open Public Meetings Law. The requirements of the Law have been met. The Annual Meeting Notice has been posted in the Municipal Building, filed with the Municipal Clerk, and forwarded to the Courier-News and the Star Ledger in December 2017.

Flag Salute

Roll Call

Board Members:

Present	Robert Fazen, Mayor	Class 1, 2018
Present	Abel Gomez, Council	Class 3, 2018
Present	Michael Witt, Chair	Class 4, 2020
Absent	Linda Brnicevic	Class 4, 2019
Absent	Howard Wagner	Class 4, 2021
Present	Mark Speed	Class 4, 2021
Present	Jim Ayotte	Class 2, 2018
Absent	Scott Sloan	Class 4, 2020
Present	Patricia Bates Smith	Class 4, 2020
Present	Keith Krauser	Alt. 1, 2019
Present	Erick Chandler	Alt. 2, 2018

Staff:

Present	John Belardo	Board Attorney
Present	Martin Truscott	Board Planner
Present	Bill Burr	Board Engineer
Present	Jasmine Mathis	Board Secretary

Mayor Fazen gave the oath of office to newly appointed member Erick Chandler.

Approval of Minutes – April 12, 2018

Seconded by Mr. Ayotte, Mr. Speed motioned for the approval of minutes from April 12, 2018. All eligible members were in favor.

Public Comment (non-agenda items)

There were no comments from the public

Mayor's Message

Mayor Fazen announced the Grave Stone Declaration, Tour of Somerville-Bound Brook Criterium, and the Memorial Parade will take place over Memorial Day weekend. Councilman Pranzatelli announced the ground breaking ceremony will be held for The Brook Apartments.

Presentation

Carlos Rodrigues, Borough's Consulting Planner, advised while the board's subcommittee updated the Land Use Element of the Master Plan last year, there was a need to update the Statement of Goals and Objectives. Mr. Rodrigues advised the State and County goals are included in the update while the local goals follow.

Mayor Fazen questioned if affordable housing is included. Mr. Rodrigues stated it was broadly stated in the housing section without the referencing of terms of a state driven process that may or may not exist. Mayor Fazen stated the statement of affordable housing should be included. Mr. Speed stated the phrase of affordable housing is broad enough for inclusion. Mayor Fazen expressed his concern for the lack of the phrase. Mr. Speed deflected to Mr. Belardo, Board Attorney, who advised that the inclusion of the phrase is acceptable. Mr. Chandler agreed the phrase should be included. The board collectively agreed to include the phrase affordable housing.

Mr. Ayotte stated he was pleased to see green roofs and green infrastructure for future projects. He questioned if a deeper look can be given to green infrastructure for future proposed projects. Mr. Rodrigues advised approving green roofs and infrastructure is not going to give the board leverage to require it but will send a message to the governing body that the Planning Board would like to see development regulations changed in that direction. Mr. Ayotte further requested clarification on the best management practices for school districts and the Board of Education, whether it's referring to ground water recharge, storm water management, seepage pits, or a type of system to address expansion of impervious coverage. Mr. Rodrigues advised the Borough can make those requirements. Mr. Burr commented and agreed with imposing requirements for expansion of impervious coverage.

Ms. Bates Smith commented on the version referred to Mr. Rodrigues and what was provided to the Board.

Chairman Witt opened the floor for public comment. There were no comments from the public. Mr. Belardo advised the hearing was duly advertised in accordance with the Municipal Land Use Law and a memorializing resolution will be prepared for adoption at the next meeting.

Mayor Fazen, seconded by Councilman Pranzatelli, motioned to adopt the amendment with the revision as to affordable housing.

Roll Call: Ayes: Mayor Robert Fazen, Councilman Anthony Pranzatelli, Michael Witt, Mark Speed, Jim Ayotte, Patricia Bates Smith ,Keith Krauser , Erick Chandler

Nays: None

Absent: Linda Brnicevic, Howard Wagner, Scott Sloan

Mr. Rodrigues stated the Master Plan subcommittee will reconvene.

Hearing

PB: 17-06

Applicant: DeSapio Real Estate Development LLC

Property Location: 326 Talmage Ave. & 17 Vosseller Ave., Bl. 4, Lt. 11 & 17

Application Type: Variance Non-Conforming Use

Mr. Belardo advised due to application being a zoning board matter involving a d-variance, Mayor Fazen and Councilman Pranzatelli will not sit for the hearing.

