Borough of West Paterson

Planning Board

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WOODLAND PARK PLANNING BOARD
PLANNING BOARD MINUTES
June 11, 2012

Meeting called to order at 7:35 P.M. by Chairman Lepore.

OPEN PUBLIC MEETING LAW: THIS MEETING IS CALLED TO ORDER PURSUANT TO THE NEW JERSEY PUBLIC MEETING LAW, AND AS STATED IN NOTICES OF THE TIME, PLACE AND DATE PUBLICIZED IN ACCORDANCE WITH THE STATUTE. IT WAS INCLUDED IN A LIST OF MEETINGS FORWARDED TO THE HERALD NEWS AND THE RECORD AS REQUIRED NOTICES. IN ADDITION, THIS LIST HAS BEEN POSTED IN A PUBLIC PLACE BY THE BOROUGH CLERK, AND A COPY OF THIS HAS BEEN FILED IN HIS OFFICE FOR PUBLIC INSPECTION. PROPER NOTICE HAVING BEEN GIVEN, THIS MEETING IS CALLED TO ORDER AND THE CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THE MEETING.

MEMBERS PRESENT: TOM WEBB, KEITH TANSKI, ROBERT BRIGATI, MAYOR KAZMARK, THOMAS ADAMO, ARTHURE MINSKY, RICHARD BERNSTEIN AND PAT LEPORE

ALSO PRESENT – JOSEPH WENZEL, BOARD ATTORNEY
WOODNEY CHRISTOPHE FOR DON NORBUT- BD. ENGINEER
KATHRYN GREGORY, BD. PLANNER

FLAG SALUTE

APPROVAL OF MINUTES

A motion to approve the minutes of the May 14, 2012 meeting was made by Mr. Bernstein, second by Mr. Adamo and approved.

RESOLUTION

DOCKET # 12-05 – GOP I, LLC – 1 GARRET MOUNTAIN PLAZA – BLOCK 32 LOT 1.01 – CERTIFICATE OF OCCUPANCY OVER 5,000 SQ. FT. – Application is hereby approved by a vote of 7 – 0.

ORDER OF BUSINESS

Chairman Lepore announced that Mr. Pacelli has submitted his resignation due to his employment. Mayor Kazmark stated he would be appointing his delegate to the Planning Board on Wednesday.

DOCKET # 12-06 – K. HOVNANIAN AT GREAT NOTCH, LLC – BLOCK 113 LOTS 12.01 & 4.02 – AMENDED PRELIMINARY/FINAL SITE PLAN/BULK VARIANCES

Mr. Minsky was notified as a property owner within 200' and has recused himself and left the dais.

John Caniglia, attorney for applicant, stated this is an application to amend the site plan and only pertains to Phases 5A & 5B at the site. They have redesigned the buildings located in Phase 5 that are 3 story Garden Home buildings. There are certain variances requested that they will get into during testimony. The change in the building itself is very minor from the exterior and minimal impact on the site plan but even that small change requires they make the application because there are certain variances. There are 4 of these buildings also located in Clifton. There were no variances needed in Clifton and the Clifton engineer approved the changes in the design administratively without an amended site plan application.

Mr. Caniglia said one issue that was raised in the letter from T & M Associates indicated correctly that the application did not note one of the variances requested for Building # 1083 but it was noted in the notice and it was on the plan and just a typo on the application. He saw no reason why they could not continue and deem the application amended for a variance for Building 1083. The Board Secretary has received the affidavit of service. He has not received the original publication for the paper but they have submitted a copy. They will mail the original to the Board Secretary after they received it. He submitted additional green copies for certificate mail.

Randy Brosseau, area President of K. Hovnanian, was sworn in. He stated the reason for the change in the design of the garden home building was that the design is about ten years old and they often take feedback from prospective buyers regarding design ideas. One thing they noticed was they did not think the hallways were wide enough or deep enough so they have tried to slightly widened the hallways and have made them slightly deeper which has the modification of the footprint they will talk about tonight. As part of the changes the entry way was expanded. They have an antiquated floor plan called the Gardenia and they have switched that floor plan out for a more popular floor plan called the Zinnia. It would allow them to get rid of an unpopular plan and replace it with a popular plan. Most of the changes are internal to the building and do not affect the site plan or footprint of the building. The front façade has been modified slightly with two stepbacks as opposed to one in the prior design.

