

**BOROUGH OF WOODCLIFF LAKE
PLANNING BOARD
APRIL 9, 2018
MINUTES**

APPROVED 5/14/18

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
David Ciaudelli, Class IV
Albert Dattoli, Chairman, Class IV
Nilufer DeScherer, Alternate II
Robert Friedberg, Class II
Josephine Higgins, Class IV
Peter Michelis, Class IV
Thomas Panso, Mayor Designee

Also Present:

Marc Leibman, Attorney
Tonya Tardibuono, Secretary

Absent:

Mayor Carlos Rendo, Class I
Joseph Langshultz, Vice-Chairman, Class IV
Chad Feinstein, Class IV
Jane Ann Whitchurch-Carluccio, Alternate #1

Not Requested:

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

BOARD DISCUSSION

1. **Follow up to Broadway Corridor - Memo from Ronald A. Dario, Esq. Dated 3/16/18 RE: Conflict Issues, PB Attorney/Chairman** was read into the record by Chairman Dattoli. The Memo reviewed conflict issues concerning the Planning Board's Attorney and Chairman and their connection to a development located in or adjacent to the Broadway Corridor. It was recommended and advised that the Board should use a different attorney as Conflict Counsel. Albert Dattoli should recuse himself from all matters pertaining to the Broadway Corridor. Chairman Dattoli stated he would recuse himself from the Broadway Corridor. Mr. Leibman advised he already represented he would recuse himself.

Josephine Higgins commented she had the pleasure of working with Salvatore Princiotta, Esq., Zoning Board Attorney, on many occasions. It had been discussed that Mr. Princiotta could act as Conflict counsel. Mrs. Higgins suggested it may be best to consult another firm and brought in some literature. The Broadway Corridor will be a complex review, and it would be best to have a firm that deals more with planning, Planning Boards, affordable housing, and the like. Mrs. Higgins requested a discussion in closed session. Mr. Dattoli needed to recuse himself from the conversation.

Councilman Belgiovine commented it is not a conflict until the Board sees a conflict. The Council will bring something in the form of an ordinance to the Planning Board, and at that time, they would have to step down from the dais on the matter. Mr. Princiotta has many years of experience with the ordinances and the Borough, and it would take great lengths of time for another attorney to get familiar with the ordinances. He also accepts our fee schedule. We do not really hire someone until there's a conflict, and we can all discuss the attorney now while there is no conflict.

Mr. Friedberg commented the Board determines when a conflict exists. Mrs. Higgins commented maybe at some time, Mr. Princiotta may have a conflict. Councilman Belgiovine inquired how there would be. His action on the Zoning Board would have no conflict on the Planning Board. There is nothing before the Board now, and until the Mayor and Council acts upon something, the Board does not need to hire anyone. A discussion is fine. Mr. Leibman advised it is not a bad idea to have someone assigned consistently as a conflict counsel. Many municipalities have conflict counsel, engineers, contractors, prosecutors, etc. He inquired if the Councilman had any idea of how soon the Council is planning on acting on this. Mr. Belgiovine said hopefully by the next Planning

Board meeting. Mrs. DeScherer commented all the more reason to act now. Mr. Leibman advised they could start interviewing. At most 5-10 hours of legal work, entailing reviewing an ordinance and forwarding a Memo with recommendations back to the Council.

Nilifer DeScherer commented the Board should be ready to have a vote on the ordinance with a person in place without delay, and made a motion for approval to appoint Salvatore Princiotto, Esq. as Conflict Counsel for the Broadway Corridor. Peter Michelis seconded the motion. There were no further questions, comments or discussions. On roll call vote, Councilman Belgiovine, David Ciaudelli, Robert Friedberg, Thomas Panso, and Nilifer DeScherer voted yes. Albert Dattoli and Josephine Higgins abstained.

Mrs. DeScherer requested the Chairman review for the Board his connection with the Broadway Corridor and expressed concern that Mr. Dattoli voted on a previous letter to the Council. She felt it should be retracted. Mr. Dattoli stated he was not retained at that time and did not have an issue retracting the letter. Mr. Michelis agreed. Mr. Friedberg felt it was a conflict. Mr. Leibman could not advise on the subject. Mr. Belgiovine commented he didn't think it was an action letter, but just an expression. Mrs. DeScherer felt any action is tainted. Mr. Belgiovine commented a motion to retract could be made. The Board read the letter dated 2/12/18 into the record. It was noted that the letter was an expression of the Board's interest in seeing something happen as far as rezoning the Broadway Corridor. The Board spent many hours in review, and no action was taken by the Council. Mr. Friedberg asked the attorney whether he thought it was a conflict. Mr. Leibman commented it is tricky, and Ms. DeScherer's concern is perfectly legitimate. They should get their conflict attorney in and reissue the letter under a different signatory. Mr. Princiotto would need to be present at the next meeting that this could be discussed. The Vice-Chairman could act as Chairman. If nothing else is on the agenda, Mr. Leibman would not have to be present. There were no further discussions.

2. Ordinance Changes - Memo from Nick Saluzzi, Construction Official, dated 4/5/18 RE: Revisions to Article X & Article IX of the Woodcliff Lake Ordinance. Mr. Leibman and the Chairman advised the ordinance defines when COAH fees need to be collected. Mr. Saluzzi wants to eliminate certain language under §380-70 Development Fees: *"only those structures which have been deemed to have only been 'partially destroyed', as defined herein, shall be exempt from the fees"*. Further to delete from Definitions "Partial Destruction". This negates people leaving one wall up during

demolition under the ordinance. Mr. Saluzzi is looking for comments. It is a little vague and needs to be cleaned up.

Councilman Belgiovine commented Mr. Saluzzi was also concerned there are too many restrictions on the commercial office buildings, and this limits the prospective tenancies. These minor adjustments will not have any major impacts and will help keep the buildings full. It should be reviewed by their planner.

Mr. Leibman advised the Board should send this to their Board Planner, Richard Preiss, for a quick planning review. A brief discussion ensued about having potential businesses come in for a planning review. Councilman Belgiovine would bring it up at the Council. There is a CCO process. Does the Board want to bring them in before the Board or just have the Fire Department inspect the site. After approval, the CCO should be scanned into the Borough's database, rather than just placed in the file. The Board directed Mr. Preiss to perform a Planning Board review and send a Memo to the Mayor and Council. Any comments by Board Members can be sent directly to Nick Saluzzi.

PUBLIC SESSION:

The meeting was opened to the public on motion by Josephine Higgins, seconded by Thomas Panso, and carried unanimously.

There were no interested parties.

The meeting was closed to the public on a motion made by Councilman Belgiovine, seconded by David Ciaudelli and carried.

MINUTES:

The Minutes of **March 12, 2018** were approved as amended on a motion made by Councilman Belgiovine, seconded by Nilufer DeScherer, and carried unanimously.

ADJOURNMENT:

The meeting was adjourned at approximately 9:30 p.m. on motion made by Councilman Belgiovine, seconded by DeScherer, and carried unanimously.

Respectfully Submitted,



Mary R. Verducci, Paralegal
Planning Board Secretary