

BOROUGH OF BOUND BROOK
PLANNING BOARD
October 14, 2010

CALL TO ORDER

The meeting was called to order by chairman, Mr. Fazen at 7:30 p.m. at Borough Hall.

ROLL CALL

Present were: Ms. Brnicevic, Mr. Pilato, Mr. Witt, Mr. Gayeski, Mr. Fazen, Mr. Cerminara, Mr. Gomez and Mr. Buckley.

Also present were Mr. Mullan, engineer; Mr. Truscott, planner; Mr. Belardo, attorney and Mrs. Velazquez, board secretary.

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, 2010.

SALUTE TO THE FLAG

MINUTES OF PREVIOUS MEETING(S):

Mr. Witt made a motion to approve the minutes from September 23, 2010 seconded by Mr. Gayeski and were approved (2-0-4) Mr. Cerminara, Mr. Fazen, Mr. Gomez and Mr. Buckley abstained. Ms. Brnicevic and Mr. Pilato arrived after the motion was made so they did not vote.

ANNOUNCEMENTS & COMMUNICATIONS:

- Somerset County Planning Board
Nothing

- Mayor & Borough Council

Mr. Pilato informed that the budget passed on Tuesday and there will be an increase in taxes. Tax bills will go out in November and collections will be made in December. The other item that the town is waiting for is a "tool kit" or pieces of a kit to use in how to move forward. He stated that there will be a 2% cap for Bound Brook to live by.

Mr. Pilato explained that the ARC tunnel has been an issue lately and shared that a recent article offered that Senator Lautenberg found a private financier. The Association of Rail Users has looked into the offer and stated that the plan has good background documents but it will mean a new station location to be defined about 10 -20 stories below ground which in itself will cause other concerns.

Mr. Fazen stated that as a member of The Association of Rail Users, he fought it hard for it not to be located at the previously proposed site, many stories under Macy's on 34th Street. He agreed that NJ Transit has a lot of trouble with getting commuters to ground level with being between 1 -10 stories let alone 20 stories. Mr. Fazen stated that the planning and work to the West including PA, Flemington and Trenton that was put into the preexisting plan has taken a tremendous amount of time and money and it would be awful to have that all wasted.

Mr. Pilato stated that the council's next step is to start the budget process anew within the next 2 – 3 weeks for next year.

Mr. Pilato explained that on the flood control front, there is some attention needed. He explained that about 4-5 months ago the town sent a letter to the Army Corp of Engineers for the need for them to ensure that they will have the connection system near the "bathtub" or lower areas. They said yes and they came out with 100% design but the built infrastructure and the connections are not being shown on the plans. We are following up with them. He explained that there should be connections shown that the water should be pumped out via sub stations.

Mr. Pilato stated that impervious coverage is bad for the town and as a planning board we should be more aware and diligent about it for future applications.

Mr. Pilato stated the remapping that would be done would be considered for the 800 properties that currently have a rider that forces them to get flood coverage. The stream encroachment will also have to be thought of.

Mr. Witt asked for clarification from Mr. Pilato whether or not they have the connections. He was unnerved that our local system's information was not collected based on their data and are being based on that they will not trunk the water to the pumping station. Vosseller Avenue and Talmage Avenue are the lowest points as are Fairview and Linden. There has to be confirmation of the question of getting on paper the change of connection in order that it will flow toward the pumping station.

Mr. Pilato stated that Somerset County is going through the same issue with their Main Street. He stated he would report back on the issue as information was available.

OPEN TO PUBLIC:

Nothing

PUBLIC HEARING:

• **05-10: Massagli - 522 Central Avenue**

Let the record reflect that Mr. Buckley and Mr. Pilato stepped down since it is a variance application.

Ms. Roberta Massagli, 522 Central Avenue, was sworn in by Mr. Belardo. Ms. Massagli explained that she has owned the property for 12 years and it was time to upgrade the house. In recent years she had undergone foot surgery and explained that it is tough to go up and down the stairs to do the laundry. She also wished to expand and upgrade the kitchen to add a breakfast nook. She also wished to add one bedroom and a mud room off the kitchen.

She was asked if there was only one owner to which she stated that yes she was the sole owner. The plumbing for the laundry area would be added in the mud room. Mr. Fazen asked about the existing plumbing in the basement. Ms. Massagli stated that the plumbing in the basement would just be tied off and not used.

Mr. Truscott explained that a side yard variance was needed where 5.4 feet is proposed and 6 feet is required. A variance for a combined side yard is needed where there is a 20 foot requirement and 13.4 feet is proposed. Rear yard setback requirement is 10 feet and 2.02

feet is proposed, which is an existing non conformity. He stated that the applicant should address the positive and negative criteria.

Ms. Massagli testified that she was applying for variance approval because the lot is an irregular shape. Ms. Massagli stated that she and her architect looked into both slanting the plans to the property line or to go straight back with variance approval. She also stated that the zoning officer suggested she apply for a variance, bring the plans in 2 feet and go straight back.

Mr. Truscott explained that it was unclear if there were adjoining driveways. Ms. Massagli stated that the driveways are separate.

Mr. Mullin confirmed that the plans being presented consisted of 5 sheets with revisions made. Ms. Massagli confirmed the plans being presented. He confirmed that there is no easement needed for the driveway. Ms. Massagli offered that the side by side driveway has been in existence and that in fact it is two separate driveways and functions as such.

Mr. Mullin stated that the plans show that the addition would match the existing elevation. In reference to parking, the plans show that there is enough space in the proposed garage and the driveway to meet the requirement of 3 parking spaces.

