

**MINUTES OF REGULAR PLANNING BOARD MEETING
HELD ON THURSDAY, JANUARY 17, 2019**

Chairman Blewett called to order the regular meeting of the Board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice dated December January 8, 2019 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall.

PRESENT: BLEWETT, GEMIAN, KAUFMAN, TERRERO AND BRIGHTMAN (ALT. #1)

ALSO PRESENT: DONOHUE, ENGINEER (FILLING IN FOR BOORADY) AND NEISS, COUNSEL

ABSENT: KOLDYK, MARINO, MORREALE, RUNFELDT AND TAORMINA

Chairman Blewett stated the first item on the agenda is approval of the December 20th, 2018 minutes and we are going to carry those.

Ms. Ward mentioned we only have four members present that can vote on them.

Chairman Blewett stated they're carried until the next meeting.

The next item we have been carrying for quite some time and I don't know if there is any update? The item is the memo from the Governing Body dated June 19, 2018 to conduct a preliminary investigation to examine whether certain properties should be in a condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-1 et. seq. We have been carrying these for quite a while and I don't know that we have an update.

Ms. Ward mentioned we do. On the first one which is the old Valero gas station site, I spoke with their engineer, Bohler Engineering, and they are getting ready to submit the application. Tony Vita, one of the property owners, contacted me today and it looks like it is going to be some type of a mini-shopping center that they are proposing there. We should have the application possibly by next week.

Mr. Kaufman asked do we have information on who the major tenant is.

Ms. Ward stated no I don't have that information. The application was submitted to the DEP. Bohler contacted us to find out how many sets of plans to submit for the initial review process.

Chairman Blewett stated okay so we can carry that item. Any issues with that?

Board members no.

Chairman Blewett asked how about the second one.

Ms. Ward mentioned I haven't heard anything on the demolition of the houses on Beaver Brook from the mayor.

Chairman Blewett stated so why don't we carry that for one more meeting and then if we don't have an update then let's get rid of it.

Mr. Kaufman mentioned I agree.

Chairman Blewett stated okay that sounds good.

The third item on the agenda is Flood Plain Encroachment Application #FPE 17-01 and Grading Permit Application #G17-01 by Tomasz Nykiel, on property known as Block 110, Lot 16 on the municipal tax map also known as 112 South Valley Road (complete December 13, 2018 decision by January 27, 2019) and this is a public hearing.

Ms. Ward mentioned not a public hearing just a hearing they didn't have to notice.

Chairman Blewett stated okay very good. Is the applicant here?

Ms. Ward mentioned yes.

Chairman Blewett stated please come up. Have you received Tom Boorady's engineering report?

Ms. Ward mentioned it was sent to them at the Carlstadt address.

Mr. Nykiel (son) asked can we see what it looks like.

Ms. Ward mentioned I can give you my copy if you'd like.

Mr. Neiss stated I'm not even sure I got one.

Ms. Ward asked you didn't get one in your packet.

Mr. Neiss stated I didn't receive one. Oh I'm sorry I do.

Ms. Ward mentioned I have the original report in the file here.

Chairman Blewett stated this was the subject of an April 19th meeting where the applicant received completeness waivers and the application was deemed complete. Can you go through the engineering report and see if there are any issues associated with this?

Mr. Donohue stated I'll give a brief overview. The property is in the R-15 residential zone and is a conforming lot size, however, the existing building is nonconforming with front yard and side yard setbacks. The building was previously flood damaged. The applicant is proposing to remove the existing structure and construct a conforming structure within the building setback lines. The first floor will be above the NJDEP flood hazard elevation per the requirements of DEP as indicated on the plans. The project will have a zero net fill because they are putting in flood vents in the lower area of the building which would allow water to flow in and flow out.

Additionally, the applicant is proposing landscaping as shown on a landscaping plan that was submitted to the Board.

Tom Boorady's January 10th review letter indicates that the applicant's engineer should revise the plans to indicate the required calculations and notes to be in compliance with the applicable NJDEP requirements.

Mr. Neiss asked Tom you are referring to a specific point, a technical comment.

Mr. Donohue stated the technical comment would be #4 in Tom's report. He is requesting the applicant's engineer revise the plans to include the required calculations and notes for compliance.

