

**ROCKLEIGH PLANNING BOARD
BOROUGH OF ROCKLEIGH, NEW JERSEY
PUBLIC MEETING
JANUARY 25, 2021***

Meeting conducted remotely via Zoom electronic/video conferencing

Meeting called to order by Chairman Peter Layne at 8:00 p.m.

ROLL CALL:

Present: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto, Fred Puccio and Stephen Crevani (arriving at 8:28 P.M.)

Absent: Councilman David Hansen

Also Present via electronic/video
conference call:

Planning Board Counsel Kenneth C. Dolecki, Esq., and Planning Board Engineer Gregory Polyniak of Neglia Engineering Associates

OPENING STATEMENT: An announcement was made that this meeting of the Rockleigh Planning Board is being held in compliance with the Open Public Meetings Act of the State of New Jersey. Adequate Notice of this electronic/video conference Zoom meeting was (a) given in writing to the official newspaper of the Borough of Rockleigh; (b) posted on the front door of the Municipal Building of the Borough of Rockleigh, as well as two (2) additional doors of the Municipal Building of the Borough of Rockleigh; (c) electronically provided by the posting of the Notice on the website of the Borough of Rockleigh – www.rockleighnj.org. Said Notice also provided that pursuant to the Open Public Meetings Act of the State of New Jersey the first portion of the Meeting will constitute a Work Session for the Planning Board and that, upon completion of the Work Session, the meeting of the Planning Board will continue with a Public Hearing portion.

* MINUTES ARE RECORDED VIA THE ZOOM MEETING'S PROGRAM AND CAN BE ACCESSED THROUGH THE OFFICE OF THE BOROUGH CLERK. THE WITHIN MINUTES CONSTITUTES A CONDENSED ABBREVIATED VERSION AND ARE FOR THE BENEFIT OF PLANNING BOARD MEMBERS AS A RECOLLECTION OF PAST EVENTS, AS WELL AS FOR THE PURPOSE OF KEEPING MEMBERS ABSENT FROM A MEETING, CURRENT.

The first order of business for the Planning Board was the administration of the oath of office to four (4) returning Planning Board Members and one new Planning Board Member. The administration of the oaths of office was conducted by counsel for the Planning Board, Kenneth C. Dolecki, Esq.

The following were the returning Planning Board Members:

- A. Returning Planning Board Member Secretary Theodore Brack was reappointed as a Class II Planning Board Member for a one year term, expiring on December 31, 2021.
- B. Returning Planning Board Member Carl Porto was reappointed as a Class IV Planning Board Member for completion of an unexpired four (4) year term, expiring on December 31, 2022.
- C. Returning Planning Board Member Chairman Peter Layne was reappointed as a Class IV Planning Board Member for a four (4) year term, expiring on December 31, 2024.
- D. Returning Planning Board Member Demetrios Venetsanos was reappointed as a Class IV Planning Board Member for a four (4) year term, expiring on December 31, 2024.

The following was the new Planning Board Member: Fred Puccio was appointed as a Class IV Planning Board Member, Alternate #1, for completion of a two (2) year term, expiring on December 31, 2021.

Counsel for the Planning Board administered the oath of office to Secretary Brack, Chairman Layne and Mssrs. Porto, Venetsanos and Puccio. Upon completion of the oaths of office, Planning Board Members Secretary Theodore Brack, Chairman Peter Layne, Carl Porto, Demetrios Venetsanos and Fred Puccio were welcomed back/welcomed to the Planning Board by counsel administering the oaths of office, and the remaining Planning Board Members.

Inasmuch as this was the first meeting of the Planning Board in calendar year 2021, the Planning Board was required to and did reorganize for the calendar year. The first order of business of reorganization was the election of a Chairperson.

Vice Chairman Paul Van Dyke was nominated to be Chairperson by Mayor Robert Schaffer. This nomination was seconded by Chairman Peter Layne. There being no further nominations, a Motion was made by Chairman Peter Layne, and seconded by Secretary Theodore Brack to close nominations. Those voting in favor of the Motion to close nominations were: Secretary Theodore C. Brack, Chairman Peter Layne, Vice Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

A roll call vote was taken on the election of Paul Van Dyke as Chairman. Those voting in favor of Vice Chairman Paul Van Dyke as Chairman for calendar year 2021 were: Secretary Theodore C. Brack, Chairman Peter Layne, Vice Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

