



**PLANNING BOARD
REGULAR MEETING MINUTES
JUNE 14, 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:

NAME	PRESENT	ABSENT	EXCUSED
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		

The following were also present:

- Mr. Andrew Holt, Engineer
- Mr. Chris Colley, Planner
- Mr. Scott Carlson, Attorney

- 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 Ms. DeVenezia, 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 May 10, 2023 were accepted as presented.

6. CORRESPONDENCE

- a. E-mail received from Mr. Michael Stora of the Boonton Revitalization Association requesting that the Board consider the Preliminary Boonton Commercial Revitalization Plan, which was attached in the email.
- b. Topology notified that their draft of the 2022 Annual Report was prepared and ready for presentation.

7. RESOLUTIONS

- a. No resolutions were heard.

8. PUBLIC HEARINGS

- a. **APPLICATION 23-02 HOGOBOOM**
228 W Main St., Block 115, Lot 11
Subdivision

Mr. Bernard Bacchetta introduced himself as the attorney representing the applicant, John Hogoboom and discussed the proposed subdivision, and gave his opinion on whether or not the application required a variance and public notice.

Mr. Carlson provide the Board with his opinion as to whether this application required a variance.

Mr. Brewer asked if there could be any recourse against the Board if the Board does not require a variance with public notice for this application. Mr. Carlson said there was no financial risk to the town, and the risk is entirely on the applicant should someone challenge the resolution and approval.

Mr. Wrobel asked about the potential need of a variance if future development was proposed on the subject property. Mr. Carlson stated that would be treated as a separate application and would require a variance.

Mr. Bacchetta discussed other non-conformities in Board hearings that did not request or require a variance by the Board in its previous applications. Mr. Bacchetta continued to plead his case that a variance should not be required for this application.

Mr. Holt discussed that there should be testimony provided that the applicant was not able to create a fully conforming lot, and the substandard proposed lot is the best that they can do.

Mr. Colley requested that there should be testimony provided whether the subject properties were part of a subdivision in the past.

Mr. Bacchetta introduced Mr. Michael Cardillo of 228 W Main St., Boonton, who was sworn in at this time. Mr. Bacchetta questioned Mr. Cardillo regarding the subdivision of the rear of his property.

The Board Chair opened the hearing at this time for Board comment. Hearing no comments or questions from the Board, the Board Chair opened the hearing at this time for the Board's professionals comment.

Mr. Colley asked how many residential units were on the parcel of 228 W Main Street, and Mr. Cardillo replied only one dwelling unit.

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. Hearing no questions from the public, the Board Chair asked Mr. Bacchetta for the next witness.

Mr. Bacchetta introduced Mr. John Hogoboom of 21 Chestnut St., Boonton, who was sworn in at this time. Mr. Bacchetta questioned Mr. Hogoboom regarding the subdivision that would add roughly 5,200 square
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feet to the rear of 21 Chestnut St. Mr. Hogoboom stated that he has no construction plans for the existing or proposed expanded area, and that he did not intend to further develop the proposed expanded lot in any way. Mr. Hogoboom stated that he simply wants to create a larger rear yard. Mr. Bacchetta continued to discuss the probability that the lot was subdivided at an unknown date, but they have record of it being the current block and lot, which is assumed to be post subdivision, since at least 1940.

The Board Chair opened the hearing at this time for Board comment. Hearing no comments or questions from the Board, the Board Chair opened the hearing at this time for the Board's professionals comment.

Mr. Holt asked if any attempt was made to create a conforming lot size of 12,500 square feet. Mr. Hogoboom stated that no attempt was made, and he was not aware of a feasible way to make a conforming lot size. Mr. Holt stated that if the Board looks favorably upon this application that a correction be made in the closure calculations as outlined in the engineering report. Mr. Holt also stated that an existing retaining wall is encroaching on a neighboring property, and it should be addressed.

Mr. Colley asked about the subdivision history of the property, and asked for clarification that since at least 1940 the existing lot has been in that condition to which Mr. Bacchetta confirmed.

Mr. Holt asked for one clarification from the prior witness. Mr. Holt asked Mr. Cardillo if he would be willing to sell more of his property to the Hogoboos to create a conforming lot, and Mr. Cardillo replied no.

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. Hearing no questions from the public, the Board Chair asked Mr. Bacchetta for his closing statement.

Mr. Bacchetta stated that he opened the hearing with his closing statement, but requested that the Board look favorably upon the application.

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

Mr. Orlusky made a motion to approve application 23-02 subject to the conditions in the reports of the engineer and planner, which was seconded by Ms. DeVenezia.

NAME	YES	NO	ABSTAIN
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			
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. OLD BUSINESS

- a. No old business was discussed.

12. NEW BUSINESS

- a. Mr. Colley briefly presented the proposed 2022 Annual Report, and made two recommended zoning changes based on the applications of that year.

Mr. Wrobel asked about the zoning recommendation to set a maximum height and design standard for retaining walls, and how that would impact current and future applications. Mr. Colley answered.

Mr. Orlusky asked what a retaining wall ordinance would look like, and Mr. Holt responded that it would impact overall engineering, steep slopes, wall construction style, run-off, and other factors, and provide future applications with a set of parameters with which to build a wall. It would also provide the Board Engineer with the same parameters to govern retaining wall construction.

Ms. DeVenezia asked if Mr. Holt could present an example so that it could be better understood how a retaining wall ordinance would impact Boonton. Mr. Holt replied that he would create a small presentation.

- b. The Board Chair discussed the need for the Board to create an RFP for a traffic consultant on an as-needed basis. No members of the Board had objections to the draft RFP that was distributed, and the Board Chair requested that the Board Clerk forward the RFP to the Town Administrator for processing.

13. ADJOURNMENT

- a. There being no further business to come before the Board, a motion was made by Mr. Brewer, and seconded by Ms. DeVenezia, to adjourn. All were in favor on a voice vote. The motion carried, and the meeting was adjourned at 8:09 PM.

Respectfully submitted,

Steven Willenborg

Steven Willenborg
Planning Board Clerk