

**MINUTES OF THE PLANNING BOARD MEETING**  
**Thursday June 27, 2019**

Present:

Chairman Larry Lonergan

Councilman Roman

Ms. Melissa Collins

Mr. Steven Neale

Mr. Greg Mascera, Planning Board Attorney

Mr. Jim Kirby

Mr. Tom Freeman

Ms. Jessica Pearson

Mr. Tim Camuti

Ashley Neale, Planning Board Secretary

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Meeting called to order at 7:37 P.M. by Councilman Roman, as Chairman Lonergan was not present at the time.

**Pledge of Allegiance:**

Councilman Roman reads Open Public Meetings Act Statement.

**Public Hearing:** None

Noted for the record:

Mr. Camuti present at 7:38 P.M.

Mr. Freeman present at 7:40 P.M.

**Approval of Minutes**

Councilman Roman asks for a motion to approve the minutes from the Regular Planning Board meeting held on Thursday, May 23. Mr. Camuti asks that the minutes be corrected. He states that on page 2 paragraph 4, the minutes read "Mr. Camuti adds there should be a consideration for an over lay zone." He states that he meant they should "reconsidering the zoning of that area." A voice vote was taken. Ms. Collins and Mr. Freeman abstain. Chairman Lonergan not present at this time. All in Favor. Aye.

**Memorialization of Resolutions**

Councilman Roman asks for a motion to memorialize Resolution 2019-01, Review Township Ordinance 2019-16 for Consistency with the Master Plan. Mr. Kirby made the motion, Ms. Pearson seconds. Roll Call was taken. Mr. Camuti, Ms. Pearson, Mr. Kirby, Mr. Neale and Councilman Roman vote to approve. Ms. Collins and Mr. Freeman abstain. Chairman Lonergan not present at this time.

Councilman Roman asks for a motion to memorialize Resolution 2019-02, Conduct new Preliminary Investigation for Block 303 Lot 4 to see if it qualifies as a non-condemnation Area in Need of Redevelopment in accordance with the criteria set forth in N.J.S.A 40A:12-5. Mr. Camuti makes the motion, Mr. Neale seconds. Roll Call was taken. Mr. Camuti, Ms. Pearson, Mr. Kirby, Mr. Neale and Councilman Roman vote to approve. Ms. Collins and Mr. Freeman abstain. Chairman Lonergan not present at the time.

**Hearing of Application: Minor Subdivision Application 77 Hillside Avenue Block 2006 Lot 28**

Mr. Freeman states for the record that his residence is located on Hillside Avenue, but he is not within 200 feet of the applying property, therefore he does not have to recuse himself.

Mr. Alan Trembulak introduces himself as the attorney for the application, 77 Hillside Ave, LLC. He is accompanied by Mitch McGregor, the principal of the LLC. He states that they are there to answer any questions the Board may have but he believes the application is a straight forward and conforming Minor Subdivision. He adds the property is currently 100 feet wide, and they propose to split it into two 50 foot wide lots. He states his client intends to building a single family residence on the new lot, and update the residence on the existing lot. He notes that both lots conform with all zoning requirements for that R50 zone district. He mentions that his client does not object to complying with all notes made from Township officials as part of a condition of approval.

Township Officials Notes should be marked as follows:

**B1-** Letter, dated May 9, 2019 from Michael DeCarlo, Township of Verona Zoning Official

**B2-** Email, dated May 10, 2019 from Giovanni Coppa, Township of Verona Shade Tree Commission

**B3-** Memo and Map with notes, dated May 11, 2019 from Township of Verona Environmental Commission Plan Review Committee

Mr. Trembulak states that in the Shade Tree Commissions email they expressed concern about a town tree on the property. He adds that the applicant has no objection to taking responsibility of protecting and maintaining the tree if it were to be damaged as a result of construction on the property. Mr. Trembulak addresses the Memo from the Environmental Commission, the commission noted that by their calculations the existing lot may exceed the maximum impervious lot coverage by a couple percent. He states that the Subdivision map submitted as part of the application was prepared by Richard Hingos a licensed land surveyor, calculated the impervious lot coverage at 39.2 percent, he adds that the Environmental Commission thinks it might be closer to 42 percent. He suggests that if the Township Engineer or the Planning Board Engineer does the calculations and it is determined that there is an excess of the 40 percent maximum, his client would remove some of the existing impervious coverage.

Ms. Pearson asks from clarification on the applicant taking responsibility of the town tree on the property. Mr. Trembulak responds that anything the applicant did to possibly disturb the tree, the applicant would be financially responsible for its removal and replacement. Mr. Trembulak reiterates that his client intends to fully comply with all the recommendations made by the engineer.

