

**TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD**

Public Meeting
Thursday, July 15, 2021 at 7:00 pm
Remote/Virtual Meeting

In accordance with Township Ordinance # 26-09 the Mount Olive Planning Board is authorized pursuant to N.J.S.A. 40:55D-25(c)(2) to hear all variance applications including the six variance categories set forth in N.J.S.A. 40:55D-70d.

MINUTES

Public Meeting / Remote Virtual Meeting of the Mount Olive Planning Board of July 15, 2021 commenced at 7 pm.

The Pledge of Allegiance was recited.

Open Public Meetings Act Statement was read into the record by Ms. Strain, PB Secretary

Roll Call

Present: Mr. Scapicchio, Mr. Schaechter, Ms. Mott, Ms. Natafalusy, Mr. Nelsen, Mr. Ottavina, Mr. Batsch, Mr. Ouimet
Excused: Mr. Forlenza, Mr. Mania, Mr. Weiss

Board Professionals in attendance were:

Present: Edward Buzak, Esq., Board Attorney
Susan Crawford, Esq. Board Attorney
Chuck McGroarty, PP/AICP, Board Planner
Michael Vreeland, PE, Board Engineer
Walter Lublanecki, PE, Traffic Consultant
Mary Strain, Board Secretary

Audio and video technology and platform.

Meeting Minutes

January 14, 2021 Reorganization & Public Meeting

Mr. Scapicchio: We have meeting of January 14, 2021 Reorganization and Public Meeting. Can I get a motion to approve those?

Mr. Schaechter: I'll make that motion to...

Mr. Scapicchio: Who made that motion?

Mr. Schaechter: Brian, thank you. Second?

Ms. Mott: I'll second it.

Mr. Scapicchio: Seconded. Roll call, Mary.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes

July 8, 2021 Public Meeting

Mr. Scapicchio: Thank you, Mary. We also have minutes from July 8, 2021 Public Meeting. Can I get a motion to approve those moves?

Mr. Schaechter: I'll move those, Mr. Chairman.

Mr. Scapicchio: Thank you. Second?

Mr. Batsch: Second.

Mr. Scapicchio: Thank you. Roll call, Mary.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	Dan Nelsen	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes

Resolution

PB 21-09 The 11th Hour Animal Rescue, 75 Flanders Road, Block 3900, Lot 3

Mr. Scapicchio: Thank you, Mary. And we have one Resolution on the agenda tonight, which is PB 21-09 The 11th Hour Animal Rescue, 75 Flanders Road, Block 3900, Lot 3. Can I get a motion for that?

Mr. McGroarty: Wait, Mr. Chairman, if I may?

Mr. Scapicchio: Yes.

Mr. McGroarty: The attorney for 11th Hour, in fact, is with us tonight. But he had sent over today some suggested changes. I know...I think Susan has had a chance to look at it. Ed, I'm not sure you have.

Mr. Buzak: I have.

Mr. McGroarty: I looked at it and I'm okay with all of the changes. I'm not sure about the hours, but I think Susan looked into that in more detail.

Ms. Crawford: Yes, I did my notes have with regard to the testimony during the day shift, and this would apply seven days a week, the day shift started at 7 am to 3 pm and my recollection of my notes have...once the staff arrived, they would start letting the dogs out beginning at 7 am and 2 shifts...inaudible...and all of them would be back in by 2:30 for that first daytime shift. And then the evening shift was 5 pm to 9 pm. Same thing, shift arrives and start rotating the dogs out and they would all be back in by 9 pm.

Mr. McGroarty: So that would that change? We're looking at Paragraph 6 on Page 3 of the Resolution. That would change some of that, would it not?

Mr. Buzak: Yes, I think it would change...it would change some of that.

Ms. Crawford: As well as Paragraph 13.

Mr. McGroarty: 13?

Ms. Crawford: Yes.

Mr. Scapicchio: Ed and or Susan, is that different than the testimony that was given?

Ms. Crawford: That's what I have in my notes as the testimony as being given. I mean, it was a little bit...maybe a little bit confusing because the hours of operation, but I think they had testified that the dogs needed to go out a little lengthier time as well as out until about 8:30 - 9 because they would not be released again until the next morning at 7 am and that was a long extended period for them.

Mr. Scapicchio: And I guess you're talking about letting them out to relieve themselves?

Ms. Crawford: Correct.

Mr. Scapicchio: Okay. Chuck, are you okay with that?

Mr. McGroarty: Yes, I am. It's consistent with what the applicant proposed and I don't recall there being objection by the Board. Honestly, my notes are not as clear on that. But as Susan said, I recall that being the gist of the testimony...

Ms. Natafalusy: He's cutting out.

Mr. McGroarty: I'm cutting out again?

Ms. Natafalusy: Yes.

Mr. Scapicchio: Ed, do we need to revise the Resolution?

Mr. Buzak: Well, yes, we do, but we can we can act on it tonight. I think with the with the changes that the hours of both with regard to the testimony and with regard to the conditions would be changed to reflect what Susan just read...inaudible...what's in the Resolution. Second thing is there were 3 or 4 essentially typographical errors that Mr. Dusinger caught. We need not go through them. But we will revise the Resolution to correct those typos. They were non-substantive...you know...tense of verbs and those kinds of things. The one substantive one did deal with the frontage on Flanders Road. There was a jog in the force...a jog in the description that we failed to recognize. So that needs to change but Chuck, as you said, agreed with those changes. So I guess, Mr. Chairman, someone will make a motion to adopt this Resolution and you can spell out the application and so forth with the changes that we've discussed tonight, including the typographical change and the change in the language road frontage...inaudible...second and hopefully adopted.

Mr. Scapicchio: All right. Can we get a motion to accept this application with the changes that were discussed as per Mr. Buzak's comments?

Mr. Schaechter: I'll make that motion.

Mr. Scapicchio: Second? Can I have a second?

Mr. Ottavina: I'll Second, Paul.

Mr. Scapicchio: Thank you, Paul. Roll call, please. Mary.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	Paul Ottavina	Yes
	John Batsch	Yes

Development Application

PB 21-05 Reci, Endri, 41 Smithtown Road, Block 2200, Lot 9

Mr. Scapicchio: The next development application PB 21-05, variance for 41 Smithtown Road, Block 2200, Lot 9. Has to be rescheduled because they failed to notice. Mary, do you have a new date for them?

Ms. Strain: Yes, they're on the agenda for August the 12th and they will re-notice. Notice actually...they never noticed. So that's why they're off the agenda.

Mr. Scapicchio: August 12th?

Ms. Strain: Yes.

Mr. Scapicchio: Okay, Chuck, I guess that works with our agenda?

Mr. McGroarty: Yes, it does.

Mr. Scapicchio: Okay, do we need to take a vote on that, Mary?

Ms. Strain: No, I don't think we have to.

Mr. Scapicchio: Okay, that's great.

Mr. McGroarty: Wait, wait, wait. The deadline is July 16.

Ms. Strain: They did give us an extension to August 31st.

Mr. Scapicchio: Ed, do we need to do anything?

Mr. Buzak: We need to just announce that this applicant...no, we don't because they're going to...they are going to notice so we don't have to do anything further, Mr. Chairman.

Mr. Scapicchio: All right. So we're good. We're going to see them on August 12th. All right, that's great.

PB 21-08 Jonsahow, LLC, 50 Main Road, Block 5400, Lot 7

Mr. Scapicchio: The last and final development application is PB 21-08 Jonsahow, LLC, preliminary major subdivision, 50 Main Road, Block 5400, Lot 7. Bring up the applicator and attorney.

Mr. McGroarty: Mr. Selvaggi...I will bring him up and Mr. Buckley has his hand raised, he's the applicant.

Inaudible

Mr. Selvaggi: Good evening.

Mr. Scapicchio: Hello there, Michael.

Mr. Selvaggi: Hi, good evening.

Mr. Scapicchio: Okay, Michael, we're going to give you the floor.

Mr. Selvaggi: All right.

Mr. Scapicchio: Are there any professionals that you're going to present that need to be sworn in?

Mr. Selvaggi: Yes, I have the applicant's representative Sam Buckley. I know he's on the call. I see him now on my screen and then Shan...

Mr. McGroarty: I have a Bertin Engineering, that's you, right?

Mr. Selvaggi: Yes, that's Bertin Engineering.

Mr. Scapicchio: Michael, do we want to swear them all in at the same time right now?

Mr. Selvaggi: That would be that would be fine.

Mr. McGroarty: One minute, Mr. Chairman, I see Jessica Caldwell.

Mr. Scapicchio: Michael, do you have a Jessica on your team as well?

Mr. McGroarty: I promoted Mr. Stodleman, that was a mistake.

Mr. Scapicchio: Ed, can you swear them in?

Mr. Buzak: I will as soon as we get Ms. Caldwell unmuted and Bertin Engineering...they are unmuted, and we need a video from Ms. Caldwell.

Ms. Caldwell: I'm not sure why my video is not on right now. I'm going to have to check it.

Mr. Buzak: Okay. All right. Well, why don't we...why don't we wait then to swear Ms. Caldwell and Mr. Buckley...and I'm sorry I didn't get the name for Bertin Engineering.

Mr. Fanchiang: Shan Fanchiang. Can everyone hear me?

Mr. Scapicchio: Yes.

Sam Buckley was sworn in for the record.
Shan Fanchiang was sworn in for the record.

Mr. Scapicchio: Thank you, Mr. Buzak. Mr. Selvaggi, the floor is yours.

Mr. Selvaggi: Okay, thank you. This is an application, as the Chairman indicated for preliminary major subdivision approval. I can probably say is the first preliminary major subdivision application I've been on in about 15 years. It is a 9 lot subdivision proposed for Block 50...excuse me...Block 5400 and that is Lot 7. It's in the Flanders section of Mount Olive Township. The property is located in the CR-3 Commercial Residential Zone District. As a preliminary matter, and I believe Mr. Vreeland noted this, the plans were initially submitted by Nick Wunner. Prior to the public hearing being heard, Mr. Wunner decided he was packing it in, he retired, and he sold his practice, including this particular file to Bertin Engineering. So Bertin Engineering is now the engineers of record and will be testifying to the plans. So you'll hear through the testimony the property was serviced by potable water and sewer, will have underground utilities, all of the lots are conforming. There is one variance. There's an existing house on this lot, which by virtue of the installation of the proposed cul-de-sac road, creates the need for a front yard bulk variance. What I'd like to do, Mr. Chairman, is Sam Buckley has a long history with the property and we can go through that. And Mr. Buckley will also explain in more general terms what's proposed going forward. So, Sam, you've already been sworn in, as Mr. Buzak noted. Could you please let the Board and members of the public

know...you know...your professional address and then we can get into your connection with the land here?

