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**PLANNING BOARD
REGULAR MEETING MINUTES
APRIL 13, 2022 - 7:30 P.M.**

1. **CALL MEETING TO ORDER/SUNSHINE STATEMENT** – Planning Board Chair 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 and the Citizen on January 13, 2022 and published on January 19, 2022. 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 Chair 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
Mr. Graham Petto, Board Planner
Ms. Alexandra Handel, Board Engineer

4. **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. Brewer, and seconded by Mr. Weisman, to pay the bills as submitted. All were in favor, and the motion carried.

5. **APPROVAL OF MINUTES**

- a. Minutes of the regular Planning Board meeting of April 13, 2022 were accepted as presented.

6. CORRESPONDENCE

- a. Letter received from Mr. & Mrs. Stinton, of 139 Ridgeview Pl., in opposition of the Park Woods project.
- b. Letter received from Dr. Pitman, whose practice is located at 550 W Main St., in opposition of the Park Woods project.
- c. Letter received from Ms. Derr, of 109 Beam Dr., in opposition of the Park Woods project.
- d. Letter received from Mr. & Mrs. Chadwick, of 160 Ridgeview Pl., in opposition of the Park Woods project.
- e. Resolution from the Town Council approving Plane St., block 34, lots 1.01 and 1.02 to be a Non-Condensation Area in Need of Redevelopment.
- f. Topology to submit a draft of the 2021 Annual Planning Board Report.
- g. Letter was received from Mr. Plocker in response to the Board Engineer's latest report.
- h. Letter was received from Mr. Spingold in opposition of the Park Woods project.
- i. Letter was received from Ms. McKenzie in opposition of the Park Woods project.
- j. Site Plan Report was received from Morris County Planning Board regarding the Park Woods project.

7. RESOLUTIONS

- a. None was received.

8. PUBLIC HEARINGS

a. APPLICATION 2016-8 PARK WOODS ASSOCIATES, LLC

Ely Place and Fanny Road – Block 113, Lot 10
Site Plan w/ Bulk Variances

Mr. Plocker introduced himself on behalf of the applicant, and then he introduced Mr. McDonough, the applicants Planner. The Board Chair discussed the response letter that was received from Mr. Plocker, and discussion ensued. Mr. Carlson made comments.

Mr. Carlson swore in Mr. John McDonough at this time. Mr. McDonough stated his education and credentials, and was accepted by the Board as an expert planner. Mr. McDonough stated that he prepared a standard analysis to the application, and he made the following comments:

- The application consists of 1 tax lot which is 3.28 acres
- The lot has frontage on Ely Rd. and Fanny Pl., but it is not a corner lot; it is an irregular “u” shaped lot which form runs with the land.
- Stated that he thinks that the applicant has done a good job of creating a linear development, and the townhouse project adapts to the land geometry and condition. In his professional opinion, the development goes to stewardship of the land better than a single-family house, which tends to be more sprawling.
- The core aspect of the application is inclusionary housing. There are a total of 20 units of which 17 are market rate, and 3 affordable. 15% set aside is typical.
- The parcel is in the R-4 residential district, and the zone intent is to create housing opportunities that would go toward the Town's fair share housing obligations, that comes on the heels of the town master plan and court order of fair share housing.
- The site plan is substantially in conformance with good zoning as it is adhering to the use, density, parking, dimensions, coverage, capacity, and setbacks.
- The applicant is asking for three bundles of ‘c’ variance relief.
- The setback of the fence system from the right-of-way is required to be 25 feet, and the applicant is asking to reduce this distance based on tree and vegetation preservation.

