



**BOROUGH OF BOUND BROOK
PLANNING AND ZONING BOARD
MEETING MINUTES
THURSDAY, JULY 25, 2024**

Meeting Location:

Virtual via GoToMeeting Platform

1. CALL TO ORDER

The Planning and Zoning Board met on **Thursday, July 25, 2024**, virtually via the GoToMeeting Platform. The meeting was opened at **7:30 p.m.** by Mayor Dominic Longo.

2. SALUTE TO THE FLAG

3. COMPLIANCE STATEMENT

Mayor Longo read the Open Public Meeting Law Statement.

4. ROLL CALL

Board Members:

Mike Witt, Chair	A	Jim Ayotte	P
Scott Sloan	A	Dominic Longo, Mayor	P
CathyAnn Baker Roll	P	Linda Brnicevic, Council	A
Wale Adewunmi	P	Abel Gomez, Alt. 1	P
Mark Speed	P	Jaime Garcia, Alt. 2	A
Maralee Sanders	P		

P = Present A = Absent

Staff:

John Belardo, Board Attorney	P	Charlie Cunliffe, Board Engineer	P
John Szabo, Board Planner	A	Jacqueline Dirmann, Board Engineer	P
Steve Lydon, Acting Board Planner	P	Erin Santora LaGrua, Board Secretary	P

P = Present A = Absent

5. MINUTES FOR CONSIDERATION - None

6. PUBLIC COMMENT (non-agenda items) – None.

7. MAYOR’S MESSAGE – None.

8. RESOLUTIONS FOR CONSIDERATION

A/ PB Resolution 2024-03
PB#23-005

Christopher Finnick
 622 Church Street
 Block 93, Lot 24

Motion: Dr. Adewunmi **Second:** Mr. Ayotte
Discussion: None.

Vote:

CathyAnn Baker Roll	Y	Jim Ayotte	Y
Wale Adewunmi	Y	Dominic Longo, Mayor	Y
Maralee Sanders	Y	Abel Gomez, Alt. 1	Y

Y = Yes N = No A = Abstain

9. REQUEST FOR EXTENSION OF APPROVAL

A/ PB# 19-11
 Urban Developers, LLC
 West Main Street
 Block 6, Lots 13, 15-19

Motion: Ms. Baker Roll **Second:** Mr. Gomez
Discussion:

Mr. Robert L. Falkenstern, Esq. appeared on behalf of the Applicant. He explained that they obtained preliminary and final site plan approval for a mixed-use building in 2021. Upon receiving that approval, the applicant was added as a party in a multi-party lawsuit against the Borough. They appeared seeking an extension a year ago and a returning to seek an additional year. Due to the litigation the applicant spent a lot of money and resources defending the lawsuit, and with the pending litigation it has been difficult to obtain financing. They are seeking an extension until February 10, 2025.

A board member inquired if the extension was proper under the MLUL. Mr. Belardo explained the process of granting extensions. It was requested by the board that the matter be tabled until September 12, 2024, due to the property being in disrepair and filled with garbage. The board discussed the corner piece, the code violations, the standard of the extension process, and a potential tax sale. Mr. Falkenstern was not aware of any tax sale.

Mr. Belardo requested a motion to table the matter until September 12, 2024.

Motion: Ms. Baker Roll **Second:** Mr. Gomez

Vote:

CathyAnn Baker Roll	Y	Jim Ayotte	Y
Wale Adewunmi	Y	Dominic Longo, Mayor	Y
Maralee Sanders	Y	Abel Gomez, Alt. 1	Y

Y = Yes N = No A = Abstain

10. PUBLIC HEARINGS

A/ PB#23-004
Lopresti-Clearview, LLC
465 West Union Avenue
Block 71, Lot 11
(continued hearing)

Mr. Belardo indicated that this is the second hearing and that the use variance was removed so this matter is now before the Planning Board. The mayor read the transcript of the first meeting and is eligible to vote.

Mr. Michael O'Grodnick, Esq. of the Savo, Schalk Law Firm appeared on behalf of the applicant who is returning to the board for preliminary and final major site plan approval to remove an existing building and its related site improvements, and propose improvements to construct a three-story mixed-use building, consisting of fifteen (15) total residential units, with an office space and retail space on the first floor, on a property located Block 71, Lot 11, which is known as 465 West Union Avenue. The property is located in the Mixed-Use, MU-2 Zone. They revised the plans after the last hearing as follows:

1. Eliminate the use variance necessitated by insufficient retail on the first floor.
2. Reduced the stories on the building from four stories to three.
3. Revised the layouts and floor plans to reduce the apartments from sixteen (16) to fifteen (15).

