

**MINUTES OF THE FEBRUARY 21, 2023 PLANNING BOARD  
REGULAR MEETING**

The following are the minutes of the February 21, 2023 Regular Meeting of the Planning Board of the Borough of Pompton Lakes that was held in the Municipal Building, 25 Lenox Avenue and called to order at 7:45 pm.

Chairman Simone read the Open Public Meeting Law Statement of Compliance and led participants in saluting the flag.

A roll call indicated the following members were present: Mr. Mike Simone, Mr. Tim Troast, Mr. Richard Fracaro, Dr. William Pendexter, Mr. John Keating, and Mr. Steve Edgeller.

Mayor Michael Serra arrived at 7:52 pm.

Ms. Anne Marie Michael, Mr. Brian Otto, and Councilman Venin was excused.

Also present were Mr. Andrew Brewer; Board Attorney, Mr. Gerald DeFelicis; Board Engineer and Mrs. Carmelina Fusaro; Board Secretary.

Chairman Simone apologized to the Board and to the Applicant of his late arrival and starting the meeting behind schedule.

**MINUTES:**

Reorganization Meeting Minutes dated January 17, 2023.

Motion moved by Mr. Troast and seconded by Mr. Edgeller to approve. **All eligible voted in favor.**

Regular Meeting Minutes dated January 17, 2023.

Motion moved by Mr. Fracaro and seconded by Mr. Troast to approve. **All eligible voted in favor.**

**CORRESPONDENCE:**

- **RE: Adoption of Ordinance No. 1-2023**  
AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 92 "ZONING", ARTICLE V "REGULATIONS GOVERNING CERTAIN USES", SECTION 92-22 "PARKING, LOADING AND AUTOMOTIVE SERVICES" OF THE CODE OF THE BOROUGH OF BLOOMINGDALE
- Memo from Elizabeth Brandsness; Municipal Clerk. February 8, 2023 re: Resolutions 23-55, 23-58, & 23-59 approved by the Mayor and Council.

**APPLICATIONS:**

1. PB # 22-05  
Frank & Carol D'Alessandro  
403 Lakeside Avenue,  
Pompton Lakes, NJ 07442  
Block 5800 Lot 1

The following professionals represented the applicant:

- Mr. Peter F. Lefkowitz, Esq. of Nurik & Lefkowitz, Esq. at 207 Wanaque Ave, Pompton Lakes, NJ 07442
- Mr. Cory Vandervalk – Director of Engineer, of MAP Engineering at 170 Kinnelon Road, Kinnelon, NJ
- Mr. Matt Flynn – Planner, of John McDonough Assoc. at 101 Gibraltar Drive Ste. 1A, Morris Plains, NJ

Mr. Brewer swore in Mr. Cory Vandervalk and Mr. Matt Flynn.

Under questioning by Mr. Lefkowitz, they provided their qualifications and credentials and were accepted as expert witnesses.

Mr. Vandervalk reviews the plans previously provided to the Board and labeled Exhibit A1.

- Proposed no structure on both lots and no increase in storm water runoff with grading of the driveway and new seepage pit.
- Proposal for a Subdivision of two lots.
- Requested variance for both lots as undersized and discussed the zone requirements.
- Front Setbacks are to remain the same.

Mr. Simone asks if the members of the Board have any questions at this time. There was no comments from the Board.

Mr. Flynn distributes and displays on the screen Exhibit A2, consisting of 3 pages. He then explains the overall layout of the plan:

- Sheet 1 - Lots are smaller than the proposed surrounding lots in the same R-4 Zone.
- Sheet 2 – overall image and open space area.
- Sheet 3 - view of the Site area.

Mr. Flynn stated this application will retain the non-confirming setbacks and requires 2 "C" Variances. Other dimensions maintain the fit and requirements in this R-4 Zone.

Mr. Simone reviews this Subdivision plan and asks the Board if they have any questions with the setbacks and lot size area proposed.

Mr. Fracaro asked about lot size average for front and rear yard setbacks. Mr. Vandervalk explains lot width size proposed to measure correctly for this setback line in this zone.

Mayor Serra asks about the "Well" noted on sheet 2 and the turnaround driveway. Mr. Vandervalk explains that this "Well" is decommissioned and has not been used for many years. The driveway is a conception as a turnaround in order for the owners not to have to back onto Lakeside Ave.

Dr. Pendexter ask about the proposed subdivision lot size to the building coverage and if it will still maintain within the setbacks. Mr. Vandervalk has met the lot as zoned and building lot coverage of 25%.

