

**MINUTES OF REGULAR PLANNING BOARD MEETING
HELD ON THURSDAY, JUNE 17, 2021**

Chairman Blewett called to order the in-person regular meeting of the Board and announced the meeting was duly advertised in accordance with the Open Public Meetings Act by notice sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall. All stood for the Pledge of Allegiance.

PRESENT: BLEWETT, FLORENTINO, MARINO, RUNFELDT, *TAORMINA, TERRERO AND D'ANTONO

ALSO PRESENT: NEISS, COUNSEL

ABSENT: GEMIAN, KAUFMAN, AND KOLDYK

Chairman Blewett asked Joan if we have any minutes to approve.

Ms. Ward stated yes, the April 15th, 2021 meeting minutes. The members that can vote on them are Blewett, Florentino, Marino, Runfeldt and Terrero. ***Taormina dropped off the meeting.**

Chairman Blewett asked any comments, additions or changes. Motion to approve?

Mr. Terrero moved the April 15th meeting minutes.

Mr. Florentino seconds.

Roll call:

Yes: Terrero, Florentino, Blewett, Marino and Runfeldt

No: None

Abstain: None

Ms. Ward stated they are approved.

Chairman Blewett stated Item #2 on the agenda is Grading Permit Application #G21-01 and Soil Removal Permit #2021-01 by Michael and Elaine MacLaren, on property known as Block 2.01, Lot 4 on the municipal tax map also known as 20 Eugene Circle. This is a consideration of a resolution of memorialization. Does anyone have any comments about the resolution? Any corrections or additions?

Ms. Ward stated the members that can vote on the resolution are Blewett, Florentino, Marino, Runfeldt and Terrero.

Chairman Blewett asked for a motion to approve.

RESOLUTION OF THE LINCOLN PARK PLANNING BOARD

**APPLICATION MICHAEL AND ELAINE MACLAREN
20 EUGENE CIRCLE, LINCOLLN PARK, NEW JERSEY
BLOCK 2.01, LOT 4 [TAX MAP SHEET NO. 2]**

APPLICTION FOR:

**SOIL REMOVAL PERMIT #2021-01;
GRADING PERMIT #G21-01;
ZONING PERMIT #2020-8Z; and
STEEP SLOPES ORDINANCE WAIVER**

WHEREAS, MICHAEL and ELAINE MACLAREN, husband and wife (together, the "Applicant"), having applied to the Lincoln Park Planning Board (the "Board") for a Soil Removal

Permit #2021-01 (Code § 17-13.1, *et.seq.*); a Grading Permit #G21-01 (Code § 17-12.2.); a Zoning Permit #2020-8Z (Code § 17-6.15); and steep slopes ordinance waiver (Code § 17-18.1), for real property known and located at 20 Eugene Circle a/k/a Block 2.01, Lot 4, on the Tax Sheet No. 2 of the tax records of the Borough of Lincoln Park (the “Property”); and

WHEREAS, the Board has reviewed the testimony, exhibits and other evidence submitted in connection with the application, as well as the April 6, 2021 review letter of the Board’s Engineer, Darmofalski Engineering Associates, Inc. (the “Engineer’s Report”), which is incorporated into the record of this application and the Engineer’s Report is attached hereto and made part hereof¹; and

WHEREAS, the application was a subject of a hearings held on April 15, 2021 at which the Board granted certain completeness waivers and deemed the application complete, and on May 20, 2021, for which formal notice pursuant to the Municipal Land Use Law and requirements of the Borough of Lincoln Park Land Development Ordinance was not required; and

WHEREAS, at the May 20, 2021 hearing, the Applicant introduced Angelo Onello, the principal of Onello Engineering, LLC, 5 Beechnut Street, Hillsdale, NJ 07642, whose credentials as a professional engineer were accepted by the Board; he described the project as the development of a pool in the Property’s rear yard with a patio and accessory pavilion; because of the slope, the project would necessitate the construction of two tiers of retaining walls along the rear and east property lines and a dry-laid boulder wall between the pool and house; a stormwater detention system will be installed and the Applicant also intends to install a concrete pad for the pool equipment; and the witness introduced

Exhibit A-1: Onello Engineering 9-page site plan packet²

and, using the various sheets in the Exhibit, described the details of the project to the Board and also used the photographs and other documents contained in a packet of material submitted to and received by the Board on May 3, 2021³; and

WHEREAS, with respect to the nine (9) items in the Technical Comments section of the Engineer’s Report (pp. 4, -5 of 5); the witnesses testified that the sleeve-it post system anchoring system will be used and calculations for all proposed retaining walls in excess of four (4) feet in exposed height will be provided (#1) and this shall be a condition of approval; item ##2 and 3 were addressed satisfactorily, item ##4-9 was agreed to be the Applicant;; and

WHEREAS, the Board has made the following findings and conclusions:

1. The Applicant is the owner of the real property that is the subject of this application.
2. The Board adopts the project summary of the Engineer’s Report to (p.2 of 5) as its statement of facts and conclusion.

