

BOROUGH OF BOUND BROOK
PLANNING BOARD
JUNE 27, 2002

CALL TO ORDER

The meeting was called to order by chairman Robert Fazen at 7:35 p.m. at Council Chambers, 230 Hamilton Street.

ROLL CALL

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

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

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, 2002.

SALUTE TO THE FLAG

MINUTES OF PREVIOUS MEETING

A motion was presented by Mr. Thompson and seconded by Mr. Gaglia to approve the minutes of the June 13, 2002 Regular Meeting. Carried unanimously.

ANNOUNCEMENTS

Mr. Fazen announced the following items on the agenda:

- Presbyterian Church (informal hearing/presentation)
- #05-02, Todaro, 420 E. Main Street (request for waiver of site plan requirement)
- #08-02, Forsyth/Rosales, 127 Talmage Avenue (variance)
- #07-02, Spengler, 314 Winsor Street (variance)
- 247 West Union Avenue (variance)

Scagliotta will be rescheduled to July 11, 2002.

Next meeting: Bound Brook Board of Education Long Range Plan, Scagliotta, Hamilton Street Café

Yanetta and Kissell Development August 8 (pending completeness)

OPEN TO PUBLIC

No questions or comments

Presbyterian Church (informal hearing/presentation)

Pastor Kilgore explained that this presentation is the result of a year of planning to deal with growth considerations. Mr. Costain and Mr. Pease, architect and member of the church, were also introduced. Their plan is to take an historic building and improve service buildings around it. They are seeking input from the board to help shape their thoughts.

Mr. Costain reminded the board of the fire in the early 1970's; at that time a building was erected next to the church. The main entrance of the church would be moved to Union Avenue from Maple and Mountain Avenues, and he explained that the congregation has not yet seen these plans.

David Pease, AIA, presented his drawing for an overview of the site. He explained the church is 104 years old and the stone surrounds a wooden structure. There was a porte cochere at one time and a building (social hall) that burned down in the 1920's. The Sunday School is growing, and that is one of the reasons for the expansion. The existing building has some structural problems also. During construction, new classrooms and offices would be built first, then a social hall, to allow for interim use. Traffic flow would be one-way to alleviate safety concerns.

A proposed area for play and congregating is planned. They need an elevator and some ramps for access, and all bathrooms will be handicap accessible. There will also be room for future expansion. There will be a kitchen in the new facility. A stockade fence with appropriate plantings will provide a buffer zone. The zone is OB, lot coverage is approximately 1/3, and they realize there are issues to be addressed and look to the board for guidance. Rev. Kilgore feels the style of the building fits in the area and wants the building to fit with the board's future plan.

Mr. Costain pointed out that this is also used as a polling place and that the existing building was used for flood shelter. Mr. Fazen thanked the presenters and asked Mrs. Doyle to follow up on some concerns that may arise after the meeting.

Mr. Fasanello asked about entrance and exit from Union Avenue for parking. Mr. Fazen suggested contacting the Department of Transportation to address traffic flow onto Union Avenue and the likelihood of allowing a left turn onto Union. His second question addressed the possibility of a variance application for setback requirements. The requirement in this zone is now 50 feet.

The driveway behind the present social hall will be removed. The playground being adjacent to a residential property may also present a problem, Mr. Fazen pointed out, from past comments. Mr. Costain said a neighbor has a problem with the existing situation, and this may be more favorable.

Regarding impervious coverage of the lot, Mr. Fazen suggested taking a good look at that situation. The amount of anticipated development is "piling up." The interior of the flood-proofing area is a concern. Mr. Sabatino asked Mrs. Doyle about pervious macadam surfaces. She said it is extremely successful for frequently used overflow parking but may not be suitable for the primary parking area.

Mr. Sabatino asked if an easement could be procured. A long-term lease has been discussed informally with neighbors. They are hoping to work together to solve mutual problems. Mrs. Doyle commended the concept of shared parking and discussed efficiency of the parking layout. She recommended making it a meaningful access to maximize the number of spots, as well as resolving issues with neighbors including setback issues and control of drop-off point.

Mr. Gaglia asked about the setback and suggested it might be an issue with the fire department for access. Mr. Sabatino suggested checking on previous applications for possible guidance.

