

**Borough of Franklin Lakes
Bergen County, New Jersey
Planning Board Minutes
June 15, 2016
Regular Meeting**

Meeting Called to Order at 7:30PM

**Open Public Meetings Statement: Read into the record by
Chairwoman Vierheilig**

Salutation to the Flag

Preamble: Read into the record by Chairwoman Vierheilig

Roll Call: Mayor Bivona, Councilman Kahwaty, Messrs. Gostkowski, Lauber, Pullaro, Chairwoman Vierheilig, Messrs. Lazerowitz (absent), Linz, Sheppard, Ms. Mucci (absent), Mr. Ochs

Fire Safety Announcement: Read into the record by Chairwoman Vierheilig

Also in Attendance: Mark Madaio Esq., Board Attorney; Ms. Eileen Boland, Boswell Engineering/Board Engineer; Ms. Maria Berardi, Planning Board Clerk; JoAnn Carroll, Recording Secretary

Board Discussion:

Councilman Kahwaty: stated he is trying to have a land use seminar held in Franklin Lakes in the fall; it would hopefully be held in the courtroom; other towns in the area may also take part; not sure about credits at this time; CLEs for the attorneys; it is a work in progress.

Chairwoman Vierheilig: thanked Councilman Kahwaty for his efforts.

Approval of Minutes: Mayor Bivona, Gostkowski
May 18, 2016

Ayes: Mayor Bivona, Gostkowski, Lauber, Pullaro, Chairwoman Vierheilig, Linz, Sheppard, Ochs

Abstain: Councilman Kahwaty

Oral Communications: None

Resolution:

Approval: R. Venos Developers, LLC; Contract Purchaser, Applicant, Owner, Fred U. Rio, Deceased, Doug Rizzo, Minor Subdivision, One Lot to Two Lots, 1006 Clark Road, Block 1314.05, Lot 1 (Approved 5/18/16)

Mr. Madaio: reviewed the application and the resolution; the draft resolution was sent to the Board two weeks earlier; minor changes requested by a few of the Board members; all changes have been made.

Motion to approve resolution: Lauber, Pullaro

Ayes: Mayor Bivona, Gostkowski, Lauber, Pullaro, Chairwoman Vierheilig, Lin, Sheppard, Ochs

Mr. Madaio: stated a few of the Board members had mentioned that his predecessor had included an escrow amount in the resolution; he is unfamiliar with this procedure; will add to future resolutions if this has been the Board's procedure in the past.

Mayor Bivona: stated he believed escrow was established per ordinance.

Mr. Madaio: stated he thought it was established/collected at the time the application was submitted; asked the Board Clerk to please provide him with a past resolution which mentions escrow.

Schloesser/Mansmann, Major Subdivision, Conceptual Review held on 11/18/15), 233 & 237 Woodside Avenue, Block 2703, Lots 3, 3.01 and New Proposed Lot (1st hearing held 4/20/16)

Mr. Madaio: stated this application has been carried to July 6, 2016; no further notice will be given; the meeting on July 6, 2016 will be held in the courtroom of Borough Hall beginning at 7:30PM; Mr. Whitaker is the attorney for this application and is in attendance this evening; if any member of the public was present to hear and speak on this application, they are welcome to approach Mr. Whitaker after the meeting.

Ms. Berardi: stated at this time there are two applications on the agenda for July 6, 2016; the Gabrellian applications; the Board usually only schedules two public hearings per meeting; asked if the Board wanted the Schloesser/Mansmann added to the July 6, 2016 agenda.

Bruce Whitaker, Esq.: stated he would like to be placed on the July 6, 2016 agenda after the other two public hearings; if the other applications take up the whole night, then another announcement can be made.

Danza Crest, LLC, Preliminary Major Subdivision, 85 Pulis Avenue, Block 2701, Lot 3, Completeness Determination and Public Hearing (1st hearing 6/15/16)

Bruce Whitaker Esq.: applicant's attorney; stated he had received a phone call this day and had a conversation with Mr. Torre who is representing an interested party and has raised concerns; based on the phone call, there is insufficient time for their engineer and the applicant's engineer to get together to brainstorm; suggestion, as to not waste the Board's time, to allow both parties to work out the issues raised and return with revised plans; for that purpose, Mr. Whitaker requested an adjournment on this application as well to July 20, 2016; further stated he may have to coordinate the time on July 20, 2016; he has hearing in another town on the same night; is listed first on the agenda in that town.

Mr. Madaio: stated the Danza Crest application has been carried to the July 20, 2016 meeting; no further notice will be given; the meeting on July 20, 2016 will be held in the courtroom of Borough Hall beginning at 7:30PM.

Motion to carry to July 20, 2016: Councilman Kahwaty, Sheppard
All in Favor

Mayor Bivona: stated he understands that no further notice is required but some members of the public who were previously in attendance and who are not in attendance this evening will have no way of knowing when either of the carried applications will be before the Board.

Mr. Madaio: stated the Board can request the applicant send a second notice; understands that the idea is to have as much transparency and public participation as possible.

Mayor Bivona: stated he is not sure about the public attendance regarding the Danza Crest application but there were two members of the public in attendance for the Schloeser/Mansmann application; would like them to be notified.

Mr. Whitaker: stated the applicant has been in communication with his neighbors; Mr. Whitaker will make sure both parties that were in attendance that evening are notified of the new meeting date; in addition,

Mr. Whitaker has agreed to extend the time to July 21, 2016 for the Danza Crest application.

Voucher: Councilman Kahwaty, Sheppard

Ayes: Mayor Bivona, Councilman Kahwaty, Gostkowski, Lauber, Pullaro, Chairwoman Vierheilig, Linz, Sheppard, Ochs

Mark Madaio, Esq., Planning Board Attorney

Meeting attendance, 5/18/16 \$300.00

Motion to adjourn: Councilman Kahwaty, Sheppard

All in Favor

Meeting adjourned at 7:45PM.

Respectfully submitted by:

JoAnn Carroll

Recording Secretary

June 15, 2016