

**BOROUGH OF NORWOOD
ZONING BOARD OF ADJUSTMENT
FEBRUARY 6, 2014**

The Public Meeting of the Zoning Board of the Borough of Norwood was held at Borough Hall on the above date.

Chairman Robert Trapani called the meeting to order at 8:00 PM.

Chairman Trapani stated that the meeting was being held in accordance with the Open Public Meetings Act and indicated the exit locations.

2014 Roll Call:

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|-----------------------------------|---------|
| Chairman Robert Trapani | Present |
| Vice-Chairman Christofer Deschler | Present |
| Mr. Mike Casey | Present |
| Mr. Murray Bass | Present |
| Mrs. Carol Leeman | Present |
| Mr. Anthony Foschino | Present |
| Mr. John Straub, | Present |
| Mr. Sal Nobile, Alt #1 | Present |
| Mr. Joseph Saccoccio, Alt. #2 | Present |

Also Present:

| | |
|---------------------|----------------|
| Mr. John Conte, Jr. | Board Attorney |
| Mr. Dan Kaufman | Board Engineer |

Chairman Trapani then welcomed Mayor Barsa, Councilwoman Marianne Orecchio, and Councilman Joe Ascolese who were in attendance.

Chairman Trapani then asked for a motion to approve the minutes from January 9, 2014 reorganization meeting. A motion was offered by Mr. Deschler, seconded by Mr. Casey and approved by all.

Chairman Trapani then noted that although the Board approved a new start time of 7:00 p.m. in January he has since realized that due to a conflict he will not be able to be here for meetings before 7:30 p.m. The Board agreed to change the start time for upcoming meeting to 7:30 pm.

Chairman Trapani then asked for a motion to approve the minutes from the January 9, 2014 regular meeting. A motion was offered by Mr. Foschino, seconded by Mr. Deschler and approved by all.

Chairman Trapani then asked for a motion to approve the minutes from the January 9, 2014 closed session. A motion was offered by Mr. Straub, seconded by Mr. Deschler and approved by all.

VARIANCE APPLICATION #ZBA-13-006

**D’Ercole Farms
Stonebridge Manor
518 Tappan Rd.
BLOCK 126, LOT 3.01
BLOCK 122 LOT 16, 17**

Chairman Trapani summarized the progress of the application stating that only the applicant’s closing summary is forthcoming and that no new testimony will be offered nor will any more public comment be heard.

Chairman Trapani then invited the applicant’s attorney, Mr. David Watkins forward to offer his summation.

Mr. Watkins began by listing all the variances that the applicant is requesting as a result of testimony, board requests, and revision that have been made to the application during the course of the hearings.

The variances requested were enumerated as follows:

- | | |
|---------------------------------|---|
| West Side of Tappan Rd.: | Lot 3.02 total area and frontage Lot 3.01 frontage |
| Summit St. subdivided lot: | Total area and frontage |
| Main lot for townhouse complex: | (D) Use variance (C) Variances: Frontage on Tappan Rd. Frontage on Glanz Ave. Rear Yard Maximum lot coverage Maximum number of Buildings |

- Design Waivers Requested:
- Distance of a road to an adjoining street
 - Distance of parking to the street
 - Buffering
 - Sidewalks

Mr. Watkins then offered his summation. He stated that he feels the application is of great benefit to the Borough. He further stated that he hopes the Board will ignore any ex-parte communication that has gone on over the course of this application and base their decision on only the expert testimony offered.

He reiterated his assertion from his opening statement that change is inevitable and the current business at the location will not be staying open regardless of how the property is to be developed. He also stated that no

precedent would be set by an approval as all applications must stand on their own merit; he is seeking site-specific relief. He also believes that the applicant has made many revisions based on requests from all Board Members and Borough Officials.

Mr. Watkins further reminded the Board that after the revisions that were made to the plan, all Borough Officials, including the Fire Department, Engineer, Planner and Police Department had no objections to the plan. He stated that the only objectors were members of the public, not experts.

Mr. Watkins also stated that according to the testimony offered there would be no burden on the local public schools as a result of an approval.

Chairman Trapani then reminded the Board of their oath and summed up their responsibilities. He clarified that the applicant would need five affirmative votes for an approval as they are requesting a (D) Use Variance. He further stated that since we had a full board neither alternate member was to vote tonight, however, since Mr. Nobile was present for the testimony he could comment. Mr. Saccoccio, however, will be listening only as he is a new member and was not a board member during the testimony.

Chairman Trapani then offered his thoughts on the application. He stated that he felt the project is too dense and inconsistent with the Borough Master Plan. He then referred the report of the Environmental Commission which was critical of the plan's open space and states that Norwood does not have a need for additional housing diversity.

Mr. Casey noted he felt that the professional testimony was largely positive.

Mr. Nobile then countered that the first report of the Borough Planner was not positive due to the density of the project. He further stated that the townhomes are unnecessarily large. He feels the Borough Planner's second review while more positive was still not enthusiastically positive.

Chairman Trapani feels the severity of the variances being requested is too much.

Mr. Deschler said that although his initial feeling on the first set of plans was that it was too large, he feels that the revisions that were made that eventually satisfied all the Borough Officials prove that the applicant did all that was asked to make it a better application and the expert testimony convinces him that it is no longer too large.

The Board then discussed the issue of density and whether the developer did enough to make the project less dense.

Mrs. Leeman then asked Mr. Conte what criteria the Board should be using to make a decision. Mr. Conte referred Mrs. Leeman back to Chairman Trapani's earlier statement about the board's responsibilities. He also

advised that they should rely on the expert testimony and that all C variances should be considered as part of the application as a whole.

Mr. Foschino stated that while he was happy with many of the revisions that were made to the plan. He is still not convinced that this is the best plan for the site. He further stated that he is concerned about the possible influx of students into the school. He stated that he spoke to the interim Superintendent at Norwood Public School and was told that many of the grade levels are at their maximum capacity.

The board then discussed the Rutgers study cited by the applicant.

Mr. Conte advised again that even though the impact on the school can be considered the board should rely on expert testimony.

The Board then continued to discuss the criteria that should be used to come to a decision.

Mr. Bass then asked Mr. Watkins if he wanted more time to make changes to the application. The Board then discussed whether or not changes could be made to the application. They discussed the legality and the issue of res judicata. Mr. Conte advised that while the board could entertain changes to the plan, the applicant would have to re-notice the public and give everyone an opportunity to offer testimony again.

Mr. Bass then made a motion to continue the hearing until March 6, 2014 meeting in order to give the applicant an opportunity to review the plan and decide if they would like to offer any additional amendments. Mr. Casey seconded the motion. On a roll call vote, Mr. Casey, Mr. Bass, Mr. Deschler, and Mr. Straub voted in favor of the continuation. Mrs. Leeman, Mr. Foschino, and Chairman Trapani voted against continuing to the next meeting. Therefore, the application will be continued to the March meeting. It was also noted that the applicant will have to re-notice and note the new meeting time of 7:30 p.m.

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Julie Falkenstern
Zoning Board Secretary