

**WOODLAND PARK PLANNING BOARD
PLANNING BOARD MINUTES
JULY 13, 2015**

Meeting called to order at 7:40 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: BILL KARP, COUNCILMAN HOLLOWAY, KEITH TANSKI, MAYOR KAZMARK, THOMAS ADAMO, PAT LEPORE, ARTHUR MINSKY, SHERRY VAN DYK, JACQUELINE HERNANDEZ AND ROBERT BRIGATI

ALSO PRESENT – JOSEPH WENZEL, BOARD ATTORNEY
NORDAN MURPHY, BOARD ENGINEER

FLAG SALUTE

A motion to approve the minutes for 6/8/15 was made by Councilman Holloway, second by Mr. Adamo and approved.

RESOLUTION

DOCKET # 15-02 – R. ISSA – 732 RIFLE CAMP RD. – BLOCK 111 LOT 16.08 – MINOR SUBDIVISION/BULK VARIANCES – APPLICATION IS HEREBY APPROVED AND MEMORIALIZED.

DOCKET # 15-03 – KINGSGATE CHURCH, INC. – 25 ANDREWS DR. – BLOCK 122 LOT 1.04 – PRELIM. & FINAL SITE PLAN/CERTIFICATE OF OCCUPANCY OVER 5,000 SQ. FT. – APPLICATION IS HEREBY APPROVED AND MEMORIALIZED

ORDER OF BUSINESS

Chairman Lepore said he has communication from the Hudson/Essex/Passaic Soil Conservation District regarding the emergency replacement of bridge # 1600-452 which is the Weaseldrift Rd. bridge over the Slippery Rock Brook off of Rifle Camp Rd. The repair needs to be done immediately. They have reviewed it and the plan meets the standards and has been certified by soil conservation.

Chairman Lepore said he would like to discuss the issue of Notchwood Manor. There are quite a few communications from the Board engineer who has raised a number of concerns and issues regarding the project. There is a letter from the engineer recommending issuance of a stop work order.

Mr. Murphy, Board engineer, stated they have been trying to cooperate with the builder on the project but there are a few issues that have been outstanding for a period of time. They have tried to handle it verbally and with e-mails but have decided at this point to cement it on letterhead. The last letter is a summary of the communications of issues they feel have to be addressed before he continues to put in footings and build a building. Primarily it has to do with the retaining walls, the bonds, the tree removal permit and City of Newark water in regard to the wall. Mr. Murphy said the Code Official would be the one to issue the stop work order. The Board does not have to take any action.

Mr. Karp said he seems the property developer takes advantage and does what he likes. He has taken many trees down on the property. He may have to replace trees but you would have relatively small trees with the project. He would like to see stronger enforcement of the tree ordinance. He suggested a review committee. Chairman Lepore said the ordinance is quite clear regarding taking down trees. Unfortunately this developer for some reason did not follow the protocol and procedure. There will be a significant penalty. Mr. Murphy said it is not a penalty and the ordinance clearly states that if trees are taken down before a permit is issued this is how it is calculated. It is just in compliance with the ordinance and he made it clear to the developer that it is not a penalty. He does have the option to provide trees on site.

Councilman Holloway asked if they can get involved in the caliper of the tree. Chairman Lepore said he believes it has to be 6". Mr. Murphy said he does not know the exact size but it is stipulated in the ordinance.

Mayor Kazmark said he has met with the Business Administrator and Mr. Murphy and they brought the concerns they had with Notchwood Manor and how the start of construction has rolled itself out. He has directed both of them and Code Enforcement to hold him accountable as we would with anyone else and make sure to follow up on issues that led to the stop work order. He said until the issues outlined in Mr. Murphy's letter are corrected he should not be allowed to continue to develop. He is confident that Mr. Esposito and Mr. Murphy are doing their due diligence to keep the project on track. Mr. Murphy said these are all issued the developer is well aware of. Mr. Karp said it just gives you a concern for the rest of the project. Mayor Kazmark assured the Board that they are all on top of it.

Chairman Lepore referred to the accident reports submitted to the Board for the Capitol One bank regarding the impact Walgreens will have on the site. The recommendation from the police department and the Board attorney were submitted to the Board. Mr. Wenzel said he is taking the recommendation from the police chief who is really the person on scene to evaluate the situation there. He went along with the chief's recommendation to see where they are in 6 months and recommends it to the Board.