Mr. Buckley: Sure, my name is Sam Buckley, B U C K L E Y, and my address is 11-B as in boy Park Place in Flanders.

Mr. Selvaggi: Okay, Sam, you are the owner of the property, correct?

Mr. Buckley: Yes.

Mr. Selvaggi: All right. And how long have you owned this parcel?

Mr. Buckley: A year in change.

Mr. Selvaggi: And how long have you been a Mount Olive resident?

Mr. Buckley: My entire life, which is going on 59 years at this point. So, I can give a little bit of history unless you want to do more of an introduction.

Mr. Selvaggi: No, no, that's fine. I mean...you know...I know you're well known in the community, so...but what's...

Mr. Buckley: That may be positive or negative, so...

Mr. Selvaggi: Yes, you've been around long enough, you make enough enemies, so.

Mr. Buckley: Right. Right. Hopefully more friends than enemies. Of course, I attended Mount Olive High School. I went to grade school, middle school, everything all the way through Mount Olive and very, very deep roots in the community. Lots of friends there. My mother's still there. We have, shall I say, a stewardship and a commitment to Flanders that is lifelong as well. My father and my stepfather both put thousands of hours into restoring the residence that my mom is still in and houses up and down Park Place, it's just what we did and it's what we still continue to do. And we really take a lot of pride in what we call Flanders Village. So I really appreciate the opportunity to present this subdivision to you. And it may seem a little counterintuitive as to why this house is being subdivided. And I have a lot of personal connection here to this house. This is a personal friend of the family who became elderly and can no longer stay. I was baby sat there as a kid, and we're still friends with the former owner who is currently down in Washington, DC, recovering from illnesses. And again, I purchased it out of a sense of stewardship and commitment because I knew that with 5 acres that this site was probably primed for subdivision and or commercial use. And my fears were realized when I approached the realtor who had this listed and found out through the street and through that realtor that the other people that were interested in the house were indeed interested in using it for commercial use. At least one of the parties intended to tear the house down, which absolutely broke my heart. Large parking lots, everything from tree services to large commercial brokerage, et cetera. And again, living there, I really couldn't see that happening, especially to a beloved, beautiful old Victorian house that's there. So what did I do? I overbid and bought the house. And so I'm here before you today with a plan that I think and truly believe it is in keeping with the spirit and feel of the community. I've instructed the engineers to design a low-impact subdivision with no variances, virtually no variances, everything you're going to hear tonight is just incredibly

minimized. And in keeping with the character of the community and of course, the existing home is going to remain. That was my absolute number one...it has to stay. The house is going to stay on the lot. The other lots are going to be modest in size, but by way of reference of the 7 lots so that's really all we're talking about here. Seven lots are 25 percent larger than the lots that are in the adjacent Flanders Crossing. We bump into Flanders Crossing to the back of this property. So you may know that site on Bartley Flanders Road. So, we're going to offer homes that we hope fit with the community, we plan on them fitting in with community. These are not McMansion lots. It's very much done from with somebody who lives down the street and is going to live with this design for the rest of their lives, because I fully intend for my ashes to be spread on the property as my father's ashes are. So with all that being said, I'm happy to take questions at whatever point. And again, thank you very much for hearing me out. And I'll turn the mic back over to Mr. Selvaggi.

Mr. Selvaggi: Mr. Chairman, I don't have anything further from Sam. Clearly, the Board or the public may have questions of him. If not, our engineer will testify next.

Mr. Scapicchio: Any Board Members have questions for Sam Buckley?

Mr. McGroarty: Mr. Chairman?

Mr. Scapicchio: Chuck?

Mr. McGroarty: I just wanted to say...just to correct I think you said 7 lots, and if I'm not mistaken, it's 8 residential lots and then a storm basin lot. Is that correct?

Mr. Buckley: I believe its, Mr. Selvaggi just correct me if I'm wrong, well, it's 8 including the existing home.

Mr. Selvaggi: Yes.

Mr. Buckley: So it's 7 new lots plus a storm water retention basin.

Mr. McGroarty: Eight residential lots and a basin, but stormwater.

Mr. Selvaggi: Yes, that's correct.

Mr. Scapicchio: Okay, Ed, I guess I should probably open this up to the public to see if they have any questions for Sam Buckley.

Mr. Buzak: Yes, sir.

Mr. Scapicchio: Chuck?

Mr. McGroarty: I'm looking at the public...for the benefit of the public, if you raise your hand. There's a function there to do that if you're familiar with it? I don't see any, Mr. Chairman. I'm sorry, there is one.

Mr. Scapicchio: I see one.

Mr. McGroarty: One, I don't know if Dane is with us tonight. I know...

Mr. Scapicchio: I don't see Dane.

Mr. McGroarty: If I promote the person I think I have to...I think they get a disconnected.

Mr. Selvaggi: Yes, you're disconnected and then you come back on.

Mr. McGroarty: Okay, all right.

Mr. Scapicchio: I see two hands raised now, Chuck.

Mr. McGroarty: All right, I'll call the first one Mr. Chairman. Waiting for Mary Ann Feola.

Ms. Feola: Yes. Hi, how's everybody.

Mr. Scapicchio: Good, Mary Ann. Mary Ann, we don't see you.

Ms. Feola: You don't see me? You only gave us the option for audio. We only have the option for audio...I don't have...

Mr. Scapicchio: Ed, we need video?

Mr. McGroarty: My mistake, I just promoted her. I did promote you to a panelist, so you should be able to...

Mr. Selvaggi: She may have to unmute herself.

Inaudible

Mr. Schaechter: The problem is she needs to turn her camera on.

Mr. Feola: All right, I'm here.

Mr. Scapicchio: Thank you. Mary Ann, what's your question for Sam Buckley?

Mr. Feola: Hi, Sam. I live on 42 Main Street down the road from the house you're talking about there. I appreciate that you're keeping that home. I mean, because this is kind of like old Flanders Village. My concern is the homes that are going in because my property will but up to where these homes are going in. Right now I'm torn. I really didn't want to have...I thought...you know...we've been here about 34 years and I love the wooded area behind our house. I mean, we get a lot of animals, a lot of things going on with nature. It's a barrier to Route 206 and the factories over there. I'm concerned about because it's going to be very close. It's going to end up being noisy. It's not going to be the same old Flanders. Okay, to have a development right behind us with all the woods, there's a lot of trees that I see there are marked already that will be coming down. Inaudible. Are they coming down or are they...

Mr. Buckley: Those are being marked for a tree survey. We're going to leave as much as we can. Those are those are marked because they're all on a tree survey that was required by the township.

Ms. Feola: Okay. I don't know if any of you are aware we have a problem with our water pressure. I have a record since March 14th of this year, we've lost water pressure that I know of and kept a record of 14 times since March. What's going to happen with the homes that come in there? What's it going to do to the rest of the water pressure in this area? I have got no results back from the Water Department yet to find out exactly what's going on,

Mr. Scapicchio: Mary Ann, I'm not sure that Sam Buckley testified to that.

Ms. Feola: Okay.

Mr. Scapicchio: Michael Selvaggi...

Mr. Selvaggi: Yes, no he hasn't. Well, we'll touch upon it with engineering. It is a municipal provider. So...you know...it's not like we're going to be dropping wells on these 7 additional residential lots, which may have some impact on her well...

Ms. Feola: It's city water you're talking about.

Mr. Selvaggi: Yes, yes, so if there's an issue, I would hope that the utility authority would be able to address it.

Mr. Scapicchio: Mary Ann, are you well or the town...

Ms. Feola: No, the town...the town water system, we are on city water.

Mr. Scapicchio: I wonder if there's an opportunity for you to tie into the town water system.

Ms. Feola: I am on it.

Mr. Scapicchio: Oh, you are?

Ms. Feola: I am, yes.

Mr. Scapicchio: Okay, do you have any other questions for Sam Buckley?

Mr. Buckley: I can answer her one. Just real quickly, Mary Anne, first of all, hi. I think I recognize you. And I'm really sensitive to exactly what you're talking about. Again, we think that this subdivision is it...is the lowest impact of some of the potential uses on the property that there could be and I can't help the fact that there's going to be some construction for a short period of time, the houses will be respectful and beautiful houses, I'm sure. But some of the other uses that are allowed in this zone because they're commercial, it could be like what we've seen happen in other parts of the township, like what's behind Flanders School with the industrial stuff that's there and some of the other developments that are very dense. I could have easily come in and asked and maybe not received very easily, could have asked for much, much more dense subdivision here since it has full utilities, but absolutely did not.

Ms. Feola: Okay.

Mr. Buckley: We're really sensitive to what you're saying. And...you know...to make an omelet, you have to break an egg. And I'm doing the best I can for this...with all the neighbors in mind.

Ms. Feola: Okay, can I ask you, I guess you would be the one. I'm not sure. But in reference to the traffic on Main Street, you're talking about that cul-de-sac coming out on Main Street...

Mr. Scapicchio: Mary Ann, I'm not sure that he testified to traffic. So he may not be the right individual to question. Michael Selvaggi, someone going to testify for traffic?

Mr. Selvaggi: Yes, well we're going to touch...as a...this is a small subdivision. So, the traffic impacts will be negligible.

Mr. Scapicchio: I understand that. I'm just trying to find out whether or not...

Mr. Selvaggi: Yes, our engineer will...

Mr. Scapicchio: ...the question will be to Sam Buckley or somebody else.

Mr. Selvaggi: No, our engineer will...can address that.

Ms. Feola: Yes. I'm not talking so much that traffic coming out of there. You know...it's a combination of traffic that's already here on Main plus that traffic. I mean, this is all Main Street Flanders. We have no sidewalks. And it's...you know...if this...

Mr. Schaechter: Dave, Dave, it's going to be a long night if we don't shut this down and...

Ms. Feola: Thank you very much.

Mr. Schaechter: I mean...we have to have an order. I mean...

Ms. Feola: I understand that but this is open to the public and I'm...

Mr. Scapicchio: Brian, I understand that. Brian, I'm trying to give everybody an opportunity. Mary Ann, if you have any questions specific to what Sam Buckley testified to, we're more than happy to listen to it. If not, you can come back on and question the engineer when he comes back in to talk about traffic and water.

