**BLOOMINGDALE PLANNING BOARD**

**101 Hamburg Turnpike**

**Bloomingdale, NJ 07403**

Minutes

Regular Meeting **7:00pm**

**June 22, 2022**

**CALL TO ORDER @ 7:20pm**

**SALUTE TO FLAG**

**LEGAL**

This is the Regular Meeting of the Bloomingdale Planning Board of June 22, 2022 adequate advance notice of this meeting has been provided by publication in the Herald and News and also posted on the bulletin board at the Council Chamber entrance in the Municipal Hall of the Borough of Bloomingdale, Passaic County, in compliance with the New Jersey Open Meetings Act, N.J.S.A. 10:4-6 seq.

**FIRE CODE**

Per State Fire Code, I am required to acknowledge that there are two “Emergency Exits” in this Council Chamber. The main entrance through which you entered and a secondary exit to the right of where you are seated. If there is an emergency, walk orderly to the exits, exit through the door, down the stairs and out of the building. If there are any questions, please raise your hand now.

**ROLL CALL MEMBERS/ALTERNATE MEMBERS PRESENT (\*denotes alternate)**

James W Croop Rachel Frost Brian Guinan\*

Mark Crum Edward Simoni Wayne Hammaker\*

Bill Steenstra Dominic Catalano Margaret Covert\*

Bill Graf Barry Greenberg

**MEMBERS ABS/EXCUSED**

Robert Lippi - ex

Craig A Ollenschleger

**SEATING OF ALTERNATES**

Comm. Hammaker seated for Comm. Ollenschleger for application #706

**APPROVAL OF MINUTES**

A motion is made by Comm. Graf, 2nd by Comm. Crum to approve minutes of 5/25/22 meeting. Voice vote shows all in favor with one abstention by Comm. Steenstra.

**PUBLIC HEARING**

(Seated: Croop, Crum, Steenstra, Graf, Greenberg, Simoni, Catalano, Frost, Hammaker)

**#706** Bernadette Mastria 7 Anna Rose Court Block 2004 Lot 7

Board attorney, Richard Brigliadoro states that he has had the opportunity to review the notice and it appears in order so that the applicant has jurisdiction to proceed.

Applicant’s attorney, Doug Doyle states that the board is somewhat familiar with this property since it had a previous application that was denied. They are back with a substantially different application and have worked very hard to make it more conforming. He hopes the board agrees by the end of the meeting. He speaks of the previous application and goes over variances that the applicant will be seeking.

At this time, Mr. Brigliadoro makes statement for the record that under the law, when an application that was denied is brought back to the board the new application needs to be substantially different.

Chairman Simoni states that he feels the board needs to look at the merits of this application.

At this time the applicant has their engineer, Michael Pucci of CPL Partnership, sworn in. Mr. Pucci states that he is licensed in the State of New Jersey and has appeared before this board with the previous application.

Mr. Doyle asks Mr. Pucci if he feels this application is more in conformance than the previous application.

Mr. Pucci states that he was instructed to make substantial changes and submits a series of 6 photos that are marked as exhibits A-P1 through A-P6.

The variance plan is marked as exhibit A-7 and he refers to sheet 1 stating that the super imposed colors show what is being removed, what is existing and what is proposed. He states that there will be a 5% reduction in impervious coverage once all is done. He also states that the neighboring deck will be removed completely.

He has observed what has gone on over the years and if the neighbor wishes, they could plant 15’ arborvitaes as a buffer.

Mr. Pucci refers to photos showing neighboring fence and existing arborvitaes and shows what could be done. And confirms that decking and roof shown in this photo will be removed.

He goes on to state that they are proposing a 4 foot wide walk from the deck to the pool.

Comm. Simoni states that back in 2013/14 when they got approval for the addition for the mother, the plans allowed small covered area to remain for a stoop and the rest was supposed to have been removed then.

Mr. Pucci states that the Chairman is correct, that the covered roof area was allowed and also correct that the back walk and patio should have been removed.

Board engineer, Tom Boorady asks Mr. Pucci to touch on the stormwater.

Mr. Pucci states that they still plan to keep the run-off designed system that was part of the previous application in the back of the property to filtrate the run off. They will make sure there is no negative impact downstream to neighboring properties.

Mr. Doyle states that its essentially an overdesigned system that will have no negative impact.

Comm. Croop refers to the mother’s entrance and trying to get an idea of how much of an increase it will be from what was previously approved.

Mr. Pucci refers to old plan from 2014, site/variance plan sheet 1 of 2 prepared by Mianecki, which is marked as exhibit A-8. He states that this shows the previous approved porch and stairs to the addition. It appears to be 6’ x 12’. 6’ x 16’ if you count overhang.

Mr. Boorady clarifies size state it’s 6.4” wide x 18’ ½” long covered portion, according to current plans. The Mianecki plans showed 6’ x 17’ long.

Board Planner, Beth McManus asks Mr. Pucci if the side yard setback is a weighted average.

