

**DUMONT JOINT LAND USE BOARD  
MINUTES FOR FEBRUARY 24, 2015 MEETING**

**MINUTES**

Flag Salute

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

**February 24, 2015  
7:30 PM**

**SUNSHINE LAW:** This meeting is a regularly scheduled meeting of the Joint Land Use Board, of The Borough of Dumont, held in the Dumont Senior Center on February 24, 2015. The 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:**

Thomas Trank	A	Michael Affrunti	P	Councilman Matthew Hayes	P
Michael Worner	P	Timothy Hickey	P	Elmer Pacia	P
Joseph Hakim	P	Barbara Chen	P	Michael Cremin Alt # 1	P
Alfred Moriarty Alt # 2	P	Janet Masio Alt # 3	P	Mynor Frank Lopez Alt # 4	A
Chairman William Bochicchio	P				

Others: Board Attorney – Mark D. Madaio, Esq.: Mark Madaio-P  
Board Engineer – Boswell Engineering: Eileen Boland-P  
Board Planner – Maser Consulting: Darlene Green-P  
Board Clerk - Rosalia Bob-P

**BUSINESS:** Swearing in of Appointed Joint Land Use Board Member: Joseph Hakim

**BUSINESS:** Swearing in of Re-appointed Joint Land Use Board Members: Timothy Hickey, Michael Affrunti, Alfred Moriarity, Michael Cremin, Thomas Trank and Matthew Hayes

The borough's mayor, Mayor Jim Kelly swears in the new and reappointed members, Joseph Hakim, Timothy Hickey, Michael Affrunti, Alfred Moriarity, Michael Cremin and Matthew Hayes. They all take the Oath of Allegiance and are notarized by the board attorney, Mark Madaio.

**BUSINESS:** Reorganization of Joint Land Use Board

**Nomination for William Bochicchio as Chairman: Michael Worner  
2nd by: Timothy Hickey**

**ROLL CALL:**

Thomas Trank	NA	Michael Affrunti	Y	Councilman Matthew Hayes	Y
Michael Worner	Y	Timothy Hickey	Y	Elmer Pacia	Y
Joseph Hakim	Y	Barbara Chen	NA	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	NA
Chairman William Bochicchio	A				

**Chairman William Bochicchio is voted in as the JLUB Chairman**

**Nomination for Timothy Hickey as Vice Chairman: Michael Worner  
2nd by: Elmer Pacia**

**ROLL CALL:**

Thomas Trank	NA	Michael Affrunti	Y	Councilman Matthew Hayes	Y
Michael Worner	Y	Timothy Hickey	A	Elmer Pacia	Y
Joseph Hakim	Y	Barbara Chen	NA	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	NA
Chairman William Bochicchio	Y				

**Timothy Hickey is voted in as the JLUB Vice Chairman**

**Nomination for Janet Masio as Secretary: Chairman William Bochicchio  
2nd by: Michael Worner**

**ROLL CALL:**

Thomas Trank	NA	Michael Affrunti	Y	Councilman Matthew Hayes	Y
Michael Worner	Y	Timothy Hickey	Y	Elmer Pacia	Y
Joseph Hakim	Y	Barbara Chen	NA	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	A	Mynor Frank Lopez Alt # 4	NA
Chairman William Bochicchio	Y				

**Janet Masio is voted in as the JLUB Secretary**

**BUSINESS:** Review and Approval of Business Professional Invoices

Chairman William Bochicchio states that he will stop by the Building Department to review and sign off on any professional invoices.

**BUSINESS:** Approval of December 2014 Minutes

**December Minutes:**

Motion to Approve: Michael Affrunti

2nd by: Michael Cremin

**ROLL CALL:**

Thomas Trank	NA	Michael Affrunti	Y	Councilman Matthew Hayes	Y
Michael Worner	Y	Timothy Hickey	Y	Elmer Pacia	Y
Joseph Hakim	Y	Barbara Chen	NA	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	NA
Chairman William Bochicchio	Y				

**BUSINESS:** Discussion of Findings from Board Member RFQ Review Committee

**BUSINESS:** Review and Approval of all Business Professional RFQ's

The chairman of the RFQ review committee, Michael Affrunti gave an overview to the board members of the individual professionals that applied and summarized his recommendations to the board members. Chairman William Bochicchio called for a motion from the board.

