

**BOROUGH OF BOUND BROOK**  
**PLANNING BOARD**  
June 11, 2009

**CALL TO ORDER**

The meeting was called to order by Chairman Bob Fazen at 7:30 p.m. at Borough Hall.

**ROLL CALL:**

Present were: Mr. Thompson, Mr. Pilato, Mr. Gayeski, Mr. Fazen, Mr. Cerminara, Ms. Brnicevic and Ms. Ackerman.

Also present were the following staff members: Mrs. Velazquez, recording secretary applicant; Mr. Rodgers, board attorney; and Mr. Miller, engineer.

**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 January, 2009.

**SALUTE TO THE FLAG**

**MINUTES OF PREVIOUS MEETING**

Motion to accept the minutes of the May 14, 2009 meeting moved and seconded by Mr. Thompson and carried unanimously.

**ANNOUNCEMENTS & COMMUNICATIONS:**

- Somerset County Planning Board - Nothing
  
- Mayor & Borough Council –

Mr. Pilato reported that the Flood Control progress is moving rather swiftly in terms of a couple of projects in the planning stages. Projects have gone out to bid on S. Main Street bridge closure and to coincide with that bid; the borough passed and finalized an ordinance to demolish the Bolmer Building. After bid goes out to provide demolition services they will begin, hopefully by July or August.

The actual bid for the gate closure by the court is going to coincide with the demolition. What that means for the borough is that they are going to utilize the Bolmer space instead of using the building space for borough equipment and such.

With regards to the bridge on Talmage Avenue and Tea Street, it is on course and getting to the west side of the bridge. They continue to pour a tremendous amount of concrete. They are beginning to plan for a road closure in August for

3 – 4 weeks. At which there will be for the most part a closure on the western side due to utility needs and other activities that will be taking place. We are seeking to ensure that the road is closed.

There is the Vosseller Avenue sewer project that will be taking place so that will also involve road closure. We will coordinate that with the folks at T & M.

The soil pile on the R2 construction project for the levy along the Raritan River is partially impeding where the levy was to be set. In regards to the soil, it has been tested and decided that it can't be used due to it being too sandy. The Army Corp can't use the soil; therefore it is being moved from the site. Brook Industrial is claiming to have removed most of what was on the footprint of where the levy is supposed to go. This is not true, they still has 50% of the 50,000 cubic yards that they are required to remove by the end of July or potentially, the court will have to re bid the project. The meter is running and it must be removed by the end of July.

Mr. Rodgers asked what if the borough went through special master with DEP involved as the principal litigator.

Mr. Pilato responded that through having a special master, with a critical litigator they have to be the one in charge. If the DEP went full lengths to determine what they can and can not do, there is a \$350,000 fine on Brook Industrial already, a \$ 350,000 fine on Dobrinski and another \$350,000 on Fletcher; they have deeper hooks than we do. What was suggested was to appoint special master and put a lien on the property. The DEP is taking the lead.

## **OPEN TO PUBLIC:           NON-AGENDA ITEMS**

Brock Haussamen - 120 Farm Lane  
Ted Settle – 45 Watchung Road

The gentlemen introduced themselves as being from FISH hospitality advocacy. They explained that the organization is in Somerset and Middlesex providing shelter for homeless families in a rotating series of churches. St. Paul is part of the FISH hospitality and has developed a strong contingent to the Presbyterian Church. Currently, 35 people keep track of legislative, the homeless and housing. They are trying to insure that there is enough affordable housing in NJ. They want to have a housing market that operates better so that moderate and low income families can afford housing. Mr. Settle and Mr. Haussamen were wondering what was going on in Bound Brook. Their website indicates that they are very aware of the controversy, however, Bound Brook has an obligation to provide 17 more units. They have not received the 2<sup>nd</sup> round COAH plan. Mr. Fazen said he would get that to him. Mr. Pilato asked who they contacted originally to get a copy of the 2<sup>nd</sup> round plan and he was informed that Mr. Bahr was asked, but it was never supplied.

They then asked that the planning board put there attention to 3<sup>rd</sup> round plans. They wanted to know how many units will carry over to the 3<sup>rd</sup> round plan. They also wanted to know how the flood plan will affect the obligation. They made reference to LaMonte Field.