Chris Wagner on behalf of the DeSapio Real Estate Development advised the applicant is requesting a change of use for the rear of the property for a residential international shipper to ship to Costa Rica.

Anthony DeSapio, owner of 326 Talmage Avenue and 17 Vosseller Avenue, gave testimony on the current use of the property being a plumbing supply storage. He further testified to the adjacent properties. Mr. Speed asked if there is a road behind the property. Mr. Wagner advised there is an access lot. Mr. Speed asked if the referenced area is big enough. Mr. Wagner responded.

Mr. Burr requested Mr. DeSapio to describe the previous use of the building and whether the entire building is vacant. Mr. DeSapio advised the building is used for storage.

Mr. Truscott confirmed if the front of the building are apartments. He further questioned if there are any limitations to providing any type of delineation of the property line along the railroad or if that area must remain open for access to the railroad property. Mr. Wagner and Mr. DeSapio addressed his questions.

Mr. Ayotte questioned if the small engine repair still used the facility. He further questioned if there is an upstairs residential apartment. Mr. DeSapio responded to his questions. He further questioned if he's been before the Board for the building. Mr. DeSapio advised he had been before the Board for a mixed use and was denied. Mr. Ayotte expressed his concerns for previous enforcement issues.

Mr. Frederico Vargas, provided testimony to the operation of the proposed business, Costa Rica Express. He stated he collects from New York, Pennsylvania, and New Jersey, shipping from Delaware and Newark, New Jersey and that all his shipments go through customs. Mr. Vargas

stated his normal hours of operation are from seven in the morning to the afternoon. Mr. Vargas testified to having five vehicles consisting of regular vans and 24 feet long trucks and up to five employees.

Mr. Witt requested clarification on what is shipped. Mr. Vargas stated its typically clothing items.

Mr. Speed questioned if Mr. Vargas handles incoming shipments. Mr. Vargas stated no. Mr. Speed asked if employees will leave cars parked overnight. Mr. Vargas stated two car may be parked. Mr. Speed further questioned if there will be street parking. Mr. Wagner addressed Mr. Speed's question.

Mr. Krauser asked if there will be shipping containers on the property. Mr. Vargas stated there will be containers on the property once a month. Mr. Krauser confirmed if shipping containers will be stored on the site. Mr. Vargas stated no. Mr. Ayotte advised there is a Borough ordinance prohibiting shipping containers. Mr. Vargas stated the shipping container is dropped off at the site in the morning and collected within four or five hours. Mr. Belardo advised the applicant will have to comply with the Borough ordinance in regards to shipping containers.

Ms. Bates Smith questioned if a truck will be maneuvered to the building or will items be carried to the truck. She expressed concerns for the narrowness of the lot and the truck. Mr. Vargas stated the truck will be backed into the building.

Mr. Belardo for the record advised the referenced survey was prepared by John M. Hale of Stires Associate dated April 20, 2018, submitted with the application.

Mr. Burr questioned how often a storage container will be on the property. Mr. Vargas responded once or twice a month. Mr. Burr questioned if the employees will drive their personal cars to the site. Mr. Burr expressed having too many cars on the property. Mr. Burr questioned where the current business is operated. Mr. Vargas stated he has an office in Manville. Mr. Burr asked where current materials are stored. Mr. Vargas stated he has a warehouse in Summit. Mr. Burr asked if there is potential to expand into the front part of the building. Mr. Vargas stated only the back for now.

Mr. Truscott requested clarification on the amount of overnight parking. Mr. Vargas responded two.

Mr. Ayotte requested clarification on the amount of parked cars. Mr. Ayotte asked if there are plans to blacktop and stripe the parking lot. He further commented on overflow parking from adjacent properties. Mr. DeSapio testified adjacent properties park on his property without his knowledge. Mr. Ayotte clarified if the tenants of the apartments park in the back. Mr. DeSapio stated they do not have permission. Mr. Ayotte expressed concerns for parking enforcement for the parking lot. Mr. Witt asked if there is any deterrent to prevent a gate against the Vosseller Avenue entrance. Mr. DeSapio advised the railroad uses the driveway to access the shed.

