

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

The meeting of the Planning Board was called to order by chairman Lyle Strain at 7:45 in the municipal chambers, 230 Hamilton Street, Bound Brook, NJ.

ROLL CALL

The following members were present: F. Ryan, A. Gaglia, L. Strain, P. Pourmaras, E. Custy, K. Krauser and M. Anderson. Also present were B. Malone, Recording Secretary; J. Cilo, Jr., PE, Engineer; and M. Rodgers, Esq., Board Attorney.

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.

APPROVAL OF MINUTES

Since the members had not received their minutes, the chairman postponed the approval of October 28, 1999 minutes until the next meeting.

AGENDA

Mr. Strain announced that the following items will be heard:

- #29-99, Hagan (for completeness)
- #27-99, Avatar Pottery
- One item under "new business"
- One resolution regarding noticing and scheduling a public meeting on Mrs. Doyle's report on redevelopment.

The following items were postponed:

#18-98, Burke — a request was received for a continuance to get state and county approval, estimated to be the end of January 2000. Barbara will notify Mr. Murray that notices will need to be re-sent.

#11-99, Clemente — notification was received today that Dr. Clemente has requested a continuance until the December 9 meeting (no re-noticing required).

RECOGNITION OF PUBLIC: Andrew Rehm (of Plymouth, MA and Bound Brook, NJ) asked about two establishments that were being repaired after the flood and were served with "cease and desist" orders. He wondered if the owners could continue work on those repairs that were required by flood damage while resolving the other issues. Mr. Strain told Mr. Rehm that he is not authorized to make that determination. Mr. Rodgers agreed.

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explaining that it is up to the building department to enforce building codes. Mr. Ryan explained that an addition was being built on the front of a building.

Mr. Richard Scagliotta, 548 E. Main Street, advised the board that he had been granted a building permit in March of 1999. The construction plans have been slightly changed, and Mr. Gupko and Mr. Cilo suggested that he let the planning board know. Plans are being redrawn by his engineer. Mr. Rodgers told Mr. Scagliotta that, in general, the board cannot give an opinion on this type of thing. The change in plans might or might not require additional approvals. Since the board has nothing in front of them, they can't be expected to take any action. The building inspector might make a determination as to whether or not board action is required.

#29-99, Hagan, Completeness

A letter from Mrs. Doyle dated November 2 recommends that the application be deemed complete. Minor deficiencies noted will be corrected prior to the public hearing on December 2.

Motion presented by Mr. Gaglia, seconded by Mr. Custy, to deem the application complete. Motion passed 6-0-1 (Mrs. Pournaras abstained)

Mr. Cobb, 205 Somerset Street, asked the board if they had passed the funeral home application. Mr. Strain explained that the public session was over but assured Mr. Cobb that the application had just been deemed complete, and that the public would have an opportunity to speak at the public hearing on December 2.

#27-99, Avatar Pottery

Mrs. Betancourt was present without her attorney and explained that, as a sole proprietorship, she did not require counsel. Her attorney was unable to attend.

Mr. Krauser reported that the committee had visited the property at 326 Talmage Avenue on numerous occasions. It is in an R5 zone (1-4 family). There is a mixed use proposed for the property. There is a 5-family house on the front of the property, which does not conform to the zone. Any extension of the use of the property would require a 'd' variance and continuation of a non-conforming use. He also noted there is no approved site plan with the application. He said he felt that if the board could get past the inherent use problem a full site plan should be submitted, showing adequate parking, access points and land improvements. What was submitted was a survey, a one-line diagram showing outlines of the building and property lines, as well as blacktop driveway. His recommendation would be to deny and ask for a full site plan and variance hearing. Questions to be asked would include: Has it been abandoned, and for how many years? There is also a question as to when a portion of the building was built, apparently without approvals and without a site plan. Mr. Gaglia indicated he concurred, noting that if a site plan exists he would like to see it.

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Motion presented by Mr. Krauser, seconded by Mr. Gaglia, to deny the site plan waiver and require a full site plan and variance hearing.

Mrs. Betancourt asked if the board would put this in writing and send a copy to both her and her attorney. She advised that, as a veteran, she did not think it was fair to deny her application on Veterans' Day and proceeded to make allegations of discrimination against her.

Several board members expressed their support of Mr. Krauser's findings and their displeasure at being accused, once again, of discrimination. They insisted their reservations had to do with the property and whether or not it is habitable.

Mrs. Pournaras advised that she would not vote on the issue because Mr. Carzis is her landlord, and she told Mrs. Betancourt that in the several months she has been a member of the board she has seen the board go out of their way to explain proceedings to applicants who had trouble with English.

Mrs. Betancourt accused members of the board of having properties in the same area with mixed uses. She also resented the board notifying her attorney and not her personally. She said again that she does not have to be represented by counsel. Mr. Strain explained that it was she who told them she had an attorney; they did not require it.

Mr. Cilo tried to explain the history of the site plan waiver and its tortured history in most towns. Usually, a site plan can be pulled out of the file and the board can see if the site is still the same and if the use fits. In the absence of that, a site plan would be required. A full site plan, he noted, can cost thousands of dollars. There are several waivers that could be appropriately granted in this case, i.e. storm water management plan. He would be willing to help.

