

**MINUTES OF REGULAR PLANNING BOARD  
MEETING HELD ON THURSDAY, MAY 18, 2023**

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 sent to the Daily Record, Suburban Trends, and posted on the bulletin board and website at Borough Hall. All stood for the Pledge of Allegiance.

**PRESENT: BLEWETT, FLORENTINO, GEMIAN, KAUFMAN, PANICCI, TAORMINA, AND D'ANTONO (ALT. #1)**

**ALSO PRESENT: MORGENSTERN, COUNSEL**

**ABSENT: KOLDYK, RUNFELDT, AND TERRERO**

Chairman Blewett stated the first item on the agenda is approval of the April 18<sup>th</sup>, 2023 minutes.

Ms. Ward stated the members that can vote are Blewett, Florentino, Panicci, Taormina and D'Antono.

Chairman Blewett asked any comments or corrections. Motion to approve.

Mr. Florentino moved the minutes.

Ms. D'Antono seconds.

**Roll call:**

**YES: FLORENTINO, D'ANTONO (ALT. #1), BLEWETT, PANICCI, AND TAORMINA**

**NO: NONE**

**ABSTAIN: NONE**

**ABSENT: GEMIAN, AND KAUFMAN**

Chairman Blewett stated okay.

Next item on the agenda is Grading Permit Application #G22-08 by 25 Adelaide LLC, c/o Karen Matute, on property known as Block 3, Lot 2.16-2 on the municipal tax map also known as 2 Buckingham Road. This is a consideration of a resolution of memorialization. I think everyone received an electronic copy from Arthur. Are there any comments on that resolution?

Ms. D'Antono stated no.

Ms. Ward stated the members who can vote on the resolution are Blewett, Florentino, Panicci, Taormina and D'Antono.

Chairman Blewett asked for a motion to approve.

**RESOLUTION OF THE LINCOLN PARK  
PLANNING BOARD**

**RE; 25 ADELAIDE LLC  
GRADING PERMIT APPLICATION #G22-08**

**BLOCK 3, LOT 2.16-2  
2 BUCKINGHAM ROAD  
LINCOLN PARK, NEW JERSEY**

WHEREAS, 25 ADELAIDE LLC, (the "Applicant") made application to the Lincoln Park Planning Board (the "Board") for the grant of a grading permit pursuant to Borough Code § 17-12.2 for property commonly known as 2 Buckingham Road and designated as Block 3, Lot 2.16-2 on Tax Map of the Borough of Lincoln Park, Morris County, New Jersey (the "Property");

and

WHEREAS, the Applicant seeks this approval in connection with the development of a single family (4 bedroom) dwelling on the currently vacant lot; and

WHEREAS, neither in submission of the application nor at the hearing was the Applicant represented by counsel; and

WHEREAS, in addition to the request for a grading permit, the Applicant requested that the Board deem the application complete as the Board had granted checklist waivers on January 19, 2023; and

WHEREAS, the application was heard at the Board's meeting held on April 20, 2023; and

WHEREAS, at the hearing, the Board considered the testimony of the Applicant's engineer, Joseph S. Miancki, Jr., of Miancki Consulting Engineers, 9 Midvale Avenue, Towaco, New Jersey 07082, whose credentials as an expert in the field of civil engineering were accepted by the Board; and

WHEREAS, the Board also considered the March 2, 2023 report of Darmofalski Engineering Associates, Inc. by Thomas A. Boorady, PE, PP, the Board Engineer (the "Engineer's Report"), a copy of which is attached and incorporated herein by reference<sup>1</sup>; and

WHEREAS, Mr. Miancki described the physical layout of the Property as a corner lot formed by Jacksonville Road and Buckingham Road (north and east, respectively); the slightly expanded curb cut; underground electric, gas and water, septic system in the front yard, the five dry wells (two in the rear and three in the front yard); and how runoff drainage will occur, it is a variance free application; and

WHEREAS, the witness confirmed on behalf of the Applicant that he had reviewed and had already agreed and/or would agree to conform to all 8 numbered paragraphs in the Technical Review section of the Engineer's Report; and

WHEREAS, in addition to the evidence presented by the Applicant, the Board also considered the questions and comments presented at the hearing by members of the Board and the public, if any, and based on all the foregoing, made the following findings of fact and conclusions:

#### **STANDING**

1. The Applicant is the owner of the Property. As the developer (see, N.J.S.A. 40:55D-4), the Applicant has standing to bring this application before the Board.

#### **FACTS**

2. The Property, a corner lot on the northwest corner created by Jacksonville Road and Buckingham Road, is located in the R-40 Zone and is conforming. It has a lot area of 40,667 s.f. where a minimum of 40,000 s.f. is required and a frontage of 375.10 feet where 200 feet is required.

3. More than 5,000 s.f. will be disturbed by this development, implicating the need for a grading permit.

4. The Property was created as part of Minor Subdivision #633.<sup>2</sup>

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<sup>1</sup> The Engineer's Report, at p. 1, reflects the list of 9 items of the Applicant's and other materials that were considered in order to prepare the Engineer's Report. Those items, and each of them, are deemed part of the record of this matter.

<sup>2</sup> See Board Resolution for Wolfson Realty Associates, LLC, memorialized on August 20, 2020.

5. As it is variance free, the application will not affect the Property's compliance with the Zoning Ordinance.

6. The Applicant stated on the record that it has complied or otherwise will comply with Comments 1-9 of the Technical Review section of the Engineer's Report.