#05-02, Todaro, 420 E. Main Street, fruit & vegetable stand (request for waiver of site plan requirement)

Mr. Todaro was in attendance and described his application. Mr. Fazen explained that a site plan waiver was requested, and it was granted with the understanding that the requirements be met. Mr. Fasanello recalled a building divided into a laundromat and a fruit market. The board, given the nature of the building with debris and boxes, asked where the dumpster would be located. It seemed trash would have to go through the laundromat, down a 3-4 foot drop, and past other properties. There is an eight-foot foyer in the rear allowing access to both businesses. The properties are all owned by Mr. Todaro, and he has contracted for steps to be built.

There is an easement in existence, but Mrs. Doyle said it is not a permanent easement; it would be canceled if the tenant vacates. Mrs. Pournaras expressed concern about a permanent stairway as a condition of granting any approval. Mr. Fasanello asked how far the dumpster would be from the store; it is behind the bank building; Mrs. Doyle estimated it at approximately 50 feet. The new tenant of the bank building will probably use the same dumpster.

Mr. Fasanello asked about boxes from fruit and vegetables; they will have to be broken down and disposed of also. Mrs. Pournaras explained that she has garbage pickup often enough so that her dumpster does not overflow. She feels it is up to the Board of Health to monitor it. Mr. Fasanello feels the owner has to take pride in his establishment to start, and he would not want them to underestimate the amount of garbage to be generated.

Mr. Fazen asked the board if Mr. Todaro has provided what the board had required. Mrs. Doyle viewed the issue as block 1, lot 70 with the dumpster. The

burden on the owner is to keep the location neat and sanitary or be fined by the Health Department or the Zoning Officer.

The second consideration, according to Mr. Fazen, is the completion of the staircase in the rear. That will be overseen when a building permit is obtained and the borough engineer approves it before issuance of a Certificate of Occupancy. Garbage must be picked up a minimum of three times weekly.

Mr. Fazen wanted to have the option of requiring a buffer if it is found to be necessary. Mrs. Pournaras suggested a fence like the one George's has, but Mr. Todaro pointed out that the neighbors have no windows on that side. Mr. Rodgers suggested some guidelines for the planner with regard to such a buffer. The dumpster is shielded by an incinerator on one side. The permanent location of the dumpster will be documented.

Mr. Rodgers addressed the easement granted by Mr. Todaro to Mr. Todaro. He would suggest recording the easement with some wording changes. He will put it in the resolution and require it to be recorded. Maintenance will also have to be addressed in the wording for the easement.

A motion was presented by Mr. Gaglia and seconded by Mr. Krauser to waive site plan requirements on the following conditions:

1. Owner will always keep the dumpster, surrounding area and strip neat and sanitary with no outside storage or dumping. Violation will subject the owner to fines.
2. Completion of rear staircase with approval of borough engineer.
3. Garbage pickup at least three times a week.
4. Dumpster location to be approved by the planner.
5. Easement submitted with application will be modified to include language expressly granting the easement and recite the ownership of the lots and lot 70 owner to be responsible for maintenance.

Approved unanimously.

#08-02, Forsyth/Rosales, 127 Talmage Avenue, flea market (variance)

Mr. Thompson stepped down for this discussion.

Mr. Forsyth was in attendance; he reported that Mr. Rosales was out of the country. The variance must be granted to the owner, and it was not known if the owner was incorporated. RAR Realty, Inc. is the owner, and an attorney is necessary to represent a corporation.

Mr. Forsyth explained that his life savings was invested in this venture. The mayor did not want to rent out the site of the original flea market and indicated Mr. Forsyth could move it to a non-residential area. His understanding was that

burden on the owner is to keep the location neat and sanitary or be fined by the Health Department or the Zoning Officer.

The second consideration, according to Mr. Fazen, is the completion of the staircase in the rear. That will be overseen when a building permit is obtained and the borough engineer approves it before issuance of a Certificate of Occupancy. Garbage must be picked up a minimum of three times weekly.

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2. Completion of rear staircase with approval of borough engineer.
3. Garbage pickup at least three times a week.
4. Dumpster location to be approved by the planner.
5. Easement submitted with application will be modified to include language expressly granting the easement and recite the ownership of the lots and lot 70 owner to be responsible for maintenance.

MOTION CARRIED (Ms. Ackerman cast the single Nay vote)

#08-02, Forsyth/Rosales, 127 Talmage Avenue, flea market (variance)

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Mr. Forsyth explained that his life savings was invested in this venture. The mayor did not want to rent out the site of the original flea market and indicated Mr. Forsyth could move it to a non-residential area. His understanding was that

burden on the owner is to keep the location neat and sanitary or be fined by the Health Department or the zoning officer.

