

**MINUTES OF THE BOROUGH OF NORTH CALDWELL PLANNING BOARD  
REORGANIZATION MEETING HELD JANUARY 9, 2023**

Chairman Brower called the meeting to order at 7:30 p.m. The following members were present:

**ADEQUATE NOTICE** of this meeting of the Borough of North Caldwell Planning Board was given as follows: Notice was sent to The Progress and Notice was filed with the office of the Borough Clerk.

**MAYORAL AND COUNCIL APPOINTMENTS**

Chairman Brower congratulated Mayor Raymond on his recent election and being sworn into office and the Chairman welcomed the Mayor to the Planning Board. Chairman Brower acknowledged and welcomed each of the following Mayoral and Council Appointments confirmed at the January 2, 2023 Mayor and Council Reorganization Meeting:

Class III, Regular Member, Art Rees, 1 year term to expire 12/31/23;  
Class II, Regular Member, Kevin O'Sullivan, 1 year term to expire 12/31/23  
Class IV, Alternate Member, Ted Roth, 2 year term to expire 12/31/24

**ROLL CALL**

Upon acknowledgement of the composition of the new Board, Chairman Brower requested Roll Call.

PRESENT: Chairman Brower, Mayor Raymond, Mr. Campbell, Mr. Fishbone, Mr. Rees, Mr. O'Sullivan, Mr. Roth, Ms. Nathans

ABSENT: None

Others present: Mr. Dusinberre, Esq., Attorney, Paul Ferriero, Borough Engineer

**ELECTION OF PLANNING BOARD OFFICERS**

Chairman Brower requested nominations for the position of Planning Board Chairman. Member Campbell nominated and made a motion for Mr. Brower to serve as Planning Board Chairman during 2023.

No other nominations were offered and a second was made by Mayor Raymond.

Upon roll call:

AYES: Chairman Brower, Mayor Raymond, Mr. Campbell, Mr. Fishbone, Mr. Rees, Mr. O'Sullivan, Mr. Roth, Ms. Nathans

NAYS/ABSTENTIONS: None

Chairman Brower thanked the Board for their vote.

Chairman Brower opened discussion for the position of Vice Chairman. Chairman Brower nominated and made a motion for Mr. Campbell to serve as Planning Board Vice Chairman during 2023. No other nominations were offered and a second was made by Member Nathans.

Upon roll call:

AYES: Chairman Brower, Mayor Raymond, Mr. Campbell, Mr. Fishbone, Mr. Rees, Mr. O'Sullivan, Mr. Roth, Ms. Nathans

NAYS/ABSTENTIONS: None

Chairman Brower requested nominations for the position of Planning Board Secretary. Chairman Brower nominated and made a motion for Mr. O'Sullivan to serve as Planning Board Secretary during 2023. No other nominations were offered and a second was made by Councilman Rees.

Upon roll call:

AYES: Chairman Brower, Mayor Raymond, Mr. Campbell, Mr. Fishbone, Mr. Rees, Mr. O'Sullivan, Mr. Roth, Ms. Nathans

NAYS/ABSTENTIONS: None

#### **APPOINTMENT OF PLANNING BOARD ATTORNEY**

Chairman Brower discussed the RFQ process and the response which had been circulated to the Board. The only response was received by Jack Dusinger. Chairman Brower voiced his support of Jack Dusinger which was agreed upon by other members. A motion was made by Chairman Brower to approve Resolution R-2023-01, a Resolution Approving a Professional Services Contract by and Between the Borough of North Caldwell Planning Board and John R. Dusinger, Esq. and a second was made by Mayor Raymond.

Upon roll call:

AYES: Chairman Brower, Mayor Raymond, Mr. Campbell, Mr. Fishbone, Mr. Rees, Mr. O'Sullivan, Mr. Roth, Ms. Nathans

NAYS/ABSTENTIONS: None

Jack Dusinger thanked the Board for their support and for their opportunity to serve his 21<sup>st</sup> year for the Board.

#### **APPOINTMENT OF PLANNING BOARD ENGINEER**

Chairman Brower discussed the process by which the Borough Engineer was appointed by the Mayor and Council and the Planning Board will consider a resolution recognizing the professional services contract for the purposes of also serving the Board. Chairman Brower voiced his support of Paul Ferriero and Ferriero Engineering, Inc which was agreed upon by other members. A motion was made by Member Rees to approve Resolution R-2023-02, a Resolution Recognizing a Professional Services Contract By and Between the Borough of North Caldwell and Ferriero Engineering, Inc. and a second was made by Member Nathans.

