

PLANNING BOARD MINUTES
REGULAR MEETING
MAY 23, 2016

1. The Planning Board Meeting of May 23, 2016 was called to order by Chairman Joseph Brower at 8:00 p.m..
2. Sunshine Law Statement that this meeting is being held in accordance with the Open Public Meetings Law, noticed of this meeting was provided in accordance with the requirements of Chapter 231, P.L. 1975
3. Pledge of Allegiance
4. Roll Call by Secretary Mel Levine

NAME	PRESENT	ABSENT
Chairman Joseph Brower	X	
Vice Chairman James Campbell	X	
Mayor Joseph Alessi	X	
Councilman Art Rees	X	
Member Dr. Carl Spinelli	X	
Member Scott Fishbone	X	
Member Mel Levine	X	
1 st Alt. Member Joseph Barba	X	
2 nd Alt. Member Sandra Nathans	X	
Borough Engineer Frank Zichelli	X	
Attorney John Dusinberre	X	

5. Chairman Joseph Brower stated that on the agenda for this evening is the Memorialization of Approval in the matter of, K. Hovnanian at North Caldwell IV, LLC, Hilltop Parcel 3, Block 101 Lot 3, Preliminary and Final Approval of the Major Subdivision with Variances, has been rescheduled for June 20, 2016.
6. Chairman Brower introduced the applicant, Peter J. Montano and Wendy L. Montano who have submitted an application for a Minor Subdivision without variances, Lot 5, Block 800, 548 Mountain Avenue.

Peter J. Montano, Marjorie C. Feinstein, and Norman Feinstein Esq. were sworn in by John R. Dusinberre, Esq.

Peter J. Montano and Wendy Montano were not represented by Counsel.

Norman Feinstein, Esq. represented Marjorie C. Feinstein, his wife, and has reviewed the documentary evidence submitted by the applicant and its professional.

The Applicants have requested the subdivision in order to sever a portion of Block 800, Lot 5 containing 7,518.30 square feet in area for the purpose of conveying said land to the adjacent property to the rear, being Block 800, Lot 2, 11 Aspen Drive, owned by Marjorie C. Feinstein.

Chairman Brower asked the Board if they had any questions, there were none. The Chairman then asked the public if they had any questions, there was no one from the public present.

A motion to grant Peter J. Montano and Wendy L. Montano; a Minor Subdivision without variances, Lot 5, Block 800, 548 Mountain Avenue and conveyance to Marjorie C. Feinstein owner of Lot 2, Block 800, 11 Aspen Drive.

Moved by:	Member Dr. Carl Spinelli
Seconded by :	Member Vice Chairman James Campbell

Roll Call Vote:

MEMBER	YES	NO	ABSTAIN	ABSENT
Chairman Joseph Brower	X			
Vice Chairman James Campbell	X			
Mayor Joseph Alessi	X			
Councilman Art Rees	X			
Member Dr. Carl Spinelli	X			
Member Scott Fishbone	X			
Member Mel Levine	X			
Member Joseph Barba, 1 st Alt.	X			
Member Sandra Nathans, 2 nd Alt.	X			

- Mr. Dusinberre stated that there might be some time restraints on part of the applicant and the recipient, so he prepared and circulated to the Board a written Resolution, which if the Board chooses to find this Resolution satisfactory, it may be Memorialized this evening. This will save the applicant and recipient thirty (30) days in the process.

Chairman Brower asked the Board since they had time to review the Resolution if they had any questions.

Member Nathans asked for clarification that Norman Feinstein, Esq., is representing Marjorie C. Feinstein, his wife, and the testimony of Marjorie C. Feinstein.

There were no further questions from the Board.

**BOROUGH OF NORTH CALDWELL PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

Approved: May 23, 2016
Memorialized: May 23, 2016

**IN THE MATTER OF PETER J. MONTANO AND WENDY L. MONTANO; MINOR
SUBDIVISION WITHOUT VARIANCES, LOT 5, BLOCK 800, 548 MOUNTAIN
AVENUE**

WHEREAS, Peter J. Montano and Wendy L. Montano, (hereinafter known as "Applicant" or "Owner") have submitted a request for a minor subdivision with the Borough of North Caldwell Planning Board (hereinafter known as the "Planning Board"); and,

WHEREAS, the property that is the subject matter of the application is known as Block 800, Lot 5 on the Official Tax Map of the Borough of North Caldwell, and commonly known as 548 Mountain Avenue, North Caldwell, New Jersey (hereinafter the "Montano Property"); and,

WHEREAS, the Applicants have requested the subdivision in order to sever a portion of Block 800, Lot 5 containing 7,518.30 square feet in area for the purpose of conveying said land to the adjacent property to the rear being Block 800, Lot 2, 11 Aspen Drive, owned by Marjorie C. Feinstein (hereinafter the "Feinstein Property"); and,

WHEREAS, the Montano Property has frontage on Mountain Avenue, an improved Essex County road, and the Feinstein Property fronts on Aspen Drive; and,

WHEREAS, the Applicant has not requested any variances from the provisions of the

Borough Ordinances, and the Planning Board has found that none are required; and,

WHEREAS, on May 23, 2016, notice to the public and property owners within 200' of the Property not having been required or given, the Planning Board heard testimony on the application in accordance with the requirements of N.J.S.A. 40:55D; and,

WHEREAS, it has been determined that the Applicant has complied with all of the procedural rules, regulations and requirements of the Planning Board and that all of the required provisions of procedural compliance have been filed with the Planning Board; and,

