

**Township of South Hackensack  
PLANNING BOARD**

**June 11, 2009**

**7:30 p.m.**

**MINUTES**

At 7:40 p.m. this meeting was Called to Order. Pursuant to the Open Public Meetings Act, adequate notice of this meeting was provided to The Record and The Herald News and by posting a copy of the meeting notice on the bulletin board in the clerk's office where notices are customarily posted.

The Acting-Chairman led the Flag Salute.  
The Acting-Secretary called the Roll.

**Members Present**

Rosina Romano  
Ray DeRiso  
Frank Cagas  
Frank Capalupo  
Vincent Stefano  
Pat Spadavecchia  
Ralph Chandless – PB Attorney

**Members Absent**

Gregorio Maceri  
Butch Walsh

**Oath of Office**

Ralph Chandless administered the Oaths of Office to:  
Frank Cagas (Class IV) – 4 year term to expire 12/31/2012  
Anthony Vigilanti (Class IV) – unexpired term of Montenegro to expire 12/31/2010

**Minutes**

A **motion** was made to correct the Minutes of January 20, 2009 regarding the vote for LoFaro at 2 Worth St. known as Block 47 Lot 2. With this correction made the Minutes were approved. All in favor.

**Correspondence**

June 4, 2009 – Environ permit application to NJDEP with regards to 49 Industrial Avenue  
February 29, 2009 – COAH's receipt of petition for substantive certification of the Township's Housing Element and Fair Share Plan  
April 29, 2009 – COAH's receipt of the amendment to our Development Fee Ordinance  
DeRiso **motioned**; Romano seconded to accept the above 3 correspondence and place them in their appropriate files. All in favor.

**New Business**

**Ordinance 2009-09** – Amending and Supplementing Chapter 72 of the Code of the Township of South Hackensack entitled Affordable Housing

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The board members reviewed this ordinance. There was much discussion on COAH requirements for housing plans, town certification, collection of development fees, and exemption of these fees for residential.

Cagas **motioned**; Stefano seconded; to approve Resolution 2009-03 for the Approval of the Proposed COAH Development Fee Ordinance and Recommendation of Adoption to the Township Committee. 6 Yes: Romano, DeRiso, Cagas, Capolupo, Stefano, and Spadavecchia

**Old Business**

Cagas stated that the sidewalk and handicap curbs were not installed at the Restaurant Depot Building located at 45 E. Wesley Street and that this should be brought to the attention of Boswell Engineering.

**Adjournment**

At 8:17 p.m. Stefano motioned to adjourn; Spadavecchia seconded. All in favor.

Respectfully Submitted,



Mary Terraccino  
PB Minutes Secretary

June 15, 2009

**RESOLUTION NO. 2009- 03**  
**PLANNING BOARD OF THE TOWNSHIP OF SOUTH HACKENSACK**  
**DATED: JUNE 15, 2009**

**APPROVAL OF THE PROPOSED**  
**COAH DEVELOPMENT FEE ORDINANCE**  
**AND**  
**RECOMMENDATION OF ADOPTION**

WHEREAS, the Township of South Hackensack petitioned COAH for third round substantive certification on December 30, 2008, and that application was deemed complete on February 25, 2009; and

WHEREAS, the Township requested COAH's review of a proposed development fee ordinance amendment based on COAH's model development fee ordinance; and

WHEREAS, the proposed ordinance applies a mandatory development fee of two and one-half percent (2.5%) of the equalized assessed value of the land and improvements for all new non-residential construction on an unimproved lot(s) within the Township; and

WHEREAS, the non-residential development fee applies to the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes, or resulting from the replacement of a demolished building, in which cases the fee is based on the difference in equalized value of the pre-existing land and improvements and the equalized value of the newly improved or replaced structure, land and improvements; and

WHEREAS, the ordinance exempts from the non-residential development fee an increase in equalized assessed value resulting from alterations; change of use within an existing footprint; reconstruction, renovations and repairs; commercial farms and other exemptions required pursuant to P1.2008, c.46; and

WHEREAS, fifty percent of the development fees shall be collected at the time of issuance of a construction permit, and the remaining portion shall be collected at the issuance of a certificate of occupancy, in accordance with the procedure for development fee collection outlined in the ordinance; and

WHEREAS, this Board has reviewed the said proposed Ordinance as required by N.J.S.A. 40:55D-26; and

WHEREAS, this Board finds and determines that the said Ordinance is consistent with the Master Plan of the Township of South Hackensack as it was most recently supplemented by the

Housing Element and Fair Share Housing Plan adopted by this Board;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of South Hackensack that the aforesaid proposed development fee ordinance be and is hereby approved and its adoption be and is hereby recommended to the Township Committee.

MOVED: *[Signature]*

SECONDED: *[Signature]*

**Roll Call on the Motion:**

Mayor Rosina Romano, Class One	<u><i>yes</i></u>
Raymond DeRiso, Class Two	<u><i>yes</i></u>
Gregorio Maceri, Class Three	<u>_____</u>
Frank Cagas, Class Four	<u><i>yes</i></u>
Frank Capolupo, Class Four	<u><i>yes</i></u>
Vincent Stefano, Class Four	<u><i>yes</i></u>
Butch Walsh, Class Four	<u>_____</u>
Pat Spadavecchia, Class Four	<u><i>yes</i></u>

Date: June 15, 2009

*[Signature]*  
Chairman

I hereby certify that the foregoing is a true copy of the resolution of the Planning Board of the Township of South Hackensack duly adopted in this matter on June 15, 2009.

Date: June 15, 2009

*[Signature]*  
Evelyn Stefano, Planning Board Secretary