Mr. Pilato explained that LaMonte Field as an example had to operate with official land records. Mr. Settle wanted to know where to go in regards to seeing this through, planning board or the council.

Mr. Fazen said we met the 33 unit obligation. A lot of the units went towards group homes. We have over 10 years to fulfill the agreement of 17 more units, if we want to comply with state. He advised that out of the 144 units of Talmage Commons, 15 units will be provided.

Mr. Fazen was asked why the 3<sup>rd</sup> round plan was not made he replied that to make that plan it will take at least 30 hours of a volunteer's time and it is too expensive \$70,000 –\$ 80,000.

Mr. Pilato states that when you look at Bound Brook's share of 18 neighboring communities. Hillsborough, Montgomery and Bridgewater for example are required to build 500 and 1000 units. Be aware that we are aggressively pursuing a rehabilitation program in the form of an existing grant. It will be a way to help make housing affordable by requiring owner to sign a contract to plan to stay in there home for a certain amount of time and if they wish to resell there homes, they must resell at the reduced rate to keep the cycle going. It is great way to keep residents. There are matching funds.

In regards to community grants and housing, 80 people were at a public meeting, about 40 -50 people applied and 20 people have been approved. The grants would provide things like new roofing, heating, plumbing, etc. The principal has to be part of a 2 family.

Mr. Fazen again states that the planning board is with them. He stated that there is a committed group of people on the planning board regardless of the COAH requirements. When the planning board approves development, we demand that they provide affordable housing.

Mr. Haussamen says that after the flood control project is complete, it may lead to more development and may raise Bound Brook's obligation.

Mr. Fazen and Mr. Pilato agreed that they have been very aggressive with providing affordable housing.

Mr. Settle stated that Talmage Commons is planning the minimum of 10% yet COAH is looking for 20%. Mr. Pilato disagreed and asked if they had background on COAH and if they needed him to provide that information. The building thumbnail has a plan for 15 – 18 units in the Transit Village out of 150 units. The Bolmer project has a plan for 8 – 9 units out of 90 units for affordable housing.

Mr. Pilato stated that COAH is a problem where housing is concerned. Look in Bound Brook and you will find that it has 300 units that are rentable. Out of 300 ½ are below the COAH rate. Mr. Haussamen stated that those were the numbers that they were unsure of and had not seen.

Mr. Pilato informed them that at some point during the 3<sup>rd</sup> round, 350 out of 560 towns are in law suit claiming that COAH doesn't work.

Mr. Thompson says in regards to towns like Tewksbury and Montgomery it is a great concept to want to provide affordable housing, but to designate areas for affordable housing, where there is no transportation doesn't make sense.

Mr. Settle said it is helpful to know numbers. Numbers change says Mr. Fazen. Regardless, we can only speak for Bound Brook. If you are a small community it is a tremendously unfunded mandate. Mr. Settle stated that Bound Brook would be subject to litigation known as building remedies if they do not comply with providing a 3<sup>rd</sup> round plan. Mr. Pilato asks Mr. Miller what the ballpark figures are to make such plan, he answered about \$ 50,000.

Mr. Haussamen says thank you. He stated that It sounds like there will be a significant amount of units after the Transit Village and Bolmer are complete. They thanked the board again for there time and stated that they were looking forward keeping track of progress.

**PUBLIC HEARINGS:**

- **Public Comment & Review of Sign Ordinance** – No public comment.

**NEW BUSINESS:** None

**REPORTS OF OFFICERS AND COMMITTEES:**

**Compliance Review Committee**

Ms. Brnicevic has a few questions on properties that are to be reviewed. There seems to be items missing on applications 12-07, 23-07. Mr. Rodgers will check on records and get back in touch with her.

06-07 - Store front clothing store is now a flooring store. It seems that every time it is changes occupant, it changes use. Mr. Fazen advises that if the zoning officer determines if the change of occupant, owner and/or use, then it needs to come before the board for approval.

08-07 – 5 East High Street - There is an office on the 1<sup>st</sup> floor that they want to become a two family home. Ms. Brnicevic was unsure if the address she had was correct because it seemed that the description of the site more matched an address of 4 East High Street.

