

**BOROUGH OF BOUND BROOK
PLANNING BOARD MEETING
FEBRUARY 11, 1999**

The meeting of the Planning Board was called to order by chairman Lyle Strain at 7:33 in the municipal chambers, 230 Hamilton Street, Bound Brook, NJ.

ROLL CALL

The following members were present: Mayor Gilly, T. Ruscetta, F. Ryan, A. Gaglia, L. Strain, P. Pournaras, E. Custy, K. Krauser, M. Anderson and J. Thompson. Also present were B. Malone, Recording Secretary; M. Rodgers, Esq., board attorney; S. Doyle, Planner and M. Gupko, Building Inspector.

MINUTES

Minutes of the January 28, 1999 meeting were approved with a motion by Mr. Krauser, seconded by Mr. Custy and carried unanimously.

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, 1999.

AGENDA

Mr. Strain announced the following items on the agenda:

- Site Plan Waiver #3-99, 465 West Union Avenue, Retail sale, hobbies/games
- Site Plan Waiver #4-99, 15 John Street, Marine & Auto machine shop/retail sales
- Discussion of Talmage Avenue

OPEN TO PUBLIC (NON-AGENDA ITEMS)

A resident of West Maple Avenue asked if there had been any resolution to the question she raised at the last meeting regarding a four-family house on West Maple Avenue. Mr. Gupko replied that he had checked into it, and the house in question was placed on the tax rolls as a four-family in 1978. Mr. Rodgers advised the board that no matter how long it has been a four-family, it does not gain legal status unless it has been continuously a four-family since the ordinance was adopted. Mr. Strain will research when the zone was established (Mr. Krauser says it was June 1966). If that is the case, it has been illegally used for 21 years. Mrs. Doyle cautioned the board to research zone map changes which have been modified through the years. Mr. Gupko reported that if the property is listed on the tax rolls as a four-family it would not be flagged as a violation. Mrs. Doyle advised the board to let Mr. Gupko know, in writing, if they would like him to act otherwise. Mr. Rodgers feels this topic should be on the agenda for

SITE PLAN WAIVER #3-99, 465 West Union Avenue, Citadel Corporation

Mr. Krauser reported for the committee that the above-referenced property is Mr. DiRenzo's building, which is also home to Cafe Italia. There have been other applications to use this facility, but parking is a problem. Otherwise, it is in great shape. The applicant was in the audience and was asked about his hours of operation. Mr. Scott Cristo, 840 Hawthorne Avenue (the applicant) left the area on the other side of Union Avenue because of parking concerns. His hours of operation will be approximately 2 p.m. to 9 p.m. with peak hours from 6 or 7 until 10 or 11. When asked if he has a certificate of occupancy, Mr. Cristo replied that signs were supposed to be put up by the owner identifying his parking spaces and it has not been done. Mr. Ruscetta asked Mr. Cristo if he has any citations related to the business, and Mr. Cristo said yes, related to the invalid c/o. When asked if he had misled the board regarding parking, Mr. Cristo said no. Mr. Gupko explained that two summonses have been issued, one for having a sign with no permit and one for not following the planning board's instructions that signs designate parking for his customers only. Mr. Gupko also informed the board that in addition to the retail sales there is a club with admission and dues being charged. Mr. Krauser asked about the number of tables and the number of customers likely to be in the establishment at 11 p.m. Mr. Cristo said it varies, but there may be 5-10 people and 5 or 6 tables, some of which may hold merchandise for sale. Mr. Cristo asked if he is allowed to set up extra tables if business demands require them. Mr. Strain explained that, due to zoning and use concerns, only that number approved by the planning board is allowed. Mr. Gaglia mentioned that the number of seats is more pertinent. Mr. Cristo said there are now 12 seats, which is within the original guidelines.

Mr. Philip DiRenzo, owner of the property in question, indicated that there are 15 parking spaces in the lot and Mr. Cristo may use five. His hours of operation are basically 11 a.m. to 8 p.m. (Two days 11-11), and their peak hours should not interfere. When asked about his regular clients, Mr. Cristo explained that they range in age from 10 to 62 years old and are mostly Bound Brook residents. There have been no problems with the customers. When Mrs. Pournaras asked if they are allowed to bring food in, Mr. Cristo indicated that they are.

Motion presented by Mr. Gaglia, seconded by Mr. Custy, to approve the site plan waiver. Motion carried, 6-3.

AYES: Mr. Gaglia, Mrs. Pournaras, Mr. Custy, Mr. Krauser, Mr. Anderson, and Mr. Thompson.

NAYS: Mr. Ruscetta, Mr. Ryan and Mr. Strain

Site Plan Waiver #4-99, 15 John Street, Marine and auto machine shop/retail parts

Mr. Krauser noted the applicant was present and asked him to explain the mixed use. The applicant replied that the business would be approximately 1/4 selling retail with one bay for marine repair and one bay for a machine shop. Mr. Krauser wondered if the

residential use. There was an annual report of these conversions. One recommendation was making it a residential area. The ordinance was changed about 1988 from C to R-5. In the 1997 report, there were some six-family houses, which could be attributed to an error in the data base.

The Bridgewater Promenade will be 2/3 the size of the Bridgewater Commons, and the stadium will have 6300 seats. Both of these will have an effect on Tea Street as well as Talmage Avenue. Consideration will have to be given to how many lots will be made non-conforming. Color coding on the drawing Mrs. Doyle brought indicates lots that are very long and narrow and some that are squat, but there is no front yard parking. Concerns include traffic and the new projects' effect on traffic. All colors on the map represent residential use.

Mrs. Doyle was asked if anything is being done about traffic and its impact, and if any studies are being done. She replied that the borough has negotiated with Bridgewater and some consideration will be given. There is a curve now that a bus could not make and stay in its lane. Tea Street is also being discussed with the county, but there will be a great deal of traffic to contend with.

