

**CITY OF ENGLEWOOD
FEBRUARY 23, 2023
MEETING MINUTES**

Chairman David called the meeting to order at 7:30pm | Flag Salute
Mrs. Myers read the OPMA Notice
Mrs. Myers took Roll Call:

In attendance:

Chairman David, Mayor Wildes, Councilman Wilson, Ms. Patino-Valle, Mr. Lerman, Mr. Rosenblatt

Also in attendance:

- Douglas M. Bern, Esq., Board Attorney, Robert Costa, Board Engineer, Chelsea Gleis, Board Planner and Paris Myers, Board Secretary
- Ms. Cordon joined the meeting at 7:34pm
- Vice Chairman Shafer joined the meeting at 7:39 pm
- Mr. George joined the meeting at 7:55pm
- Mayor Wildes joined the meeting at 9:30pm

Absent from the meeting:

- Mr. Almonte
- Ms. Mann

The meeting Minutes of January 26, 2023 were unanimously approved by the Board. Motion: Mr. Lerman; Second: Ms. Cordon

The Board approved the adjournment request for application 2021-01A Atherton Beverly LLC regarding 390 Jones Road. The applicant will be required to re-notice.

The Resolution of Approval for 308 West Englewood Avenue was memorialized by unanimous vote; Motion Mr. George; Second Mr. Lerman

The Amended Resolution of Approval for 30 North Van Brunt Street was memorialized by unanimous vote; Motion Vice Chairman Shafer; Second Mr. Lerman.

Applications:

File: 2022-03 CPAM Realty LLC
Attorney: Matthew G. Capizzi, Esq.
Premises: 270 Next Day Hill Court & 459 Next Day Hill Drive
Block 1301, Lots 16.01, 19

- o Continued application seeking to subdivide the property into four (4) building lots.

Mr. Capizzi appeared before the Board and gave a brief overview of his client's application. He indicated that the property presently comprises two (2) oversized lots which the applicant would like to divide into four (4) lots. Mr. Capizzi indicated that the applicant's plans were last revised on February 13, 2023, as per prior discussions with the Board.

Mr. Capizzi confirmed that an access street (right-of-way), designed in accordance with municipal and RSIS standards would be included in the plans in order to provide access onto Next Day Hill Court. The proposed access street would be non-dedicated, however public travel would be allowed. The street would be 20 ft wide with a 40 ft. radius cul-de-sac to provide access for emergency vehicles.

John Edwards, Esq. representing an objector to the project stated that RSIS standards supersede municipal codes and he further objected to the creation of a non-dedicated street as it appears to "cut-corners". He reviewed the plans and feels that the plans haven't changed just the labels have.

Mr. Capizzi clarified how his client is not trying to supersede RSIS standards or municipal codes. He stated that the application was prepared without the need for variances or waivers as the two (2) additional lots are conforming and within the guidelines of an R-AA zone.

Ms. Chelsea Gleis, Board Planner explained the need to determine the status of the roadway. Ms. Gleis commented that this application/project is a major subdivision and will have to meet all the required criteria. The Planning Board jurisdiction was questioned by Mr. Edwards, Ms. Gleis indicated that the Planning Board has jurisdiction over this application.

Mr. Robert Costa, Board Engineer, agrees with Ms. Gleis that the Planning Board has jurisdiction of the application as it is an application for major sub-division. Mr. Costa believes that since the proposed road starts at the intersection of Next Day Hill Court, it cannot be called a lot. Mr. Costa reviewed the revised plans and advised that the proposed drainage needs to be corrected.

Douglas M. Bern, Esq., Planning Board Attorney stated that having a private/non-dedicated road would be setting a bad precedent. The roadway as

planned would be non-conforming and if approved should be consistent with the municipal codes. The municipality would be able to dedicate the proposed private road to a public roadway. Mr. Bern feels that the proposed roadway is an issue with the application.

The conversation regarding the proposed non-dedicated street, the application and jurisdiction continued between the attorneys, the Board professionals and members of the Board, for quite some time.

The Board decided that they would like to hear from the applicant's engineer, Michael J. Hubschman, P.E. of Hubschman Engineering. Mr. Bern swore in Mr. Hubschman to testify.

Mr. Hubschman gave a brief review of the application and the revised plans dated February 2, 2023. He testified that the application has been amended to remove lot 16.05 and replace it with a right-of-way. He has prepared a new description for the right-of-way.

Mr. Hubschman reiterated that Next Day Hill Court is a rural street. The proposed non-dedicated street would be a continuation of the rural street.

Ms. Gleis questioned the need for a NJDEP application for the proposed development for a crossing permit, drainage improvement permits and stormwater management review.

Councilman Wilson raised the question of the need for additional fire hydrants in the area, how the snow removal, trash collection and how maintenance of lots 16.03 and 16.04 would be managed and at whose expense. The Board was informed that the owners of lots 16.03 and 16.04 would ultimately be responsible for the snow removal, maintenance, and improvements of the non-dedicated street. The City would be responsible for the trash collection as it is currently providing this service to the area.

Members of the Board and approximately twelve (12) members of the public had questions or comments regarding the application, mainly concerning the non-dedicated street, drainage from the development of the four (4) lots, and the need for sidewalks due to the close proximity of Elisabeth Morrow School.

Mr. Peter Jansen questioned whether or not that the applicant is creating unintentional/undue hardship with this project. Mr. Bern advised that the applicant is not creating an unintentional or undue hardship and that the proposed application is for four (4) conforming lots with no variances. The applicant indicated that they should be able to build conforming dwellings on each of the subdivided lots.

At this time, given the lateness of the hour the Board ended the testimony of Michael Hubschman and the public comments.

Mr. David advised that the application would be continued on March 23, 2023 at 7:30pm without the need for further notice or publication.

Motion to Adjourn: Mayor Wildes

Second: Mr. Allen

All in Favor

Meeting was adjourned at 11:50 pm

Respectfully Submitted,
Paris Myers,
Planning Board Secretary