

Borough of Wood-Ridge Land Use Board

Minutes of February 1, 2022

Wood-Ridge Municipal Building Council Chamber

The meeting was called to order at 7:00 pm by Chairman Finke. Chairman Finke read the Open Public Meetings Act Statement. The Pledge of Allegiance was recited. Attendance was as follows:

Class IV Members:	Chairman Frank Finke – present
	Vice Chair Kevin Trotter – present
	Dominick Azzolini – present
	Jeffrey Magnusson – excused
	Robert Ruhle – present
	Michael Donato - present
Class I Member (Mayor’s Alternate):	Borough Administrator Christopher Eilert–present
Class II Member:	Zoning Officer Richard Pronti – present
Class III Member:	Councilman Joseph DiMarco – excused
Class IV Alternate Members:	Anthony Iacovino (Alt. #1) – excused
	Christopher J. Inserra (Alt #2)-present
	Vacant (Alternate #3)
Secretary:	Cathleen Calabro – present
Attorney:	Gerald Salerno, Esq. – present
Engineer/Planner	Brian Intindola, PE – present

The minutes of the **January 11, 2022** meeting were approved on a motion by Azzolini second by Eilert and a roll call of all members present voting yes except Inserra who abstained.

Under new business the following application was presented:

**2022-42A** Parikh Kalpesh  
57 Hackensack Street Blk 221/16  
Variance – Subdivision

**Tom Mesuk** the applicant’s architect was sworn in. Mr. Mesuk presented the application on the homeowner’s behalf. He testified that the applicant is proposing to subdivide the lot so that a new lot is created on Humboldt Street. The property extends from Hackensack Street to Humboldt Street. The existing 2 family dwelling will remain. A new dwelling would be built off of Humboldt Street that would be in compliance.

The variances on Hackensack Street are the Lot Area – 3150 sq. ft is proposed where 5000 sq. ft is required.

Lot Depth – 58.32 linear feet is proposed and 1,000 linear feet is required.

Rear Yard Setback – 16.17 is proposed and 30 feet is required.

The variance on Humboldt Street (lot 6.01) is Lot Depth – 94.5 feet is proposed and 100 feet are required.

The applicant would comply with Neglia's report. Exhibit A-6 was reviewed. The proposed subdivision will not result in any substantial detriment to the public good.

The Applicant would require a total of 5 variances for the proposed subdivision. The exhibits were marked into evidence.

A discussion ensued regarding the lot size of the neighboring lots. Mr. Mesuk stated the adjacent lots are comparable in size. The question was asked regarding access to the property. Access to the Hackensack Street house is on Humboldt Street. There are no existing curb cuts or a driveway apron along Hackensack Street.

**Brian Intindola**, the board's engineer stated his concerns. He suggested that if the application was approved, the applicant would be required to submit a subdivision Plat to be recorded with Bergen County. Mr. Intindola had concerns with the parking, he stated the applicant is not self-parked with the new construction. It was his suggestion to the board that the applicant cannot move forward with any improvements on Humboldt Street until the driveway and curb cut are constructed on Hackensack St. He indicated that the board has never approved a lot that is not self-parked.

**Chairman Finke** declared the hearing of citizens to be open.

**Adam Tegge** resides at 66 Humboldt Street. He was concerned with the square footage of the new lot and the driveway. The maximum FAR would be 2750 square feet.

With no further citizens wishing to be heard, Chairman Finke declared the Hearing of Citizens closed.

**Member Eilert** indicated his concern with the idea of allowing a subdivision that creates a nonconforming lot. The proposal would create more traffic on Hackensack Street with cars backing out and pulling into a new driveway.

**Chairman Finke** stated the only time the board would grant anything under 5000 sq. ft. would be if the applicant demonstrated a hardship. The board does not see a hardship regarding this application.

**Application 2022-42A** A motion was made by Trotter to deny the application and seconded by Ruhle, and a roll call of all members present voting in favor of the denial.

Application 2017-8 SEI Carlstadt  
Review of previous site plan approval  
701 12<sup>th</sup> Street, Block 229.02/3

**Garrett Trego** appeared on behalf of Rohm & Haas Chemical Company.

**Ken Porro Esq.** appeared on behalf of the property owner BRE 701 12<sup>th</sup> Street Owner LLC. He stated to the board that the property owner objects to any formal review of this application at this

time by this Board. He stated that the Planning Board granted site plan approval back in 2018, and that the applicant has fully complied with all of the Board and statutory requirements.

**Gerald R. Salerno, Esq.** the Board's Attorney gave a brief background and summary of the matter. The board approved this application back in 2018 for preliminary and final major site plan approval together with variances and design waivers to permit the construction of a warehouse on the site. The property lies primarily in Wood-Ridge and a portion in Carlstadt and falls within the jurisdiction of Wood-Ridge, Carlstadt, NJSEA and the DEP. The applicant proposed certain improvements which are in a flood area and had to file required permits by the DEP for approvals. Mr. Salerno referred to Condition 11 in the Planning Board's resolution stating that the Applicant would comply with the town regarding any storm water runoff from the site and if needed a drainage analysis to the Boards engineer. The applicant did comply with all of the conditions and had the Engineer, DEP and NJSEA sign off on the permits.

**Brian Intindola**, the Board's Engineer was sworn in. He testified that all permits required including municipal, regional, and statewide were submitted and approved, and that the DEP had reviewed this matter since the property is located in a flood area.

**Garrett Trego Esq.** is representing Rahm & Haas. He referred to paragraph 3 in the resolution from 2018, stating "The storm water runoff does or negatively affect the neighboring properties and the Applicant stipulate the any damage caused by increases in runoff or improper drainage shall be remedied by the Applicant." They are here before the board today to make a presentation to demonstrate that their property is in fact impacted and damaged by the development and to enforce that condition stated in the resolution.

**Mr. Salerno** stated that this was a stipulation not a condition made by the applicant that any damage caused by storm water runoff would be remedied. If the applicant did breach a stipulation, the board does not even have jurisdiction to determine or enforce that breach of a stipulation.

A discussion ensued regarding that conditions and stipulations, and it was recommended to the Board by Counsel that this is a dispute between neighboring property owners that should be resolved by a court, and not adjudicated by the Planning Board.

Motion by Eilert that the LUB no longer has jurisdiction to hear any testimony on this application second by Trotter and a roll call of all members present voting yes.

With no other business before the board, the meeting was adjourned at 7:43 pm.

Submitted by:

  
Cathleen Calabro, Land Use Board Secretary

  
Date