

WYCKOFF PLANNING BOARD
MARCH 13, 2024 PUBLIC WORK SESSION MEETING MINUTES

Public Work Session: 7:30 p.m. Second Floor Court Room, Memorial Town Hall
Public Business Meeting: 8:00 p.m. Second Floor Court Room, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meeting Statement by Chairman Fortunato.

“The regular March 13, 2024 Public Work Session Meeting of the Wyckoff Planning Board is now in Session. In accordance with the Open Public Meeting Act, notice of this meeting appears on our Annual Schedule of Meetings. A copy of said Annual Schedule has been posted on the bulletin board in Memorial Town Hall; a copy has been filed with the Township Clerk, The Record, The Ridgewood News and the North Jersey Herald and News – all newspapers having general circulation throughout the Township of Wyckoff. At least 48 hours prior to this meeting the agenda thereof was similarly posted, filed, and mailed to said newspapers.” Formal action may be taken.

Members of the public are welcome to be present at this meeting. However, in accordance with Section 7(A) of the Open Public Meetings Act, participation on the part of the public at this meeting will not be entertained.

“All applicants are hereby reminded that your application, if approved, may be subject to the terms, conditions, and payment of the Affordable Housing Development Fee requirements of the Township. Information can be obtained from the Code of the Township of Wyckoff, Chapter 113-8 on the Township’s website, www.wyckoff-nj.com”

“This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.”

ROLL CALL

Board members in attendance: Rob Fortunato, Chairman; Glenn Sietsma, Vice Chairman; Pete Melchionne, Mayor; Rudy Boonstra, Township Committeeman; Joseph Vander Plaat, Sarah Caprio, Mae Bogdansky, and Robert Kaufman.

Absent: Mike Homaychak, and Frank Sedita.

Staff in attendance: Kevin Hanly, Board Attorney; Pete Ten Kate, Township Consulting Engineer; and Maureen Mitchell, Board Secretary.

Staff absent: Mark DiGennaro, Township Engineer.

OLD BUSINESS

Approval of the February 14, 2024 Work Session Meeting Minutes

Mr. Boonstra made a motion to approve the Work Session minutes. Second, Mr. Vander Plaat. Voting in favor: Mr. Vander Plaat, Ms. Caprio, Mr. Boonstra, Ms. Bogdansky, Mr. Kaufman, Mayor Melchionne, and Chairman Fortunato. Abstained: Mr. Sietsma.

Mr. Vander Plaat made a motion to approve the Public Business meeting minutes. Second. Ms. Caprio. Voting in favor: Mr. Vander Plaat, Ms. Caprio, Mr. Boonstra, Ms. Bogdansky, Mr. Kaufman, Mayor Melchionne, and Chairman Fortunato. Abstained: Mr. Sietsma.

APPLICATIONS FOR COMPLETENESS REVIEW**DeNicola 569 Cresthaven Rd. Block 244 Lot 9**

(The applicant proposes to install a 6' high, open, black aluminum fence on this corner lot with two front yards)

Mr. Ten Kate presented the following technical report prepared by Mark DiGennaro:
The applicant submitted a property survey prepared by John J. Butler, PLS dated 12/1/23, application, photos, and proposed fence location plan prepared on the property survey. The property is located in the RA-25 Zone and is a corner property having frontage on Cresthaven Road and Covington Place. The applicant is proposing to install a 6 foot aluminum decorative fence in the front yard along Covington Place as shown on the plan. The proposed fence is not a privacy fence and is proposed to be located approximately 6 – 7 feet inside the property line limits along the roadway frontage and within the front yard requiring variance relief. There is no proposed landscaping as the plan contemplates no disturbance to the existing vegetation. The variance request is to permit a 6 foot high fence in the front yard where the ordinance permits a maximum fence height of 4 feet.

Mr. Boonstra had questions about how the lot is situated as it applies to our Ordinance. He said that based on our Ordinance, front yard #1 is Cresthaven Road based on the lot dimensions. The greater dimension is on Covington which is front yard #2. He said he believes that the Ordinance also says the front door has to face front yard #1 which is Cresthaven however, in this case, the front door is facing Covington, which is front yard #2. Mr. Boonstra questioned whether a variance was granted for the front door facing front yard #2 when the lot was redeveloped.

