

**BOROUGH OF BOUND BROOK**

Planning and Zoning Board  
Minutes of the Regular Meeting  
Thursday, September 24, 2015  
Council Chambers, 230 Hamilton Street

**Present:** Michael Witt; Jim Ayotte; Kerry Miller; Karen Carroll; Melody Lavernia; Patricia Bates Smith; Linda Brnicevic; Jim Ayotte; Howard Wagner

**Also Present:** John Belardo, Board Attorney; Carlos Rodrigues, Board Planner; Len Miller, Board Engineer; Heidi Shallop, Recording Secretary

**Absent:** Robert Fazen; Abel Gomez

Chairman Witt opened the meeting at 7:31 P.M., acknowledging the open statement as required by the Open Public Meetings Act.

1. Public Comment Non-Agenda Items: None
2. Mayor's Message: None. Chairman Witt reminded the public about River Fest on September 26, 2015 as well as the First Annual Bound Brook Short Film Festival, also on September 26, 2015.
3. Hearings
  - A. PB #14-03  
Applicant: Picture Perfect Landscaping  
Property Location: Block 3, Lot 2 – 420 Talmadge Avenue  
Application Type: Use Variance and Waiver Request

This matter was a continuation of previous hearings on December 11, 2014, and August 13, 2015. Mr. Gazzale, engineer for the applicant, was the first witness to testify. He described the site in question and highlighted the environmental restrictions placed upon it. Because of the contamination on the site, any land disturbance activities (such as excavation) are to be prevented and minimized. The planning board had previously expressed some interest in landscaping on the site. Mr. Gazzale suggested that planters placed along the side walk, including seasonal plantings and small trees, would be the best way to beautify the site while minimizing soil disturbance.

Ms. Brnicevic questioned Mr. Gazzale as to the type of fencing planned. He replied that vinyl fencing had been selected. She also expressed concern over the existing containers located on the site as well as the proposed parking of landscaping trucks.

Ms. Bates Smith asked Mr. Gazzale about the cap on the site and whether it precluded the installation of raised landscaping. He responded that it did not, that it precluded excavation, disturbance, and penetration. She expressed further interest in the landscaping plans, including

raised plant beds in front of the fencing and moving the fencing back further onto the property. Mr. Gazzale stated that their plans included utilizing existing fence posts in order to prevent disturbing the cap on the site. There was some discussion on the possibility of moving the fence line and whether it would prove to be too great of a disturbance to the contaminated soil. The applicant, Mr. Merlo, indicated that he would abide with whatever the board decided so long as he had the approval of the DEP.

Mr. Lanfrit, attorney for the applicant, summarized the application for the board. He covered the history of the applicant's small business as well as the history of the site. He stated that the applicant was not there to redevelop the site but that as soon as a redeveloper expressed interest in the site, the applicant would gladly sell the site so that it could be redeveloped. In the meantime, the applicant was committed to making the site as attractive as possible and minimizing any disturbances to the neighborhood.

Attorney Belardo instructed the board as to its power to grant non permitted uses as well as how to consider a "typical non-inherently beneficial use application" – the standards required, the general welfare of the community, and whether the site is particularly suited for the proposed use.

Mr. Ayotte requested further clarification on the type and color of fencing proposed. Ms. Brnicevic expressed concern over the introduction of additional industrial use on Talmadge Avenue. She stated that this would not benefit the neighborhood. Chairman Witt stated his opinion that he would rather have something there at the site instead of leaving it vacant and that the proposed use was ideal for the site in question until that area of the borough is redeveloped.

Conditions to be imposed if the application were approved were discussed. They included parking all vehicles in the back of the lot, no snowplowing during winter, no outside storage of any planting material or equipment, no maintenance of the vehicles on the property, the applicant would not apply as a redeveloper of the property. The applicant did not propose any signage. Ms. Bates Smith made a motion to impose another condition on the applicant. She proposed that the fencing be moved back from the property line and that raised planting beds be placed in front of the fencing. Ms. Miller seconded the motion. A vote was taken and the condition was not approved with a vote of 4-3 against.

Ms. Carroll made a motion to approve the application, Mr. Wagner seconded the motion. A roll call vote was taken and the application was approved 6-1.

ADJOURNMENT: 8:19 p.m.  
Next Regular Meeting: October 8, 2015  
Respectfully submitted,  
Heidi Shallop  
Planning Board Secretary