

BOROUGH OF BOUND BROOK
PLANNING BOARD
JANUARY 12, 2006

REORGANIZATION MEETING

CALL TO ORDER

The meeting was called to order by President Robert Fazen at 7:30 p.m. at Borough Hall.

ROLL CALL

Present were: Mayor Ryan, Mr. Dietrich, Mr. Thompson, Mr. Gaglia, Mr. Fazen, Mr. Sabatino, Mr. Krauser, Mr. Shive, Mrs. Pournaras and Mr. Llaverias.

Also present were the following staff members: Barbara Malone, recording secretary; Michael Rodgers, Esq., board attorney; Scarlett Doyle, planner; and John Cilo, Jr., 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 Bound Brook Chronicle in January, 2006.

SALUTE TO THE FLAG

SWEARING IN OF NEW APPOINTEES

The following new members were sworn in by board attorney Mike Rodgers: Mr. Dietrich, Mr. Thompson, Mr. Shive, Mrs. Pournaras and Mr. Llaverias. Ms Ackerman will be sworn in at the first February meeting.

RE-ORGANIZATION OF THE BOARD

Chairman: Motion presented by Mr. Krauser, seconded by Mr. Sabatino, to nominate Robert Fazen as Chairman. Unanimous.

Vice Chairman: Motion presented by Mr. Dietrich, seconded by Mr. Gaglia, to nominate Mr. Krauser as Vice Chairman. Unanimous.

Board Secretary: Motion presented by Mr. Thompson, seconded by Mrs. Pournaras, to nominate Mr. Gaglia as Board Secretary. Unanimous.

Board Attorney: Motion presented by Mr. Krauser, seconded by Mr. Sabatino, to appoint Michael Rodgers, Esq. as Board Attorney. Unanimous.

Board Engineer: Motion presented by Mr. Krauser, seconded by Mr. Thompson, to appoint John Cilo, Jr. as Board Engineer. Unanimous.

Board Planner: Motion presented by Mr. Dietrich, seconded by Mr. Gaglia, to appoint Scarlett Doyle as Board Planner. Unanimous.

Recording Secretary: Motion presented by Mr. Fazen, seconded by Mrs. Pournaras, to appoint Barbara Malone as Recording Secretary. Unanimous.

Official Newspapers: Motion presented by Mr. Ryan, seconded by Mr. Shive, to name the Courier-News and Star-Ledger as official newspapers. Carried unanimously.

Adoption of By-Laws: Motion to adopt existing by-laws (with the hope of amendment this year) by Mr. Shive, seconded by Mr. Krauser and carried unanimously.

2006 MEETING DATES:

Mr. Fazen asked members to (1) let him know if they cannot attend a meeting and (2) be on time for the meetings. Mr. Shive noted that March 9 is the Rotary Dinner; it may be changed in the future.

January	12, 26	July	13, 27
February	9, 23	August	10, 24
March	9, 23	September	14, 28
April	27	October	12, 26
May	11, 25	November	9
June	8, 22	December	14

January 11, 2007 – Reorganization Meeting

MINUTES OF PREVIOUS MEETING(S):

The minutes of the December 22, 2005 were approved with a motion by Mr. Thompson, seconded by Mr. Dietrich, and carried.

AGENDA

Resolutions to be approved this evening are Krauszers, Gilly's Landing (sign) and Valvoline. An informal hearing will be held on the Presbyterian Church and the Mendez application will be presented.

OPEN TO PUBLIC: NON-AGENDA ITEMS

Mr. Cilo pointed out that newly appointed board members are now required to attend a seminar. Mrs. Doyle is the Somerset County instructor but was unable to get a reduced rate. A NJPO member (we are) pays \$40 each for more than six attendees or \$42 each for fewer. It will be held on Saturday, March 11, from 9 to 2 at Vo Tech in Bridgewater. There should be 150-200 people in attendance. Newly appointed members are required to attend, whether or not they are new to the board. Others are allowed to attend, and Mr. Fazen strongly recommended that all board members attend. Those required to go have 18 months in which to attend this course or one in another city. Council members are exempt from mandatory attendance. Mrs. Doyle will email the web site to members. Mr. Rodgers also expressed an interest in attending.