Chairman Fortunato asked if that has any impact on this application with regard to which is front yard #1 and which is front yard #2.

Mr. Boonstra said we typically would not permit a fence like this in front yard #1. This fence is being proposed on the Covington side which is technically front yard #2 as per the Ordinance however, it is functionally front yard #1 because the front door faces Covington. It may be a concern if the existing vegetation on the Covington side was to be removed at some point.

Mr. Ten Kate said he would review the Township Code during the recess.

The Chairman asked for a motion on the completeness of the application. Ms. Caprio made a motion to deem the application complete. Second, Mr. Sietsma. Voting in favor: Mr. Vander Plaat, Ms. Caprio, Mr. Sietsma, Mr. Boonstra, Ms. Bogdansky, Mr. Kaufman, Mayor Melchionne, and Chairman Fortunato.

Cornerstone Church 495 Wyckoff Ave. Block 346 Lot 7

(The applicant proposes to construct an ADA ramp on one of the buildings on the campus as well as two (2) emergency generators on the site)

Pete Ten Kate, the Township's Consulting Engineer, provided the following information from his technical report dated February 22, 2024:

The applicant must respond to the following requested submission waivers or indicate that testimony will be provided.

Item (i) Flood-Fringe application. The applicant shall provide testimony or a statement from a qualified professional confirming that the proposed improvements will have no impact on the wetlands and flood hazard areas on the site.

Item (j) Landscaping plan. The applicant shows the proposed landscaping on the site plan sheet and not on a separate landscaping plan. They should request a submission waiver for not providing a separate landscape plan, and for not locating and describing existing landscaping. The Board may want to consider that waiver. The only landscaping proposed is screening around the proposed generators.

Item (l) A copy of any protective covenants or deed restrictions affecting the property in question, provided that none exist, an affidavit from the owner certifying that no such covenants or restrictions exist shall be submitted. The applicant shall provide the information or certification or testimony that no covenants exist.

Item (o) A grading plan which shows topography and an ingress-egress stone pad adjacent to all areas of new construction. The applicant should provide a written certification from a professional engineer certifying that there will be zero increase in stormwater runoff as a result of the project. There is a very minor increase in impervious coverage due to the two (2) generator pads. The applicant should provide testimony as to any increase in impervious coverage as a result of the ADA ramp installation.

The applicant should provide testimony about any changes to the lighting and signage, and a condition of approval should be that all existing handicap spaces meet ADA certification standards.

Chairman Fortunato said these matters can all be addressed by the applicant before the public hearing, or by providing testimony at the hearing.

Mr. Sietsma made a motion to deem the application complete subject to the applicant meeting the requirements outlined in Mr. Ten Kate's technical memo. Second, Ms. Caprio. Voting in favor: Mr. Vander Plaats, Ms. Caprio, Mr. Boonstra, Ms. Bogdansky, Mr. Kaufman, Mr. Sietsma, Mayor Melchionne, and Chairman Fortunato.

INFORMAL HEARING/CONCEPT PLAN

UB Wyckoff 1, LLC 525 Cedar Hill Ave, Block 391 Lot 42.01

(The applicant is considering a secondary retail pad with associated improvements at the existing shopping center)

Chairman Fortunato said the applicant will provide details of the concept plan during the public hearing. He added that the applicant was before this Board a year or two ago with an application for parking lot improvements and EV charging stations. Mr. Ten Kate said they had to get County approval for a number of issues with crosswalks and ADA approvals however everything has been resolved and we are all set with that previous plan.

Chairman Fortunato mentioned the Hartgers Resolution stating that the Board approved the Resolution at the last meeting and then rescinded that motion to approve. With regard to that,

for parking lot improvements and EV charging stations. Mr. Ten Kate said they had to get County approval for a number of issues with crosswalks and ADA approvals however everything has been resolved and we are all set with that previous plan.

