**BOROUGH OF WOODCLIFF LAKE**

**PLANNING BOARD**

**MARCH 24, 2014**

 **MINUTES**

**Call to order:**

The meeting was called to order at 8:00 p.m. at the Borough Hall by the Chairman.

**Adequate Notice Statement:**

The Chairman announced that the Meeting, in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231, was announced at the Reorganization Meeting held on January 13, 2014 in the Municipal Building. Notice of this meeting was posted and two newspapers, The Record and The Ridgewood News, were notified. Notice was also provided, in accordance with the Open Public Meetings Law, of the Planning Board’s intention to conduct formal business at this Meeting.

**The public was advised of the Planning Board’s rule that the meetings will be concluded by 11:00 p.m.**

**Flag Salute**

**2014 Roll Call:**

George Fry, Chairman Present

Willford Morrison, Vice Chairman Absent

Al Dattoli Present

Carlos Rendo, Council Absent

Bertram Siegel, Alt. 1 Absent

Reuben Twersky, Alt. 2 Present

David Ciaudelli Present

Robert Nathin Present

Joseph Langschultz Present

Josephine Higgins Present

Robert Friedberg Present

Mark Follender, Attorney Present

Sal Cambria, Neglia Engineering Present

John Madden, Maser Cons. Not Requested

John Pavlovich, Jacobs Engineering Not Requested

Kathy Rizza, Secretary Present

**Minutes:**

The **minutes** of February 24th will be approved at the next meeting.

**New Application:**

**Prafulla Shah**

**256 Pascack Road**

**Minor Subdivision with variances for lot frontage and side yard**

Christopher Martone was present as the Attorney on behalf of Mrs. Shah. He explained the property as being 3.02 acres in a half acre zone. The applicant wishes to subdivide the lot into two (2) lots. Variances for lot frontage and side yard are requested. Lot 4.01 (lots named by Mr. Martone) has a frontage of 116.79’ and lot 3.02 has a frontage of 100’. Lot 4.02 has a 55’ side yard where 60’ is required. Zoning Official Nick Saluzzi has denied the application and sent it to the Planning Board. Mr. Vincenti, the Planner and the Engineer, will testify.

Mr. Follender, the Planning Board Attorney stated that all notification and proof of publication is satisfactory. The Affidavit from the applicant is missing – this will be done by Mr. Martone during the meeting. The only thing missing is the certification of completeness from the Borough Engineer. A Borough Engineer report has been received. Also on file is a report from the Planner, but the Planner was not present at the meeting. The applicant was told that they may proceed. Mr. Cambria from Neglia Engineering was unaware that his firm was responsible for deeming an application complete. This was decided upon at the reorganization meeting of the Board in January. Mr. Cambria will perform this function while at this meeting.

Mr. Vincenti, the Planner and Engineer, was sworn in by Mr. Follender. He is from 706 Tall Oak Drive in Brick, NJ. He is a licensed Engineer and Planner with his own company - JV Engineering. He has been licensed since 1983, has a Bachelor’s degree in civil engineering and was the Township Engineer in Old Bridge. Mr. Vincenti was accepted as an expert witness. Mr. Dattoli asked for his certification number as a Planner (4043) and as an Engineer (33498). Exhibit A-1 consists of three (3) sheets – subdivision plan, aerial view, and tax map. These were all prepared by Mr. Vincenti who stated that presently there exists a one story home at this site with a shed and a gravel driveway. There is no clear cutting proposed. The existing neighborhood was discussed regarding cul de sacs and streets. The existing lot is 217’ feet across the front and 550’ deep. On the property is a one family home with a gravel driveway and a shed. Mr. Martone stated that there will not be any clear cutting. Proposed is a 3200 sq. ft. home with a 2 car garages. Mr. Martone separated the lots into two – The lot to the north is comprised of 1.7 acres. A variance is needed for lot frontage. The southern lot is 51,251 sq. ft. and has 100’ of frontage. A lot frontage variance is needed and 5’ of relief from the total side yard requirement is needed. A 20’ minimum setback will be maintained. The Bearbrook C-1 waterway had to be considered when splitting up the existing property into two lots. The engineering review letter from Neglia Engineering was discussed regarding comments on this issue. It was stated that there could be discrepancies between the 200’ list from the Tax Assessor and what is printed on the plan. This will be taken care of. Stream certification will be provided and the sewer connection will be shown. There is a typographical error on the plans – it says Ocean County, instead of Bergen.

The Planner’s report was next to be discussed. Mr. Martone stated that the C-2 variance is more traditional and that he has to prove that the variances are specific to this property. Mr. Dattoli asked why this is not a self-created hardship. He was told by Mr. Martone that it is but that negative criteria must be proven. Mr. Martone stated that the purpose of the MLUL would be advanced – the application provides adequate light, air and convenience of access and it regulates density in the R22.5 zone. The variances do not substantially impair the zone plan and the zoning. Exhibit A-1 was referenced. Chairman Fry stated that the lots being referred to in size are all before the current zoning was in effect. He asked if any lots nearby were created after the current zoning was put in place. Mr. Martone stated that he did not look at this. Mr. Langschultz spoke regarding the other end of Pascack Road where all new homes are on 150’ wide lots. Mr. Dattoli stated that the other side of the street mostly conforms with new homes. Mr. Martone feels that this subdivision passes the test in his opinion. Mr. Twersky questioned the existence of wetlands on the northerly lot. Mr. Dattoli asked Mr. Martone if he thinks 100’ frontage in a 150’ zone is appropriate. Mr. Martone replied yes. The widths of the homes across the street (65’-75’) were discussed. Mr. Martone stated that the driveway takes up a lot of space. Mr. Dattoli asked what is safer – one or two driveways. Mr. Vincenzo stated that both are safe. Chairman Fry questioned Mr. Vincenzo asking if anyone with a similar scenario could propose the same. Mr. Vincenzo stated that the scenarios are different regarding density. Mr. Fry asked if that is good planning. Mr. Vincenzo stated that each person would have to make their own case. Mr. Langschultz asked how two lots instead of one is an asset to the town. Mr. Vincenzo stated that this is not introducing a precedent, it is reasonable and it fits. Mr. Martone would like the report from the Borough Planner, Mr. Madden introduced, as he feels it has a lot of weight. Mr. Madden is not present at this meeting, therefore his report will not be introduced. Mr. Twersky asked if an application has been submitted to the DEP regarding the C-1 waterway as of yet. He was told no, that Planning Board approval is wanted first. Mr. Dattoli asked why the DEP would allow development near the stream. Mr. Twersky asked why it is a C-1 waterway. He was told because it is near the reservoir. Mr. Martone submitted photos of debris and rubbish that has been cleaned up at the site. These pictures were not accepted by the Board.

