



**John Barbarula stated that since there were violations with the construction official Sal Poli and he is a board member that Sal should step down from the DAIS for this hearing.**

Blagoja Petreski, Pertreski Law Offices of Kinnelon, NJ, he is representing Allison Curran. The application is for a new wood frame deck on the front of the house. The house is a corner lot so there are two front yards, the front yard where the front door is on Loy Avenue there is a 30-foot setback required. There is a covered porch there now that is not original to the house but it is not new. The second front yard setback is on Cotluss Ave currently is it now 9 feet from the curb they are proposing 5 feet from the curb. A variance is needed for the front yard for the air conditioning system. There are four preexisting non conformities on the lot already; lot area, lot width, side yard set back and maximum coverage. There is a hardship on the property due to being a corner lot.

**Rick Malangna is in attendance at 7:38 PM**

The only witness that Mr. Petreski will call up is Allison Curran. Ms. Curran came forward and was sworn in by the board attorney. Mr. Petreski asked Ms. Curran a series of questions regarding the deck installation. She purchases the home in October 2020 and there was no deck installed. She began installation of the deck in November 2021, she did not think that permits were needed for the deck since it was ground level. The deck was framed when she received a stop order, they stopped working right away. The deck cannot be used in its current state. All of the fines issued have been paid to date. She is looking to put decking on top of the frame that is currently there. There will be two entrances to the house from the deck, the master bedroom and the kitchen. The deck will be "L" shaped like the back of the house. There was a smaller porch on a concrete slab preexisting. Chairman Trowse asked if there was an option to but the door in the location going out the back of the house. Curran responded that that kitchen is small and she would not have been able to fit the appliances in the kitchen. Mayor Carelli asked if that portion of Cotluss Road is a through street. Curran responded no, he and her neighbor across the street use it.

Chairman Scott Trowse opened the meeting to the public for any questions. No one from the public came forward, thereupon Chairman Trowse set forth the motion to close the public portion.

**ALL IN FAVOR / Motion Carried**

Blagoja Petreski came forward for a closing statement. He stated that they are showing there is a hardship related to the corner lot causing two front yards set backs which makes it impractical to put a deck anywhere on the property.

Barbarula stated that if there is a motion by the board to approve it is to acknowledge the preexisting variances and the four variances that need to be addressed: the air conditioning in the front yard, the deck in a front yard, and the side yard of the deck being a min of 5.7 feet, and cleaning up the front yard on Loy for the structure of the roof that were built sometime of 27.5.

Thereupon Rick Malanga set fourth the motion seconded by Michael Reilly to approve the variances as outlined by Attorney Barbarula.

**ROLL CALL:**  
**Ayes: Malanga, Reilly, Roberts, Scilingo, Bulger, Sheps**  
**Abstained: Talerico**  
**Nays: Trowse**  
**(6 Ayes – 1 Abstained - 1 Nays – Motion Carried)**

**MASTER PLAN RE-EXAMINATION:**

Donna Holmqvist came forward to review that Master Plan Re- examination.

Chairman Trowse invited Sal Poli back to the DAIS and Kevin Bulger stepped down but can still participate.

The document that is being reviewed is from June 9, 2023, there have been quite a few changes since the last Master Plan. The major problem circulated around the Glenburn, The Quarry which is set to shut down soon, Hamburg Turnpike area, The Pequannock River Greenway, The East and West Parcels, Sustainability and Green Infrastructure from the last plan. The issues that exist now, on page 7, have to do with Hamburg Turnpike, the Greenway, and Open Space. The East and West Parcels environmental restrained properties, one has been approved for development but had not yet been built. The demographic information on page 10-14 The Borough has become more diverse, half the residents are married, there is a stable household size, and the growth the Borough has seen over the last 15 years is not projected to grow. There is a map showing the proposed redevelopment concept for 83 Newark Pompton Turnpike. It is about 3.5 acres; the plan is for 31 Affordable Housing units.

