

**CALL TO ORDER: AT 7:10 P.M. by Chairman Loury**  
**OPEN PUBLIC MEETING LAW STATEMENT OF COMPLIANCE**

**ROLL CALL:** Chairman Loury, Mayor William J. Chegwiddden, Councilwoman Paola Vasquez, Peter Rathjens, Christopher Fleischman, Barabara Chiappa, Michelle Anne Molde

**EXCUSED:** Marc Harris, Brian Bosworth, Roshan Patel, Lawrence Biehler

**OTHERS PRESENT:** Alan Zakin, Board Attorney; Christopher Borinski, Board Engineer; Jessica Dykstra, Board Planner; and Desi Ruffo, Board Secretary

Motion by Mayor Chegwiddden and seconded by B. Chiappa to approve the meeting minutes from November 12, 2024 as presented. YEA - 4 NAY - 0 ABSENT - 4 ABSTAIN - 3

Motion by C. Fleischman and seconded by M. Molde to approve the bills as presented. YEA - 7 NAY - 0 ABSENT - 4 ABSTAIN - 0

**OLD BUSINESS:** Amended Resolution of Approval: Morris Woods (Block 1603, Lot 4) Revised Tot lot plan was removed from the agenda.

**NEW BUSINESS:**

**1. Application** (carried from November 12, 2024 meeting): C. Palacios - 183-185 South Main Street (Block 1801, Lot 16) The applicant had requested to be carried to the February 4, 2025 meeting. Discussion between the board members and board professionals occurred. Motion by Mayor Chegwiddden and seconded by P. Rathjens to require the applicant to re-notice for the February 4, 2025 meeting.

YEA - 7 NAY - 0 ABSENT - 4 ABSTAIN - 0

**2. Amended Application:**

Preliminary and Final Site Plan Approval and Bulk Relief: 47 Kossuth Street (Block 1212, Lot 14)

**John Wyciskala, ESQ., Legal Representative (Inglesino, Taylor: Parsippany, New Jersey)** The applicant was previously granted a bifurcated use variance, related bulk variance and preliminary and final site plan approvals for the construction of a 60-unit, multi-level building containing (4) levels of apartments over a below grade parking garage and surface parking. A temporary certificate of occupancy has been issued pending applicant seeking amended site plan and variances for various field adjustments and construction matters. The applicant is now seeking amended preliminary and final site plan approval and bulk variance relief for the installation of a 6' x 12' emergency generator within a fenced enclosure (without a roof) with sound dampening material located in front of the principal building and within the side yard of the property. The applicant proposes to reconstruct curbing and expand pavement behind the building to allow for improved vehicle access into the below grade parking garage. Applicant proposes changes to ADA parking locations and striping, because the ramps at the spaces were constructed in front of the building are too steep to comply with ADA requirements. The reconfiguration will result in a loss of 1 parking space (112 required; 121 spaces previously approved; 120 spaces proposed) and a slight reduction of impervious coverage (40% required; 75% previously approved; 73.6% proposed). Additionally, the monument sign has been relocated to a location within 3-feet of the right-of-way and 9-feet of a side yard line necessitating variance relief.

**Mark Gimigliano, Licensed Engineer (Dykstra Walker: Lake Hopatcong, New Jersey)** *Was duly sworn.*

The RSIS parking requirement was 112 spaces, the proposed exceeds with 120 spaces. The building setbacks comply with the original approval, there was an additional change of a slight expansion to pavement behind the building to allow for easier vehicle access into the parking garage. The applicant is requesting a variance for the emergency generator that was installed in the front yard, which meets the setback at 5.3 feet from the property line. The generator is screened from the neighbor by an 8-foot privacy fence. A noise study was conducted, the results of the test were that the noise of the generator comply with the noise ordinance. Additional fencing around the generator is being proposed to fully screen the generator from the development and sound proofing material from the inside of the fence is proposed which will further dampen the sound as recommend by the acoustic consultant.

**Mark Gimigliano, Licensed Engineer - Continued**

There is a sign at the entrance of the property that was approved as a monument sign, that was constructed differently; it complies with the size requirement, but when installing there were utility lines in the area so the excavation was moved slightly. It's currently 3 feet from right-of-way and 9 feet from the neighbor's property. It does not block any sight lines and does not impact anyone entering and/or exiting the site. The variance can be granted without substantial detriment to the public good.

*Chairman Loury:* Asked about the conversations between the applicant and the neighbors regarding the generator.

**Tony Ciallella, Director of Construction (Morris Construction: Montville, New Jersey):** *Was duly sworn.* The neighbor at (Block 1212, Lot 14.01) was informed and updated on the project; she did not have any issues or concerns because of the sound testing that was conducted.

