

**BOROUGH OF WOODCLIFF LAKE
PLANNING BOARD
May 14, 2018
MINUTES**

APPROVED 8/14/18

CALL TO ORDER:

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

Adequate Notice Statement:

The Chairman announced this meeting, is in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231, and announced at the Reorganization Meeting on January 24, 2018, in the Municipal Building. Notice of this meeting was posted, and two newspapers, The Record and The Ridgewood News, were notified. The public is 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
Josephine Higgins, Class IV
Cheryl Dispoto, Class IV
Peter Michelis, Class IV
Jane Ann Whitchurch-Carluccio, Vice Chairwoman, Class IV
Brian LaRose, Alternate 2
Robert Friedberg, Class II
David Ciaudelli, Class IV
Thomas Panso, Mayor Designee
Nilufer DeScherer, Alternate 1
Joseph Langschultz, Chairman, Class IV

Also Present:

Salvatore R. Princiotta, Board Attorney

Absent:

Mayor Carlos Rendo, Class I

Not Requested:

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

BOARD DISCUSSION

1. Swearing in of new Members - Cheryl Dispoto was sworn in as Class IV Member, and Brian LaRose was sworn in as Alternate 2.

2. Elect new Vice-Chairman & Planning Board Attorney -
A motion to elect Jane Whitchurch-Carluccio as Vice-Chairwoman was made by Mrs. Dispoto, seconded by Mr. Michelis and carried unanimously.

A motion to elect Salvatore R. Princiotto, Esq. as Temporary Board Attorney was made by Vice-Chairwoman Whitchurch-Carluccio, seconded by Robert Friedberg and carried unanimously.

3. Adopt Planning Board Resolution 2018-01 directing Richard Preiss, PP to Prepare a Study as per Council Resolution 18-118 on Lots 1, 2 and 9 in Block 2602 and Lot 14 in Block 2501:

Board discussion on the Resolution ensued. Board Member Cheryl Dispoto questioned why Lot 14, Block 2501 was added. She gave some background information. At the committee meeting, Lot 14 was not discussed or included. Residents did not want any other lots included aside from the Fair Share Housing as an area in need of development. Somehow it is back in. It is critical that the Planning Board pass the Resolution to have Mr. Preiss move forward with the study on Lots 1, 2 and 9 to implement the settlement with Fair Share Housing. Mr. Preiss had said these are two separate projects that would be done by two separate developers. Mrs. Higgins said she was not present at the committee meeting and asked if there were any minutes.

Councilman Belgiovine commented the Mayor and Council sent this to the Planning Board to study these specific lots. They will be independent plans. Mr. Michelis commented he did not see any harm in just doing the study on Lot 14 as well. It's just a study. Mrs. Whitchurch-Carluccio commented it might be somewhat less expensive to do the study in bulk. Mr. Panso asked if the Board has the authority to change the Resolution. Mr. Princiotto advised you cannot and advised under the Affordable Housing Law there are specific steps to follow. Public notice must be published. There is a process to be followed before recommending to the Mayor and Council, who adopts a Resolution identifying the area in need. This is preliminary. It would seem to make sense to look at all the lots identified by the Mayor and Council. You are just gathering information and going through the statutory process. He would follow the request and proceed. Mr. Cuidelli asked what might go there. It is at the train station. Councilman

commented one possibility was a restaurant. Mr. Friedberg and Mr. LaRose were in favor of doing the study on both.

A motion to open to the public was made by Mr. Ciaudelli, seconded by Mrs. Higgins, and carried.

Hasmig Yetemian came forward and expressed to take one step at a time and leave Lot 14 out.

Craig's Marson commented this is not being done properly.

