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**PLANNING BOARD
REGULAR MEETING MINUTES
JULY 12, 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 to conduct Roll Call:

NAME	PRESENT	ABSENT	EXCUSED
Mr. Brewer	X		
Ms. DeVenezia	X		
Mr. Khokhar	X		
Mr. Orlusky		X	
Mr. Schnitzler	X		
Mr. Vasa	X		
Mr. Venturini	X		
Mr. Weisman	X		
Mr. Wrobel	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 Ms. DeVenezia, 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 July 12, 2023 were accepted as presented.

6. **CORRESPONDENCE**

- a. No correspondence was received.

7. **RESOLUTIONS**

- a. **RESOLUTION OF APPROVAL**

**APPLICATION OF
JOHN HOGOBOOM
APPROVAL OF MINOR SUBDIVISION**

IN THE MATTER OF
JOHN AND LINDA HOGOBOOM

: PLANNING BOARD OF THE
: TOWN OF BOONTON
: APPLICATION NO. 2023-02
: BLOCK 115; LOT 12.03
: 21 CHESTNUT STREET;
: (228 WEST MAIN STREET;)
: (BLOCK 115; LOT 11)

WHEREAS, John and Linda Hogoboom (“Applicant”) requested approval for minor subdivision approval for the property located at Block 115, Lot 12.03 on the tax map of the Town of Boonton, being commonly known as 21 Chestnut Street, Boonton, New Jersey (the “Property”), located in the R3-A Zone District (donating property indicated above located at Block 115, Lot 11 on the tax map of the Town of Boonton, being commonly known as 228 West Main Street, Boonton, New Jersey, in the B-4 zone district); and

WHEREAS, by Ordinance adopted by the Mayor and Board of Alderman (now the Boonton Town Council) 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 June 14, 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; and

WHEREAS, the Applicant is the owner of 21 Chestnut Street (Block 115, Lot 12.03) (the “Chestnut Street Property”). The Applicant is also the contract purchaser of a roughly 5,213 square foot portion of 228 West Main Street (Block 115, Lot 11) (the “West Main Street Property”). Upon purchase, the Applicant proposes to merge this portion of the existing Lot 11 with the existing Lot 12.03.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Boonton, County of Morris and State of New Jersey, on the 14th day of June, 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 May 23, 2023;
 - b. Property Owner Disclosure Statement;
 - c. Property Owner’s Consent Form D. Checklist for Determining Completeness of Application, Town of Boonton Planning Board A;
 - d. Addendum A – Minor Subdivision Plat Checklist;
 - e. Subdivision Plat, prepared by Wm. F. Zimmerly & Associates Land Surveying dated November 14, 2022 and revised May 1, 2023;
 - f. Certification of Taxes Paid, received June 1, 2023;
 - g. Proof of Payment, received March 24, 2023;
 - h. The report(s) of the Board professional engineer; and
 - i. The report(s) of the Board professional planner.

3. Based upon the comments of Bernard Bacchetta, Esq., attorney for Applicant, the Board noted that Applicant seeks a minor subdivision of the subject properties. The West Main Street Property is a deep parcel that abuts the width of the Chestnut Street to Property at the rear of each property. Applicant seeks to acquire that portion of the West Main Street Property that abuts the rear yard of the Chestnut Street Property, subdivide that portion of the West Main Street Property, and merge that portion of the West Main Street Property into the Chestnut Street Property. Presently, the Chestnut Street Property does not satisfy the requirements for lot area in the zone district. With the addition of the proposed subdivided portion of the West Main Street Property, the Chestnut Street Property would remain undersized for the zone district. It was determined at hearing, however, that because the grant of the requested relief would bring the existing non-conforming condition (lot size) into greater conformance with the requirements of the zone district, no variance is required. No new construction is proposed or anticipated.
4. Based upon the sworn testimony of Michael Cardillo, owner of the West Main Street Property, it was established that he was owner of the West Main Street Property. It was further established that Mr. Cardillo entered into a contract agreeing to sell the subject portion of his the West Main Street Property to Applicant pending the approval of the requested minor subdivision. Mr. Cardillo further established that he was unwilling and/or unable to sell any further portion of the West Main Street Property to Applicant.
5. Based on the sworn testimony of John Hogoboom, Applicant, it was established that he is the owner of the Chestnut Street Property. Applicant is under contract to purchase the subject portion of the West Main Street Property from its owner(s). Applicant intends to use the newly acquired property as a larger backyard for the Chestnut Street Property. Applicant is not aware of any previous subdivision of the Chestnut Street Property or how it came to be undersized for the zone district. Any attempt to create two fully-conforming lots would result in two irregularly shaped lots.
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 14th day of June, 2023, concluded that this Application for minor subdivision approval can be granted because same is consistent with the requirements of N.J.S.A. 40:55D-47.

NOW, BE IT FURTHER RESOLVED, by the Planning Board of the Town of Boonton, County of Morris and State of New Jersey, on the 14th day of June, 2023, the Application of John and Linda Hogoboom 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 June 14, 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.

Mr. Brewer made a motion to approve resolution 23-02, which was seconded by Ms. DeVenezia.

NAME	YES	NO	ABSTAIN
Mr. Brewer	X		
Ms. DeVenezia	X		
Mr. Khokhar	X		
Mr. Schnitzler	X		
Mr. Vasa	X		
Mr. Venturini	X		
Mr. Weisman	X		
Mr. Wrobel	X		
Mr. Phelps	X		

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

8. PUBLIC HEARINGS

- a. No public hearing was made.

9. INVITATION FOR PUBLIC COMMENT OF NON-AGENDA MATTERS

- a. Ashley Kerian of 1216 Birch St. read a statement regarding the current zoning of the 1200 block of Birch St. Mr. Phelps commented that all of Ms. Kerian's concerns should be taken to the Town Council, Town Engineer, and Zoning Officer.
- b. Stacey Witcraft from 1202 Birch St. echoed the concerns of Ashley Kerian.
- c. Councilman Zeke Balan spoke briefly regarding a proposed ordinance that will be heard at the August Planning Board meeting.

10. BOARD DISCUSSION ITEMS

- a. No items were discussed.

11. OLD BUSINESS

- a. No old business was discussed.

12. NEW BUSINESS

- a. No new business was discussed.

13. ADJOURNMENT

- a. There being no further business to come before the Board, a motion was made by Mr. Wrobel, and seconded by Mr. Venturini, to adjourn. All were in favor on a voice vote. The motion carried, and the meeting was adjourned at 7:50 PM.

Respectfully submitted,

Steven Willenborg

Steven Willenborg
Planning Board Clerk