### **CONCLUSIONS**

7. Based upon the Board's knowledge of local conditions, the within application for grading permit will not result in a condition that is inconsistent with the character of the neighborhood and will not adversely impact the public good.

8. Subject to the conditions of this Resolution, the Applicant has established that this application meets the requirements for the granting of a grading permit pursuant to the Borough Land Development Review Ordinance § 17-12.2A.

NOW, THEREFORE, BE IT RESOVLED that this application by 25 ADELAIDE LLC for a grading permit be and hereby is granted subject to the following conditions.

### **CONDITIONS**

1. All "WHEREAS" recitals, findings of fact and conclusions of law set forth above are incorporated herein by reference.

2. The Applicant's application to the Board and all materials submitted in support of and in connection with it, including all plans, transmittal letters, the Engineer's Report, and the documents introduced at the Board's checklist review waiver together with the stipulations made by the witness on behalf of the Applicant on the record, whether or not they appear herein as a conditions or otherwise, the statements of the members of the Board and of the public, if any, are deemed to be and hereby are made part of the record of this matter.

3. The Applicant shall comply with all applicable Borough, County, State, and federal laws, ordinances, regulations, and directives.

4. Before undertaking any development pursuant to this application, the Applicant shall provide to the Board Secretary and the Board Engineer copies of the Health Department certificate approving the septic system.

5. The Applicant shall extend the swale on the westerly side of the proposed dwelling to direct more water runoff to the three seepage pits in the front yard

6. All development of the Property shall be in conformity with the plans approved herein, all findings of fact and terms and conditions of this Resolution and, to the extent not inconsistent with this Resolution, all representations of the Applicant's engineer during the Board's consideration of the application. Any deviation from the terms or conditions of the approval as reflected in the terms and conditions of this Resolution shall be deemed a violation of the terms and conditions of the approval memorialized in this Resolution and, accordingly, a violation of the Borough's Development Review Ordinance.

7. Prior to the issuance of the permit granted herein:

(a) The Applicant shall submit to the Board Secretary a certification from the Borough Finance Department (i) setting forth the ten-current balance in Applicant's escrow account; and (ii) confirming that all charges billed to such account have been or, to the extent known, are capable of being paid in full;

(b) The Board Secretary shall determine (after inquiries to the Board's processional) that there is a sufficient balance in the escrow account to cover all remaining services and costs chargeable to such account;

(c) The Applicant shall have submitted to the Board Secretary a certification from the Tax Collector that all current real property taxes on the Property have been paid;

(d) The Applicant shall submit to the Borough Engineer a certification from its engineer confirming that all other necessary governmental approvals have been applied for, obtained or are not necessary;

(e) The Applicant shall post inspection fees and costs, as determined by the Borough Engineer, in accordance with Borough Code § 17-5.3;

(f) The Applicant shall arrange for and attend a pre-construction meeting with the Borough Engineer and such other Borough Officials as the Borough Engineer may deem appropriate and necessary.

8, The Applicant's activities on the Property shall be limited to those hours permitted by Ordinance.

9. The Applicant shall comply promptly with the reasonable requirements of the Borough Engineer and Construction Code Official.

10. The Applicant shall ensure the Borough's possession of seven (7) sets each of the engineering site and architectural plans and following the completion of the construction on the lot and before a certificate of occupancy shall be issued, the Applicant shall submit a project completion report and four (4) as-built drawings.

**11. ALL NOTES INCLUDED IN THE APPROVED PLANS SHALL BE DEEMED TO BE CONDITIONS OF APPROVAL HAVING THE SAME FORCE AND EFFECT AS CONDITIONS EXPRESSLY SET FORTH HEREIN.**

Mr. Florentino moved the resolution.

Ms. D'Antono seconds.

**Roll call:**

**YES: FLORENTINO, D'ANTONO (ALT. #1), BLEWETT, PANICCI. AND TAORMINO**

**NO: NONE**

**ABTAIN: NONE**

**ABSENT: GEMAIN, AND KAUFMAN**

Ms. Ward stated it is approved.

Chairman Blewett asked any new business. Anything else?

Ms. Ward stated I'm not sure if we are having a meeting in June, it depends if Twins Investments provides all the outstanding information, but so far nothing has come in.

Chairman Blewett stated okay.

We do have one other item of business. We have a member who is moving to Florida to work on his tan. and Alvin we want to present you with a plaque. This is a plaque PRESENTED TO ALVIN FLORENTINO FOR YOUR DEDICATED SERVICE TO OUR PLANNING BOARD, CLASS IV MEMBER, PRESENTED BY THE LINCOLN PARK PLANNING BOARD. We want to thank you for your time and effort. You know it is time out of everybody's schedule and each of us appreciates your time so we thank you.

(Round of applause)

Mr. Florentino stated I appreciated it but I'm moving to Florida. I'm going to miss the Planning Board and cub scouts.

Mr. Taormina stated we are going to miss you.

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Mr. Florentino stated I learned a lot honestly as I look around town.

Mr. Taormina stated the town is moving forward.

Mr. Florentino stated so thank you.

Chairman Blewett stated thank you. Any other new business:? Motion to adjourn.

Mr. Florentino moved to adjourn.

Ms. D'Antono seconds.

Chairman Blewett stated all in favor.

Board aye.

Chairman Blewett asked opposed.

Board none.

Meeting adjourned 7:08 P.M.

Respectfully submitted:

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Joan Ward, Secretary

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Charles Blewett, Jr., Chairman