Chairman Blewett mentioned let's just stop there for a second. Does the applicant understand Item #4 and what we are asking them to do? It is on page 3 of 4.

Mr. Gemian mentioned #4 under the technical review section.

Ms. Ward stated on page 3 the very first item #4.

Mr. Nykiel (son) translated to father.

Chairman Blewett stated so what we are asking him to do is just to revise the plans to reflect what is in paragraph 4 and would he be agreeable to that?

Mr. Nykiel (son) translated to father. Yeah he agrees.

Ms. Ward mentioned it would be 8 sets of revised plans not 15.

Mr. Nykiel (son) translated to father. He said okay.

Chairman Blewett stated okay thank you.

Mr. Donohue mentioned additionally comment #5 Mr. Boorady is asking for the architectural plans to indicate the required notes and also the flood resistant building materials as required by NJDEP, so he is asking for some additional information on the architectural plans to be submitted.

Along with that there are a number of conditions that he is asking to have the applicant comply with based on this project being in a flood area and a flood condition. Basically it is more or less to comply with the DEP requirements, standard conditions that he is asking for.

Chairman Blewett stated so let's may be take them one by one. It seems like we have a lot of time tonight. Number 5, again that's to revise the architectural plans to give them to your architect and ask him to comply with what they are asking for in this paragraph where we are identifying the materials; the flood resistant materials, the appropriate elevations and things like that okay.

Mr. Nykiel (son) translated to father. This is about the architectural plans not just the landscaping plans?

Chairman Blewett stated this is about the architectural plans and the fact that things that are called out in this paragraph need to meet certain flood proofing requirements if they are to be installed, so they should be indicated on the plan in that way.

Mr. Nykiel (son) mentioned we are still confused.

Mr. Donohue stated I believe your architect will understand what the note is requesting.

Mr. Nykiel (son) stated yes. Translated to father. Okay we will give it to the architect.

Mr. Donohue stated okay great.

Chairman Blewett mentioned if you look at #6 what the Planning Board is asking for is that the applicant agrees that the garage shall be used solely for parking of vehicles, building access, and/or residential storage. That is a pretty typical use of a garage right?

Mr. Nykiel (son) stated yeah.

Chairman Blewett stated no commercial storage or anything like that.

Mr. Neiss asked do you agree to that that the garage will be used as indicated in the letter in paragraph 6.

Mr. Nykiel (son) translated to father. Yeah we agree.

Mr. Neiss stated good.

Chairman Blewett mentioned very good.

Item 7 just refers to the fact that the applicant and all contractors shall agree that all excavated material shall be disposed of in a lawful manner outside the flood hazard area, riparian zones and regulated waters so they should be taken off site and disposed of appropriately.

Mr. Nykiel (son) translated to father. Yes.

Mr. Neiss asked that's okay and you agree to that.

Mr. Nykiel (son) stated yeah we agree.

Chairman Blewett mentioned okay. Number 8 refers to any area where there has been work done and earth moved around should be permanently stabilized with grass or other suitable landscaping. The applicant also should obtain a certificate from the Morris County Soil

Conservation District.

Mr. Nykiel (son) translated to father. Yes we agree.

Chairman Blewett stated okay.

Number 9 is with respect to the installation of flood vents and that they are to be permanent and in the future not covered or disabled in any way to allow the flood waters to enter and exit the location if it should occur.

Mr. Nykiel (son) translated to father. Yes.

Chairman Blewett stated okay. Also as condition of approval, the applicant agrees to file a modified deed as required by the DEP prior to the issuance of a certificate of occupancy. So before you can live in the house you will need to have that deed modified prior to getting a C.O.

Mr. Nykiel (son) translated to father. Yeah.

Ms. Ward mentioned the deed will need to be approved by our attorney and engineer before it is recorded.

Mr. Neiss asked do you have an attorney that you will be using for this.

Mr. Nykiel (son) translated to father. If he needs to get one, then he will.

Mr. Neiss stated okay because what I'll do if you wish, I'll give you my card and then you can have your attorney contact me if that would be easier for you.

Mr. Nykiel (son) translated to father. We already put a lot of money into the plans and everything so if we don't need an attorney, then we don't plan on getting one.

Chairman Blewett stated okay but you are going to need to insure that the deed is updated so does that normally take an attorney?