Chairman Fortunato mentioned the Hartgers Resolution stating that the Board approved the Resolution at the last meeting and then rescinded that motion to approve. With regard to that, Board Attorney Hanly said he spoke with Harold Cook, the applicant's Attorney. The side yard variance that was required for the proposed addition was only a couple of inches, which is de minimis. Mr. Hanly said that after consulting with Chairman Fortunato, he requested that Mr. Cook have his client's Professional Planner submit to the Board a certification statement setting forth what the factual issues were, and also addressing the criteria necessary for the C2 variance. Mr. Hanly said he received that certification this evening, and it appears to hit all of the necessary points. He added that under the circumstances, he believes it should be adopted in lieu of testimony. In addition, he said there was no opposition to the application and no cross examination of the applicants expert witnesses therefore the Professional Planner's certification should be acceptable.

The Chairman said the certification was just presented this evening, so Mr. Hanly will review it and change the Resolution which the Board can approve at the next meeting. He also said that Mr. Cook has consented to carrying the approval of the Resolution to the April meeting.

There being no further business, a motion to adjourn the Work Session meeting was made, seconded, and passed unanimously. The Work Session concluded at 7:55 p.m.

Respectfully submitted,

Maureen Mitchell
Land Use Administrator

**WYCKOFF PLANNING BOARD
MARCH 13, 2024 PUBLIC BUSINESS MEETING MINUTES**

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Public Business Meeting: 8:00 p.m. Second Floor Court Room, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meeting Statement by Chairman Robert Fortunato.

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“This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.”

The meeting began with the Pledge of Allegiance.

ROLL CALL

Board members in attendance: Rob Fortunato, Chairman; Glenn Sietsma, Vice Chairman; Pete Melchionne, Mayor; Rudy Boonstra, Township Committeeman; Joseph Vander Plaat, Sarah Caprio, Mae Bogdansky, and Robert Kaufman.

Board members absent: Mike Homaychak, and Frank Sedita.

Staff in attendance: Kevin Hanly, Board Attorney; Pete Ten Kate, Township Consulting Engineer; and Maureen Mitchell, Board Secretary.

Staff absent: Mark DiGennaro, Township Engineer.

OLD BUSINESS

Approval of the February 14, 2024 Work Session and Public Business meeting minutes. The minutes were approved during the work session.

APPLICATION FOR PUBLIC HEARING

DeNicola 569 Cresthaven Rd. Block 244 Lot 9

(The applicant proposes to install a 6’ high, open, black aluminum fence on this corner lot with two front yards)

Theodore DeNicola, the applicant, was sworn in.

Chairman Fortunato asked Mr. Ten Kate if he was able to find any details in the Ordinance pertaining to fences in front yards as was discussed during the work session meeting.

Mr. Ten Kate said he was unable to find anything in the Code book, however, this question pertaining to determining front yards 1 and 2 previously came up at a Zoning Board meeting. He went on to say that Ms. Mitchell provided him with work session meeting minutes where Mr. DiGennaro explained how the front, rear and side yards are determined for a corner lot property. Mr. Ten Kate read the following paragraph from the April 20, 2023 Zoning Board meeting minutes: *“Chairman Fry asked Mr. DiGennaro to explain how the side and rear yards are determined on a corner lot with 2 front yards. Mr. DiGennaro said the way we treat corner lots where you have essentially two front yards is we take the front yard with the narrowest dimension and that becomes front yard #1. Opposite front yard #1 is considered the rear yard. Front yard #2 is the front yard with the longer dimension, and the side yard is opposite front yard #2. Basically when dealing with a corner lot, the orientation of the house does not dictate which front yard is considered #1 unless both front yard widths are equal. If both dimensions were equal, front yard #1 would be the one the front door is facing.”*

Chairman Fortunato said he is not aware of anything in the Ordinance which differentiates what is allowed in front yard #1 and front yard #2. He said the fence Ordinance only has to do with placing a fence in a front yard, so it would apply to both front yards.

Mr. Ten Kate said he has never seen front yard #1 and front yard #2 defined in the Township Code adding that this is an interpretation of how we treat it.

The Chairman said that regardless of what feelings people may have, the Ordinance itself apparently does not differentiate. Mr. Boonstra said that is correct.

