

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD MEETING MINUTES
February 28, 2018
7:00 PM

Meeting called to order at 7:07 p.m.

“Pledge of Allegiance to the Flag” recited.

This meeting was advertised in the Daily Record and the Roxbury Register.

Roll Call: Hallowich, Simard, Foley, Wilson, Fostle, Loughridge, Rinaldi, Mayor Stanzilis

Motion for approval of meeting minutes from January 24, 2018. Motion by Simard second by Foley.

Roll Call: Hallowich, Simard, Foley, Wilson, Loughridge, Rinaldi, Mayor Stanzilis. Motion approved.

Motion to approve Vouchers. Motion by Simard, second by Foley.

Roll Call: Hallowich, Simard, Foley, Wilson, Fostle, Loughridge, Rinaldi, Mayor Stanzilis. Motion approved.

Resolution: Alan Tuorinsky-93 McGregor Avenue - Block 10, Lot 5

Residential Site Plan, C & D Variances

Motion to Approve Resolution. Motion by Simard second by Hallowich.

Roll Call: Hallowich, Simard, Foley, Wilson, Loughridge, Rinaldi, Mayor Stanzilis. Motion approved.

Application: Sean Stanzak – 491 Windemere, Block 38, Lot 1

- Bulk Area Variances
- Deemed Complete December 1, 2017

Applicant Sean Stanzak was sworn in by Larry Cohen, Esq. Mr. Stanzak is seeking approval for a new larger dock, existing dock is old and in need of repair. Mr. Stanzak states that he spoke with the neighbors on both sides and there are no concerns. The proposed dock will be doubled in size in width with a slip for easier access getting on and off the boat in the choppy waters of the main lake. Engineer reports applicants requested variances with the most significant being the Max dock space. Vice Chair asks applicant why he chose the size of the proposed dock. Applicant states that the dock will have a slip which makes it easier pulling the boat in out on the rough waters of the main lake and also because of the size of his boat. Board member asks the Engineer to verify the conditional approvals other than the Land Use Board. The applicant will need a permit from the State Marine Police. Also, dock height above high water is not shown clearly and will need to be verified if applicant receives approval from the Land Use Board. Vice chair asks the engineer if there are any reservations regarding the size, engineer states that the majority of the non-conformities are minor with exception to the dock size. The proposed dock size and shape is consistent with the neighboring residents. Having the slip makes

docking easier and safer getting on and off the boat. The waters are very rough due to winds and traffic on this part of the lake.

No further questions from the Board. Larry Cohen states the additional approvals from the state will be noted on the Resolution.

Motion to approve Site plan and variances. Motion by Foley, Second by Loughridge. Roll Call: Hallowich, Simard, Foley, Wilson, Fostle, Loughridge, Rinaldi, Mayor Stanzilis.

VOTE:

IN FAVOR - 8

OPPOSED - 0

Application: Brookland Partners – Block 61, Lot 17.

- Amended Site Plan Approval to Modify Approved Landscaping Plan
- Deemed Complete December 18, 2018

Applicant's attorney Eric McCullough presents application, then calls Denis Keenan, Brookland Partner's Engineer to be sworn in. Mr. Keenan marks exhibit boards A-1 through A-14. Explains that this project has been going on for 13 years and over the course the original builder went bankrupt, the Applicant purchased the property and continued to develop. All units have been sold and the Applicant is looking to close out the property. Over this time there were changes to the Approved Landscaping Plan, a number of areas where landscaping was not planted and areas where additional landscaping was planted. This was discussed with the Borough Engineer, the changes were more significant and could not be approved administratively. Therefore, the applicant was advised to go back before the Land Use Board and submit an amended Site Plan for Landscaping approval. Applicant had professionals walk through the site, counted trees and shrubs to update the approved plan from 2003 to represent the landscaping features that were not installed. Mr. Keenan proceeds to go through the plans marked for exhibits. Exhibit A-3, sheet 20 of 41 lower portion of the site, main entrance off Howard Blvd. Zachary way. The X on the exhibit represents trees and shrubs that were not planted in that area. Exhibit A-5 photo looking up road just passing entrance into multi-family units, there is a lot of vegetation in that area and does not have landscaping ("the knoll"), Exhibit A-9 top picture taken recently looking into multi-family driveway, there are evergreen trees planted around pump station to provide a screen. Next area there is a serious of shrubs along Zachary way that was not installed there was not enough room with sidewalk driveway and fence. Highlighted in green additional shrubs where the landscaping was added along the top of the retaining wall. Mr. Cohen brings to attention the report from Mr. McDonough the Landscaping Architect hired by the Land Use Board. Mr. Cohen suggests that Mr. Keenan go forward with reasons why the planting was not done in the particular areas first and then proceed with what was planted in other areas. This will be a better way of presenting in order to be understood by the Board & residents.

