

**MINUTES OF THE BOROUGH OF NORTH CALDWELL PLANNING BOARD
REGULAR MEETING HELD OCTOBER 21, 2019**

Chairman Brower called the meeting to order at 8:00 p.m. The following members were present:

ROLL CALL

PRESENT: Chairman Brower, Mr. Campbell, Mr. Rees, Mr. O'Sullivan, Dr. Spinelli,
Ms. Nathans, Mr. Barba

ABSENT: Mayor Alessi, Mr. Fishbone

Others present: Mr. Dusinberre, Esq., Attorney, Mr. Ferriero, Engineer

ADEQUATE NOTICE of this meeting of the Borough of North Caldwell Planning Board was given as follows: Notice was sent to The Progress and Notice was filed with the office of the Borough Clerk.

APPROVAL OF MINUTES

A motion was made by Mr. Campbell to approve the minutes of the June 10, 2019 Regular Meeting of the North Caldwell Planning Board and a second made by Ms. Nathans.

Upon roll call:

AYES: Chairman Brower, Mr. Campbell, Mr. Rees, Dr. Spinelli, Mr. O'Sullivan, Ms. Nathans

ABSTAIN: Mr. Barba

ABSENT: Mayor Alessi, Mr. Fishbone

A motion was made by Ms. Nathans to approve the minutes of the August 5, 2019 Conference Meeting of the North Caldwell Planning Board and a second made by Mr. Campbell.

Upon roll call:

AYES: Chairman Brower, Mr. Campbell, Mr. Rees, Dr. Spinelli, Mr. O'Sullivan, Ms. Nathans

ABSTAIN: Mr. Barba

ABSENT: Mayor Alessi, Mr. Fishbone

A motion was made by Dr. Spinelli to approve the minutes of the August 12, 2019 Regular Meeting of the North Caldwell Planning Board and a second made by Mr. Campbell.

Upon roll call:

AYES: Chairman Brower, Mr. Campbell, Mr. Rees, Dr. Spinelli, Mr. O'Sullivan, Ms. Nathans

ABSTAIN: Mr. Barba

ABSENT: Mayor Alessi, Mr. Fishbone

MEMORIALIZATION

A motion was made by Dr. Spinelli to approve a Resolution of Memorialization in the matter of 70 Grandview Avenue, LLC (Amended and Final Major Subdivision, Block 1903, Lot 2, 69-72 Grandview Avenue with de minimus exceptions) and a second made by Mr. Campbell.

Upon roll call:

AYES: Chairman Brower, Mr. Campbell, Dr. Spinelli, Mr. O'Sullivan

ABSTAIN: Mr. Rees, Mr. Barba, Ms. Nathans

ABSENT: Mayor Alessi, Mr. Fishbone

ITEMS FOR DISCUSSION

None.

APPLICATIONS

APPLICATION FOR MINOR SUBDIVISION

Mr. Mariusz Mojek
107 & 115 West Greenbrook Road
North Caldwell, NJ 07006
Block 1800, Lot 2 & Block 1801, Lot 10

Mr. Michael Piromalli, Esq. of the firm Gaccione Pomaco from Belleville, New Jersey entered an appearance as Counsel on behalf of the applicant, Mr. Mariusz Mojek. Mr. Piromalli introduced himself and summarized the properties and the application.

Mr. Piromalli clarified the typographical errors on the Minor Subdivision Plan submitted with the application. He confirmed that 109 West Greenbrook Road (Block 1800, Lot 11) is not owned by MPB Hoist & Crane LLC but is owned by Peter and Robin Young. Mr. Piromalli also confirmed that 119 West Greenbrook Road is not owned by MPB Hoist & Crane LLC but is owned by Obioma Ugboaja.

Mr. Piromalli noted that he intended to call two witnesses for the application. He would call the applicant, Mr. Mojek and he would call Mr. Anthony Kurus as the engineer.

Mr. Mariusz Mojek (aka Mark Mojek) 107 West Greenbrook Road, North Caldwell, New Jersey was presented as a witness and was sworn in by Mr. Dusinberre.

