**Chairman Nargiso called the regular Planning Board Meeting for May 16, 2013 to order followed by a Pledge to the Flag. Chairman stated that this meeting is being held in conformance with the Sunshine Law Requirements having been duly advertised in the local newspaper and posted at Borough Hall.**

**ROLL CALL:**

Present: Donnelly, Gennari, Sulski, Hauck, Alviene, Grygus, Finelli, Calvi, Fox, Nargiso

Absent: Brown (excused)

**CASES TO BE HEARD:**

13-167V James Rogers

 22 Third Street

 Block 19 Lot 9

**Application carried to June 20, 2013 without further notice being required**

SP12-67 JV Propco LLC – Brown Avenue, Block 75 Lot 4

David Dixon, Firm of Feeney & Dixon representing the applicant JV Propco with regards to this subdivision when this application was adjourned from February to this date, the concerns that were evident with regard to the planning variance were sought to be addressed by the applicant by a modification to the plan and plans have been submitted altering the layout of the lots to a very limited extent, however by doing so this eliminated the planning variance that was previously requested because the new configuration of splitting the pole of the flag lot between the two properties allowed both properties of the subdivision to gain access to a public roadway so that variance has been withdrawn. The plans are dated 5/25/12, but the final revision date is through 4/26/13 the revised plans also incorporate an exhibit or a plan which was required in connection with the planning variance which was the showing of the turning radius for the largest fire engine that would be possible for use on this property. With the loss or the need of the planning variance there is no need to demonstrate that a fire truck needs to get access to this property, the easements will be included to allow easier access for fire trucks in any event.

Louis Tedesco – Professional Engineer (previously sworn)

Description of revisions made

Marked as Exhibit A8

**Requirement Required Existing Proposed lot 4.05 Proposed Lot 4.06**

Min. Lot Area (sf) 17,250 76,342.91 38,206.10 38,136.81

Min. Lot Frontage (ft) 100 45.27 (E) 29.55 (v) 15.72 (v)

Min. Lot Width (ft) 100 40.00 ( E) 40.00 (V) 88.67 (V)

Min. Lot Depth (ft) 140 325.30 325.30 228.50

Min. Front Yard 50 n/a

Min. Rear Yard 40 n/a

Min. Side Yard 25 n/a

E – Existing Non-Conformance

V – Variance required

Testimony was also give in regards to access of fire/emergency vehicles

Board questioned the witness on various aspects of his testimony

Public portion opened by motion

Bob Norman – 31 Cascade Way

Questions regarding driveway and easements

Pete Florio – 7 HJ Mathews Court – questions regarding sewer easements

Warren Frerichs – 6 HJ Mathews Court – questions regarding

* Easements
* Turning radius
* Property lines
* Trash and recycling
* Seepage pits

Mike Kauker – Professional Planner

Accepted as an expert witness by motion

Mr. Kauker testified to the following:

* Existing conditions
* Surrounding Area
* Proposed development
* Relationship to Master Plan and Zoning Ordinance
* Master Plan
* Zoning Ordinance Regulations
* Variance Proofs
* “c” Variances
1. Bulk requirements of zoning ordinance
2. Lot frontage (both lots)
3. Lot width (both lots)
4. Street width (waiver required)
5. Frontage upon a dedicated public or private street approved by the Planning Board
* Negative Criteria – No substantial detriment to the public good
* No substantial impairment to the intent and purpose of the zone plan and zoning ordinance

Mr. Kauker testified that the site has better conformance to the zone plan and developed low-density character of the neighborhood, this promoting the use of zoning to guide or use development of lands to promote the general welfare. There will be no detriment to the public welfare.

Board questioned the witness on various aspects of his testimony.

Public portion opened by motion

Warren Frerichs – 6 HJ Mathews Court questions regarding open space and population density

Public portion closed by motion

Mr. Dixon stated he has no further witness to present

Public portion opened for comments

Dana D’Angelo representing George Viriones – 50 Brown Avenue, Butler, NJ

Mr. Viriones stated his concerns with the application

* Drainage issues description of the pipe that is located on his and his neighbor’s property
* Description of his property and driveway pitch
* Purchased the house in 1997 and the pipe was existing
* Pipe has to be replaced and repaired

Mr. Dixon questioned Mr. Viriones on various aspects of his testimony

Board questioned the witness on various aspects of his testimony

Chairman Nargiso stated due to the hour this application will be carried to the next meeting of June 20, 2013.

Motion to carry this application to June 20, 2013 without further notice being required

Motion: Donnelly

Second: Fox

All Ayes

SP13-68 Johan Kafil – completeness only

Mr. Dixon stated that 6 items that were listed incomplete have been taken care of and a copy of the plan has been given to Mr. Darmofalski, Ms. Holmqvist and board members.

Application will be listed on the 6/13/13 workshop agenda for completeness

APPROVAL OF MINUTES – April 18, 2013

Motion: Fox

Second: Donnelly

Voted Aye: Donnelly, Gennari, Sulski, Hauck, Alviene, Finelli, Calvi, Fox, Nargiso

Voted Nay: None

APPROVAL OF VOUCHERS

Motion: Fox

Second: Finelli

Voted Aye: Donnelly, Gennari, Sulski, Hauck, Alviene, Finelli, Calvi, Fox, Nargiso

Voted Nay: None

MOTION TO ADJOURN

Motion: Donnelly

Second: Fox

All Ayes

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 Chairman – Planning Board

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Secretary – Planning Board

ADOPTED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_