**Motion for Board Attorney, Mark Madaio: Michael Affrunti**

**2nd by: Timothy Hickey**

**ROLL CALL:**

Thomas Trank	NA	Michael Affrunti	Y	Councilman Matthew Hayes	Y
Michael Worner	Y	Timothy Hickey	Y	Elmer Pacia	Y
Joseph Hakim	Y	Barbara Chen	NA	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	NA
Chairman William Bochicchio	Y				

**Mark Madaio is voted in as the JLUB Attorney.**

**Motion for Board Engineer, Boswell Engineering: Michael Affrunti**

**2nd by: Michael Worner**

**ROLL CALL:**

Thomas Trank	NA	Michael Affrunti	Y	Councilman Matthew Hayes	Y
Michael Worner	Y	Timothy Hickey	Y	Elmer Pacia	Y

Joseph Hakim	Y	Barbara Chen	NA	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	NA
Chairman William Bochicchio	Y				

**Boswell Engineering is voted in as the JLUB Engineer.**

**Motion for Board Planner, Maser Consulting: Michael Affrunti  
2nd by: Michael Cremin**

**ROLL CALL:**

Thomas Trank	NA	Michael Affrunti	Y	Councilman Matthew Hayes	Y
Michael Worner	Y	Timothy Hickey	Y	Elmer Pacia	Y
Joseph Hakim	Y	Barbara Chen	NA	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	NA
Chairman William Bochicchio	Y				

**Maser Consulting is voted in as the JLUB Planner.**

**Motion for Board Clerk, Rosalia Bob: Michael Worner  
2nd by: Michael Affrunti**

**ROLL CALL:**

Thomas Trank	NA	Michael Affrunti	Y	Councilman Matthew Hayes	Y
Michael Worner	Y	Timothy Hickey	Y	Elmer Pacia	Y
Joseph Hakim	Y	Barbara Chen	NA	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	NA
Chairman William Bochicchio	Y				

**Rosalia Bob is voted in as the JLUB Clerk.**

**BUSINESS:** Discussion and Approval of the 2014 Joint Land Use Board Annual Report

The board attorney Mark Madaio explained that the annual report is an accounting of what the board has done the previous year. The report is a summary of any and all applications heard and it gets forwarded to the Mayor and Council for them to review the board's activities. He stated that the report will be ready for distribution for the following month's meeting

**FORMAL:** 14-05 65 West Madison Avenue: 65 West Madison LLC  
Block - 1207, Lots - 8

## Height, Parking & Site Plan Variance

Chairman William Bochicchio stated that Joseph Hakim and Michael Affrunti cannot vote on the application because they were not present for the original hearing back in October. Mr. Kelly began by giving a brief summation of the application. He explained that there are no D variances and they are only requesting C variances. He stated that he had presented seven exhibits into evidence at the prior hearing and presented a list of those exhibits to the board attorney, Mark Madaio. He explained that he had further items to submit into evidence which are: copies of the new notices that were sent to the surrounding properties, revised site plan amended on January 14, 2015 and revised architectural plans amended on January 15, 2015. Mark Madaio marked these into evidence as A8 through A10. Mr. Kelly stated that the January meeting had been postponed due to inclement weather and he presented the certified return receipts to the board. He explained that at the October meeting, the application yielded a density that was too much for the board members. He stated that the applicant had made revisions to reduce the density of the project. He explained that the retail space is the same, they reduced the height of the building and they reduced the number of apartment units from 12 down to 6 units. He explained that they would need 15 parking spaces and they are providing 14 spaces. He stated that the board's professionals raised questions on the parking and the turning radius. He explained that the applicant is prepared to reduce the parking in order to better the turning radius. He asked the board to consider the topography of the site, the use of the land and the shape of the property.