*P. Rathjens:* Asked about the fuel for the generator.

*T. Ciallella:* The generator is a diesel fuel Kohler generator.

*J. Wyciskala:* The location of the generator is the shortest distance to the utility room. The generator will keep the sewer pump working should the property lose power.

*Jessica Dykstra, Board Planner:* Asked for copies of the filed Affordable Housing deeds.

*Chris Borinski, Board Engineer:* Asked if the temporary sign that is still on the site will be removed.

*M. Gimigliano:* Yes, the temporary sign will be removed.

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*J. Wyciskala:* The applicant received correspondence from the Zoning Officer as the approved resolution contained a prohibition against charging for parking.

**Nick Minoia, Managing Partner (Diversified Properties: Montville, New Jersey):** *Was duly sworn.* Asked the board for consideration to allow the applicant to charge for parking in the parking garage, a total of 25 parking spaces. 6 spaces (including one tandem) have been rented so far.

*Chairman Loury:* Charging for parking affects the RSIS calculations.

*Mayor Chegwidde:* The reason for this condition is to prevent individuals who live in the development from parking their vehicles on the street, which could impact neighboring properties. The Borough has recently acquired property to build a parking area.

Further discussion took place among the board members regarding the applicant charging for parking.

*J. Dykstra:* The applicant currently has 8 spaces over the RSIS requirement, the board might consider allowing the applicant to charge for only those 8 parking spaces.

*N. Minoia:* Thanked the board for allowing the open discussion and apologized for the violation.

The board members and board professionals agreed to permit the applicant to charge for only the 8-parking spaces that exceed the RSIS requirements. The applicant may request consideration from the board to add more parking spaces once 90% of the units are rented. The applicant must present calculations and necessary studies to the board and will be required to re-notice the proposal.

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Motion by P. Rathjens and seconded by M. Molde to approve the amended application as presented.

YEA - 7      NAY - 0      ABSENT - 4      ABSTAIN - 0

## DISCUSSIONS

### 1. Ashour: 170 North Main (Block: 301, Lot: 1)

Board Engineer, Chris Borinski: Presented his review of the status of the property. A flood hazard area verification approval was obtained by the applicant in November 2024, which sets the flood hazard elevation on the site. The applicant is working on flood hazard area individual permit for the site. As per the applicants Engineer at Stewart Engineering, the delay in the site plan revision is that the applicant is searching for a new architect to redesign the building. Remediation on the site involves both the Department of Environmental Protection (D.E.P.) and Environmental Protection Agency (E.P.A.); the D.E.P. has issued a lien on the property.

*Chairman Loury:* Asked if the delay is being caused by outside agencies or the applicant?

*C. Borinski:* Has sent multiple emails to the applicant throughout the year requesting updates of the site and has not received many responses. The applicant's engineer stated that the applicant was unaware of the necessary remediation required to meet residential requirements at the time of purchasing the property.

*P. Rathjens:* Asked about the current activity at the property.

*C. Borinski:* Has not seen activity, the utilities are currently shut-off.

*A. Zakin:* The applicant has been informed that they must provide proof to the board that the delay is being caused by external factors, and not by their own actions.

### 2. Wharton Industrial Center (Block: 501, Lots: 20 and 23)

Board Engineer Chris Borinski presented his review of the property's status. There were outstanding site plan items related to the amended approval, but all items have now been completed. Building G has been constructed and occupied, and the detention basin on-site has been cleaned. The Department of Environmental Protection (D.E.P.) conducted their own inspection of the restoration and issued a letter stating that they are satisfied with the work. The applicant has met all the requirements outlined in the compliance schedule. There are two bonds on-site: one for the conservation easement restoration and one for the detention basin cleaning. The outdoor storage area has been completed, and most of the materials and equipment have been removed, except for one large excavator located outside the outdoor storage area. The applicant is in the process of selling it, and it should be removed from the site by March. Two years ago, a sewer-related issue arose with Building D. An investigation revealed that the issue was caused by dried out traps in the restrooms on the mezzanine level had, and some traps were not functioning properly. A separate trap connected to the water heater had also dried out. Since then, there have been no further issues.

*A. Zakin, Board Attorney:* Presented a legal review. The D.E.P. has issued a letter confirming that the applicant has fully complied with the conservation easement. The Board Engineer has confirmed that the applicant has satisfied the compliance and construction schedule from the amended resolution. There are no remaining issues.

Discussion among the board members regarding the release of the bonds. The board agreed that the bond for the conservation easement restoration will not be released until the excavator is removed from the site. However, the bond for the detention basin cleaning can be released to the applicant.

**ADJOURNMENT AT 8:29 P.M.**

**Respectfully submitted,**



**Desi Ruffo**  
**Planning Board Secretary**