There have been some changes brought up by the Board members to consider; complete streets, the old Wes' Tavern construction has started, 69 Hamburg Turnpike has broken ground it needs to be added in that progress is being made, a future Rail Trail starting from River Road to Post Lane, The Quarry for e-commerce driven by its highway access. Under Storm Water regulation the inland flood protection rule it will impact future development in the community it was adopted on July 17<sup>th</sup>, this will be inserted in the Stormwater State Policies section. On the Land use Plan map there is a typo the sections MF-1 should be MF.

Thereupon Kevin Bulger set forth the motion seconded by Mayor Paul Carelli to add complete streets and Rails to Trails into the Master Plan Re-ex.

**ROLL CALL:**            **Ayes: Bulger, Carelli, Pellegrini, Poli, Roberts, Malanga, Reilly, Scilingo, Talerico, Sheps, Trowse**  
                                 **Abstained:**  
                                 **Nays: None**  
                                 **(11 Ayes – 0 Abstained - 0 Nays – Motion Carried)**

Thereupon Chairman Scott Trowse opened the meeting to the public to ask Donna Holmqvist questions about the Master Plan.

Jared Wolf, 2 Wayside Place, asked regarding the East and West Parcels, the East Parcel states that it is approved for 9 units plus 1 Affordable Housing, for single family as it is currently approved. Wolf asked if there has been any motion put forth to change that. Chairman Trowse stated that there have been no motions set forth. Wolf asked if The Housing Element Fair Share Plan is the one that is in the plan. Holmqvist answered that that is the one approved in the plan. Wolf asked if there are 218 units that are required to be met, how does that fit in with the Habitat for Humanity Houses. Holmqvist stated that Habitat site is part of the Fair Share plan, the Borough received declaratory judgement for the third round and the one unit in the East Parcel is part of that. There is another round coming up in 2025. Barbarula stated that everything that is currently in existence will be subject to re-examination by that state of New Jersey by another round in 2025. Wolf asked about the East and West Parcel is the Borough under some sort of requirement. Barbarula stated that at the current time the Board has to consider what type of uses they feel are appropriate for the particular site based upon the environmental restraints and the approvals that, that site already has, it has a major subdivision site. The questions created multiple layers. This site has received major subdivision approval because it was a sensitive environmental site and that is why the development developed, the way it has, nothing has been filed, we cannot speculate. No applications have been made the Board is following what has already been approved by a major subdivision and that is where that site remains.

There are no further member available from the public to ask Donna Holmqvist questions. Thereupon Chairman Scott Trowse opened the meeting for statements, comments or presentations.

Jared Wolf, 2 Wayside Place, stated that the Rails to Trails is phenomenal he has ridden the portion in Pequannock and he supports that plan. He stronger recommends that the East Parcel stays the zoning that it is for the 10 units. He lives on Wayside connected to Windbeam and it would alter the fabric of that community, there are lots of young kids, young families, peaceful and quiet. More than 10 units would diminish our quality of life.

Rodger Pitt, 5 Windbeam Ave, he would like to second everything that Jared said he wanted it on record that his comment is supported.

Mark Semeraro, Dakotas Law Firm, he is supporting SRM Development LLC, the own Block 11 Lot 8 this a adjacent to the Rock Creek Crossing Condominium. The driveway of the property is onto Mathews Road and is identified as Stonehouse Road, it is a private road. Currently the road is used by way of easement by the Borough to reach their water tower and by Rock Creek Crossing for ingress and egress. The amendment they are seeking is a change from Zone R-40 to and expansion of the Zone PRD at a much lower density. Rock Creek is at 7.2 and acre roughly and we are seeking a little less than 3 per acre.

