

**BOROUGH OF BOUND BROOK
PLANNING BOARD
MAY 27, 2004**

CALL TO ORDER

The meeting was called to order by Chairman Robert Fazen at 7:33 p.m. in the Council Chambers, 230 Hamilton Street.

ROLL CALL

Present were: Mr. Dietrich, Mr. Gaglia, Mr. Sabatino, Mr. Fazen, Mr. Shive, Mr. Krauser, Ms. Ackerman, Mr. Fasanello and Mrs. Pournaras

Also present were: Mrs. Malone, Recording Secretary; Mr. Rodgers, Board Attorney; Mrs. Doyle, 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 Meeting Notice has been posted in the Municipal Building, filed with the Municipal Clerk, and forwarded to the Bound Brook Chronicle in January 2004.

SALUTE TO THE FLAG

MINUTES OF PREVIOUS MEETING

Motion presented by Mr. Dietrich, seconded by Mrs. Pournaras, to approve the minutes of the April 22, 2004 meeting. Unanimous.

ANNOUNCEMENTS

Mr. Fazen mentioned his e-mail listing the items due to come before the board. Efingers is scheduled for tonight, as well as the Talmage Commons resolution. Application #01-04, Gadek, needs a completeness review, #02-04 Rhino Linings, had an informal hearing and probably won't be back, MJRB is scheduled for completeness on June 10, #04-04 Yasmuna (Krauszer's) is scheduled for an informal concept review on June 24. Mr. Krauser wondered if an informal review would be appropriate since they need a variance for apartments on the second floor. Mr. Rodgers did not feel it would be technically allowed. Mr. Rodgers will discuss it with Mr. Vastola. For application #05-04, Galeta, a date has not yet been set for minor subdivision review and bulk variances. Marmalejos is scheduled for June 24 for completeness and site plan. Mondrone, site plan review, 206 Talmage Avenue (07-04) and Scagliotta will be on June 24.

COMMUNICATIONS

Mr. Fazen handed out plans for Scagliotta (no application). Mr. Vastola will submit a complete set of materials, but this material can be added to the current file.

OPEN TO PUBLIC (NON-AGENDA ITEMS)

No comments.

PUBLIC HEARINGS

Bob Smith introduced himself as representing Efingers. Mr. Krauser stepped down because he felt he might have a conflict of interest. When site plan and variances were approved, the board was satisfied at that time. They are in attendance tonight to make the application "just a bit better." The architects on the board were concerned about the roof appearance, and he believes they will be pleased when they see the proposed changes (which are minor in nature). They are seeking a 10" height variance, which is less than the one that was granted.

They are not seeking a use variance tonight because of the height reduction. In addition to the minimal height variance, they are seeking to modify the parking. The warehouse space is increased and the retail decreased, resulting in 171 spaces being required as compared to the 134 provided.

The board had asked for some grading changes, and they have been made. Mrs. Doyle asked the board to deem the application complete. She has reviewed the application, and taxes have been paid.

Mr. Sabatino commented, on the completeness issue, that the "E" above the entrance was not there originally. He feels that a variance is needed. Mr. Smith said if the board decides a variance is needed, they will be happy to request it.

Motion presented, on Mrs. Doyle's recommendation, by Mr. Gaglia, seconded by Mr. Shive, to deem the application complete. Unanimous.

Mr. Smith called Mr. Raymond Liotta to be sworn to give testimony. He identified himself as a senior associate with Mazer Consulting as an architect and planner. The board had previously accepted his qualifications, and they did so again.

Mr. Liotta explained the amended site plan. The architect can go into more detail on building design. There were no changes to the Eckerd proposal except for the roof color (as requested by the board). The second floor was storage with an open space in the middle. The hole on the second floor has been filled in and the first floor decreased to accommodate receiving and warehouse area on the first floor. The overall square footage of the footprint did not change. Because of the square footage changes, the parking requirement increased by nine spaces. The parking count did not decrease from 134 as previously proposed and approved. There may be up to five additional employees as a result of these changes from the originally planned 20 personnel. In the plan there are still 14 extra spaces according to ITE standards. They feel that 134 is still more than adequate for requirements at this site.

