

Bound Brook Planning Board
Regular Meeting January 23, 1997

The regular meeting of the Bound Brook Planning Board was called to order by Chairman Strain at 7:36 p.m. in the Municipal Chambers, 230 Hamilton St., Bound Brook, NJ 08805.

Roll call was taken. Those present were: F. Gully, M. Gupko, M. Wilk, T. Gaglia, W. Tuck, E. Gabrielski, L. Strain, & G. Perone K. Slater.

Also present were Michael Rodgers, Board Attorney & Scarlett Doyle, Board Planner.

Mr. Strain read the "Open Public Meetings Law" statement." This was followed by a salute to our flag.

Mr. Rodgers administered the oath of office to Mike Gupko & new members: Gene Perone & Kirk Slater.

Mr. Bruno joined the meeting at this point - 7:40 p.m.

Mr. Strain asked the Board members & the public to join him in a moment of silence to honor Dick Schindelar, who died in December.

The minutes of the 1/09/97 meeting were presented for approval. Mr. Gaglia made a motion to accept, seconded by Mr. Wilk. All were in favor, so moved.

The minutes of 12/11, 12/12, 12/16/ & 12/19, distributed tonight, as well as the 12/2-3 meeting will be presented for approval at the next meeting.

Tonight's agenda includes:

#34-96 completeness hearing & possible continuation of the appeal of Philip Drenzo.

#27-96 appeal of Thomas Luisi

Mr. Strain asked if Mr. Luisi was present. He was not.

Mr. Gupko remarked that some action must be taken by the Board concerning Mr. Luisi. He refuses to follow the rules of the town or this Board. He has put up an improper sign, which is contrary to our sign ordinance. He continues to ignore our requests. He delays coming before the Board. A summons has been issued for his appearance in Court on 2/6/97. The summons is for the items before the Board. This has been going on for a year & a half.

Mr. Gupko is asking for a maximum penalty.

Mr. Rodgers said the summons should put some pressure on him.

Mr. Strain said we'll deal with it in February.

Mr. Strain asked if any member of the public wished to speak on any matter unrelated to tonight's agenda.

Mr. Jack Lewis of Brook Bagels & Deli - 4230 Vosseller Ave. spoke. He said that a site plan waiver was granted, allowing them to sell food on the site. But, it prohibited seating. No seats allowed.

He would like to seek relief, to allow him to put tables in his establishment.

Mr. Gupko mentioned that, at the time of the appeal, the site plan committee did not want any tables & chairs in the establishment, because of the parking problems.

Mr. Wilk asked why doesn't he get a copy of the site plan waiver resolution.

Mr. Gupko didn't believe one existed.

Mr. Gaglia thought there never was a site plan waiver.

Mr. Wilk believed that, if a resolution exists, it allows seating in that establishment. He was on the Board at the time. He remembered the controversy. In the end, seating was allowed. We should have a copy of it. The file would be under Robert Scannelli.

Mr. Strain said we would have to research the file.

Mr. Wilk said Mr. Auciello should have a copy. He believed they allowed standing tables with no seats.

Mr. Strain closed the meeting to the public.

Continuation of the appeal of Richard Scagliotta (#32-96)

Mr. Lawrence A. Vastola, an attorney represented the applicant. He said this hearing is a continuation from our November meeting. The applicant has made some revisions to the plan. Mrs. Doyle has reviewed the changes. He noted her letter of 12/27/96.

He asked members to review the revised plans dated 12/20/96.

Mr. Vastola mentioned the issue of the storage trailers, which are not entirely on their property. They need a variance for side yard use. They will relocate the trailers, so they will be entirely on their own property.

Mr. Vastola asked Mr. Fisk to comment on the revisions he has made.

Mr. Wilk asked if there were stairs, lights & electricity in the trailers. He was told that they exist. He said that this is a little more than a storage facility.

Mr. Scagliotta said that one has stairs inside and one outside.

