

**SOUTH BOUND BROOK PLANNING/ZONING BOARD**  
**12 MAIN STREET**  
**SO. BOUND BROOK, NJ 08880**  
**July 15, 2008**

The Planning/Zoning Board met on Tuesday, July 16, 2008 in Fellowship Hall, 113 Clinton Street, South Bound Brook, NJ. The meeting was opened at 7:35 PM by Chairman Rockwell with a reading of the Open Public Meeting Law Statement of 1975, Chapter 231.

**ATTENDANCE:** P=Present A=Absent L/P=Late N/R=Not Req.

Mayor Terry Warrelmann	P	John Rockwell	P
Robert Allenovitch	P	John Elter (1)	p
Dennis Allenovitch	P	Harold Kildow (2)	p
Barbara Bazzone	A	Carol Rice, Secretary	
Bruce Blumenthal	P	Albert Cruz, Board Attorney	P
Jerome Bowers	P	Joe Cunah, Board Engineer	P
Paul Kaminsky	A	Dennis Hudacsko, Planner	P

**Applications**

**Application 330**

Due to improper notice this application will not be heard tonight, new notice will be given

**Application 327 - Major Subdivision/All Variances (Previously approved)**

**Peter and Vincent Giacomini**  
**120 A Little Place**  
**Block 28, Lot 12**

The applicant is seeking relief of an access and maintenance agreement which is a condition of the previous resolution.

Bob Spengler, Esq. representing the applicant

Mr. Spengler testified to the following:

- Subdivision Approval previously approved
- A condition of the approval was for the applicant to obtain an access and maintenance agreement with connecting properties regarding the private road.
- This agreement is currently conveyed in the deeds.
- Due to this fact they are seeking relief of getting all signatures from all properties that about this road in relation to the access and maintenance agreement, they are claiming that the access and maintenance agreement is currently contained in the deed.
- Common use of sewer is also in deeds.
- We should include in the resolution reference to the prior deeds regarding access agreement and maintenance agreement. It is in chain of title.

Two deeds were provided showing:

- Southerly lots 13,14,15 and the mother lot 12 which originally imposed the requirement of access and maintenance agreement.

- That road is considered a private driveway

John Rockwell expressed concern about later in the years

- It is a restriction in all their deeds and will be carried forward

The board can list in the resolution that this will always remain a private drive and never become a public road in the future.

Alert Cruz, Board Attorney reviewed the following:

- The borough tax map shows the road/driveway as an easement
- Albert read the deed restriction into record
- He agrees that this easement is carried in the chain of title

A motion was made to approve the removal of the access and maintenance and grant relief to the applicant of this condition. Paragraph 11D and 7 will be corrected accordingly, by Jerome Bowers seconded by Bruce Bluemthal and approved by all.

Mayor Terry Warrelman	Y	Jerome Bowers	Y
Robert Allenovitch	Y	Paul Kaminsky	A
Dennis Allenovitch	Y	John Rockwell	Y
Barbara Bozzone	A	John Elders (1)	N/V
Bruce Bluemthal	Y	Harold Kildow (2)	N/V
		Carol Rice/Secretary/Alternate	Y

### Application 331

**Landmark SBB - Major Site Plan/Bulk & Use Variances**

**153 Main Street**

**Block 71, Lot 1**

This application was held over from June 17, 2007

Ron Shimanowitz, Esq. representing the applicant

Mr. Shimanowitz presented an overview of meeting previously held on June 17, 2008

Mr. Jeff Weinflash - representative and Project Manager of Landmark LLC sworn in

Mr. Weinflash testified as follows:

Regarding the trash area (Using A-2)

- They will leave it as an opened area - patio area will be there
- Will there be an issue of the truck blocking the driveway or garage
- He spoke with Donald Kazar and discussed the trash pick up in accordance with town services. Cans will all be in one area. The town will pick up trash. Recycling will also be put in the same area on designated times.
- After discussion he felt the old area previously approved would be better used as a passive recreation area.

