

BOROUGH OF BOUND BROOK  
PLANNING BOARD  
MARCH 9, 2006

**CALL TO ORDER**

The meeting was called to order by Vice President Keith Krauser at 7:30 p.m. at Borough Hall.

**ROLL CALL**

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

Also present were the following staff members: Mrs. Malone, recording secretary; Mr. Rodgers, board attorney; Mrs. Doyle, planner and 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, 2006.

**SALUTE TO THE FLAG**

**MINUTES OF PREVIOUS MEETING(S):**

The minutes of the February 23, 2006 meeting were approved with a motion by Mr. Thompson, seconded by Mrs. Pournaras and carried.

**ANNOUNCEMENTS AND COMMUNICATIONS**

**Somerset County Planning** – Mayor Ryan and Mr. Krauser attended a breakfast meeting last Monday. There are new DEP rules for Green Acres. Mayor Ryan said there was an issue with the new rule; the borough has to come up with some land for Green Acres but Bound Brook does not have much land to give away. He will keep the board informed.

**REPORTS OF OFFICERS AND COMMITTEES**

**Compliance Review** – Mrs. Pournaras reported that they looked at the Gilly's sign and it matched the resolution. Krauszers has not started work.

**Redevelopment** – Mr. Shive reported it is proceeding slowly.

Mr. Shive asked about a Planning Board training session scheduled for Saturday at 9 a.m. None of the members had received any notice. Mrs. Doyle said she will call the NJ Planning Association and see who is registered. The cost is \$40 per member. She reminded the board that they are required to take the course within 18 months. There were several people who intended to go. There will be other locations throughout the state, but this is the most convenient. A sign-up sheet was circulated and given to Mrs. Doyle.

Mr. Krauser announced the following items on the agenda: #02-06, Villani (completeness and minor subdivision), #03-06, Mondragon (completeness and site plan waiver), #04-06, site plan waiver (completeness) and #05-06, Lazarus, variance (completeness)

**OPEN TO PUBLIC: NON-AGENDA ITEMS**

Cary Pilato, 122 W. Franklin St., asked about a study forwarded to the board from the council – he wondered about the schedule for discussion. It was sent at the end of January, but the board members have not received it yet.

**PUBLIC HEARINGS**

**#02-06, Villani, 175 West High St. (completeness/minor subdivision)**

The attorney, Darin D. Pinto, Esq., introduced himself and addressed the completeness issue. The applicant is willing to make the first request in Mr. Cilo's memo a condition of approval, though this is not a county road. The applicant has met with the tax assessor and has obtained written approval, as requested, approving the lot and block number.

Mr. Joseph Villani was sworn in by Mr. Rodgers to give testimony. He reported that he met with the tax assessor two weeks ago, and changes on the drawing show lot and block numbers and addresses. The addresses are 171 for .01 (western lot) and 175 for .02 (eastern). The data requested in item 3 has been provided to the engineer. They intend to preserve the mature environment, so they feel submission of a landscaping plan would be an undue expense for the applicant. They are requesting a waiver for the landscaping plan requirement. Mr. Shive said existing trees can be located on the plan.

Mr. Steve Parker, engineer, was sworn in to give testimony. He is a licensed professional engineer in New Jersey and owner of Parker Engineering. Mr. Cilo recommended that the board accept his qualifications, and they agreed. Mr. Parker said that the trees are shown on the plans, but Mr. Shive indicated he could not see them on the new construction plan. They are shown on the "existing" plans. Mr. Shive requested that they be shown on the new plans as well. Mr. Parker explained that this is not usually required for a minor subdivision. Mr. Shive reiterated that they need reasonable evidence for the board and the community.

Mrs. Doyle reported that Mr. Cilo and Ms. Miller of the Shade Tree Commission are concerned about the sycamore and other trees; they would like the board to take great care in preserving them. She explained that there is a new ordinance that provides for the preservation of trees. This ordinance requires that the landscaping plan be provided to the Shade Tree Commission. She also noted that the board can make every attempt to preserve trees, according to that same ordinance.

