

BOROUGH OF BOUND BROOK
PLANNING BOARD
October 8, 2009

CALL TO ORDER

The meeting was called to order by Chairman Bob Fazen at 7:40 p.m. at Borough Hall.

ROLL CALL

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

Also present were the following staff members: Mrs. Velazquez, board secretary; Mr. Rodgers, board attorney; and Mr. Miller, board 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(S)

Minutes from September 10, 2009 not yet distributed. They will be distributed for approval at the next planning board meeting.

ANNOUNCEMENTS & COMMUNICATIONS:

- Somerset County Planning Board

Mr. Fazen mentioned receipt of an invitation to the planning breakfast forum which Mrs. Velazquez sent to the board members. She advised him that Ms. Ackerman and Mr. Gomez would like to attend. Since Mr. Fazen already replied, he offered to RSVP for them.

Mr. Fazen informed Mr. Gomez that there is a mandatory training for planning board members. Mr. Fazen will get the appropriate application and available dates for Mr. Gomez.

Mr. Fazen asked Mr. Pilato if he was planning on attending the Easton Avenue Corridor event which Mr. Pilato stated he would not be able to attend.

SWEARING IN OF NEW OFFICER

Mr. Rodgers swore in Mr. Abel Gomez who was appointed by the mayor for the vacant alternate #2, 2009 position. Mr. Gomez stated the oath of allegiance and signed the document. He was welcomed with applause.

▪ **Mayor & Borough Council**

Mr. Pilato said that the Talmage Avenue flood control project is 78% complete which is ahead of schedule. There is a scheduled closing for October 20, 2009 until Thanksgiving. The closing is necessary because there is only a very small area with massive utility needs. They have completed pouring all the cement.

The 2 last contracts have gone to bid. The S. Main Street gate closure work is ready to begin but they must be trained by the Army Corp engineers. It should start by mid spring and summer with all the coordination that is involved. Mr. Pilato stated that the board should see some of the work done on the levy on the rivers the footprint for the pump station and the 72" drainage pipes.

The budget was finalized with a 2.9 cent increase.

Watchung Road is being redone. There are 3 more streets that will also be resurfaced. There had been many issues with contractors and the sewers. The T&M engineer has had issues with the landscaping plan of the Island.

Mr. Pilato offered that the New Jersey bidding law is terrible. The lowest bid gets the contract but sometimes that results in low responsiveness and poor quality. At least 20 letters were sent about the quality of work.

The Bolmer building had a preconstruction on the 26th they will be on site and the building will be down. They will attempt to remove and salvage the Bolmer building nameplate.

Rossina's will be opening on Nov 1, 2009 at its new location. There should be a marketing strike team as to best prepare for the opening.

Mr. Pilato was happy to report code enforcement working in regards to Adamsville Maintainace. Since March the borough has been enforcing codes and it is now spotless. There were summons, court dates, Judges and then finally something happened.

Mr. Fazen thanked the mayor for all the updates.

REPORTS OF OFFICERS AND COMMITTEES

Compliance Review Committee

Mr. Fazen will send a letter to the Borough Administrator for action.

Ms. Brnicevic will follow up on the resolution from Efingers. Now she will begin compliance reviews on 2008. Mr. Fazen said he would send her an updated list.

Mr. Pilato asked if the process of the compliance review would be to ensure that everything is in the file. Mr. Fazen answered that the compliance report is a report to be given to the board and the files are being addressed under the record management.

Approval of Bills

Mr. Fazen circulated bills for approval.

Site Plan Review

Nothing

Architectural Review Committee

We are still waiting for the signage proposal from Oasis Therapy (Brazilian Dermal).

Redevelopment – Area #2(PPS)

Mr. Fazen informed that the final plan was submitted for approval and asked if there should be a hearing or briefing on this. It was agreed that it was already reviewed and corrected by the board.

Mr. Pilato stated that they would like to introduce it at the October 27, 2009 Council meeting to get the whole process completed. Mr. Rodgers said he would check to see if there is enough time. There has to be a hearing of the Planning Board and the Council. We need 14 days including 4 days notice for the paper.