Joe LaPaglia supported what the two residents had said. The affordable housing only mentioned the first three lots. The Fair Share Housing Committee never mentioned Lot 14, and it is totally inconsistent including that with the three lots. Lot 14 is in the middle of the train station parking lot and brings all kinds of issues into play. He understands from the Mayor there is a sense of urgency of moving forward on the three lots, and he is confused why the Council would include Lot 14 in the middle of the train station which will cause all kinds of issues and delays. This jeopardizes us into including additional units. He recommended doing two studies. The three lots, then followed by the train station. Councilman Belgiovine commented the Council wants the Board to come back with the study for areas in need. Ms. Despoto asked if the Board were not to approve it, would it hold up the settlement. Mr. Princiotto advised it could, and this was the procedure set up by the local housing law. This is just a study. They are not making any recommendations, just getting the planner to provide the data. There was discussion of the parking lot and joining the parking together. There is no reason not to have the Planner do the study and provide the data and then make a recommendation.

Alex Couto stated he went to the Council meeting, and there was nothing in the paperwork about the other lot. It doesn't seem right. They know they have to do the three lots.

Veronica Appelle stated she was head of COAH in Woodcliff Lake for many years. She asked how many fair market value homes would be included, would it be 16. The Chairman responded this is just the Resolution right now that is being discussed. She asked why the additional lot was not discussed at last Monday's meeting. Councilman Belgiovine commented they modified it. It is just one additional lot than was discussed at the committee meeting. She asked about the areas in need of development and wants to be in on the ground floor.

There were no further questions or comments. A motion to close to the public was made by Mr. Ciaudelli, seconded by Mrs. Higgins, and carried.

A motion for approval was made by Councilman Belgiovine, seconded by Mrs. Whitchurch-Carluccio. On roll call vote, Councilman Belgiovine, David Ciaudelli, Mr. Friedberg, Chairman Langshultz, Mr. Michelis, Mr. Panso, Mrs. Whitchurch-Carluccio, Mrs. DeScherer and Mr. LaRose voted yes. Mrs. Disposoto and Mrs. Higgins voted no.

4. Retraction of 2/12/18 letter authored by Al Dattoli RE: rezoning of Broadway South of Highview -and-

5. Consideration of issuance of new letter suggesting rezoning of Broadway south of Highview:

Board Discussion RE: Retraction of letter and issuance of new letter - Board Attorney Princiotto advised this had to do with Mr. Dattoli's conflict, and rather than call it a retraction, ask the Council to hold comments on the ordinance in abeyance. If they decide to take action and it comes back, the Board can make a determination and recommendation at that time. He would say hold in abeyance rather than retraction. Councilman Belgiovine commented because there was a conflict, and Mr. Dattoli penned the letter, he did not want it to be a personal recommendation by the Planning Board. Ms. DeScherer expressed that she did not feel comfortable with it. The Councilman said it is not an action letter, just because it had Mr. Dattoli's pen on it. The Board was asking its attorney for an opinion. Mr. Friedberg commented he was in favor of retracting it.

Mr. Princiotto asked if they were planning on issuing another, new letter. The Chairman said not at this time, but they could put it on the agenda. Mr. Princiotto understood the concern but was concerned about the effect of the retraction. He suggested the Board send a letter to the Mayor and Council that they retract the letter by Mr. Dattoli and reserve the right to send a recommendation on a future date. Mr. Panso did not think they should retract it because it looks like they are hiding something, and the fact that Mr. Dattoli penned the letter during a conflict he did not like either. He did not like the word retract. Ms. DeScherer commented she was not comfortable having it on the record. Mr. Ciaudelli commented it should be replaced if retracted. Mr. Friedberg said he agreed with Mr. Princiotto's suggestion. Mr. LaRose asked if there was a need to replace the letter. He felt the letter should be replaced.

Chairman Langschultz commented he sees that the Board wants to retract the letter and reserve the right to provide a recommendation in the future. Mr. Princiotto pointed out it is just an opinion of the Board and asked why the letter was even sent. He suggested drafting a letter stating they are not comfortable with a letter by Al Dattoli since he resigned, and reserve right to send recommendations. Mrs. Dispoto said that the Mayor commented the area South of Broadway would be tabled until a later date.

