

PLANNING BOARD  
BOROUGH OF ESSEX FELLS

MINUTES OF THE MEETING OF FEBRUARY 10, 2020

The meeting was called to order at 7:00 p.m. The Open Public Meetings Act announcement was read by Bob Burchell, as required by law. Those present were: Bob Burchell, Mayor Ed Davis, Dave Isabel, Jody James, John King and Peter McMullen. In addition, Michael D. Sullivan, Board Attorney was present.

Appointment of Officers

A motion was made by Board Member James to appoint Robert Burchell as Chairman of the Essex Fells Planning Board for 2020. It was seconded by Mayor Davis and all present Board Members voted to approve the appointment.

A motion was made by Chairman Burchell to appoint Jody James as Vice Chairman of the Essex Fells Planning Board for 2020. It was seconded by Mayor Davis and all present Board Members voted to approve the appointment.

A motion was made by Mayor Davis to appoint Peter McMullen as Secretary of the Essex Fells Planning Board for 2020. It was seconded by Vice Chairman James and all present Board Members voted to approve the appointment.

Approval of Resolutions

First resolution (read by Board Member McMullen) to retain Michael Sullivan as the Board Attorney for the Essex Fells Planning Board for 2020. A motion was made by Vice Chairman James and seconded by Mayor Davis. All present Board Members voted to approve the resolution.

Second resolution (read by Board Member Isabel) to approve the meeting dates and times of the Essex Fells Planning Board for 2020 and first meeting of 2021. A motion was made by Vice Chairman James and seconded by Mayor Davis. All present Board Members voted to approve the resolution.

Third resolution (read by Board Member King) to name the Star Ledger and The Progress as the Official Newspapers. A motion was made by Vice Chairman James and seconded by Mayor Davis. All present board members voted to approve the resolution.

Approval of Minutes

On motion made by Vice Chairman James and seconded by Board Member Isabel, the minutes of the Planning Board meeting held April 11, 2019 were approved by all Board Members eligible to vote.

There were no applications to be heard at tonight's meeting.

#### Zoning Board of Adjustment 2019 Annual Report

Chairman Burchell reviewed a few salient elements of the Zoning Board's report. There were thirteen (13) meetings and seven (7) approvals. There have been discussions about increasing the Floor Area Ratio (FAR) in town. This decision will take into account the size of the property. Board Member James asked the sequence for making a change. Mayor Davis stated that the Zoning Board can make a recommendation and that the Planning Board can make a recommendation too. Ultimately, the Governing Body would adopt an ordinance detailing the change. Board Attorney Sullivan noted that no specific recommendation has been advanced by the Zoning Board.

#### Master Plan Recommendation

Mayor Davis mentioned the steep slope ordinance; the stormwater ordinance; the fencing/wall ordinance; and widening road for parking space ordinance. He expressed that Lighting should be a priority going forward. The issue of lights in trees and technology have created issues. Another issue is vacant and abandoned property. Finally, he cited ongoing construction projects as an issue. The threshold for "actively working" is generous for the property owner. Mayor Davis asked Board Attorney Sullivan to opine on how the town can navigate the nuances of local and state laws pertaining to the Master Plan. Board Attorney Sullivan indicated that modern "land use" language could influence Accessory Use provisions.

Board Attorney Sullivan read the resolution to go into closed session re: Poekel Properties, LLC v. Borough of Essex Fells and Planning Board of Borough of Essex Fells.

On motion made by Mayor Davis and seconded by Vice Chairman James, the meeting proceeded to closed session.

Upon resuming the regular public meeting, Chairman Burchell opened the meeting to public questions. There were none.

On motion made by Vice Chairman James and seconded by Board Member King, the meeting was adjourned by unanimous vote at 7:50 p.m.



Robert W. Burchell, Chairman  
Planning Board

April 7, 2021