¹ The Engineer’s Report, at page 1 and 5, contains a list (##’s 1-9) of the documents and materials submitted to and considered both by the Engineer and the Board. The documents of that list are specifically incorporated as part of the record of this application.

² See fn. 1, document no. 9. However, by the time of the meeting this plan set had been revised to 11 sheets with last revision date of 4/30 and the engineer used the later dated plan set in the presentation.

³ Although not separately marked as an exhibit at the hearing, the cover page of this 31-page Applicant submission reflects an index of the seven types of documents included in the packet. Included as pp. 13-22 is the Applicant’s April 30, 2021 response to the Engineer’s Report. This submission in its entirety is included as part of the record of this application

3. The approval is based on the Applicant's compliance with Technical Review comments 1-9 of the Engineer's Report.
4. Based on the evidence presented, the Board finds and concludes that the relief requested can be granted.

NOW THEREFORE, BE IT RESOLVED that this application by MICHAEL and ELAINE MACLAREN be and is hereby granted subject to the following conditions

1. All "**WHEREAS**" recitals set forth above are incorporated, as if set forth at length, AS part of the Board's findings:
2. The Applicant's application to the Board and all materials submitted in support of and in connection with it, including all correspondence, plans, surveys and exhibits, and the documents introduced and marked for identification at the Board's hearings, together with the Applicant's testimony and stipulations on the record, if any, as well as the testimony of the witnesses introduced by the Applicant and the persons otherwise heard by the Board, if any, are all deemed part of the record of this application.
3. The Property shall be developed strictly and entirely in accordance with the last plans that were presented to the Board and any revised plans or materials to be submitted and approved as may be required herein, the testimony of the Applicant's engineering witness, and the stipulations made on the record regardless whether the same, or any of them, appear herein as such.
4. The Applicant shall comply with paragraphs 1-9 of the Technical Review comments of the Engineer's Report to the extent it has not already done so.
5. In accordance with Land Development Ordinance § 17-18.1C(7), the Applicant shall cause to be recorded in the land records of the Clerk of Morris County a mapped description of the limits of the Property's steep slope areas, together with a bold print notice that no land disturbance or other activity may be undertaken therein, except in conformance with the requirements of § 17-18.1C(7) of the Code of the Borough of Lincoln Park.
6. The Applicant shall continue to be responsible for payment of all escrow fees and inspections fees, and shall furnish such sums in full no later than twenty (20) days subsequent to any written request therefor.
7. The Applicant shall comply with all applicable Borough, County, State and Federal laws, ordinances, codes, regulations and directives.
8. Prior to the issuance of a certificate of completion for the project approved by this Resolution or at such earlier time as the Board Engineer may require:
 - (a) The Applicant shall submit to the Board Secretary a certification from the Finance Department (i) setting forth the then-current balance in the Applicant's escrow account and (ii) confirming that all charges billed to such account have been paid in full.
 - (b) The Board Secretary shall determine (after inquiries to the Board's professionals) that there is sufficient balance in the escrow account to cover all remaining services chargeable to such account.
 - (c) The Applicant shall submit to the Board Secretary a certification from the Tax Collector that all real property taxes on the Property have been paid to date.
 - (d) Within no more than ten (10) business days of completion, the

Applicant shall submit four (4) sets of as-built plans prepared by a licensed professional engineer and a project completion report to be certified by the Applicant.

9. Hours of construction activity shall be limited to those permitted by Chapter 93 of the Code of the Borough of Lincoln Park.
10. All notes included in the approved plans, including notes required by this Resolution, if any, shall be deemed to be conditions of this Resolution having the same force and effect as the conditions expressly set forth herein.
11. The Applicant shall provide to the Building Department and the Board Engineer a Project Completion Report. A final site inspection by the Construction Official and Borough Engineer is required to verify the Applicants conformance with the approvals granted herein.

Mr. Terrero moved the resolution.

Mr. Florentino seconds.

Roll call:

Yes: Terrero, Florentino, Blewett, Marino and Runfeldt

No: None

Abstain: None

Ms. Ward stated it is approved.

Chairman Blewett stated Item 3 on the agenda is Minor Subdivision #636, Preliminary & Final Major Site Plan & Variance Application #375 and Flood Plain Encroachment Application #FPE 20-03 by Andio2, LLC, on property known as Block 139, Lots 2 and 1 on the municipal tax map also known as 211 Main Street and Borough property. This is a consideration of Resolution of memorialization.

Mr. Neiss stated, if I may Mr. Chairman, I apologize for getting this to the Board so late. There have been behind the scenes discussion going on and I just wanted to let you know that I wanted to apologize for getting it to you so late.

Chairman Blewett asked anything unique about it on the changes that we need to know.