- The applicant is also seeking design exceptions regarding sidewalks, distance between a parking lot and building, and signage. This relief would provide balance and proportionality as a whole.
- The ‘c’ variance relief is such that the benefits outweigh the detriments of the applicant. This project advances the Town’s fair share housing plan, it will promote fundamental planning goals to replenish housing stock, and it will provide for housing diversity in a variety of land uses. In addition, the goal to provide for compact development is efficient use of land, and the MLUL encourages creative solutions for dealing with lack of land. This project promotes core-planning goals for positive aesthetics, contact sensitivity, and is in accordance with today’s market demand.
- Commented that this is a vestige of original forest, that in the last 40 – 50 years, the mountain range has slowly become more residential, and this is one of the last undeveloped parcels in the area.
- Noted that steep slope relief is the biggest request, but the stewardship of the land is important in consideration. An aspect of land use law is balancing the considering goal of affordable housing, and that the site can be built safely without any environmental impacts. None of the planning purposes behind steep slope controls is violated, and substantial credible evidence has been put on record. Steep slopes controls are environmental based, but many aspects of concern have been addressed.
- Stated that the Town housing element and fair share plan identify this parcel as suitable for development, and there are four criteria as requirements: approvable, available, developable, and suitable. All four criteria have been found to be appropriate by the housing element and fair share housing.
- Referenced that with respect to the steep slope consideration, housing element, fair share plan, and zoning ordinances, that ordinance 01-20 allows for stacked townhomes, and that this ordinance were crafted with full knowledge of this project. Finally, the court order ruled that the steep slope ordinance should be viewed different in light of the remand.
- Regarding the relief related to fencing, setback, and height are in the best interest of public safety.
- As per the design exceptions, the Board has to find that the site plan works effectively, and that it meets the standard of reasonableness and practicability. The distance from the building to off-street parking matches the boutique scale of the development and is acceptable. The relief related for signage is modest and aesthetic based with no visibility impacts.

The Board Chair opened the hearing at this time for Board comment.

Mayor Corcoran asked Mr. McDonough to explain word ‘boutique’. Mr. McDonough stated that he uses the word as substitute for ‘small scale’. Mayor Corcoran asked if Mr. McDonough knew how many R-4 zones there were in Boonton. Mr. McDonough responded that there is only one. Mayor Corcoran asked if the steep slope ordinance applied to the whole town. Mr. McDonough said yes. Mayor Corcoran asked for clarification why this site design would be worse for single-family homes. Mr. McDonough replied that multi-use projects like this work with the land, whereas single-family homes with manicured lawns take up space. Mayor Corcoran asked Mr. McDonough to expand on affordable housing specifically how this project ties in to the Town’s plan. Mr. McDonough responded that the total obligation under the settlement with fair share includes this site as being identified in the realistic development plan (RDP). Mayor Corcoran asked if Mr. McDonough knew of any other developments that could satisfy that need. Mr. McDonough replied that he did not look into other sites. Mayor Corcoran asked if Mr. McDonough could explain the unmet need and RDP to the public. Mr. McDonough stated that the RDP can realistically be developed, and that the Town’s obligation is over 200. Mayor Corcoran asked if Mr. McDonough knew the status of the Town’s obligation, and if the obligation is met, does it change the planners analysis. Mr. McDonough stated that it does not change. The housing cycle will continue and if obligation is met now that more affordable housing will serve the public interest.

Ms. DeVenezia asked to revisit the idea of when it is appropriate to have sidewalks or when they are not necessary. Mr. McDonough replied that he does not know when that quantifiable tipping point is, but generally, on smaller scale roadways with dead ends, no current sidewalk system to interconnect to, and in the interest of maintaining the rustic qualities of the area, sidewalks can be excessive and not serve a practical planning purpose in the interest of safety. In his professional opinion, it would add to the character and ambiance to not have sidewalks.

Ms. DeVenezia asked if Mr. McDonough considered the site rustic. Mr. McDonough replied yes, further stating that the beauty of the town is landscaping and it's built, and natural, environment, and the existing development in town works its way into the same landform that this developer is trying to achieve.