As a result of a meeting with fire officials, five signs are being added along the frontage to address the no-parking issue for the fire zone. The bypass lane to the east of the drive-through has been widened at Mr. Dietrich's request for possible use by emergency vehicles, and the fire hydrant has been moved closer to Thompson Avenue.

Mr. Fazen had a call from the fire department regarding the 18' striped area, which is in the 24' wide aisle. The five pole-mounted signs are at the curb line, three across Efingers frontage and two across Eckerd's. There are also signs on the pavement. The island has been angled back to provide a turn radius for a fire truck, and the fire official (Mr. Ruschetta) was satisfied that the change would be sufficient.

Other changes relate to the grading of the Efingers building. The first floor grading was raised two feet, allowing a better connection to the rear property line and eliminating a big retaining wall, which is reduced to two feet. Light poles have been re-allocated to address an issue the planner had and to light the entrance better. The water service was originally a loop system but after discussion with Elizabethtown Water there will be a fire hydrant on Thompson Avenue and a separate connection independent of the hydrant. Mr. Shive felt it is a long line for a dead-end connection.

The building has been redesigned, and the front parapet on the Efingers building got a little taller (and the rear a little bit shorter). The average parapet height is a little lower than originally planned. The maximum height is 40.8 feet.

Mr. Gaglia asked if the retaining wall in the rear will still have a fence; it will. The fence will be behind the wall, six inches inside the property line. Mrs. Doyle asked if the fence will be six feet high. Including the wall it will provide a nine foot grade from the pavement to the top of the fence.

Mrs. Doyle asked about the location of any HVAC systems; the architect will address that. She asked about handicapped stalls; there are two in front of Efingers and three to the right of Eckerd (one van accessible). She asked if one could walk from one store to the other; there is a canopy over the sidewalk. She asked about the parallel spaces in front. With respect to the widening of the roads, the information is on the plan. She would like to see landscaping plans after dedication; there will be no ability to have generous landscaping then. There are ten parking spaces that could be sacrificed for landscaping after the dedication of Thompson Avenue. There will still be approximately 10-12 feet on the Union Avenue side (half of which will be landscape area) which was clearly shown on the previous plan. Trees and shrubbery will not be affected by the widening of the streets.

Mr. Cilo pointed out that the borough standard for a grass strip is four feet; that is the size of the strip on Mr. Liotta's plans. Mrs. Doyle asked if the land has been

dedicated. It has not yet been done, but as part of the approval for county and state the dedication will be required.

Mr. Shive suggested that it would have been helpful to indicate changes on this drawing from the original submission. A detailed letter was submitted indicating these changes. Mr. Cilo indicated he is at odds with some of the points in the letter.

Mr. Dietrich asked about the new warehousing on the second floor and the number of employees to be added (five). The letter indicated there would be no change. This zone, Mrs. Doyle noted, does not permit any warehousing. Mr. Shive suggested adjourning until Mrs. Pournaras returns with the drawings.

(Adjourned at 8:15 p.m., reconvened at 8:20 p.m.)

Mr. Liotta noted that Exhibit C dated 1/22/04 shows the landscaped areas that would remain after dedication for road widening. Mrs. Doyle suggested that it seems logical to use this landscaping plan. The sidewalk would need to be moved back if the revised plan were used. Mr. Fazen recalled that the curb would be moved in about four feet. Mrs. Doyle suggested that the sidewalk be placed where it needs to be afterward so people can walk along it during construction. Mr. Shive said this is similar to residential developments, with the curb line providing for the future. He did not feel it would make sense to have to tear up the sidewalk in the near future. Mr. Liotta did not have a problem with this change. The applicant will contribute \$50,000 toward the road widening at \$10,000 per year. Mr. Smith indicated his client has no problem with the revision noted above. The landscaping between the curb and sidewalk will be increased by whatever dimension is necessary for the road widening.

