

Minutes of Meeting of 11-28-17 Dumont Joint Land Use Board

Flag Salute

Chairman Bochicchio asked for a moment of silence.

SESSION: This is a regularly scheduled meeting of the Joint Land Use Board of the Borough of Dumont, held in the Dumont Senior Center.

November 28, 2017
7:30 PM

SUNSHINE LAW: This meeting is a specially scheduled meeting of the Joint Land Use Board of the Borough of Dumont, held in the Dumont Senior Center on November 28, 2017. This date, time and location were established by the resolution of the Board. A copy of the resolution was forwarded to The Record, the Ridgewood News and posted in the Borough Hall. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

ROLL CALL:

Ron Burkert	Class I	Y	
Michael Affrunti	Class II	Y	
Jared Geist	Class III	Y	
Michael Worner	Class IV	Y	
Timothy Hickey	Class IV	Y	
Elmer Pacia	Class IV	Y	
Michael Cremin	Class IV	Y	
Barbara Chen	Class IV	Y	
Ken Armellino	Alt #1	Y	
Alfred Moriarty	Alt #2	Y	
Janet Masio	Alt #3	Y	
Nicole Talmo	Alt #4	E	
Chairman William Bochicchio	Class IV	Y	
Others:			
Board Attorney, Mark Madaio, Esq		Y	
Board Engineer, Boswell by Jim Fordham		Y	
Peter Van Den Kooy, CME Associates			
Board Clerk, Lois Rusch		Y	
Board Clerk in Training, Rebecca Vasquez		Y	

BUSINESS: Review and Approval of Business Professional Invoices:

- Chairman William Bochicchio went to the Building Department to review/sign off on invoices and worked on Landmark invoices. They have another \$4,000 they owe and their debt will be cleared.

BUSINESS: Approval of Minutes of 10-28-17

- Motion to hold Minutes of 10-28-17 until next month by Tim Hickey, 2nd Janet Masio
- All in favor.
- Appointing RFQ Committee:
 - Board Attorney has send out RFQ's for board attorney, planning and consulting engineering consultants. Will have these published and will be available in Boro Hall.

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- Committee will review RFQ's and make recommendations to the Board.
 - Mike Affrunti, Chair
 - Barbara Chen
 - Ken Armellino

FORMAL: Review and Approve Resolution:

M & O Pimental
 139 Depew Street
 Block 924, Lot 19

Mr. Madaio explained the Pimental's appeared before the Board requesting to extend their porch roof across the front of the house. Very minor item, as the left side of the house would then line up with right side.

A motion made by M. Affrunti to approve the Resolution, 2nd by Al Moriarty.

ROLL CALL:

Ron Burkert	Class I	Y
Michael Affrunti	Class II	Y
Jared Geist	Class III	A*
Michael Worner	Class IV	A*
Timothy Hickey	Class IV	Y
Elmer Pacia	Class IV	Y
Michael Cremin	Class IV	Y
Barbara Chen	Class IV	A*
Ken Armellino	Alt #1	Y
Alfred Moriarty	Alt #2	Y
Janet Masio	Alt #3	Y
Nicole Talmo	Alt #4	E
Chairman William Bochicchio	Class IV	Y
<i>*ABSTAINED, not present at last meeting</i>		

Resolution is approved.

FORMAL: Review and Approve Resolution

Dr. J. Suss
 316 Knickerbocker Road,
 Block 322, Lot 7

Mr. Madaio explained that this property is a big white house that many on the board are familiar with as being a medical office building for more than 50 years. Dr. Suss had already purchased the property and obtained a C of O for a medical office building from our prior building inspector. However, our new building inspector felt he should not get a building permit because it was a "home office". Dr. Suss had no interest in living in the building and the board considered this an "A" appeal. (The officer was mistaken; historically, it was never considered to be a home office). Dr. Suss has brought additional escrow to the building department today.

Motion made to accept this Resolution by Ken Armellino, 2nd by Mike Cremin.