The next order of business was the election of a Vice Chairman. David Altman was nominated by Mayor Robert Schaffer. This nomination was seconded by Chairman Paul Van Dyke. There being no further nominations, a Motion was made by Peter Layne and seconded by Chairman Paul Van Dyke to close nominations. Those voting in favor of the Motion to close nominations were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

A roll call vote was taken on the election of David Altman as Vice Chairman. Those voting in favor of David Altman as Vice Chairman for calendar year 2021 were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

The next order of business was the election of a Secretary. Theodore C. Brack was nominated by Mayor Robert Schaffer. This nomination was seconded by Peter Layne. There being no further nominations, a Motion was made by Chairman Paul Van Dyke and seconded by Peter Layne to close nominations. Those voting in favor of the Motion to close nominations were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

A roll call vote was taken on the election of Theodore C. Brack as Secretary. Those voting in favor of Theodore C. Brack as Secretary for calendar year 2021 were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

The next order of business was the appointment of Planning Board professionals for calendar year 2021.

The firm of Neglia Engineering Associates, Inc., with Gregory Polyniak being the principal individual of the firm to provide the services to the Planning Board as Planning Board Engineer, was nominated by Mayor Robert Schaffer. This nomination was seconded by Peter Layne. There being no further nominations, a Motion was made by Peter Layne and seconded by Chairman Paul Van Dyke to close nominations. Those voting in favor of the Motion to close nominations were: Secretary Theodore C. Brack, Peter Layne, Chairman

Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

A roll call vote was taken on the appointment of Neglia Engineering Associates, Inc., with Gregory Polyniak as the principal individual of the firm to provide the services to the Planning Board as the Planning Board Engineer for calendar year 2021. Those voting in favor of Neglia Engineering Associates, Inc. with Gregory Polyniak being the principal individual of the firm to provide the services to the Planning Board as Planning Board Engineer for calendar year 2021 were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

The next order of business was the appointment of a Historic Consultant on an as-needed basis for calendar year 2021. The firm of Gregory Dietrich Preservation Consulting, with Gregory Dietrich being the principal individual of the firm to provide the services to the Planning Board as Historic Consultant on an as-needed basis was nominated by Mayor Robert Schaffer. This nomination was seconded by Peter Layne. There being no further nominations, a Motion was made by Peter Layne and seconded by Vice Chairman David Altman to close nominations. Those voting in favor of the Motion to close nominations were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

A roll call vote was taken on the appointment of Gregory Dietrich Preservation Consulting, with Gregory Dietrich being the principal individual of the firm to provide the services to the Planning Board as Historic Consultant for calendar year 2021 on an as-needed basis. Those voting in favor of Gregory Dietrich, Preservation Consulting, with Gregory Dietrich being the principal individual of the firm to provide the services to the Planning Board as Historic Consultant for calendar year 2021 on an as-needed basis were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

The next order of business was the appointment of a Planner on an as-needed basis for calendar year 2021. Neglia Engineering Associates, with Gregory Polyniak being the principal individual of the firm to provide the services to the Planning Board on an as-needed basis was nominated by Mayor Robert Schaffer. This nomination was seconded by Peter Layne. There being no further nominations, a Motion was made by Peter Layne and seconded by Vice Chairman David Altman to close nominations. Those voting in favor of the Motion to close nominations were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

A roll call vote was taken on the appointment of Neglia Engineering Associates, with Gregory Polyniak being the principal individual of the firm to provide the services to the

Planning Board as a Planner for calendar year 2021 on an as-needed basis. Those voting in favor of Gregory Polyniak as Planning Board Planner for calendar year 2021 on an as-needed basis were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

The next order of business was the appointment of legal counsel for the Planning Board for calendar year 2021. Kenneth C. Dolecki, Esq. was nominated by Mayor Robert Schaffer. This nomination was seconded by Peter Layne. There being no further nominations, a Motion was made by Peter Layne and seconded by Secretary Theodore C. Brack to close nominations. Those voting in favor of the Motion to close nominations were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

A roll call vote was taken on the appointment of Kenneth C. Dolecki, Esq., as legal counsel for the Planning Board, for calendar year 2021. Those voting in favor of Kenneth C. Dolecki, Esq. as legal counsel for the Planning Board for calendar year 2021 were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

The next order of business was the appointment of a court reporting service for the Planning Board for calendar year 2021. A Motion was made by Mayor Robert Schaffer and seconded by Peter Layne to appoint the office of Laura Anne Carucci, Certified Shorthand Reporting Service, as the reporting service for the Planning Board for calendar year 2020. There being no further nominations, a Motion was made by Peter Layne and seconded by Secretary Theodore C. Brack to close nominations. Those voting in favor of the motion to close nominations were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

