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**PLANNING BOARD
REGULAR MEETING MINUTES
JANUARY 12, 2022 - 7:30 P.M.**

1. **CALL MEETING TO ORDER/SUNSHINE STATEMENT** – Planning Board Attorney called the meeting to order at 7:30pm and read the Sunshine Statement:

“This meeting is being held in accordance with the Open Public Meetings Act, also known as the Sunshine Law, N.J.S.A. 10:4-6. Notice of the meeting was sent to the Daily Record on January 20, 2021 and the Citizen on January 21, 2021 and published in the Daily Record on January 21, 2021 and the Citizen on January 28, 2021. Notice was also posted on the Bulletin Board of the Municipal Building and on the Town of Boonton website.”

2. **PLEDGE OF ALLEGIANCE** – Planning Board Attorney led those in attendance in the Pledge of Allegiance to the Flag.

3. **ROLL CALL** – Planning Board Clerk conducted Roll Call:

NAME	PRESENT	ABSENT	EXCUSED
Ms. DeVenezia		X	
Mayor Corcoran		X	
Mr. Brewer	X		
Mr. Khokhar	X		
Mr. Orlusky	X		
Mr. Phelps	X		
Mr. Schnitzler	X		
Mr. Venturini	X		
Mr. Weisman	X		
Mr. Wrobel	X		
Mr. Vasa		X	

The following were also present:

- Mr. Scott Carlson, Board Attorney
- Ms. Alexandra Handel, Board Engineer
- Mr. Graham Petto, Board Planner

4. **BOARD RE-ORGANIZATION**

- a. Swearing in of re-appointed members
 - i. Mr. Phelps, Mr. Weisman, and Mr. Schnitzler took the Oath of Allegiance at this time and were re-appointed. Mr. Vasa and Ms. DeVenezia were not present, and will be sworn in at a later date.
- b. Election of Officers
 - i. A motion was made by Mr. Brewer, seconded by Mr. Orlusky, to nominate Mr. Phelps as the Planning Board Chair. No other nomination was made. All were in favor, and the motion carried.

ii. A motion was made by Mr. Phelps, seconded by Mr. Orlusky, to nominate Mr. Brewer as the Planning Board Vice Chair. No other nomination was made. All were in favor, and the motion carried.

c. Appointments

i. A motion was made by Mr. Brewer, and seconded by Mr. Orlusky, to approve all appointments as detailed in the 2022 Annual Resolution. All were in favor, and the motion carried.

d. Annual Resolution and Meeting Schedule

i. A motion was made by Mr. Brewer, and seconded by Mr. Orlusky, to approve the 2022 Annual Resolution and Meeting Schedule. All were in favor, and the motion carried.

5. PAYMENT OF THE BILLS

a. The Planning Board Clerk announced that the bills are in order to be paid. A motion was made by Mr. Orlusky, and seconded by Mr. Brewer, to pay the bills as submitted. All were in favor, and the motion carried.

6. APPROVAL OF MINUTES

a. Minutes of the regular Planning Board meeting of December 8, 2021 were accepted as presented.

7. CORRESPONDENCE

a. No correspondence was received.

8. RESOLUTIONS

a.

**RESOLUTION OF APPROVAL
TLK MANAGEMENT LLC
APPROVAL OF USE VARIANCE, BULK VARIANCE, AND SITE PLAN**

IN THE MATTER OF
TLK MANAGEMENT LLC

: PLANNING BOARD OF THE
: TOWN OF BOONTON
: APPLICATION NO. 2021-10
: BLOCK 122; LOTS 9 & 9.01
: 424-436 VREELAND STREET

WHEREAS, TLK Management LLC (“Applicant”) requested approval for a use variance, bulk variances, and preliminary and final site plan for the property located at Block 122, Lots 9 and 9.01 on the tax map of the Town of Boonton, being commonly known as 424-436 Vreeland Street, Boonton, New Jersey (the “Site”), located in the R-1(D) Zone District; and

WHEREAS, by Ordinance adopted by the Mayor and Board of Aldermen 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 preliminary and final site plan approval and bulk variance relief (the “Application”) on November 10, 2021 and December 8, 2021; and