Upon roll call:

AYES: Chairman Brower, Mayor Raymond, Mr. Campbell, Mr. Fishbone, Mr. Rees, Mr. O'Sullivan, Mr. Roth, Ms. Nathans

NAYS/ABSTENTIONS: None

### **2023 ANNUAL SCHEDULE OF MEETINGS**

Chairman Brower raised the matter of the 2023 annual schedule of meetings. A motion was made by Member Spinelli to approve Resolution R-2023-03, a Resolution Approving the 2023 Annual Schedule of Meetings as circulated and a second was made by Member Campbell.

Upon roll call:

AYES: Chairman Brower, Mayor Raymond, Mr. Campbell, Mr. Fishbone, Mr. Rees, Mr. O'Sullivan, Mr. Roth, Ms. Nathans

NAYS/ABSTENTIONS: None

### **APPROVAL OF MINUTES**

None

### **MEMORIALIZATIONS**

None.

### **ITEMS FOR DISCUSSION**

Jack Dusingberre discussed the hybrid meeting capabilities available to the Board (in-person and virtual) within Borough Hall. There was discussion with the Board related to the desire for all board members to attend meetings in-person unless extenuating circumstances limit their availability. Additionally, the Board discussed the continued desire to have all applicants (and professionals) hold all hearings in-person at Borough Hall but that applicants shall maintain the ability to make presentations across the virtual platform available. The Board agreed that hard copies of the plans should still be available for in-person review but virtual presentations should be considered acceptable and preferred for any virtual attendants. The Board also discussed that any members of the public making sworn statements in a virtual setting should do so with video capabilities turned on.

Chairman Brower then introduced the recent plan submission by the North Caldwell Board of Education (NCBOE). The NCBOE is proposing additions and renovations to both elementary schools.

Jack Dusingberre advised the Board that the requirement of the NCBOE is limited to submission to the Planning Board for purposes of holding a courtesy review. The Board asked for a presentation to be scheduled so the architect could directly explain the proposed plans and answer questions.

Mayor Raymond noted that the NCBOE held previous public presentations during NCBOE meetings which was intended to disseminate information from the public and gather responses and feedback. He indicated the NCBOE should be agreeable to a similar presentation to the Planning Board.

Member Rees highlighted a few concerns that he would raise during the presentation: circulation at Gould Avenue School, creation of dead-end traffic circulation and jurisdictional process/control. He also asked that plans be submitted to and comments received from the North Caldwell Police Department and North Caldwell Fire Department.

Member O'Sullivan confirmed that he would coordinate a presentation date and obtain comments from police and fire.

Chairman Brower shifted discussion to the property at 16 Hamilton Drive West which may potentially come in for a formal application at some point in the future.

Jack Dusingberre and Paul Ferriero provided background on the history of the potential application and the informal review provided to-date.

Jack Dusingberre discussed the challenges presented by the application as it relates to classification of minor subdivision versus major subdivision. Paul Ferriero highlighted that a major subdivision would automatically trigger public notice requirements. Jack Dusingberre noted that the design deviation that may potentially be proposed in the potential application may give the Board the authority to declare this a major subdivision.

Mayor Raymond is concerned about a smaller, misshapen lot that might limit the ability of a future homeowner to expand their property use by way of a deck, pool or otherwise. His concern is that the future homeowner might be limited by setback restrictions or lot coverage restrictions. Jack Dusingberre provided additional context to the Board regarding the role the Planning Board can play with these concerns.

The Board was reminded that Tom Behrens from Burgis Associates provided a memo with recommendations which can be discussed at an upcoming meeting and forwarded to the Mayor and Council for consideration. Chairman Brower asked that the recommendations be circulated to the Board and discussed at a future meeting.

### **CITIZENS TO BE HEARD**

Chairman Brower opened the meeting to the public and nobody was present. Chairman Brower then closed the meeting to the public.

### **ADJOURNMENT**

Chairman Brower requested a motion to adjourn at approximately 9:05 pm. A motion was made by Member Rees and seconded by Member Campbell. All members voted in the affirmative.

Kevin O'Sullivan  
Planning Board Secretary