Ms. Feola: All right. Well, one other question then, just real quick. What about any wetlands back there? Who do I talk to about that?

Mr. Selvaggi: That would be the engineer. The engineer will testify.

Mr. Scapicchio: That will be the engineer, Mary Ann.

Ms. Feola: All right.

Mr. Scapicchio: So, stay on board, come back when the engineer testifies.

Ms. Feola: Got it.

Mr. McGroarty: And if we...if we, Mr. Chairman, I just want to say...if we lose you when I demote you as it were from being on the panel now, please, I think...I'm told you'll come back in, but if you don't please reconnect. I mean, that's the best I can offer.

Mr. Scapicchio: Okay, Chuck, you're fading in and out. And I see we have one more attendee that has their hand raised.

Mr. McGroarty: Yes. I'll bring that person up now. I brought my computer in to have it fixed. That's the best I can do, Mr. Chairman.

Mr. Scapicchio: Okay. Is Sandra Albertson the next attendee?

Mr. McGroarty: Yes.

Mr. Scapicchio: Sandra, we need you to turn on your video.

Ms. Albertson: Yes, I'm familiar.

Mr. Scapicchio: Okay.

Ms. Albertson: I don't know if this is appropriate now for me to make comments just based upon what your comments to Mary Ann, maybe I should wait until the end of the meeting when everything is presented and make my comments then. Because I really don't have anything specific for Sam, but I do have comments.

Mr. Scapicchio: Stay on board, come back at the end of the meeting.

Ms. Albertson: Sounds good.

Mr. McGroarty: And if we lose, same thing, Okay?

Ms. Albertson: Okay.

Mr. McGroarty: All right. Mr. Chairman, I just have one thing to Mr. Buckley's comments.

Mr. Scapicchio: Go ahead, Chuck.

Mr. McGroarty: Just for clarification, the CR-3 Zone doesn't allow commercial except in existing buildings. So to convert it to an industrial type facility such as that, which is to the south is...I don't I don't agree with that characterization.

Mr. Buckley: Well you know what, I mentioned the industrial facilities that were back behind Flanders School, but it does permit some crazy stuff like printing, sales. I know that there was one of the major...

Mr. McGroarty: Within an existing building, so it would have to be within the existing building.

Mr. Buckley: Well there was a sales organization looking at it for commercial...not commercial real estate...but for apparently one of the realtor shops, was looking at it.

Mr. McGroarty: I just want to clarify.

Mr. Buckley: The plan was to keep the existing building, ask for expansions, and pave...pave the back into a driveway. And that would have fit per my reading of the zoning that would have worked.

Mr. McGroarty: Not my reading, but that's okay. We'll move on.

Mr. Buckley: Okay, well, it got me to buy the thing, so don't leave me with that.

Mr. Scapicchio: Chuck, do you have any other comments for Sam?

Mr. McGroarty: I do not. None for me.

Mr. Scapicchio: Mr. Selvaggi, you've got the floor.

Mr. Selvaggi: Mr. Chairman...

Ms. Natafalusy: I have one question. I'm sorry...inaudible...I didn't realize it. Mr. Buckley, two things. Old Flanders does have the barbershop, it's got the antique shop...you know... so it does have some commercial uses within existing buildings with parking lots. I don't think this would be that much different if somebody came in for a printing shop. Outside of that, you said two different things about the housing. You said the...you'll make sure that the houses will fit into the neighborhood. But then you also said the houses will be respectful and beautiful, you're sure. Are you developing this subdivision or are you going to have somebody else...you going to know what of houses are going in here?

Mr. Buckley: We haven't made that decision yet and we can control who buys it. But ultimately, I'm not going to make promises, Catherine that I can't keep. So I respect that question.

Ms. Natafalusy: Okay, I just wanted to clarify...

Mr. Buckley: That is a goal.

Ms. Natafalusy: Okay, thank you.

Mr. Scapicchio: Any other Board Member have any questions? Michael?

Mr. Selvaggi: Okay, yes, Shan, are you still with us?

Mr. Fanchiang: Yes, I'm here.

Inaudible

Mr. Selvaggi: Shan, you've been sworn. Could you please, before you begin your testimony, let the Board and members of the public know your qualifications and experience in testifying in Land-Use Matters here in New Jersey.

Mr. McGroarty: Mike, we're going to need your engineer to spell his name for us, please.

Mr. Fanchiang: Yes. My name's Shan Fanchiang. Shan spelled as S H A N. Fanchiang F A N C H I A N G. I am a licensed engineer and have been practicing site plan and subdivision design for over 30 years. I have testified in many towns, like in your area, like Chester, Washington Township, Allamuchy, and Bedminster and elsewhere in the different counties.

Mr. Selvaggi: And your license is current?

Mr. Fanchiang: Yes, my license is current. I also have license for 30 years.

Mr. Scapicchio: Okay, Board Members do have any issue with deeming Bertin Engineering as qualified testimony?

Mr. Buzak: Mr. Chairman, I just have a couple of questions. Some of you or maybe it's only going to be Chuck, as I look at the...inaudible. We had this issue many years ago where a different engineer was testifying with regard to plans that that engineer did not prepare. And the details, I think, have to do with a communication issue or...inaudible...but it's a troubling situation because...because of that reason, the person who is responsible for having prepared the plans is not there to testify about those plans. So I guess what I what I'd like to do here is find out. I understand that Bertin Engineering has purchased either all or a portion of Mr. Wunner's business. And among those were these outstanding plans. But maybe I'll ask Mr. Selvaggi, and again, I'm going to probably butcher his name and Mr. Fanchiang.

Mr. Fanchiang: Yes, Fanchiang.

Mr. Buzak: Fanchiang. Has he adopted these as his own, will he sign the plans and seal them as his plans because to have plans in without an engineer is problematic from the Board's end.

Mr. Selvaggi: So that was going to be my leading question. Mr. Buzak and Shan, Bertin...well you let us know what Bertin ultimately is going to do? I believe you're going to incorporate and ultimately all revisions and everything else, and these plans will be signed by you guys. That's my understanding, correct?

Mr. Fanchiang: That's correct.

Mr. Selvaggi: And you've you reviewed the plans prior to Mr. Wunner retiring when you guys made the decision to purchase his practice?

Mr. Fanchiang: That's correct.

Mr. Selvaggi: And in your estimation, the plans prepared are certainly accurate and there didn't seem to be any irregularities with respect to Mr. Wunner's preparation of plans.

Mr. Fanchiang: That's also correct.

Mr. Selvaggi: All right. And subject to revisions that I gather, to the extent that will be necessary, your firm will make those changes?

Mr. Fanchiang: Of course.

Mr. Selvaggi: All right. And then any resubmission, the signature block will and it will be permanent. Okay. And you're prepared as the engineer now of record to sign those.

Mr. Fanchiang: Yes.

Mr. Buzak: I just have one other question, Mr. Selvaggi.

Mr. Selvaggi: Yes.

Mr. Buzak: And that is do you adopt these plans as your plans.

Mr. Fanchiang: Yes.

Mr. Buzak: Okay, that's all I had was, Mr. Chairman. I'm satisfied that given the testimony that Mr. Selvaggi was able to put on the record and the answers to my questions that Mr. Fanchiang can testify with regard to these plans, that he didn't actually prepare, but has now adopted and assumed responsibility for and the...

Mr. Scapicchio: Thank you, Ed. Michael.

Mr. Selvaggi: Okay, thank you. And again, I'd like to thank Mr Buzak as well. Shan, why don't we start perhaps with kind of an overview of the property as it currently exists and then we'll shift over into what the proposal is.

Mr. Fanchiang: Yes, as Sam already testified this is a 5.6 acre lot and one existing house fronting Main Road and the rest of the lot is wooded. The slope or the terrain of the entire site is very mild, like a range of 3 to 4 percent. There are likely some isolated steep slope areas, relatively small.

Mr. Scapicchio: Michael, can I interrupt for one second?

Mr. Selvaggi: Yes.

Mr. Scapicchio: Ed, did we swear him in?

Mr. Selvaggi: In the very beginning, Mr. Chairman.

Mr. Buzak: Yes.

Mr. Scapicchio: All right. Thank you. I missed it. Thank you. Go ahead. I'm sorry.

Mr. Fanchiang: That's okay. So that's also at the southwest corner there exists wetlands. The applicant...inaudible...DEP LOI letter of interpretation is it the exception of wetlands 100 feet buffer, which is being shown on the map. Maybe I could show everyone?

Mr. Selvaggi: Chuck, can he share the screen?

Mr. McGroarty: Sure, as long as he can do it from his end. I assume he's prepared to do that to present his plans. I can't...I don't, you know.

Mr. Selvaggi: Shan, are you...you doing that now?

Mr. Fanchiang: I try to find the share button.

Mr. Schaechter: The bottom row in the center.

Mr. Buzak: Is there something that you have to do to allow him to share his screen?

Mr. McGroarty: Not that I'm aware of, I have not in the past.

Mr. Buzak: Okay.

Mr. Selvaggi: It should be right at the bottom, Shan.

Mr. McGroarty: There's a green button that says Share Screen.

Ms. Mott: He just has to move his mouse down there.

Mr. Schaechter: Move your mouse down to the bottom. It will highlight the bottom row. And then it's a Share Screen button. It should be green with an arrow going up.

Mr. Fanchiang: You know, I saw that this afternoon.

Mr. Selvaggi: And it should be in between Participants and Record.

Mr. Buckley: By minimizing your screen, it may be below where you can see. In other words, exit full screen.

Mr. Selvaggi: Hey Michael, you have a copy of the plans? Why don't you share your screen?

Inaudible

Mr. Fanchiang: Sorry everyone. Can everyone they see this?

Mr. Scapicchio: Yes.

Mr. Fanchiang: This is what I meant by the wetlands here...

Mr. Selvaggi: And Shan, if I may just please identify what we're looking at here.

Mr. Fanchiang: Okay, this is for grading and drainage plan. Inaudible...for the entire set of site plan shows most of the conditions.

Mr. Scapicchio: Slow down for one second. Ed, how should we identify this?

Mr. Buzak: We'll mark this as Exhibit A-1, and sir, did you state this is Sheet 4?

Mr. Fanchiang: Yes, Sheet 4 of the site plan.

Mr. Buzak: Okay.

Mr. Scapicchio: Thank you.

Mr. Fanchiang: So this is Exhibit A-1?

Mr. Buzak: Correct.