Mrs. Doyle noted the Shade Tree Commission has requested a review of shade trees along the street. They may wish to specify species; Mr. Smith indicated there is no problem with that.

Mr. Sabatino asked about the required parking. Mr. Liotta explained again (see above). The Traffic Engineer will address this issue. Mr. Sabatino also asked about the prior approval of one delivery truck per week. With the addition of the "stockroom" (or warehouse), he wondered if that will change.

Evan Greenberg, General Manager of Efingers, was sworn in to address this question. Most of the shipments would be for retail, and there may be an increase of one more truck (maximum) per week as a result of the change.

Mrs. Pournaras asked about the total of 25 employees. That would be a maximum at one time. Eckerd will have no more than 5-6 at one time. This would result in a need for about 30 parking spaces for employees. Mr. Liotta said some of the employees take mass transit, ride bikes or walk to work.

Mr. Cilo suggested that the issues before the board are very clear. Compliance with the resolution can be handled separately. He indicated surprise at the water main change; he feels it should be sanctioned by the fire department's board of engineers. The loop system, which the client wanted, was vetoed by Elizabethtown. Mr. Cilo will confirm with Mr. Ruscetta. If the Board of Engineers has strong feelings about this, Mr. Smith suggested they help deal with Elizabethtown.

Mr. Rodgers asked, in relation to Mr. Cilo's letter, where the plans do not conform to the resolution. Mr. Cilo reviewed what he thought were final plans, but Mr. Liotta made some additional changes. They will be reconciled. Mr. Rodgers cautioned that these changes might require board approval, but Mr. Cilo said they concern implementation. Mr. Smith said his client agreed to comply with each and every condition the board assigns.

Mr. Anthony Sirizzotti was sworn in to give testimony as an architect of the Bannett Group. The rendering was marked A-5/27/04-1. He described the minor modifications. The front parapet is slightly higher to achieve a better roof slope. The main entrance will remain at the same height and the signage is slightly reduced in size. A kiosk was added at the top. Eckerd is willing to match Efingers cloth awning color (Forest Green) with their metal awning (Hartford green). The samples are marked A-5/27/04-2 fabric and A-5/27/04-3 metal. The building is masonry and the majority of both walls are brick. Both buildings will be composed of the same materials. Efingers will have its own identity as a proud member of this community for many years. The materials are described on the plans.

New architectural drawings that embody the changes have been submitted. The length of the wall, amount of brick area, etc. are basically the same. Mr. Rodgers needs a set of plans to be included in the resolution. Mr. Sabatino noted the articulation has been significantly changed.

Mr. Sabatino pointed out that there are now three front signs, as opposed to the one that was approved. Mr. Sirizzotti said the total sign area has actually been reduced. Mr. Smith asked Mr. Liotta to explain. There were three signs, 615 square feet permitted, 224 proposed. This revised sign package includes less than that area. Mr. Fazen said he has no problem going over the entire sign package prior to approval. Mr. Smith noted three façade signs were approved, greater in area than the revised signs. This application is now more conforming. Mr. Fazen suggested talking about the signs that are proposed at this point instead of a comparison to the previous signs.

Mr. Sirizzotti described the dimensions of the proposed signs. The Efinger sign on the awning is 4' by 20' with an area of 80 square feet. It is 168 feet from West Union Avenue. The Eckerd's sign is 39.3 square feet. The "E" is 5'2" in diameter

and 21 square feet. The "Efinger Sporting Goods since 1909" sign is 32 square feet. Based on the size of the building, the permitted sign area is 560 square feet total on the front. This proposal is 133 square feet total for Efinger's. Mr. Sabatino expressed the opinion that the signs have been changed drastically. They have been reduced in total size since the original drawings.