Steve Lydon, Purchase Associates, 25 Westwood Ave, Westwood, NJ. Lydon stated that to correct zone is R-35. Chairman Trowse asked what are you able to build with an R-35 zone. Barbarula stated 35,000 square feet per build. Chairman Trowse asked how many units would be viable at the 35,000 square foot. Lydon stated he is not sure of the number they did not do that exhibit. It is an 11-acre site so it would be able 13 units to the acre. There may be some encroachments, there is a power line in the rear, there is a water tower, you might be able to put those in the rear yard and provide easements, but he will say 13 units. Lydon stated that they are here to have the Master Plan Re-ex modified. On the resource map, the Rock Creek Crossing off of Mathews Ave, this subject site is adjacent to it and behind it and extends to Butler. There is a drive providing access to Rock Creek Crossing which is 156 units on the subject line, the lot we have has been subject to disturbances and encroachments. The advantage of this development and how it fits in with the Master Plan, to ensure that neighbors and communities are interconnected, they will be using the same driveway as Rock Creek. Protect and maintain the character of the community, being adjacent to the 156-unit townhouse community would enhance that development. There are slopes and they could use Rock Creek as a model since they had slopes on their property also. There would be 25-30 units on the property, it has not been designed yet, they are proposing a density of a third of Rock Creek's size. They are proposing a family environment, for Affordable Housing they would have 20% 1 bedroom, no fewer than 20% have to be 3 bedroom and the remainder 2 bedroom. The rest of the units would be 2-bedroom units. They would like the Board to support the recommendation to move the PRD Zone one lot west and call is PRD-2. An acceptable area in bulk standards can be worked out, they believe this is all consistent with the Master Plan Holmqvist has drafted.

Barbarula stated that Lydon is asking for a PRD-2 zone which would be adjacent to the PRD Zone (Rock Creek), 11 acres with 2.535 units per acre, 20% for sale 15% rental for Affordable Housing set aside (two 3 bedrooms, two 1 bedrooms and one 2 bedroom).

Semeraro stated if they built single family there would be able 13 house of 4/5 bedrooms each. That would have a larger impact on the school system versus the smalls townhouses. Lydon stated the disturbance would be less on the property for the smaller density of townhouse. Their client has taken into account that issue of steep slope and rock for the townhouses. Chairman Trowse asked how long their client has owner the property. Semeraro answered about a decade, he has not been in front of the Board before with an application. Rock

Creek enters their property from Stonehouse Road so this property would be using that as well. This would also create a better pathway to the water tower.

Barbarula stated that does the Board want to change the zone from single family to multi family. The details will be made up by the Mayor and Council in the ordinance for the new PRD-2 zone variances. Malanga asked how many multi family versus single family do we have in the town. Mayor Carelli answered there are about 1100 multi-family and about 700-750 single family. Malanga stated that is why single-family homes are needed in town. Holmqvist was asked what her thoughts are on Lydon's presentation. Holmqvist stated that with the step slope on the property and the ordinance that would tell them how much they could build on the property. She said there is usually only about 25% of the property that can be built on. Semeraro stated the main concern of step slope ordinances is stormwater. This would be a major stormwater development for two 10- and 100-year storms by the DEP. If they cannot meet the requirements from the DEP for stormwater, they would not be able to develop.

Mayor Carelli clarified that Rock Creek Crossing is 172 units and asked why the adjacent neighbor is in favor of this project. Semeraro answered that they do not have legal authority to access their property, the people that built the road were the people who built the development.

David Dockery is present at the meeting he is the council for Rock Creek Crossing. Dockery stated that Rock Creek did own the two lots and the property in question was supposed to be part two of Rock Creek. When the new owner realized that Rock Creek does not legally own Stonehouse Road as an entrance. The associates are about 95-98% there to negotiate a joint easement agreement for the use of the road for Rock Creek to access their property, there will be cost sharing and maintenance to resolve the road issue.

Mayor Carelli asked if the property in question was part of the Rock Creek Phase 2 project, when did it change to the R-35 Zone. Barbarula believes that the zone changed somewhere in the 90's the Board changed the property to residential. Semeraro stated the fourth round of Affordable Housing coming, if this property is developed there will not be any other developer that can come in and develop on the property. Reilly asked how much of the property is able to be developed. Semeraro stated that the engineer picked the best location on the property. Reilly asked what was the correct number of homes that could be developed. Semeraro stated that 7 homes spread through the 11 acres. The discussion continued.

Chairman Trowse asked if Board members of Rock Creek has told the residents of Rock Creek or does only to Board know about it. Dockery stated that the Board has presented it to the members, the endorsement of the zoning change is the association as the corporate entity, we do not have the legal authority from exercising their rights and how they feel about it, but it has been presented to the community and they are aware of it. There are two Board members present at the meeting.