Councilman Belgiovine commented until there is something before the Board there is no action to be taken. He asked if the Board needed to pass a new resolution. Mr. Princiotto deferred to the Board. Mr. Friedberg and Mrs. Whitchurch-Carluccio stated they would like a letter to the Council saying they withdraw the letter as they are not in agreement with the letter. Mr. Michelis agreed. There was a conflict the Board did not know about. The Board can draft a new letter when appropriate. Mr. Friedberg commented it was clear to him that Mr. Dattoli was in conflict when he penned the letter. Mrs. Higgins agreed with Mr. Princiotto to prepare a letter to review at the next meeting. The Chairman asked for a motion.

A motion for approval to retract the 2/12/18 letter authored by Al Dattoli and reserve right for Planning Board to review and make recommendations at later date was made by Councilman Belgiovine, seconded by Josephine Higgins and carried unanimously.

Mr. Princiotto would prepare a proposed letter for review at the next meeting.

6. Consistency Review - EAO and EAOII Zone - Ordinance No. 18-07 - An Ordinance to Amend Chapters §380-58 and §380-66 to Amend Uses within the Executive and Administrative Office District (EAO) and Executive and Administrative office District II (EAOII) -

Robert Friedberg recused himself and stepped down from the dais. Chairman Langschultz reported that currently office buildings have a minimum sq. ft. for rentals for office and office-related uses, and they want to look at lowering the minimum sq. ft. of areas to rent. The Construction Official had issued a memo, and the Mayor and Council introduced Ordinance 18-07. The changes are to be reviewed by the Planning Board to see if they are consistent with Master Plan. Mr. Princiotto read emailed comments from Planner Richard Preiss today as far as consistency. The list of uses was included in the ordinance introduced.

The current ordinance reads these uses are non-compliant, necessitating a variance to occupy say 500 sq. ft. for a cafeteria, etc., and allow it rather than let these buildings go dormant. Ms. Dispoto felt it was a good idea. She also suggested carefully defining the uses. Mr. Panso asked who makes the determination, and the response was the Zoning Officer.

Mr. Princiotto prepared a consistency letter. They could add to it to tighten the language of the definitions. Mrs. Whitchurch-Carluccio would like to remove overnight stay. It excludes hospitals. Would you permit a surgical center Mr. Princiotto asked. Board Members Carluccio, Ciaudelli and Michelis said they were not opposed but they hadn't thought of it. They would want to strike overnight stays. Councilman Belgiovine commented it is a large investment for these companies to go in, and it was the intent of the Mayor and Council to put together the expanded uses to review, based on day-to-day activity in the Building Department from potential tenants. To be forced to come in for a variance and wait six months to go through the process is not conducive to the businesses, and the intent is to keep the buildings occupied as much as possible. Remaining members were in agreement with surgical centers. Mr. Panso said urgent cares are fine too. Councilman Belgiovine asked if they could make slight recommendations from a consistency review point of view. Mr. Princiotto read the letter he prepared. He added same-day surgical centers. Mrs. Dispoto asked about child care and Councilman Belgiovine stated it is an accessory use.

Mr. Princiotto read the letter into the record and advised there are defined terms. If the Board feels the ordinance lacks clarity, perhaps they should send it back. The office market is not what it used to be, but the ordinance makes sense. Councilman Belgiovine asked if the Board should send back its specific comments if language needs to be tightened up or clarified, and if there is a substantial change, it may have to be reintroduced. Mr. Princiotto advised yes, it may have to if you're discussing definitions. Mrs. DeSherer commented they can look at our comments and say if they agree.

The letter was read again and finalized, including same day surgical centers and urgent care facilities as permitted uses. Prohibiting medical uses that have overnight stay. Exclude language including but not limited to.