Mr. Weisman thanked Mr. McDonough for his testimony, and asked why steep slope ordinance exist, and why are they important. Mr. McDonough replied that the ordinance came into effect in the 1980's as developments were pushed to extremes, the flat land is gone, and in the interest of balancing the public need with environmental protection. Mr. Weisman asked if this site is considered extreme. Mr. McDonough responded that this is one of the last sites available in Boonton. Furthermore, Mr. McDonough stated that one of the notable things about Boonton is that Main Street is built on a steep slope. Mr. Weisman noted that Mr. McDonough referenced the master plan, inclusionary affordable housing, and made conversation about preserving character of surrounding neighborhood. Mr. Weisman asked how all of this is proposed. Mr. McDonough stated that the character starts with buildings, and elements of this design were done with consideration of the surrounding built environment. As a landscape architect, plantings are designed to integrate the building into the natural environment. Mr. McDonough believes that there is good cohesion between the natural and building environment. Mr. Weisman asked what happens when steep slopes fail, and what the risk to the town and surrounding properties is. Mr. McDonough noted that slope failures go downhill, but there are controls to protect from failure and that soil erosion and sediment control measures are designed into the plan. Mr. McDonough noted that anything is possible with development, and they will work with reasonableness and prudence. Mr. Weisman asked if there were fewer units, would there be less damage to the surrounding area. Mr. McDonough responded that he does not know if a smaller development would have lesser impact, but the test is will this development create substantially adverse impact, which it does not. Mr. Weisman asked how Mr. McDonough could say there is no environment impact without an environmental impact study. Mr. McDonough replied that the design and the testimony provided are enough to give assurance. There is a drainage design with engineering principles; the Morris County Soil Conservation District has to approve the plan and project. Mr. Weisman asked how evidence would be uncovered of impact. Mr. McDonough replied by the boards professionals.

Ms. DeVenezia asked if Mr. McDonough was aware of slope failures in Boonton within the last 10 years. Mr. McDonough replied no. Ms. DeVenezia asked if Mr. McDonough knew how many slopes have failed. Mr. McDonough said no

Mayor Corcoran asked for clarity for the public about the R-4 zone and density, if the zoning permits 'up to 20' units or dictates it shall be 'as 20' units. Mr. McDonough replied that there is a maximum number of units, but he does not know the exact number. Mayor Corcoran asked if there was a maximum, would that imply that a developer could do less than 20 units. Mr. McDonough replied that this does not foreclose an applicant from asking for maximum.

The Board Chair opened the hearing at this time for the Board's professionals comment.

Ms. Handel asked if the applicant had received the Morris County Planning Board (MCPB) Review Letter. Mr. McDonough replied yes but he has not read it. Ms. Handel talked about how the MCPB report discusses that the applicant should be willing to connect with outsidess sidewalks if the town added sidewalks. Ms. Handel stated that the applicant has been creative in the design as proposed, but in her professional opinion, the removal of building 4 would promote a better balance. Mr. McDonough said that building 4 provides for good proportionality, and is a critical mass to create the feeling of community. Ms. Handel asked if the affordable housing requirements could be met with a different configuration. Mr. McDonough replied that the applicant delivered affordable housing needs as per the plan.

Mr. Petto read the ordinance on affordable housing, 300-85J, for benefit of Board and Public. Further, he stated that the minimum size of 1,000 square feet for the two-bedroom units do not comply with size requirements of the zone. Mr. McDonough replied that the applicant would require additional relief if it does not meet requirements. Mr. Petto asked concerning the 'balance test', if steep slope variance relief is required, is there sufficient balancing to match the affordable housing need. Mr. McDonough responded that the consideration of balance is recognized in the housing element where it states that this site has steep slopes, and that the four criteria were met to dictate this lot to be developable. The housing element says this application does not get a free pass, but the project should have appropriate vetting and none of the steep slope disturbance is detrimentally adverse.

Having no further questions, the Board Chair opened the hearing at this time for public questioning of this witness based on his testimony this evening.

Mr. Tom Menard of 33 Hillcrest Road, Mountain Lakes, questioned the set aside of affordable housing, asking why only three units and not four units are for affordable housing as typical is 20%. Mr. McDonough replied that the affordable units would be rental; therefore, only 15% need be set aside.

