

BOROUGH OF BOUND BROOK
PLANNING BOARD
APRIL 27, 2006

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, Ms. Ackerman, and Mr. Llaverias.

Also present were the following staff members: Mrs. Malone, recording secretary; Mr. Rodgers, attorney; Ms. Weaver, planner; and Mr. Cilo, 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 March 23, 2006 meeting were approved with a motion by Mr. Thompson, seconded by Mr. Gaglia and carried.

ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Fazen asked if anyone wanted to discuss the Redevelopment Area. He explained that the planning board has been charged with the responsibility of reviewing the redevelopment plan. The subcommittee, including Ms. Ackerman and Mrs. Pournaras, has sent the report out to the board. A public hearing for a future meeting will be announced. Mr. Fazen invited any comments with regard to the document.

Ms. Ackerman indicated she has read it thoroughly. Her general sense is that, to a great extent, the dictate of the settlement with the Department of Justice requires close examination. Her questions regard the nature of the redevelopment area and the rental nature of the residences. Mr. Fazen asked the board to review the plan. His general understanding is that the board has been asked to re-evaluate it from the perspective of some of the areas north of Talmage Avenue. These areas are economically either too extensive or politically too sensitive to touch for redevelopment. Ms. Ackerman noted that the ruling takes away tremendous flexibility. The measure that was proposed was to use a standard for redevelopment vs. rehabilitation. She hopes that the board will look at qualitative aspects as to long-term interest of the town.

Mr. Thompson suggested that everyone get a copy of the entire redevelopment plan as well as the study. Mr. Fazen said they should also have a copy of Advance's contract with the borough for redevelopment, as well as the Department of Justice document. Mr. Fazen said the DOJ decreed, and the consultant report agrees, that with respect to affordable housing, it should be done and it should not be done just in one area. A plan

should be adopted with this integrated. A key objective, Ms. Ackerman said, is to include those who are displaced. She asked how affordable housing is defined; Mr. Fazen did not know specific numbers. Mr. Gaglia noted there are different levels, and the county has a formula. Mr. Gaglia noted that flood control complicates the whole plan; residents were to be moved away from flood-prone areas.

REPORTS OF OFFICERS AND COMMITTEES

Mayor and Council – Mr. Ryan reported a resolution was received from the county adopting the Bound Brook and Bridgewater flood plans. Mr. Fazen has not heard from the council on his application for the 325th anniversary parade.

Mr. Fazen acknowledged that the Villani, Mulhall, Picone/Spontek, Cerminara and the Presbyterian Church are all represented this evening.

OPEN TO PUBLIC: NON-AGENDA ITEMS

Carey Pilato thanked the board for taking up the PPS study; any additional information the need will be provided.

Stacey Pilato, 222 West Franklin Street, asked about the historical preservation ordinance and a commission created under this ordinance. She asked if the planning board could describe the procedure for appointing people to this commission. Mr. Fazen explained that he wrote the ordinance after receiving certification from Drew University. The mayor is to appoint the commission, which is made up of five members, none of whom may be on the borough council. One member can be from the planning board, but the only requirement is that they be residents of Bound Brook. An attorney, recording secretary, architect with knowledge of historic preservation, and someone who has an appropriate certification will complete the five member commission. The planning board has nothing to do with the appointments.

Mr. Fazen encouraged anyone who wants to be on the committee to talk with him. He will give the names to the mayor with his recommendation. Ms. Pilato asked why no one has been appointed, and Mr. Fazen said he takes responsibility and has been busy.

Mr. Cerminara's attorney explained that they were unable to publish in the Courier News. He has been in touch with the Courier News today. The ad was delivered in person several weeks ago but it was lost and never published. He asked if they can reschedule their hearing. Mr. Fazen asked if May 11 would be acceptable; it will be continued on that date.

Jim Winters, 222 Hamilton Street, spoke regarding a radio cell tower on borough property. He wondered when that proposal might be discussed. Mr. Thompson said it is a dead issue and will not be discussed. Mr. Fazen explained that it is a live issue in town, and he will talk with the mayor and council. The application was sent to Dr. Winters; a 150 foot antenna is proposed to be installed almost on top of the stone bridge by the railroad tracks. It is 50% in Bound Brook and 50% in Middlesex, so it involves two counties and two municipalities. The person who owns the property will be paid by Sprint, and it is also in the vicinity of NJ Transit. Mr. Fazen has been asked to respond to it as planning board chairman.