Mr. Neiss stated I will tell you that my usual procedure, I drafted the resolution and ran it by the Board engineer or engineers, and once that is done I usually send it to the applicant's attorney for their review by their professionals. All of that has occurred.

Chairman Blewett stated I assume they had no comments.

Mr. Neiss stated oh there were. That which I sent today is the culmination of everyone's comments, at least the ones that I was agreeable to include in the resolution let me put it that way.

Chairman Blewett stated very good. Any discussion by the Board or concerns/changes?

Ms. Ward stated the members that can vote on that resolution are Blewett, Florentino, Marino and Terrero.

Chairman Blewett asked is there a motion to approve.

THE ANDIO2, LLC RESOLUTION IS ATTACHED HERETO AND MADE A PART OF THE RECORD.

Mr. Florentino made the motion to approve.

Mr. Terrero seconds.

Roll call:

Yes: Florentino, Terrero, Blewett and Marino

No: None

Abstain: None

Ms. Ward stated it is approved.

Chairman Blewett stated okay Item #4 on the agenda is Correspondence from Allyson M. Kasetta, Esq., from Prime & Tuvel, dated June 2nd, 2021 requesting a time extension with reference to Preliminary & Final Major Site Plan Application #366 and Flood Plain Encroachment Application #G17-02 by Meridia Transit Village, Urban Renewal, Lincoln Park, LLC, on property known as Block 139, Lot 20.1 on the municipal tax map also known as 241 Main Street.

Ms. Kasetta stated good evening Mr. Chairman and members of the Board, Allyson Kasetta from the firm of Prime & Tuvel, appearing on behalf of the applicant. Nice to see everybody in person it has been a very long time.

Chairman Blewett stated it has.

Ms. Kasetta stated as you mentioned, the applicant has requested an extension of an approval previously granted by the Board and memorialized on May 16th, 2019. The applicant has requested an extension of one year so as to expire on May 16th, 2022, so a little under a year from now.

The basis for the request is pretty straightforward and I won't waste too much time talking about it, but basically the design of the project was contingent on two items outside of the scope of the typical outside agency approvals that you usually need. One was the issuance of a letter of map revision to take the property out of the flood hazard area. That was finally issued on February 12th of this year after a lot of hard work by both the Borough and the applicant.

The other was a shared parking license agreement with New Jersey Transit. As the Board recalls, the parking for this project is proposed to be provided in a New Jersey Transit lot, so that agreement had been finalized and it is with New Jersey Transit for execution. We are expecting it back any day now, but the terms have been agreed upon and everyone is ready to move forward.

But because of those two things the applicant really could not move forward towards the next step of securing building permits and beginning the work. I understand that the Board would like to hear where we are on satisfying the conditions of the approval. I note that there are 34 of them and having reviewed Mr. Boorady's latest report he sort of categorized them into things that he deemed outstanding and things that he deemed appropriate for the issuance of the permits, and things he deemed appropriate for the issuance of a C.O. So if it is okay with you, I will just run through a handful of them that he called outstanding and where we are with those.

Mr. Neiss asked before you do that is that a separate letter that he sent you.

Ms. Kasetta stated this was a typical report from him and it was in response to a submission for resolution compliance. Let me just make sure I have the date right here. He issued a letter on January 13th, 2021 and then we submitted revised plans in response to that on March 26th 2021, so those are the letters I will be referring to.

Mr. Neiss stated you are only going to speak to Tom's January 13th letter.

Ms. Kasetta stated yes, the conditions that he called outstanding in that letter.

Mr. Neiss thanked her.

Mr. Kasetta stated the first one was Item 9 in the letter. The applicant shall provide an engineering report on the expected decibel levels generated by the HVAC equipment to be located on the roof of the building. As I mentioned, we submitted revised plans on March 26th and that report was included in the submission.

The next few have to do with the New Jersey Transit Agreement which I just mentioned is being executed as we speak. So there were a couple of comments regarding tags for residents, signage confirming that Lot 2 is for use by residents, access to and from the property and for Lot 2 will be restricted on the existing pedestrian rail crossing located east of the building.

Then the applicant shall comply with all applicable ADA standards and request that NJ Transit restripe the appropriate portion of the lot to create 4 ADA parking stalls. So in response to those 3 comments we did submit again on March 26th a New Jersey Transit Improvement Plan that shows all of those items. As an aside note, I'm not sure if Mr. Boorady is working on a follow-up report in response to that submission, if he is, I haven't received it yet. I'm just confirming that we have submitted all the things that he has asked for.

Chairman Blewett stated thank you.

Ms. D'Antono asked what bullet note was that.

Ms. Kasetta stated those were 16, 17 and 20.

Ms. D'Antono thanked her.

Ms. Kasetta stated your welcome.