Regarding the completeness issue, Mr. Krauser asked how to handle it. Mrs. Doyle said it is up to the board. Mr. Krauser noted that notices were sent appropriately. Mr. Shive suggested that, since the applicant is present, the board should proceed. Mr. Sabatino said he is upset by the fact that they are taking down existing trees and he would like to know specifically what they intend. Mr. Pinto said the tree issue will be addressed, but not in the completeness phase.

Ms. Ackerman asked, if we proceed with testimony, if we would be waiving the possibility of getting advice from the Shade Tree Commission. Mrs. Doyle said if it is granted with that condition imposed the board will not see it again. This would grant the commission

authority to make decisions. Mrs. Pournaras said the proposed paved driveway seems to eliminate trees.

Motion presented by Mr. Shive to deem the application incomplete, seconded by Mrs. Pournaras. Mr. Thompson said he would like to see the difference in lot coverage in light of the new Flood Plain Management Plan, as to impact on the community and impact on neighbors. Mr. Pinto said these issues are addressed on the map. Mr. Cilo spoke regarding impervious coverage on a minor subdivision. They have to meet the requirements. He did not recall the hearing being scheduled for today, but Mr. Krauser said the notices have been sent. Mrs. Doyle said a substantive review will be performed after the application is deemed complete.

Vote on incompleteness: Mr. Shive amended his motion to deem the application complete, seconded by Mrs. Pournaras. Motion denied unanimously (0-10).

Mr. Pinto asked to be on the April 27 agenda. Those present were advised of the continuance, and Mr. Cilo suggested they go to the Shade Tree Commission in the meantime.

Stacy Pilato, 222 W. Franklin Street, requested that the applicant apply to the Shade Tree Commission.

**#03-06, Mondragon, 29 Van Keuren (completeness/site plan waiver)**

The applicant's husband was present to give testimony since Mrs. Mondragon speaks no English. Mr. Cilo indicated he would not recommend a site plan waiver, since there are internal changes proposed. Piggy-back parking is proposed and he is not sure if that will work in the alley. There is no correspondence from the zoning officer indicating that there are no existing violations. There is also a delinquency of \$61.06 in taxes. The architect said that has been paid and produced a receipt. They will obtain a copy for the board's file.

Motion by Mr. Shive, seconded by Ms. Ackerman, to deem the application complete. Passed unanimously.

The next issue, Mr. Krauser explained, is whether to grant a waiver. The engineer recommends denying the waiver and requesting a full site plan. The architect agreed that if it is necessary they will proceed with a site plan.

Motion by Mr. Gaglia, seconded by Ms. Ackerman, to approve the waiver of site plan. Mr. Shive noted he agrees with Mr. Cilo, believing there are issues with parking as well as drainage that should be addressed. Parking, landscaping, sidewalks and curbs, as well as impervious coverage, need to be addressed. Mr. Thompson said he would like to see how the second floor tenant would get to the second floor (through the front). Motion denied unanimously (0-10).

Mr. Krauser explained that a site plan is required. Mr. Shive suggested that a modified site plan might fit this application, waiving some of the requirements. Mr. Cilo suggested that Mr. Segundas request waiver of specific factors. Drainage and parking need to be addressed, as well as landscaping. Mr. Krauser explained that Mr. Segundo can request waiver of certain facets (like lighting specifics). Mr. Shive suggested re-thinking location of parking spaces. Mr. Rodgers said it will have to be re-noticed.

**#04-06, Rodriguez, 303 W. Union Ave., Site Plan Waiver (completeness only)**

Mr. Spengler introduced himself, representing Antonio Rodriguez. Attached to the application were a map and photos of the facades, as well as a survey and floor plan. No exterior changes to the building are proposed. They plan to use 1500 square feet of the existing building to operate a barbecue takeout restaurant. The floor plan shows the layout.

Mr. Cilo explained that the previous use was as a bakery. He suggested providing a signed, sealed survey, parking spaces required (only 1/4 of the building is being used for this application), how it will be isolated from the vacant space, landscaping per ordinance requirements, sign information as to color, lettering, etc., hours of exterior lighting, location of lights, façade for possible upgrade, and sidewalk improvements recommended. The hours of operation are required to ascertain that it does not go into the wee hours.

Motion by Mr. Shive to grant a site plan waiver, seconded by Mrs. Pournaras. Mr. Shive said the same kind of concerns exist here as in the previous application, and he suggested requiring a modified site plan. Mr. Krauser noted trash disposal is not mentioned for this multi-tenant building. He said the rest of the building must be addressed, as well as parking concerns. Motion denied unanimously (0-10).