DOCKET # 15-01 – MT. PLEASANT ESTATES, LLC – MT. PLEASANT AVE. –
BLOCK 54.01 LOT 15 – MAJOR PRELIMINARY/FINAL SUBDIVISION/BULK
VARIANCES

Mr. Joseph Petriello, attorney for applicant, stated they are here for a preliminary and final major subdivision approval. The property is approximately 2.81 acres. They were before the Board of Adjustment a few years ago seeking a use variance to develop the site with 8 townhouses and the application was denied. They went back before the Board of Adjustment last year on an application to develop 6 townhouses and that application was withdrawn. They have now decided to propose a development that is consistent with zoning by dividing the parcel into 4 lots with 3 buildable lots and one lot remaining in its natural state. There would be 3 buildable lots that front on Mt. Pleasant to construct 3 single family homes that would comply with zoning requirements except for 2 minor variances. Two of the lots would require a variance for 60' frontage where 100' is required. All 3 lots require a variance for 3 stories where 2 ½ stories are permitted.

Matthew Evans, principal and licensed architect and planner was sworn in. He stated his qualifications and was accepted as an expert. The plan consisting of 7 pages that was submitted to the Board was marked A-1. Mr. Evans said the property is 2.81 acres which is on the northerly side of Mt. Pleasant Ave. and the southerly end fronts on Route 80. It is between Woodrow Ave. and Brophy Lane. The property is a wooded area with a lot of natural features. There is a large out rock cropping to the rear of the property. There's Pearl Brook that comes from underneath the park and underneath Mt. Pleasant Ave. and goes to the westerly side of the property along the Vernon Ct. subdivision and under Route 80. They show the hatched area on the plan which is the wetlands buffer area which was depicted and approved by the State of New Jersey. The grade is fairly level along the north easterly side of the property and from there is drops significantly down towards Route 80. They have obtained a letter of interpretation from the EPA which they have submitted with the application. They have submitted the survey showing all the existing features.

Mr. Evans said they are proposing 3 residential lots, single family, that are going to be 2 stories from the street and being the grade drops down they are going to fill in some sections and they are going to have walk out basements for the houses. They will have a two car garage each and they will have a driveway in the front. The houses would be 2 stories in the front and 3 stories in the rear. They have one large lot that would be the existing wetlands and the natural part of the property. This Lot 15 would be 81,488.19 sq. ft. Lots 15.01 & 15.02 would be 12,000 sq. ft. Lot 15.01 would be 100' X 120'. Lot 15.02 would be 60' X 200' Lot 15.03 is 10,055 sq. ft. and 60' X 230. They would be seeking a variance for the lot width and the height of the homes. They have existing speed bumps on Mt. Pleasant Ave. near the park. Most of the lots in the area in the Residential B & C zone are 60' wide so they are in keeping with the character of the neighborhood. It would not negatively impact on the area or the zone plan.

Mr. Evans referred to the grading and utility site plan. Show the recharge pits and the guardrail and chain link fence details. They are proposing 2 tiered retaining walls on Lot 15.01 and a small wall on Lot 15.02. All utilities will be connected into Mt. Pleasant Ave.

Mr. Evans said they are showing existing trees and the trees to be removed. All trees shown to be removed will be replaced as shown. They have site details with sanitary connections and wall details. They show the landscaping plan on S5. They have a car turning template showing how a car can pull out onto Mt. Pleasant Ave.

Mr. Evans said they show the floor plans on Sheet A-1. The basement will be a play area, powder room and mechanical room which are approximately 795 sq. ft. They are showing it as a finished basement. The first floor will be 860 sq. ft. which includes the kitchen/dining/living area in the rear and a proposed 10 X 12 deck. There is a powder room, closet and main stair to all levels and a two car garage. The second floor plan which is 1210 sq. ft. which connects to the master bedroom, master bath, two additional bedrooms and full bath. It is 3 bedrooms all together. The total gross living area is 2865 sq. ft. They show the right side elevation which shows the building height that goes from 2 stories to 3 stories in the rear. They have a building height calculation they have done. They have done the same with the left, front and rear elevations. There will be a slight variation with the grading but they are showing the average for each of the dwelling units.