Ms. Brnicevic asked if there was a revised plan available. Mr. Fazen will send her one.

Historic Preservation Ordinance Implementation

Mr. Pilato advised that the Historic Preservation commission should have appointments by next Tuesday's council meeting. There has to be a commission of 5 members.

Mr. Fazen explained that what the commission would do is survey which sites and districts should be considered landmarks. Their recommendation would then go to the National Register and then it goes to Council.

There are currently 20 state landmarks in Bound Brook. The Brook Theatre for example if sold without the commission in place could be demolished. With the commission in place and the ordinance written, such actions can be stopped.

Mr. Pilato said that with the land use ordinance and a commission to oversee it, if there were any actions that needed to be taken it would come before the Council and Planning Board.

Planning Board Secretary Hiring

Samantha Velazquez was hired as the Planning Board Secretary. Records Management Organization will be implemented. Mrs. Velazquez will organize application documentation and the goal is to have them all digitized. Mr. Rodgers will work on starting this project and work with Mr. Gayeski and Mrs. Velazquez get the files digitized.

Transit-Oriented Design Plan

There was a meeting held at the Brook Theatre on September 26, 2009. Mr. Pilato stated that the town visioning session was a success and thanked all who attended. There were many great ideas and the architect Mr. Rodriguez got a lot of ideas down on paper.

Mr. Fazen stated that it was unique and pleasant that young people were in attendance. Mr. Pilato stated that the passion and excitement at the meeting was wonderful. Most of the ideas could be implemented relatively easily with nominal cost.

OPEN TO PUBLIC

Nothing

PUBLIC HEARINGS

19-08: D'Angelo - 47 W. Maple Avenue

20-08: Stein - 45 W. Maple Avenue

Mr. Pilato and Mr. Thompson stepped down for the hearing.

Mr. Fazen informed the board that a check was received for escrow payment.

Mr. Martin Gleason, lawyer for Mrs. D'Angelo and Mr. Stein stated that he would be presenting an application for a minor subdivision of the two existing lots to create the backs of two different lots, one facing Maple Avenue and the other facing Central Avenue. He asked to present a witness.

Mr. Gleason presented Mr. Roger DeNiscia, professional planner who's education was received as an undergrad from Notre Dame, he attended NYU, he is affiliated the American Planning Board, he has worked for housing planning and redevelopment, he's a planning staff member servicing 4 communities and planning consultant for various communities. He has also appeared before the US District Board. He has been licensed since 1972. It was agreed that he was highly qualified.

He stated that he reviewed the plans that were before the board. Mr. Gleason stated that there would be 3 lots created from the existing two. The only variance needed was for the one lot that has a 2 family house already present. He stated that he had inspected and reviewed the plans.

A plan board was presented as exhibit A1 for identification. The board showed the surrounding area. Mr. Rodgers asked if they were the same plans as presented with original application. Mr. Gleason said they were not the same.

The plans were from March 2nd 2007 with revisions dated September 24, 2009. Mr. DeNiscia showed West Maple Avenue Lots 14 and 15, Block 86. There were also photos passes to the board members.

Lot 14 is 70x200, 13,845 square feet and it fronts on Maple Avenue and on Central Avenue there is access to the garage behind trees.

In the Lot 15 photo it shows the property which is 60 x 200 feet, 13,000 square feet. Both lots currently extend back 200 feet but it is really not visible.

Lot 14 currently has a 2 story one family house on the property with a driveway.

Lot 15 has a 1 ½ story house. It is divided into 2 units. Because of the size it is only suitable for a one car the garage with a normal depth. There is considerable space that is not kept actually the entire site has not been kept.

These two sites have been developed, the conditions of the garages could use some change.

The proposed plans that everyone has been given shows the subject site's rear yard area should be creating that which fronts on Central Avenue. The garage will be taken down and the smaller house will not be removed. The new lot fronting on Central Avenue would be created.