WHEREAS, the Applicant was represented by Steven Schepis, Esq. and

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

WHEREAS, the Application was filed with the Boonton Zoning Board on August 21, 2021. Applicant has filed for d(1) use variance relief to develop a 16-unit age-restricted active adult development for persons 55 years of age and older on the Site. Applicant has also filed for a d(5) density variance to locate 16 dwelling units on the Site. Applicant has also filed for “C” variances from six bulk requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Boonton, County of Morris and State of New Jersey, on the 8th day of December, 2021, 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 August 21, 2021.
 - B. Application for Variance filed August 21, 2021.
 - C. Property Owner Disclosure Statement
 - D. Town of Boonton Certificate of Taxes
 - E. Site Inspection Authorization
 - F. Property Owner’s Consent Form
 - G. Checklist for Determining Completeness of Application, Town of Boonton Planning Board dated August 21, 2021
 - H. Addendum E Preliminary Site Plan Checklist Addendum
 - I. Final Site Plan Checklist
 - J. Aerial Photograph of Subject Property provided by Morris County Planning Board
 - K. Colored Renderings of Proposed Single-Family Dwellings Completeness Report
 - L. Site Plan Set, consisting of 18 sheets, prepared by Dykstra Walker Design Group dated August 10, 2021
 - M. Architectural Plan Set, consisting of 7 sheets prepared by Bilow Garrett Group
 - N. Current Owner Deeds and Easement of Record
 - O. Resolution of Prior Minor Subdivision Approval
 - P. Stormwater Management Plan, prepared by Dykstra Walker Design Group.
 - Q. Letter from Morris County Planning Board dated September 21, 2021.
3. Based on the comments of Applicant’s attorney, Steven Schepis, Esq., the Board noted that Applicant seeks to develop an age-restricted condominium community at the Site. Applicant requires a “D(1)” use variance as the use is not permitted at the Site.
4. Based upon the sworn testimony of Matthew Koenig, Applicant’s business representative, the Board noted that Applicant is the contract purchaser of the Site. Applicant seeks to develop an age-restricted (55 years of age and older), maintenance-free residential condominium community. The units will be designed to be handicapped-accessible ready throughout to serve senior citizens.
5. Based upon the sworn and qualified testimony of Marc Walker, Applicant’s licensed professional engineer, the Board found that the Site has approximately 250 feet of frontage on the Rockaway River. The Site is characterized by an elevation change of approximately 30 feet. No wetlands are present at the Site. A 50’ riparian buffer is delineated adjacent to the river. The Site is served by public utilities.

Applicant proposes a senior residential housing project at the Site. Sixteen individual dwelling units are proposed. Each unit would have three bedrooms and a single-car garage. Roads, open space areas, and amenity areas would serve as common space for the residents. Two roads are proposed on the Site. Each road will be 28’ in width. A total of 51 parking spaces would be

available on-site. An on-site stormwater management system is proposed, consisting primarily of two stormwater basins.

The Application requires variances for steep slope disturbance. Specifically, slopes of 15%-20%, 1,500 s.f. of disturbance is permitted, approximately 10,931 s.f. is proposed; slopes of 20%-25%, 1,000 s.f. of disturbance is permitted, 4,560 s.f. of disturbance is proposed; slopes of 25%-30%, 500 s.f. of disturbance is permitted, 2,156 s.f. of disturbance is proposed; and slopes of greater than 30%, 250 s.f. of disturbance is permitted, 11,307 s.f. of disturbance is proposed.

Variances are also required for: maximum number of dwelling units (2 units permitted; 16 units proposed); front yard setback (100' required, 30' proposed); side yard setback (50' required, 10.1' proposed); rear yard setback (100' required, 21.9' proposed); maximum building coverage (10,366 s.f. permitted, 22,126 s.f. proposed); lot coverage (20,732 s.f. permitted, 62,570 s.f. proposed); maximum floor area (18,141 s.f. permitted, 25,533 s.f. proposed); maximum fence height within 25' of right-of-way (3' permitted, 6' proposed); maximum combined height of retaining wall and fence (6' permitted, 12' proposed).

