



**PLANNING BOARD  
REGULAR MEETING MINUTES  
MAY 10, 2023 - 7:30 P.M.**

1. **CALL MEETING TO ORDER/SUNSHINE STATEMENT** – Planning Board Chair called the meeting to order at 7:30 pm 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 20, 2023 and published on January 25, 2023. 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:

<b>NAME</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
Mr. Weisman	X		
Ms. DeVenezia	X		
Mr. Brewer		X	
Mr. Khokhar	X		
Mr. Orlusky	X		
Mr. Vasa	X		
Mr. Venturini		X	
Mr. Wrobel	X		
Mr. Schnitzler	X		
Mr. Phelps	X		

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. Orlusky, and seconded by Mr. Wrobel, 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 12, 2023 were accepted as presented.
6. **CORRESPONDENCE**
- a. No correspondence was received.

## 7. RESOLUTIONS

### a. RESOLUTION OF APPROVAL

IN THE MATTER OF  
EKM PROPERTIES, INC.

: PLANNING BOARD OF THE  
: TOWN OF BOONTON  
: APPLICATION NO. 2023-01  
: BLOCK 71.12; LOT 23  
: 289 MYRTLE AVENUE

**WHEREAS**, EKM Properties, Inc. (“Applicant”) requested approval for bulk variances and preliminary and final site plan approval for the property located at Block 71.12, Lot 23 on the tax map of the Town of Boonton, being commonly known as 289 Myrtle Avenue, Boonton, New Jersey (the “Property”), located in the C-2 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 bulk variances and preliminary and final site plan approval (the “Application”) on April 12, 2023; and

**WHEREAS**, the Applicant was represented by Bernard Bacchetta, Esq. and

**WHEREAS**, the Board heard the testimony and evidence presented by the Applicant and solicited comments from the public. The Applicant seeks to construct an approximately 1,250 SF addition to the rear of the existing building on the site. The proposed addition will be located along the southern façade of the building, adjacent the existing retail space. The proposed addition will increase the area of the building dedicated to retail sales from 8,544 SF to 9,798 SF. The Applicant also proposes related site improvements including 10 new parking spaces (revised to 11 new parking spaces at hearing) within the existing parking area on the Property.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board of the Town of Boonton, County of Morris and State of New Jersey, on the 12<sup>th</sup> day of April, 2023, 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 February 23, 2023;
  - b. Application for Variances filed February 23, 2023;
  - c. Property Owner Disclosure Statement;
  - d. Property Owner’s Consent Form;
  - e. Checklist for Determining Completeness of Application, Town of Boonton Planning Board;
  - f. Addendum E Preliminary Site Plan Checklist;
  - g. Addendum F Final Site Plan Checklist;
  - h. Site Plan Set, consisting of 3 sheets, prepared by Dykstra Walker Design Group dated December 21, 2022;
  - i. Architectural Plan Set, consisting of 3 sheets prepared by Paul K. Tiajolloff, dated May 17, 2022, revised February 15, 2023;

- j. Property Survey, prepared by Borbas Surveying & Mapping, LLC, dated October 15, 2022, revised January 20, 2023;
  - k. Resolution of Prior Minor Subdivision Approval;
  - l. Stormwater Management Plan, prepared by Dykstra Walker Design Group.
  - m. Letter from Morris County Planning Board to Town of Boonton Planning Board, dated September 21, 2021;
  - n. The report of the Board engineer; and
  - o. The report of the Board planner.
3. Based upon the sworn and qualified testimony of Mark Walker, Applicant's licensed professional engineer, that Board found that the Property is 1.7 acres in area, located in the C-2 zone district, and is abutting to State Route 287 and Myrtle Avenue. The Property is developed with a retail/commercial building, parking, and related site improvements. Currently, 39 parking spaces exist on-site. The existing building is three-stories in height and is used for retail and commercial uses.