Ms. Ward mentioned the deed has to be prepared by an attorney because it is going to have the DEP conditions in it so you are going to have to give us a deed before you get your certificate of occupancy. We have to make sure the deed is correct prior to it being recorded.

Mr. Nykiel (son) stated okay then we will get one.

Mr. Neiss stated this is my card, so when you get an attorney I'll be glad to help out.

Mr. Nykiel (son) stated okay.

Chairman Blewett mentioned okay. There were 3 other items, one of which is the applicant would agree to post the necessary inspection fees. At a minimum inspections of engineering review will be necessary during the installation of the storm drainage during forming and construction of the foundation, perform final inspections and to review the as-built survey when the project is complete.

Mr. Nykiel (son) translated to father.

Ms. Ward mentioned we just have to make sure there is enough money in your escrow account to cover the inspections and the as-built survey. If you should fall short in the account, we just want an assurance that you will replenish it to cover the inspections.

Mr. Nykiel (son) translated to father. Okay.

Mr. Neiss stated I just want to be clear, you understand what we've been saying yes and you've been conveying that to your father. I'm not sure what language you are speaking but he is your dad?

Mr. Nykiel (son) stated yeah.

Mr. Neiss stated and you've been conveying what the Board has been saying and he understands what you've been saying to him correct?

Mr. Nykiel (son) stated yeah I tried to translate to the best of my ability.

Mr. Neiss mentioned and that's fine. I just want to make sure that everyone understands what is being asked of you and your dad in connection with this application. Frankly it means that you are going to have to spend a little bit more money, the plans will need to be revised and the architect and your planner who is one of the same person will have to spend time doing that so it is going to cost a little bit more money.

You are going to have to get an attorney so it is going to cost a little bit more money and I just want you to understand what is being asked of you. If you have any questions at all, you can ask now or at some other time, but I just want you to leave here understanding what it is that the Board is asking you to do.

Mr. Nykiel (son) translated to father. Just one thing that is on his mind because the last time we were here we only were asked to provide a landscaping plan and I see now that the architectural plans have to be revised and everything and we would just like to know the reason of what happened and how it happened?

Mr. Neiss asked you mean why it requires revision.

Mr. Nykiel (son) stated yes because the last time we got the thumbs up and everything was fine except the landscaping.

Mr. Neiss mentioned I don't know Tom?

Mr. Donohue stated the last time it was a completeness hearing, so the plans were submitted and some of the information was then reviewed for compliance and that is when the comments were generated for you to review.

Mr. Neiss asked do you understand what he is saying.

Mr. Nykiel stated not really.

Mr. Neiss mentioned there are two levels of review that go on with an application like the one you submitted. The first one the engineer determines that the application is complete, meaning that what you submitted complies with the ordinance for site plan review, or for whatever it was that you were submitting for and that's fine.

When you came before us, it went like that because the Board believed that your application was complete. Now there is a second level of review and that is to make sure that the application you've submitted complies fully with the ordinances of the Board, with state law and NJDEP approval. There are all kinds of things that factor in here that is the second level and that is why the Board is asking you to make additional revisions to the plans so that what you produce, what you build will be in compliance with law. That is the second level and that is why we are here.

Mr. Nykiel (son) stated okay, thank you I understand completely. Translated information to father.

Another question, we know that we only need 8 copies of the landscaping plan but how many copies of the revised architectural plans.

Ms. Ward mentioned the same it would be 8.

Chairman Blewett stated but again just so you understand, in addition to those revisions there are certain requirements for certificates and additional information like as-built plans, certification of the elevations and that is all contained in the document. So those things would need to be complied with as part of the revisions to your initial plans and then once the project is complete

there are certain certification that need to be provided. So certainly your architect and engineer can help you through that, but again each one of these paragraphs has something that really needs to be considered as part of your application and then the final as-built that you submit.

Mr. Nykiel (son) translated to father. My father also wants to bring up that he also doesn't understand why the same architect who drew these plans for Fairfield in about 3 months he was getting all of his permits and everything and he is just confused as to why it is taking 3 years for Lincoln Park.

Chairman Blewett asked when was your application deemed complete in April of 2018 right.

Mr. Nykiel (son) translated to father. He has been revising these plans for like two years for the building inspector.