Carey Pilato, 222 W. Franklin Street, said the county plans to invest \$100,000 in the stone bridge property (for mapping and engineering), so they have more of a vested

interest now than in the past. Mr. Fazen plans to tell them that they have to appear before the planning board with this application. The application was presented to the state Historic Preservation. If it is not stopped there, it has to come before the planning board.

PUBLIC HEARINGS

#08-06, Picone/Spontek, 17 Maiden Lane (north storefront), completeness and hearing if complete

Gregory Picone was sworn in to give testimony. He explained that the business will sell aromatherapy and will also have a web-based clientele – no construction is needed. It is a change of use from office to retail store. Mr. Fazen explained that because it is a change of use a site plan is required. Mr. Picone is here to request a waiver of that requirement.

Mr. Picone explained that the only changes would be painting and carpeting inside. He submitted a picture of the storefront. The owner, Mr. Readington, is not here. There are no services to be provided, just retail sales including herbs, oils, teas and coffees. The bottom right side of the building, shown as vacant, is their property (B2 zone).

Mr. Thompson asked who parks in the rear; Mr. Picone said the upstairs tenants will use those spaces, and there will be a few available for his business. Mr. Fazen asked about the front stairs and noted they need some repair. Mr. Picone said he will see to it. Ms. Ackerman asked about what plans Mr. Picone has for signs. They are thinking of installing an awning or a flat, carved wood sign. He is not familiar with the sign ordinance but indicated a willingness to find out. The resolution will clarify what is acceptable. Mr. Fazen explained that requirements are very specific. Mr. Rodgers clarified that there will be retail sales and mail order sales.

Mr. Thompson made a motion, seconded by Mr. Gaglia, to approve the application and waive site plan requirements. Mr. Llaverias acknowledged that it will be a good business and wished Mr. Picone well. He indicated he welcomes the diversity. Motion carried unanimously.

Mr. Cilo suggested that the construction official be advised in the morning that the application was approved; Mrs. Malone will call.

#07-06, Mulhall, 761 Schoolhouse Lane, completeness and hearing if complete

Applicants, Maureen Mulhall and Eric Laabs, were sworn in to give testimony. They are requesting a bulk variance to put on a 300 square foot addition. Mr. Laabs explained that it is a 12x25 addition next to the garage. The side yard now has a setback of 19.8 feet, and 7.8 feet would remain. This side adjoins the back of the house on the corner (next door). There are trees between the two properties that provide a natural barrier.

Another single family dwelling's back yard adjoins the property. Mr. Gaglia asked if the addition will interfere with the trees; he was assured it will not bother them. They did not notify neighbors, since they are appearing for a completeness review.

Mr. Krauser moved that the application be deemed complete. He suggested locating the house on lot 3 in the drawing so the board can see the setbacks. Mr. Cilo agreed that the setbacks should be shown. Mr. Cilo recommended that the board deem the

application complete with the exception of adding the next door house to the drawing. Mr. Gaglia seconded the motion, and it carried.

Mr. Fazen explained that this is a bulk variance application and advised the applicants that they will have to explain why it is good for the neighborhood. When they send notices, they need these arguments and should be prepared to discuss them. Supportive neighbors will be helpful at the hearing.

The hearing will be scheduled for May 11, and Mr. Gaglia explained that notices have to be published ten days before the meeting. Mr. Fazen suggested calling him if there is a problem with the time constraints. Mr. Thompson explained that they can get a list of neighbors who have to be notified tomorrow from the building department.

#10-06, Presbyterian Church, 409 Mountain Avenue, completeness and hearing if complete

This is a follow-up to an informal application. Steve Caputo, attorney for the applicant, asked that the witnesses be sworn in (Betsy Kamienowski and Rev. Louis Kilgore). Along the existing driveway, they want to drop the curb 80 feet on the east and 110 feet on the west so that additional parking can be provided beside the building. This will result in additional on-site parking during church services (instead of parking on Union Avenue and Maple Avenue) and will allow for people who are going to doctors' offices to get closer. There are 17 spaces in lot 10.01 and 11 in lot 4.01, and they share the parking with insurance waivers.

Mr. Caputo explained that they use parking behind 10.01 and 4.01 for church on Sunday, and during the week employees of neighboring offices can use this parking. The area that is the subject of the application will be used for additional church service parking on Sunday. The new parking area will add approximately 6 paved and striped spaces. The area where the curb is dropped will be leveled and grassed.