In #19 he stated the applicant's agreement with NJ Transit shall mandate that it is providing parking for the entirety of the applicant's project. I can confirm that it is both in the agreement and on the NJ Transit Improvement Plan that 130 parking spaces will be provided and that is what was required by the approval.

Number 22 also relates to that agreement with NJ Transit, signage directing parking to the NJ Transit lot for both residents and commercial invitees, so that is something we are coordinating with NJ Transit.

Number 23 this is a tricky one because it has to do with the County. Mr. Boorady said applicant shall engage in discussion with the County of Morris Engineering Department with regard to the right hand turn by south bound traffic from Comly Road to Main Street in order to increase safety for pedestrians at and around the location. So the County has relinquished jurisdiction over that portion of Main Street, so they did sort of sign off on what we were proposing, but it is no longer within their jurisdiction. So their response to that was any additional improvements that are needed in that area will be within the Borough's jurisdiction and we will of course coordinate that with the Borough.

Ms. D'Antono asked did you get that in writing that confirmation.

Ms. Kasetta stated let me just check Stonefield's letter.

Ms. D'Antono asked just so you have a supporting paper trail. Are we talking about when you come down the bridge by the Wexford, the triangle?

Chairman Blewett stated yes.

Ms. Kasetta stated they don't refer to a specific letter from the County, but I can certainly ask them to submit whatever they have. I'm sure it was put into writing.

Ms. D'Antono stated I defer to Arthur, I think you would want it for the record correct?

Mr. Neiss stated certainly. I think the applicant would want to –

Ms. Kasetta stated certainly, I can't imagine the County doing something like that not in writing.

Mr. Neiss asked Tom is aware of it right.

Ms. Kasetta stated he has to be because it was in his letter.

Mr. Neiss stated okay.

Chairman Blewett asked was the County asked anything specific related to that corner, or just was it a jurisdictional question and looking for their approval.

Ms. Kasetta stated unfortunately I'm not sure because this project was approved before I joined the firm, so I had to sort of take a crash course on all of this myself.

Chairman Blewett stated alright. Do you think by the County relinquishing their jurisdiction that puts any responsibility on us to look at that again?

Mr. Neiss stated oh for the Board to review that again I don't think so because it was an engineering thing. Well rather than answer your question Mr. Chairman, I think I'll speak with Tom about this and get to the bottom of that and provide an answer.

Chairman Blewett stated I was just curious.

Mr. Neiss stated to me it seems like an engineering type of question.

Chairman Blewett stated well engineer safety right?

Mr. Neiss stated engineer safety.

Chairman Blewett stated from a pedestrian perspective.

Mr. Neiss stated right.

Ms. Kasetta stated I'll submit whatever we do have from the County on that.

Mr. Neiss stated if you could send me that that would be great and save me a little bit of time.

Ms. Kasetta stated no problem.

The next one is Item 28b, Station Road to remain two way and final approval of parking, pedestrian crosswalk, traffic striping, traffic signal and traffic signage to be approved by the Borough Engineer, Police Department, Morris County Traffic Engineer and Mayor and Council. So again with the same caveat with the County, these improvements are all shown on the revised plans that we submitted on March 26th.

Item 28j water flow test and capacity to be performed and those report were submitted on March 26th.

Item 28n we agreed to address any outstanding comments made by the Board's Traffic Consultant and I will come back to that because he issued a separate report after all of this.

The last one that Mr. Boorady called out as outstanding is Item 34, no activity shall be undertaken unless it is undertaken pursuant to an approved Redevelopment Agreement that will include provisions for buffers and off tract improvements.

The Redeveloper's Agreement was executed in December 2019 and of course the performance bond, insurance, escrow and all of that will be submitted before we seek building permits

So that was it for Mr. Boorady's last letter, and then as I mentioned, JDA issued a report after that and that was dated May 3rd, 2021. There are 3 comments, 2 of them relate to the NJ Transit Improvement Plan. Just additional details or modifications that he would like to see, and then a request for modified signage for vehicle and pedestrian traffic. We are preparing another

revised submission to be sent out next week and those 3 comments will be addressed on those plans.

Chairman Blewett thanked her.

Ms. Kasetta stated as far as I know, that is where we stand with all of the conditions that needed to be satisfied at this time.

Chairman Blewett stated thank you very much.

Ms. Ward stated when Tom is done with his review of the plans, we will need 8 sets of plans to be signed by the chairman, Tom and myself so they will have to be submitted to our department.

Ms. Kasetta stated okay.

Mr. Ward stated both the site and architectural plans.

Chairman Blewett asked any other discussion by the Board. Is there a motion to approve the request?

Roll call:

Yes: Terrero, Taormina, Blewett, Florentino, Marino and Runfeldt

No: None

Abstain: None

Ms. Kasetta thanked the Board and it was nice to see you all, it has been a long time.

Mr. Neiss stated before we move on to more business, I would like to take the opportunity to swear in the honorable Patricia D'Antono.