ANNOUNCEMENTS

Mr. Fazen noted an article that indicated that Bound Brook has not been certified by COAH. Mr. Thompson believes that the borough does not have developable land. Mrs. Pournaras recalled that Advance was agreeable to building affordable units in the redevelopment area. With two more development projects, the borough will be responsible for even more affordable housing. She feels when an applicant comes before the board they should always be aware of this requirement.

Mr. Fazen feels affordable housing is needed in Bound Brook, and he agreed that (possibly the Brass Rail) the board should keep it in mind. Mrs. Doyle feels this is a very important subject. There are many options in different municipalities. For every 8,000 square feet one unit must be supplied (or the taxpayer will have to pay for it). The borough can buy a house and sell it cheaper, so having no developable land is not the issue. When a developer decides he is not happy with a decision made by the board, he can go to court and accuse the borough of not providing affordable housing. The borough will then have to hire an attorney to fight it in court. Once the borough is *certified*, COAH takes the burden of such lawsuits on their shoulders.

There are municipalities with millions of dollars sitting in the bank to provide the necessary units. Mrs. Doyle stated the law is onerous; the borough can sell away 50%, and 25% of the total built must be rentals.

Mr. Rodgers asked about the downside of being certified by COAH. You would then have an obligation to provide lower income housing. We also cannot pass the 1%, 2% laws. Discretionary funds will also be linked to this certification. Mr. Ryan attended a meeting with Mr. Bzik; Bound Brook and South Bound Brook are the only municipalities in Somerset County that are not certified. The county has offered to address the council. Mr. Fazen will talk to Mr. Bzik. Mrs. Doyle said there are voluminous paperwork, studies and master plan revisions necessary to get certification. Mr. Shive asked if Mrs. Doyle could summarize the upside and downside of certification before the board makes a recommendation to the council based on this documented evidence. Mr. Thompson recalled a council meeting with a COAH representative present. This representative expressed the opinion that "it's not a big deal." Mrs. Doyle said this was a builder, not a COAH representative. Mrs. Doyle promised to summarize the information and email it to Mr. Fazen.

Mr. Cilo pointed out that the town will have to spend some dollars once the document is in place. It will be discussed at the next meeting of this board.

The 2006 County Planning Board Reorganization meeting is scheduled for Tuesday, January 17, at 5 p.m. Mr. Fazen will send out a reminder in case someone is able to attend.

Flood Plain Management Plan: Mr. Fazen wrote a letter to the mayor and council on September 25, informing them the planning board will schedule a public hearing on November 10 and requesting a Flood Plain Management ordinance for our review. He checked with John Kennedy today, and he assured Mr. Fazen he is working on it. The public meeting will have to be noticed ten days in advance. The Army Corps of Engineers prepared a plan, Mr. Cilo noted, and all board members received a copy. Mr. Rodgers asked if the plan was referred to the planning board for a recommendation. Mr. Fazen's letter spelled out the procedure.

Mr. Rodgers said the council has to refer it to the planning board. After the first reading by the council, it should have been referred to the planning board. Mr. Rodgers never heard from Mr. Reyna. Mr. Shive recommended that when it comes to adoption it be subject to approval by the DEP and amended as necessary. Mr. Cilo said it has been reviewed by DEP representatives. Mr. Shive asked for clarification of DEP's position; he was told only some sections have been approved by them.

The public hearing will be scheduled for January 26 and appropriate notice will be published. Discussion will be held regarding the Flood Plain Management Plan and integration into the Master Plan.