Mr. Evans said the ordinance allows averaging the stories for a structure. It could be calculated to be a 2 ½ story dwelling but at this point they are calling it 3 stories so if there are any variations during construction they would not have to come back to the Board. He thought Lot 15.03 might also require the 3 story condition. If it was a flat parcel they would just have a buried basement but this property drops off considerably to the north so they are taking advantage of the topography in trying to minimize the impact of the development by allowing the walkout basement. The deviation from the zoning ordinance would have no impact on the area. Some houses on Woodrow seem to have the same condition. Most of the surrounding properties have 60' frontages so this would be consistent with the area. There are no 100' lots in the area. Granting these variances would not substantially impair the public good or the intent of the zoning ordinance. As he mentioned they have a hardship with the wetlands buffer. They are limited to development to the west. They must end any improvements to the east of the wetlands buffer. They have met the requirements for lot area for all the lots which is 10,000 sq. ft.

Mr. Evans said he reviewed the police department letter. The issue that they have addressed shows the worst case scenario for the driveways line of sight. He has issued the revision to the engineer and the police. The sight triangle exhibit was submitted by Mr. Evans and marked A-2. They show the worst case scenario would be the car exiting Lot 15.03 and the driver is able to see oncoming cars up to 150' away. They meet the criteria for the sight triangle that way and they also have cars coming up from the west that they are able to see. There are existing speed bumps and signs for them and the playground. There is a lot of warning signs along the street. The driveway area is designed so a car can turn around and pull out frontwards instead of backwards.

The Board engineer's letter dated 7/9/15 was reviewed by Mr. Evans. The engineer asked that they discuss the vegetative area between the wall tiers. They are proposing pacasandra instead of grass that is ground cover that will remain green throughout the year and require

no maintenance. Mr. Murphy has listed 4 conditions which are detailed individual plot plans, structural calculations for the retaining walls, a developer's agreement and obtaining a tree removal permit. Mr. Evans agreed to these conditions.

Chairman Lepore asked about the grade. Mr. Evans said with the way they designed the proposal they have a gentler grade going back and that is why they incorporated the retaining walls and without them the existing grade does drop. Chairman Lepore felt the grade was significant.

Councilman Holloway asked the width of the driveway. Mr. Evans said it was 27' including the turn around.

Chairman Lepore asked if the homes in the area were built before or after the zoning ordinance was in place. Mr. Evans thought they were fairly recent. Chairman Lepore felt that if the homes were built before the zoning was put in place it was not fair to say they are consistent. Mr. Evans said it is keeping with the existing context of the neighborhood and they are not creating something different. Chairman Lepore felt ordinances are sometimes put together to correct a situation. Mr. Evans said the back of Woodrow is the dividing line between the zones. The lots will be consistent with the properties between Brophy and the property in question. Mr. Wenzel said the ordinance was definitely enacted after a vast majority of the town was developed. There are two lots here that are less than the allowable size but they are comparable with what else is there. Mr. Petriello said although they need a variance for the lot width they more than satisfy the lot area and setbacks. He said they proposed one conforming and 2 non-conforming lots. He said you could move the line around and have all 3 less non-conforming. If the Board was inclined to look more favorably on that they could discuss it with the Board. Mr. Wenzel said it appears clear that this is being done because of the particular topography of the area. Mr. Petriello said in 1983 there was a 9 lot subdivision approved for this property with 9 single family houses. During the time the DEP was coming up with different regulations and it was clear that it was impossible to build a 9 lot subdivision. So they are basically looking now at 3 houses that would not negatively impact the neighborhood.

Mayor Kazmark asked about the sight triangle sheet and if there is a proposal for a fence near Woodrow along the eastern side of the property. Mr. Evans said that is just a surveyor's monument. There is a low fence there but does not impede the sight for the vehicles. Mayor Kazmark said he appreciates the design effort for having people pull out of all the driveways facing forward but his concern is if they back out it will be difficult for anyone to see. Mr. Karp said you also have a situation with guests in those spaces that may prevent anyone from coming out front forward. Mayor Kazmark said he doesn't know if this was taken into account but there is permissible parking on the park side of the street. He does not know how that would impact pulling out of those driveways.

Mr. Murphy stated with relation to the sight line drawing the existing plan shows a group of trees at that corner as well. Those trees need to be accounted for in the sight line distance. He said cars backing out on to Mt. Pleasant will happen. He said there is a typo in his letter

and the vacant lot is 81,488' as testified by Mr. Evans. He asked for an explanation on the way the lots were configured. Mr. Evans said the large lot would remain vacant, open land. They are looking for a group who may be interested in purchasing it for a natural area. He requested building height and lot coverage calculations be supplied if the Board approves the application. The draft filed map will have to be revised if approved. The guardrail will also have to be modified to meet current DOT standards.