Mr. Fazen asked how much more impervious coverage will result (80x18 feet, according to Ms. Kamienowski). Mr. Caputo noted that they will be removing curbing of 180 feet x 8 inches, but Mr. Fazen suggested it will need to be recovered in the future. He explained that Bound Brook cannot accept any additional impervious coverage. Rev. Kilgore assured the board that they have some environmentalists in the congregation who are happy with the application to maximize the use of existing pavement. Office building owners agree that this is use of already-paved surfaces. They are mindful of these efforts and are sensitive to these concerns.

Mr. Caputo noted that a curb 110 feet x 8 inches being removed will result in about 80 square feet more grass. The net addition of impervious coverage will be approximately 64 square feet. The curb on one side will be removed and replaced with dirt and grass. There are inset pavers that create access to the adjacent parking lot.

Mr. Thompson made a motion to deem the application complete and grant the waiver, seconded by Mr. Dietrich. Mr. Fazen asked how parking will be enforced, when people may be using this parking area and going to other buildings. Rev. Kilgore said neighbors with inadequate parking now park in the church lot. They communicate informally and ask them not to use the parking lot unless they provide a hold harmless document. They want to be good neighbors. They have been providing parking for a medical practice for years. When they have issues they work them out with the neighbors. Neighbors agree

not to park there in "pressure moments." Mr. Caputo explained that they will be used by employees rather than patients. Mr. Gaglia asked if it will be one-way; it is already so labeled and will continue to be one way. Curbing will continue to exist behind the school.

Mr. Cilo suggested that the application be deemed complete and that the waiver be granted. The area to be paved is roughly 80'x18". The slope should be away from the education building to the driveway. It should also be striped, if possible. He suggested not using wheel stops, and Rev. Kilgore agreed.

Motion carried unanimously.

#09-06, Cerminara, 795 Watchung Road (completeness)

Mr. Cilo recommended that the board consider the application complete; a hearing has been scheduled. Motion by Mr. Thompson, seconded by Mr. Krauser, to deem the application complete. Carried unanimously.

#06-06, LaSerna, 15 John Street, completeness and hearing if complete

Mr. Krauser noted that the owner is an LLC and there is no indication that it is a sole owner; if there is more than one owner they will have to be represented by an attorney. The application is not signed by the owner.

Motion by Mr. Dietrich, seconded by Mr. Gaglia, to deem the application incomplete until the above requirement is met. Mr. Fazen will contact the applicant, and Mr. Cilo will notify them of his concerns. Passed unanimously.

(Two minute recess at 8:35)

#02-06, Villani, completeness and hearing if complete

Mr. Pinto appeared on behalf of the applicant. He marked an exhibit from the Bound Brook tax assessor dated March 14 as A1. The letter and the attachments reflect the new lots as 42.01 and 42.02, block 47. Exhibit A2 is the Shade Tree Commission's April 18 letter. Exhibit A3 is a copy of the revised plans dated April 14, 2006.

At the March 8 meeting, testimony was presented for completeness. Mr. Parker and Mr. Cilo suggested certain notations on the plans with regard to trees. Those changes were made on the April 14 plan. The owner has met with the Shade Tree Commission and has accepted their recommendations, incorporating them into the landscaping plans. He will abide by their recommendations. A review of the map and the tax assessor should complete the application. Mr. Fazen noted that the borough secretary was not able to send them out until Monday. Mr. Pinto indicated that Mr. Parker was sworn in at the last meeting, and he can testify as to changes that were made.

Mr. Rodgers said if the revised plans were submitted it is probably complete, but the board does need time to review the plans. Mr. Fazen apologized for the borough. A waiver was requested on the landscaping plan, and Mr. Pinto asked for a completeness ruling. Mr. Fazen agreed with Mr. Cilo about the completeness matter. Mr. Pinto explained that they have paid professionals to be here and asked that the board consider the completeness issue. Mr. Fazen noted that the definition of a minor subdivision in the ordinance leaves some dispute as to whether this is a major or minor subdivision application. He would like to discuss this matter. Mr. Pinto noted that on

March 7 there was no mention made of this issue. He does not have a planner in attendance, and Mr. Fazen said the board is ready to hear the discussion and make a decision.

