

MINUTES
February 8, 2012

PRE-MEETING CONFERENCE

A pre-meeting conference of the Planning Board was called to order by Acting Chairman Mr. David Manders at 6:45 PM in the Fourth Floor Conference Room of City Hall. Present were:

Maria Perez
David Pickett
Victor Terenik
James Kubiak
Stephen Plevins
Michael Pantalone
Douglas Albrecht
David Manders

Members not present:
Susanne Morello
Mayor Robert Romano

Also present were:

Frank DiDomenico, Planning Board Solicitor
Yasmin Ricketts, Planning Board Secretary
Brian Myers, City Engineer
Kathleen Hicks, Supervising Planner
Stephen Hawk, Senior Planner

Public notice pursuant to the Open Public Meetings Act was given on December 31, 2011 by posting written notice on the Official Bulletin Board in City Hall, and mailing written notices to the Daily Journal, the Press, the City Clerk and the Board members.

RPJ Properties, LLC- Located at the northeasterly corner of East Avenue and Cambridge Place, Block 2306, Lot 18, Project #12-1275, minor subdivision approval to create two new lots with one remainder lot.

Mr. Hawk explained that the proposal is to create two new lots. Both of the new lots created are for single family purposes. The corner remainder lot is proposed to be a two family dwelling. A dwelling and garage structure will be removed from one of the lots. One of the lots is 22,400 sq. ft. vs. 22, 500 sq., roughly 10' x 10' area short of meeting the standards for a two family lot. The other two lots are 50 sq. ft. shy of meeting the standards for a single family lot 11, 20 sq. ft. vs. 11, 250 sq. ft. required. There are no homes shown, but they should meet the standards for front yard setbacks.

Mr. Manders stated that the adjacent lots are the same or smaller.

Mr. Hawk explained that the zoning standards could have changed. The lots would fit into the neighborhood. At the very least, the garage should be removed. They can keep the dwelling, but it will not meet the setback for a two family dwelling. It would be the setback for a single family dwelling.

Mr. Manders wanted to know where the access would be located for the corner property.

Mr. Myers stated that it would be from Cambridge Place.

Mr. Hawk explained that the dwelling has public sewer, and they would want to know that there is not an abandoned septic system. The depth of the two lots on Cambridge Place are 140' vs. 150', and the frontage of the duplex lot is 140' vs. 150'. All the variances are so small, they would go unnoticed.

Moe's Auto Sales-

Mr. Hawk explained that they are requesting to have 85 cars before site improvements are completed. The resolution from June of last year states that during the time period from that time until all site improvements are completed, there shall be no more than 50 cars. The time to complete all site improvements is July 2012. The mentioned that there was a demand for cars because of the tax season, and he needs the ability to have more cars.

EBI- Verizon

Mr. Hawk explained that tower companies are diligent about approvals, and they are looking for comments before they submit an application. They might be asking because it is a historical property. The Zoning Officer might not want a site plan. They are looking to install antennas on the existing water tower located on Sixth Street and Pear Street.

Ms. Hicks explained that the water tower is so high, that she does not see a problem with it.

Mr. DiDomenico suggested responding by letter.
Jason Brant Request-

Mr. DiDomenico explained that the applicant went before the board in December and asked to waive the requirement to post of surety. The three items that had to be completed were the removal of the concrete coops foundations, driveway turn around, and restoration. The driveway turn around will be accomplished by way of deed restrictions and the restoration was deemed to be not necessary and the foundations of the chicken coops were removed per the prior testimony. David Maillet made the inspection, and he noted they were pieces of concrete still existing. Mr. Brandt can explain. He wanted to post surety but he could not because it was taken out of the resolution.

Mr. Hawk explained that the actual provision in the resolution in section A, the requirement to post the performance guarantee in the amount as determined by the City Engineer as set forth in paragraph 2C of the findings is deleted.

Mr. DiDomenico explained that Mr. Brandt's opinion is that the work is completed but Mr. Maillet states that it is not completed.

Mr. Hawk explained that he inspected the site and there were three coops identified on the plan. The largest one has most of it removed. One foundation has not been removed at all. It is completed undisturbed and remains in the same state. It is about 70' long and 20' wide. The third one has been partially removed. There was also evidence of another foundation that was not noted on the plan. He showed pictures of the site to the board.

Ms. Hicks explained that the resolution opposing Bill 2950 has been sent out. Mr. Albrecht questioned if it was introduced into a new session, and it has not been yet. It is still good that the board went on record.

REGULAR MEETING

The regular meeting of the Planning Board was called to order by Solicitor Mr. DiDomenico, at 7:30 PM in City Council Chambers in City Hall.