Lot 14 will end up to be 70x139 with an area of 9,300 square feet. Lot 15 will end up being 60x137 with an area of 9,310 feet. There will be an adequate parking area with a space to turn around. The new lot would be 60x154, 9,300 square feet.

There will be 4 dwelling units at 7,200 square feet per unit. The proposed lots would contain one small 2 family house and 2 single family houses. He felt that if one eliminated the garage there would be a more open area.

The property is in the R3 residential zone which means the area permits only single family uses. The existing 2 family fronts on Maple Avenue and is currently a nonconforming lot. There will be sufficient parking provided so that should not be an issue.

It is proposed that a land use variance be granted. Even though nonconforming use is scrutinized, he stated that with diminishing the lot size of the 2 family house they would not only be taking away area from a nonconforming use but they would exceed the requirements for setbacks and width.

Mr. Rodgers stated that since the lot does not comply with what is permitted in the zone and it is an existing condition it is important that the properties are not being overdeveloped. Alteration of nonconforming lot makes it harder to remit it back to a conforming use. Mr. DeNiscia disagreed and stated that there would be the ability to remit back to a conforming use in the future if the property were ever to be sold. Mr. Rodgers said that there was nothing in the application that states this.

Mr. DeNiscia said if approved it would exceed zoning requirements for single family houses. It would make it possible to remit to a single family house in the future. The board would be making it possible; in his opinion the plans meet all a subdivision criteria.

They are planning to have the garages removed. They would be providing adequate light and air between properties. The proposed lot size would be 7,000 square feet 16% more space than before.

Mrs. Doyle stated that visual appearance and garage improvement would represent better aesthetics of the area.

Ms. Ackerman asked if it would be detrimental to the area to have the garages taken down and wouldn't it be a benefit the house on Central Avenue if there was a garage.

The Single family house would fit in. The Zone planning ordinance is already in place with this application and approved use of a setback on Central Avenue.

Mrs. Doyle offered her observations and recommendations. With respect to taking land away from a nonconforming lot it may have a more intense appearance.

With the way the current situation is two families have a yard. Something should be done to mitigate the fact that Lot 16 does not share the rear depth. Between Lots 15 & 16 there should be more of a visual appeal, a solid fence or landscaping of 12 feet. There should be a site triangle drafted that there would be no more than 2.5 feet in height for front yard shrubs.

She suggested trees to the satisfaction of 50 feet where there are none in existence. The applicant agreed. In regards to the stone driveways, Macadam or other hard surface would be recommended, to which the applicant agreed to.

The last thing is that most houses have garages. The necessity is not there and they are not mandatory, but it would be advised to have both existing lots to build garages. They have the space to able to accommodate this. The plans are showing adequate parking slots with no garages.

A performance bond from the engineer is required.

Ms. Brnicevic asked how many other 2 family houses are in the area.

Mr. Ford was sworn in and informed that on Central Avenue to Vosseller Avenue there are seven 2 family houses. Mr. Daniel Stein owner of Lot 15 was sworn in and confirmed that there were seven 2 family houses on Central Avenue to Vosseller Avenue.

Mr. Fazen was concerned about the format. Two lots subdivide their lots and combine a yard.

Ms. Ackerman asked what constitutes a 2 family house. Mr. Miller answered that it a dwelling with a kitchen, bedroom and bathroom that is not shared by another family is considered a 2 family house. It could be horizontal or vertical. There may be more than one entrance or one may be shared. The town checks the amounts of meters to see if there is a 2 family house present. It was asked if Ms. Pinto from the tax office always knows where there is a 2 family house.

Mrs. Doyle created a master plan of the town so we have a map than can be easily checked.

Mr. Fazen asked if there were any more questions. Ms. Ackerman asked why they wanted to demolish the garages and what the ramifications were from the tax standpoint.

Mr. Gleason asked his expert what the conditions of the garages were. They are not in the best conditions.