Mr. Kelly called his first witness, Michael Hubschman who was the engineer for the project. Mr. Hubschman presented into evidence a colorized site plan. Mark Madaio marked it into evidence as A11. Mr. Hubschman explained that the building is a two-story frame with a 25 foot shared driveway and a 4 foot slope in the front of the property. Mr. Kelly asked if the applicant can change the elevation of the property. Mr. Hubschman explained that the applicant cannot level the property due to the access easement with the neighbor. Mr. Kelly asked about the ground level of the property. Mr. Hubschman explained that this was where the mechanical room will be and the retail spaces. He stated that the access to the retail spaces would be from the steps at the front of the building. He explained that there would be two retail spaces. Mr. Kelly asked how the tenants would access the second floor. Mr. Hubschman stated that there would be a set of steps and an elevator to access the second floor. He explained that the applicant will be installing a new driveway, sidewalk and macadam. He stated that there would be a catch basin installed within the driveway to help with the drainage. Mr. Kelly asked about the residential zone behind the property and if any buffers would be added. Mr. Hubschman stated that there would be a buffer area which would consist of a 10 foot buffer strip and a garage. Mr. Kelly asked about adding a buffer to the east and west of the property. Mr. Hubschman explained that to the east of the property is an office space and the west of the property cannot have a buffer due to the shared driveway access easement between the neighbors. Mr. Kelly asked about the lighting and the landscaping of the property. Mr. Hubschman explained that there would be parking ceiling lights added and building mounted lights. Mr. Hubschman detailed the sizes of the parking stalls proposed to show that they comply with the RIS normal parking stall size. Mr.

Kelly asked about the parking variances. Mr. Hubschman explained that they are seeking a waiver to the borough's parking stall size and a parking variance for 1 space. Mark Madaio marked into evidence the reports that were given to the board by the board's professionals which are: Maser report dated January 26, 2015, Boswell reports dated February 20, 2015 and October 28, 2014. He marked these into evidence as B1 through B3. Mr. Hubschman explained to the board that the applicant would have to remove the last two parking spaces in order to create a better turnaround zone in the parking lot. He stated that the parking area height is 10.6 feet and that they could make it higher if they raised and added more steps. Chairman William Bochicchio asked why they would make the height higher. Mr. Kelly stated that this would accommodate delivery trucks under the building. Councilman Matthew Hayes asked what the width of the driveway is in the back area at the narrowest part. Mr. Hubschman explained that it is 24 feet in width. Mr. Kelly discussed the Maser report which requested additional variances for the residential buffer towards lot 7. Mr. Hubschman explained that this is a C1 hardship variance since the driveway easement between the neighbors would not allow for a buffer in that area. Mr. Kelly stated that the report also indicated that the borough's ordinance for commercial areas is to begin at grade level. He explained that this would be a C1 variance because the property owner is not capable of changing the topography of the land due to the driveway easement. Mr. Kelly asked about the parking variances required. Mr. Hubschman explained that the majority of the parking spaces are for the residential use and if they added a 5 foot turnaround they would lose 2 parking spaces. He stated that this would reduce their parking space number down to 12 spaces when they need 15 spaces to comply. He explained that there are no loading spaces provided and that deliveries are from the street. Mr. Kelly explained that the applicant is not sure about the tenants in the retail space and that the ice cream parlor may want to stay in the new building after it is constructed. He stated that the commercial tenants would be addressed when they apply for their CCO within the building department. Mr. Kelly asked on the basis of the site, the application on how it is submitted and the variances being sought, would this be a detriment to the borough and the zoning code. Mr. Hubschman explained that the application has C1 variances because there are a lot of hardships on the property. He stated that they are asking for additional parking variances. He explained that the new building would aesthetically improve the neighborhood and would not cause any problems. Mr. Kelly asked if it would enhance the borough's master plan. Mr. Hubschman explained that the MLUL advances the needs of the zoning requirements within the borough. Chairman William Bochicchio asked if they moved one parking space in the back, would that be enough of a turnaround area. The board engineer, Eileen Boland stated that there are concerns with backing up in order to turn. Mark Madaio asked what is better for the board because there are two choices: maximizing the amount of spaces or creating a better turnaround. Eileen Boland stated that the applicant may need to take out 2 parking spaces in order to create a better turnaround radius. Darlene Green asked about the on street parking provided on West Madison Avenue. Michael Affrunti stated that there is no overnight parking on Madison Avenue. Darlene Green suggested that the best case scenario would be the elimination of the two parking spaces numbered 6 and 14 in order to better the turnaround area. Councilman Matthew Hayes asked if the applicant would need more than one handicap space. Mr. Hubschman stated that would need to be over 25 parking spaces in order to

