

The worksession meeting of the Boonton **Planning Board** was held on Wednesday, **March 10, 2010**, at 100 Washington St., Boonton, NJ. Mr. Bechtel, Mr. Khokhar, Mr. Looker, Mr. MacNeal, Mr. Orlusky, Mr. Yelpo, Mr. Venturini, Mr. Wekilsky and Mr. Nevadomski were present.

Scott Wyssling, PE, was present to represent his client, Mary Clare Stegmann. Ms. Stegmann was granted a three lot subdivision for Block 107, Lot 8, 239 Reserve St. in 2007. Two separate driveways were approved at that time and Mr. Wyssling wanted to discuss with the Board the possibility of a shared driveway instead of the separate driveways.

The Board discussed the driveway issue and had some concerns with the maintenance of a shared driveway. Mr. Wyssling argued that all maintenance concerns could be addressed with the proper verbiage in the deeds. He also argued that elimination of separate driveways would eliminate some of the impervious coverage and some walls. He felt that drainage would be less of a problem.

Mr. Zimmerman felt that either configuration would work and he thought there were some advantages to a shared driveway. Mr. Miller thought that the individual driveways would eliminate cross easements. Regarding shared driveways, he stated that they were not unusual to have and that they would eliminate some drainage disturbance.

Mr. Bechtel polled the Board. Mr. Yelpo, Mr. Nevadomski, Mr. Wekilsky and Mr. MacNeal had no objection to a shared driveway. Mr. Orlusky, Mr. Khokhar, Mr. Bechtel, Mr. Looker and Mr. Venturini felt that separate driveways were a better alternative.

At 8:00 PM the regular monthly meeting was called to order by Mr. Bechtel who read the following statement: Adequate notice of this meeting being held this 10 day of March has been provided through resolution adopted by this Board at its annual meeting held at the Town Hall on January 13, 2010 and by posting of Resolution in the Town Hall and by mailing the resolution to the Citizen and the Daily Record which are published in New Jersey and which circulate in the Town of Boonton and by filing a copy of same with the clerk of the Town of Boonton.

After the flag salute the secretary called the roll. Mr. Bechtel, Mr. Khokhar, Mr. Looker, Mr. MacNeal, Mr. Orlusky, Mr. Yelpo, Mr. Venturini, Mr. Wekilsky and Mr. Nevadomski were present. Mr. Phelps and Mr. Pisarcik were absent.

Mr. Trawinski, Mr. Miller and Mr. Zimmerman were also present to represent the Board.

#### **SWEARING IN OF NEW MEMBERS**

Mr. Khokhar and Mr. Yelpo (not present at the January re-organization meeting) were sworn in by Mr. Trawinski as re-appointed members of the Board.

#### **PAYMENT OF BILLS**

A motion was made and seconded to pay all bills as submitted. All in favor. Motion carried.

#### **MINUTES:**

A motion was made and seconded to approve the minutes of the January 13, 2010 meeting minutes. All in favor. Motion carried.

#### **CORRESPONDENCE:**

1. Letters were received from Roy Kurnos, Atty., John Miller, PE, and Scott Wyssling, PE, regarding the bond estimate for the **Stegmann** major subdivision.

Mr. Wyssling was present to request reduction in the bond amount that was previously calculated. Mr. Wyssling did not feel that the bond amount should include the cost of improvements for each of the individual lots to be developed. He felt that only the costs involved with the improvements required to provide access to the individual lots as well as the installation of the utilities should be included in the estimate.

After a brief discussion on the above matter a motion was made and seconded to reduce the previously calculated bond estimate. All in favor. Motion carried. Mr. Miller will provide the new bond amount as soon as possible.

2. A letter was received from Julian Pop, Sr. regarding his recent denial of a 2<sup>nd</sup> apartment at his Mechanic St. property. Mr. Pop was present and addressed the Board. Since the 2<sup>nd</sup> apartment use was denied, Mr. Pop wanted to know if he could expand the one apartment that is legal. The Board had no objection to this request. Mr. Pop was instructed to speak to the Zoning Officer and Construction Official before the expansion takes place.

*Mr. Wekilsky, Mr. Nevadomski and Mr. Khokhar left the dais at this point in the meeting.*

**PUBLIC HEARING:**

**APPLICATION 2005-6 BOONTON ISLAMIC CENTER  
REQUEST TO AMEND CONDITION OF APPROVAL – HIRING OF POLICE OFFICER  
110 HARRISON ST., BLOCK 93, LOTS 2, 3, 4**

Mr. Joseph McGlone, Atty., was present to represent the applicant. Mr. Taj Khokhar was sworn in to testify on behalf of the Islamic Center. The Islamic Center is requesting that the condition requiring the Center to hire a police officer during Friday services be dropped. They have no objection to hiring an officer for Ramadan.