Mr. Cambria of Neglia Engineering stated that a statement of completeness is missing from the application. This will be addressed and a few more typographical errors will be fixed and then all will be complete. Soil movement and detail on plans will be needed if approved.

Ms. Higgins stated that she does not want to vote on this matter if Mr. Madden of

Maser Consulting is not present.

**A motion to open the meeting to the public** on this application was made by Mr. Dattoli, seconded by Mr. Langschultz, and carried by all present.

Deanna Cross – 262 Pascack Road –the north neighbor. Asked how many feet to her property. The Planner stated approximately 25’ at the corner, 50’ from the road to the house. The house is proposed at 45’ wide and 40’ deep. At this time Mr. Dattoli stated that the site plan needs correcting – it says 20’ and 20’, it should say 20’ and 40’ or needs to be 60’ total with 20’ on one side.

Robert Cross – 262 Pascack – Spoke regarding the effect of two new houses on the water. Mr. Dattoli asked if a wetlands survey has been done on the site. He was told no and that it is not necessarily required. The DEP determines this. An environmental scientist has been on the site.

Philip Ciminelli – 259 Pascack Road –Stated that Pascack Road is now a speedway and that adding two more driveways will only make it worse. Mr. Ciminelli asked if these properties will be rentals. Mr. Ciminelli informed all that he lives in a historic house over 200 years old and would like to keep the area historic. He is against this subdivision.

Anthony Bulzoni – 9 Edge Hill Court – Questioned the zoning for this property and spoke regarding the side yards. Mr. Bulzoni feels that this is not a small variance.

Mr. Kumar – 4 Edge Hill Court – asked for clarification as to what is proposed at this site. He stated that he is against the subdivision. Mr. Kumar was sworn in by Attorney.

Deanna Cross – 262 Pascack Road – feels that same about the traffic as Mr. Ciminelli.

**The public portion of the meeting was closed** on a motion from Mr. Dattoli, seconded by Mr. Langschultz, and carried.

Board discussion:

Mrs. Higgins stated that the County would have to approve the curb cuts.

Mr. Twersky asked if there are deed restrictions are associated with the C-1 variance. He was told yes, probably plantings.

Mr. Nathin had no comment.

Mr. Dattoli stated that what is requested is 1/3 less of what is required on one lot and 23% on the other lot. He is curious why the side yard variance is asked for on the southerly lot. Mr. Dattoli stated that he had a big problem with this proposal.

Mr. Langschultz agrees and feels that what is proposed is way beyond what the ordinance states.

Mr. Friedberg agrees with Mr. Langschultz.

Mr. Ciaudelli also agrees with Mr. Langschultz.

Chairman Fry stated that he has never seen an application like this get approved.

Mr. Martone would like Mr. Madden, the Borough Planner to be present at a meeting. The Chairman stated no, that the Board is ready to vote. Mr. Martone stated that he is withdrawing his application at this time.

Chairman Fry stated that he has told the Mayor that he should be sitting on this Board. Stated that this is a coordinated effort between the Board, the professionals and the Council Liaison. Also stated the following - We seem to have a different Engineer present at each meeting. John Madden’s report was just amazing. New professionals were shoved down our throats. Spoke regarding the changing of secretaries. This applicant should have been told to come in for an informal discussion. Neglia Engineering was supposed to deem this application complete, they were told this at the re-organization meeting of the Board in January. Our current professionals know nothing about our town. Josephine Higgins will inform the Mayor of this situation. Councilman Rendo was not present at this meeting and did not call to say he was not attending.

Mr. Madden will have to retract his report if this issue comes up again. Mr. Cambria of Neglia Engineering defended his company, saying that in a year and 3 months it is impossible to know a town. Chairman Fry stated that going forward there needs to be more communication and that none of this is personal and thanked all. Mr. Langschultz stated that we have to protect what we have. Mr. Dattoli stated that we all love the character of this town. Chairman Fry stated that there is a lot of talent on this Board but we have to be very careful and we have to rely on our professionals. He asked all members to talk to the Mayor.

Mr. Langschultz spoke to Attorney Follender on this application that was withdrawn without prejudice. A pre-application process was brought up by Mr. Twersky. Maybe this Board should do something like that.

 The townhouse overlay zone was discussed. Mr. Dattoli asked where this matter stands. Mr. Follender stated that a letter has been sent to the Mayor and Council with the recommendations of the Planning Board. It should be on the agenda for April 7th.

**The meeting was closed on a motion** from Mr. Friedberg, seconded by Mr. Langschultz, and carried by all. Time being 10:30 p.m.

Respectfully submitted,

Kathy Rizza, Secretary