Mr. Fanchiang: Okay. This is the proposed subdivision with all of the elements shown on the plan at the southwest corner exist wetlands here with 150 feet buffer. This entire area will be preserved and as you can see, there's about 700 feet long cul-de-sac road proposed with the proposed lots and houses surrounded. This will be the proposed development. For the drainage, we proposed underground detention basins. One under the...inaudible...and then the other 2 fronting close to the frontage of the property. And the purpose of that is try to make the proposed development inaudible.

Mr. McGroarty: Mr. Chairman? I apologize for interrupting the engineer's testimony. I'm getting contacted by Sandra Albertson. And she was one of the person to ask the question, as you recall, and she she's saying that she's not being allowed to get back into the meeting. Apparently when I demote someone from a panelist position, it's...even though someone said they would be able to rejoin, she is telling me she is not able to join.

Mr. Scapicchio: Ed, how should we handle that?

Mr. Buzak: Well, Chuck, are were able to see, is Ms. Feola...is she still on as a panelist?

Mr. McGroarty: I don't know, because my screen at the moment is occupied by this. Let me see.

Ms. Mott: No, she's not. I just see two phone numbers dialed in and one phone number has her hand raised. But I don't see those two people on as attendee's anymore.

Mr. McGroarty: Right, right.

Mr. Selvaggi: Can they go...you know...come back in?

Inaudible

Mr. McGroarty: I just asked her and she said that it's saying that I kicked them out. That's how she put it.

Mr. Schaechter: Chuck, have her shut her computer down. Log back in and start up again and sign in under a different name or use initials.

Mr. McGroarty: Can we take a break, Mr. Chairman? This is going to take me a minute to...or I'll tell you when you can continue. I'll do that...

Mr. Selvaggi: No, I'd prefer...

Mr. Buzak: We have to wait.

Mr. Selvaggi: I want her to get back in.

Mr. Scapicchio: Chuck, you think once we get rid of the screen with the plans, we can get her back in easier?

Mr. McGroarty: That's probably not it. I'll tell you what, we won't demote anybody in the future that's for sure. Let me let me reach out to Sandy and tell her. Brian, what should she do? Close out back?

Mr. Schaechter: Tell her to log off her computer, come back...or shut down the computer, come back in, see if I'll take it. It's probably in her cache.

Mr. McGroarty: Got it.

Mr. Buzak: Mr. Chairman, do you want to take a five minute break or so?

Mr. Scapicchio: Ed, if that's your recommendation? We'll certainly do that.

Mr. Buzak: Why don't we do that. That will give Chuck...take some of the pressure off.

Mr. Scapicchio: Let's take a five minute break. We will reconvene at 7:53?

Mr. Buzak: Sounds good.

Mr. Scapicchio: Okay. We got to get back into the office.

Break 7:47 pm

Reconvene 7:53 pm

Mr. Scapicchio: All right. It's 7:53. Chuck, can you hear me? How did you make out?

Mr. McGroarty: I'm working on it, Mr. Chairman.

Mr. Scapicchio: All right. Let me know when you're ready, Chuck.

Inaudible

Mr. Buckley: It could make sense. It may have tagged her as somebody that you kicked out.
Then that's it.

Inaudible

Mr. McGroarty: Mr. Chairman, I was on the phone with Sandy Albertson. What Sam just said is correct. They're getting the message that they've been kicked out essentially. They're both trying to come in on their phones. I have their numbers. I'm going to look for them as soon as I can.

Inaudible

Mr. Scapicchio: Ed, I guess we can't move forward until they can come back to the meeting.

Mr. Buzak: I think that's true, Mr. Chairman.

Mr. Scapicchio: Okay. I think we have to wait.

Inaudible

Mr. McGroarty: Let's wait. They're both trying to call in. And Mr. Chairman, hopefully we get moving again. I will not demote anyone else. All right. Because we don't want this to happen again, obviously. I don't know what the process is to move someone back and forth, but...

Mr. Scapicchio: Well, I'm sure it was not intentional, Chuck.

Mr. McGroarty: I didn't mean to kick them out.

Mr. Schaechter: You might want to give Dane a call. Find out what... maybe you hit is on your end on the control panel.

Mr. Buckley: Can I make a suggestion if there's if there's concern that they can't see the plans,

Mr. Scapicchio: Who's making the suggestion?

Mr. Buckley: This is Sam Buckley.

Mr. Scapicchio: Sam?

Mr. Buckley: Yes. If there's concern that they can't see the plans, they can go to the township website. And the plans are on the website under the Planning Board...

Mr. Scapicchio: Yes, no, Sam, I think they need to participate in the meeting, if that's what they want to do.

Mr. Buckley: Well, I mean, they verbally participate, but if we're referencing a plan that's all still available.

Mr. Scapicchio: Chuck's trying to work it out.

Mr. Schaechter: It looks like two people have joined by phone.

Mr. McGroarty: One is Sandy, inaudible...and I'm looking for an 862 number.

Mr. Scapicchio: So, Ed, is it okay that they joined by phone and we have no video?

Mr. Buzak: Well, Mr. Chairman, morally, if they do that voluntarily, that is...you know... they decide to join the meeting by phone and therefore limit their ability to be able to see anything if they don't have a video using their phone video. That's fine.

Mr. Scapicchio: Okay.

Mr. Buzak: But, but on the other hand, if they want to see the video, but they're being prevented from doing that because of the way...you know...they've been removed from this meeting, I think that's problematic.

Mr. Scapicchio: Okay.

Mr. Buzak: And again, a lot of these things, Mr. Chairman, there's no...we don't have any rules on this because this was all done...you know...on the fly, so to speak, as we were doing it. But I think logically, that makes sense. Now they may be able to join with video as well using their phone. You know...people can do that. I've never done it. But I'm sure Mr. Schaechter either has done it or...where I guess you don't just dial in. You use your internet on your phone. But, Brian, I'm going to pass it to you.

Mr. Schaechter: Yes. You do it the same exact way. In fact, Mr. Mania does it. That's how he joins a lot of times when he doesn't have his computer, he has his phone. So you literally just hit the link on the phone and it works the same.

Mr. Scapicchio: Let's give Chuck a chance to try to work it out.

Mr. Schaechter: Looks like the 862 number has joined as well.

Inaudible

Mr. McGroarty: Give me one more minute.

Inaudible

Mr. McGroarty: I'm talking with Dane right now.

Inaudible

Mr. McGroarty: Mr. Chairman?

Mr. Scapicchio: Yes, Chuck.

Mr. McGroarty: I'm going to ask can everybody just not talk for a minute please. I have to do this with Dane, and I can't hear, and I have to stay by this computer.

Mr. Scapicchio: Everybody please mute yourself or don't talk.

Inaudible

Mr. McGroarty: Mr. Chairman?

Mr. Scapicchio: Yes.

Mr. McGroarty: All right, I talked to Dane and I'm just not sure what happened, but the two people that were disconnected are now together at one location and they join us by phone. And I did...I did take Sam's suggestion and suggested that they take a look at the town website to look at the plans. So that's the best we can do, I think, at the moment. And obviously, anybody else gets promoted, the panelists they will have to stay on that list.

Mr. Scapicchio: Ed, from a legal standpoint, are you good with this? I can't hear you.

Mr. Buzak: Sorry, Mr. Chairman, I usually stay unmuted. Is Chuck there?

Mr. McGroarty: Yes.

Mr. Buzak: Do you know if there is a way that they can just use their smartphone to log in while you were trying to resolve this. Brian had answered a question of mine that if they use their phone and just hit the link, as you would any other link on an email or so forth, you will log in with audio and video.

Mr. McGroarty: Both of them...I don't know, Ed. I don't know. I've done enough damage, I think, for one evening, but both on right now by phone.

Mr. Buzak: Okay, I'm going to leave that to Mr. Selvaggi, Mr. Chairman, because...you know...I think that it can work. But I think some of the challenges are when we're putting up certain sheets, will certainly assuming that they're all on the website in one form or another, we will identify them as we did with this one...you know...as being Sheet 4 and then people if they're going to use the website, they can open up the plans and go to Sheet 4 and look at it. But you know, that in and of itself is sort of an effort. But, I guess at the end of the day, Mr. Chairman, the concern is really on the applicants lap. I recognize we spend time here as well. But these issues are ones that are equally disconcerting or concerning to an applicant. So I don't know, Mike if you want to...

Mr. Selvaggi: Yes. I'm fine with proceeding. While I was listening, I did what Brian had suggested. And if these two women do have smartphones that have access to the internet, if you simply go to the Mount Olive Township, you just search Mount Olive Township and the 1st Page you come up to and I mean, I don't know if everybody could see it, but at the very bottom, it has upcoming events. And I clicked on Planning Board Meeting and then there's the zoom link right to it. And that gives you access both with audio and video.

Mr. McGroarty: They are trying that now, Mike, thank you. They're actually trying that right now. And they're both on...at least one of the persons is on by phone,

Inaudible

Mr. Scapicchio: The only question I have is when we lost them. At what point did we lose them...where do we need to begin?

Mr. Selvaggi: We're going to start, I believe, the...I'm not sure when we actually lost them, but we did go through...have Shan certified to the engineering plans himself. They may have been lost when he described the property in its current state. So we can maybe just pick up right from that point.

Mr. Scapicchio: Do we ask them that question, Michael?

Mr. Selvaggi: Yes, I mean, I'm not looking to be adversarial, so...but they should be able to be on now because...

Mr. Scapicchio: I just want to make sure the record is clean.

Mr. McGroarty: Working on it right now.

Mr. Fanchiang: Should I start over?

Mr. Selvaggi: Not yet, Shan. Hold on. I just want to make sure they're on.

Mr. Fanchiang: Okay.

Inaudible

Mr. McGroarty: All right, Mr. Chairman, they're both on. They thank you for everyone's suggestion about the smartphone. They did not hear any of the engineer's testimony.

Mr. Selvaggi: Okay, so what we will do then is we will start Shan, if we can leave...this leave this plan up here. But we began your testimony with respect to the site is just briefly describing its current condition. So you can repeat that and then we'll move on and discuss what we're looking here at the screen, which was marked A-1. Okay?

Mr. Fanchiang: Yes.

Mr. Selvaggi: All right, good. And there was also a request, Shan, if you can move a little closer to your laptop. So your voice projects.

Mr. Fanchiang: Okay. Does everybody hear me okay? I'll try to speak up.

Mr. Selvaggi: All right, so what do we...what's the current condition of this 5 ½ acre piece of property?