Mr. Simone asked to have this condition in the Resolution so that a potential buyer cannot obtain any other variances and design requirements on both lots and will have to follow according to the Zoning Ordinance and Codes.

Dr. Pendexter asked about if there is a limit to the lot size to be subdivided and was responded that there is nothing that states this.

Mr. Simone asked about thoughts on screening for shrubbery between lots.

Mr. Lefkowitz is concerned how this is to be handled regarding the landscaping or screening and to what a new property owner's plans would be for the future of these lots.

There was extensive discussion on a screening between the lots and no landscaping requirements were established.

Mr. Simone inquired how the owners plan to get into the driveway and road from the house that is situated there now.

Mr. Vandervalk explains that this will be slightly elevated and grading will be done from sidewalk to driveway. Also, a part of the retaining walls are to be removed as designed.

Mr. Vandervalk also stated that the plans for this Subdivision is just a proposal to show what can be done and built in both lots, and is not for approval by this board.

Mr. Keating requested clarification that we are just voting tonight on the Subdivision Plan only and not on the Site Plan proposal that is presented.

Mr. Brewer confirms that we are to vote tonight on the Subdivision Plan. If in the future any bulk variances or building structures on these lots will have to be met with the Building Department and/or Zoning Board of Adjustment for the future for any amendments to this proposal.

Mr. Simone opens to the Public for comments or questions:

Ms. Anne Tacinelli of 5 Lambert Street states her concerns about the drainage, flooding, soil contamination, and her overall view from her house of the lake that will be taken away if a structure will be built.

Mr. Flynn explains that a future land owner will be limited to 25 % maximum building coverage and restrictions are not out of context per Zoning. He also indicated that you cannot stop property owners of placement of a home if they choose to move it within the building envelope.

Mr. Brewer paused the meeting and had Ms. Anne Tacinelli sworn in as she demonstrated placement of her house and the questions being asked.

Mr. Randy Hinton, 443 Montclair Ave., inquired as to how 15,000 sq. ft. is required and questioned why you would go back to 10,000 sq. ft.

Mr. Brewer explains that this has been recognized as an issue before and that the zones and the adoption of the Master Plan is under review.

Mr. Simone states we are here tonight to vote for a Subdivision only.

Mr. Simone asked the Public if they have any further statements/comments:

Ms. Anne Tacinelli approached the Board once again and stated her main concerns regarding the blocked view of the lake, water /drainage issues and not having the open space as she does now.

Mr. Sean Kane of 415 Lakeside Ave., just moved in as a New Homeowner and lives next door. He was pleased to have an open space feel but he is also concerned about water issues and seepage to his home.

Mr. Simone closed the public session.

Mr. Lefkowitz appreciated the public's concerns and views and clarified they are not proposing to build anything at this time.

Mr. Simone reviews the presentation and asks members of the Board for further comments.

Mayor Serra favors the idea of the reasonable condition to limiting additional variances in the Resolution.

Mr. Edgeller commented on the conditions and likes that this will alert any potential buyers for the purchase of these lots.

Mr. DeFelicis suggested to sign only Sheet 1 for this Subdivision and not sign Sheet 2 for the Site Plan. He would like Sheet 2 to be removed from this application, to which the Board agrees.

Motion moved by Mr. Fracaro and seconded by Mr. Edgeller to approve the Application PB 22-05 with restrictions on further variances to this lot and to include Sheet 1 only for the Subdivision Plan.

**Roll Call:** Mr. Simone, Yes; Mr. Troast, Yes; Mr. Fracaro, Yes; Dr. Pendexter, No; Mr. Keating, Yes; Mr. Edgeller, Yes; and Mayor Serra, Yes. **It was a 6 to 1 vote for approval.**

**CONCEPTUAL:** None.

**RESOLUTIONS:** None.

**NEW/UNFINISHED BUSINESS:** None.

**PUBLIC DISCUSSION:**

Mr. Simone opened the meeting to the public for questions about items not on the agenda


A question was asked by Ms. Anne Tacinelli to explain this decision for the approval of application PB 22-05.

Mr. Simone went through and recapped to how this decision for approval was made as Subdivision of the lots only. Any building requirements will have to be approved by the Building Department according to the Zoning Ordinance and Codes.

There were no further comments and the public session was closed.

**ADJOURNMENT:**

Motion to adjourn moved by Mr. Fracaro and seconded by Mr. Keating. **All voted in favor.** Meeting adjourned at 9:12 pm. Next meeting scheduled for March 21, 2023 at 7:30 pm.

  
Carmelina Fusaro, Board Secretary