Mr. Ford sold houses for 40 years and he answered Ms. Ackerman that residential properties are worth more and therefore the tax would be higher. It would add to the appraisal.

Ms. Brnicevic asked Mrs. Doyle what does not having a garage do to the neighborhood aesthetically who answered that it would not be out of scale.

To make Lot 15 more compatible it needs a garage which will open another 25 feet for the rear yard. The 2 stalls should lead up to the garage. This will allow for adequate rear yard enjoyment.

Mr. Miller asked for specs of what the house will look like. Ms. Brnicevic agreed that the board would like to see what type of house would be constructed.

With proportion to the 200 feet of this block Mr. Cerminara is picking up on how a subdivision can be made. He would want to see a very specific plan with full elevation and to see something like an independent garage. There should be provided accommodations with regards to garages having reversed driveways so the headlights are directed into their own homes.

Mr. Cerminara questioned the fact that the lot width would be reduced to 60 Feet. He asked what the other sizes of the other lots up Central Avenue are. Mr. DeNiscia answered that Lot 13 is 72 feet, Lot 12 is 50 feet and Lot 11.01 is 65 feet and Lot 12 is 52.9 feet.

It was suggested that the front yard rather than being 30 feet should be set back with the garage. Mr. Cerminara stated that he would need to see what the house will look like. Mr. Stein asked what type of house the board would like to see. Mr. Cerminara answered that the board should not design the house.

Mr. Rodgers asked about the shrinking of a non conforming lot. He asked Mr. Gleason if his client would agree to revert back a single family house. To which Mr. Gleason answered no.

Mr. Fazen summarized that if the subdivision is created the applicant would agree to:

1. relocate or rebuild the garages
2. provide a plan for the construction of the new house and garage
3. install a screen or fence between Lots 15 and 16
4. install asphalt drive for Lots 14 and 15
5. the new dwelling should be compatible with the aesthetics of neighboring houses
6. plant shrubs in front and in the site triangle.
7. provide a revised landscaping plan including planting of trees every 50ft.
8. obtain a performance bond
9. the proposed house being restricted to the ARC dimensions.
10. provide plans to show footprint of the 3 Lots having garages
11. the house on the new lot to match with the original front

Mr. Fazen said that to give an approval now the whole board would have to agree to give approval as a result of the review of the Architectural Review Committee.

Mr. Miller was looking for an ADA compliant ramp. The detail of driveways and typically that the applicant will fix the sidewalks as necessary.

Ms. Brnicevic doesn't want to rush it through the process of approving a use variance.

Mr. Rodgers stated that the variance approval can be for the sake of the board. Mr. Rodgers could draft a resolution, if the board authorizes him to do so. The legalities are that this is a use variance and it requires special reasons why it is not favored. There has to be compelling reasons why granting the use variance outweighs the nonconforming use that will be shrunken.

Mr. Rodgers stated that a lot of times if you would have a 2 family house on a larger lot it looks less invasive and case law may agree.

Mr. Cerminara said that compared to the way the neighborhood is now it appears if we approve the application, the new plans for the lots would probably be more compatible than they are now if they work with the proper architect.

Ms. Ackerman asked what the tax revenue difference would be. Mr. DeNiscia answered that there would be a new house and therefore additional tax revenue.

Mr. Gleason will have to look into the amount. Ms. Brnicevic said that for a variance approval it should not be a tax issue. Mr. Fazen wanted the board to write up a draft to see if we can come to an agreement with the owner. There should be one more hearing take place with a final vote taken then.

Mr. Cerminara said that we should get at revised site plan. Mr. Fazen agrees with Ms. Brnicevic that the footprints should be present and more preferable architecture should be represented in order to enhance the ability to get approval. What the board is looking for is architecture, something that belongs there.

There has to be a re-notice, previously this application had brought out many neighbors. Mr. Gleason stated that he has been speaking with those neighbors. Mr. Fazen asked the applicant to please re-notice.

22-08: Brook Industrial Park - 100 West Main Street – Informal Hearing to address zone uses.