Mr. Khokhar stated that he attends at least 99% of the services held at the Islamic Center. He feels there are no longer parking or traffic issues at the site. The cost of hiring a police officer for Friday services is almost \$300.00 per week. Mr. Khokhar stated that the Center does not generate enough donations to cover this amount. It is a non-profit organization and the funds that are received go towards the operation of the center. No one draws a salary; it is run by volunteers. He submitted copies of the invoices (**marked A-1**). He mentioned that two separate services are held on Fridays – 12:15 to 1:10...and 1:30 to 2:10. He also stated that since the expansion plans were approved by the Planning Board the membership has been drastically reduced. There are currently 100-150 people at the first service and approximately 100 at the center for the second service. Originally there was thought to be approximately 400 members. Mr. Khokhar felt that the reason for the decrease in membership was due to the fact that two other Centers have opened in the area since the expansion was approved.

Mr. Khokhar went on to state that, while the Center did agree to hire a police officer, they did not think the cost would be so much. Also, they did not realize that they would have to pay a four hour minimum. He mentioned that other centers or churches in Town do not require police presence. He was not aware of any tickets being issued during the time the police were on duty.

Mr. Khokhar advised that they would agree to have someone from their congregation police the area during Friday services or even hire an outside firm to police the area. Hiring an outside firm, he felt, would be much cheaper.

The Board discussed the proposal to hire an outside firm and felt this may not work since an outside firm would not have the authority to write tickets or enforce Town regulations.

Michael Beltran, Boonton Police Chief, was sworn in to testify. He testified that he was familiar with the requirements imposed by the Planning Board regarding the hiring of an officer. He oversees the Police Department and after questioning his staff he found that approximately 3-8 tickets are issued each week during Friday services. He did note that he has no way of knowing whether or not the tickets involved cars/traffic for people going to or from the services. They were given out in a two to three block radius of the Center. Mr. Beltran had no opinion of whether or not police presence was needed. He stated that he was just providing one in accordance with the Planning Board's requirement. He did agree that it appears that there are fewer members attending services than there was when the application was originally approved. He agreed that there are no other churches that have this requirement.

Mr. McGlone read various sections of the Resolution of Approval to the Board.

Mr. Orlusky asked Chief Beltran if the 4 hour minimum was negotiable. Mr. Beltran advised that it was part of the union contract and was not negotiable. He did not feel there was any way to reduce the weekly cost. Mr. Orlusky then asked if Mr. Beltran was aware of parking/traffic violations at other churches in Town during their services. Mr. Beltran was not sure but mentioned that other churches have parking lots.

The Board also discussed the possibility of having police officers drive by the site while on regular duty. Mr. Beltran advised that while this may work some of the time; there is no guarantee that a policeman would be available every Friday during the required hours. And they may be available at some point but be called to another site for emergency situations.

The Board members also mentioned that if 3 – 8 tickets are written out with Police presence there might be even more violations if there are no policemen in the area.

Board members commented that the Planning Board did not force the condition requiring police presence. It was agreed to by both parties. Mr. McGlone mentioned that while the Center did agree to it; they were not aware how much it would cost.

Meeting open to the public.

Mohammed Raja, 208 Mechanic St., stated that his grandchildren have benefitted from an education at the Center. He mentioned that most adults are at work and most children are at school during the Friday services. He asked the Board to relieve the Center of this condition.

Mr. Chaudhry, 411 Washington St., stated that he has run the center for 35 years. He does not believe that the police are truly needed. He stated that when he ran the Center and an officer was needed for an event; the Center only paid \$39.00.

Dr. Farook Qureshi, advised that he has lived in this country for 30 years. He currently lives in West Orange; however, he sends his children to the Boonton Center for religious education. He does whatever he has to do to get his children to Boonton for religious education. He does not feel that any other Center offers the education that Boonton's does. He urged the Board to act favorably on the Center's request so that the Center can continue to provide the services and education that they currently do.

Dan Carey, 6 Beverly Rd., stated that he is a Boonton resident as well as a member of the Board of Aldermen. He mentioned that he attended all of the hearings on the application to expand the Center. He heard hours of discussion on the application and on the conditions of approval. He believes that the condition requiring the police was a condition that was offered by the Center to appease the concerns of the residents in the area. He believes that the condition should stay in place. He felt that the Center should have researched the cost before they offered it. Mr. Carey represents Boonton's 1<sup>st</sup> Ward.