- They will provide cans that will meet town requirements. The trash cans will be marked with unit numbers.
- Donald Kazar - Clerk Administer - they were going to provide an access easement so the garage truck could back on the property. This will be in condominium document for all necessary services
- He does not see a problem of anyone getting in and out of the garage at time of trash pick-up. Some of the seven parking spaces on Johnson Street may be blocked for a period of time.
- Should we require some covering to the trash area the applicant would be agreeable to doing so. Although it is the feeling that a closed area would not be beneficial.
- Patio will measure 12 x 24

Review letter received by South Bound Brook Fire Department (6/22)

Albert read into record

- Preference is not to remove the parking spaces on Main Street. Because they feel it is appropriate to have parking on Main Street. They are not required by RSIS however they feel it would be convenient.
- Fire Department Connection (Siamese connection) - the connection will be approximately located by Unit A6 as per the request of the fire department
- Hydrant is located in the proper location

On July 7, 2008 applicant representative had a conversation with Barry Van Horn

- Mr. Van Horn feels that the Main Street Parking is not a fire issue

Michael Tomaro, Fire Chief stated the following:

- The fire department feels there would be more room for trucks if Main Street parking was eliminated. If there is parking down Johnson Street - they can only get a smaller truck in the area

The applicant stated:

- They are widening out Johnson Street by 20 feet. Parking is not in the 20 feet.

Michael Tomaro stated that with the additional 20 feet the larger trucks should make it down the street

July 7, 2008 letter by Barry Van Horn

They agree with issue 1-6

#7 - A sign would conflict with the parking on Johnson Street. They will work with fire officials and professionals to see what they want

Johnson Street - One way/two way

Mr. Weinflash stated that they do not have a definitive statement from county. He has spoken with new County Planner who wants to review the issue and speak with county engineer.

- They are willing to pursue the county for two way allocation however, if they do not agree to it than Johnson street will have to remain a one way street

- They have not written to the county and have not contacted the county until today.

There was much discussion regarding the contact with the county concerning this issue. Albert, Board Attorney expressed concern, as at the previous meeting they were to pursue this issue. It has been 30 days and they have not done so until today.

John Rockwell, Board Chair would like to see Johnson Street as a two way with left only exit onto Johnson Street, he feels that this would alleviate any traffic on Franklin Street. The two way should extend only be to their entrance.

The board engineer reviewed letters from the county expressing their concerns in relation to previous approval in 2002. Their main concerns were:

- Site distances/Site Triangle
- Drainage at intersection

Albert Cruz stated that these improvements seem to be the main reason that this was never pursued further. If parking was eliminated on Main Street, the improvements would be the only reason that it would not be approved - who would be responsible for these improvements.

Consensus of the board would be to make Johnson a two way street to entrance way. The applicant needs to further investigate and pursue this matter.

Mr. Weinflash stated that this is superior plan which has been reduced from previous approval.

Regarding the two way Johnson Street

- They must find a method to work on drainage in order to satisfy the county.
- There is currently no pipe and they are worried about run off

Dennis suggested that the board could approve the application with requirement that Johnson Street be made a two way. The applicant should then create a design and present it to the county. If at that point approval is not obtained they would have to return to the board to get relieve from the two way street.

Open to public on these three issues

Trash recycling

Fire Department

Johnson Street being a one/two street

Matthew Tomaro - 78 Franklin Street, South Bound Brook, NJ

- Expressed concern with the number of garbage cans - 2 per week there would be 66 or in July/August/December) 3 per week there would be 99 cans
- Full usage not likely. They will only be providing 2 cans per household

Bill Schubert - 12 Von Steuben Lane, South Bound Brook, NJ

- Town oaks - How much water is actually flowing from there?

- The applicant could check on the flow. Like Town Oaks, Johnson Street is actually higher than Main Street and you can keep it that way to flow the water toward Main Street.