ROLL CALL:

Ron Burkert	Class I	Y
Michael Affrunti	Class II	Y
Jared Geist	Class III	A
Michael Worner	Class IV	A
Timothy Hickey	Class IV	Y
Elmer Pacia	Class IV	Y

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Michael Cremin	Class IV	Y
Barbara Chen	Class IV	A
Ken Armellino	Alt #1	Y
Alfred Moriarty	Alt #2	Y
Janet Masio	Alt #3	Y
Nicole Talmo	Alt #4	E
Chairman William Bochicchio	Class IV	Y

Resolution is approved.

FORMAL: Review of Incomplete Application
 50 Park Avenue
 Block 904, Lot 29
 Incomplete Application; no response to phone calls or letter (e-mail)
 They sent \$350 fee.

Mr. Bochicchio outlined the situation with the above application; they were notified that the Board would hear this application tonight, provided they completed the application properly and gave us proof that people within 200’ were notified. We have not heard from them at all. Mr. Madaio explained that this applicant had good intentions and we do have a time limit, so a motion to dismiss the application without prejudice could be made. (They can come back). A portion of their fee could be returned, if there was no billing against this fee.

Motion to dismiss without prejudice made by Ken Armellino, 2nd by Barbara Chen.

ROLL CALL:

Ron Burkert	Class I	Y
Michael Affrunti	Class II	Y
Jared Geist	Class III	Y
Michael Worner	Class IV	Y
Timothy Hickey	Class IV	Y
Elmer Pacia	Class IV	Y
Michael Cremin	Class IV	Y
Barbara Chen	Class IV	Y
Ken Armellino	Alt #1	Y
Alfred Moriarty	Alt #2	Y
Janet Masio	Alt #3	Y
Nicole Talmo	Alt #4	E
Chairman William Bochicchio	Class IV	Y

Motion is approved.

FORMAL: Review of Application for Variance for proposed restaurant addition
 La Taberna/Lazaro Negrin, T/A Sayola, LLC
 31 West Madison Avenue
 Block 112, Lot 3

They have not sent out notices, therefore, we are not hearing it. It is postponed to December. The fire officials, due to the space behind the building, must review this. Will ask for a report for next meeting.

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Mr. Bochicchio stated that, while not on the Agenda, however, the draft document of the 2017 Housing Element and Fair Share Housing Plan was delivered and he was instructed today that Burgess would be here to discuss this with us. He called the Mayor and told him not to come, as there is not enough time for the Board to review this very large document by tonight. So, he asked the Board to please review this and come prepared to the next meeting, December 12, to discuss it. This meeting date has been on the calendar for the year, as it is done a year in advance.

This document, as explained by Mr. Madaio, was created in response to a Settlement Agreement executed by the governing body and must be approved by the Board. In order to rezone, the changes to the Master must be adopted (town-wide overlay, "D" variance for more than 4 units must allow for affordable housing) and the downtown area.

Policy of entire state is that there will be affordable housing in this state. Virtually every town will settle. It is going to happen by court order if necessary so the Board should review this.

Mr. Bochicchio said that there is before the Mayor and Council a revised Escrow document for their approval. Also being addressed are the published fees that the public accesses prior to submitting an application for work. Mr. Madaio explained how these Escrows work as every town has issues with this. By law, you cannot take an Escrow larger than what your ordinance states. The ordinance provides very little escrow and the problem in many towns is that Engineer and Planner review plans first; they bill against it and probably use it all up, before the application starts. Now you've covered just the beginning of the application. The attorney's hours come at the end of the application and there's no money left in escrow. But if they don't replenish the escrow, they can't get their permits, so you usually get it. The problem is when you call for a replenished escrow for an application that is denied, you can never get the funds and the town has to 'eat' it. Many hours were spent researching and reviewing invoices against Landmark's escrow recently.

Motion to adjourn by Barbara Chen, 2nd by Ken Armellino.

Lois Rusch, Clerk
Dumont Joint Land Use Board