Mr. Gupko was asked if this was a structure. He replied that they have been unwelded. They are probably not a structure now.

Mr. Vastola said they are an accessory structure. They are used for storage.

Mr. Gabrielski mentioned the fact that the trailers can be detached. The trailer on the left has a gasoline diesel pump. That tank is in the back of the trailer.

Mr. Scagliotta said he needed a metered pump to submit to the State the amount of fuel generated. It is diesel fuel. There are explosive proof switches. There are 500 gal. of clear & 500 gal. of red stored in the back of the trailer. Discussion followed.

was an acceptable use for the facility. Discussion followed. Mr. Gupko said that New Jersey Transit would probably frown on the idea of diesel gasoline near the site.

Mr. Fisk spoke about the relocating & extending the fence along the front and re-doing the parking spaces. They now have four spaces. Also, because of the recommendations from the Planner, they have revised the landscaping scheme. Mrs. Doyle had suggested that the landscape area should be defined, & the mature width of the taxis species selected should be graphically depicted in order to assure that the species is dimensionally in scale with the landscape bed. The purpose of the seven taxis plantings on the westerly property line should be defined. If visual screening is sought, another selection of species may be appropriate. He assured the Board that the Planner would be consulted about the landscaping during the construction period.

Mr. Vastola noted that they must secure DEP approval for construction in the floodprone area. They have not heard from them yet.

Concerning the existing signage, he passed out a photo of the sign showing it to be 2x4 feet. No other sign is being proposed.

Concerning item # 4 - They intend to use the existing curbing. However, deteriorated curbing along the frontage needing replacement will be repaired to the satisfaction of the Borough Engineer.

Item #6 mentioned that the applicant was to place on the plans a limit of the number of vehicles he anticipated for storage on the premises. At the last meeting they mentioned seven vehicles. This was a mistake. It should have been 8 vehicles & one tractor. He named them.

Mr. Rodgers was told that it was not indicated on the plans yet. All the vehicles are licensed & registered. They will be stored overnight.

Mr. Gaglia said the Board was more interested in the big vehicles being stored there.

Mr. Strain asked what is considered a vehicle. He named pieces of equipment. Are these considered vehicles? Is storage & parking there overnight considered storage? The Board knows they have more than eight vehicles. During previous testimony, the applicant testified that he stores equipment on his neighbor's property.

Mr. Scagliotta said he rents a piece of property in Plainfield. He can store some equipment there.

Mr. Wilk said the Board is having a problem with quantifying what it is he has on the site. If you violate the resolution, you will be subject to fines. Sometimes, the site is packed.

Mr. Vastola said there will be eight vehicles there. Also, there may be up to six vehicles there for servicing. Therefore, there could be a total of 14 vehicles on the property for a short period of time. Also, they will eliminate the use of the adjoining property.

Concerning #7, Mr. Fisk said the fence along the front is congenial with the Borough fence. It matches it. He got the impression last month, that the Board agreed it would be all right to continue it. The fence along the westerly side should be a continuation of the Borough fence. The fence along the front does not necessarily have to be the same as the Borough fence.

Mr. Vastola said this property is at the entrance to the town. They want to make it attractive - with the fence & landscaping.

Mrs. Doyle said the applicant proposed a sign 24x48 inches. We don't know exactly what it will look like. She would like a picture of the sign on the plan.

The SID stops at East St. The ARB is not involved.

Mr. Vastola said a 2x4 wood sign will be put on the plan.

Concerning the fence, Mrs. Doyle said the engineer has put hedges in front of the fence. This type of planting grows out rather than high. It doesn't give height. It will not stop the picket fence effect. Considering the way it looks now, we don't want to perpetuate something that is unacceptable. This is a "d" variance. That means that what's happening on this property is in violation of our ordinance. At least shield it. Don't let the public drive by & see what's happening inside. The nature of his business makes his operation untidy. A board on board is fine. She explained. She suggested a board fence, not a stockade. She presumes the fence will go on both sides of the driveway. We want compatibility with the rest of the zone.