Jeffrey Kaladis, MD - 141 Main Street, South Bound Brook

Canal Crossing has a two way road within the development. What did they do to get approval?

There are storm drains on Main Street.

Meeting closed to the public

Mr. Shimanowitz closed the hearing

Albert Cruz gave a summation

- Biggest problem is two way street
- Application has less impact than previously approved application
- We could grant this application subject to them obtaining the approval for two way street on Johnson Street
- If it does not work then they could come back to seek relief from that condition
- Approve subject that they obtain two way

The applicant made a request to approve as presented with condition that they will make a good faith effort to obtain a two way for Johnson. They have agreed to have the board engineer work with them and with the county.

Mr. Gotlieb stated that they must sell these units and he feels that it is better for a two way. From their stand point - it would be better for them to have Johnson Street as a two way.

Mayor Warrelman - Stated that if they would forgo the parking on Main Street the site distance may not be an issue. Although Main Street is a county road parking is governed by the municipality. There could be no parking on right side of Main Street in the area.

Approve as presented with respect to one way street - request they return to the county planning and seek that the county designate Johnson Street a two way street. If the county approves it with conditions then they will work with engineer to resolve any issues.

Previous letter dated 10/10/02 was from the County was read into record by Mr. Shimanowitz

Mayor Warrelman feels that the applicant will do what he has to make it work. It is his opinion that the issues can be resolved.

The applicant is willing to make the request to the county as a joint request with the Board Engineer.

A motion was made to approve plan with us being a joint applicant for approval with county of a two way street and all other conditions by Mayor Warrelman, seconded Jerome Bowers

Applicant will return to county planning board to seek that Johnson be a two way street. The Board Engineer will participate in all phases of the application. It will be presented as a joint request. Board Engineer will write to county expressing board's position on the matter and that this board joins in the applicant's request.

Applicant will submit application to the county within the next 30 days and they will not finalize their plans until they get county approval. They will not be asking for building permits until this issue is resolved.

No building permits will be issued until this issue is resolved.

A motion was made to approve application as presented with Johnson as a one way street with condition that the applicant apply to county for Johnson Street become two way street to Franklin Street. This will be with joint participation by the Board Engineer. They have 30 days to submit this application and no building permits will be issued until they get this condition resolved. They will revise plans accordingly. Motion made by Robert Allenovitch, seconded by Mayor Warrelman and approved by all.

Mayor Terry Warrelman	Y	Jerome Bowers	Y
Robert Allenovitch	Y	Paul Kaminsky	A
Dennis Allenovitch	Y	John Rockwell	Y
Barbara Bozzone	A	John Elders (1)	Y
Bruce Blumenthal	N/V	Harold Kildow (2)	Y

**Approval of Resolutions**

Application 307 - Extension of approval

A motion was made to approve Extension of approval on Application 307 by Jerome Bowers, seconded by Bruce Blumenthal and approved by all.

Mayor Terry Warrelman	Y	Jerome Bowers	Y
Robert Allenovitch	Y	Paul Kaminsky	A
Dennis Allenovitch	Y	John Rockwell	Y
Barbara Bozzone	A	John Elders (1)	N/V
Bruce Blumenthal	N/V	Harold Kildow (2)	N/V

**Committee Reports**

**Mayor Warrelman**

- Sent letter to GAF R & D as they have an interested party in developing this property. Currently waiting for a positive response.
- SBB Senior Citizens - Spoke with Mr. Malone - to see if there is any interest in using this property as Age restricted/disability - they are looking into it. They are talking with the state and county looking at other alternatives for this project as the current developers are showing little interest in completing the project.

**Councilperson Allenovitch** - nothing to report

**Board Engineer** - nothing to report

**Board Attorney**

- Ordinance outside dining has been sent to the board. We will discuss this next month

**Adjournment**

A motion was made to adjourn by Robert Allenovitch, seconded Jerome Bowers, and approved by all.

Meeting closed at 9:45 PM

Submitted by:

Carol Rice

Secretary