Mr. Pucci responds that is an arithmetic average.

Ms. McManus believes a weighted average would be better. This would have been preferred for clarity of ordinance. We are dealing with non-compliance. As part of any approval the board may grant, can you confirm ongoing compliance.

Mr. Doyle states that these conditions will be in compliance and they should be done first before any other conditions.

Mr. Catalano states that he did not sit on the previous application, but in looking at the lot coverage before and after, he asks if they are including previous proposed removal.

Mr. Pucci responds that because it still exists today it is included in this plans calculations as part of what it to be removed.

Comm. Greenberg refers to the two sets of stairs that are coming off the deck and states that it appears to him to be redundant. If they are trying to reduce coverage, maybe this would be a way to cut back.

Mr. Doyle states that is something they can certainly look at.

Comm. Graf follows up on the entrance way which was approved in 2014 resolution granting a relief variance of 9.42, at that time the property was in a R-30 zone. It is now in an R-40 zone which is a 25’ setback, so a significant variance has already been granted of 33.82 ft where 50’ is required.

Comm. Guinan states that the applicant spoke of the right side of the property. He questions consideration to the property to the left?

Mr. Pucci states that the left side is 10-12 feet lower.

Mr. Doyle responds that they feel there is no negative impact to the neighbor to the left.

Mr. Pucci states that the applicant is in full support of screening if desired.

Chairman Simoni asks who owns the fence.

Mr. Doyle states that the fence is owned by the applicant.

A motion is made by Comm. Greenberg, 2nd Comm. Hammaker, to open meeting to the public for questions of Mr. Pucci. Voice vote shows all in favor.

Seeing no public,

A motion is made by Comm. Greenberg, 2nd by Comm. Hammaker to close meeting to public for questions of Mr. Pucci. Voice vote shows all in favor.

At this time the applicant, Bernadette Mastria, 7 Anna Rose Court, is sworn in.

Ms. Mastria states that the original developer was Joe Gomez.

Hers is the only mother/daughter home. She stated that she did not realize the impact of adding the deck.

She spoke with neighbor in October before application. She did not know the neighbor had an issue until it was brought up at the last meeting. She apologized for her actions at the previous meeting stating she was caught off guard by him asking her to remove the deck. This was the first time she was hearing that he objected to it.

Mr. Doyle asks Ms. Mastria if she would have any problem providing plantings if the neighbor should want them.

She states that it would not be a problem at all.

Mr. Doyle asks Ms. Mastria is she understands that no construction or permits can occur until after the full appeal period has passed.

She understands.

At this time, the applicant’s planner, Paul Ricci, is accepted as a qualified planner.

Mr. Ricci states that he is familiar with the application. Mr. Doyle goes over variances that they are seeking now, not focusing on previously granted variances.

Mr. Ricci states that the lot is severely undersized for the R-40 zone which makes it difficult for the client to comply with the setbacks. He looked at the R-10 standards where the building coverage was 25% and lot coverage was 45%. In the R-10 zone you could have 4500 sq ft of impervious coverage. From a planning perspective, moving forward, the zoning ordinance should be looked at.

He continues that he looked at a number of towns in the area where the lot coverage was double the building coverage. This application would be compliant in most neighboring towns. 65% of this site will remain as open space. Looking at the site overall to the right would be a 10’ increase, to the left a 10’ decrease. The closest development in the rear is over 1,000’ and all wooded. You can’t see the back yard from the front yard. After removing elements from the right side, he feels there is no negative impact to the neighboring properties.

The structure adds architectural interest to the home. It is not found to be offensive and if additional landscaping is added it will be less offensive visually.

He feels this zone is penalized. It’s a multi-generational home that meets the “G” criteria.

He feels variances can be granted without detriment. There is no negative visual impact from drive by perspective. Benefits outweigh detriments. It results in sound land use planning. Aerial photos show most surrounding neighbors have pools.

He feels it would be good planning for this board to grant under C-2 criteria.

Mr. Ricci continues stating yes, it is unique in that it borders open space. The stormwater is addressed. It will look beautiful when it is done and the site will be harmoniously integrated in the neighborhood.

Ms. McManus asks if he could talk a little about the unique nature of the property.

Mr. Ricci states that in terms of specifics of site, it has unique grading. Out of 14 lots, 12 do not comply with lot area on Anna Rose Court.

Mr. Graf states that the reference made in comparison to the R-20 zone, the basis needs to be against the R-40 Zone which the borough sought fit to adopt. If this were to be done in the R-20 zone the coverage would be 81% over maximum. They are proposing 4,070’ building coverage which is 137% over max. So even if compared to the R-20 the lot is still inconsistent.

Chairman Simoni states that we can all agree that these properties should have never been developed on these undersized lots. The R-40 zone was created specifically for these properties because if they were in the R-20 zone there would be a free for all with no checks & balances.