Ms. D'Antono was sworn in by Mr. Neiss.

Mr. Neiss congratulated Trish.

(Round of applause)

Mayor Runfeldt stated welcome back Trish.

Ms. D'Antono stated thank you.

Chairman Blewett stated now to the things that have been skating past us. Item #5 on the agenda are the ordinances. First is the pod ordinance and then the pool ordinance. Does anyone have any comments on what was finally penned by Arthur?

Mr. Neiss stated I wouldn't say penned I would say sent to all of you.

Chairman Blewett stated sent back and made a few journeys. One of the questions that I believe that came back to us was this was only intended for residential.

Mr. Neiss stated right.

Chairman Blewett stated we have said it is only intent for residential right?

Mr. Neiss stated there is some equivocation about that. Tom had suggested that it ought to apply to commercial areas as well. But listen he is the Board engineer and you folks are the Board, so you determine what you think is best, and again this is going to be forwarded to the Governing Body for its consideration so at the end of the day that body will determine.

Chairman Blewett asked does anyone have any strong feelings about whether it should also

include commercial properties.

Mr. Terrero stated commercial falls in a different branch in Borough recreational use. I think it hasn't been really denoted that it falls in a recreational use in ground pools.

Chairman Blewett stated no pods.

Mr. Terrero stated I'm sorry about the pods, I'm in the wrong one. I think it should also branch out because I mean what is to say somebody in front of their property can't, well let us look at it this way, pods are we specifying pods as a smaller size or somebody can drop in a 53 foot trailer in front of their parking lot and call that a pod; because it is not a pod but it is not an exterior permanent structure that is used for storage. Is there a loop hole or a catch twenty-two there? We wouldn't let someone in a commercial area park a 53 foot trailer and say well the pod doesn't really apply to this it is my parking lot and I can put in whatever I please.

Chairman Blewett stated I thought we had other ways to control all that with a site plan.

Mr. Marino stated we have a problem now with the old Scottish Rite Building, they have a trailer there for a long time.

Chairman Blewett stated okay.

Mr. Terrero stated a pod doesn't qualify as a --

Chairman Blewett stated let's kind of poll the Board.

Ms. Ward stated that is in a Commercial Recreation Zone.

Mr. Terrero stated right.

Ms. D'Antono asked is there a time frame that you could say that somebody can put the pod out for 6 months. Traditionally somebody who has a pod is moving in like 30 days and the pod would be removed and life goes on.

Mr. Florentino stated 90 days no more than 180 days.

Chairman Blewett stated the applicant can renew it once.

Ms. D'Antono stated gotcha, I see that in 7.

Mr. Terrero stated we also limit the size of it so you can't say it doesn't apply to me. You can't say a trailer doesn't apply to me because it is not what is within the --

Chairman Blewett stated so the general feeling of the Board is this should apply to commercial also? Does everybody agree with that?

Mr. Taormina stated correct.

Mr. Terrero stated yes.

Chairman Blewett asked any other comments about the ordinance.

Mr. Taormina asked you are only allowed one unit at a time. What if I need two units because I'm moving?

Mr. Neiss stated I think it is limited to one.

Chairman Blewett stated yeah.

Ms. D'Antono asked what if you have a lot of stuff.

Mr. Taormina stated I had a situation where it was a house I was selling and I had two pods

dropped, it wasn't in Lincoln Park but another town, I think it is conceivable if you have a 3,000 sf house that you would need two simultaneously.

Mr. Florentino stated I've seen it in Lincoln Park where they've had two.

Mr. Neiss stated this proposed ordinance, Section 28-5.7-a.3. --

Mr. Taormina stated no more than one temporary storage structure shall be located on a single parcel of private property.

Mr. Neiss stated right.

Mr. Taormina stated I think one is too restrictive but I don't want to see 10 but two is okay.

Mr. Florentino asked what about take out the square footage because you have a lot of stuff, so the pod leaves and another one gets dropped, so would that cost another permit fee or is that a -

Mr. Neiss stated that is a good point but how would you handle something like that Sal?

Mr. Marino stated I think that would be two permits for that.

Mr. Neiss stated agreed.

Mr. Taormina stated you probably would never know about it because it happens simultaneously.

Mr. Neiss stated but they would have to renew the 90 day period, they would have to come back and say look I need it for an extension.

Mr. Terrero stated but if it is within the time limit and only one unit at a time, then there won't be an issue. It is only 1 unit within a period of time even if they just swapped it out. They are not going to have more than 1 at time or whatever has been approved. Those things get removed within 5 minutes. The trucks comes picks up or drops off and you would never know a new one was dropped off unless you were constantly surveying the house.

Mayor Runfeldt stated as long as they are not violating the duration.

Mr. Terrero stated right. As long as it is within the time line the permit is allotted for, I don't see an issue with it.

Mr. Neiss asked Sal, if you put stuff in a pod is it transportable as putting it on the back of a tractor or something like that.

