

## **PLANNING BOARD MINUTES FEBRUARY 28<sup>TH</sup>, 2024**

The meeting of the Planning Board of the Borough of Somerville was called to order by Chairman Bernard Navatto at 6:00 PM and stated that adequate notice of this meeting had been provided in accordance with the “Open Public Meetings Act”.

**Board Members Present:** Bernard Navatto, Mayor Brian Gallagher Councilman Roger Vroom, Andrea Adair, Jason Kraska, Al Kerestes, Larry Cleveland

**Board Members Absent:** Christopher Adickes, Lisa Werner, Arthur Akins

**Professional Present Absent:** Kara Kaczynski, Esq. Board Attorney and Michael Cole, Board Planner and Engineer

### **Pledge of Allegiance to the Flag**

### **Approval of Regular Minutes**

Upon a motion by Jason Kraska, seconded by Mayor Brian Gallagher, the regular minutes of February 14<sup>th</sup>, 2024, were approved upon a roll call vote.

Roll Call      Aye: Bernard Navatto, Mayor Brian Gallagher Councilman Roger Vroom, Jason Kraska, Al Kerestes, Larry Cleveland

Nay: None

Abstain: Andrea Adair

See transcript.

### **Chairmans Comments**

Chairman Navatto explained that he will be opening the meeting up to the public then immediately following he will entertain a motion to go into executive session and that the board will adjourn to executive session.

### **Meeting Open to the Public**

Bill Sisco, 37 Eastern Ave addressed the board to ask questions and express concern regarding the building on the corner of Davenport and High Street across from the rear of the Somerville Middle School. Mr. Sisco stated that he was surprised to see the 3<sup>rd</sup> floor being built at the location and that if you look up and down the street there are two and a half story buildings, and that the new construction looks out of place.

Chairman Bernie Navatto explained that the Planning Board did not have jurisdiction over the property in question, that it was a Board of Adjustment application.

Mr. Sisco questioned what the 10 – 15 year plan was for High Street. Expressing that based on the plan that is in place today, does the planning board want High Street to look like Main Street.

Chairman Navatto responded that the plan for High Street is the same for every other residential zone in the Borough. That there is a limitation of two and a half stories in that zone and if you go to Cliff Street or Bridge Street that is the plan. Explaining that people go to the Board of Adjustment to get relief from those requirements and that is what happened.

Mr. Sisco asked, “why do we not say no?”

Chairman Navatto responded that he would have to ask the Board of Adjustment that.

Mayor Brian Gallagher agreed with Chairman Navatto reiterating to Mr. Sisco that is something that he would have to go to the Board of Adjustment for clarification as it was approved sometime last year. Mayor Gallagher also explained that in general we have a zoning ordinance based upon the different zones and that dictates all the requirements for that zone. If someone wants to put something that different, that deviates, or a variation from what is allowed in that zone they go to the Zoning Board for approval. They then must prove that there is a need or a beneficial use for the deviation from the zone. Mayor Gallagher stated that the Planning Board crafts the zones, the Borough Council approves the zone, and the Zoning Board hears the variations to that. He stated that the Zoning Board is a judicial body and evidence needs to be presented by applicants to allow it to happen or not happen.

Mr. Sisco stated that his concern is that someone can come in with plans to build a 4 or 5 story building next door and it be approved. That based on the precedence that the Zoning Board has set in approving the building on the corner of Davenport and High Street to now allow of 4 story buildings on High Street.

Chairman Navatto explained the Mr. Sisco that this is not something that the Planning Board can help him with as they cannot interfere with what the Board of Adjustment does.

Mr. Sisco stated that he is very concerned by this and that he feels that it should be addressed by council as he feels that the Zoning Board is running amuck right now and not looking at the best interest. He encouraged the board to urgently re-evaluate the zoning for the town as there are now two visible issues that the town can see and that the plans are not bringing us to where we want to be. He also stated that we need to protect Somerville from becoming what Westfield is today and be very careful of overgrowth.

Board Member Jason Kraska did provide commentary on the Zoning Boards public meetings where these concerns can be addressed.

Mr. Sisco stated that he understood however there is only so many meetings that he can make and that he is bringing it to this boards attention and hopes that there is something that can be done about it. He also stated that that he would hope that Mayor Gallagher and the council could put an emergency stoppage to all building that is going on right now until the full review of zoning could be completed.

Mayor Gallagher responded that it's not something that could be done but what he could tell Mr. Sisco was that they are going to be adjourning into Executive Session to craft the RFP to hire the

professionals who will address Master Plan, Zoning Plan, Redevelopment Plan, etc because we need to and its time.