RESOLUTIONS

#08-05, 310 W. Union Avenue, Yamuna (Krauszers)

Motion to approve presented by Mr. Dietrich, seconded by Mrs. Pournaras and carried unanimously.

#18-05, 271-309 W. High Street, Gilly's Landing

Motion to approve presented by Mrs. Pournaras, seconded by Mr. Krauser and carried 9-0-1 (Mr. Thompson abstained)

#12-05, 419 W. Union Avenue, Langstone (Valvoline)

Motion to approve presented by Mr. Shive, seconded by Mrs. Pournaras and carried 8-0-2 (Mr. Thompson and Mr. Gaglia abstained). The Architectural Review Board will help with design.

PUBLIC HEARINGS:

Presbyterian Church (informal hearing)

Betsy Kaminowski, chair of the building committee of the Presbyterian Church, introduced herself and Pastor Louis Kilgore. They are working on restorations and renovations and have applied for (and been awarded) preservation funds. They are both a New Jersey and a national historic site. They expect to have a preservation plan delivered to them with guidelines this month.

Members are parking along East Maple Avenue behind the church. They would like to install sidewalks along a pre-existing paved driveway and adjoin parking lots. Their parishioners and neighboring office employees are parking on the

street; they would be allowed to use the church parking lot during the week. This would lessen the requirement to park on Union Avenue and Maple Avenue. The church has paid for the pavement.

Drawings were distributed to board members. There is a pre-existing driveway from their parking lot (12 feet wide, asphalt paved with curbing) out to East Union Avenue (one way) and a 10x12 shed. They are asking to cut in herringbone style parking and re-curb and re-asphalt to their benefit as well as that of their neighbors (Dr. Crystal is one, and he is in favor of it). Mr. Gaglia asked how many spaces they will get in this pattern – eight on each side. Mr. Shive feels it is a good idea but somewhat reminiscent of other minor projects that may or may not require site plan approval. There are issues such as lighting and drainage. Mr. Rodgers suggested that they will come back with a formal application, and Mr. Shive warned not to come back with a shallow presentation. Mr. Fazen explained the concept hearing and suggested that they come back before the board (at the zoning officer's direction) for an expansion of the parking. It will also require a variance to put parking against the lot line. At that time, the board would like them to address lighting and drainage concerns.

Mr. Fazen said that the board likes the idea but will need specifics. Ms. Kaminowski noted that they are a non-profit organization and asked if they need to go through this procedure (and expense). She asked if they can abbreviate the process by reducing the number of spaces without hiring attorneys and architects. Mr. Fazen pointed out a precedent when HOPE Church asked for similar considerations and did not receive them. It is the zoning officer's decision, when plans are submitted to obtain a permit, to direct them to the planning board as necessary. He has the authority to specify if a variance is required.

Mr. Fazen explained the concept of a "modified" site plan. The board's concerns include effect on neighbors, drainage, lighting, landscaping, etc. The board needs to be comfortable with the application. Mr. Rodgers said it appears that a variance is required, and the board does not have the legal authority to waive that requirement unless a formal application is filed. The variance application can be filed before the construction plans are drawn up, and notices must be sent to neighbors within 200 feet. Mr. Fazen suggested that Mrs. Kaminowski keep in touch with him, and the board will lessen the burden as much as they can.

Mrs. Doyle noted that a lot of money is required for escrow fees – they are asking for 8 feet with no additional revenue to be realized. The applicant did indicate flexibility, and Mrs. Doyle said she and Mr. Cilo will work with the client at no charge. Mr. Fazen said this is an application for a waiver of site plan, but if the variance were removed only eight spaces would be added. Mr. Fazen suggested that they not throw out the other eight spaces to avoid the need for a variance.

The pastor said the doctors are very anxious for this project, and it will benefit the church as well. Any additional parking spaces will be helpful. Mr. Fazen encouraged them to consider keeping parking on both sides. Mr. Dietrich suggested there may be a code about parking next to an education building. He suggested checking with the fire official. Ms. Kaminowski said the church's 25-year plan calls for paving the whole property, but this would be some relief for now.