Mr. O'Grodnick then described the existing conditions and the location of the property. He indicated that application proposes to reduce the impervious coverage with a landscaped buffer around the perimeter of the property from 96% to 77.4%. He described the proposed mixed-use building, the enclosed parking, and vehicle access to the site from Clearview Place. They are requesting a variance for parking where 29 spaces are required and 20 are proposed.

Mr. Belardo then swore in George Folk, Rocco Campanella, Scott Kennel, and James Kyle and indicated for the record that the board professionals have been previously sworn and remain under oath for the balance of the year and this hearing.

Mr. O'Grodnick called on his first witness, George Folk, PE. The board accepted his qualifications. He testified that the plans were redesigned to reduce the number of units and the height of the building, decreased the amount of impervious cover and provided a 6-foot-high vinyl fence, with landscaping along the fence to buffer the residential neighbor to the north. He stated that he did not have any issues with any of the comments in the July 24, 2024, letter issued by T&M. He then went on to discuss numerous items in the report.

The meeting was opened to the public for questions, no one from the public had questions of Mr. Folk.

Mr. O'Grodnick called on his second witness, Rocco Campanella, architect. The board accepted his qualifications. He described the changes to the plan. By increasing the retail space, the parking was reduced to twenty (20) spaces. The second floor did not change from the first presentation and will contain eight (8) units, four (4) one-bedrooms and four (4) two-bedrooms. The third floor was revised and will contain two (2) one-bedrooms, three (3) two-

bedrooms, and two (2) three-bedrooms. The fourth floor was eliminated. There was no change to the proposed building materials. He indicated that he generally could comply with all the requirements in the review letters from Burgis Associates and T&M. He then went on to discuss numerous items in the reports.

The board had concerns about emergency egress and inquired about the staircases and building materials. Mr. Cunliffe requested some clarification regarding the operations of the garage door, the trash compactor room, and the process of removing refuse from the site, the studies within the two-bedroom units, the proposed white roof, and the operations of tenant move-in and move-out. The board briefly discussed ingress and egress, emergency egress, the trash/compactor room, and the proposed façade design. A board member indicated that they were not sold on HardiePlank and requested that samples be provided to the historic committee. The board then discussed the HVAC design. The thought was to use split systems.

The meeting was opened to the public for questions, no one from the public had questions of Mr. Campanella.

Mr. O'Grodnick called on his third witness, Scott Kennel, a traffic engineer. The board accepted his qualifications. He discussed the report prepared by his office dated September 20, 2023. For the 15 apartments and 1,000 square feet of commercial space, they project twelve (12) to thirteen (13) trips during the morning and afternoon peak hours. Based on RSIS, twenty-nine (29) spaces are required. They propose twenty (20) spaces, which equates to 1.3 spaces per unit. They determined that with public parking, they could accommodate five (5) spaces combined on Clearview and Union Avenue which results in twenty-five (25) parking spaces, or a parking rate of 1.7 per dwelling unit. He then discussed a parking study prepared by Rutgers in 2023, and other recent studies done by his office in Central Jersey which observed peak parking demands between 1.2 and 1.3 vehicles. With that, it was his opinion that the parking proposed for this would be more than adequate to accommodate the peak demands. Mr. Cunliffe disagreed with Mr. Kennel's usage of the Rutgers study since it was his understanding that no engineers or traffic engineers were involved in the preparation and that he was not sure if it was verified by boots-on-the-ground analysis. He further inquired the RSIS parking reduction based on new regulations which take into consideration mass transit, geographical location, and off-street parking, or off-site parking and the size of the proposed parking stalls underneath the building which the Borough's definition for parking says the minimum stall width is ten (10) feet, whereas, and nine (9) feet is proposed.

The board had concerns regarding parking and inquired if the applicant considered adding parking lifts. They discussed short-term and long-term parking. Mr. Kennel, who has been involved with the project since 2022 indicated that he had conducted numerous observations of the parking situation himself and has not seen any parking activity in the evening. The board expressed concerns regarding the on-street parking and inquired if the applicant considered eliminating the three-bedroom units to reduce the parking requirement and suggested to the applicant reach out to the neighboring strip mall to enter into a parking agreement for spaces. At the request of Mr. O'Grodnick, Mr. Kennel confirmed that there is no surcharge for the tenants utilizing the parking spaces under the building.