Mr. Fazen requests that he and Ms. Brnicevic correspond regarding this by email.

Ms. Brnicevic offered corrections to some of the applications listed on the spreadsheet:

The Gomero application was actually denied in 2008.

The Leicester LLC application (Palace Theater) was listed as 21-06 it was really 21-07 but then he came back. He came for approval to make 1<sup>st</sup> and 2<sup>nd</sup> floor offices for the soccer school. She will wait for 2008 resolution. This application may be on hold.

Ms. Brnicevic has a couple more pictures to take for the 2007 applications

The address, 223 E Main Street, in 2006 we gave permission for a restaurant not a floor stripping business it is really more of a warehouse now. Mr. Fazen stated that they never came before the planning board.

Regarding the parking lot at Shop-Rite, the parking space lines are completely worn out, and she wants to know if it is for the board to handle, Mr. Fazen informed Ms. Brnicevic that it was maintenance's responsibility.

The Hamilton Laundromat is storing laundry carts outside. Ms. Brnicevic said something to the man inside and came to inform the borough.

Ms. Brnicevic passed out pictures she took of MS 13 graffiti on a wall. This was taken at the Peruvian restaurant. She suggested that some sort of government outreach be taken. She remembers when he came here about his original application he was concerned about the neighborhood being bad. In lieu of what has happened, he might decide not to open his restaurant. Mr. Pilato and Mr. Fazen both offered to reach out to the owner. She thanked them.

The graffiti is also on Mountain Avenue and Talmage Avenue people are stopping to look at it and it is really sending a bad message.

#### **Bills –**

Mr. Fazen states that the escrow situation must be discussed.

Mr. Fazen recommends that all fees get bumped up 3-4 fold. If the money is not used it is returned to the applicant. The application fees stayed the same, we did not change that. Mr. Fazen wants to begin an ordinance to bump up the current fees. Mr. Miller stated that with the Board's approval it will get forwarded to the

mayor and council. Mr. Fazen wants a system to be put in place to go after escrow funds.

Mr. Fazen gave example to the Roan application that the Roan applicants weren't happy about needing to pay \$ 1,200 for a 3 foot variance. The Roans had to pay an additional \$500 and didn't get permission to begin construction until that amount was paid. There are two things that have to be done; alert the applicants and it is borough's responsibility to follow up on applicant's payment. All applications are currently on hold due to insufficient funds.

Ms. Ackerman wants to know if fees can change according to the application.

Mr. Fazen reported that we are hoping to increase fees so that if it is not used it can be returned. The original escrow that is being requested is too small. Some applications require more work, for example Villani (03-09) and Verizon.

Mr. Fazen states that no one is at fault, a new system is needed. Mr. Pilato feels that the board secretary should be friendly with finance clerks and be in communication with them in regards to escrow. Mr. Fazen responded that it is in the new job description for planning board secretary to be in communication them.

Mr. Miller stated that the Roan application got sent for a professional review for 3 feet. There is a financial hardship when the zoning office should handle such a case instead of sending it out to an engineer and encumber fees for only 3 feet. Mr. Rodgers asks how other towns handle this. Mr. Cerminara answered that it is up to zoning officer to make that decision.

Mr. Thompson suggests that we need an ordinance. Mr. Fazen agreed along with Mr. Miller. Mr. Beatty says that it was required that an engineer or planner do a review on the Roan application. Mr. Pilato feels that the board secretary should check the applications to make sure all is in order. Mr. Fazen shared that when he visited Rutgers, their board secretary had 3 assistants. Mr. Fazen said that filling the board secretary position is being taken care of.

There should be some kind of determination whether there is a need for the review for completeness to be done by a professional planner or engineer. Mr. Pilato asks Mr. Cerminara how other towns handle this who responded, it is all done through attorneys so he is unsure.

It was suggested that Mr. Beatty could have been given the power to make the call. Mr. Rodgers then asked what if a neighbor comes back to the board with a complaint. Mr. Rodgers thinks that the inspectors should be able to determine if the applicant should go before the planning board for approval.

Mr. Thompson thinks the inspectors should get on the case of the owner of the building on Union Avenue that has a sloping ramp. He was informed that it was approved by the building inspector.