Cancelled

13-09: Benjamin Acevedo, Jr. – 420 Vosseller Avenue

Mr. Fazen stated that there were letters given to the board this evening.

Informally a local realtor Mr. Angelo DiLeo came to the meeting. He stated that he felt that the board was giving people a hard time to get there businesses into town. For

example, he stated that when someone comes to make an application they should have a person to assist in the process. By taking a long time with the application process the board is postponing the applicant's business.

The proposed business has a lack of parking and we found an old file #19-95 that was approved as a site plan waiver. Mr. DiLeo stated that all the applicant is trying to do is put in a business. There will be hats and other such items.

In July they said we should have gotten a site plan waiver. Mr. Thompson and Mr. Fazen said that all they had to do was fill out the application. Mr. DiLeo said that for example the file that was needed was in the archives. Now we are dealing with people going out of business while waiting. There are photos and documents that are missing and now we have to postpone this hearing.

To this file there is an old site plan approved in 1985. Mr. DiLeo feels that all we are doing is wasting time. The issue about the sign; when the applicant will be using existing signage. Mr. Fazen said that the applicant has to comply with the ordinance and hopefully the application will be deemed as complete.

Mr. DiLeo stated that this is the only town that gives their applicants such a difficult time. He asked how the town plans to get rid of the empty spaces, he knows of six people who stated that it takes too long to get approval.

We took pictures, provided the missing the deed, and for 25 years she has been paying her taxes. The property has been empty for a year, in the past 30 years there has been many different businesses there and now we have been fooling around for 3 months.

Every application needs a site plan and adjustments may need to be made. It has to be approved by the planning board. Mr. Thompson said that we do an expedient job.

Mr. Pilato stated that when you try to give leeway to an applicant they could go too far and the town has gotten stung before. He stated that it does not mean that we can't do better.

There are no major changes being made by the applicant. Mr. Pilato stated that we have and emerged board in Somerset. We have to look at every application closely and we have to enforce the ordinance evenly.

Mr. Fazen stated that possibly the applicant had difficulty filling out the forms and if so he has sat with applicants to assist then and it was simpler. We are getting there. We are working to be more efficient. There used to be only Mr. Fazen but now we have Mrs. Velazquez who will be able to assist in the future.

Mr. DiLeo stated that he knew two engineers who stated they would not go in front of this board. Mr. Thompson stated that some engineers come in totally unprepared.

Mr. Fazen stated that we would love to look at an application and read off a checklist. There was never an applicant that has had the complete package.

FUTURE APPLICATION COMPLETENESS REVIEW & SCHEDULE:

- **23-08: Bound Brook, LLC - 738 Codrington Drive – Dismissed**
- **01-09: Verizon Wireless - 301-307 East Main Street – scheduled for Nov12**
They received completeness, called and wanted to wait to adjourn until the second January meeting.
There was a declaration for Completeness. Ms Ackerman moved to render the application complete Mr. Gayeski seconds the motion was carried out. (Mr. Thompson and Mr. Pilato abstained 5-0-2). Mr. Fazen said that the hearing will be scheduled for January 28, 2009. Mrs. Velazquez will notify them.
- **04-09: 204 Lincoln Blvd Associates, LLC - 539 East 2nd Street –**
They are going to come before us. Mr. Fazen will advise the date. They did not submit the proper paperwork yet.
- **07-09: Estate of Robert Billian – 128 E. High Street – NOT COMPLETE**
- **09-09: A & GMAC Inc – 16 Mountain Avenue – NOT COMPLETE**
- **11-07: Panaderia La Reina – 217 E. Main Street – NOT COMPLETE**
- **10-08: Klein - rehearing scheduled for October 22, 2009**

NEW BUSINESS

None

ADJOURNMENT

Mr. Gomez made a motion to adjourn the meeting at 9:55 p.m. seconded by Mr. Cerminara and carried out unanimously.

NEXT MEETING: October 22, 2009

Respectfully submitted by,

Samantha Velazquez
Board Secretary