Mike Anest, 404 Holmes St., started by stating that he has a lot of friends at the Center. He thinks parking and driving are an issue of concern during the Friday services. He does not think the people attending the services are "good drivers". 250 people generate a lot of cars. He sees u-turns, k-turns, double parked cars etc. He works for the town and sees the cars all over the neighborhood. He mentioned that the expansion is still not completed and is afraid there may be more people attending when the expansion is complete. He doesn't agree that the number of people attending the services is smaller; he thinks it's larger. He did notice that since the police are present he sees better driving than before. He asked that the Board leave the requirement for police as it is. Mr. McGlone questioned how Mr. Anest could see the traffic and illegal parking during hours when he would be at work. Mr. Anest advised that he comes home for lunch from 12:00 – 12:30, takes his break at 2:00, and is in the area sometimes doing work for the Town.

Ghul Khan, Chairman of the Center's Fundraising Committee, stated that he lived for five years in Boonton and now lives in Montville. He mentioned that Friday prayer service does not finish at the same time as the school children get out of school. He also mentioned that the \$16,000. spent on police coverage could have gone a long way to benefit the center. He added that it is very hard to raise money and the whole community feels the impact of this. He agrees that tickets should be given out if people do not obey the law; however, he felt that an officer being paid \$300.00 for less than two hours is not fair. He urged the Board to drop the condition.

Mr. Zaman, 220 Highland Ave., advised that in the past when an officer was needed it only cost \$40. - \$45. and he questioned why it was \$300. now. Mr. Beltran answered by stating that he did not recall ever sending police to the Center in the past.

Ibrahim Mohammad, 46 Lorraine Terrace, stated that he has lived in Boonton for 24 years and his children go to the Center. He is afraid that the Center will run out of money and he does not want his children to have to go anywhere else.

Mr. Adelwahed, lives in Harrison, he comes to Boonton's Center for prayer service. He feels that the Center has done a good job in enlightening its members about safety and the safety of its neighbors. Part of their religion is to satisfy neighbors. He believes there has been an improvement in the traffic and parking of the members. He feels that \$300. is a lot of money and would like to see the Center hire its own independent firm to monitor the traffic and parking.

Haroon Chaudhry, lives in Montville, urged the Board to remove the condition. He felt that the expense would hurt the progress of the Center. He suggested a crossing guard or a traffic officer.

Ms. Shazia Khan, 644 Boonton Ave., mentioned that Mt. Lakes pays \$50.00 for a crossing guard. She questioned why police at the Center costs so much. Mr. Beltran advised that each town has their own pay scale and it would also depend on contracts between police and the town.

Mohammad Sheikh, lives in Denville, questioned whether the police contract will run forever and if it can be revised in any way. Mr. Beltran advised that it gets renewed from time to time. Mr. Sheikh stated that he was not asking the patrolling to stop; he was just asking for the expense to be lessened.

Meeting closed to the public.

The Board members discussed the matter at length. It was a consensus of the Board that they sympathized with the Center and its difficulties with raising funds and having to pay \$300. a week. They felt that the Center should have checked into the costs involved before offering to hire the officer. Also, at the original hearings, traffic and parking were one of the main issues discussed and the Board members felt that it was a condition offered to alleviate the concerns of the residents in the area of the Center. Board members did not feel it was fair to remove the condition at this point. It was an agreement made between both parties and "should be left in place". Also, with 3-8 tickets being written out weekly with a police officer present as a deterrent, they were concerned what problems would occur without a police officer present.

A motion was made and seconded to keep the condition in place that requires a police officer on duty at the Center during Friday services. Roll Call: Mr. Bechtel, Mr. Looker, Mr. MacNeal, Mr. Orlusky, Mr. Yelpe and Mr. Venturini – YES. Motion carried.

*Mr. Khokhar returned to the dais at this point.*

**APPLICATION NO. 2009-2 MALIK/AWAN  
235 BOONTON AVE. – BLOCK 12, LOT 11  
USE VARIANCE TO LEGALIZE EXISTING APARTMENT**

A motion was made and seconded to deem the application still INCOMPLETE as per reports from John Miller and David Zimmerman. All in favor. Motion carried.

Mr. Trawinski and Mr. Zimmerman updated the Board on the latest COAH actions. Mr. Zimmerman added that the Town of Boonton has done everything necessary to fulfill its requirements. All paperwork has been submitted and is on file with COAH.

Meeting open to the public. No members of the public came forward.

No further business to come before the Board. Meeting adjourned at 10:00 PM.

Respectfully submitted,

Marianne Marcello, Secretary