Mr. Sisco then questioned who the Zoning Board reported to. It was responded that they are judicial body that is independent and that neither the Borough Council or the Planning Borad can interfere with an application that is before them. Mr. Sisco then questioned if the members of the Zoning Board were Somerville residents, which was confirmed by Mayor Gallagher. Mayor Gallagher concluded by stating the Zoning Board does a good job. That there had to have been a compelling reason for that to be allowed to have happened and that he would find out what that was.

Michiel Meulenberg, 31 Eastern Ave addressed the board per the Councils recommendation he is remaining involved in a variety of topics when it comes to planning. He stated that he was wondering how the public gets involved for providing input and feedback in these planning sessions beyond just appearing before the board during regular meeting session. He also asked if there has been any through around an advisory committee of some sort from the residence around drugs, alcohol, and firearm as a category since that right now is a cluster of topics that seems to be very interesting to most of the residence.

Chairman Navatto explained the process to Mr. Meulenberg as well as how to stay informed of all public meetings through the Boroughs Website.

Mayor Gallagher also offered an explanation of how they have handled this kind of thing in the past.

Board Member Kraska added that they do have the ability to email the board secretary to disseminate information to the entire board your though concerns etc.

Mr. Meulenberg stated that he wanted to make sure that if he has a list of recommendations, opinion or concern they have the ability to be more descriptive of the situation and that those letters make it to the board.

Mayor Gallagher encouraged Mr. Meulenberg to do so and stated that if they can aggregate these issues, concerns as we go through this process and be a part of the development of that then it's a great thing. The Mayor also offered that the Planning Boards job is to vet through the different opinions and convictions on what is appropriate in a zone, what is not appropriate in a zone and what should or shouldn't be changed.

Mr. Meulenberg asked one final question anything that is in place today is considered grandfathered into the plans or is there at some point that goes against the master plan 10 years from now is there ever and adjustment or requirement to comply with new standards which the Mayor replied yes. Chairman Navatto added that once a use is there, they cannot put them out of business. Mr. Meulenberg then asked if there was a statute of how long a permit was legitimate for or if they needed to reapply. Mayor Gallagher responded that they are pre-existing non-conforming.

Chairman Navatto suggested that Mr. Meulenberg look into the MLUL to better understand the process and how the board operate. Mayor Gallagher added that it also explains that the MLUL would provide an understanding of how the council and land use boards operate independently and how it is all governed by statute, adding that if they do something wrong they can be held accountable and that because they are governed by state law and state statute and that they have to take things very thoroughly.

Chairman Navatto also mentioned that all members of council and the land use boards take an oath of office every time they are re-elected or re-appointed.

At this time Chairman Navatto closed the public session.

### **Executive Session**

Upon a motion by Al Kerestes, seconded by Jason Kraska, the Planning Board will be entering into executive session. Prior to the vote Mayor Gallagher clarified that when the board comes out of executive, they will go back into open session, but no action will be taken.

Roll Call      Aye: Bernard Navatto, Mayor Brian Gallagher Councilman Roger Vroom,  
Andrea Adair, Jason Kraska, Al Kerestes, Larry Cleveland

Nay: None

Abstain: None

Upon a motion by Al Kerestes, seconded by Jason Kraska, the Planning Board closed executive session.

Roll Call      Aye: Bernard Navatto, Deidre Rosinski, Mayor Brian Gallagher, Councilman  
Roger Vroom, Andrea Adair, Jason Kraska, Al Kerestes, Larry Cleveland

Nay: None

Abstain: None

The Executive Session portion of the meeting was adjourned at 7:27 p.m.

Upon a motion by Al Kerestes, seconded by Jason Kraska, the Planning Board re-opened regular session.

Roll Call      Aye: Bernard Navatto, Deidre Rosinski, Mayor Brian Gallagher, Councilman  
Roger Vroom, Andrea Adair, Jason Kraska, Al Kerestes, Larry Cleveland

Nay: None

Abstain: None

**Adjourn**

Upon a motion by Al Kerestes, seconded by Andrea Adair, the adjournment of the planning board meeting of February 28<sup>th</sup>, 2024, was unanimously approved upon a roll call vote.

Roll Call      Bernard Navatto, Deidre Rosinski, Mayor Brian Gallagher, Councilman Roger Vroom, Andrea Adair, Jason Kraska, Al Kerestes, Larry Cleveland

Nay: None

Abstain: None

The planning board meeting of February 14<sup>th</sup>, 2024 was adjourned at 7:28 p.m.