Mr. Fanchiang: Okay, the property of 50 Main Road with frontage about 250 feet. And there is an existing house at the front edge of the entire property and the rest of the area, all wooded. There are existing wetlands at the southwest corner of the property, and that wetland is exceptional with 150 foot buffer.

Mr. Selvaggi: And that was the applicant has a LOI for that. Correct?

Mr. Fanchiang: Yes, correct. The DEP issued an LOI for that. So, within this area, it will be preserved 98 percent. And then that's for...inaudible...

Mr. Selvaggi: Okay.

Mr. Fanchiang: The proposed, we will...inaudible...Main Road to about 700 feet and then we subdivided a total of 9 lots with including existing house as the first lot here. And then within the 9 lots, as Sam already introduced, there will be 7 more residential lots and with one remaining at the southeast corner reserved for detention facilities, stormwater detention facility.

Mr. Selvaggi: And the lots...the residential lots are they conforming with the bulk standards in the CR-3 Zone?

Mr. Fanchiang: All residential lots conform with the zoning requirements...inaudible

Mr. Selvaggi: And the proposed building envelopes all conform with the side yard and rear and front yard requirements in the zone.

Mr. Fanchiang: Yes.

Mr. Selvaggi: Okay, now one of the...there was a bulk variance needed with respect to the existing home. Where is the non-conforming condition, Shan?

Mr. Fanchiang: That's the frontage of...fronting Main Road here. Because of this, because of the subdivision, we have a memorial dedicated for the right-of-way that will make the front setback for the existing house less than 40 feet. And this is isn't. And the almost 21 feet of the frontage from the right-of-way line to the...inaudible.

Mr. Selvaggi: Now the proposed cul-de-sac road, is the applicant proposing sidewalks along that 700 foot road?

Mr. Fanchiang: No. That...according to Mr. Vreeland's comments about this proposed development has no sidewalk. And our standpoint is that the sidewalk, first of all Main Road doesn't

have any sidewalk, and then we propose a sidewalk here, it doesn't lead to anywhere. And second of all, we know that without the sidewalk, we can have less impervious surface to be built that will alleviate the runoff, the proposed run off.

Mr. Selvaggi: So now the RSIS Standards would otherwise require sidewalk, correct?

Mr. Fanchiang: Yes.

Mr. Selvaggi: So I gather one of our requests here is for a waiver from that RSIS Standard.

Mr. Fanchiang: Yes, we request...inaudible.

Mr. Selvaggi: Okay, the does the road include curbing.

Mr. Fanchiang: No. That complies with the RSIS Standard because this is considered a low intensity road per RSIS Standard the low intensity road is without curbing.

Mr. Selvaggi: Okay, and what qualifies a low intensity road?

Mr. Fanchiang: That's...you use total develop residential lots divided by the gross length of the entire property excluding all the preserved areas like the wetlands and buffers. So total property has about 5.6 acres to take over this preserve area and remaining about 3.4 acres of developable area. So you take a lot 8 divided by 3.4 acres of this developable area, you comes up with on a number of 2.3, 2.4. And to qualify as low intensity road, numbers is 4. So 2.4 is less than 4. That's why this cul-de-sac road is a low intensity road without curbing.

Mr. Selvaggi: Now, with respect to the wetlands buffer area, Mr. Vreeland had talked about somehow trying to kind of market or...you know...make sure that it's not intruded upon by those two backlots. What's the applicants proposed approach to that?

Mr. Fanchiang: Okay, that the concern is this there is a...inaudible... pipe from this detention base in the area. The all flow after...after the run off get collected by the detention basin and the...inaudible...to getting to the neighbor's property. But the thing is that we do the comparison of existing and proposed at this point. And after the storm water being temporarily stored in the basin and will be less than the existing condition. Inaudible...so we will have a reduced flow. And this particular design here, so that the outflow for 2 and 10 years storm, you had zero runoff coming out of this pipe and only a portion of 100 years storm will be released. So, for the stormwater management and design points, it satisfies the...inaudible.

Mr. Selvaggi: Okay, now, I mean, we'll talk about Mr. Vreeland's report in a second, but with respect to this stormwater, I mean, Mr. Vreeland had gone through and offered numerous comments with respect to the design. I mean, do you, in your professional opinion, have any objections or is there any of the comments that we can address with respect to revising the storm water management on the facility here?

Mr. Fanchiang: No, no, we will we reviewed each and every comments that are made by Mr. Vreeland. And we will comply.

Mr. Selvaggi: Okay, now, what's the proposed approach with respect to the utilities in this subdivision? Above ground, below ground...you know.

Mr. Fanchiang: Yes, all the proposed utilities, like electrical, electricity, or gas and water will be underground, nothing above grade.

Mr. Selvaggi: And will there be any lighting along the cul-de-sac road?

Mr. Fanchiang: Yes, there are 2 lights proposed, one near the front...inaudible...and one at the end of the cul-de-sac.

Mr. Selvaggi: Okay. And that's it. There's no other interior lighting in the in the development itself.

Mr. Fanchiang: No.

Mr. Selvaggi: Okay.

Mr. Fanchiang: It's a residential area.

Mr. Selvaggi: All right, and along the road are we proposing the planning of any street trees.

Mr. Fanchiang: Yes, there are street trees proposed within the tree easement...there are 10 foot wide trees...you follow my hand here along the entire cul-de-sac road.

Mr. Selvaggi: By the way, I should have asked you this. The lot where the stormwater basin is going to be...ultimately what's the proposed approach for the maintenance of that lot? Is it going to be given to a homeowner, is there going to be association set up?

Mr. Fanchiang: Yes, it will be given to a homeowners association. I personally talked to Mr. Vreeland and that was one of his concerns. And he is...it is okay with that...if someone were to say this will be...you know...change by the homeowner's association, there shouldn't be any...inaudible.

Mr. Selvaggi: Ok, so this won't be...that adjacent proposed residential lot, whatever that one is to the immediately to the left, that individual homeowner won't be responsible for the maintenance of the base, correct?

Mr. Fanchiang: No, it will be the homeowners association.

Mr. Selvaggi: And besides the tree plantings, we do have to conform with the municipalities tree replacement requirements. You did that calculation, did you not?

Mr. Fanchiang: Yes.

Mr. Selvaggi: And what are we looking at here in terms of trying to comply?

Mr. Fanchiang: We know that there will be...we've prepared tree replacement plan and we project that there will be like 269 trees to be removed due to the development and because of that the

replacement number will be 1,121 trees, and for this perspective, I think you can defer to the applicant or the planner for the replacement. In terms of how the difference that can be made up.

Mr. Selvaggi: Okay. And clearly in the back, I know it was Mrs. Albertson or I apologize to the person in the very back along that the train tracks, I mean, is there is there an effort being made to preserve most of the trees in that back section of this property?

Mr. Fanchiang: Yes, if they so desire, we could make the limit of disturbance, which as I mentioned, you follow my hand. It's roughly...you know...this wherever you can see the proposed development area outside this range of the tree will be preserved.

Mr. Selvaggi: Okay.

Mr. Fanchiang: ...easement...conservation easement for that. Or however the Board decides.

Mr. Selvaggi: Okay, now let's do this because we've touched upon some of it, but Mr. Vreeland issued a report on July 10th. You have an opportunity to review that report?

Mr. Fanchiang: Yes.

Mr. Selvaggi: Okay. And let's again, we've touched upon most of it. The on Page 2 of his reporting he gets into...more technical review. He talks about the itemization of improvements. You know, it's your understanding that the applicant requesting a waiver on that...you know...pending getting an approval and moving this on to final, correct?

Mr. Fanchiang: Yes.

Mr. Selvaggi: Okay, now the design waivers, he talks about the structures illustrated on the cover sheet setbacks, the EIS. So we...that design waiver, you believe the information is sufficient, will be included in the EIS?

Mr. Fanchiang: Yes.

Mr. Selvaggi: Okay. And again, we talked about the itemization of the improvements. We did talk about the curbing on the sidewalk...on the roadway, excuse me. And you did talk about how that was related to...you know...the street. And it's a small development and the stormwater...so I would hope the Board would agree with that design waiver. We didn't talk about the intersecting street line and site distance. What's your opinion with respect to Mr. Vreeland's comment 2.24? That's on Page 3.

Mr. Fanchiang: Yes, so that Mr. Vreeland said the straight line from the existing edge of road which is Main Road in a straight line, supposed to be 100 feet. And right now we have about 17...16 or so. If we extend that straight line to 100 feet and then make the curve bend here. This should, the bend could be...inaudible...not as mild as what the layout. And we hope that the Board will render the waiver for this situation.

Mr. Selvaggi: Okay. And then the variance will...Ms. Caldwell can talk about that variance with respect to the existing house. Then his general comments, 3.1, Morris County, that's no comment

there. We talked about 3.2, but the ownership and maintenance of the stormwater will be in the common areas will be done via a homeowners association. You'd also talked, I think, in your testimony about a waiver from the construction of sidewalks, correct, Shan?

Mr. Fanchiang: Yes.

Mr. Selvaggi: Okay. His comment 4 about the roadway section doesn't comply with the pavement cross...I mean, any...

Inaudible

Mr. Selvaggi: Okay. So 3.4, we will do. 3.5 the underground utilities, we already addressed that. And I'm on to Page 4B, 3.6 planning details needs to be provided for the street trees. Will you do that?

Mr. Fanchiang: Yes, we will comply the town's requirements.

Mr. Selvaggi: Okay, the 3.7 about the street tree easement, we're going to grant that and the standard municipal easement requires those trees to be replanted if they don't grow or take, and we will certainly agree to that same condition. 3.8, I don't...a statement of fact from Mr. Vreeland.

Mr. Buzak: Mr. Selvaggi, I hate to interrupt you, but I thought the testimony earlier was that you would comply with recommendations that the engineer has made and might be able to move it along.

Mr. Selvaggi: Okay.

Mr. Buzak: No offense. Maybe it's better...if there's something that you want to pull out of here and discuss...

Inaudible

Mr. Buzak: Because we're not going to list of 4 pages of Mr. Vreeland's letter.

Mr. Selvaggi: Okay. Then...I...

Mr. Buzak: Again, the Board...I don't want to preempt the Chairman or the Board, but I'm looking down these notes and I'm saying to myself, I'm not going to be putting this in...you know... each of these items as a condition of the approval.

Mr. Selvaggi: No, and that's fine. I wanted to get through the waivers that were requested. But Shan, the rest of his report doesn't address waivers or variances. Is there anything in the balance from Section 3, 4, 5, 6 and 7 of Mr. Vreeland's report that you take exception to?