Chairman Fortunato clarified for the applicant that since his property is on a corner lot, he has what is considered 2 front yards. In the past, the Board may have looked differently at an application for a fence in front yard #1 or front yard #2. The Ordinance is the same for both. The application is for a 6' open fence in a front yard where the Ordinance says you are only permitted to install a 4' high fence in a front yard so this application is for a variance for 2'.

Mr. DeNicola stated that he recently moved back to New Jersey from South Carolina with his growing family. He went on to say that he has 2 hunting dogs and he would like the 6' fence to prevent his dogs from getting out of the yard as well as keeping other dogs from getting into his yard. He said the 6' fence would give him more peace of mind with regard to safety. Lastly, he said the fence is not for privacy; it will be an open black aluminum fence to keep his dogs in the yard.

Mr. Sietsma recommended that if the applicant is considering putting in a pool in the future he should consider installing a pool code fence now, to spare him from having to change the fence if he ever decides to put in a pool. He explained to Mr. DeNicola that the spacing would be a little different on a pool code fence and suggested having a conversation with the fence company about that.

Chairman Fortunato asked if the fence will be installed inside of the existing line of pine trees along Covington Place.

Mr. DeNicola said he is proposing to install the fence 6 to 7 feet from the property line and that he is open to placing it behind the line of trees, however he does not want to lose too much of his yard.

The Chairman said the issue we are faced with is that if we grant the variance for a 6' fence, the

variance runs with the land and if somebody comes along and cuts the trees down, you've got an open fence there, however it is certainly preferable to an application for a closed privacy fence.

Mr. Ten Kate pointed out that if the Board approves this application for the 6' open fence, and a future owner decides to install a solid 6' fence, that owner would have to come back to the Board because you are specifically granting a variance for a 6' open fence.

Ms. Caprio asked Mr. DeNicola if he would consider a 4' fence along the Covington side which could then increase to 6' along the side and rear. Mr. DeNicola said he is concerned about the 4' fence because of his dogs.

Mr. Vander Plaat said there is a fairly large planting bed there, and the spacing of the trees is very erratic. He recommended placing the fence behind the majority of the trees. Mr. DeNicola agreed to doing that.

Chairman Fortunato suggested that the best way to handle this is to have Mr. DiGennaro go out to the site to determine the best location for the fence behind the trees, and then provide the distance from the property line so we can include that dimension in the Resolution. If the Board approves the application, the approval can be subject to Mr. DeNicola meeting with the Township Engineer, and agreeing on placing the fence at some point behind most or all of the existing trees.

OPEN TO THE PUBLIC

George Kawamura, who resides at 575 Cresthaven Road, came forward and was sworn in. Mr. Kawamura said his home is to the right of the applicant's home on Cresthaven Road. Mr. Kawamura said he objects to the 6' fence along the property line next to his property. He went on to say that his property is 1 to 2 feet lower than the applicant's property so the 6' fence will appear taller than 6'. Mr. Kawamura said his property is park-like and he does not want the 6' fence because it will make him feel confined so he would prefer a 4' fence. He then provided a photograph of the property line which was marked exhibit O-1.

Chairman Fortunato explained to Mr. Kawamura that the applicant is only before the Board for the length of fence along Covington Place adding that he is permitted to install a 6' high fence along the side and rear of the property without a variance.

Chairman Fortunato asked Mr. DeNicola about the existing vegetation along the property line next to his neighbor, and if he would be willing to plant some additional screening since his neighbor has concerns about the fence.

Mr. DeNicola said there are some trees and arborvitaes which he is not planning to remove. He also said he would be willing to add some additional plants.

Mr. Sietsma recommended green giant arborvitaes or skip laurels planted in front of every other panel of fence. He also suggested a 54" fence instead of a 6' (72") fence.

Mayor Melchionne pointed out that the applicant is proposing to install the fence 3' inside of his property line which would make it difficult for him to maintain plantings on his neighbors side of the fence. He added that it does not seem fair to make the applicant spend additional money on landscaping because his neighbor objects to a fence that he is permitted to install. He suggested that the neighbor could put in plantings himself if he does not want to see the fence.

Mr. Vander Plaat suggested allowing the applicant to amend his application to place the fence on the property line instead of 3' inside of the property line, and plant screening on his side of the fence. Mr. DeNicola said he would prefer that option.