WHEREAS, the Applicant was not represented by counsel, and the Planning Board heard the testimony of Peter J. Montano, and that of Norman Feinstein, Esq., representing Marjorie C. Feinstein, his wife, and the testimony of Marjorie C. Feinstein, and reviewed the documentary evidence submitted by the Applicant and its professional, and has made the following findings of fact and conclusions of law:

1. The Montano Property consists of open space and a residential dwelling on 46,473.6 square feet of land prior to subdivision. The Feinstein Property consists of open space and a residential dwelling on 22,610 square feet of land prior to subdivision

2. The Applicant proposes to subdivide the Montano Property into two (2) parcels; one (1) containing the existing single-family residential dwelling on a lot of 38,955.3 square feet; and, one (1) that would have 7,518.3 square feet for the purpose of conveying that non-conforming parcel to become part of Block 800, Lot 2, 11 Aspen Drive.

3. The Applicants have requested the subdivision for the purpose of conveying land to their neighbor, Marjorie C. Feinstein, and the neighbor has consented to the making of the application and the acceptance of the conveyance.

4. The Montano Property fronts on the public road known as Mountain Avenue, an Essex County road. The Feinstein Property after subdivision will be increased in area from 22,610 square feet to 30,128.3 square feet, and will front on the public road known as Aspen Drive, a Borough of North Caldwell road.

5. The Montano Property has a pre-existing side-yard set-back deficiency of 10.65 feet where the Ordinance requires 25 feet. The proposed subdivision has no effect on this pre-existing condition.

6. The Feinstein Property has pre-existing deficiencies of (a) lot coverage of 40% where the Ordinance permits only 30%; and, (b) a rear-yard set-back of 29.32 feet where the Ordinance requires 50 feet. After the subdivision and conveyance of the 7,518.3 square feet to the Feinstein Property the lot coverage deficiency will be eliminated by reducing the percentage to 29.9%; and, the rear-yard set-back deficiency will be eliminated with a new set-back of 79.32 feet. Other than as set forth herein, both newly configured lots will conform to the zoning standards of the Borough of North Caldwell after subdivision.

7. Since no new lots are created by the subdivision, the Borough's steep slope Ordinance does not apply to this minor subdivision.

8. The subdivision will not require any changes to utilities, water or sewer connections.

NOW, THEREFORE BE IT RESOLVED that the Planning Board of the Borough of North Caldwell does hereby approve the minor subdivision requested by the Applicant as referred to herein, and as more particularly described and shown on a map entitled "11 Aspen

Drive & 548 Mountain Avenue, Minor Subdivision Plat, Tax Map Block 800, Lot 2 & 5, Map of Property Situated in the Borough of North Caldwell, Essex County, New Jersey" prepared by James M. Helb, PE, PLS, PP of JMH Associates, P. O. Box 30, Caldwell, New Jersey 07006, dated February 2, 2016, subject to the terms and conditions as set forth herein.

This approval is subject to and conditioned upon the following:

1. The Applicant shall obtain any and all necessary approvals from the Essex County Planning Board, if required, and any and all governmental agencies having jurisdiction over the subject matter of this application.

2. All rules and regulations of any other governmental agency having jurisdiction over the subdivision shall be complied with, including but not limited to the payment of all taxes, water and sewer charges and application fees and/or charges.

3. The Applicant and the owner of the Feinstein Property have agreed that this minor subdivision shall be perfected by the recording of minor subdivision deeds that will incorporate in their terms the conveyance of the 7,518.30 square feet to the Feinstein Property. The deeds shall be subject to the review and approval of the Borough Engineer and the Planning Board Attorney to insure compliance with this condition. The Planning Board has not included conditions relating to revisions of the Minor Subdivision Plat that are unnecessary when perfecting the subdivision by deed.

BE IT FURTHER RESOLVED, that the Planning Board Secretary be directed to send a copy of this Resolution to the Mayor and Council.

<i>Member:</i>	<i>On the Motion</i>	<i>On the Memorialization</i>
Moved by:	Member Dr. Carl Spinelli	Member Fishbone
Second by:	Member Campbell	Member Nathans

	Yes / No	Abstain / Absent	Yes	No	Abstain / Absent
Joseph Brower, Chairman	X				X
James Campbell Vice-Chairman	X				X
Mayor Joseph Alessi	X				X
Councilman Art Rees	X				X
Member Dr. Carl Spinelli	X				X
Member Scott Fishbone	X				X
Member Mel Levine	X				X
1st Alt. Joseph Barba	X				X
2nd Alt. Sandra Nathans	X				

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Planning Board at its meeting on May 23, 2016.

MEL LEVINE, Planning Board Secretary

8. Chairman Brower opened the meeting to the public, there was no public present.
9. Chairman Brower asked for a motion to adjourn the meeting.

Moved by:	Member Scott Fishbone
Seconded by :	Member Vice Chairman James Campbell

Roll Call Vote:

MEMBER	YES	NO	ABSTAIN	ABSENT
Chairman Joseph Brower	X			
Vice Chairman James Campbell	X			
Mayor Joseph Alessi	X			
Councilman Art Rees	X			
Member Dr. Carl Spinelli	X			
Member Scott Fishbone	X			
Member Mel Levine	X			
Member Joseph Barba, 1 st Alt.	X			
Member Sandra Nathans, 2 nd Alt.	X			

Respectfully submitted,



Mel Levine
 Planning Board Secretary