Present were:

Maria Perez
David Pickett
Victor Terenik
James Kubiak
Stephen Plevins
Michael Pantalone
Douglas Albrecht
David Manders

Absent were: Susanne Morello, Mayor Robert Romano

Also present were:

Frank DiDomenico, Planning Board Solicitor
Yasmin Ricketts, Planning Board Secretary
Brian Myers, City Engineer
Kathleen M. Hicks, Supervising Planner
Stephen Hawk, Senior Planner

FLAG SALUTE

Public notice pursuant to the Open Public Meetings Act was given on December 31, 2011 by posting written notice on the Official Bulletin Board in City Hall, and mailing written notices to the Daily Journal, the Press, the City Clerk and the Board members.

MINUTES – Approval of minutes from the January 11, 2012 board meeting.

The Chairman Mr. Manders made a motion to approve the minutes. Roll call:

Mr. Pickett: Yes
Mr. Terenik: Abstain
Mr. Kubiak: Yes
Mr. Plevins: Abstain
Mr. Pantalone: Yes
Ms. Perez: Yes
Mr. Albrecht: Yes
Mr. Manders: Yes

RESOLUTIONS – Approval of resolutions from the January 11, 2012 board meeting.

The Chairman Mr. Manders entertained a motion to approve the resolutions. Roll call:

Appointing Chairman David Manders #5990-

Mr. Terenik: Abstain
Mr. Kubiak: Yes
Mr. Plevins: Abstain
Mr. Pantalione: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Albrecht: Yes
Mr. Manders: Yes

Appointing Vice Chairman David Pickett #5991-

Mr. Kubiak: Yes
Mr. Plevins: Abstain
Mr. Pantalione: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Terenik: Abstain
Mr. Albrecht: Yes
Mr. Manders: Yes

Appointing Vice Chairman David Pickett #5991-

Mr. Plevins: Abstain
Mr. Pantalione: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Terenik: Abstain
Mr. Kubiak: Yes
Mr. Albrecht: Yes
Mr. Manders: Yes

Appointing Solicitor Frank DiDomenico #5992-

Mr. Pantalione: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Terenik: Abstain
Mr. Kubiak: Yes
Mr. Plevins: Abstain
Mr. Albrecht: Yes
Mr. Manders: Yes

Appointing Secretary Yasmin Ricketts #5993-

Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Terenik: Abstain
Mr. Kubiak: Yes
Mr. Plevins: Abstain
Mr. Pantalione: Yes
Mr. Albrecht: Yes
Mr. Manders: Yes

The Board's professional staff, Kathleen M. Hicks-Supervising Planner, Stephen Hawk-Senior Planner, and Brian Myers- City Engineer were sworn in.

PUBLIC HEARING

1. RPJ Properties- The applicant was represented by Michael Capizola, Esq., and applied for a minor subdivision approval to create two new lots with one remainder lot. The bulk variance is for the two new single family lots 50 square feet short on each lot. The corner lot with the duplex is 100 square feet short. The property depth variance required is 140' vs. 150' required. The bulk variances are very slight due to the unusual shape of the lots. Many of the lots in the neighborhood are deficient in size. There is a garage and an existing home that will be demolished. The applicant will verify that the existing dwelling and garage will be demolished.

Russ Puesi, Manager of RPJ Properties, he has been in the basement and there was no indication that there was an old septic system, and it was connected to city sewer. He spoke with LSA and they said it

was connected as of the year 1950. They will remove any old septic system if they come across one. The house will be removed because it is too large to renovate and they are not interest in fixing it. Mr. Hawk asked if the garage was being removed before the deeds were released.

Mr. Puesi stated that it would not be a problem.

Mr. Manders wanted to know where the access will be for the duplex.

Mr. Puesi explained that it would be on Cambridge Place.

The Chair entertained a motion to close the public hearing. Mr. Pantalone so moved, Mr. Pickett seconded. Roll Call:

Mr. Terenik: Yes
Mr. Kubiak: Yes
Mr. Plevins: Yes
Mr. Pantalone: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Albrecht: Yes
Mr. Manders: Yes

The Chair entertained a motion to approve the application. Mr. Pantalone so moved, Mr. Pickett seconded. Roll Call:

Mr. Kubiak: Yes
Mr. Plevins: Yes
Mr. Pantalone: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Terenik: Yes
Mr. Albrecht: Yes
Mr. Manders: Yes

2. Moe's Auto Sales- Mr. Afanador testified on his behalf, and he explained that he would be in full compliance by the end of the year. He has 30-40 repossessions ordered to be returned to the property. He also has an increase of business during the tax return season and would like to be able to catch up on his bills.

Mr. Manders wanted to know how many cars were on the property.

Mr. Afanador stated that they were about 50 cars.

Mr. Hawk explained that he is in excess 80 cars including the bull pen area when he visited the site. The board requirement that all the site improvements should be done by July 13, 2012. Roughly 30% of the project is left. The final course of asphalt, line striping, and some trees.

Mr. Albrecht wanted to know if there was room in the rear for 70 cars that was not filled.

Mr. Hawk explained that the approved plan allows for 72 cars in the fenced in storage area. He had about 20-24 cars in there presently. Overall the amount of cars on the site there were in excess of 80 cars including that 24.

Mr. Afanador explained that there are about 10-12 cars that are being repaired for customers.