A motion to direct Board Attorney Princiotto directed to send a letter as follows to the Mayor and Council was made by Councilman Belgiovine, seconded by Mrs. Higgins and carried unanimously. The

letter will state the Planning Board reviewed the Ordinance and email from Richard Preiss, Board Planner. The Board found that the zone changes are consistent with the Master Plan and Master Plan Re-examination. The Planning Board recommends excluding the words "including but not limited to", prohibiting any medical use that requires an overnight stay and recommends including as permitted uses, same day surgical centers and urgent care facilities.

Robert Friedberg returned to the dais.

8. Planning Board Attorney Appointment - Chairman Langschultz introduced the topic, stating their Planning Board Attorney resigned and they can continue to use Mr. Princiotto as the new Board Attorney or take resumes. He would think the Board would want to get resumes or talk about it. Mrs. Carluccio inquired if the Board could do a little due diligence and come back to the next meeting. Mr. Princiotto inquired about the process, and Councilman Belgiovine stated there was no formal process, but it was customary to do an RFQ. He further commented if Mr. Princiotto has the time, he would recommend the Board keep him on as Board Attorney. Mr. Princiotto stated he would be happy to remain. He has been the Zoning Board Attorney in Woodcliff Lake for the past 12 years. There is a lot of activity before the Board. If the Board wants to make a change at a later date, fine, and if it becomes too much, he would let them know. He has also been a resident a long time and enjoys being Board Attorney. There is a lot of work that has to be done to implement the settlement. He would not be the COAH attorney. If there are COAH issues, this would have to be handled by the Borough Attorney.

Mr. Belgiovine commented the Mayor and Council is seeking RFQ's for COAH Attorney and Redevelopment Attorney. The Chairman commented the Board has to appoint an attorney, and he would like to hear from the members. Mr. Panso commented there is no harm in coming back to this at next meeting. Mr. Princiotto knows the issues, and he is good with him staying on. Mrs. DiSherer commented she is ok with gathering names and following up at the next meeting. All agreed. The Chairman stated this would be tabled to next meeting and revisited. The Board should come with names or agree to retain Mr. Princiotto.

PUBLIC SESSION:

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

The following members of the public came forward:

Hasmig Yetemian, 5 Edward Place, Craig Morissey, Joe LaPaglia, and Craig Marson, who expressed concern with condemnation and the gas station property being left out, that 188 Broadway is a difficult transaction which should be looked at in detail, and he wants to submit a resume from an attorney.

Joe LaPaglia said he would like to suggest to the Board keeping Mr. Princiotto for the remainder of this year rather than introducing a new attorney at this time. The Board has a number of significant issues. He knows Mr. Princiotto a good portion of his years here.

John Glaser commented as to a new attorney, he would strongly suggest conducting yourself as you would for any position with a selection and interview process and fairness. What are the pros and cons and make sure it's justified and makes sense. It should be done in open forum. He also had concerns about the EAO and EAOII Zones. The town must be careful. He spoke about medical uses and other trends, suggesting to be in touch with key persons in other towns.

Veronica Appelle asked if the settlement agreement with COAH includes market rate units. Councilman Belgiovine responded the 16 units total of affordable are all 16 affordable units. She asked if density and height are still undecided and where she could get the agreement. She was told yes, and on the website or to call the Borough Clerk. Also, there will be multiple public hearings on redevelopment plan.

Mr. Cuoto said he wanted transparency. He is relying on the town to be kept abreast of what is going on. He would like paperwork and information and can go on the website and subscribe.

Mr. Princiotto advised copies of proposed ordinances should be put on table during the meetings for members of the public.

There were no further questions, comments or discussions.

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

MINUTES:

The Minutes of **April 9, 2018** were approved as amended on a motion made by Councilman Belgiovine, seconded by Robert Friedberg. All those eligible to vote voted yes.

ADJOURNMENT:

The meeting was adjourned at approximately 10:25 p.m. on motion made by Councilman Belgiovine, seconded by Mrs. DeScherer, and carried unanimously.

Respectfully Submitted,

Mary Verducci

**Mary R. Verducci, Paralegal
Planning Board Secretary**