increase the number of handicap spaces to 2 spots. Councilman Matthew Hayes asked if the parking area will be designated for residential use only and will there be a lease agreement with the tenants to restrict the number of vehicles. Janet Masio asked about emergency vehicle access for fire trucks and ambulances. Mr. Hubschman stated that the emergency vehicles can access the building from the street and that the building will also be fully sprinkled. Michael Cremin stated that there are concerns with the existing driveway and making left turns on Madison Avenue. Mr. Pacia stated that lot 7 is a three family dwelling and asked how they will protect children from the driveway area with no buffer being installed. Mr. Hubschman explained that it will be the same as it is now. Councilman Matthew Hayes asked if any apartments would be going towards COAH units. Mr. Kelly stated that there are no plans for that. He explained that the applicant cut the number of apartment units down to 6 in order to eliminate another floor. He stated that if they were keeping the original height and the original plan of the additional floor then they would have considered COAH units. Darlene Green stated that there are concerns with the three family property next door. Mr. Kelly explained that the easement is a private agreement between the property owners and that the owners need to enforce it. Mark Madaio asked what would happen if someone parked in the easement area. Mr. Kelly explained that it would be private enforcement between the neighbors. He stated that the owners indicated that the adjoining lots drive in and pull into the rear of the property to park. Mark Madaio asked where the neighbor's parking spaces are located. Darlene Green asked about the rental spaces on the first floor and if they would not be an office or a restaurant tenant. Mr. Kelly explained that the new business tenants would have to go to the building department for approval and the borough would have to look at the use proposed uses. He explained that if the parking would not match the use then the borough would not approve their CCO for the business tenant space. Chairman William Bochicchio stated that the building department would have to approve the business going into that retail area. Mark Madaio asked about the ice cream parlor and if they had a seating area available. Chairman William Bochicchio stated that the ice cream parlor is a walk-up window with one picnic table outside.

Chairman William Bochicchio opened and closed the hearing to the public.

Mr. Kelly called his next witness, Peter Ditto who was the architect for the project. Mr. Ditto stated that he had colorized elevations to present into evidence for the ground floor, second floor, front perspective, front and side elevation, rear and side elevation and area neighborhood photographs. Mark Madaio marked these into evidence as A12 through A17. Mark Madaio asked what the changes were made to the project with reducing the height. Mr. Ditto explained that the ground floor was widened to gain more square footage for the apartments. He stated that the retail spaces have 4 steps up due to the grade of the property. He explained that the retail spaces would be 590 ft.<sup>2</sup> and 674 ft.<sup>2</sup> with the entrances to these spaces being through the lobby area. He explained that the total ground floor is 2157 ft.<sup>2</sup>. He agreed that if you lose the parking spaces in the rear that there would be a better turning radius within the parking area. Eileen Boland asked about the columns in the parking area. Mr. Ditto explained that the columns are 12 x 12 steel columns surrounded by concrete. Mr. Kelly asked about the residential floor in the

building. Mr. Ditto stated that there are 6 apartments with three on each side. He stated that the smaller apartments would be 760 ft.<sup>2</sup> and the larger one would be 1098 ft.<sup>2</sup>. He explained that all of the apartments are one-bedroom units and can be accessed through the elevator or the stairwell. Councilman Matthew Hayes asked about the heating units and if they will be on the roof. Mr. Ditto explained that the heating units will be wall units within the apartments that have heat pumps which will both heat and cool the apartments. Chairman William Bochicchio asked about the laundry facility for the tenants. Mr. Ditto explained that there will be a stackable washer and dryer within each unit space. He stated that they had designed the building to be a brick clad exterior in order to have a downtown look with an old-style contemporary feel. Chairman William Bochicchio asked about the signage for the businesses. Mr. Kelly stated that nothing is being proposed yet for the signage because the applicant does not know who the business tenants will be yet. Councilman Matthew Hayes asked if the retail space will always remain retail. Mr. Ditto stated yes. Chairman William Bochicchio asked the board members if there were any further questions. Elmer Pacia asked if there would be any restrictions placed on vehicle's idling. Mark Madaio explained that there are no restrictions on vehicle's idling. Elmer Pacia asked if the board can place a restriction on that item.