Mr. Kirby comments that he believes there will be quite a bit of disturbance and would like to see anything that could be done to help with drainage be done. Mr. Kirby adds that there appears to be approximately six trees on the property that look like they can be taken down. He asks the applicant if there is an intention to clear cut the property. Mr. Trembulak states that they intend to only take down any tree necessary to construct the new house. Mr. Kirby states that the backyard is concerning to him with the drop off in the rear corner. Mr. Mascera swears in Mitchell McGregor who resides at 120 Walnut Street in Montclair. Mr. McGregor states that he intends to lessen the drop of the grade with some type of natural stone. Mr. Kirby asks if a plan could be drawn up and submitted to the engineer. Mr. McGregor agrees and Mr. Mascera clarifies that would all have to be approved by the engineer when they apply for building permits.

Councilman Roman notes for the record that the accessory structure on the existing lot only has a 3.72 foot side yard set back, where the zoning requires a minimum of 8 feet. He asks for clarification that that is an existing structure on the property. Mr. Trembulak responds that it is pre-existing non-conforming structure and it will remain the same. Mr. Freeman asks if the application was approved, would the applicant need to come back in front of the board for the construction of the new house. Mr. Mascera explains that they would only need to come in front of the board if the new structure required any variances, if it did not it would only require the applicant to acquire the necessary building permits. Mr. Kirby asks the applicant if they plan to have the new house conform to style of the neighborhood. Mr. McGregor affirms that the house will fit the style of the neighborhood, he does not intend to building a mini mansion on the property.

Councilman Roman asks if any member of the public would like to come up and address any questions they have with the applicant.

Cathy Ward at 81 Hillside asks if there was any thought on where the driveway for the new house would be put, concerned that if it were on one side 2 trees would have to be taken down. Also addresses concerns about the ongoing construction being done at the existing residence, she is concerned about the amount of time it has taken to complete certain projects, therefore she is concerned with how long it will take to build the new structure.

Stephen Pietrucha at 60 Gerdes, states that his property intersects with the applicants property, he adds that he is very concerned with the drainage, he notes that he has an easement on the other side of his property, adds that during major storms water bubbles up on Gerdes Avenue. Asks if the applicant is open to adding a sewer drain to drain out to Hillside so that runoff is not absorbed by Gerdes Avenue. Mr. McGregor comment that he would leave that up to the engineer to decide what would be required.

Noted for the record Chairman Lonergan is present at 8:11 P.M. Councilman Roman asks if there is any more comments from the public, seeing none he asks if the Board has anymore comments on the application. The board discusses wanting to see more details regarding grading, and tree placement and making that a requirement for future applications.

Elizabeth Skinner at 75 Hillside, concerned that the application is going to just pass through the board because it meets all the requirements, and none of the neighbors comments will be addressed. She suggests that before approving the application some of the questions addressed should be answered by the engineer. Mr. Mascera explains that the board does not have the ability to do that. The board is required to follow procedures set forth in the Municipal Land Use Law.

Councilman Roman asks for a motion to close public comment. Ms. Collins makes the motion, Ms. Pearson seconds. All in Favor. Aye.

Councilman Roman asks for a motion to approve application 2019-01 Minor Subdivision for 77 Hillside Avenue, Block 2006 Lot 28 subject to the following conditions:

1. Applicant agrees to comply with all building official comments.
2. Applicant will be responsible for protecting and maintaining the existing Township shade tree, if damaged the applicant will accept responsibility for removal and replacement of the tree
3. Applicant will preserve existing trees on the property to the greatest extent possible
4. If the Township Engineer determines the impervious coverage exceeds the maximum permitted, the applicant will reduce the impervious coverage on the existing lot

A motion is made by Mr. Kirby to approve the application with the listed conditions. Ms. Collins seconds. Roll Call is taken. Mr. Camuti, Ms. Pearson, Mr. Kirby, Mr. Freeman, Ms. Collins, Mr. Neale, Councilman Roman all vote in favor. Chairman Lonergan abstains.

Mr. Mascera updates the board on things that will be coming up in the near future. He adds the next meeting will be our reorganization meeting and there may be a need for a special meeting in August.

### **Adjourn**

After a motion made by Mr. Kirby and seconded by Mr. Lonergan, there was a unanimous vote to adjourn at 8:45 pm.

Respectfully submitted,

Ashley Neale  
Planning Board Secretary

*PLEASE NOTE: Meeting minutes are a summation of the hearing. If you are interested in a verbatim transcript from this or any proceeding, please contact the Planning Board office at 973-857-4805.*