Mr. Taormina stated yes. They store them in a warehouses

Chairman Blewett stated or ship it cross country.

Mr. Taormina stated right.

Mr. Neiss stated so your question I guess is, I mean the purpose of this ordinance is to control the pod development.

Ms. Ward stated so it is not used as a permanent structure.

Mr. Neiss stated but it is not for us to make money off of the permit fee.

Chairman Blewett stated no, no. Change #3 to say no more than one temporary storage structure or unit shall be located on a parcel of private property during the 90 day period. You can only have one but you can switch one out every day.

Mr. Taormina stated I don't have a problem with the time line, one is so restrictive. For example, I am moving and will you guys help me out, now I get all 3 pods dropped and everything that I

own is in all 3 pods, so you are telling me I can't have 3 of these. Maybe you can narrow it down 1 for 90 days and no more than 2 for 5 days, however you want to put it. You know it almost seems too restrictive that you are telling a resident of this town that hey you can't have your family and friends over and move all your stuff in one day and have 2 pods or 3 pods on the pavement on different days.

Ms. D'Antono stated I hear what you are saying, why don't you say a maximum of 2 pods allowed and if there is a necessity for more than 2, then you would have to get special permission if the person needed another pod. You give them the flexibility to have one, if not 2 and if it exceeds more than 2 in that 90 day period of when they are moving, etc., then they would have to ask for special permission to have an extra. I don't know if you could word the verbiage like that or special consideration or --

Mr. Neiss stated they would have to come back to Sal for another permit I would guess, but that sort of goes against the grain of what this ordinance is trying to do.

Ms. D'Antono stated why don't you say generically on an as needed basis.

Mr. Taormina stated a person may be able to do it in one where another person may need 5.

Ms. D'Antono asked how would you phrase that verbiage to say --

Mr. Neiss stated the problem is that puts Sal in the hotspot because he is making an arbitrary decision.

Mr. Taormina stated I like the concept of a case by case basis but you are exactly right, why not that guy or that guy.

Ms. D'Antono stated then we have to go back to square one and just say 1 for 90 days expiration.

Mr. Terrero stated how about a caveat limiting size and time because we are not allowing anybody to put it on a public place it has to fit within their driveway. For a short period of time no one is really going to sacrifice their parking to put two pods just to keep them as storage unless it is really a necessity.

Ms. D'Antono asked in your expertise, how many times has this happened, is it more than a dozen or less.

Mr. Marino stated less than a dozen but several houses have two.

Mr. Taormina stated I think the 90 day window in my own opinion is very generous. People are dropping these things and filling them up and getting rid of them in 30 days. I don't want to rewrite your whole ordinance but 90 days seems like too much time. If you are moving, you get this thing dropped 30 days, you have two in 30 days, 90 days you don't have this filled up and on its way that seems like a very long time.

Mr. Terrero asked is there a possibility that the amount of units you restrict the amount of time allowed. You can have one unit for 90 days, if you are going to have 2 units then you are restricted to 30 days.

Chairman Blewett stated I thought the whole attempt of this was to allow someone some flexibility if they are doing renovations right? So we allow a considerable amount of time for them to do that, but if they are doing 3 rooms in a house and putting an addition on and have to take all the stuff out of the house, they may need more than one.

Mr. Taormina stated what Jonathan was saying, you know the time line is contingent on how many pods you need, 1 for 90 days, 2 for 20 days, or whatever. I think 3, and I've moved big houses, but I think 3 is a lot but 2 is not unreasonable.

Chairman Blewett asked what is the recommendation to the Council.

Mr. Terrero stated we need to extend that to commercial use too.

Chairman Blewett stated right.

Mr. Terrero stated perhaps not restrict ourselves with the size of the pod or extend it. I don't know in terms of a commercial space a larger unit is to be specified. No larger than --

Chairman Blewett stated I think we should just stick with the sizes we have. You can put a tractor trailer there.

Mr. Terrero stated it sound like you could put it on commercial property.

Chairman Blewett stated not if we include commercial right?

Mr. Taormina stated yeah.

Chairman Blewett stated I think we said we would include commercial.

Mr. Florentino stated I do think we should put in at least 2. The quantity of 2 is more reasonable.

Chairman Blewett asked is everybody in agreement with that.

Mr. Neiss stated I'm not sure I'm capturing what you are trying to say.

Chairman Blewett stated we are going to go to # 3 and say no more than 2 temporary structures shall be located on single parcel of private property. So I guess the permit then, you would have to extend to 2 pods right?

Mr. Marino stated 1 permit for 2 pods is that what you are saying?

Chairman Blewett stated yeah. If somebody requests 2 we are saying up to 2, so that is the only change and include commercial.

Mr. Taormina asked what happens on the weekends for a zoning permit. If I get one on Saturday, is there a grace period?