Chairman Lepore said currently the guardrail is on the inside of the sidewalk and asked it would have to be moved up like the ones installed down the street. He also asked if that would be a problem with the line of sight. Mr. Murphy said he was not envisioning it along the curb and right now his concern is the end treatment that is there because right now it is not compliant. Mr. Murphy said he has looked at the sight line analysis and he stated the trees would have to be removed and if there is a fence it would also have to be removed. Mr. Murphy said he would like to formally review the sight triangle information that was submitted tonight but as of right now he has no other comments.

Mayor Kazmark asked about the number of stories and the comment from Mr. Murphy. He said Mr. Evans said the homes were 2 ½ stories. He asked Mr. Murphy's opinion. Mr. Murphy said as proposed it is his opinion that they are 3 story dwellings. The basements are going to be finished with a bathroom and a walkout and that puts it as a story. It is their opinion that they require the variance as proposed.

Mr. Karp asked if they would be filling in the property. Mr. Evans said yes they would be bringing in fill. Mr. Murphy said the cumulative height of the walls would be 14' so there is a lot of fill going in and it does drop off pretty steeply. He said this is probably another reason why these houses are pushed over to where they are. Mr. Evans said all approvals from DEP are in place for the wetlands. Mr. Petriello asked what trees Mr. Murphy was referring to. Mr. Murphy referred to the plan and noted that at least 3 of the trees are on their property and could be removed and replaced.

PUBLIC OPEN

Sunjay Desai, 186 Mt. Pleasant Ave, was sworn in. He stated he was opposed to the proposal and cutting down trees. They have enough traffic on Mt. Pleasant with two speed humps. The schools are already overcrowded. He felt the ordinance requires a 100 X 100 lot for a single family house in the area. There are other property owners who are rebuilding to the same square footage. He felt a traffic study should be done. He asked the Board to oppose the application.

Donna Murray, 19 Vernon Ct., said she had some concerns. She said her house was built in 1959 and felt the ordinance came in after that. She felt 2 110' lots would fit the bill. She asked about the length of the property. She is concerned about cutting down the trees that absorb the water and a retaining wall coming in. She said it was a swampy area and asked if it would impact flooding in the area. She is concerned about the non-buildable parcel of land and if somebody buys it can they knock down the trees. She felt they are changing the

outlook of the whole property. She said there is a possibility for the houses to be 3 stories from Mt. Pleasant if the variance is approved.

Bob Foglia, 9 Woodrow Ave., stated he had some concerns about the remainder of the property. He asked who would own that lot and maintain it if he sells the other 3 properties. He has a problem with trees falling on his property. The sewer line for 11 Woodrow goes diagonally but felt it would be okay because there is just a driveway there.

PUBLIC CLOSED

Chairman Lepore said the building size can be made available to the public. Mr. Wenzel said the only variance that is required is the lot width and the building height. The lot depths all exceed 100'. Mr. Murphy said it is not a building height variance it is the stories. The Board is considering the application which represents certain things and any change would require a return to the Board for supplemental approvals. If they were to add another story to the front of the building they would exceed the height requirement significantly and have to probably go to the Board of Adjustment for the height of the building. Mr. Wenzel said there is a language difference between building stories and building heights.

Chairman Lepore said the applicant will have to submit a drainage calculation to show how they will handle any water that goes down there. Mr. Wenzel said legally they cannot build something that would allow water to accumulate on another property. Chairman Lepore said as long as they own the property they are responsible for maintenance. He said Mr. Evans owns the property and has a right to develop it. If he wanted to build two homes he would not need a variance and could apply for the subdivision and site plan. Mr. Murphy said that drainage calculations are already addressed and shown on the plan and they meet all requirements. Chairman Lepore did not know if a traffic study is required for single family homes. Mr. Wenzel said normally when you have less intensive use there is no need for a traffic study. The applicant might want to address the plans for the nature lot.

Mr. Evans the property that is there now has been maintained over the years. They would continue to maintain it and be responsible for it. They cannot cut down any trees within the wetlands area. He has looked into the condition of the sound wall on Route 80 and asked if they could have a wall on their property. The state said they can only have a wall if they develop the property. Mr. Murphy asked about the sanitary sewer that Mr. Foglia mentioned. Mr. Evans said there are no recorded easements but they will address it if it becomes an issue.

A motion to deny was made by Ms. VanDyk, second by Mr. Tanski and denied by a vote of 9 – 0.

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