

**BOROUGH OF CALDWELL
PLANNING BOARD
JANUARY 9, 2008
MEETING**

The Planning Board meeting was called to order at 7:00PM by Mr. Gardner.

Roll Call: Present: Mr. Annan-Brady, Mr. Betros, Mr. Kinzel, Mayor Gartland, Mr. Mihalik, Ms. Slattery, Ms. Finnegan, Mr. Gardner

Absent: Mr. Andretta

Oath Of Office: The Oath of Office was administered to Mr. Gardner, Mr. Annan-Brady, Mr. Betros, Ms. Finnegan and Councilman Slattery.

Statement of Compliance: The statement of compliance with the Open Public Meetings Act was read.

Pledge of Allegiance

Election of Officers: A motion was made by Mr. Annan-Brady and seconded by Mr. Betros to nominate Mr. Gardner as Chairman. A roll call vote was taken. All members present voted for Mr. Gardner as Chairman.

A motion was made by Mr. Kinzel and seconded by Mr. Gardner to nominate Mr. Betros as Vice Chairman. A roll call vote was taken. All members present voted for Mr. Betros as Vice Chairman.

A motion was made by Mr. Betros and seconded by Mr. Annan Brady to nominate Mr. Kinzel as Secretary. A roll call vote was taken. All members present voted for Mr. Kinzel as Secretary.

Appointment of Professionals: A motion was made by Mr. Gardner and seconded by Ms. Slattery to appoint the Law Office of Alan Trembulak as Planning Board Attorney. A roll call vote was taken. All members present voted for the appointment.

A motion was made by Mr. Gardner and seconded by Mr. Annan-Brady to appoint Anthony Marucci as the Planning Board Engineer. A roll call vote was taken. All members present voted for the appointment.

Approval of Invoices: A motion was made by Mr. Kinzel and seconded by Mr. Mihalek to approve the invoice from Marucci Engineering in the amount of \$540.00 for application P 07003 (Faloni). A roll call vote was taken. Councilman Slattery abstained. The invoice was approved for payment.

Mr. Gardner stated that Mr. Betros who lives within 200 feet of the applicant and Councilman Slattery, on advice of council, will be recusing themselves from Application P 07003, Cindy & James Faloni.

Old Business: P 07003

Cindy & James Faloni
5 Knollwood Terrace
Block 69 Lot 1.01 and Block 44 Lot 13
Preliminary and Final subdivision approval for 4 new and 1 existing lots.
Carried from 12/12/07

Robert Gaccione, Esq., from Gaccione, Pomaco & Malanga is representing the applicants. Mr. Gaccione presented a letter dated 10/30/04 from Councilman Gartland and Councilman Davison with regard to their opposition to development in the Cedars. Mr. Gaccione read the entire letter into the record. The attorney for the Board explained that there was no need for the Mayor to step down according to case law. After discussion with the board attorney, Mayor Gartland stated that she would step down from this application.

Mr. Gaccione explained the application and the ordinance changes that affect this application along with telling the Board who will be witnesses and what they will discuss. Mr. James Faloni was sworn. He answered questions posed by Mr. Gaccione with regard to this application and his previous application before the board. Mr. Gaccione presented the 10/30/04 letter as exhibit A1.

Mr. Faloni answered questions posed by the Board. The following citizens asked questions of Mr. Faloni:

Ruth Jaffe, 61 Overlook Road
Councilwoman Dassing
Jeff Keenan, 11 Knollwood Terrace
Ms. Callaghan, 18 Bowers Road

There were no further questions for Mr. Faloni.

The next witness sworn was Calisto Bertin of Bertin Engineering, 66 Glenn Avenue, Glen Rock, NJ. Mr. Bertin was accepted as an expert witness as a Civil Engineer and a Traffic Engineer. Mr. Bertin explained the various elevations of the lot, findings of borings on the site, the surrounding areas, and reviewed the proposed development by introducing exhibits A2, Site Rendering, A3 lot compliance set back exhibit and A4, 2 sheets – a bulk data sheet and a slope table. Members of the Board asked questions of Mr. Bertin regarding each of the proposed lots, roadways, steep slopes and variances. Discussion also followed regarding designated wetlands, a letter of interpretation from DEP, and a general permit to fill the wetlands. There was also discussion with reference to the planting of trees, parking, water flow tests, water mains and placement of hydrants.

Since Mr. Bertin is not done with his testimony, there will be no questions from the public at this time. Mr. Bertin's testimony will continue at the next meeting which will be February 13, 2008 with no further need for notice.

A motion was made by Mr. Annan-Brady and seconded by Mr. Mihalik to adjourn the meeting. The meeting was adjourned at 10:00PM.

Respectfully submitted:

Marsha Cheff
Technical Assistant