She suggested that the plantings on the west side arborvitae. They will go straight up & make a fence. Taxies in the front is fine. They should be closer to the fence.

Mr. Rodgers asked her to list her suggestions.

She said the entire front of the property should have a chain link fence. The portion to the east of the driveway should have a board fence - six feet in height. The plantings shown should be moved southerly, closer to the fence so as not to go on the sidewalk. There should be plantings on the westerly side. Seven taxies have been proposed. She suggested they install upright arborvitae. The detail of the sign should be kelly green with gold lettering. It should be put on the plan.

She mentioned that the applicant must get DEP approval.

She asked that her letter of 12/27/96 be incorporated in the resolution.

Mr. Wilk asked that the Building Code official & the Fire official to inspect the attached tractor-trailers (structures) to make sure they meet all of the codes. He fears that they don't. He mentioned fire suppression systems, above ground storage tanks, etc. Discussion followed.

Mr. Bruno was skeptical about the extensive use & storage of vehicles on such a small piece of property.

Mr. Scagliotta said he came to the Board so he could build an office for himself.

Mr. Bruno said we have to be convinced of his sincerity concerning the number of vehicles. We give approval & then ask our Building Inspector to count vehicles. He would like the applicant to use his rental space to store vehicles in Plainfield.

Mr. Vastola repeated that his client needs to store 8 vehicles overnight. They will be on the road the next day. He'll service up to 6 other vehicles. The maximum will be 14 vehicles on the site.

Mr. Wilk asked what is the difference between a structure & a trailer. He was told that a structure has no wheels. As far as the zone is concerned, the trailers are legal but non-conforming. He stressed that the applicant must meet all the codes.

Mr. Vastola said the plans show that the trailers will look the same, but they will be moved. When asked if the applicant could do with fewer, he was told that the applicant needed them. He's making the building as big as he can.

Discussion followed.

Mr. Auletta joined the meeting at this point - 8:45 p.m.

Mr. Strain opened the meeting to the public.

There were no comments.

He closed the meeting to the public.

Mr. Gupko said there is entirely too much activity on the site. Every square inch is used for some purpose.

Mr. Wilk made a motion to approve, seconded by Mr. Gaglia.

Mr. Gabrielski was troubled by the four tractor trailers.

Mr. Gaglia was told that the fuel oil on the site would be dealt with properly.

Mrs. Doyle suggested that the conditions be set forth, including her letter of 12/27/96.

Also, the applicant should post a bond for the purpose of inspection fees. All agreed.

Mr. Strain mentioned that this Board did grant a variance in June of 1996. Therefore, he has a right to use this property.

Roll call vote was taken.

Mr. Gupko said the trailers were placed without consent on someone else's property. There is too much activity on this property.

Mr. Wilk said that he would like to vote yes. However, there are too many things against it.

Mr. Strain interrupted.

Mr. Rodgers said this is a site plan application. Board members can make all kinds of requirements. However, you cannot prohibit the use, if it is otherwise permitted. You can't just vote no to the extent that you're prohibiting what has been granted by the variance.

Mr. Gupko said his "no" was for the site plan.

Mr. Wilk changed his vote.

Roll call vote was taken. "Yes" votes were received from M. Wilk, T. Gaglia, W. Tuck, L. Strain.

"No" votes were received from: M. Gupko, E. Gabrielski, F. Bruno. The motion carried.

Mr. Strain called for a recess at 9:00 p.m.

He called the meeting to order at 9:10 p.m.

Appeal of Philip Direnzo

Mr. Mark Hauptman, an attorney, represented Mr. Direnzo.

Mrs. Doyle wrote a letter dated 1/9/97 recommending completeness.

Mr. Wilk made a motion to deem the application complete, seconded by Mr. Gaglia.

All were in favor, so moved.

Mr. Hauptman referred to the January 7, 1997 revised plan. It addressed the parking problem.