Mr. Fanchiang: No, no exception.

Mr. Selvaggi: And you understand in Section 8, those other outside agency approvals, Morris County Soil Conservation, Mount Olive Township, the DEP, and then the will serve letters, the applicant, is going to have to conform with those, correct?

Mr. Fanchiang: Yes.

Mr. Selvaggi: Okay, then I'd like to just ask you, we received a report this morning from Mr. Lublanecki. It was rather brief concerning some of the traffic impacts. You had an occasion to review that, correct?

Mr. Fanchiang: Yes.

Mr. Selvaggi: Anything in Mr. Lublanecki's report that we could not revise the plans to address?

Mr. Fanchiang: We will revise everything that he said.

Mr. Selvaggi: Okay.

Mr. Fanchiang: We need to provide...mainly his concern is the sight distance. We will provide all the evidence...inaudible.

Mr. Selvaggi: Okay, and then I think the rest of it...there's some overlap with Mr. McGroarty report on some of its subdivisions comments, but I think we've addressed all of those...so, I don't have anything further from Shan. I mean...you know...I mean, this is one of the benefits of a fully conforming application and it should be a little faster and move a little quicker. I do appreciate Mr. Buzak's suggestion. So with that, Mr. Chairman, if anyone has questions for Shan, fire away.

Mr. Scapicchio: Any Board members have any questions for Shan on the testimony that he's given,

Ms. Natafalusy: Just one question,

Mr. Scapicchio: Catherine?

Ms. Natafalusy: Under Michael's report, under general comments on 3.6 when they say they will comply. Does that mean that they're going to defer to the Board's Environmental Consultant? That they agree to that?

Mr. McGroarty: Well, let me...if I may.

Ms. Natafalusy: Okay.

Mr. McGroarty: I don't know if we need the Environmental Consultant on that, but I think Mr. Selvaggi sort of skipped over some things in my report. So when the...I don't mean to interrupt you, Ms. Natafalusy, but I don't think we need the Environmental Commission or the environmentalists to tell us about street trees. I think I can handle that.

Ms. Natafalusy: Okay

Mr. Scapicchio: Chuck, I don't think you really went through your report. I'm expecting him to do that next.

Mr. McGroarty: Right, right. Could we take the screen down? Mr. Chairman, it would be better, I think without...I don't know if we need it or it's up to you.

Mr. Scapicchio: Take it down...

Mr. McGroarty: Maybe leave it up. You want me to just...I won't go through everything, but I want to touch on some things in my report

Mr. Scapicchio: I just have one question and it relates to school buses and sidewalks. Are the children, if there's any children in that development, going to walk to Main Street to get picked up? Or is the bus going to come into the development and turn around in the cul-de-sac?

Mr. Schaechter: Well, Dave, the bus can't make the cul-de-sac. So...

Mr. Scapicchio: It can't?

Mr. Schaechter: No, the buses would never going into a cul-de-sac in Mount Olive.

Mr. Scapicchio: Brian, I thought they could. If it was...I thought it had to be a certain size.

Mr. Schaechter: You know, for the most part, I think I would deem this very much to Patriot's Way. The size is the same so if the buses are not able to get the Patriots Way. They're not going to go they're not going to get in here.

Mr. Scapicchio: Okay.

Mr. Schaechter: I think they've always shied away from the cul-de-sac question. Same thing with the sidewalks Patriot's Way. There's no sidewalks in Patriots Way. You know, again, the developments are basically the same.

Mr. Scapicchio: Okay, just wanted to ask a question.

Mr. Schaechter: Yes, I mean, maybe we could defer that to the Board of Ed, but they've always...I know in Flanders Crossing, they don't go to any of the cul-de-sacs.

Mr. Scapicchio: Okay. Any other Board Members have questions for the engineer? We should probably open it up to the public that has questions.

Mr. McGroarty: Mr. Chairman?

Mr. Scapicchio: Yes, Chuck.

Mr. McGroarty: Could I go through some of mine before the public?

Mr. Scapicchio: Sure.

Mr. McGroarty: The first...can we take the screen down? Do you need it...does the Board want to see this in front of you?

Mr. Scapicchio: Michael, can you get the screen taken down

Mr. Selvaggi: Shan, just unshare your screen.

Mr. Fanchiang: Okay.

Mr. McGroarty: All right, so what I'd like to do is my review comments start on Page 2. I'm just going to go in the order. There should be testimony on the critical areas. There was testimony that they are small and they and I agree they're a small area within the entire tract. And by the way, Mr. Chairman, I would just like to go through my comments and then I can stop and then they can address it.

Mr. Scapicchio: Chuck, go through the comments the way you want to.

Mr. McGroarty: So the critical areas, you cannot disturb steep slopes at all, 25 percent or more. There are certain lots which I identify in here, which are identified on the plans that there are at least 3 lots that have pockets of steep slopes that are going to be disturbed, which is not permitted. There's also slopes with moderate slope disturbance and testimony should address whether they meet ordinance requirements. You can't disturb more than...in this case, 15 percent of each lot for moderate slopes. My second comment is the will serve letters...now the applicant gave us a...it looks like a belt and suspenders sort of thing because they said will serve letters to all kinds of utility, some of which have no service areas here...the HMUA and so on. But they...we have not received or I have not seen yet the confirmation from Mount Olive Township that it will provide the gallon age from the sanitary plant down at Clover Hill and Water. I will say I've talked with the Public Works Director and there's no doubt that the service would be available. But nonetheless, those letters should...it should have that as a condition of approval. Also, the will serve letters indicate 9 residential lots. It's actually 8. The...I'm going to skip over because I think perhaps Ms. Caldwell will address and make some comments about what I consider to be the impracticality of some of these lots at the end of the cul-de-sac. And I made a recommendation or a suggestion, actually, as to how that might be addressed. So I'm going to move around that for the moment. The conservation easements, the comment, 5.4. The plans show what we typically see on these type of plans, which is limit of disturbance and these little squiggly lines, but as I said, my experience is that those...that limit of disturbance line is, quite frankly, meaningless. It will be disturbed during construction or when the homes...when the lots are created, the homeowner may decide to take trees down. At which point that's beyond the town's control because it'll be on a single family lot. So my suggestion is that either all of the areas are on the subdivision plan and I identify those where that where that occurs. But those boundaries should either be in a conservation easement. Or the tree removal plan should be done, should be modified to count the trees within those areas. Because otherwise, there's no way to really know whether those trees will stay. The drainage easement, I think, Mr. Selvaggi, had asked about a delineation of the wetlands, that was my question and I'm not sure Mike had asked that, but I'm on 5.5, this drainage easement, which we saw before coming off the cul-de-sac onto the neighboring property directed towards the neighboring property. I think that's a mistake. I'm not an engineer. I'm

not going to testify that the pre and post development runoff is...you know...is consistent with whatever. I mean, it may be, but in the real world, it's concentrating potentially runoff on...going to a neighboring property as opposed to where it might flow over grass today. I don't understand why that can't be redirected back towards the rear of the property here, perhaps...

Inaudible

Mr. McGroarty: If there's an opportunity to direct it back towards the rear of the property...whether the fact there are wetland and wetland buffers. I think that that would be better. And I think it would be more...a more equitable solution so that the neighbor is not faced with the possibility of having ponding in their yard in the back. The tree removal plan, we haven't received anything other than...as we indicated the 23 street trees, no additional trees are proposed to be planted. Now, I also indicate there are several trees on this tract that are...it's going to be a little distracting if the engineer is talking while I'm talking but...several trees on this track, which are quite large...You know what, I'm going to have to mute him because...

Mr. Selvaggi: Yes, go ahead.

Mr. Scapicchio: Where's that voice coming from, Chuck?

Mr. Selvaggi: That's coming from Shan.

Mr. McGroarty: That's Shan, he's on the phone. There's several large trees on this track that that I think...you know...it may not they may not be possible to preserve. I think they're probably at least 30 inch caliber and perhaps larger. I show you some photos of them. It doesn't do justice to the size of these trees, it's probably 2 or 3 that are really significant in terms of size. If it's possible to preserve them, that would be great. It may not be. And I want to be realistic here, maybe in the way of the road or maybe in the way of one of the buildings...building lots. But if it is possible to preserve them, I think that that would be worth trying to do that. And with respect to the replacement number of trees, I had suggested that the wetland areas in the back need to be delineated. They need to be set apart in the field. You can do that with a row of trees you can do that with split rail fencing, you can do that with some kind of tangible material improvement. Otherwise, the eventual homeowners are not going to know where those buffers are. And it's going to be a difficult situation when the time comes, people will start to...you know...expend their lawns and they want to put pools back there and so. The easement...the street tree easement, we talked about that. Mr. Selvaggi had mentioned, the typical municipal arrangement, which is good. I would say that this is a good opportunity with this development to lock in who's responsible when trees get cut down or diseased and replaced. Because I can tell you some of the other subdivisions in the township that have street tree easements, the trees have been removed by homeowners. And I'm at a loss. And we've been at a loss to figure out who has the enforcement authority is to get them replaced and so they don't get replaced. And it creates an odd pattern on the street. I do want to get to the sidewalk in a minute. My comment 5.9 is to that point then about trying to show this limit of disturbance, as I mentioned before, that we could either be locked in with a conservation easement or not. But if it's not, the tree removal plan has to be revised. With regard to street...the street lights, one in the front, one of the back, I suggest perhaps one midway. I realize this is a rural area, but a low scale street lamp, I think might be a nice amenity. And I think it's a question too of whether or not a sidewalk goes in. But there is a question of safety. I mean, if kids are going to be coming back and forth and the like at night. The cul-de-sac, or rather the...on 5.11, I think the engineer kind of skipped over this in his testimony. If I'm reading