Mr. Mullin stated that the plans show the drain runoff will be handled with roof gutters and splash blocks. He asked if there was any flooding on her property. She answered that she has been very fortunate and had not had any flooding occur or any drainage problems.

Mr. Mullin stated that the plot plan shows existing features such as fencing and sheds. He asked if they were being kept or modified. Ms. Massagli stated that some of the fencing will be removed.

Mr. Cerminara offered that the applicant could eliminate 8 inches from each side of the plans so that she would not need 2 of the side variances. He felt that it could be easily done. He explained that the planning board should avoid granting variances if possible. Ms. Massagli stated that she went to the construction office and the zoning officer suggested the plans go in 2 feet and she would have done them differently but time and money was spent on the ones being presented and no one suggested the 8 inches to her before this evening.

Mr. Cerminara stated concern that the plans make it very easy to turn the home into a two family residence. Ms. Massagli confirmed that she has no plans to turn the residence into a two family home and that she is not putting in a second kitchen, she is just adding a wet bar.

Mr. Cerminara thought that there could be a problem in the future with the driveways. It may be hard to turn around in the driveway. If the house is ever sold there should be an easement for the driveway. If there were two cars, she plans to back out of the driveway. Ms. Massagli stated that she approached her neighbor about having an easement and the neighbor did not want one.

Ms. Brnicevic asked if anyone has ever had a problem with the driveways. Ms. Massagli testified that there has never been a problem.

Mr. Mullin stated that the granting of the rear setback variance would cause no detriment. he could think of.

Mr. Belardo explained that the board could ask the applicant to give consent to amend the plans 8 inches on each side and vote on a motion to approve with only a rear yard variance or the board could make a motion to approve the application without amending the plans. Ms. Massagli stated that she wished the board to vote on the motion to approve without amending the plans.

Mr. Gomez made a motion to approve the application without amending the plans for side yard variance, combined side yard variance and rear yard variance seconded by Mr. Cerminara and was approved 4-0-2. Mr. Cerminara and Ms. Brnicevic voted no.

FUTURE APPLICATION COMPLETENESS REVIEW & SCHEDULE:

- **08-10: T-Mobile Northeast LLC – 10 Hamilton Street – Complete scheduled for October 28, 2010**

DISCUSSIONS/UPDATES:

Ms. Brnicevic asked if there was an update on Klein. Ms. Belardo stated that there was one court date shortly before Labor Day and the lawyer did not show. The lawyer was sent a letter and there has not been any reply. It is on the record that they did not show and there are more violations.

Mr. Fazen asked about the Historic Preservation Ordinance. Mr. Pilato asked if Mr. Fazen gave the borough attorney what he had asked for. Mr. Pilato thought the borough attorney was looking for back up for the proposed sites. Mr. Fazen thought he was looking for the enactment language. Ms. Brnicevic asked if the clock was running out for any ordinances to be passed this year.

Mr. Pilato offered that it was introduced and the attorney is looking for clarification on the process. Mr. Fazen asked for copies to which Mr. Pilato suggested he be in contact with Ms. Godleski about getting them. Mr. Fazen offered that the application form is clear and the criteria are filled in on the form.

Mrs. Velazquez asked Mr. Pilato about what will happen when Mr. Fazen steps down. Mr. Pilato stated that he could have nominations if there are any applications to be heard. Mr. Gayeski will be acting chair.

Mr. Gomez asked if there was any follow up done about the repair station near Tea Street where there seems to be a lot of vehicles parked as you come over the Talmage Avenue Bridge into Bound Brook. Mr. Pilato and Ms. Brnicevic offered to look into it.

Mr. Witt asked if there was an issue with paying our professionals. He stated that the professionals' bills are old and unpaid; and they need to find out what is going on. Mr. Gayeski stated that he had the last batch of bills for two weeks and he was supposed to get them to Mr. Fazen.

Mr. Pilato stated that the finance office had some internal issues and the person who handles the processing was out for some time. Mr. Witt stated that he understands the professionals' dilemma and knows that their businesses can not run a charity.

Mr. Pilato agreed that the escrow is a mess and something must be done about it. Mr. Witt stated that the applicants should not get a CO or a resolution voted upon until all escrow is in order.

Mr. Fazen stated that he will write a letter about the situation. Mr. Pilato asked Mr. Mullin if there were any examples of how other towns deal with escrow issues and asked him to please provide any input. Mr. Witt stated that the bottom line is we have professionals that are not being paid and it is unacceptable.

Mr. Fazen asked if Mr. Belardo answered the question of whether it was against the board planner contract to hire an outside planner for projects like the reevaluation of the Master Plan. Mr. Belardo explained the situation of there not being a planner contract and that it was voted upon by the board to amend the engineering contract to include planner. Mr. Fazen asked again if there was an answer about it being against the contract to hire an outside engineer or planner to which Mr. Belardo answered that the contract does not preclude such.

Mr. Fazen was thanked for all his years of service to the planning board. He stated that he had served as planning board chairman for 10 -12 years and it had been a labor of love. Looking down Union Avenue and all that has been accomplished and all that still needs to be done and he felt it was a reward to be able to help.

ADJOURNMENT:

Mr. Witt made a motion to adjourn the meeting at 8:40 pm seconded by Ms. Brnicevic and carried out unanimously.

NEXT MEETING: October 28, 2010

Respectfully submitted by,

Samantha Velazquez
Board Secretary