A roll call vote was taken on the appointment of Laura Anne Carucci, Certified Shorthand Reporting Service, as the court reporting service for the Planning Board for calendar year 2021. Those voting in favor of Laura Anne Carucci, Certified Shorthand Reporting Service, as the reporting service for the Planning Board for calendar year 2021 were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

There being no further business to come before the Planning Board during the Work Session of the meeting, a Motion was made by Peter Layne and seconded by Mayor Robert Schaffer to close the Work Session of the meeting and move the meeting into Public Session. Those voting in favor of the Motion were: Secretary Theodore C. Brack, Peter Layne, Chairman

Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto and Fred Puccio. Those opposed: None. Those abstaining: None.

The following consists of the Minutes of the Public Session of the Planning Board Meeting:

MATTER CONSIDERED: The first matter to come before the Planning Board during Public Session was the review and consideration of an “Outline” for a proposed Ordinance regarding residential swimming pools as prepared by the Planning Board Engineer, Gregory Polyniak of Neglia Engineering Associates.

At the December 8, 2020, Planning Board meeting, the Planning Board Engineer was directed to prepare an outline for a proposed Ordinance regarding approval of in-ground swimming pools in a Residential Zone without the necessity of Planning Board Application and Planning Board Approval on the condition that the proposed swimming development complies with all Zoning Ordinance requirements. Conversely, in the event the proposed development does not comply with all Zoning Ordinance requirements, an Application to the Planning Board for a Variance/other relief will be required.

Mr. Polyniak prepared a two (2) page “Outline Swimming Pool Submission Package”, which was submitted to the Planning Board members in advance of this evening’s meeting for their review.

Mr. Polyniak went through his outline, provision by provision, indicating to the Planning Board that, in general, an Ordinance to be crafted from this outline would be similar in nature to the proposed Solar Panel Ordinance and the proposed Storage Shed Ordinance previously produced by his office. Upon completion of Mr. Polyniak’s discussion of his proposed outline, the Planning Board offered comments and questions to Mr. Polyniak.

Mayor Schaffer parenthetically noted to the Planning Board that he has not yet addressed the selection of acceptable designs for the Storage Shed Ordinance for which a property owner would not need to obtain Planning Board approval with the Historic Preservation Commission as the Historic Preservation Commission has not had a meeting for a period of time. However, he did note that he will be having the Historic Preservation Commission meet in the near future so that this aspect can be addressed by the Commission and the shed designs chosen so that the Ordinance can proceed.

Vice Chairman David Altman inquired of Mr. Polyniak whether or not there were any provisions in the outline and, ultimately, the Ordinance that would address fences that would be required to be installed around a swimming pool. Mr. Polyniak noted that there was not but that he will add such provisions to the area of the outline addressing the Survey.

Upon questioning, Mr. Polyniak also noted that the need of a Surveyor for a Survey and an engineer for a Site Plan and a Grading Plan are requirements similar to the requirements of surrounding municipalities.

Upon inquiry, Counsel for the Planning Board, Kenneth C. Dolecki, Esq., suggested to the Planning Board that, assuming the Planning Board is comfortable with Mr. Polyniak's outline, the procedure would then be to authorize Mr. Polyniak to create a proposed Ordinance and Application form based upon his outline. The same would then be submitted to the Planning Board for its review and consideration, and if approved by the Planning Board, submission of them to the Governing Body for the Governing Body's consideration and, presumably, enactment into the Borough's Ordinances.

Mayor Robert Schaffer stated that he will make a Motion to that effect. This Motion was seconded by Secretary Theodore C. Brack. Those voting in favor of the Motion were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto, Fred Puccio and Stephen Crevani. Those opposed: None. Those abstaining: None.

The Minutes of the December 8, 2020, Planning Board regular monthly meeting were reviewed by the Planning Board members. Secretary Theodore C. Brack noted a typographical error in the section where the Planning Board was approving a meeting calendar for 2021, noting that, inadvertently, on page 7, the year 2020 was set forth instead of 2021.

A Motion was made by Peter Layne and seconded by Secretary Theodore C. Brack to approve the Minutes of the December 8, 2020, Minutes as produced, with the one correction suggested by Secretary Brack. Those voting in favor of the Motion were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman and Carl Porto. Those opposed: None. Those abstaining: Fred Puccio and Stephen Crevani.