Chairman Trowse asked if the Master Plan Re-ex was kept the way it is why would his client not come in to the Board of Adjustment in September. Semeraro stated that is costs hundreds of thousands of dollars to make plans without having zoning in place for the property. He stated he has done his due diligence on the property, and is just asking for the use of the property to be approved. Holmqvist stated that if the Board decides to go with multi-family and is approved it does not mean that it is going to get built. Semeraro stated that the restraints on the property could reduce they number that they build. Their planner is articulating that their suggested change is consistent with the goals articulated on The Board Planners report, and ask to have to opportunity to have the report amended. Barbarula stated that the Board would agree to multi-family on the site limited to 2.55 units per acre, this would be the change in the Master Plan Re-ex. Semeraro said that the concern is area of disturbance and storm water run off it is greater under single family development than what we are proposing, it has a compact footprint. Malanga stated that the way the Board has to look at this is where

the future of this town is going, do we want it to be all apartments, townhouses and condos. Barbarula stated that if this is approved for the PRD Zone limited to 2.55 units per acre, once added into the Master Plan Re-ex the Mayor and Council would set the ordinance for the new zone. Semeraro stated that this does not make it any easier for his client to do anything with the fourth round, his client could just wait and not go through the process now, he is interested in developing the site.

Thereupon Chairman Scott Trowse opened the meeting to the public to make a statement or has questions about the statement that was given. No one from the public came forward thereupon Chairman Scott Trowse closed the public portion.

**ALL IN FAVOR / Motion Carried**

Thereupon Council President Vincent Pelligrini set forth the motion seconded by Mayor Paul Carelli for this particular site to be included in the Master Plan Re-ex for development for owner occupied multi-family townhouses at 2.55 units per acre.

**ROLL CALL:**

**Ayes:** **Pelligrini**, at this time I feel it is a good decision for the town.

**Carelli**, I agree, and as long as the adjacent Rock Creek Community is in favor of it and are suggesting it, and also the Council will have the ultimate control over the zoning then it will come back to the Board for final approval having those two things in place I can move this forward.

**Poli**, yes, I concur with Councilman Vinny and the Mayor both of the things they said make sense and protect the town for the future.

**Roberts**, yes, I agree with what has been said and I think it protects the town.

**Scilingo**, we spoke in a lot of circles it was great dialogue to watch this go back and forth, in the end we are not granting anything or being taken advantage. We are changing a sliver of land it is not making it easier for anyone they still have to come before us and go through all the motions, I do not see an issue, I vote yes.

**Abstained:** **Bulger**, Personally I would like to see it developed as single family lots it would be a better long-term solution

**Talerico**, I feel for what is going on in this town and that we are losing out on single family homes but our hands are locked. It doesn't seem like we can stop some of the stuff we do not like of course we would all like to see single family homes, but considering this location and where it is locked away with the other condominiums, I would like to see this built.

**Nays:** **Malanga, Reilly**

**Sheps**, I vote no I am concerned with the environmental impact and the other issue with the steep slope and I see nothing but problems in the future

**Trowse**, this is a tough one, I see the Borough backed into a corner in the future. I am going to go with a no vote, it is a property that was purchased as residential zone they sat on it as a residential zone and now they are asking us to change it to adhere to their plan instead of what the town wanted to years.

**(5 Ayes – 2 Abstained - 4 Nays – Motion Carried)**

**HEARING DATES:**

Thereupon Chairman Scott Trowse set forth the motion seconded by Chris Scilingo for the changes in meeting dates. The August 3<sup>rd</sup> and August 24<sup>th</sup> scheduled meetings are cancelled. There is a special meeting scheduled for August 31<sup>st</sup> for the Master Plan Re-examination.

**ALL IN FAVOR / Motion Carried**

**ADJOURNMENT:**

Thereupon Chairman Scott Trowse set forth the motion seconded by Warren Sheps to adjourn the meeting.

**ALL IN FAVOR / Motion Carried**

**Meeting adjourned at 10:22 p.m.**

Respectfully submitted by:

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Stephanie Colella, Board Secretary