



**4. PAYMENT OF THE BILLS**

a. The Board Clerk confirmed that the bills are in order to be paid.

MOVED: _____	SECONDED: _____	
VOICE VOTE:	IN FAVOR: _____	AGAINST: _____

**5. APPROVAL OF MINUTES**

a. Minutes of the regular Board meeting of June 14, 2023 were presented to the Board.

**6. CORRESPONDENCE**

**7. RESOLUTIONS**

a. **RESOLUTION OF APPROVAL**

**APPLICATION OF  
JOHN HOGOBOOM  
APPROVAL OF MINOR SUBDIVISION**

IN THE MATTER OF JOHN AND LINDA HOGOBOOM	: PLANNING BOARD OF THE : TOWN OF BOONTON : APPLICATION NO. 2023-02 : BLOCK 115; LOT 12.03 : 21 CHESTNUT STREET; : (228 WEST MAIN STREET); : (BLOCK 115; LOT 11)
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**WHEREAS**, John and Linda Hogoboom (“Applicant”) requested approval for minor subdivision approval for the property located at Block 115, Lot 12.03 on the tax map of the Town of Boonton, being commonly known as 21 Chestnut Street, Boonton, New Jersey (the “Property”), located in the R3-A Zone District (donating property indicated above located at Block 115, Lot 11 on the tax map of the Town of Boonton, being commonly known as 228 West Main Street, Boonton, New Jersey, in the B-4 zone district); and

**WHEREAS**, by Ordinance adopted by the Mayor and Board of Alderman (now the Boonton Town Council) of the Town of Boonton under statutory authority, the Planning Board and Zoning Board of Adjustment were combined into one board, which possesses and may exercise all powers granted to the Planning Board and Board of Adjustment pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; and

**WHEREAS**, the Board held a public hearing on the Application for bulk variances and preliminary and final site plan approval (the “Application”) on June 14, 2023; and

**WHEREAS**, the Applicant was represented by Bernard Bacchetta, Esq. and

**WHEREAS**, the Board heard the testimony and evidence presented by the Applicant and solicited comments from the public; and

**WHEREAS**, the Applicant is the owner of 21 Chestnut Street (Block 115, Lot 12.03) (the “Chestnut Street Property”). The Applicant is also the contract purchaser of a roughly 5,213 square foot portion of 228 West Main Street (Block 115, Lot 11) (the “West Main Street Property”). Upon purchase, the Applicant proposes to merge this portion of the existing Lot 11 with the existing Lot 12.03.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board of the Town of Boonton, County of Morris and State of New Jersey, on the 14<sup>th</sup> day of June, 2023, made the following findings of fact:

1. The Board found the Application complete.
2. In connection with this Application, the Board reviewed the following:
  - a. Application for Development filed May 23, 2023;
  - b. Property Owner Disclosure Statement;
  - c. Property Owner's Consent Form D. Checklist for Determining Completeness of Application, Town of Boonton Planning Board A;
  - d. Addendum A – Minor Subdivision Plat Checklist;
  - e. Subdivision Plat, prepared by Wm. F. Zimmerly & Associates Land Surveying dated November 14, 2022 and revised May 1, 2023;
  - f. Certification of Taxes Paid, received June 1, 2023;
  - g. Proof of Payment, received March 24, 2023;
  - h. The report(s) of the Board professional engineer; and
  - i. The report(s) of the Board professional planner.
3. Based upon the comments of Bernard Bacchetta, Esq., attorney for Applicant, the Board noted that Applicant seeks a minor subdivision of the subject properties. The West Main Street Property is a deep parcel that abuts the width of the Chestnut Street to Property at the rear of each property. Applicant seeks to acquire that portion of the West Main Street Property that abuts the rear yard of the Chestnut Street Property, subdivide that portion of the West Main Street Property, and merge that portion of the West Main Street Property into the Chestnut Street Property. Presently, the Chestnut Street Property does not satisfy the requirements for lot area in the zone district. With the addition of the proposed subdivided portion of the West Main Street Property, the Chestnut Street Property would remain undersized for the zone district. It was determined at hearing, however, that because the grant of the requested relief would bring the existing non-conforming condition (lot size) into greater conformance with the requirements of the zone district, no variance is required. No new construction is proposed or anticipated.
4. Based upon the sworn testimony of Michael Cardillo, owner of the West Main Street Property, it was established that he was owner of the West Main Street Property. It was further established that Mr. Cardillo entered into a contract agreeing to sell the subject portion of his the West Main Street Property to Applicant pending the approval of the requested minor subdivision. Mr. Cardillo further established that he was unwilling and/or unable to sell any further portion of the West Main Street Property to Applicant.
5. Based on the sworn testimony of John Hogoboom, Applicant, it was established that he is the owner of the Chestnut Street Property. Applicant is under contract to purchase the subject portion of the West Main Street Property from its owner(s). Applicant intends to use the newly acquired property as a larger backyard for the Chestnut Street Property. Applicant is not aware of any previous subdivision of the Chestnut Street Property or how it came to be undersized for the zone district. Any attempt to create two fully-conforming lots would result in two irregularly shaped lots.
6. Applicant has adequately addressed the concerns and recommendations of the Board and the Board's professionals.

**NOW, BE IT FURTHER RESOLVED**, that the Planning Board of the Town of Boonton, County of Morris and State of New Jersey, on the 14<sup>th</sup> day of June, 2023, concluded that this Application for minor subdivision approval can be granted because same is consistent with the requirements of N.J.S.A. 40:55D-47.

**NOW, BE IT FURTHER RESOLVED**, by the Planning Board of the Town of Boonton, County of Morris and State of New Jersey, on the 14<sup>th</sup> day of June, 2023, the Application of John and Linda Hogoboom is hereby **APPROVED**, subject to the following terms and conditions:

1. Applicant shall be bound by all exhibits introduced, all representations made, and all testimony given before the Board at its meeting of June 14, 2023.
2. Applicant shall comply with all comments set forth in the review letters submitted by the Board’s professional planner and professional engineer.
3. Applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the municipal ordinances.
4. Applicant shall be responsible for obtaining any other approvals or permits from other governmental agencies, as may be required by law, and Applicant shall comply with any requirements or conditions of such approvals or permits.
5. The within approval is conditioned upon Applicant making payment in full of all sums due or to grow due on account of review and processing fees within twenty (20) days of the date of being billed for same by the administrative officer. No Certificate of Occupancy shall be issued until such fees have been paid in full. In the event that Applicant fails or refuses to pay such fees, the Planning Board reserves the right to declare the within Resolution and any relief granted pursuant hereto to be null, void, and of no further effect.

MOVED: _____	SECONDED: _____
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NAME	PRESENT	ABSENT	EXCUSED
Mr. Brewer			
Ms. DeVenezia			
Mr. Khokhar			
Mr. Orlusky			
Mr. Schnitzler			
Mr. Vasa			
Mr. Venturini			
Mr. Weisman			
Mr. Wrobel			
Mr. Phelps			

**8. PUBLIC HEARINGS**

**9. INVITATION FOR PUBLIC COMMENT OF NON-AGENDA MATTERS**

**10. BOARD DISCUSSION ITEMS**

**11. OLD BUSINESS**

**12. NEW BUSINESS**

**13. ADJOURNMENT**

a. There being no further business, the meeting shall adjourn

MOVED: _____	SECONDED: _____	
VOICE VOTE:	IN FAVOR: _____	AGAINST: _____

**SUBJECT TO LAST MINUTE CHANGE OF ORDER  
NO NEW BUSINESS / TESTIMONY AFTER 10:00 P.M.  
MEETING TO ADJOURN NO LATER THAN 10:30 P.M.**