The meeting was opened to the public for questions, no one from the public had questions of Mr. Kennel.

Mr. O'Grodnick called on his fourth witness, James Kyle, Planner. The board accepted his qualifications. He indicated that that he reviewed the plans and reports that were submitted to the board, reviewed the ordinance and the master plan, also conducted field investigation of the property and the surroundings on a number of different occasions. They are seeking one variance for parking and a couple of design exceptions related to the 15-foot buffer to the north side of the property, the location of the street trees, and the utilization of on-site trees to satisfy the street tree requirement. He opined that the proposal met the intent of the 2019 Land Use Plan Amendment that created the MU-2, Mixed-Use 2 Zone and then quoted the section which states, "to encourage a more efficient pedestrian-oriented land use pattern, to increase the Borough's ratable base, and bring in new uses and new residents, and to enhance the Union Avenue and Vosseler Avenue streetscapes." He felt locating the parking under the building fits the intent of the streetscape to limit the dominance of automobiles and provide a pedestrian friendly environment. The project also meets the goals and objective by encouraging redevelopment. He discussed the proposed landscaping which he thought was a dramatic improvement to the area of the property and the views from the adjoining properties. With regard to the parking variance which he indicated was a c(2) and the benefits would outweigh any detriments. He testified that the following purposes of the MLUL are being promoted: purpose A to promote the general welfare and purpose M to promote the efficient use of land. He discussed the parking studies and Mr. Kennel's testimony. He felt they were eliminating excess parking that was not needed. With regard to the negative criteria, he did not feel that there would be substantial impact to the adjacent properties and that the parking supply is adequate. He also felt that there would be no substantial impairment to the zone since they are providing adequate off-street parking. He further discussed his justification for the design waivers for the buffering which he opined were reasonable since they result in a better condition.

The board did not feel that the design of the building was residential in nature. Mr. Kyle stated that the building was residential and that the proposed evergreens would screen the building. Mr. Cunliffe questioned the testimony provided by Mr. Kyle as it related to the Rutgers parking study.

The meeting was opened to the public to offer testimony.

Ms. Darcy Delvecchio, 438 West Maple, came forward and was sworn in. She stated her concerns regarding the parking on Union Avenue and Clearview and indicated that people use this area as a cut through.

Mr. O'Grodnick summarized the application and felt that the testimony provided justifications supported by credible testimony, that there will be adequate parking. He felt that the building is appropriate in scale and asked the board act favorably on the application.

The board felt the application was a marketable improvement, but each member remained concerned about parking, which they thought would be a nightmare since parking is already difficult in the area. They had no objections to the design waivers. Mr. Belardo provided a legal summation regarding the variances being requested.

Mr. O’Grodnick then interjected. Based on the comments from the board members, he requested that the board give the applicant time to perhaps look at off-site leasing opportunities with adjacent properties, and some other practical solutions, to address this final parking issue. The following vote was called to carry the matter to a future date with notice required.

CathyAnn Baker Roll	Y	Jim Ayotte	Y
Wale Adewunmi	Y	Dominic Longo, Mayor	Y
Maralee Sanders	Y	Abel Gomez, Alt. 1	Y

Y = Yes N = No A = Abstain

8. **NEW BUSINESS** – None.

9. **UNFINISHED BUSINESS** - None.

10. **UPCOMING HEARINGS**

A/ PB#23-001
 New Horizon Properties
 227 W. Union Avenue
 Block 75, Lot 10
 Scheduled: August 8, 2024

B/ PB#23-002
 Talmage Urban Renewal LLC
 336 Talmage Avenue
 Block 4, Lots 8.02, 9 & 10
 Scheduled: September 12, 2024

C/ PB#24-001
 The National Food Lab
 509 & 513 West Union Avenue
 Block 68, Lots 5,6 & 7
 Scheduled: Under Review

D/ PB#24-004
 Morecraft Brownstone Urban Renewal
 18 Hamilton Street
 Block 12, Lot 10.04
 Scheduled: August 8, 2024

E/ PB#24-005
 Dharm Inc. (Dunkin')
 432 W. Union Avenue
 Block 61, Lot 4
 Scheduled: September 26, 2024

11. **MEETING ADJORNMENT**

Motion: Mr. Gomez

Second: Mr. Ayotte

The next Planning and Zoning Board meeting is scheduled for:
Thursday, August 8, 2024, at 7:30 p.m.