Mr. Slater (council representative) reported that the borough sued Somerset County because they were not notified properly as to what was being done. Bridgewater is now giving nothing; the county is assuming all responsibility. At certain points of the construction project Bound Brook will get certain amounts of money that is being appropriated into anticipated revenues. The total is \$250,000 over the life of the construction period of the project. Another thing agreed to was that the county will pick up all Bound Brook's costs for the flood control project (Federal 75%, state 12.5%). They will repair Tea Street and put in a sidewalk and a safety fence. There were some other minor stipulations.

In reply to a question from Mr. Custy about the county's six year plan, Mr. Slater reported the county has agreed to holding the empty lot on the curve because their plan includes this corridor. They want to take the big bend out of it. They will have to acquire more property to straighten the road. This is not in the contract, because that would have required it to be done immediately in the current year, and funding is not there right now. This part of the settlement is a "gentlemen's agreement." The Tea Street project should be done this spring and early summer, with as little disruption as possible.

According to Mrs. Doyle, part of the re-examination report is existing problems and the extent to which they have been reduced or increased. Nine problems were identified by the planning board as issues to be addressed:

1. Maintenance of buildings (conversion from store front to residential was not done well, as with plywood windows)
2. Number of vacancies (first floors are residential, renters with large families).

is the scope? In his opinion, if we are looking at total redevelopment we have to be more diligent in scope (buffer zones are lacking).

Mr. Gupko brought up the subject of grants and pointed out that there are people who do these applications for a living. Their pay is based on the results, and he thinks the timing is right. Mrs. Doyle feels it is important that we move forward every month. We have to do *something*, and she is ready to move forward.

Mr. Slater asked Mrs. Doyle about "blighting." She explained that it means going to a redevelopment agency (borough council) and declaring an area blighted. At that point you come up with a redevelopment plan because of deterioration, number of violations, deteriorating tax base, and/or crime. This enables the borough to acquire the land. Then you demolish, but you could not rebuild until the levee is operating if you want it residential. Mr. McEwen assured the board the construction of the levee will be finished within four years. Mrs. Doyle suggested that she would be cautious about this kind of publicity; homeowners could potentially sue the borough if they can't sell their property.

Mr. Ruscetta wondered how many of these buildings are owner occupied. Mrs. Pournaras suggested that the borough keep writing summonses, and if they don't comply hire a contractor and put a lien against the property. Mr. Ruscetta thinks this approach is illegal. Mr. Strain agreed these things may be beyond the planning board's ability to do.

Mrs. Doyle suggested seeing if there is any money available; this could be an exciting opportunity. Mr. Gaglia, a property owner in the area under discussion, assured the board that anyone who tries to buy his property before the flood control project is completed will have a fight on his hands.

Mr. Rodgers asked Mrs. Doyle if the board would need a plan if they declare the area blighted; she said they do. Mr. Strain suggested that the board first decide what they want on Talmage Avenue, as well as how much area they want to deal with.

Mrs. Doyle feels the difficulty with the existing zone is that, even if they are in good shape, they are very close to the road. She suggested there should be no more than one bedroom per unit. Mr. McEwen noted that the board is confusing a series of different functions; each one needs to be done right. They have to decide how they are looking at the long term. Another very important function of planning is to determine what problems exist and how they can be dealt with. Since the 1930's or 40's he feels Bound Brook has not identified existing problems and their solutions.

Mr. Strain questioned whether the board could tell a railroad how to operate. Mrs. Doyle suggested after identifying the problems it may be important to receive a written report from the subcommittee. Mr. Ryan said that if we decide to declare a blight, we have to have a plan and specify an area. In the meantime, you have to pay someone to make this plan. If the board does not move now, they may not have any say in the future. He

immediate problem as well as five years down the road. Mr. Strain agreed that if the board goes down this road they need to look at every possibility. Mr. Slater noted that the board needs to get someone with the time and knowledge to find out what is going on with these tracks.

Mr. Gaglia reminded the board that in three months they will be inviting thousands of people to come into Bound Brook every day and asked what they will see. He wondered why these places can't be cleaned up and made to look respectable. He feels the area needs to be cleaned up now, as that is the only thing that can be done immediately. He feels we have already waited too long. Mrs. Pournaras recalled that the board changed the zoning for the apartments and it didn't mean anything. Mr. Strain felt that just because it didn't work in that case is no reason not to do it now. Mr. Gaglia said the board can't even change the zone before the ball park opens.

Mr. McEwen hopes to bring back input by the end of April. They will specify what the problems are. Mrs. Doyle asked if they plan to look into the railroad. A member of the audience suggested that the board can work on short-term and long-term goals. She suggested that Mr. McEwen serve as liaison to the planning board and the council. Mr. Strain expressed the hope that it will be a bipartisan effort and not a political football. He told the board and audience the subject will be revisited on March 25; the board needs to come up with a timetable.

Resolution #1-99 111 East Main Street (Costume Shop to pizza parlor)

Mr. Krauser made a motion to approve with the following conditions: DMC has to approve the front, and maintain adequate dumpsters. Seconded by Mr. Anderson and carried unanimously.

Resolution #2-99 14 Maiden Lane (Plumbing to retail race car parts)

Mr. Krauser made a motion to approve with the following conditions: paint facade, DMC approval of facade, additional outlet brought up to code or removed. Seconded by Mr. Anderson and carried unanimously.

ADJOURNMENT

Mr. Krauser made a motion to adjourn the meeting at 10:30 p.m., seconded by Mrs. Pournaras. Unanimous.

Respectfully submitted,

Barbara A. Malone
Recording Secretary