A motion is made by Comm. Crum, 2nd by Comm. Hammaker to open meeting for questions of the Mr. Ricci. Voice vote shows all in favor.

Seeing no public,

A motion is made by Comm. Hammaker, 2nd by Comm. Crum to close meeting for questions of Mr. Ricci. Voice vote shows all in favor.

Mr. Doyle states that this is certainly a unique situation and asks respectfully if what’s proposed in this application is so offensive that the board can’t approve.

Factual & legal evidence support that positive and negative criteria can be met. Admittedly the applicant-built things that shouldn’t have been built. We can discuss steps of deck if board wishes to do so. We are wiling to work with board to allow them to have a deck.

A motion made by Comm. Hammaker, 2nd by Comm. Steenstra to take recess at 8:45pm.

Voice vote shows all in favor.

Meeting is called back to order at 9:08pm.

Mr. Doyle states that they recognize the concerns from the board.

First, after discussing with the applicant, they will work with the property owners to the right and discuss screening with arborvitaes or similar screening.

Second, they agree that there is no need for two sets of steps and will eliminate one of them.

They will remove storage area used for refuse which would reduce encroachment.

Comm. Croop states that he agrees the garbage enclosure should go as it distracts from the look, but maybe some other enclosure would be possible.

Comm. Frost states in reference to the types of trees planted would it be ok to give them a range, like maybe a minimum of 7’.

Comm. Simoni states that the board will agree to carry application to the 7/27/22 meeting.

A motion is made by Comm. Graf, 2nd by Comm. Croop to carry meeting to 7/27/22 with no additional notice being required. Roll call shows 9-0 in favor.

(recess @9:15 – reconvene @ 9:33)

**RESOLUTION**

**#701** KSL Lake House LLC 99 Demarest Road Block 4049 Lot 58

(seated members: Croop, Crum, Graf, Greenberg, Simoni, Covert, Guinan, Lippi & Frost)

A motion is made by Comm. Crum, 2nd by Comm. Croop to adopt and memorialize Resolution #701. Roll call shows 8-0 in favor.

**PENDING APPLICATIONS**

**#688** JBA Landscape LLC 237 Hamburg Turnpike Block 3012 Lot 9

**#692** Daniel Mahler89 Main Street Block 5060 Lot 21

**#695** Leanne & Benjamin Scaturro 1 West Shore Road Block 2004 Lot 49

**#697** Robert & Jacqueline Rickard 9 Birch Road Block 4085 Lot 5

**#698** Van Grouw, Anthony & Karen 4 Anna Rose Court Block 2004 Lot 16

**#699** Deanne & John Martini 97 Vreeland Avenue Block 3017 Lot 20

**#702** Tri Boro Dental Assoc. (Sluka) 40 Main Street Block 5088 Lot 4

**#704** 8 First Street Bloomingdale LLC Block 3032 Lot 13

**#707** Jay Kliphouse 41 Buena Vista Block 4086 Lot 13

**#708** 38 Main Street, LLC 38 Main Street Block 5088 Lot 5

**#709** Stumble Inn 231 Hamburg Turnpike Block 3012 Lot 8

**#710** Maggie Covert 88 Wood Place Block 4049 Lot 88

**NEW BUSINESS**

* **Recommendation to Mayor & Council - Ordinance 9-2022**

A motion is made by Comm. Greenberg, 2nd by Comm. Steenstra to recommend to Mayor and Council adoption of Ord. #9-2022 as written, as the board finds it consistent with the Master Plan. Roll call shows 11-0 in favor.

* **Recommendation to Mayor & Council - Ordinance 10-2022**

A motion is made by Comm. Crum 2d by Comm. Croop to recommend to Mayor & Council adoption of Ord. #10-2022 as written, as the board finds it consistent with the Master Plan. Roll call shows 11-0 in favor.

**BILLS**

*Darmofalski –*Mtg attend 5/25 $260, ***App #701 KSL Lake House $130, App #706 Mastria $260, APP #700 Kyle Morris $130***

*Brigliadoro-* Mtg attend 5/25 $500, ***App #706 Mastria $1120, App # 707 Kliphouse $80, App #700 Kyle Morris $848, App #700 Kyle Morris $96, App #701 KSL Lake House $1408***

***(escrow account)***

A motion is made by Comm. Greenberg, 2nd by Comm. Catalano to pay bills as listed. Roll call shows 11-0 in favor.

**PUBLIC DISCUSSION**

A motion is made by Comm. Steenstra, 2nd by Comm. Crum to open meeting to public. Voice vote shows all in favor.

Seeing no public,

A motion is made by Comm. Croop, 2nd by Comm. Crum to close meeting to public. Voice vote shows all in favor.

**ADJOURNMENT**

A motion is made by Comm. Crum, 2nd by Comm. Croop to adjourn meeting at 9:52 pm.

Voice vote shows all in favor.

**Respectfully submitted,**

*Barbara Neinstedt Adubato*

Planning Board Secretary