6. Based upon the sworn and qualified testimony of Rianna Kirchof, Applicant's traffic expert, the Board found that there are two existing curb cuts on the existing site frontage. Applicant proposes to reduce these to one access point. This will improve site distance and reduce conflict points. Vreeland Avenue has approximately 500 vehicle trips during its peak hour. Ms. Kirchof's analysis found that up to 11 peak hour trips would be generated by the site. Given the age-restricted nature of the proposed housing, the peak hour of the Site would not coincide with the peak hour of the adjacent roadways. The development would not have a significant impact on the adjacent roadways. The 51 proposed parking spaces are sufficient to accommodate the residents and their guests.
7. Based upon the sworn and qualified testimony of Anthony Garrett, licensed professional architect and professional planner, that Board found that the dwellings are designed to have a main living level that will be convenient for older residents. Each unit will have a one-car garage.

The Site is 3.53 acres in size. It is a previously developed site that is well-suited for the proposed use. The Site is adjacent to a residential zone district, and accordingly, the residential use is not incompatible with existing development.

The Master Plan addresses the need for housing for older residents, and therefore the proposed residential use would advance that goal. The proposed density is consistent with that which is permitted in the nearby R-1(c) zone district. The reduction of access points is a further benefit of the proposal. The goals and objectives of the Municipal Land Use Law, particularly the goal of a diverse housing stock, are advanced by the proposal. Further, according to the 2010 census, 53% of Boonton residents are "baby boomers", illustrating the need for this type of housing. There are no other nearby properties that meet the need for a project of the type proposed, making the Site particularly well-suited for the proposed residential use. For the reasons set forth herein, the grant of the use variance would not create any substantial detriment to the zone or the zone plan.

The requested bulk variances are subsumed by the use variance. The "C(2)" criteria are satisfied as the proposal advances both the Master Plan and the purposes of the Municipal Land Use Law. The provision of senior housing, which is needed in the Town of Boonton, is beneficial to the public. The significant fencing and screening will mitigate any impact on neighboring properties. The steep slope disturbances are justified because the existing conditions on site are unsafe and

will be improved by the proposed retaining walls. Accordingly, the positive and negative criteria required for grant of a “C(2)” variance are satisfied with respect to the requested variances.

8. 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 8th day of December, 2021, concluded that this request for use and bulk variance relief can be granted because the statutory positive and negative criteria are satisfied.

NOW, BE IT FURTHER RESOLVED, by the Planning Board of the Town of Boonton, County of Morris and State of New Jersey, on the 8th day of December, 2021, the application of TLK Management LLC 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 meetings of November 10, 2021 and December 8, 2021.
2. Applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the municipal ordinances.
3. 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.
4. 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.
5. Applicant shall confirm that the existing pump station has the capacity to process the waste produced by the proposed development and shall be responsible for its pro-ratable share of the upgrades that are needed to handle said capacity, all to the satisfaction of the Board’s engineer.
6. Applicant shall submit a landscape plan, which shall contain additional shade trees, to the satisfaction of the Board’s engineer and planner.
7. Applicant shall submit the plans to the fire department for its approval.
8. Applicant shall comply with all applicable affordable housing ordinances, to the satisfaction of the Town Attorney or designee.
9. Applicant shall comply with the comments set forth in the review memoranda submitted by the Board’s professional engineer which is accepted as accurate and incorporated by reference “SCE-R11925.A13” dated December 2, 2021, prepared by Andrew Holt, PE, PP, CME, of Suburban Consulting Engineers, Inc.
10. Applicant shall comply with the comments set forth in the review memoranda submitted by the Boards’ professional planner which is accepted as accurate and incorporated by reference

“Planning Report #2” dated December 3, 2021, prepared by Graham Petto, AICP, PP, of Topology, which identifies the variance and design exception relief required and approved by the Board.

A motion was made by Mr. Brewer to approve the resolution, which was seconded by Mr. Khokhar.