Ms. Ward stated the application was just deemed complete on December 18th, 2018. The landscaping plan was the last thing that was submitted and then the application was deemed complete.

Mr. Neiss mentioned my suggestion and I know it is frustrating, but my suggestion is is Mr. Mianecky still the engineer that you've hired?

Mr. Nykiel (son) translated to father. The one who drew up the plans is the engineer.

Mr. Neiss stated the engineering plans. I would think that if you took this letter to Mr. Mianecky, Mr. Boorady's letter and took it to Mr. Mianecky he would understand and he would know how to guide you on dealing with this.

Mr. Nykiel (son) translated to father. Okay.

Chairman Blewett stated Mr. Mianecky comes before us all the time so he really understands what is happening in Lincoln Park and what the requirements are., and again some of these are going to be prior to you getting your building approval and then some are when the project is complete, he'll help you with that.

Mr. Nykiel (son) mentioned okay.

Chairman Blewett stated okay.

Mr. Nykiel (son) translated to father.

Chairman Blewett stated so from what we discussed today you are going go see your architect and engineer and he is going to help you through the process, and basically what you are agreeing to is that in order to move forward you will comply with what the engineer and Borough of Lincoln Park is asking for.

Mr. Nykiel (son) stated yes all the 13 points.

Chairman Blewett stated okay very good, thank you. Is there any discussion on the application?

Mr. Kaufman asked the picture you included is that the house that you are going to build or is that an example.

Mr. Nykiel (son) translated to father. It is just an example.

Mr. Kaufman stated okay.

Chairman Blewett asked any other discussion or comments. What is the Board's pleasure? We need a motion to approve?

Mr. Terrero stated I don't see any issues with approving it.

Mr. Donohue stated conditioned upon Mr. Boorady's letter.

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Mr. Terrero stated of course.

Ms. Ward mentioned that will be in the resolution.

Mr. Donohue stated sure.

Mr. Terrero moved to approve.

Chairman Blewett asked is there a second.

Ms. Brightman seconds.

Roll call:

Yes: Terrero, Brightman (Alt. #1), Blewett, Gemian and Kaufman

No: None

Abstain: None

Ms. Ward stated okay. Arthur the resolution will be on for the 21st?

Mr. Neiss stated I don't see why not.

Chairman Blewett thanked them. You are approved to move forward, but certainly you are going to see your architect or Mr. Miannecki specifically to help you through the letter.

Mr. Nykiel (son) stated yes.

Chairman Blewett stated okay thank you very much.

Mr. Nykiel (father) thanked the Board.

Mr. Gemian asked what language do you speak it sounds very nice.

Mr. Nykiel (father) stated Polish.

Mr. Gemian mentioned my son-in-law is Polish.

Ms. Ward mentioned you can keep that I have the report here.

Mr. Neiss stated make sure Mr. Miannecki sees that.

Chairman Blewett mentioned Sal is not around but I updated are comments from our last discussion on the pods and I'll send it off to Arthur.

Mr. Neiss stated I can't wait.

Chairman Blewett mentioned you can tell us that we are all wrong and rewrite it for us. I think it expresses our intent what the subcommittee thought was important, and there is definitely a lot of legalize that needs to be put in there and one definition for accessory structures. I called it out in there but you'll see it in the notes.

Mr. Neiss stated okay.

Chairman Blewett stated I will deal with that and we'll just carry these other things. Is there any other new business which may arise?

Ms. Ward mentioned the 21st is going to be the Meridia application.

Mr. Neiss stated Joan I got a copy of a letter to you from Schepis regarding Infrastructure Repair Service.

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Ms. Ward mentioned yes that is going to be on for next month.

Mr. Neiss asked he is going to come.

Ms. Ward mentioned he represented them so Steve is requesting a time extension and it is on the agenda. I have the resolution and the letter for Board members and it is posted on the agenda for the time extension.

Mr. Neiss stated perfect.

Chairman Blewett stated okay no other new business. Is there a motion to adjourn?

Mr. Terrero moved to adjourn.

Mr. Kaufman seconds.

Chairman Blewett asked all in favor.

Board aye.

Regular meeting adjourned 7:45 P.M.

Respectfully submitted:

Joan Ward, Secretary

Charles Blewett, Jr., Chairman