RSIS correctly, and I swear I am, because I'm citing the language directly from RSIS, from the section that I identified in my comment, 5.11. The question that RSIS requires to be answered is not whether their sidewalks elsewhere in the area, they have 3 bullet points that are directly from RSIS and it and what it asks for is would it result in practical difficulties? And then there needs to be a statement regarding the nature and extent of the practical difficulties. In this case, not putting a sidewalk on one side. So I think that should be addressed. The electric lines, I don't see them on the plans, there are other utilities within the paved part way and I expect that the electric lines would likewise go in the street rather than on the side on the right of way, on the grass right of way. But we haven't seen that on a plan. So I don't know. The ownership 5.13 of that storm system. It was mentioned that it would be a homeowner association responsible for that on that lot, which I believe is 7.09. We haven't talked about the system, which is in the cul-de-sac itself, if that's going to be the township responsibility, which would require the town to go in with equipment to clean that out, I'm told that has to be done at least twice a year to remove sediment and debris that gets into the storm system. If the homeowner association is going to be responsible for a portion of the system on lot 7.09, perhaps it makes sense for the homeowners association to be responsible for this other part of the system as well. Almost done...there'll be no construction, of course, if this is approved under preliminary, because there is one house, so there'll be no development other than...there be no development. This is a preliminary approval only...so subject to approval when the applicant comes back for final approval, that's when other...that's when the infrastructure and the other lots can be developed. The historic...the Mount Olive Historical Society offered a perspective, and that's in my comment, 5.15, that's directly the language that they provide. And Mr. Buckley mentioned earlier his desire to have this fit in with the character of old Flanders. He shares that objective with the historical society as they recommend, even though they realize it can't be imposed. But they asked the developer to consider and for the Board to consider that the exterior design of the homes that go in, as they indicate, either be farmhouse, Victorian, colonial or Italianate style. I think they mentioned some of them that at least face the street or closer to the street. We haven't discussed that at all. And then my last comment, and I guess this is something Ms. Caldwell will address. This is a departure for me, certainly, where I'm recommending they seek a variance for all of the lots. As I indicated here, rather than have the houses sit back at the minimum set back of 40 feet, I recommend they bring the houses closer to the street that is around, say 25 feet. How we do that, if the applicant...the applicant is under obligation, of course, to do that, but if they wish to do that and provide testimony and the Board grants that variance, which I would characterize as a c2 type variance, as I explain in here. And the purpose for that is particularly for those lots in the back at the end of the cul-de-sac, if they're approved the way they are today, you will see those lots come in once they're develop for variances because there is no room in the back for anything, for any other kind of amenities, decks, pool sheds and so forth...decks and pools anyway. And so by shifting the homes closer to the street, I think, first of all, it replicates the character of old Flanders better. And I'm not criticizing the applicant. They did what the zoning asked them to do, which is set the houses back 40 feet. But I think it would bring them closer to the street and maybe have it as what we call in some other places, a build to line so that the homes actually come up and align with this build to line, which is for argument's sake, 25 feet back from the right of way. That opens up the back yards for more of these other kind of amenities, if that goes forward, there's some logistics that have to be worked out and we're not trying to advocate just creating a bigger building envelope so they can build a bigger house. So we'd want to have some assurances that if that suggestion is followed that there still be some room in the back of the property within the rear building envelope. I threw a lot out, but I think that I wanted to make sure that I covered all my comments. Thank you, Mr. Chairman.

Mr. Scapicchio: Thank you, Chuck. Michael, any thoughts or comments on the report that Chuck has produced.

Mr. Selvaggi: Yes, we can start with his comment. Shan, you want to unmute yourself.

Ms. Natafalusy: Mr. Chairman?

Mr. Scapicchio: Yes, Catherine.

Ms. Natafalusy: I'm sorry, Michael. Before you start, can I just tell you what the Environmental Commission has said on this so it's on the record as well? I'm sorry to interrupt, but I thought if Chuck talked about conservation easements, now is the time to do it. If not, I'll do it later. Let me know.

Mr. Scapicchio: Do it now.

Ms. Natafalusy: Okay, so I got an e-mail from the Chairperson tonight. She just got back from vacation and reviewed the EIS and the planners report. She says a number of lots will require a conservation easement to preserve wetlands buffers. The lots will also have minimums placed...excuse me...spaced in the rear yard for decks, lawn, or recreation space. Having a conservation easement on private land is difficult to monitor over time for the township. It is also highly likely that over time, owners may willfully violate the conservation easement to increase yard space, or that subsequent owners may not understand the limitations and they violate the easement out of ignorance. The problem can be rectified by eliminating a building lot and reconfiguring the lot boundaries. That is just a recommendation. She also says that the recommendation of the planner are noted and endorsed. Reduced front yard setbacks are acceptable. Tree recommendations, drainage issues and conservation issues, noted in the planner's report are fully endorsed. Issues regarding historic appearances of housing exterior and appropriate lampposts are also endorsed. I just want to put that on the record. Sorry to interrupt.

Mr. Scapicchio: That's okay, thank you. Brian?

Mr. Schaechter: Mr. Chairman. Yes. A couple of things is, number one...you know...why are we going through...we have a tree bank. Why don't we just have the...you know...the applicant make a donation to the tree bank like we do most other people? As far as the exterior design of the homes, this part of old Flanders doesn't have a home like appearance when you drive...Main Street is not Park Street. Main Street is mixed up...bi-levels, you've got some old classic homes, you have a fire station across the street. There's no one set look and feel for Main Street. So I'm having a real hard time with that suggestion. You know...especially if we're going to if you're proposing 40 feet and now you want to move them up to 25 feet, again, to save variances? You know...that's why we're here. That's why we all sit here. Is if someone wants to put a deck in or put a patio in and they need a variance to come in front of us for a variance...you know...I'm not buying that is as something we should be talking about with the developer at this point. That's not our problem, to fix things that might happen down the road. We don't we don't worry about that. I take offense to that.

Mr. McGroarty: Can I just mention to you, though, just for the Board's consideration. You do take note of that in the ordinance, it does say under the Section 550-54, under lots. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formation, flood conditions, or similar circumstances, the approval authority may after adequate investigation,

before the approval of such lots. So what I'm saying, the recommendation for the design of the homes is not mine. But what I'm saying about moving the homes closer to the street is and this Board has seen it. There are at least 3 lots in the subdivision, that there will be no room in the back for those kind of amenities. So you...I'm not...that's just a fact, and do what you wish.

Mr. Schaechter: Right. Unless someone comes in for a variance, should they choose to, but if they don't choose to do it, we're fixing a problem that doesn't exist. They might never come in for a deck or a patio.

Inaudible

Mr. Scapicchio: Brian, we all want a deck at some point.

Mr. McGroarty: The other thing I want to mention, though...

Mr. Schaechter: Then they have the right to come in for a variance, Dave.

Mr. Scapicchio: That's true.

Ms. Natafalusy: And Brian, through the years Flanders Crossing in particular...

Mr. Schaechter: Yes.

Mr. Natafalusy: We had so many...but just a second...we had so many variance applications for Flanders Crossings, at one point the attorney back in, I don't know, the 90s or something said it was a self-created hardship. And that's what I think we're looking at now. You've got lots that are or houses that are supposed to be 46 feet back from the rear lot line and the lot line is...you know...the building envelope is 40 feet. So you've got a 6 foot deck. I'm just saying we've had this in the past and it's not a bad idea.

Mr. Schaechter: Catherine, I get it. Except for one thing. You know, now we're putting sidewalks in cul-de-sacs, and you know where they put the snow? When it comes to plowing a cul-de-sac, they dump it right on this...I watch it in Flanders Crossing where we have two streets that have sidewalks that go nowhere, which is...

Ms. Natafalusy: I'm not talking about sidewalks, Brian. I'm talking about...

Mr. Schaechter: That's the next thing on my list. Sidewalks take up space, too. So, we're going to put sidewalks in. They're going to put snow on there. We're going to pile the snow. And homeowners aren't going to be able to shovel the sidewalks because that's where the town throws the snow. And then we talked about we talked about the storm water system in Flanders Crossing where I am. We maintain...we maintain the retention basins and the town...the town doesn't have anything to do with the retention basins, which is great. But they maintain the sewer. So, they come in and they hydro jet the sewers when they need to get it cleaned out. And that's the way it should be. It's just that we're creating problems where there really isn't any problem.

Mr. McGroarty: Well, let me just say, I don't know. Look, I don't want to create problems. I will tell you from my experience, these lots in the back, they will not be able to put a fence because

the one lot at the end of the cul-de-sac, which we don't have up in front of us...because they're fairly large lots, but they're impacted by the wetlands 150 foot buffer. And they can't put fences, they can't put sheds in there. They can't put a fence near that drainage easement. So they're going to have about ten thousand square feet of usable area and they'll have no backyard. Do what you wish.

Mr. Schaechter: Chuck, all I'm saying is that...you know...if the builder, the developer wants to come in and ask for a variance on that particular property, grant the variance on that property at the time to move them in.

Mr. Scapicchio: Brian and Chuck, let me just ask Michael Selvaggi a question. Michael, do you think that your developer would entertain moving those houses to the 25 foot setback as Chuck's recommendation? I mean, I don't see that making a difference in cost or anything, so I'd throw that question out to you.

Mr. Selvaggi: I mean, the answer is yes. I mean, the difficulty is and Mr Buzak will tell you what I mean. We're obligated to follow what your zoning ordinances are, which is what we've done here.

Mr. Scapicchio: Understood.

Mr. Selvaggi: And...you know...it's...we went out of our way to try to come in with a fully conforming application, so Mr. McGroarty has as put forward this notion. I mean, I don't disagree with these two analysis. I mean, our notice did...you know...include the catchall phraseology. So we're not opposed to it. You know it's just a question of...you know...we're kind of put in an awkward spot because we're being asked to deviate from your ordinances. But if the Board felt that...you know...Mr. McGroarty's comments were well taken and this was going to be something that would be advantageous, I clearly think...you know...the developer would or the applicant would consider it. And Sam's on the...still on. I mean, I think he could certainly chime in as well.

Mr. Scapicchio: Okay, let me let me ask Mr. Buzak a question before Sam speaks. Ed, would they have to re notice, or is this something that can move forward based on testimony without having the applicant re-notice?

Mr. Buzak: Mr. Chairman, in my view, they do not have to re-notice. Mr. Selvaggi pointed out that their notice had the omnibus language of any variances or whatever it may arise during the course of the proceeding. And I think that while this was raised in Mr. McGroarty's report, it was after the notice was already given. And this is the precise situation, certainly in my mind, where that omnibus language comes in handy to avoid the need for an applicant to be noticed when these things come up. That said, I think it is a choice of the applicant, and I think Mr. McGroarty's recommendation or suggestion was just that. He put it out there. I did give it some further thought. And I think if the applicant decides that they want to proceed in that way, they can provide the testimony on that. If the Board is inclined to deny that variance, assuming it's to make it simple, it's an aggregate reduction in front yard setback to 25 feet for all of the residential building. If the Board grants it, that's fine if the if the Board declines to grant that variance, I think the application can still be approved...the applicant would have to comply with the setback requirements. There's certainly enough room on the lots to do that. They're conforming lots. They have building envelopes can conform. So, I don't think the applicant is inclined to move in that direction. I think there's not really a risk that they're going to have to go back to the drawing board. So either the Board will grant the variance or they won't. It they do

it fine, if they don't, then we can still proceed with the subdivision. So anyway, I hope that helps us shed some light on the way I sort of see this proceeding based upon...