NAME	YES	NO	ABSTAIN
Mr. Brewer	X		
Mr. Khokhar	X		
Mr. Orlusky	X		
Mr. Vasa	X		
Mr. Wrobel	X		
Mr. Phelps	X		

The motion passed on a vote 6 YES, 0 NO.

b. RESOLUTION OF APPROVAL

**APPLICATION OF
VICTOR COTTO
APPROVAL OF EXPEDITED WAIVER OF SITE PLAN**

IN THE MATTER OF
VICTOR COTTO

: PLANNING BOARD OF THE
: TOWN OF BOONTON
: BLOCK 1; LOT 12
: 313 MAIN STREET

WHEREAS, Victor Cotto (“Applicant”) requested approval of expedited waiver of site plan site plan for the property located at Block 1, Lot 12 on the tax map of the Town of Boonton, being commonly known as 313 Main Street, Boonton, New Jersey (the “Premises”), located in the B-4 Zone District; and

WHEREAS, by Ordinance adopted by the Mayor and Board of Aldermen of the Town of Boonton under statutory authority, an expedited waiver of site plan committee was established for the purpose of providing a waiver of site plan when it deems fit because the relief requested is de minimis and to require a full planning board application would be unduly costly and burdensome to the applicant; and

WHEREAS, Applicant met with the Expedite Waiver of Site Plan Committee and explained that he seeks to use a commercial unit located in the rear of the building as a studio apartment. The commercial space is not visible to Main Street and, accordingly, has been vacant for several years.

NOW, BE IT FURTHER RESOLVED, that the Planning Board of the Town of Boonton, County of Morris and State of New Jersey, on the 12th day of January, 2022, concluded that this request for expedited waiver of site plan can be granted because the property is suitable for the proposed use, the proposal is de minimis, and it would be unduly burdensome and costly to Applicant to submit a complete application to the Planning Board.

NOW, BE IT FURTHER RESOLVED, by the Planning Board of the Town of Boonton, County of Morris and State of New Jersey, on the 12th day of January, 2022, the application of Victor Cotto is hereby **APPROVED**, subject to the following terms and conditions:

Applicant shall be bound by all representations made in its Expedited Waiver of Site Plan Application.

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.

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.

A motion was made by Mr. Orlusky to approve the resolution, which was seconded by Mr. Brewer.

NAME	YES	NO	ABSTAIN
Mr. Brewer	X		
Mr. Khokhar	X		
Mr. Orlusky	X		
Mr. Weisman	X		
Mr. Wrobel	X		
Mr. Schnitzler	X		
Mr. Venturini	X		
Mr. Phelps	X		

The motion passed on a vote 8 YES, 0 NO.

9. PUBLIC HEARINGS

- a. No hearings were presented.

10. INVITATION FOR PUBLIC COMMENT OF NON-AGENDA MATTERS

- a. No public comment was made.

11. BOARD DISCUSSION ITEMS

- a. Mr. Brewer asked about the status of the proposal from Topology to rewrite the Zoning Ordinance. Mr. Willenborg responded that a proposal from Topology was received to create a new Zoning Ordinance for \$24,000, and a line item in the requested budget for 2022 was created to include that proposal.

12. NEW BUSINESS

- a. No new business was discussed.

13. RESOLUTION TO RECESS INTO CLOSED SESSION

- a. WHEREAS, Section 8 of the Open Public Meetings act, Chapter 231 P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Boonton in the County of Morris and State of New Jersey as follows:

- i. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter(s).
- ii. The general nature of the subject matter to be discussed is as follows:
LITIGATION MATTER

- iii. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of each individual specified subject matter.
- iv. This resolution shall take effect immediately.
- v. No action may be taken in Closed Session

A motion was made by Mr. Brewer, and seconded by Mr. Orlusky, to recess into Closed Session to discuss a litigation matter.

14. ADJOURNMENT

There being no further business to come before the Board, a motion was made by Mr. Orlusky, and seconded by Mr. Khokhar, to adjourn. All were in favor on a voice vote. The motion carried, and the meeting was adjourned at 8:14 PM.

Respectfully submitted,

Steven Willenborg

Steven Willenborg
Planning Board Clerk.