Mr. Gaglia asked Mrs. Betancourt if she was referring to his property on Talmage Avenue, as he and Mr. Strain are the only board members who have property in that area. He explained he does have a business and a house, on two adjoining and separate lots. Prior to 1968 it was available for mixed use. Mr. Strain's property is strictly commercial. He protested a lot of unfounded remarks being made.

A vote was taken on the above motion, and it was approved 5-0-2. Mrs. Pournaras abstained and Mr. Ryan had left the room. Ayes were Mr. Custy, Mr. Gaglia, Mr. Krauser, Mr. Anderson and Mr. Strain.

Mrs. Betancourt asked when the resolution would be available, and Mr. Strain said it should be signed at the next meeting. She also asked that her fees be returned to her, and Mr. Strain explained that application would have to be made to the Finance Office.

Compliance Review Committee

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Mr. Custy asked the board to think about the committee and what the emphasis should be. He would like some clarification. Mrs. Pournaras noted that new businesses are opening and, although the board would like to encourage this, she is not sure if they had the appropriate permits. On Maiden Lane, for instance, there was a computer mail order business that had cubicles for offices. She has been informed that a church that wanted to rent Archie's store is planning to occupy this space. She doesn't know if they have applied to do so. She feels someone has to stay on top of this type of situation, and maybe it should be the Compliance Committee.

Mr. Anderson advised that he had accepted responsibility to go to borough hall and check on some things, but he can't get there during the business day. He would be more than happy to help in another capacity. Mrs. Pournaras said she could get there during the day but hesitates to be the "bad guy." She feels this is the building inspector's field. She knows there are buildings where people are living without heat or electricity. There were several inspectors in Bound Brook for two months, and although she admits it is a big job, it should be obvious if people are living under these circumstances. She also felt someone should have noticed if someone was building on Main Street without permits. She is afraid if someone doesn't take control Bound Brook will lose the whole downtown.

Mr. Custy said that "someone" should be the construction code officer. The Compliance Review Committee cannot legally do his job. Mr. Ryan advised that all the acting part-time help was discharged. He noted that the building inspector has been threatened. Mrs. Pournaras noted that flood insurance covers removal of debris, and she feels some people may have just walked away from their buildings. Winter is coming and the debris has to be removed. There is also a limited time that plywood can be used to cover windows. Mr. Ryan said the town is busy picking up leaves and garbage. Mr. Custy brought the discussion back to the committee; they are looking for guidance.

Mr. Strain offered to meet with Mr. Custy and identify some properties to be looked at. Mrs. Pournaras asked again what the board is going to do about businesses opening without site plans. Mr. Rodgers reminded her the responsibility for this lies with the building department. If the board feels this department is not doing its job, the town government has to investigate. More people may be needed, or someone may need to be replaced.

Mr. Gaglia asked what a person should do if they want to open a business in Bound Brook. They go first to the landlord, then to the zoning office. Asked how the zoning officer makes a determination, Mr. Cilo explained that the potential tenant tells the zoning officer what type of business he plans to open. If the site was used for the same business before, fine. If it's closely related, there is an interpretation required. Mr. Ryan expressed a concern that the building may need to be looked at (electrical panel, for instance). Then the landlord should be told he has to do certain things. After the flood, the board wants to be sure the properties have been cleaned out properly.

Mr. Cilo explained this can be done, but the board does not have enforcement powers. If the committee identifies a problem they can only make a suggestion. The governing body

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solves the problem. This enforcement costs a lot of money. In some towns, these responsibilities are divided among more people.

New Business -- Resolution

Mr. Strain reported that everyone had received the report from Mrs. Doyle on the Redevelopment Plan. A planning board work session is scheduled for Tuesday, November 23, at 7:30. This is an opportunity for the planner to present and explain her findings and recommendations with the board. While the public is invited, they won't be given the opportunity to speak. They will be given that opportunity at the public hearing at 7 p.m. on December 8 (Wednesday) at Bound Brook High School's auditorium.

Mr. Strain read the Resolution, which indicates that the Mayor and council of the Borough of Bound Brook had authorized the Planning Board to conduct a preliminary investigation and hearing to make a recommendation as to whether a designated area is in need of redevelopment. A map was prepared by John Cilo, Jr., Associates, Inc. in conjunction with this investigation, entitled "Bound Brook Borough, Somerset County, New Jersey, AREA IN NEED OF REDEVELOPMENT, November 1999."

The area proposed for designation is described in the resolution, and properties are identified by block and lot numbers. The map will be filed with the Borough Clerk and be made available for inspection by the public, and the Clerk is designated as the official to prepare, publish and mail notices of the public hearing in accordance with statute. The Resolution was signed by Keith Krauser, Planning Board Secretary, and dated November 11, 1999.

Motion presented by Mr. Custy to pass the resolution, seconded by Mr. Anderson and carried unanimously.

Mr. Ryan will confirm with Bound Brook Board of Education the use of the high school auditorium for the above meeting.

An article was distributed to board members (F.Y.I.) from Mary Moody called "Chain Drugstore Side Effects."

ADJOURNMENT

Motion presented by Mr. Anderson, seconded by Mr. Gaglia, to adjourn the meeting at 8:55 p.m. Unanimous.

Respectfully submitted,

Barbara A. Malone
Recording Secretary