The second condition, according to Mr. Fazen, is the condition of the staircase in the rear. That will be overseen when a building permit is obtained and the borough engineer approves it before issuance of a Certificate of Occupancy. Garbage must be picked up a minimum of three times weekly.

Mr. Fazen wanted to have the option of reducing a buffer if it is found to be necessary. Mr. Fazen suggested a fence like the one George's has, but Mr. Tobolski pointed out that the neighbors have no windows on that side. Mr. Fazen suggested some guidelines for the permit with regard to such a buffer. The dumpster is shielded by an overhang on one side. The permanent location of the dumpster will be documented.

Mr. Hodgson addressed the easement granted by Mr. Tobolski to Mr. Fazen. He would suggest recording the easement with some wording changes. It is not in the resolution and requires it to be recorded. Maintenance will also have to be addressed in the wording for the easement.

A motion was seconded by Mr. Gaglia and seconded by Mr. Fazen to waive site plan requirements on the following conditions:

1. Owner will always keep the dumpster, surrounding area and step neat and sanitary with no outside storage or dumping. Violation will subject the owner to fines.
2. Completion of rear staircase with approval of borough engineer.
3. Garbage pickup at least three times a week.
4. Dumpster location to be approved by the planner.
5. Easement submitted with application will be modified to include language expressly granting the easement and relieving the owner of the lot and lot 20 owner to be responsible for maintenance.

MOTION CARRIED (Ms. Ackerman cast the single Nay vote)

408-02 Reapplication, 137 Fairview Avenue, Fair Market (variance)

Mr. Thompson stepped down for the discussion.

Mr. Fazen was in attendance. He reported that Mr. Rosales was out of the county. The variance must be granted to the owner, and it was not known if the owner was incorporated. BAR Realty Inc. is the owner, and an attorney is necessary to record a corporation.

Mr. Fazen explained that his savings was invested in this variance. The owner did not want to rent out the site to the original fair market and indicated that he would move to a non-residential area. The understanding was that

the only requirement would be a license from the fire department. He is concerned with losing his vendors and asked for permission to carry on until a hearing can be rescheduled with the attorney present. Mr. Fazen suggested scheduling this variance for the next meeting but explained that this board does not have the authority to grant his request. He will ask the mayor for a decision tomorrow.

Mr. Fazen announced this hearing will be held July 11, 2002. Mr. Forsyth was asked for an extension of the 120-day requirement and he consented to avoid denial of the application.

DISCUSSION ITEMS

Board of Education scheduled for July 11.

Forsyth/Rosales scheduled for July 11.

314 Winsor (informal hearing) July 11.

Scagliotta July 11.

Hamilton Street Café July 11.

Yanetta July 25.

August 8 Kissell Development.

The modified Off-Street Parking Regulation has integrated the comments made at the meeting and changes were made by Mr. Rodgers. If Mr. Fazen does not hear any objections, it will be sent to the borough council.

Mr. Rodgers e-mailed the Regulation to members. The changes were technical except for number of parking spots to be paid for (page 61, top) -- \$1000 x the lesser of (a) number by which the applicant is deficient or (b) the difference between the number required for the proposed usage and the total number of spaces required by the existing use.

Mrs. Doyle explained that Mr. Reina drafted this language. The intention is to grandfather the existing shortage.

Mrs. Pournaras asked when the board plans to vote on the Master Plan. When the Parking Ordinance and the Sign Ordinance are approved, in September, it should be voted on. It should be mid-2003 by the time it is implemented.

COMPLIANCE REVIEW BOARD

Mrs. Pournaras has not found any problems. Mr. Thompson felt there is a problem with Walgreen's, and that it is lower than planned. Mrs. Doyle has asked for a certified as-built. Mr. Thompson does not recall any mention of walls on Route 28; there is a drop of 4-5 feet. Mr. Fazen said it is being taken care of.

BY-LAWS AND APPLICATION FORMS

Mr. Fazen noted that when applications are received they will be complete before they get a date on the calendar. The board will no longer vote on completeness. Mrs. Doyle's review will be submitted to the zoning officer.

COORDINATION WITH SOUTH BOUND BROOK

Mrs. Doyle said two dates will be set by Monday. There are about 38 members.

Mr. Fasanello asked what is going on across the street from Walgreen's (former Girasole property). It seems to be a cell phone company; Mr. Fazen will check and report to the board.

ADJOURNMENT

Motion presented by Mrs. Pournaras to adjourn the meeting at 9:30 p.m., seconded by Mr. Fasanello and carried.

Respectfully submitted,

Barbara A. Malone
Recording Secretary