Mr. Terrero stated I think you would know that you are having a pod coming, then you'd call the department for a permit.

Mr. Taormina asked now if a pipe breaks in my ceiling and it is pouring water everywhere what happens.

Mr. Terrero stated well a hardship is different.

Mr. Taormina asked is there a grace period.

Chairman Blewett stated there is.

Mr. Neiss stated you've got more problems.

Mr. Taormina stated you know when things are so narrow and they are applied so narrowly you start to question people that you don't intend on questioning.

Chairman Blewett stated but I think there is a resolution because if Sal happens to see it sitting there and considers it a violation, they would have a few days to take care of that so they would have to come in and get permit right? Does that make sense?

Mr. Marino stated yes.

Mr. Taormina asked Sal do you issue a violation or a warning.

Mr. Marino stated I give them a notice.

Mr. Taormina stated I'm okay with that.

Ms. Ward stated for example, if a hot water heater goes over the weekend and you have to replace it, you are not getting a permit because we are not here on the weekend. They come in Monday or Tuesday and take out the permit and it is reviewed/approved by our plumbing inspector, they pay for same and schedule their inspection.

Mr. Taormina stated a water heater is not sitting on your front lawn or driveway.

Ms. Ward stated I know that but that is a perfect example of an emergency.

Mr. Taormina stated yes that is. As long as there is a grace period.

Mr. Neiss stated I have it.

Chairman Blewett stated good.

Mr. Neiss stated I will send it to the Governing Body as Nick's problem ordinance.

(Laughter)

Ms. Ward mentioned I like that.

Chairman Blewett stated so the next one is the pool ordinance.

Ms. D'Antono stated this is going to be a hot potato this one. This has been going on since I was here.

Mr. Taormina stated I understand you can't get a pool permit.

Mr. Marino stated there is a big delay.

Mr. Taormina stated I got mine two years ago right under the wire.

Chairman Blewett asked any comments.

Mr. Marino stated I have a couple here. Under private pool where it says the depth of more than 28 it should be 24 inches.

Chairman Blewett asked 24.

Mr. Marino stated yeah.

Mr. Neiss stated well the issue was does the Board want to change the definition. Right now you have permanent private pool, portable private pool, wading pool, and one of the Board members gave me some feedback. They said why do we need all these definitions, just call it a pool, and that's why I put that definition on the first page and I tried to bring in to the definition all of the attributes of the permanent private pool, portable private pool and wading pool and bring them all under one umbrella, so I guess that is what I'm asking you folks to consider.

Chairman Blewett asked why 24 instead of 28.

Mr. Marino stated the UCC.

Chairman Blewett stated it is the code okay

Mr. Marino stated yeah.

Chairman Blewett stated so that would be changed any way right?

Mr. Neiss stated yes and that's okay.

Mr. Marino stated building permit required issued by the Building Inspector that should say Construction Official. The Building Inspector does not issue it.

Mr. Neiss stated Sal I'm so sorry, I didn't really hear what you said about what I think is 414-7?

Mr. Marino stated A. and B where you have Building Inspector that should be Construction Official.

Mr. Neiss asked are you Construction Code Official or Construction Official here in Lincoln Park.

Mr. Marino stated Construction Official.

Chairman Blewett asked anything else. No. Any other comments from the Board? I think we are good.

Mr. Neiss stated I just want to be clear, it is okay with the Board to substitute the single definition for all three of the current definitions right?

Chairman Blewett stated it is okay with me. Anybody else?

Mr. Florentino asked are you referring to the term pools shall include swimming pools, wading pools.

Mr. Neiss stated correct.

Chairman Blewett stated I thought so.

Mr. Taormina asked do you also include ponds.

Mr. Terrero stated a wading pool covers a pond.

Mr. Taormina asked so you mean like those little coy ponds.

Chairman Blewett stated they have pre-formed plastic ponds which is no different from a submersible pool so I thought that was reasonable unless people feel differently.

Mr. Neiss stated with that one Nick I thought you were going back to the pod ordinance.

(Laughter)

Mr. Taormina stated a little problem tonight.

Mr. Florentino asked the provision in this section shall not apply to pools of a permanent nature of which are permitted by application constructed prior to the date of this adoption. I have a question, like for instance, and someone that I know of sold their home in Bloomfield and they couldn't get a C.O. The reason they couldn't was because the pool that was there, they bought the house before and got the C.O., but that pool was installed there and it was the incorrect size or something and then they couldn't get a C.O. to sell the house because the town wanted them to fix it.

Mr. Neiss stated it sounds like it was put into a setback or something like that to me.

Mr. Florentino asked so how does that work here. The reason why I say that is because I have a pool and where I live I have two front yards.

Mr. Taormina stated and now the pool is in the front yard.

Mr. Florentino stated when I purchased that home they had that installed and stuff like that.

Mr. Neiss asked did you get a zoning permit before you bought.