Mr. Cerminara mentioned tent working. It is a small zoning application. It is an administration call. Is the planning board allowed to interpret? Mr. Pilato says yes.

Ms. Ackerman wanted to know if it is part of the application that you can request interpretation on whether they need to appear for approval to the planning board. It is part of the application. Once again, the zoning officer said the Roans needed a variance.

Mr. Pilato wanted to get back to the point that the board secretary needs to be close to the finance clerks. Mr. Fazen stated that the planning board usually does not send letters to ask for money. Mr. Fazen used to call for money and it was not good. Mr. Thompson and Mr. Fazen want the finance department to contact the applicants.

Mr. Cerminara says that when he was an applicant, he didn't get notice of monies owed to the borough. Mr. Pilato says it is a glitch that no bills are being sent. Mr. Gayeski wants to know who sends correspondence that states that "this is not a bill". Mr. Miller responded that his company was required to send that correspondence out, but the borough is supposed to collect fees from the applicant. Mr. Gayeski, while an applicant himself thought that the town was paying for the professionals. He feels that there should have been a letter and or phone call.

Mr. Miller asks that for the next time if there is no escrow there should be no review. The ordinance is being rewritten with Mr. Fazen. Mr. Fazen advised that we will not hear applications without the fees being paid.

**Site Plan Review - None**

**Architectural Review Committee - None**

### **By-Laws**

Mr. Fazen received all comments and should be able to finish it off this week.

### **Redevelopment (PPS Response)**

Mr. Fazen received comments, not many, and will complete by June 30.

### **Historic Preservation Ordinance**

Mr. Pilato is standing by.

### **Sign Ordinance Review**

Mr. Fazen to respond with all planning board comments by June 30.

Ms. Brnicevic thought that we didn't allow billboards. Mr. Thompson produced a map of the borough (Exhibit A). Billboards are not allowed except in the industrial area. She asked if we wanted billboards in this town. What would be the benefit be of a billboard? Mr. Thompson responded that it will only to be seen from 287. Ms. Brnicevic stated that even Franklin doesn't allow billboards along 287. Mr.

Thompson stated that it will provide income for the borough. Ms. Brnicevic disagrees that the income outweighs having a billboard present.

There are already billboards at the ballpark and NJ Transit built billboards as well.

Mr. Cerminara states that even if you will not be able to see the signage it is still a big structure that will be seen by residents. Ms. Brnicevic showed concern about what they will do to property values.

Mr. Thompson stated it will only be along the IP zone along the back side along 287. Ms. Brnicevic thinks clarification needs to be made on it being site specific. If you are further toward 28 you will see it. Mr. Cerminara states that IP runs to Talmage Avenue and to 28, it is going to have a negative impact. Mr. Fazen also agrees it should be clarified that the billboard should not be visible. They are unappealing agreed Mr. Fazen, Ms. Brnicevic, Ms. Ackerman and Mr. Cerminara.

Mr. Thompson stated that it will not affect the vision of Bound Brook residents. Ms. Brnicevic said that the town is trying to get rid of one already. There should be a more specific location stated in the ordinance. This must be vetted by residents.

Mr. Thompson asks would Bound Brook be smart to turn away from \$20,000 a year in revenue.

Mr. Fazen took a vote of all in favor of eliminating the allowance of billboards. Mr. Fazen, Mr. Cerminara, Ms. Brnicevic and Ms. Ackerman agree on there being no billboards. Mr. Thompson, Mr. Pilato and Mr. Gayeski think there should be billboards.

(4-3-0)

Mr. Fazen says in practice there should be more of a standard with font and size for signs. Ms. Brnicevic says simple standards should be in place like definition and sizes. Mr. Thompson suggests that they should have a book to reference. Mr. Fazen says on Union Ave there should be a more specific format for signs.

One of the goals was to simplify for applicants what is acceptable. Mr. Cerminara said that the ARC in Somerville says that everything is the same. Bound Brook should be hesitant to make it so uniform. Mr. Fazen stated that if we are going to have the borough as a historic site there must be standards. You can implement it, it is very flexible. The ARC handles the major application and we can make suggestions.