Mr. Cohen asks why these plantings were installed in certain areas and not installed in others. Mr. Keenan response was that applicant felt from a developing, marketing and product standpoint that

money would be spent better somewhere else. The amended plan shows a decrease in trees but an increase in shrubs. Money that was not spent on certain trees was spent on a better quality of shrub.

Trees with the X were not planted and there is no intention to plant. The green shaded area is additional planting that was not part of the 2003 Approved Plan. Developer decided the trees were not necessary, and the development is up to par with the 2003 Approved Plan but not the same. They planted what they thought was appropriate.

Attorney Larry Cohen swears in Michael Tiga, Landscape Architect as expert witness for the Applicant. Mr. Cohen asks Mr. Tiga to distinguish the plants/trees that were eliminated entirely with no intent to replace and the plants/trees that were eliminated and replaced with other vegetation.

Mr. Tiga explains that on the large retaining wall at the entrance Crown Vetch was on the approved plan and instead was changed to shrubs and juniper. They removed trees from a grassy knoll area they felt did not require planting. Four (4) or Five (5) deciduous trees at the pump house were removed to further the growth of the Norway Spruce that were planted in that area as a screen. The far end has trees removed, there is an existing canopy which subsidizes what is in that area. Plants were not planted along the roadway as there was not room with a steep slope, walkway and guardrail.

Mr. Tiga believes that the existing planting is adequate screening for the pump house and the buildings from the senior center. Shrubs that were not installed on the left of Zachary Way were not planted as there is limited space in that area but there is existing vegetation that is sufficient.

Mr. Cohen swears in Mr. McDonough, Landscape professional for the Board, to comment as needed.

Mr. Keenan continues with the slope on Howard Blvd. and that there was a good amount of plants installed but others were not. The slope was meant to be a natural area with grass and low maintenance. There are evergreens and deciduous trees that are comparable and similar to other areas along Howard Blvd.

Mr. Tiga states that in the lower area where trees were removed there are juniper and shrubs planted throughout. There were 11 deciduous, 9 ornamental and 20 evergreens removed from approved plan and used that money for landscaping on individual properties. The Developer installed 17-20 shrubs and one ornamental tree in each single-family property.

Mayor reads a paragraph in the application which states "The 2003 Approved Plan was a design for luxury homes and an expensive landscaping proposal but now economic times do not warrant that. The underlying statement in that paragraph is that this is a cost initiative not how many trees and shrubs were and were not planted. Mr. McCullough responds that cost is a factor and that if this was a new project today the level of landscaping that was proposed in 2003 would not have been chosen. The way it looks now is the way it would have been designed today not what was proposed and approved in 2003. Other developments in the Borough have comparable landscaping (Ridgeview). The intent of what the original approval was is till being met with this amended plan.

Ms. Fostle asks that if there is no further testimony, she would like to hear from the Board Engineer and Board Landscaping professional.

Mr. Lemanowicz states that there is a large slope east of Ondish Way with mainly shrubs and areas of bare soil which is concerning as erosion can be an issue. That area is in need of stabilization. Mr. Lemanowicz reports the other area of concern being a paved walkway that was on the approved plan

and that the applicant is not considering to install. Mr. McCullough explains that "The Association" voted to agree to eliminate after a lawsuit with the Developer and the Deed was amended to remove the walking trail. Mayor states that the lawsuit is not relevant to this application. Mr. Cohen also states the decision by the Developer and Association to eliminate the walking trail is subject to the approval of amendment to the plan by the Board and if the Board decides not to amend then the walking trail goes in. Mr. McCullough then makes it clear that he was simply stating facts not insinuating that the trail was not going to be made. Mr. Keenan shows where the walking trail was to be and that it was to be a wood mulch trail that went up the hillside & loop through the woods. Mr. Foley states that on the Engineer report is states that it is a paved path. Mr. Keenan states that it is a 4ft. wide conservation trail and that there is no detail of the material and that the intention was to be that of a nature trail not a paved path.

Sheets 18- 21 of the approved 2003 plan last revised 7/14/04 show the walking path. This application does not indicate that they were proposing to eliminate the path. Ms. Fostle states that the path and the materials that are being used should be shown clearly. There are many discrepancies and is difficult to decipher the plans, the amended plan needs to show the accurate existing conditions.

Mr. McDonough addresses his comments and reports on the Pro's and Con's.

