

MINUTES
April 17, 2013

Meeting of the Wood-Ridge Planning Board
The meeting was called to order at 7:04 p.m. with the
Pledge of Allegiance led by Chairman Finke.

SUNSHINE NOTICE:

Chairman Finke read:

"This meeting is being held in accordance with Public Meeting Law 1975 Chapter 231 and the requirements of the law met by publishing in The Record, and The Herald News and posted on the bulletin board in the Municipal Building and filed with the Borough Clerk."

ROLL CALL: Attendance

Present: Kevin Trotter, Edward Marino, Mark Stellato
Jeffrey Magnusson, Dominick J. Azzolini, Chris Eilert, Paul
Clemente, Frank Finke.

Absent: Renata Helstoski, Jonathan Braid, Debra Gentile,
Robert Ruhle

Board Attorney: Gerald Salerno

Application 2013-1 Wesmont Station/Ingerman
Amendment to the approved site plan.

Patrick McNamara Wesmont Station's Attorney, stated the applicant is seeking preliminary site plan approval, not seeking final approvals at this time, the purpose of this approval is so the applicant can proceed to apply for and secure the tax credits from state and federal agencies in order to bring this project to fruition. Once that funding is secure the applicant can come back before the board seeking amended/preliminary final site plan approval as well as subdivision approval.

Vincent Massa - attorney in New Jersey and resides at 225 Highland Avenue. He represents himself.
He reviewed the minutes from the Planning Board Re-Organization Meeting and noted that Gary Cucchiara was appointed as the board's attorney from the firm Scarinci,

Hollenbeck the same law firm representing Wesmont Station. He wanted to know if the board was aware of precedence by New Jersey supreme court relating to planning board municipal attorney's also representing developers in the same town as well as represents applicants in the same town. He cited and quoted various laws.

Mr. Massa stated Scarinci, Hollenbeck cannot appear before this board representing the developer or the applicant in this matter, this is a clear ethical violation.

Mr. McNamara disagreed with the ascertains made by Mr. Massa. He stated Mr. Cucchiara did not engage in any matters with their firm concerning this project since his employment with Scarinci Hollenbeck. He will not object to carry this application to the next meeting for further examination, and would be willing to recuse himself from the application so that this application can move forward without any issues.

Mr. McNamara stated that he values the relationship his law firm has with this applicant. Given the importance of this application under state law he does not want his participation to cloud or judge any decisions.

Mr. Salerno the board's attorney, stated given Mr. McNamara position, which requires further examination, he suggested to the board to carry this application to next month, and he stated that the applicant would not have to re-notice.

Motion: Member Eilert seconded by Member Clemente moved to carry the application to the May 15, 2013 meeting announcing to the public with no need to re-notice.

Discussion: NONE

Rollcall: Trotter yes, Marino yes, Helstoski absent, Gentile absent, Braid absent, Stellato yes, Magnusson yes, Azzolini yes, Ruhle absent, Eilert yes, Clemente yes, Finke yes.

Mr. Massa stated the board is tainted with conflict as well and cannot hear this application.

Board Attorney Salerno stated for the record that he was retained last year as redevelopment council to address any

application that came before them. Mr. Cucchiara has not been involved in any application involving the redevelopment process.

Mr. Massa stated to review the case law he cited.

5 minute recess.

ROLL CALL: Attendance

Present: Kevin Trotter, Mark Stellato, Jeffrey Magnusson, Dominick J. Azzolini, Frank Finke.

Absent: Renata Helstoski, Edward Marino, Jonathan Braid, Debra Gentile, Robert Ruhle, Chris Eilert, Paul Clemente.

Board Attorney: Gerald Salerno

C Variance application requires a majority vote.

Application 2013-2 Raudel Cruz

Variance - extend driveway width
72 6th Street 216/17/02

Tomas Paneque, the applicant's attorney introduced himself and presented the application. The exhibits were marked in. Mr. Raudel Cruz purchased a new construction one family home with other family members. They currently have 4 vehicles. They were unaware of the overnight parking law in Wood-Ridge. The applicant is proposing to expand the paved area of the driveway onto to adjacent right side front lawn, so an additional vehicle can be parked without disturbing the curb cut. When they have relatives spend the night there is not enough room for all the cars to park. He stated the applicant is under the 50% impervious coverage. Refer to exhibit A-4.

Raudel Cruz the applicant was sworn in. He is one of the owners of the property. The household contains 4 adults each with a car. There is occasion when the in-laws visit and stay over. The current driveway is not wide enough to park all the cars unless they park on the grass. Currently they park the extra vehicle on the sidewalk until 7:00 am. He submitted pictures of other homes with the same extended driveway marked as A-10.

The first variance is for the percentage of coverage and the second variance involves the ordinance that calls for a

drive way apron of only 20 feet in width on a property of 50x100 and this property is bigger. They are not asking to increase the curb cut it would remain 20 feet. A lengthy discussion ensued.

Chairman Finke opened the floor to any citizens wishing to be heard.

Rich Carbonaro 381 Center Street was sworn in. He objects to this application. He referred to the pictures that were submitted and stated these pictures were taken before the ordinance was changed. The ordinance was changed in 2005 to remedy what was going in town. Houses were being paved over and was looking like a large parking lot. He does not see the hardship of this request. He cited code 248 onsite parking. If this application is passed it will cause issues.

Chairman Finke declared the Hearing of Citizens closed.

Ken Nelson stated a few verbal comments, he supplemented on Mr. Carbonaro's comments. He cited 248-6. Front yard parking decreases open space. A discussion ensued.

The town now allows residents to infringe on town property to alleviate the parking issues in the Borough.

The Board can grant a C variance for hardship and if the benefit would out do the detriment.

Motion: Member Trotter seconded by Member Magnusson moved to deny this application for the reasons that were stated.

Rollcall: Trotter yes, Marino absent, Helstoski absent, Gentile absent, Braid absent, Stellato yes, Magnusson yes, Azzolini yes, Ruhle absent, Eilert absent, Clemente absent, Finke yes.

Motion: Member Magnusson seconded by Member Azzolini moved to approve the minutes for March 20, 2013.

Discussion: NONE

Rollcall: Trotter yes, Marino absent, Helstoski absent, Gentile absent, Braid absent, Stellato yes, Magnusson yes, Azzolini yes, Ruhle absent, Eilert absent, Clemente absent, Finke yes.

Adjourn 8:05 pm.

Respectfully submitted,

Cathleen Calabro