Mr. Bruce Rockwell of 15 Hapgood Court, Boonton, asked if this development is in the R-4 zone. Mr. McDonough replied yes. Mr. Rockwell asked when this application came before board, was it in the R-4 zone. Mr. McDonough responded that the parcel was split zoned in a different R zone and B zone. The site has been unified to one zone district. Mr. Rockwell asked about sidewalks, what was Mr. McDonough opinion about safety relative to sidewalks. He asked if Mr. McDonough would controvert the City Transportation Officials. Mr. McDonough replied that he does not know the factual basis for that content, and that he does not consider Boonton to be a city. Mr. Rockwell asked Mr. McDonough to reaffirm his statement relative to the safety of sidewalks. Mr. Plocker stated that Mr. McDonough did not testify to safety of sidewalks. Mr. McDonough stated that sidewalks are not appropriate in all residential developments. Mr. Rockwell asked if a design waiver would be required for not installing sidewalks. Mr. McDonough said no.

Ms. Marianne McGlone-Belardinelli of 120 Ely Place, Boonton, noted that Mr. McDonough testified that he looked at the area and asked if the subject property is similar to other parts of this area. She also asked Mr. McDonough how many condominiums are within 200 feet of this area. Mr. McDonough responded that he did not know, but he does know that townhomes are within line of sight of the parcel. Ms. McGlone-Belardinelli asked how many residential rental units are in area. Mr. McDonough stated that they are not allowed, and that it would be inappropriate, to regulate who lives in what houses. Ms. McGlone-Belardinelli asked should people be concerned about the makeup of a rental property. Mr. McDonough replied that he was not going to answer that question. Ms. McGlone-Belardinelli noted that Mr. McDonough classified the plantings as “dense”, and asked where the plantings would grow over time with 20 units considering driveways, roads, and buildings. Mr. McDonough responded while looking at the plant schedule, that there are approximately 2 – 3 dozen different plants types and over 2000 ground covers. Ms. McGlone-Belardinelli asked what trees are covering this part of the area. Mr. McDonough replied that what he liked about this planting proposal is that the applicant is proposing to preserve 30% of site. The entire development is to be lined with hundreds of plantings, and ground cover, which would provide stability. Ms. McGlone-Belardinelli asked if Mr. McDonough testified that no environment impact would effect site. Mr. Carlson retorted that Mr. McDonough did not testify to environmental impact. Ms. McGlone-Belardinelli asked if this parcel was the last green space in Boonton. Mr. McDonough replied that he did not know if this was the last, but the rest of town is substantially developed. Ms. McGlone-Belardinelli asked if Mr. McDonough thinks that this site can be developed. Mr. McDonough stated that this is a plated lot that the owner has right to build on.

Mr. George Chadwick of 160 Ridgeview Place, Boonton, expressed concern about safety. Mr. McDonough stated that safety is fundamental to planning. Mr. Chadwick noted that the project proposes 17 marketable units each having three bedrooms. Mr. Chadwick asked Mr. McDonough how many children he would expect throughout the units. Mr. McDonough replied that the project could generate children, and that there is nothing wrong with that from a planning standpoint. Mr. Chadwick asked if incorporating sidewalks would make it safer for the children in the development. Mr. McDonough replied that his statement was taken out of context, and for the reasons of the slow speed of roadway, the dead end court, and not a through-road that sidewalks are not necessary. Mr. Chadwick asked if sidewalks were added would it be at the expense of further disturbing steep slopes. The Board Chair stated that is a question for an engineer. Mr. Chadwick asked Mr. McDonough if he was confident that the slopes would be safe, to which Mr. McDonough responded yes. Mr. Chadwick asked why do slope ordinances exists. Mr. McDonough stated that steep slopes controls are there for valid reasons, but the applicant has addressed these concerns. Mr. Chadwick asked if Mr. McDonough could identify townhouses or apartment buildings in this section of Boonton. Mr. McDonough stated that he does not know. Mr. Chadwick asked when in planning does Mr. McDonough intend to survey the immediate neighbors for their opinion. Mr. McDonough replied that is part of the whole planning process that forms the master plan, and that the applicant has followed good zoning.