Joseph Fleming, engineer/planner, was sworn in. Mr. Fleming has been previously qualified by the Board and accepted.

Mr. Fleming marked Master Plan Sheet C-3 of the site plan as A-1. He pointed out Phase 5 and the buildings which are the subject of the application. A large scale site layout Sheet H-2 with a chart showing variances requested was marked A-2. Exhibit A-3 shows the modified building versus the previous building which is Sheet H-3. Sheet H-4A is the building floor plan and interior layout of the ground floor of the proposed building that shows the parking garages was marked A-4. Sheet H4B was the existing building floor plan which was marked A-5. A site layout and dimensions that show the differences in the approved plan and the proposed plan was marked A-6.

Mr. Fleming referred to exhibit A-5 which shows the changes in the building footprint which are primarily at the entrance. It is their desire to annunciate the front of the building. The area was made more generous by coming out another 2 1/2'. The square footage is primarily the same. The sides and the backs of the buildings are virtually unchanged.

Mr. Fleming referred to exhibit A-2 which is the revised plan. He described the variances that would be required. They have tried to minimize the variances where feasible but when you get to Phase 5 there are a number of constraints including the required walls where they have absorbed more fill. They have very little opportunity to jostle the buildings. They have not changed the number of buildings or the number of units at all. There are no changes to the overall grades for the storm water management or the utilities. They have not changed the roads or the parking. They will all remain the same. There is no change in any emergency access to the site.

Mr. Fleming said there are 3 buildings where a variance is required for the front to front building separation where 55' is require. The vestibules are a relatively small portion of the buildings. The other variance is for the setback from the building front to the internal roadway where the ordinance requires 15' and they have 14 instances where with this change there would be less than 15'. There are 18 buildings in total in Phase 5 so most of the buildings do require a variance. Under the old plan these entrances would be a walkway leading to the building. So this will be a covered area as opposed to an open walkway. Mr. Fleming said they looked at moving the buildings back but they are trying to maintain a reasonable yard area in the back of the buildings. The buildings being closer to the walls seemed to be counter productive. If they have gone through the exercise of moving them back from the road the rear to rear separation of buildings would be in violation. It seemed sensible to maintain those setbacks. The impact on the homes in the rear would affect the light and air from getting into the backs of those units. They would not have the same impact on the homes by pushing them closer to the road. There are no safety issues created by moving the buildings. The level of traffic is essentially only the people who live there and those visiting them.

Mr. Fleming stated C-2 requires that the purposes of the land use law would be advanced by a deviation from the zoning requirements and the benefits would substantially out weigh the detriments. The purposes of the land use law that would be advanced by this application would be to encourage planned unit developments which incorporate the best design features. Changes to the ordinance would improve the design and layout and improve the functionality of the project. It also encourages senior housing and affordable housing. He sees no detriments that would result from this change. It is his opinion that the purposes of the MLUL will be advanced and there would be no detriment. The negative criteria is that the variance can be granted only without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. He sees not substantial detriment to the public good by this proposal. They have not done anything to degrade emergency access. They have not changed anything with regard to light and air to the units and this is just an architectural change to the plan. It is pretty common in zoning ordinances to have either a porch or entry steps allowed to intrude into a front yard setback.

Mr. Tanski asked if the change would affect people pulling into their garages. Mr. Fleming said they are extending the entrance under 2'. He said there are driveway spaces in front of the garages and would only have a shortened front entrance there.

PUBLIC OPEN - CLOSED

A motion to enter into executive session to discuss litigation issues was made by Mayor Kazmark, second by Mr. Tanski and approved.

Call to order regular session, all present.

A motion to adjourn was made by Mr. Bernstein, second by Mr. Webb. All in favor, meeting adjourned.