Mr. Ayotte questioned if there will be blacktop. Mr. Belardo advised a site plan has not been submitted and the applicant is only seeking a use variance. Mr. Truscott advised the Board can address of certain improvements. Mr. Belardo advised a site plan can be suggested prior to certificate of occupancy.

John Leoncavallo, Professional Planner, testified to the statutory criteria. He stated he performed a Medici test and found the relief meets all four parts of the test, he also advised the site suitability test has been met. Mr. Leoncavallo stated there is sufficient space to accommodate the number of vehicles produced from the proposed business. He further advised there is no conflict with the goals of the Master Plan.

Mr. Ayotte asked if piles of construction material were removed. Mr. Leoncavallo stated he did not see any piles.

Mr. Burr asked if the use and nature of the properties, east of the subject property, could be described. Mr. Belardo for the record marked the Stires Associates survey dated April 20, 2018 as Exhibit A-1. Mr. Leoncavallo described lot 16.01 as a gas station, lot 15 as a multifamily residence, lot 14 as a multifamily, lot 13 as commercial use, lot 12 as a learning center, lot 10 as a larger warehouse. Mr. Burr asked Mr. Leoncavallo to describe the rear properties. Mr. Leoncavallo, referring Exhibit A-1,a sealed drawing, described the properties.

Mr. Burr asked if Mr. Leoncavallo noticed vehicles on the subject property. Mr. Leoncavallo responded.

Mr. Truscott asked if the proposed use is a more appropriate used allowed under the redevelopment plan. Mr. Leoncavallo responded all the use is appropriate. Mr. Truscott asked if there are any kind of conditions to mitigate any impacts of the proposed use. Mr. Leoncavallo responded.

Mr. Wagener thanked the Board for considering the matter.

Mr. Krauser commented on the proposed use.

Mr. Speed stated he was in favor of the application and is pleased to see the commercial use. He is not in favor of requiring additional requirements to improve the lot. Mr. Speed encouraged the use of a tow company for parking enforcement and suggested it be a condition of approval. Mr. Krauser agreed with Mr. Speed and commented on the paving of the lot and its potential negative impact due the use of access for the railway and back portion of the building.

Ms. Bates Smith seconded Mr. Speed's motion to grant the variance as requested. Discussion was held on including a towing contract, paving the parking lot, storm water management. Mr. Belardo advised the motion on the floor is for an approval without a site plan and if the Board's not in favor, to vote no.

Roll Call: Ayes: Patricia Bates Smith, Keith Krauser

Nays: Michael Witt, Mark Speed, Jim Ayotte, Erick Chandler

Absent: Linda Brnicevic, Howard Wagner, Scott Sloan

Mr. Witt reminded the Board it is voting on a use variance, five of six members must vote in favor or the application fails. Discussion was held on application conditions to include a towing contract, erecting a fence, and signage.

Mr. Krauser seconded Mr. Speed's motion to approve the application with the condition that there be "no parking" signs as well as a towing contract.

Roll Call: Ayes: Michael Witt, Mark Speed, Patricia Bates Smith, Keith Krauser, Erick Chandler

Nays: Jim Ayotte

Absent: Linda Brnicevic, Howard Wagner, Scott Sloan,

B. PB: 17-05

Applicant: Talmage Commons

Property Location: 118 Talmage Avenue, Block 5, Lot 12-18, 18.01, 22-26

Application Type: Preliminary & Final Major Site Plan

Chairman Witt stated, for the record, Ms. Bates-Smith recused herself from the matter and will not participate in any part of the hearing.

Mr. Laub, the applicant's attorney, stated this hearing is a continuation of the Talmage Commons project and the remaining testimony will be from the architect with revised renderings. Mr. Laub stated the purpose of the revised renderings are to address previous comments on the façade of the building. Mr. Laub advised the engineer is present to address comments from the Fire Department.

Marc Marion described Exhibit A19, labeled Talmage View, as a rendering of the front elevation from Talmage Avenue. Mr. Marion stated, in response to a Board member's comments, he tried to add more design elements at the top, more gables, and to play with the color of the setback on the fourth and fifth floor of the front of the building.

Mr. Marion described Exhibit A20, titled Corner View, as the rendering of the corner of Talmage and Columbus with brick down the Columbus side view. Mr. Marion stated this change was in response to the Board's request for more brick and addressed the concerns about the elevation off the Columbus side.