Ms. Weaver explained that a minor subdivision is no more than two lots, fronting on an existing street, not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with the master plan. She contends that there is a conflict with the provision of the master plan and there is adverse effect on adjoining property. In order to deem it a major subdivision, it has to be decided that it is not a minor one.

She further explained that one of the specific goals of the master plan is to prevent urban sprawl through improper use of land. Ms. Weaver noted that the borough has developed a keen interest in its rich historic heritage. There is, as was mentioned earlier, an ordinance in place to start a historic commission.

Mr. Fazen said the same goals are being readopted. Mr. Pinto said the board will have an opportunity to review the merits of the plan, but to deny the application based on classification as a major subdivision would be a wrong decision. Ms. Weaver suggested that it just needs to be resubmitted as a major subdivision. Mr. Fazen explained that the application is not being rejected or changed, but it is the board's decision. These are the goals that the board strives to achieve, and if they are not supported they can reject the application.

Mr. Rodgers said the applicant would have to come back with additional detailed submittals for a major subdivision. Mr. Fazen asked if, legally, the application could be denied because it does not achieve one of the goals. Mr. Cilo suggested that the board not take a position at this time. The board can request the information they need and provide more time to process the application.

Mr. Fazen asked for clarification of why Ms. Weaver feels this negates one of the goals and objectives. The biggest issue, in her opinion, is the demolition of an architecturally historic building. Mr. Pinto explained that this is a division of one lot into two with no variances being sought. It is consistent with the present zoning (R4) which allows one or two family homes.

Mr. Rodgers explained that it is a major subdivision if it conflicts with the master plan. Ms. Weaver feels the destruction of a historic home makes it a major subdivision. Mr. Pinto pointed out that this property has not been designated as an historic property, and he has a problem with this issue. Mr. Gaglia suggested voting on completeness. Mr. Sabatino would like to see more information, and Mr. Gaglia said that can be requested along the way. Mr. Sabatino suggested that the building does not need to be designated as historical in order to be historical.

Ms. Ackerman asked if a completeness decision would preclude a discussion about major or minor subdivision. Mr. Fazen said it would not. Mr. Fazen suggested having the presentation, then voting on completeness. Ms. Ackerman asked if it is appropriate to vote before having a chance to study the information. Mr. Fazen said since there is a professional here it will give the board the ability to ask their questions. If it is deemed incomplete now, it will be necessary to do it again at the next meeting.

Ms. Ackerman noted that a recommendation is usually received ahead of time from the board's experts and asked if they could make a recommendation on completeness. Mr. Pinto said there are members of the public present, and Mr. Villani is committed to satisfying everyone's needs while he develops his property. He has devoted substantial resources toward that end. They asked that the board be sensitive to that.

Mr. Cilo suggested that the application be deemed complete, then scheduled for a hearing. Mr. Pinto requested a copy of any correspondence regarding their recommendations.

Mr. Gaglia made a motion to deem the application complete. The attorney, Mr. Pinto, agreed to continue the hearing on May 11. Mr. Gaglia withdrew his motion. May 11 will be the continuation, and if they are not ready to proceed it will be announced at that time. Mr. Thompson asked if there is a copy of the plans in the office that the public can look at. The completeness decision is adjourned to May 11, and the continuance will be done then without any further notice.

The applicant will meet with members of the audience after the meeting to answer any questions they may have.

Stacey Pilato, 122 W. Franklin St., asked how far in advance plans are to be submitted (ten days). She asked if they were dated April 14 and delivered on April 20. Mr. Fazen explained that the borough did not distribute them to the board because the secretary was on vacation. Ms. Pilato asked when the plans were delivered to the borough. Mr. Pinto explained that the issue is moot since the hearing is now scheduled for May 11. The requirement is ten days, and Mr. Fazen suggested Ms. Pilato contact the borough for the answer to her question. He thinks the plans may have been delivered within the required time frame.

The attorney formally requested that the substantive part of the hearing be continued on May 11 without further notice.

A member of the public asked if, on May 11, it will be decided if it will be a major or minor subdivision. Mr. Fazen explained that it will be heard as a minor subdivision. As the hearing proceeds, the board may decide to change it to a major subdivision. Mr. Gaglia explained that the zoning office had allowed the application to be filed as a minor subdivision.

ADJOURNMENT:

Motion presented by Mr. Dietrich to adjourn the meeting at 9:15 p.m., seconded by Mr. Llaverias and carried unanimously.

Respectfully submitted,

Barbara A. Malone
Recording Secretary