Mr. Krauser explained that the board has sometimes granted waivers of some specific requirements for site plans. A completeness hearing will address that.

**#05-06, Lazarus, 353-355 Talmage Avenue (completeness only)**

Mr. Steven Lazarus introduced himself and was sworn in by Mr. Rodgers to give testimony. He indicated he is the owner and tenant. Mr. Krauser explained that the engineer has done a completeness review. Mr. Lazarus had not planned to attend, and Mr. Krauser explained it was not necessary for a completeness hearing.

Mr. Cilo noted his reasons for recommending that the application be deemed incomplete. Mr. Lazarus indicated he had filled out the application with Mr. Ruschetta's help, and Mr. Rodgers felt it was complete.

Mr. Lazarus indicated he is the only shareholder of the corporation, S. B. Lazarus, Inc. Mr. Rodgers explained that as long as he is the only shareholder he does not need an attorney. Corporations are required to have an attorney unless they have a single owner. Mrs. Pournaras asked a question about the deed. She indicated Mr. Lazarus is the only person listed on the liquor license. Mr. Lazarus said there is a new deed indicating he is the single owner. Mr. Krauser indicated he would need to see the new deed.

Mr. Cilo said a signed and sealed survey is needed, as well as what will be on the awning and completion of variance packet. Mrs. Doyle explained that the variance package has an incomplete column indicating what the ordinance requires. She suggested it would be helpful to ask the zoning officer how to complete that column.

Mr. Cilo asked for an explanation of "Gentlemen's Club," and Mr. Lazarus said it is a go-go bar. Mrs. Doyle suggested there could be an increase in activity in the future, and it

could be included under the "Gentlemen's Club" designation. Mr. Krauser explained that the board wants the use described at the public hearing. He also suggested showing what the façade looks like now and what the proposed façade would be. Mr. Shive noted it is in the redevelopment area, so it would have to go to the redevelopment design review committee. A clear understanding of colors is needed. Mr. Lazarus said pictures were submitted in color. Mr. Krauser explained that the board is trying to make the process painless so it can be completed in one hearing. Mr. Shive said that, due to the minor nature of the application, the committee would probably go along with his recommendation. Mr. Rodgers said to make it clear who owns the property and the business, and if it is more than one person an attorney would be required. Motion to deem the application complete made by Mr. Thompson, seconded by Mr. Gaglia. Denied unanimously (0-10).

## **RESOLUTIONS**

### **#01-06, Silva, 612 Crescent Drive**

Motion by Mr. Dietrich, seconded by Mrs. Pournaras, to approve the resolution. Passed 8-0-2 (Mr. Gaglia and Mr. Sabatino abstained).

### **Resolution for Adoption of Flood Plain Management Plan**

Motion by Mr. Shive to approve the resolution, seconded by Mr. Dietrich and carried unanimously.

Mr. Cilo noted that the Army paid for the study, and it was reviewed by DEP and Somerset County. This will define what happens behind the levee.

## **NEW BUSINESS**

Mr. Shive distributed a drawing regarding his suggestion for the West High Street subdivision. The big issue is destroying major trees on that site, and other issues including paving half the front yard. If the developer would go along with this concept it would solve all these issues. Mrs. Doyle said they would have to re-notice for a use variance.

A board member who will be absent from the next meeting presented this to Mrs. Doyle, and she is presenting it to the applicant without comment. Mr. Rodgers said the board should not discuss it without the applicant present. Mrs. Doyle asked if the board could condition that a tree remain healthy, but she wondered if the property owner could cut it down tomorrow.

Mr. Krauser noted the new dumpster at the 7-11 is out of compliance; he suggested that Mrs. Pournaras notify the zoning officer. Mr. Thompson has already notified John Kennedy about it.

## **FUTURE APPLICATION SCHEDULE**

**April 27: #02-06, Villani**

**ADJOURNMENT:**

Motion presented by Mr. Thompson to adjourn the meeting at 8:55 p.m., seconded by Mr. Dietrich and carried unanimously.

Respectfully submitted,

Barbara A. Malone  
Recording Secretary