Con's

- 87.5% of the shade trees that were contemplated under the approved plan do provide aesthetic and environmental benefits...Biomass is 13.5% less than original plan.
- Stability is a concern with the loss of plants on slopes
- Shrubs that were substituted in place of the Trees with overhead Biomass is concerning

Pro's

- Good design principal in creating voids. (Ex. Open areas with trees as a back drop.)
- Quality is good and well maintained site. No die back, drought tolerant & holding up well.

Chairman Van Den Hende was acknowledged and it was entered on the record that he arrived at the meeting at 8:30pm. Mr. Van Den Hende made comments in regards to the original approved plan and proposed amended plan, he was then sworn in by Mr. Cohen. Chairman Van Den Hende continued to comment that Kara Homes as owner when plan was approved was to return the land to 51% of its natural original state once development was complete.

Vice Chairman Fostle kindly interrupts, states that the public has concerns and the meeting is then open to the public:

Open to the Public:

Fran Orofino-33 Harrison Way: Opposes builders application to amend the approved landscaping plan. Mr. Orofino shows a signed petition by 73% of the owners in the Nolan's Ridge community who oppose the Amended Landscaping Plan. He continued with a folder of pictures to show the Board members that is marked as Exhibit 1-Fran Orofino. Pictures 1-3 show area behind Bldg. #4 that was not completed as per approved plan. Picture 4&5 are of an area on Ondish Ct. ("Meadow") with no landscaping, natural trees with weeds growing under. Pictures 6-8 on Harrison Way show a grassy area that had not been maintained until Mr. Orofino went to the landscape Company himself to have them cut the grass

once a month. Pictures 9&10 are of cul-de-sac where bushes were to be planted to at the top of a drop off but were not. Residents have safety concerns. Pictures 11&12 are areas where there has been no planting at all. Page 6&7 are of an area where rocks were placed and the residents are concerned of the water run off and that it could possibly over time undermine the footing and foundations of their homes. Mr. Orofino closes with asking that the Applicant not be granted approval of the Amended Plan.

Donna Warner - 38 Harrison Way: lives at end of circle and asks why that section was left out almost entirely as seen on Exhibit A-19, and the bushes that are there are very unattractive. Also, 8-12 trees that were planted are unattractive and ornamental trees should have been planted there.

Marvin Tafeeni – 31 Harrison Way: Slope area which was to be landscaped and stabilized but looks like a dessert with rocks and no plants. The Slope was increased with fill leftover from excavating and is not stabilized, the soil is washed away in areas.

George Irving – 25 Harrison Way: He purchased property with understanding that the beautiful landscaping was to be completed and done as per the plan and now there is a mountain with dead trees where there was suppose to be level ground with beautiful trees and plants. Mr. Irving sums it up to the fact that the Developer simply chose to make changes without approval from the Board!

Frank Oswald – 28 Harrison Way: Concerns of the impact on the wildlife in the areas where trees were to be planted and weren't. Also, the number of trees that were planted and look sick. Mayor Stanzilis replies that a wild life study was done with the original approved plan and that Mr. Oswald makes a good point that will have to be addressed.

Barry Karetnick – 27 Harrison Way: The "Slope" was added by using fill from excavation, The hill is 15ft. in some areas and 50ft. in others. Concerns of the stability of the slope as the Boulders at base are already filled in with dirt eroding from the hill. Mr. Lemanowicz states that these concerns will be addressed in the Final inspection prior to releasing the Bond.

Jeff Shagawat – 24 Zachary Way: The areas on Zachary and Harrison where there was not enough room to put the plantings between the road, sidewalk and guardrail asks why the developer didn't move street over on original plan to assure enough room for plantings.

Closed to Public:

Ms. Fostle concludes... Brookland Partners Professionals to come back before the Board with new accurate Plans with addition of the walk way that was approved in original Plan. The Land Use Board Professionals, Brookland Partner Professionals and 2 members of the Nolan's Ridge Community as representatives to get out in the field and work together on a new plan at the Applicant's expense to be paid out of Escrow. Applicant will return back to the Board at the next scheduled meeting date. Public Hearing will be continued with no further Notice.

Mr. Cohen suggests that because there is a substantial amount of changes made on the new plan it may need approval by the DCA (Department of Community Affairs). Mr. McCullough to clarify prior to next meeting date.

Motion to table and continue at next scheduled meeting date: Motion, Simard, second Foley

Roll Call: Wilson, Simard, Hallowich, Foley, Fostle, Loughridge, Rinaldi, Mayor Stanzilis

Motion to Adjourn: Motion Wilson, second Hallowich

All in Favor

Respectfully submitted

Kathy Appleby
Secretary