(Laughter)

Mr. Taormina stated he has a corner lot.

Mr. Florentino stated my question is, if I sell that home due to the fact that this is being adopted will that cause a problem for me?

Mr. Neiss stated no because you were pre-existing.

Mr. Florentino stated okay.

Mr. Marino asked what about the corner property for a pool.

Mr. Neiss stated they are sort of prohibited in here. I'm very curious about where your pool is because I'm getting the impression the ice cream truck comes down the street and kids are all jumping out of the pool to get ice cream.

(Laughter)

Chairman Blewett ask so Sal are you concerned about that.

Mr. Marino stated yeah that is a problem #9, I thought we brought that up at one point.

Mr. Neiss stated I think we talked about that at one point.

Mr. Terrero stated I thought there was a clause for corner lots.

Mr. Neiss stated yeah there was something about that. In the location of pool, no pool shall be allowed in any front yard including through lots, or corner lots with two or more street frontages.

Mr. Florentino stated two dump trucks with dirt tomorrow.

Mr. Taormina stated (inaudible) you guys don't know what is going on.

(Laughter)

Mr. Florentino stated thanks Nick. A funny thing he lives across the street from me.

Chairman Blewett asked does that address your concern Sal. If you have two front yards --

Mr. Marino asked where is that in here.

Mr. Neiss stated that is in the proposed portion of the ordinance. Do you have that?

Chairman Blewett stated that is number 4 – A.4.

Mr. Neiss stated that is the through lot issue.

Chairman Blewett stated well it is two frontages.

Mr. Neiss stated I was actually reading from A 414-8.A.

Mr. Marino stated yes that is it that's fine.

Chairman Blewett stated sorry.

Mr. Neiss asked that is okay.

Mr. Marino stated yes.

Mr. Neiss stated so what I have so far is just those minor changes, Building Inspector to Construction Official, 24 inches and I guess we are going to allow pools in commercial zones too right?

Chairman Blewett asked is everybody okay with it. We accept the new definition.

Mr. Neiss stated terrific.

Chairman Blewett stated okay. Item #6 Master Plan discussion. The last Re-Examination Report was adopted on October 18, 2012 prepared by the Local Planning Services, Department of Community Affairs. The Re-Examination is required every 10 years per the MLUL Article 12. 40:55D-89.

Ms. Ward stated we have to budget for it. Sal usually gets the paperwork in August and they get it back in September so you need to think about who you are going to have and get a proposal so we can put money in the budget to cover it.

Ms. D'Antono asked can Betsy do it.

Chairman Blewett stated Betsy isn't with us any more she retired.

Ms. Ward stated we have Paul Ricci is our planner now.

Mr. Neiss stated when you and I talked about this the last time, this was done with the assistance of the state.

Ms. Ward stated there were 3 towns selected by the Local Planning Services and we were one. Robert Tessier was one of the planners that came in and they did the Re-Examination Report with the Board.

Mr. Neiss stated so we don't have any recent history as to the potential cost.

Ms. Ward stated no because we didn't pay for it the last time. Mayor Runfeldt was involved with getting the state planners right? We have to budget for it because it is due next year.

Chairman Blewett stated so that is something we have to do.

Ms. Ward stated yes.

Mr. Neiss stated so the question will be generally speaking, there could be a subcommittee that the Board appoints to start investigating what the cost will be, or people who are good at that sort of thing, etc.

Ms. Ward stated we have a master plan committee.

Mr. Terrero stated we do.

Ms. Ward stated so maybe you should get together. I don't recall who is on the committee but I will send an email to everyone and maybe you should get together and discuss it.

Chairman Blewett stated I don't recall who is on it.

Ms. Ward stated I don't recall either, but I have it on my bulletin board so I will send an email out.

Chairman Blewett stated we have time. We will just throw a big number out there and let the Council throw it back.

Any other business to come before the Board.

Ms. Ward stated nothing.

Chairman Blewett asked for a motion to adjourn.

Mr. Terrero moved the meeting be adjourned.

Mr. Gemian seconds.

Page 17 – June 17, 2021

Chairman Blewett asked all in favor.

Board aye.

Chairman Blewett opposed.

Board none.

Mayor Runfeldt asked Joan real quick. Can I vote on the Main Street one?

Ms. Ward stated we voted on it.

Mayor Runfeldt stated I moved it. You said I wasn't eligible.

Ms. Ward stated right. It was a memorialization and for the vote you weren't on at that point you drop off the meeting.

Chairman Blewett stated we had enough to pass it.

Mayor Runfeldt stated okay.

Unidentified resident asked if the public wants to see the plans for the two Main Street projects is it some place in the building.

Ms. Ward stated I have the plans upstairs so you can review them.

Meeting adjourned. 7:55 P.M

Respectfully submitted:

Joan Ward, Secretary

Charles Blewett, Jr. Chairman