The following statements for payment by the Planning Board for services rendered to the Planning Board were addressed by the Planning Board as follows. Said Vouchers were submitted to the Planning Board in advance of the evening's meeting for their prior review:

- A. Services rendered by Kenneth C. Dolecki, Esq., Planning Board Attorney, with regard to General Planning Board Services - \$651.00;
- B. Services rendered by Kenneth C. Dolecki, Esq., Planning Board Attorney, with regard to the December 8, 2020, Planning Board meeting - \$620.00;

A Motion was made by Carl Porto and seconded by Peter Layne to approve payment of all vouchers as submitted. Those voting in favor of the Motion were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto, Fred Puccio and Stephen Crevani. Those opposed: None. Those abstaining: None.

A Motion was then made by Peter Layne and seconded by Vice Chairman David Altman to open the meeting to the public for any questions or comments any member of the public who was participating remotely via video conference or telephone conference had for the

Planning Board regarding any Planning Board business. Those voting in favor of the Motion were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto, Fred Puccio and Stephen Crevani. Those opposed: None. Those abstaining: None.

Nicholas Photiadis of 4 Paris Avenue suggested to the Planning Board that the Planning Board give consideration to better ways of handling Planning Board matters, Planning Board procedures and Applications before the Planning Board, further suggesting that the Planning Board attempt to improve the process wherever the Planning Board could. This would make it easier for Applicants and streamline the process as much as possible.

Robert Ferretti of 36 Rockleigh Road commented to the Planning Board that he was in agreement with the comments of Mr. Photiadis and that the process before the Planning Board could be extremely expensive, suggesting that the Planning Board give consideration to, again, streamlining the process, wherever possible, as, in his opinion, the process was very burdensome and cumbersome. Mr. Ferretti also suggested that, if possible, items such as the Outline of the proposed Swimming Pool Ordinance that was discussed by the Planning Board this evening be made available to the public in advance of the meeting so that members of the public can similarly review it and provide thoughtful input to the Planning Board regarding such items.

Planning Board member Demetrios Venetsanos noted that the Borough has a very thorough process that is needed by the Borough, that, in his opinion, everything that is required of an Applicant is needed by the Planning Board in order to make informed and intelligent decisions and that the expertise and opinions of the Planning Board's Professionals are likewise required. Mr. Venetsanos further indicated that the entire process was necessary in order to uphold the Zoning Laws of the municipality.

Planning Board member Peter Layne noted that any Ordinance introduced by the Governing Body at one meeting is not adopted by the Governing Body until at least one subsequent meeting, thereby giving any interested party adequate opportunity to not only review an Ordinance, but also to make public comment to the Governing Body prior to adoption of an Ordinance by the Governing Body.

It was then noted for the record that there were no further members of the public who wished to be heard or that had any comments or questions of the Planning Board. A Motion was then made by Carl Porto and seconded by Demetrios Venetsanos to close the meeting to the public. Those voting in favor of the Motion were: Secretary Theodore C. Brack, Peter Layne, Chairman Paul Van Dyke, Mayor Robert Schaffer, Demetrios Venetsanos, Vice Chairman David Altman, Carl Porto, Fred Puccio and Stephen Crevani. Those opposed: None. Those abstaining: None.

At this point in time, inquiry was made by a Planning Board member as to the status of the property located at 5 Paris Avenue, indicating that it appears that the Applicant was not complying with its obligations under the conditions set forth in the Resolution of Approval.

In addition, Mayor Schaffer inquired as to the ability of the municipality to compel the property owner/Applicant to so comply with the Conditions of Approval.

Planning Board Engineer, Gregory Polyniak of Neglia Engineering Associates, advised the Planning Board that he issued a letter to the Construction Code Official that no Temporary Certificate of Occupancy should be issued until compliance has been effected and that his office would be issuing subsequent comment letters regarding the issue of compliance with the Conditions of Approval by the Applicant.

Mr. Polyniak further noted to the Planning Board that the Applicant has posted a Bond with the municipality and if, after direction to comply with the requirements, the Applicant does not so do, the Borough has the ability to apply the Bond towards that purpose. The Maintenance Bond is for a two (2) year period of time and, at the end of that two (2) year period of time, he will be reviewing the Applicant's compliance to determine whether or not the Bond can be released.

There being no further business, on Motion duly made by Peter Layne, seconded by Demetrios Venetsanos and unanimously carried, the Meeting was adjourned at 9:09 P.M.

Respectfully submitted,



KENNETH C. DOLECKI, ESQ.

Attorney for Rockleigh Planning Board