Mr. Shive said the entranceway is very vertically oriented. He agreed that the previous canopy was very heavy; now it has toothpick columns and a skinny canopy.

Mr. Sirizzotti explained that there will be six small HVAC units (rather than larger units) pushed back away from the edges of the roof, not visible from the adjacent grade. He has not reviewed Eckerd's but believes there will be about 5. Mrs. Doyle asked if they will be screened. Mr. Shive suggested that there be an agreement that they not be visible with a plot submitted to the engineer for review. He did not want to see a screen either. Mr. Smith specified that this addresses a person standing at ground level, as well as neighbors where possible. It would be impossible to screen the units from an adjacent second story apartment. Mr. Rodgers looked to see if this was addressed in the resolution.

Mr. Fazen asked what the materials would be at the entrance; it will be matched to the final brick selection. Mr. Shive noted that the materials and colors had already been approved. Mr. Fazen said he would like to see a sample when it is decided upon. The board is trying to use the previous approval to the extent possible, and the board needs to know where substituting is taking place. Mr. Fazen asked if the Eckerd materials will match; they will, according to Mr. Sirizzotti.

Mr. Fazen recalled that one of the reasons the board was impressed by the original design was because of the inclusion of some historic Bound Brook architecture. The board is a little disappointed that this seems to have changed. Mrs. Doyle noted there is an opportunity to voice opinions for possible improvements. A committee had met with the previous architects, and the board had invested a lot of time in the previous design. Mr. Fazen suggested that a committee meet with the architect to iron out these differences as it was done in the past. Mrs. Pournaras noted that the approval was based on the original design. Mr. Sirizzotti agreed that they would work with the board to resolve any differences. Mr. Sabatino stressed that the new design shows more of a "strip mall" flavor. Mr. Greenberg noted the moving of the door was necessitated by the building process involving the current door. The spacing between the two doors was to encourage people to go from one store to the other.

Mr. Smith asked if moving the door would make the board happy. Mr. Sabatino said there is more involved than moving the door. Mr. Fazen suggested that the board not vote tonight. The board will meet again, at their earliest convenience,

in the form of a committee that does not include a majority of the board. Mr. Smith asked, if Mr. Greenberg agreed to the concept, if the board would consider voting now. Mr. Dietrich and Mr. Sabatino said they do not want to vote on something they have not seen.

Mrs. Doyle suggested that, if the board were to direct the attorney to write up conditions of approval as he sees them, they may not have to lose a month. If the resolution is ready to be signed at the next meeting it may be worked out before June 10. Ms. Ackerman felt it was unfortunate that the applicant miscalculated how dedicated the board was to the original design. The board felt they had agreement, and now it has been changed.

Mr. Smith conferred with his client and then asked Mr. Rodgers, considering the necessity of revising architectural drawings, if there is a public notice issue. A rendering will be available at the June 10 meeting, as well as elevations. The resolution will contain required changes. He sees no problem with the concept. The board committee will hold a face-to-face meeting with the architect on Monday, June 7, at borough hall at 6:30 p.m. The continuation of the presentation (hopefully to adopt the resolution) will be on June 10. If the architect has anything he can e-mail ahead of time, Mr. Shive might possibly be able to review it before he leaves.

With regard to the striping of the fire zone, Mr. Shive thinks it is ugly and unnecessary and achieves nothing. He feels it makes it look like a cheap discount store. Mr. Dietrich agreed that the striping is unnecessary. Mr. Liotta noted there was a four foot wide area that was approved for striping on the original plan. It might, in theory, confuse people who feel they should not drive on the striped area. The fire company's concern is that they cannot enforce the law without the proper signage. Mr. Shive suggested that the engineer check the requirements for striping.

Mr. Smith introduced the last witness, a traffic specialist, Mr. Reza Marshal. He was previously accepted by this board as a traffic expert. Mr. Smith asked him to justify the parking variance. He explained that an analysis has been conducted has resulted in a requirement of 120 spaces. Mr. Smith asked if, in his opinion, the 134 spaces would be more than adequate. He believes so.