Mr. Marion stated Exhibit A21, titled Ariel View, was to show a better view of the fourth and fifth floor completing the elevation and to show the screen on the commercial area. Mr. Marion explained how Exhibit A21 compared to the original rendering.

Mr. Marion stated Exhibit A22, a rear view of the courtyard in the back, created more vertical elements, accenting on the gables on the top in the courtyard and the back of the building, and on the west side.

Mayor Fazen asked if there was all brick. Mr. Marion stated there was siding along the rear of the building.

Mr. Marion, stated Exhibit A23 is a terrace view, with vertical elements and gables. Mr. Marion identified Exhibit A24 as a new side view of the commercial side from Columbus showing a continuous brick element per the Board's comments.

Mr. Marion presented a Google Earth print, marked as Exhibit A25 describing it as a view of the West on West Main Street showing how the building is affected by surrounding buildings. Mr. Marion described Exhibit A26 as the corner of Talmage and Columbus and Exhibit A27 as an aerial view of the West on Talmage Avenue.

Mayor Fazen stated at the last hearing there was discussion on having all brick. Mr. Marion stated brick was not implemented because the building already has beauty and there are cost ramifications. Mr. Pranzatelli asked if the other material is HardiePlank. Mr. Marion confirm and stated it is an acceptable solution.

Mr. Burr questioned what the screening consists of. Mr. Marion stated it will most likely be metal screening. Mr. Burr asked if the screening will be visible from the street view. Mr. Marion stated the top of the screening, but not very much. Mr. Burr, referring to the rendering of the easterly side view of the building, asked what material treatment is being used for the west side of the building. Mr. Marion stated siding will be used.

Mr. Truscott asked if gables will be added to areas without brick and if there will be changes in the colors and banding. Mr. Marion confirmed.

Mr. Laub introduced from Parker, the engineer for the project. Mr. Parker addressed the comments received from the Fire Department. Mr. Parking, referring to Exhibit A28 dated May 11, 2018, stated the sketch plan is the same layout as the original submission with a change to on West Main Street along the back. Mr. Parker stated to address the comments, the driveway on West Main Street was shifted over to the east 18 feet allowing a greater turnaround area for the fire truck. Mr. Parker stated the sidewalk was removed on the west side of the driveway.

Mr. Parker, referring to a letter received from the Fire Marshall dated May 15, 2018, marked as Exhibit A29, stated the Fire Marshall reviewed the plans and finds it addressed his comments.

Mr. Laub asked Mr. Parker if the revised plans have any effect on the number of parking spaces that was originally proposed. Mr. Parker responded it's the exact number of stalls that was originally proposed.

Mr. Burr asked Mr. Parker if the Fire Marshal still asked that the K-turn area, widened pavement area on the south side of West Main Street be constructed or if the proposal addressed their circulation. Mr. Parker stated the maneuverability was addressed by pushing the driveway over, provided wider room to pull in, back in, or pull out.

Mr. Burr asked if the widened pavement areas will impact the previously proposed landscaping or fencing. Mr. Parker stated no, it will stay the same and the curbing was moved 4 feet.

Mr. Speed stated he appreciated the changes made to the architecture of the building. Mr. Speed agreed with the Mayor that there was an understanding that the entirety of the building with the exception of the setback portion in the front, was going to be brick, not siding.

Mr. Witt, differing to the Professions, if other material was allowable. Mr. Truscott stated it is up to the Board's discretion and not the applicant's preference. Mr. Belardo advised the Board to be careful making requirements that are not in the ordinance.

Discussion was held amongst the board on the building material.

Chairman Witt called for a motion to approve the application. Mayor Fazen, seconded by Councilman Pranzatelli, motioned to approve the application

Roll Call: Ayes: Mayor Robert Fazen, Councilman Pranzatelli, Chairman Michael Witt, Mark Speed, Jim Ayotte, Keith. Krauser, Erick. Chandler

Nays: None

Absent: Linda Brnicevic, Howard Wagner, Scott Sloan

7. Resolutions

There were no resolutions for approval.

8. New Business

There was no new business for discussion.

9. Old Business

There was no old business for discussion.

Meeting Adjourned: 9:44 p.m.

Respectfully submitted by,
Jasmine D. Mathis
Planning Board Secretary