#19-05, Mendez, 18 Maiden Lane (completeness & hearing if complete)

Mrs. Pournaras stepped down (she is the property owner). Mr. Carino explained that they had to go out of the country, and their representative did not have the information the board needed at the previous meeting. The board asked for more details about a building to be used as a taxi stand and for CD sales. The applicant, Ms. Emma Mendez, and her husband were sworn in to give testimony. Javier Carino is Ms. Mendez' husband. He explained that she wants to open an office for the taxi service, and they felt the building was too large to use just for the taxi office and they would like to sell crafts and CD's to use the remaining space. They are willing to divide the taxi office from the rest of the building. Mr. Fazen asked what will be on the outside; it will say "Taxi Service." This will be used as a dispatch office, with little foot traffic. Mr. Ryan asked if Ms. Mendez has a license, but she is waiting for approval since they are now paying rent. A taxi license is issued by the borough. The application has been filed. They will have three taxis, and the board wondered where they will be parked. Mr. Fazen explained this is why the board needs to see a simple drawing indicating where they will park and how the building will be laid out. Mr. Carino said the drivers can take the taxis home.

Mrs. Pournaras, the owner, was sworn in to give testimony and said the lease indicates they can park one vehicle in the parking lot. This is the BR zone. This is a small store that was formerly a barber shop (about 800 square feet). There will be a desk and chair. The police department does not do the investigation, but the state police do it and it takes time. Ms. Mendez wanted to sell something, while she waits for the license, to help pay the rent. The lease is very specific: one vehicle, but no overnight parking. They live in South Bound Brook and have plenty of parking space there for overnight parking. They plan to start with one or two taxis, but the owner requires only one vehicle to be parked there.

Mr. Rodgers asked where the parking spot is. Mr. Fazen reiterated that the board needs something to look at. He explained that this request is for waiver of a site plan. There are no exterior changes planned, so the change is minimal. Mr. Gaglia said parking requirements are usually waived in the downtown area, but this application specifically requires parking. Mr. Fazen encouraged them to pursue the application but asked for information on the parking (no actual requirement exists in this area) and a drawing of the inside layout, as well as an indication of what kind of signs will be on the outside. They will be listed first on the agenda for the January 26 meeting.

Mr. Fazen explained that the requirement is for a full site plan due to the change in use; they are requesting a waiver of these requirements. Mr. Cilo referred to his letter that listed seven points. Most of them have been addressed by the board. The taxi business hours will be from 6 a.m. to midnight, and the store would be 9 to 9.

OLD BUSINESS

- Compliance Review Board – Mrs. Pournaras asked if Mr. Fazen will handle Efingers (he will); she will continue on the committee
- Site Plan Review Board – Mr. Krauser will continue, with the assistance of Mr. Gaglia and Mr. Llaverias
- By-Laws and Updated Application Forms – Mr. Thompson is “willing and able” and will work with Mr. Fazen on this (for June)
- Redevelopment Advisory Board – Mr. Shive will continue to advise the board
- Architectural Review Board – will remain the same

MISCELLANEOUS BUSINESS

Zoning officer (Tom Ruscetta is a temp) – Mr. Fazen wanted to request his presence at our meetings. Mr. Thompson will look into it.

Mr. Shive suggested correcting that restaurants are not allowed in the Union Avenue business district (needs to be corrected). Mrs. Doyle suggested writing to the council indicating it was an oversight; they will have a first reading, then they will send it to the planning board – Mrs. Doyle will start the process with the board’s authorization.

ADJOURNMENT:

Motion presented to adjourn the meeting at 9:08 p.m. by John Sabatino, seconded by Mr. Shive and carried unanimously.

Respectfully submitted,

Barbara A. Malone
Recording Secretary