

BOROUGH OF WOODCLIFF LAKE
PLANNING BOARD
MARCH 12, 2018
MINUTES

DRAFT *Approved 4/9/18*

CALL TO ORDER:

The meeting was called to order at 8:00 p.m. at Borough Hall by Chairman Dattoli.

Adequate Notice Statement:

The Chairman announced this meeting, in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231, at the Reorganization Meeting on January 24, 2018, in the Municipal Building. Notice of this meeting was posted, in two newspapers, The Record and The Ridgewood News, were notified. The public was advised of the Planning Board's rule that the meetings will be concluded by 11:00 p.m.

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ROLL CALL:

Present:

Councilman Corrado Belgiovine, Class III
Jane Ann Whitchurch-Carluccio, Alternate 1
Chairman Albert Dattoli, Class IV
Nilufer DeScherer, Alternate II
Robert Friedberg, Class II
Josephine Higgins, Class IV
Vice Chairman Joseph Langshultz, Class IV (8:30 pm arrival)
Peter Michelis, Class IV
Thomas Panso, Mayor Designee

Also Present:

Marc Leibman, Attorney
Tonya Tardibuono, Secretary

Absent:

David Ciaudelli, Class IV
Mayor Carlos Rendo, Class I
Chad Feinstein, Class IV

Not Requested:

Evan Jacobs, Engineer
Richard Preiss, Planner
John Pavlovich, Traffic Engineer

A motion to appoint Mary R. Verducci as Planning Board Recording Secretary was made by Ms. Higgins and seconded by Councilman Belgiovine. On roll call vote, all Members voted yes.

BOARD DISCUSSION

1. **By-Laws - Memo dated 2/13/18 from Marc Leibman, Esq. to Woodcliff Lake Planning Board** - A discussion ensued following discussion at the 2/12/18 meeting concerning the By-laws and suggested changes regarding telephonic participation and voting by Board Members. The Memo further highlighted other areas in which the Board may wish to modify, with suggestions. Among those were: Only Class IV Members should vote for Chair and Vice-Chair; duties of the Secretary; notation that Board meetings are now on a monthly schedule; eliminate terming meetings as "work sessions"; completeness review within 45 days of application submission; three options for telephonic participation; removing requirement of renoticing upon creation of a new variance during an application, as the "catch all" phrase language has been upheld by the courts; "Time of Decision Rule" section needs to be removed, and replaced with reference to current law "Time of Application"; and permission for Board Counsel to share draft of Resolutions with applicants.

It was noted that the Bylaws have not been updated since 1998. Board Attorney Leibman suggested setting up a By-Laws Sub-Committee. Ms. Whitchurch-Carluccio, Ms. DeScherer & Chairman Dattoli volunteered. There were no further discussions on the By-Laws.

2. **Issues Relating to Broadway Corridor** - Mr. Leibman advised that last month he disclosed knowledge that his law partner, Paul Kaufman, Esq., is a minority partner in a project within the Broadway Corridor. Chairman Dattoli stated there is an issue that needs to be resolved, such as whether there is a conflict of interest while the Board is reviewing the Broadway Corridor. He suggested perhaps the Board should have an outside legal opinion from the Borough Attorney or another outside attorney to make a determination. Ms. Higgins commented she and Mayor Rendo suggested hiring an attorney for the hearing and request Mr. Leibman to recuse himself for this particular review.

Chairman Dattoli also disclosed he is involved in the same project as Mr. Kaufman within Broadway Corridor, as an architect, giving a brief history of how he came to be retained as such. (Note: Mr. Langshultz arrived at approx. 8:30 pm.) He further noted the application for this project would require a use variance and become an application before the Board of Adjustment. Since he is now in a verbal contract with the partners, Mr. Dattoli stated he would need to get a legal opinion as to whether there is a conflict of interest for him as well. He would defer to the Mayor & Council Liaison as to how to handle this, so they could make a decision on what is recommended. Councilman Corrado advised the Borough Attorney could review the matter and give a legal opinion. Mr. Friedberg commented this is a huge issue as the Board is reviewing the Broadway Corridor. Ms. Higgins agreed they should err on the side of caution and have the Borough Attorney review and advise.

Mr. Leibman advised the application is not going to come to the Planning Board to be heard, and the decision is to come from the Mayor & Council. If the Broadway Corridor review comes to this Board, he is not going to be the attorney for that matter. Mr. Panso asked for clarification on the procedures. Mr. Leibman explained the process of the matter coming from the Mayor & Council to the Planning Board as an ordinance for consistency review, and then it is sent back to the Council with a letter of recommendation from the Board. Basically it is a presentation by the Board Planner, a discussion by Board Members, then a letter is issued. The Mayor & Council adopts the ordinance on their timeline. This does not need Planning Board approval, and should not take very long. So far, the Governing Body has not taken any action. Mr. Preiss would have to do a planning review and have one meeting, and that should be it. Councilman Belgiovine commented the Council is trying to set up a special meeting to get this introduced. Also, the Board could use the Zoning Board Attorney, Sal Princiotto, Esq. for the consistency review discussion. There were no further comments.

OPEN TO PUBLIC:

The meeting was opened to the public on motion of Councilman Belgiovine, seconded by Mr. Langshultz, and carried unanimously.

Hasmig Yetemian, 5 Edward Place, came forward with an inquiry as to whether there would be any affordable housing. Mr. Leibman advised if the project goes to the Zoning Board and is approved before an overlay fair share plan is in place, you may not see any affordables; if after, there is a possibility. Applicant can also request a variance from it. Ms. Yetemian had no further questions.

There were no further interested parties.

CLOSED TO PUBLIC:

The meeting was closed to the public on a motion of Ms. Higgins, seconded by Mr. Langshultz, and carried unanimously.

MINUTES:

The Minutes of February 12, 2018 were approved as amended on a motion made by Ms. Higgins, seconded by Mr. Panso, and carried unanimously.

ADJOURNMENT:

The meeting was adjourned at approximately 8:50 p.m. on a motion made by Mr. Langshultz, seconded by Ms. Higgins, and carried unanimously.

Respectfully Submitted,


Mary R. Verducci, Paralegal
Planning Board Secretary