Mr. Smith said they have not received an answer from NJDOT regarding Route 28. He would like the board to consider, as a condition of approval, that if the DOT requires any relatively minor changes (i.e. widening a driveway) that the board grant the subcommittee authority to make such changes. Mr. Smith assumed that any requests they make would be relatively minor; the board had no problem with that.

Mr. Fazen noted he sent Mr. Marshal's report to the DOT after the prior approval. He feels it is the borough's responsibility to get the road widened.

LETTER TO BOROUGH COUNCIL

Mr. Fazen asked if members had read his letter. He read it aloud for discussion by the board. The paragraph that was taken out was re-included. The council needs the board's recommendation for first reading in June.

Motion by Mr., Dietrich, seconded by Mr. Shive, to approve the letter to be sent to the borough council. Motion carried 8-1-0 (Mrs. Pournaras voted nay)

RESOLUTIONS

Talmage Commons

Mr. Gaglia thought the age restriction should be 55 (where blank).

Motion by Mrs. Pournaras, seconded by Mr. Dietrich, to approve the resolution. Mr. Fazen acknowledged that all fees have been paid.

Mrs. Doyle noted, on the second page, there is a blank space for the date of the application (the date will be removed). On the same page, witnesses appearing before the board, Linda Brnicevic spoke from the public. Findings of Fact #1, tenants over 55. Next page (d) Mr. Cilo suggested "high density housing for residents 55 years or older." Cross out age restricted. During the course of the public hearing, it was important to the board not to have cars coming out on Talmage Avenue. It was linked to the use, as Mrs. Doyle recalled. Mr. Fazen suggested they address the whole thing at site plan. If not locked in tonight by the 'd' variance, it can be changed. Talmage Avenue access would be only for emergency vehicles, and it will be #8.

Original motions withdrawn.

With above changes, motion by Mrs. Pournaras, seconded by Mr. Fasanello, to approve the resolution. Motion carried 7-0-2. Mr. Shive and Ms. Ackerman abstained. Motion carried.

Mrs. Pournaras feels that when she calls Borough Hall with a concern, (1) the property owner should not be told who called, and (2) inspectors do not have the right to tell a council member that "Phyllis is complaining" and that council member then tells the property owner. She feels it is unprofessional and unethical. She has let the inspector know her feelings and will notify the council member. She feels the board should be aware of this problem. Mr. Fazen will write a letter to the office indicating the board's position on this matter.

Mr. Fasanello asked if Hamilton Street Café's issues have been resolved. Doors are still locked.

Mrs. Pournaras asked about the wine school doing catering; that is not in the resolution. She feels you can't just pick on one property. Mr. Fasanello said the

cafe was on the agenda; he was supposed to come in. The doors are still locked, and the bars have not been installed. The fire inspector told Mrs. Pournaras that he did an inspection and closed him down for one night. It is her understanding that the owner complied.

Mr. Fazen explained that the facility has changed its use. When there is such a change in use, there is only one person who can declare a change in use – the zoning officer. If the zoning officer says it is a change in use, the owner has to come before the board with a site plan.

Mrs. Pournaras noted that George's had a liquor license. And wondered how it turned into a bar. That is a change in use. Alcohol is being served without food. The lease has to be enforced by the borough, not the planning board, according to Mr. Fazen. Mr. Rodgers agreed that it seems to be a change in use. The zoning officer's decision can be appealed.

The former carpet store is now a restaurant (Trackside). In the former Lilaine's, they were not to sell food or beverages, Ms. Ackerman recalled. They can, however, sell packaged food.

Mrs. Pournaras noted there is a video store selling ice cream on Main Street.

ADJOURNMENT

Motion presented by Mrs. Pournaras, seconded by Mr. Dietrich, to adjourn the meeting at 10:10 p.m. Unanimous.

Respectfully submitted,

Barbara A. Malone
Recording Secretary

