

**WOODLAND PARK PLANNING BOARD
PLANNING BOARD MINUTES**

August 12, 2013

Meeting called to order at 7:34 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: MAYOR KAZMARK, ARTHUR MINSKY, BILL KARP, COUNCILMAN HOLLOWAY, TOM WEBB, PAT LEPORE AND STEVEN FAZIO

ALSO PRESENT – JOSEPH WENZEL, BOARD ATTORNEY
NORDAN MURPHY, BOARD ENGINEER
KATHRYN GREGORY, BOARD PLANNER

FLAG SALUTE

APPROVAL OF MINUTES

A motion to approve minutes of 6/10/13 meeting was made by Councilman Holloway, second by Mr. Karp and approved by a vote of 5 – 0.

A motion to approve executive session minutes of 6/10/13 was made by Councilman Holloway, second by Mr. Fazio and approved by a vote of 5 – 0.

ORDER OF BUSINESS

DOCKET # 13-04 – M. ALLAN & I. DAGHASH – 48 CEDARHURST AVE. – BLOCK 73 LOT 1 – MINOR SUBDIVISION/BULK VARIANCE

Natalie Capano, attorney for applicant, stated that have made the revisions to the plan to address the Board's comments from the last time they were here.

Lloyd Stephenson, Jr., architect, was sworn in. He stated his qualifications and was accepted as an expert. He prepared the plans and described them for the Board. The existing site is 10,800 sq. ft. There is an existing driveway that will be demolished and a new driveway will be put in on the western side of the property. There are also garages that will be torn down. There is a height change on the property that is almost a 7' drop which

may have caused the proposed house to be as high as shown. He described the conceptual plan for the new home. They will rebuild a new garage for the existing home. They will meet the regulations for a new garage. The proposed residence would be 1342 s.f. They will meet the lot coverage requirement of 25'. There will be a paved entrance and a new driveway entrance along the western side. There is an existing apron that is shown which will remain as is. They need to put up the wall and add fill to level it off. The applicant's wanted to have a home that would be a little different. They liked the shed roof type where they take one side and drop it a bit.

Ms. Capano asked how many cars fit in the driveway and garage. Mr. Stephenson said you can fit at least 3 cars along the driveway on the side, a car in the garage and a car in front of the garage. They will be installing a new sidewalk to continue the existing sidewalk. He showed sidewalk along Arcadia but the engineer wants an exception to that.

Miss Allan, applicant, was previously sworn in. She is the owner of the property and was present at the last meeting. She has made the revisions based on the Board's concerns. She is prepared to reduce the height of the proposed dwelling to meet the requirement. She said there are mostly two family dwellings in the area. She is prepared to knock down the unsightly garage on the property. They are trying their best to maintain the vacant lot and the house would make the neighborhood look nicer.

Councilman Holloway asked if there is living space in the basement of the existing home. Ms. Allan said it is a plain basement with a laundry room.

Mr. Wenzel asked if the existing home is a one family. Ms. Allan said it is a small one family home.

Mr. Murphy, Board Engineer, referred to his 8/7/13 report. They must supply a zoning table and note the variances requested. He thought the existing driveway opening would be split and used by both lots. He asked it be modified so each one would be used separately. The plans show drainage facilities and calculations should be submitted if approved. They will also need plans for the retaining walls. It makes sense to fill in the sidewalk along Cedarhurst but it is his recommendation that the Board grant relief from requiring sidewalks along Arcadia. They have confirmed they will modify the plan to meet the height requirement for the proposed dwelling.

Mr. Wenzel said he knows the wall is conceptual and there are not exact calculations. The height is 7' on the plan but Mr. Murphy made mentioned of 4'. Mr. Murphy said they require calculations for anything over 4'. The details should also show the location of the retaining wall.

Councilman Holloway asked if Mr. Murphy recommends repair of the existing walls. Mr. Murphy said it would make sense to have that assessed. Councilman Holloway agreed there should not be a sidewalk installed on Arcadia.