CLOSED TO THE PUBLIC

Chairman Fortunato summarized by saying the motion would be to approve the 6' open, black aluminum fence along the property line on the side and rear. Along the Covington Place side, the fence will be set behind the line of existing trees with the dimension to be determined by Mr. DiGennaro in the field. Once we get that information from Mr. DiGennaro, we can put that dimension in the Resolution. The applicant will plant green giant arborvitaes or skip laurels, spaced approximately 10' apart, along the property line between 569 and 575 Cresthaven Road.

Ms. Caprio made a motion to approve the application subject to the aforementioned conditions. Second, Ms. Bogdansky. Voting in favor: Mr. Vander Plaat, Ms. Caprio, Mr. Sietsma, Mr. Boonstra, Ms. Bogdansky, Mr. Kaufman, Mayor Melchionne, and Chairman Fortunato.

INFORMAL HEARING/CONCEPT PLAN

UB Wyckoff 1, LLC 525 Cedar Hill Ave, Block 391 Lot 42.01

(The applicant is considering a secondary retail pad with associated improvements at the existing shopping center)

Adam Lazaros, the applicant's Attorney came forward and placed himself on the record. He said what we are introducing here this evening is a potential additional retail pad within the site. We are also proposing to close off one of the entryways on Cedar Hill Avenue and introduce a new entryway to the site off of Blum Court. Our Engineer will go over the site plan with you, and we would like to get the Board's thoughts and comments on we are proposing to do.

James Henry, from Dynamic Engineering, was sworn in and provided his professional credentials. He previously testified before this Board and was accepted as an expert in the field of Engineering. Mr. Henry then provided the following details of the concept plan:

The center was originally owned by Urstadt Biddle, and Urstadt Biddle was recently purchased by Regency. Regency took a fresh look at the application that was previously approved by this Board to see if the Board would be open to approving an additional expansion of the shopping center. We believe the changes will benefit the site. The property is located on Cedar Hill Avenue at the intersections of Blum Court and Route 208. In phase one, we proposed parking along the front of the building and along the right or east side of the building with other improvements and reconfiguring the parking lot. Also as part of phase one we proposed to relocate and enclose the dumpsters. Those improvements were previously approved by the Board, and we will be moving forward with those improvements very soon. Phase two is the concept plan. Nothing will change on the east side of the property. Most of the changes in phase two will be on the west side of the property near the Chase bank. There is an existing drive aisle and exit on the south west corner of the site. We are proposing to remove that drive aisle and exit, and push all of the traffic onto Blum Court. We are proposing to construct a building in that area where the drive aisle currently exists. The building will meet all of the setbacks and building coverage requirements of the Township Ordinances. This will also enable us to add some additional parking spaces on the site. The parking calculation in phase one was to increase the number of spaces from 239 to 253. In phase two, it will change from 253 to 260 spaces. By eliminating the driveway in the southwest corner, all of the traffic will enter and exit from Blum Court, which will create less conflicts in that

area of Cedar Hill Avenue.

Chairman Fortunato asked if vehicles will be able to make a left turn onto Cedar Hill Avenue from Blum Court to which Mr. Henry replied yes.

Ms. Caprio asked if deliveries would come in through the main entrance or Blum Court. Mr. Henry said we will have deliveries coming in from both entrance ways.

Chairman Fortunato asked if the proposed retail pad will increase the required number of parking spaces. Mr. Henry said that due to the changes to the Township's parking regulations, we will be required to have a total of 230 spaces for the entire site including the new retail pad, and we are proposing 260 parking spaces.

Mr. Ten Kate asked if any variances are required with this proposal. Mr. Henry stated that there only existing variance conditions, but no new variances. He added that they will actually be reducing impervious coverage on the site.

Chairman Fortunato asked if the leaders from the new building will be connected to a drywell. Mr. Henry said we can probably do that. Mr. Ten Kate said you will be required to have some type of stormwater management.

Mr. Vander Plaat asked if any improvements to Blum Court are proposed. Mr. Henry stated they plan to add some curbing and sidewalk to Blum Court and probably widen the entryway by a foot to meet the ordinance requirement for two-way traffic. Mr. Vander Plaat asked if they will repave Blum Court after the curbing is done. Stephan Rapaglia, who is a Consultant for Regency, was in attendance. He stated they would be willing to pave the street up to the driveway entrance.