Mr. Mojek provided testimony that he owned both properties. He further testified that he plans to keep the existing shed that is onsite but it can be moved if necessary to accommodate property line setbacks. He indicated that the shed does not sit on a foundation and can be easily relocated.

Chairman Brower invited members of the Board and staff to question the witness and no questions arose.

At this time, Chairman Brower reviewed the policies and procedures of the Planning Board prior to opening it to the public relative to questions for Mr. Mojek.

Mr. Obioma Ugboaja, 119 West Greenbrook Road, asked if any variances were required in the application. Mr. Piromalli confirmed that no variances were requested.

Mr. Anthony Kurus, P.E., P.P. of Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, New Jersey was presented as the next witness to be heard as a professional engineer. Mr. Kurus was sworn in by Mr. Dusinger. Mr. Kurus summarized his educational background from Villanova University and Stevens Institute of Technology, 19 years of professional experience and professional licenses. Mr. Piromalli requested he be accepted as a professional witness for this application based on his testimony. The Board agreed.

Mr. Kurus testified that he had visited the site and was familiar with the site and the existing conditions. He reviewed the Subdivision Plan and the proposed lot line shift. He testified that the subdivision would not create any new lots, non-conformities or needs for a variance. He reiterated that the minor subdivision application starts with two existing conforming lots and proposes two new conforming lots.

Mr. Piromalli asked Mr. Kurus if he had a chance to review the letter from Mr. Ferriero. Mr. Kurus testified that he received and reviewed the letter. Mr. Kurus testified that he has no exceptions to any items within the letter and will comply with all comments.

Chairman Brower opened the witness to the Board and the Board's professionals.

Mr. Rees asked for more detail on the impervious coverage calculations. Mr. Kurus testified that the proposed lots will result in impervious coverage of 6% and 29%, both of which fall below the maximum allowed calculation of 30%. Mr. Rees asked for the calculations to be submitted to Mr. Ferriero for review to which Mr. Kurus had no objection.

Mr. Barba asked for Mr. Kurus to review the total resulting lots from the application. Mr. Kurus testified that the application starts with two conforming lots and proposes two conforming lots. The application does not create and additional lots nor does it eliminate any lots.

Being no further questions from the Board, Chairman Brower opened the meeting to the public relative to questions for Mr. Kurus.

Mr. Obioma Ugboaja, 119 West Greenbrook Road, asked about the proposed application's impact to noise and the length of time for any noise impacts. Mr. Piromalli testified that no new construction as part of this application.

Chairman Brower reiterated that any potential future applications will have their own process by which an application that is required to be submitted to the Board would be reviewed and subject to a public hearing similar to this hearing but with greater focus to construction details and related impacts.

Chairman Brower closed the meeting to the public.

There being no further public comments, the meeting was closed to the public by Chairman Brower.

Mr. Piromalli advised the Board that he had no further witnesses and briefly summarized the application and confirmed that the application will conform with Mr. Ferriero's letter.

Chairman Brower asked for comments from the Board or a motion from the Board if there were no further comments.

Dr. Spinelli made a motion to approve the application for the Minor Subdivision for the following reasons:

1. The application is for a minor subdivision which simply moves lot lines and maintains two lots;
2. There are no requests for variances

Dr. Spinelli felt that approving the application achieved the following:

1. Approval of application would not prevent neighboring properties to maintain using their properties as currently zoned;
2. Approval of application would not present hardship to neighboring properties or property owners;
3. Approval of the application will not impact surrounding traffic to and from West Greenbrook Road; and
4. Approval of application is in keeping with good zoning practice.

A second was made by Mr. Barba.

Upon roll call:

AYES: Chairman Brower, Mr. Campbell, Mr. Rees, Dr. Spinelli, Mr. O'Sullivan, Mr. Barba, Ms. Nathans

ABSENT: Mayor Alessi, Mr. Fishbone

CITIZENS TO BE HEARD

Chairman Brower opened the meeting for citizens to be heard. There were no members of the public present.

ADJOURMENT

Chairman Brower requested a motion to adjourn at approximately 8:39 pm. A motion was made by Ms. Nathans and seconded by Dr. Spinelli. All members voted in the affirmative.

Kevin O'Sullivan
Planning Board Secretary