Mr. DiDomenico stated there were 8-10 repossessions, another 50 and 6, and another 10 being repaired.

Mr. Afanador stated that he was correct.

Mr. Hawk explained total the amount allowed is 117 cars when the project is complete.

Mr. Pickett wanted to know about the stone area in the rear.

Mr. Hawk explained that is a remaining site improvement. Surety was posted prior to the January 31, 2012 deadline.

Mr. Manders stated that Mr. Afanador knew that he was only permitted 50 cars.

Mr. Afanador stated that he is trying to be in compliance and that is why he is returning to the board.

Ms. Hicks explained that the total number is 50 cars total including everything.

Mr. Hawk explained that the total number (50) does not include customer, cars being serviced, and employees.

Mr. DiDomenico wanted to know if there was room.

Mr. Hawk explained that there was enough space.

Mr. Terenik explained that at this point in the project it is almost complete. He has a small business and we are trying to keep the economy going. Let him have his business season as long as he does not go beyond the 85 cars. If Mr. Afanador exceeds the 85 cars, the board will shut him down.

The Chair entertained a motion to approve the request. Mr. Terenik so moved, Mr. Albrecht seconded.
Roll Call:

Mr. Kubiak: No
Mr. Plevins: Yes
Mr. Pantalione: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Terenik: Yes
Mr. Albrecht: Yes
Mr. Manders: No

EBI Verizon Request- Mr. DiDomenico explained that we could send a letter stating that we do not have concern or comment.

Ms. Hicks stated that it is a judgment call because there is an existing water tower there already.

The Chair entertained a motion to approve the request. Mr. Pantalione so moved, Mr. Pickett seconded.
Roll Call:

Mr. Plevins: Yes
Mr. Pantalione: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Terenik: Yes
Mr. Kubiak: Yes
Mr. Albrecht: Yes
Mr. Manders: Yes

Jason Brandt-

Mr. Manders read the email sent to secretary Yasmin Ricketts.

Mr. Brandt testified on his own behalf. He stated that he needs clarification on the removal of the chicken coops. He did the removal himself and did feel that he should disturb the additional land to retrieve what is left on the site. There is cinder block and rat slab 6-8 inches under organic matter. In his opinion demolition is complete. He would have to disturb any mature trees to remove the rest. Unfortunately the inspector did not share his opinion. He is requesting to change that condition. He showed photos of the site to the board P1-P4.

Mr. Hawk wanted to know if he encountered slabs.

Mr. Brandt explained that there were rat slabs.

Mr. Manders explained what a rat slab was.

Mr. Brandt stated that any slab material left was crushed concrete.

Ms. Hicks gave the board some history of this project. There is no interpretation to what the board wanted. All foundation remains were to be removed. It was very clear on the plan.

Mr. Hawk explained that the plan did state foundation remains. That is essentially what he has, and the material that has not been removed is a course of block and organic matter.

Mr. Myers explained that he was troubled by the email, and the plan was clear on the foundation being removed. The demolition is not complete. He wants the foundations removed, and not the board's opinion.

Mr. Brandt stated he did not volunteer to have the coops removed, and the Engineering Department asked him to remove it. It did not make sense to disturb the land for the rat slab and blocks.

Mr. Myers explained that was what the requirements were and that the resolution is clear.

Mr. DiDomenico wanted to know if Mr. Brandt wanted to amend the resolution.

Mr. Manders stated that the photos that Mr. Hawk had clearly showed materials still existing.

Ms. Hicks explained that this project was technically a major subdivision.

Mr. Brandt wants to know if the resolution can be amended to post the surety to move the project along.

Mr. Hawk explained that if he post surety, he can sell the land, and record the lots. He will be going onto private property owned by others to remove the materials left. The largest foundation was partially removed, the rear foundation to the north was undisturbed and not removed, and the third foundation was partially removed. There is a fourth foundation that was found.

Mr. Manders explained that constructing a new home with old materials in the rear was not appropriate.

Mr. DiDomenico stated that he could record an easement.

Ms. Hicks stated that there is also a fourth foundation.

Mr. Myers stated that surety would have to be recalculated because of the fourth foundation.

Mr. DiDomenico stated that no one would know if it was done or not. Generally posting of surety is required.

The Chair entertained a motion to approve the request. Mr. Pantalone so moved, Mr. Pickett seconded.

Roll Call:

Mr. Pantalone: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Terenik: No
Mr. Kubiak: No
Mr. Plevins: Yes
Mr. Albrecht: No
Mr. Manders: No

ADJOURNMENT

The Chairman entertained a motion to adjourn. Mr. Pantalone so moved. Mr. Pickett seconded.

Roll call:

Mr. Pantalone: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Terenik: Yes
Mr. Kubiak: Yes
Mr. Plevins: Yes
Mr. Albrecht: Yes
Mr. Manders: Yes

TIME: 8:38 PM

Respectfully submitted,

Yasmin Ricketts
Planning Board Secretary