Ms. Linda Hogoboom of 21 Chestnut Street, Boonton, asked under what credentials Mr. McDonough was testifying. Mr. McDonough stated that he is a licensed planner. He continued that planning, by nature, looks at architecture, landscape, and land planning. Ms. Hogoboom asked what is proposed to be taken out in terms of

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trees and shrubs, and if the applicant would submitting a landscape plan before the Board votes. Mr. McDonough stated that a landscape plan was submitted. Ms. Hogoboom asked if a sidewalk was on the initial plan. Mr. McDonough replied no, but there is a stipulation that sidewalks will be provided pending Board approval. Ms. Hogoboom asked Mr. McDonough to clarify the existence of sidewalks in the plan. Mr. McDonough stated that each unit offers sidewalks from the road to the front door. Ms. Hogoboom asked if there would be sidewalks from the unit to the mailboxes. Mr. McDonough stated no, and that the road is the walkway.

Hearing no further questions from the public for Mr. McDonough, the Board closed the hearing to the public.

Mr. Carlson asked Mr. McDonough if sidewalks were not necessary in particular to this development. Mr. McDonough replied yes. Mr. Carlson replied with a statement that the applicant is now proposing to put sidewalks in. Mr. Plocker responded that the applicant would agree to install sidewalks as a condition of approval. Mr. Carlson asked if the installation of sidewalks would increase steep slope disturbance. Mr. McDonough responded, yes. Mr. Carlson questioned if Mr. McDonough’s findings or conclusions change if steep slope disturbance increased with association of sidewalks. Mr. McDonough replied no, because the disturbance is nominal.

Mayor Corcoran asked if updated steep slope disturbance calculations have been done if sidewalks were added. Mr. McDonough replied no.

Hearing no further questions from the Board or Mr. Plocker, the Board thanked Mr. McDonough for his testimony. The Board Chair at this time opened the hearing for public opinion and comment.

Opinions and comments were made by the following members of the public; Ms. Linda Hogoboom of 21 Chestnut St., Boonton, Mr. Bruce Rockwell of 15 Hapgood Court, Boonton, Ms. Marianne McGlone-Belardinelli of 120 Ely Road, Boonton, Mr. Michael Anest of 404 Holmes St., Boonton, Ms. Susan Garwood of 118 Fairview Ave., Boonton, Ms. Maureen McGreal of 159 Ridgeview Pl., Boonton, Mr. George Chadwick of 160 Ridgeview Pl., Boonton, and Mr. Tom Menard of 33 hillcrest Rd., Mountain Lakes.

Hearing no further opinion or comment from the public, the Board Chair closed the meeting to the public at this time.

Ms. Handel, Board Engineer, asked to make a final comment. Ms. Handel read a prepared statement outlining her professional review throughout the hearing and expressed her concerns from her review letters with the proposed project that were not answered or addressed.

Mr. Petto noted the additional variance’s that would be requested with relation to the size of the affordable units as proposed in the most recent plan update.

Mr. Plocker responded to Ms. Handel’s comments, and he made a closing statement.

The Board Chair opened the hearing at this time for Board discussion.

A motion was made by Mr. Orlusky, which was seconded by Mr. Weisman, to deny the application.

| NAME | YES | NO | ABSTAIN |
|----------------|------------|-----------|----------------|
| Mr. Brewer | X | | |
| Mr. Orlusky | X | | |
| Mr. Vasa | X | | |
| Mr. Weisman | X | | |
| Mr. Wrobel | X | | |
| Ms. DeVenezia | X | | |
| Mayor Corcoran | X | | |
| Mr. Vasa | X | | |
| Mr. Phelps | X | | |

The motion carried on a vote, 9 YES, 0 NO.

9. INVITATION FOR PUBLIC COMMENT OF NON-AGENDA MATTERS

- a. No comment was made.

10. BOARD DISCUSSION ITEMS

- a. No items were discussed.

11. NEW BUSINESS

- a. Topology discussed the option to begin the May 11 and June 8 Board meetings at 7:00 PM, instead of the scheduled 7:30 PM, to utilize the added half of an hour for Board training. The Board verbally agreed, with no objection.

12. ADJOURNMENT

- a. There being no further business to come before the Board, a motion was made by Mayor Corcoran, and seconded by Ms. DeVenezia, to adjourn. All were in favor on a voice vote. The motion carried, and the meeting was adjourned at 10:04 PM.

Respectfully submitted,

Steven Willenborg

Steven Willenborg
Planning Board Clerk