Mr. Gupko said they were five spaces short. Therefore, they needed a variance.

The applicants laid out two alternatives. The first included angle parking. In each plan, they include 13 spaces.

(The secretary was checking the notices to the neighbors. The tapes were unclear. Something may be missing.)

Discussion followed about seating vs. car spaces.

The applicant has 13 parking spaces.

Mr. Strain mentioned Mrs. Doyle's letter of 1/6/97.

Mr. Hauptman said the seasonal landscaping has been shown.

Mr. Wilk asked him if he was aware that the street will be widened.

Mr. Wilk was told that it will not be widened.

Mr. Direnzo bought the property approximately 9 months ago.

Mr. Wilk asked about the underground tanks.

Mr. Gupko said that they have been removed.

Mrs. Doyle said the entrances should be defined by curbing. This is a pre-existing site. It is tight. Isles are usually 24 feet in width if perpendicular. They can be 18 feet if angled. It will be hard to get out. It is very tight, no matter who uses it. The entrances will have to be defined by curbing. The curbing would have to be based on the ultimate scheme. There are cross hatched areas in the plan, which can be landscaped. An example of this is by parking stall #1. She asked a question in #3. Why is the area in the southeast corner slated as a concrete area? This has been changed. The applicant has changed the entire front area. It will now be sculptured. He will have to explain what materials he'll use. The applicant will take tables inside & outside depending upon the weather. There will be a total of 32 seats.

The free standing sign is in the site triangle. We must be sure the height of the sign does not impede vision. This should be a condition.

She was told that the detail of the free standing sign is on the plan. It is 2 ft. 6 inches by 4 feet. From the base of the sign to the top is 5 ft. 6 inches. These dimensions should be put on the plan. The architect should address the issue and prove adequate site.

Discussion followed.

Mrs. Doyle felt the sign should be moved about 5 ft. in the northeast direction. Also, the site plan should note that there will be a maximum of 32 seats. The Board must remember that this will impact on the viability of the rest of the building. The other tenant cannot survive if he doesn't have parking. The length of the parking stalls must be shown. Nine feet is typical.

Mr. Strain wanted to know, for parking spaces 1 through 5, how does someone get in there.

Mr. Hauptman said there will be 2 curb cuts on Clearview. Mrs. Doyle said the Board should draw the curb cuts. It shows how tight it is. Maneuverability is needed.

Discussion followed.

The rest of the building will be retail. There's an existing door there now.

Mr. Auletta noted that this was once a car dealership. Perhaps they should contract the building or move the wall closer. They would get more parking spaces, or they could park inside the building. Mr. Hauptman said the could decrease the number of parking spaces.

Mr. Auletta said we need the parking spaces. Mr. Wilk said they are asking for a "c" variance for parking. Do we have to look at the whole blueprint for the property or only this section? The parking is terrible. There's no room for anything else. Mr. Rodgers said you have to look at the whole property.

Using the remainder of the building as a storage facility was mentioned. This is a garage with cement blocks.

Mr. Hauptman said the building predates the code. This is not a viable option.

Mr. Gaglia said if we keep granting parking variances, we will chase people off Union Ave. the way we did off Main St.

Mr. Gupko said the applicant bought the building. He has to make a living. What he proposes is an asset to the town.

Mr. Wilk said the applicant must have known when he bought the building for a restaurant, he was taking a risk. He knew he did not have enough parking. People can't get around in town. There is not enough parking. No one seems to care.

Mr. Bruno said it is the luck of the draw, when you come before this Board.

Mr. Auletta said you usually buy with a contingency clause. We can limit, because of the parking.

Mr. Tuck said that 11 spots are needed for the restaurant. This is the application before us. We've had a long conversation about future use. That is not before us now. There may be a problem in the future concerning the other part. The applicant should understand that.

Mr. Strain said we can't ignore the potential problems in the future.