Chairman Fortunato asked what the proposed use will be for the new retail pad. Mr. Henry stated that the applicant does not yet know who will utilize the site however they are not requesting a Use variance, and the building will be used for something that is permitted as the site is currently being used today.

Chairman Fortunato asked for clarification that the new application would essentially be for site plan approval because any variance being sought would be for pre-existing conditions. Mr. Henry said that is correct, we will meet all of the setbacks and impervious requirements. The existing variance conditions are for maximum building height for the existing building, and also a minimum buffer area which is on the north side behind the building, and we are planning to add additional landscaping there as part of phase one. The new application will be variance free.

Ms. Caprio asked what the proposed height is for the new building. Mr. Henry said it will be 35' or below. Mr. Rapaglia stated that he anticipates it will be a single-story retail pad consisting of approximately 3,700 sf, however there are no proposed tenants at this time.

Mayor Melchionne said he has concerns about eliminating the existing entryway because he goes in and out of that shopping center almost every day, and he purposely uses the exit they are proposing to close because it so much easier to make a left turn onto Cedar Hill Avenue from that exit. He went on to say that the new exit onto Blum Court is almost hidden behind the new building, so people may not even be aware that it is there, and it's going to be a mess in that parking lot.

Mr. Henry said we can add signage to direct people to the entrance/exit adding that the visibility will be better at that location coming off Blum Court due to the curvature of the road so we feel it

will be safer to exit from there.

Mr. Boonstra said he doesn't necessarily have a problem with eliminating the parking lot entrance/exit to Cedar Hill Avenue but doing so essentially land-locks the entire site and he is concerned about getting emergency equipment in and out of there.

Mr. Vander Plaat said the current layout provides enough room for emergency apparatus.

Mr. Ten Kate said he has concerns about this new intersection and that he would like to see turning radiuses for the trucks. He said he sees a lot of stop bars and he has concerns about sight distance coming out of the drive thru. He recommended taking a good look at these issues before submitting the site plan application because it looks like there is a lot of traffic movement in that one little intersection.

Ms. Caprio asked where the new building will dispose of trash. Mr. Henry said we will add an additional dumpster in the northwest corner of the site.

Mr. Boonstra said that if the owner decides to move forward with an application for what was presented this evening, he would like to see a traffic study performed by a professional of the Boards choosing because a lot is going to change, and he would like an unbiased look at it. Mr. Henry replied yes, no problem.

Mr. Ten Kate said the proposed new building is actually going to have 3 fronts so the applicant should make sure the Blum Court side does not look like the rear of a building.

Chairman Fortunato said he is not sure he is convinced about closing the parking lot entrance/exit and expecting that people will use Blum Court. He suggested taking another look at that. He added that if this was the actual application hearing, that would be his biggest concern.

Ms. Bogdansky voiced concerns about eliminating the existing entrance/exit on Cedar Hill Avenue adding that there is a lot of activity in the area of the bank. She also pointed out that there is a lot of traffic coming in from Route 208 and it's a dangerous spot. Regarding access for fire trucks, Ms. Bogdansky said it will be much easier for the fire trucks and emergency vehicles to come straight in from Cedar Hill Avenue versus making the bend off Blum Court into the parking lot.

Mayor Melchionne commented that the parking lot is nightmarish now, and it is probably going to increase by about 50% because a lot of people are not going to find that new exit behind the building.

Mr. Henry said it sounds like the Board is not happy about us closing off that driveway. We can probably realign this and maintain this driveway.

There was a discussion about what the County may have to say about the elimination of the existing entrance/exit on Cedar Hill Avenue and the use of Blum Court. Mr. Henry said they will reach out to the County and possibly set up a meeting to see what they have to say.

Chairman Fortunato thanked the Professionals for their presentation.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

There being no further business, a motion to adjourn the Public Business Meeting was made, seconded, and passed unanimously. The meeting concluded at 9:21 p.m.

Respectfully submitted,
Maureen Mitchell
Land Use Administrator