Chairman Lepore said they are primarily approving the subdivision and the plans are conceptual in nature. If the Board decides to approve the subdivision there is protocol to follow. Mr. Murphy said there is a process in following building regulations. Ms. Capano said in actuality no development has to occur. Chairman Lepore said they are creating non-conforming lots. Mr. Wenzel said that is correct. Councilman Holloway asked if they can condition an approval on putting up a single family only. Mr. Wenzel said they could and Ms. Capano said they would agree to that condition.

Kathryn Gregory, Board Planner, referred to her report. She said the plan shows they can build a home on the undersized lot that is comparable to the neighborhood. They need variances for lot area of 5400 sq. for each lot where 6000 s.f. is required and lot depth of 90' where 100' is required. The lots in the area are almost all 90' in depth so that is a hardship and the front yard setback for the existing home does not change as a result of the subdivision. She would have recommended a single family home because you could build a massive two family home on the entire lot and two family homes actually generate more children and traffic than two single family homes. She felt it was a better idea to subdivide and deed it as a single family on each lot rather than one two family on the existing lot. At the time of the submission of building permits Mr. Esposito will determine whether there are any other variances required.

Mr. Wenzel asked if one big two family home would be allowed. Ms. Gregory said it would and this lot is oversized for the area so you could build a very large two-family dwelling. She felt the two single family homes were better planning.

Ms. Allan, applicant, stated her mother, stepfather and brother are living in the existing home at this time. She would like to have a new home for herself, her husband and her children. Chairman Lepore said he agrees with the planner but asked if the Board can be guaranteed they won't come back and want a two family home. Ms. Allan said the town is her home and she wants to raise her kids here. Chairman Lepore said it is a very tight area and felt another two family home would be a burden. Mr. Wenzel said you would have a resolution and a deed restriction.

Mayor Kazmark asked the planner if the governing body is in the process of handling ordinances that address conversion of single family homes. Ms. Gregory said that was correct.

Ms. Capano said the applicant has gone to great lengths to explain to the Board what they want and the intention is for a one-family home. Mr. Murphy said the form of deed would be created for both lots and is a good method because the area is a two family zone. Chairman Lepore said all too often they have approved subdivisions with conditions and two months later they are at the other Board looking for relief from the conditions.

PUBLIC OPEN – CLOSED

A motion to approve with conditions discussed was made by Mr. Webb, second by Councilman Holloway and approved by a vote of 5 – 0.

DOCKET # 12-08 – NOTCHWOOD MANOR LLC – LOWER NOTCH/LACKAWANNA – BLOCK 125 LOT 1 – AMENDED SITE PLAN (CONVERSION OF AGE RESTRICTED DEVELOPMENT NJSA ET SEQ.) – Applicant has requested the application be postponed until the September 9, 2013 meeting.

A motion to enter into Executive Session in order to discuss litigation regarding Docket 12-03 – Diamond Holdings, LLC (Walgreens) was made by Mayor Kazmark, second by Councilman Holloway. All in favor.

EXECUTIVE SESSION

RESOLUTION

A motion to memorialized Docket 12-03 resolution was made by Mr. Webb, second by Councilman Holloway. Chairman Lepore stated he was only voting to approve this resolution because he was ordered to do so by the judge. He felt this was a mistake and would be putting the customers of the bank and Walgreens at risk. The police department outlined the danger of the intersection but unfortunately the judge did not see it that way. Councilman Holloway and Mr. Karp agreed they were voting under duress. Mayor Kazmark noted for the record that he was unable to vote on this application and Mr. Fazio was not a member of the Board at the time the application was heard.

DOCKET # 12-03 – DIAMOND HOLDINGS, LLC (WALGREENS) – BROWERTOWN RD. BLOCK 124 LOT 31 BLOCK 129 LOT 5.03 & 5.04 – PRELIMINARY/FINAL SITE PLAN – APPROVED BY COURT ORDER RESOLUTION MEMORIALIZED 8/12/13 BY A VOTE OF 5 – 0.

A motion to adjourn was made by Councilman Holloway, second by Mr. Fazio. All in favor, meeting adjourned.

