

File

BOROUGH OF BOUND BROOK
PLANNING BOARD
MARCH 8, 2007

CALL TO ORDER

The meeting was called to order by Vice Chairman Keith Krauser at 7:38 p.m. at Borough Hall.

ROLL CALL

Present were: Mayor Ryan, Ms. Miller, Mr. Thompson, Mr. Krauser, Mr. Shive and Dr. Winters.

Also present were the following staff members: Mrs. Malone, recording secretary; Mr. Rodgers, board attorney; Mr. Cilo, 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 Star-Ledger in January, 2007.

SALUTE TO THE FLAG

MINUTES OF PREVIOUS MEETING(S): Motion presented by Mr. Shive, seconded by Mr. Thompson, to approve the minutes of the January 25, 2007 meeting. Unanimous.

ANNOUNCEMENTS & COMMUNICATIONS:

Mayor Ryan noted correspondence from the Somerset County Planning Board. Mr. Krauser and Mr. Ryan will attend the breakfast meeting at 7:45 on March 26.

The NJ State League of Municipalities will hold a program on March 15, a statewide meeting sponsored by the mayor of Highland Park. Mr. Shive and Mr. Ryan will attend, and Ms. Miller will try.

Mr. Ryan also mentioned the contractor emailed him regarding the Queens Bridge. It will be closed, starting March 12, from 9 p.m. to 5 a.m. Walking will be allowed during the 60 nights of closing.

Mr. Krauser listed agenda items to be heard this evening.

OPEN TO PUBLIC: NON-AGENDA ITEMS

No comments at this time.

PUBLIC HEARINGS:

#03-07, Brown, 143 Vosseller Avenue (completeness and, if complete, hearing)

Mr. Brown was sworn in by Mr. Rodgers to give testimony. He received a letter from Mr. Cilo and has prepared the items requested.

Mr. Krauser explained that only four voting members are in attendance. Mr. Rodgers explained that five votes in favor are needed for approval. The two council members cannot participate, leaving only four. The board will consider the completeness issue and reschedule the hearing.

Motion by Mr. Shive, seconded by Dr. Winter, to deem the application complete. Passed 4-0-2 (council members did not participate).

Mr. Rodgers announced to the public that the application will be heard on March 22, so no further notice needs to be sent.

A new application has been filed for this property (#03-07). This application indicates a variance is needed and extends the application to both sides of the same building. A site plan is required for a use variance. Mr. Shive said there are some minor site issues. Mr. Cilo said the survey will serve as a site plan. This property was flooded during Floyd, and it has been cleaned and used as a consignment shop since.

#17-06, Mondragon, 29 VanKeuren

Mr. Rodgers explained that the application was deemed complete, then dismissed without prejudice. Mr. Thompson made a motion to reinstate the application and reaffirm the completeness, seconded by Mr. Shive and carried unanimously. Mrs. Malone will notify the attorney that the application is rescheduled for April 12.

In October, additional material was received and the board found the application to be complete. Mr. Thompson suggested, and the board agreed, that Mr. Spengler be notified that notices must be re-sent.

#22-06, Action Electric, 25 W. Main St.

Mr. Vastola requested that the matter be continued when the proper application is received. They need to present a site plan, as Mr. Cilo informed them on December 28. This property has not been used since the flood.

Mr. Cilo will write to Mr. Vastola and inform him that a site plan is required.

#23-06, Schwartz, 17 E. Union Avenue

On January 11, the application was deemed incomplete because of the second apartment on the second floor. A use variance would be needed to keep the separate apartment. The application is incomplete, and a use variance is needed.

#02-07, Omnipoint (completeness and, if complete, hearing)

Omnipoint has requested that the application be deemed complete; notices have been sent. They ask that the hearing be adjourned for at least 30 days. They will revise plans as requested by that time.

Mr. Cilo recommended that it be declared complete, noting that the application has a tortured history in the borough. The application came in while Mrs. Awtry was out. The application was stale, and appropriate fees had not been filed. In their letter, they asked that the application be declared complete because it was never dealt with. Fees had not been paid at that time, so the completeness issue is not retroactive.

Motion by Mr. Shive, seconded by Ms. Miller, to deem the application complete. Carried 4-0-2 (Mr. Ryan and Mr. Thompson abstained). Mr. Rodgers notified the public of the continuation, and no further notice is required.

The application will be heard on April 26.

Mr. Shive was appointed secretary pro-tem for this meeting per motion by Mr. Thompson, seconded by Ms. Miller and carried.

NEW BUSINESS:

Mayor Ryan asked if Mr. Rodgers got a copy of the letter regarding Hamilton Street Café. Mr. Rodgers said it is up to the zoning officer to act if he is in violation of prior approval.

Mr. Ryan asked about a subdivision at 18 Union Avenue. The carriage house in the back was sold, and the DEP said they were pouring concrete into the brook. Mr. Cilo recalled that the board approved the application with no reference to the stream. He asked for certification before signing off. It was decided that this situation is not in the board's bailiwick; the DEP will handle it.

Ms. Miller addressed the Shade Tree Commission issue. The commission sent a notice to residents and homeowners on High Street regarding spring planting. It gives them a chance to protest if they so desire. Mr. Fazen was concerned that the trees would be planted between the curb and the sidewalk, which is in the right-of-way and therefore under their authority.

If trees can be planted inside the sidewalk, they will not be maintained by the borough. The Commission plants street trees. Mr. Thompson asked if they check on water and gas lines; the contractor has to do it, Ms. Miller replied, and appropriate markings are obtained. Planting of about 35 trees is planned for this spring. Mr. Shive expressed concern about the shape as "Union Avenue syndrome" trees. Since we are well into March, there is not a lot of time to debate. Ms. Miller said they look for the best spots (i.e. away from wires) and also try to honor homeowner requests.

Mr. Ryan asked, when a tree lifts up the sidewalk, whose responsibility it is to fix it. When the borough made such repairs, the roots of the tree were damaged and the tree died. Mr. Cilo said trees like maples have spreading roots that will lift the sidewalk. If the borough had a regulation, they could accommodate trees with a minimal effect on the sidewalk, but they would need easements. Most homeowners feel this is a benefit to them, but some object to having to maintain the tree and being responsible for possible injury. He suggested a root barrier 6-8 feet along the edge of the sidewalk. Some have been installed, Ms. Miller explained, but there is additional cost involved.

Mr. Cilo suggested planting between the curb and the sidewalk with a five foot grass strip and a root barrier. Ms. Miller said, even with a root barrier, in 25-30 years the sidewalk may lift up. She noted it is difficult to get unanimous approval for all the homeowners.

CLOSED SESSION

Motion to adjourn to closed session at 8:45 by Mr. Ryan, seconded by Mr. Shive. The purpose is to discuss litigation (Villani). The board will make the minutes of this discussion public if and when the litigation is resolved and there is no longer a need for confidentiality.

RETURN TO OPEN SESSION

Motion to return to open session at 8:55 p.m. by Mr. Thompson, seconded by Dr. Winters and carried.

ADJOURNMENT:

Mr. Thompson presented a motion to adjourn the meeting at 8:56 p.m., seconded by Mr. Krauser and carried unanimously.

Respectfully submitted,

Barbara A. Malone
Recording Secretary