Applicant proposes a one-story addition to the rear of the building of approximately 1,250 SF. Applicant proposes to reconfigure the parking field to contain angled parking and thereby provide for an additional ten parking spaces (after submission of the Application, Applicant made minor revisions to the plans that would result in an additional parking space, for a total of 11 new parking spaces). As proposed, 75 parking spaces would be required by ordinance and a total of 50 are proposed, reducing the existing deviation from the requirements of ordinance and bringing the Property further into compliance with the requirements of the zone district. The parking spaces, as proposed, would be 9'x18' in dimension, where dimensions of 9'x20' are required by ordinance, and therefore variance relief is requested. Several other minor parking circulation improvements are proposed, as detailed in the submitted plans.

Several mature trees are located along the Property's Myrtle Avenue boundary, which present maintenance issues for Applicant. Applicant proposes to add a sidewalk along that property boundary, along with three new street trees. Various improvements to the existing lighting of the parking field are also proposed.

The Board further noted that the Property has two front yards, and that no setback variance relief is required as the proposal complies with the setback requirements applicable to front yards in the C-2 zone district.

4. Based on the sworn and qualified testimony of Paul Tiajolloff, Applicant's licensed professional architect, the Board found that the proposed addition is approximately 1,250 SF, to be built on the eastern side of the existing structure. It will be constructed of masonry walls and a wood roof, with a stucco exterior. The addition will improve circulation within the building by providing customers a more efficient means to exit. Stormwater will be collected from the roof and discharged directly into existing stormwater infrastructure.
5. Based upon the sworn testimony of Edward Malavarca, business representative of Applicant, the Board found that the purpose of the Application is to provide for improved circulation within the existing building and to provide additional on-site parking. Applicant does not anticipate any additional customers or traffic would be created by the approval of this Application. Similarly, no additional noise or trash would be generated by the grant of the relief requested.
6. 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 12<sup>th</sup> day of April, 2023, concluded that this Application for preliminary and final site plan approval 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 12<sup>th</sup> day of April, 2023, the Application of EKM Properties, Inc. 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 meeting of April 12, 2023.
2. Applicant shall comply with all comments set forth in the review letters submitted by the Board's professional planner and professional engineer.
3. Applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the municipal ordinances.
4. 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.
5. 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.
6. The parking stalls shall be delineated by "hairpin" striping (i.e., double-striped), as described through testimony.

**VOTE OF ROLL CALL FOR APPROVAL OF REQUESTED BULK VARIANCE RELIEF:**

**IN FAVOR:** Messrs. Weisman, Brewer, Khokhar, Orlusky, Vasa, Venturini, Wrobel and Phelps, and Ms. DeVenezia

**AGAINST:** None

**VOTE OF ROLL CALL FOR APPROVAL OF RESOLUTION:**

**IN FAVOR:** Messrs. Weisman, Khokhar, Orlusky, Vasa, Wrobel and Phelps, and Ms. DeVenezia

**AGAINST:** None

**8. PUBLIC HEARINGS**

- a. No public hearings occurred.

**9. INVITATION FOR PUBLIC COMMENT OF NON-AGENDA MATTERS**

- a. No comment was made.

**10. BOARD DISCUSSION ITEMS**

- a. The Board Chair asked the Board’s opinion about going out to RFP later this calendar year for the Board’s professionals. Discussion ensued. It was agreed upon that RFP’s should be issued for the Board Engineer and Board Attorney, and since we are in the middle of a Zoning Ordinance re-write with the Board Planner that no RFP would be issued for Board Planner. The Board Chair requested that the Board Clerk notify Mr. Henry, Town Administrator, of the Board’s intent, and that the Board Chair draft RFP’s as requested.

**11. NEW BUSINESS**

- a. No new business was discussed.

**12. ADJOURNMENT**

- a. There being no further business to come before the Board, a motion was made by Ms. DeVenezia, and seconded by Mr. Orlusky, to adjourn. All were in favor on a voice vote. The motion carried, and the meeting was adjourned at 7:45 PM.

Respectfully submitted,

*Steven Willenborg*

Steven Willenborg  
Planning Board Clerk