Mr. Pilato asks how we do facade applications. Maybe we have to do a separate appendix. He will see if they can put one together.

Ms. Brnicevic wanted to know if signs are grandfathered even if occupants, owners, or use changes. She wanted to know if there needs to be pictures taken of existing signage in order to have a base. She made reference to Boonton

Historic sites that they only have a 5 – 10 year clause if ownership should change. It is ok to use existing signs at this point, Mr. Cerminara explained.

Mr. Fazen asks Ms. Brnicevic if she is looking to preserve or change existing signage. He suggests that this will be taken care of by the zoning officer.

There were some editorial comments.

The wording according to Mr. Fazen in (letter G) in regards to all signs must not be flashing and blinking, is a double negative. These signs are only allowed in B1 no other moving signs are allowed.

Mr. Cerminara stated that Efinger has a sign that moves and lights up. The resolution from Efinger states there should be no moving signs. The resolution did not address the signs for Walgreens either. We are allowing Walgreens and Efinger to keep there signs states Mr. Pilato. Ms. Ackerman says they are in violation and she disagrees with electronic signage. She feels they are distracting, dangerous and may cause accidents.

Mr. Pilato said that the draft allowed churches and municipalities to have these signs. BBHS and the borough have the resources to build these.

Mr. Cerminara also disagrees with electronic signage and stated that some business may feel that they want to advertise with electronic signs and they are located in B1 zone.

Mr. Rogers says that paragraph D permits signs that are exempt, Seasonal displays. Also given as an example was flags that have Easter Lilies, we need ability to limit the time on these.

Ms. Brnicevic asks what the length of time is for a temporary sign. Mr. Thompson responds that election signs have 1 week after the election to be taken down.

It is only concurrent with what the zoning officer determines. The liquor store is filled with signs, but it will be prohibited in the future.

**Records Management Program – No updates**

**Transit-Oriented Design Plan – No updates**

**COMPLETENESS DECLARATION**  
**(Recommendations from Planner & Engineer):**

19-08: D'Angelo - 47 W. Maple – need escrow – Scheduled for 6/25

20-08: Stein - 45 W. Maple – need escrow – Scheduled for 6/25

(The above application will be heard together)

22-08: Brook Industrial Park - 100 West Maiden Lane – not complete - Soil

23-08: Bound Brook, LLC - 738 Codrington Drive – not complete – On hold not heard – wanted to reconvert the model apartment, now they want storage. Mr. Fazen felt it was not necessary for them to come back for approval, but Mr. Rodgers said, if they change the use they have to come back for approval.

01-09: Verizon Wireless - 301-307 E. Main Street – resubmitted – need escrow Mr. Fazen asks Mr. Pilato if there can be any arrangement to use the Brook Theatre. Verizon was supposed to call Mr. Beatty. Mr. Fazen said that what took place over a 2 year period with NJEDA and USEDA who hold the mortgage on the building, would not sign the non-disturbance. There would be no guaranteed from the mortgage holder that they would sign a lease. Mr. Pilato responds that it will be worked out.

04-09: 204 Lincoln Blvd Associates, LLC - 539 East 2<sup>nd</sup> Street – need escrow (letter was sent 4/6/09) - not complete

06-09: Brazilian Dermal Group - 20 Hamilton Street – need escrow – schedule for 6/25

07-09: Estate of Robert Billians – 128 E. High Street – new application pending review – scheduled for 6/25

08-09: Joseph & Charissa Poklikuha - 549 East 2<sup>nd</sup> Street - new application

### **RESOLUTIONS**

Motion to approve the Roan resolution was made by Mr. Thompson, seconded by Mr. Cerminara. Motion was approved (6 -0 -1) Ms. Brnicevic abstains.

Motion to approve the Villani resolution with revisions made to page three. Motion made by Mr. Thompson and seconded by Mr. Cerminara, motion approved. (6-0-1) Mr. Pilato abstains.

### **ADJOURNMENT:**

Motion made to end meeting at 9:35 p.m. made by Mr. Thompson, seconded by Mr. Gayeski and carried out unanimously.

**NEXT MEETING:** June 25, 2009

Respectfully submitted,

Samantha Velazquez  
Secretary Pro Tem