Chairman William Bochicchio opened and closed the hearing to the public.

Richard Kelly stated that the applicant is planning on knocking down a blighted building and will beautifying this site. He explained that the board will see this applicant again because he is looking to purchase more properties within the borough. He stated that they are complying with the master plan with the retail being on the first level and residential on the second level. He explained that the site would be aesthetically pleasing to the neighborhood. He stated that the two retail spaces on the first floor and the 6 apartments above are within the borough's parameters. He explained that the property will look better and should encourage others to redevelop their commercial areas. He stated that the borough needs more businesses in the downtown area and that the applicant is bringing in two new businesses within the borough. Mark Madaio asked if the board would want to approve the application as drawn or with the two lesser parking spaces. He asked the board if they wanted less parking for a better turnaround verses maximizing the parking. He explained that the application cannot buffer the side because of the driveway easement and that the parking space sizes do comply with the RIS standards. He explained that the application will be subject to signage for no vehicle idling, subject to fire official approval and subject to a leasing agreement stating that only one vehicle will be allowed per tenant unit. Chairman William Bochicchio stated that eliminating the 2 parking spaces would give a better turnaround area for the parking lot.

Motion to approve with conditions placed: Timothy Hickey  
 2<sup>nd</sup> by: Michael Worner

**ROLL CALL:**

Thomas Trank	NA	Michael Affrunti	NA	Councilman Matthew Hayes	Y
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Michael Worner	Y	Timothy Hickey	Y	Elmer Pacia	Y
Joseph Hakim	NA	Barbara Chen	Y	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	NA	Mynor Frank Lopez Alt # 4	NA
Chairman William Bochicchio	Y				

**BUSINESS:** Discussion on Borough of Dumont Resolution Regarding Borough Hall Property Redevelopment

Mark Madaio explained that there is an area in need of development and the governing body can determine that the need. He stated that the governing body is adopting a resolution authorizing the joint land use board to do an investigation on the redevelopment of 50 Washington Avenue, which the property located as the old borough hall. He explained that the board professionals will do a development report and that the report will include forms of redesign. He stated that the resolution that is up for approval from the board is for the planner to begin a study on the project. He explained that the governing body has to fund this project. He asked if the borough owns the property in question. Chairman William Bochicchio stated that if the borough does not own the property then it doesn't serve the purpose of the joint land use board to conduct this study. Bob Dewalt, the former president of the board of ed, stated that the board of ed and the borough are looking into who the rightful owner of the property is and what happens after it is completely vacated. Chairman William Bochicchio explained that he discussed the matter with the mayor and the borough attorney, it was explained to him that the borough owned the property. He stated that he would want written confirmation of that ownership. Councilman Matthew Hayes explained that the council had received a letter from Greg Pastor indicating that the attorney of the board of ed had stated that the board of ed has no interest on the building. Bob Dewalt stated that the board of ed does not have an interest in the building but they would have an interest on the property, if they were the owners. Mark Madaio explained that the board in adopting the resolution can place conditions that the borough attorney would need to state who owns the land and authorize the funds for this project. Chairman William Bochicchio stated that before the board's planner does any work with this project, they would need a letter from the borough first on the ownership of the property. He explained that the board would need a letter signed by both parties; the borough attorney and the board of ed attorney. Mark Madaio stated that the board of ed will need to concede ownership. Bob Dewalt explained that the letter would need to affirm ownership. Michael Affrunti stated that the two entities need to sit down to discuss this matter. Bob Dewalt explained that the board of ed is very interested in the ownership of the property and that there are questions if the town owns it or not. Joseph Hakim asked if they could go to the county for the deed to see was listed as the title ownership. Mark Madaio explained that the deed does exist and that the deed is possibly ambiguous to its clauses with it not being completely straightforward on its language of ownership. He stated that the board needs to contact both parties to ascertain answers first. Chairman William Bochicchio explained that before any money is funded for this research, the board would need to know definitively who owns the property and would need an agreement between the two entities. He stated that he is on a committee to find an area for the new borough hall and explained that there is funding from green acres and open space.

Motion to Adjourn: Michael Worner  
2nd by: Chairman William Bochicchio

Minutes respectfully submitted by:  
Rosalia Bob  
Joint Land Use Board Clerk