Mrs. Doyle said the Board has an obligation to look at the whole property. The applicant has a good use. But we do have a parking variance problem. An option is to reduce the number of seats to nine. He would need only three spaces. He would need 10 spaces for the retail.

The parking spaces offered are minimal at best. Let him begin to operate with nine seats to "get his feet wet". Then, they can come back.

Mr. Auletta said they need 23 spaces. They only have 13.

Mr. Gupko told Mrs. Doyle that 9 seats means 9 people sitting down.

Mr. Direnzo said he doesn't mind cutting down the number to about 27 seats.

Discussion followed.

Mrs. Doyle said the building has to be used. If it were all retail, they'd have to have 24 spaces. There is a question as to whether retail and a restaurant will compliment each other.

Mr. Direnzo was sworn in by Mr. Rodgers.

The architect has attempted to do all he could with the constraints of the site.

Mr. Strain suggested we table this appeal until the next meeting.

Mr. Gabrielski said this is a corner. Can we calculate some on street parking?

Mr. Bruno suggested that the architect, Mrs. Doyle & Mr. Gupko meet to see what adjustments can be made.

Mr. Strain opened the meeting to the public.

Mr. Vincent J. Gianfrancesco of Clearview Place expressed his concern about the parking problems in his neighborhood. There are a precious few parking spaces. The nearby tavern uses the applicant's parking spaces now. Where will they go? What about deliveries to the site? How will they get in?

A neighbor asked about the hours of operation. He was told it would be from 6:00 a.m. to 9 or 10:00 p.m.

Mr. Strain sensed that the Board would have a difficult time in granting a variance. Somehow, the parking needs must be reduced.

Mr. Bruno made a motion to table the appeal, seconded by Mr. Wilk. All were in favor, so moved.

Mr. Strain mentioned Mrs. Doyle's 1/5/97 letter concerning a former applicant - Egenton. It has been almost a year. The applicant has made some improvements. Mr. Gupko has issued a summons & he is scheduled to appear in court on 2/6/97.

Mr. Gupko has had numerous conversations with him concerning the violations of the resolution with respect to parking on the street overnight.

Mr. Gupko & Mr. Strain will meet with him & report to the Board. Mr. Gaglia suggested that he rope off the area at night. He should be allowed to park a car or two overnight - if a car is being dropped off.

Mr. Wilk said there is a junk yard in back.

Mr. Gaglia can't see a problem with one or two cars.

Mr. Rodgers stated that Mr. Egenton must come before the Board with a formal request.

Resolution - Wayne D. Fisher

Mrs. Doyle's report of 7/29/96 should be added to the resolution.

Mr. Gaglia made a motion to approve, seconded by Mr. Gabrielski.

All those eligible to vote were in favor, so moved.

Purchase order requisition for Bound Brook Board of Ed.- use of buildings for Tea St. hearings \$1185.98 was signed by Mr. Strain.

Vouchers: John Cilo - \$40 - attendance 12/12 - Direnzo
 \$120 - " 12/12 - Scagliotta
 \$5000 - Tea St.
 \$2000 - Tea St.

Mr. Wilk made a motion to approve, seconded by Mr. Gaglia. All were in favor, so moved.

Mrs. Doyle mentioned the Tea St. development area. She said that the area south of Union Ave. on Tea St. - west of the Middle Brook is a parcel of land. Beyond that is Route 287. Until now, the governing body has excluded this area in matters of zoning as a possibility for wireless communications. If a wireless telecommunications facility is needed, there has to be justification for zoning purposes. Therefore, a Master Plan consideration has to be done.
Discussion followed.

Mr. Auletta made a motion to allow the Planner to prepare the language for a Master Plan allowing the erection of a tower. It was seconded by Mr. Bruno. All were in favor, so moved.

Mr. Gaglia made a motion to adjourn, seconded by Mr. Bruno. All were in favor, so moved.

There being no further business, the meeting was adjourned at 11:07 p.m.

Respectfully submitted,

Kathleen M. Lynch
Recording Secretary
There being