Mr. Scapicchio: It does. It does and thanks, Ed, very much. Michael?

Inaudible

Mr. Nelsen: Mr. Chair?

Mr. Scapicchio: Go ahead, Dan.

Mr. Nelsen: To Mr. Selvaggi and to Ed's point, I don't think Mr. McGroarty asked that you do the 25 foot setback, but I thought a suggestion and perhaps a good one, but at least something to consider.

Mr. Selvaggi: And we'll be happy to look...I mean, we have Ms. Caldwell. We needed that variance along the front because of the existing building. So will when we conclude the review of Mr. McGroarty report, we shift into planning. Jessica is prepared to discuss the c2 analysis with respect to Mr. McGroarty's recommendation or suggestion, I should say.

Mr. Schaechter: Well, I mean, I would be okay with it...it's just not mandatory that the developer or the applicant have to have to move those houses to the 25 foot, let it be their choice.

Mr. Scapicchio: Brian, I think that's what Chuck said, it was a recommendation and it absolutely is the developer's choice. Not ours. But I would offer that I would support that.

Inaudible

Mr. Selvaggi: Why don't we do this? Let's go through Mr. McGroarty's report as it relates to Shan's engineering analysis, and then we'll go to the planning and we'll discuss it there, okay?

Mr. Scapicchio: Michael, before we move on to Chuck's report, I don't think I gave the public an opportunity to question the engineer's testimony.

Mr. Selvaggi: Okay, that's fine.

Mr. Scapicchio: So, Chuck, is there any attendee's that has their hand up that wishes to speak?

Mr. McGroarty: Not yet. No, I don't see any hands raised.

Mr. Scapicchio: Okay. I 7 attendees. You see 7 as well?

Mr. McGroarty: That's correct, yes,

Mr. Scapicchio: And there's no hands up.

Mr. McGroarty: No, no. And the public understands that if wish to ask questions of the engineer's testimony to raise your hand now.

Mr. Scapicchio: Okay, seeing no hands raised. Michael, move on.

Mr. Selvaggi: Okay, so we're going to go back to Mr. McGroarty's report and I believe he talked about 5.1. Shan, are you with me?

Mr. Fanchiang: Yes.

Mr. Selvaggi: Okay. And we can hear you. Chuck talked about the slopes on the property. Have you had an opportunity to look at the issue he's raised?

Mr. Fanchiang: Yes.

Mr. Selvaggi: And what's your opinion as to whether we intrude on any of those steep slope areas and I'll ask you, since we will probably talk about moving the front yard setback closer to the road, does that help us avoid any intrusion into steep slope areas?

Mr. Fanchiang: For that, I respect...I don't see any difference.

Mr. Selvaggi: Okay.

Mr. Fanchiang: Because...

Mr. Scapicchio: Michael, did he say he doesn't see any difference?

Mr. Selvaggi: Yes, whether the home is at the...proposed front yard setback or if we move it closer, but what about...what about the steep slopes on these lots identified by Mr. McGroarty.

Mr. Fanchiang: Yes, that's also reflected in one of the plans that we submitted. I wish to share screen again.

Mr. Selvaggi: Okay.

Mr. Fanchiang: This exhibit...can everyone see this?

Mr. Buzak: Yes. Well I can see it.

Mr. Scapicchio: I see it.

Mr. Schaechter: If you're sharing a table, we can see it.

Mr. Fanchiang: Yes, yes, this is the table here. Basically, this summarizes...

Mr. Buzak: Let's mark this...part of the plan...A-2. This is the slope table?

Mr. Fanchiang: Yes, it's a slope table. Okay, you see the most left side column, that's just the proposed lot number, lot identification. And then here the second column is the gross area of each

lot here. And then we're talking about the moderate slope, which is between 15 and 25 percent, and then the steep slope, 25 percent and up. Okay, here you can see...

Mr. McGroarty: I can I interrupt? I'm sorry. Sir, are you using Sheet 13 of Mr. Wunner's plans?

Mr. Fanchiang: Yes.

Mr. McGroarty: Well, table doesn't look like the table I see on Sheet 13.

Mr. Fanchiang: No, this is...this is...this is a table to summarize, to put everything together, that's not...just the essentially same thing as what presented on Sheet 13.

Mr. Selvaggi: But it's not on Sheet 13, you took the information...

Mr. Fanchiang: This is an exhibit I created.

Mr. Selvaggi: Okay.

Mr. McGroarty: Okay.

Mr. Fanchiang: It's not one of the tables shown on Sheet 13. So, let's go back here each lot area proposed, proposed lot area is shown on the second column from the left and then we have the moderate slope and as you can see, there are 4 lots without any moderate slope. Another 4 lots here, that Mr. McGroarty mentioned and their area shown here, and you can compare with the steep slope of the moderate slope area versus the entire lot area. They are relatively small and then for the steep slope, 25 percent and up is even less. Okay, so then let's see the net lot area I mentioned here is what the developable area. So that's the gross lot area, which is the entire lot area created minus 50 percent of the moderate slope wherever the lot has. And then minus 100 percent of top of the steep slope. Then you will get to the net lot area, which is developable area as on this column. And then we calculated the allowable lot coverage impervious surface...inaudible...the net lot area 30 percent of that. And as you can see, this remaining area that can be developed and now we're just taking the extreme situation shown on Exhibit A-1 that grading plan, those houses we take largest footprint of those propose...inaudible...which is about...2,021 square feet, and we take the longest driveway, the driveway is impervious area...sum it up 3,921 square feet of this impervious area. And you...you can this impervious surface compare with...inaudible...lot coverage. So my conclusion is that we have enough room for the proposed development.

Mr. McGroarty: You know what? I wasn't trying to. This is a relatively straightforward issue. This is not a question of net lot area. So your analysis is fine, but that's not the issue. And it's not a big deal. But it has to be, at least on the record. Our ordinance says you cannot disturb any steep slopes. So on 3 lots, there are very small areas, but 3 areas are being disturbed. It has nothing to do with calculating net lot area. It just simply 704, 705, and 709 because of the design will disturb steep slopes. And so that's the relief you're looking at.

Mr. Fanchiang: I'm sorry. I believe the ordinance says that the steep slope can be disturbed for the road with driveways. I believe...

Mr. McGroarty: That's not the road...it's not that...we can move on, no reason to belabor it. You're disturbing steep slopes on 3 lots. That's really the long and short of it.

Mr. Selvaggi: All right. Thank you, Mr. McGroarty. With respect to the delineation, particularly of the freshwater wetlands area is showing you can shut that down. And this is perhaps maybe a better question for Mr. Buckley. Would you have any objection to delineating particularly the wetlands area with a split rail fence, which I think is perhaps more attractive and certainly more durable than any other method to make sure nobody intrudes into that area?

Mr. Buckley: Into the buffer area?

Mr. Selvaggi: Yes.

Mr. Buckley: I don't have a problem with that.

Mr. Selvaggi: Okay. And Mr. McGroarty I think that's an acceptable...

Mr. Scapicchio: So, Michael, hold on a second. So the recommendation would be a split rail that would buffer the wetlands area rather than landscaping or trees?

Mr. Selvaggi: I...I...you know, it's...it's a more durable approach.

Mr. Scapicchio: You know, it doesn't matter to me. I'm just trying to get some notes here.

Mr. Selvaggi: That's what we would propose.

Mr. Scapicchio: Thank you.

Mr. Buckley: Trees can be cut. I think a fence, makes a statement.

Mr. Selvaggi: And Shan, moving on to Chuck's comment, the 5.5 about that outflow coming from the basin of the cul-de-sac and being directed on the neighboring lot. I mean, is there anything...can that water be diverted to the rear of the property into that freshwater wetland area?

Mr. Fanchiang: We don't think that's feasible, because if you change the direction of that on a pipe to make it to the left, then you are against the existing slope, because as you go further west toward the rear, off the property, the slope elevation going up and that pipe need to be...inaudible... meaning that it has to go downward. It's not upward. So for that respect, we don't...we don't think it's doable to change the direction.

Mr. McGroarty: We had another application recently, the Board did, it was a commercial property, same situation where an emergency spillway was going to go to an adjacent lot. And we pointed out the same concerns and it was reengineered to work so that went elsewhere on the site. Again, I'm just...I don't know if the testimony is they'll never be any ponding on the adjacent lot, but there's a fence there now. And if water collects there, it could damage the fence it cause ponding on their property, which I think would be unfortunate. So I don't know if there's...why there's some way that that can't be reengineered to direct the water somewhere else out of this tract of land.

Mr. Fanchiang: I have testified that this detention basin...you know...underneath the...inaudible...is large enough to retain the entire two...inaudible...will be completely contained. There will be no flow out for the big storm in about 100 years. Yes, there will be after you...through the basin and there will be some flow coming out. And that flow compared to what's existing now is rather small. So, yes, it is concentrated since you piped it, but the amount of flow will be drastically reduced...stormwater management regulations.

Mr. McGroarty: I've seen this before. I have one right now. There's one on Flanders-Netcong Road where this kind of arrangement is causing...it just causes problems. Years and years after the development is built. The Board can decide what you feel is best.

Mr. Buzak: And if I might chime in, I don't disagree with what McGroarty said, and I would strongly urge either Mr. Selvaggi or his engineer or ultimately the Board to not allow that kind of discharge onto another person's lot. Because while I think we as a Board and as a township will continue to be protected from any claims of damage as a result of that. It remains that if we approve this subdivision, that's going to be the answer that is going to be given when a neighbor complains about this and whoever whether it's the homeowners association, which I guess would be maintaining this, is going to say well the township approved this. And as Chuck intimated, this is going to come right back to the township's lap. And I generally take the position in these kinds of matters where if you want to discharge...direct the discharge onto an adjacent property, you need to get an easement from that individual to allow that discharge. Absent that, it has not...inaudible...this Board should not approve that.

Mr. Scapicchio: Michael, your thoughts?

Mr. Schaechter: I was going to say, can we hear from our engineer on this?

Mr. Vreeland: I haven't...I haven't fully in great detail looked at the possibility of moving it... you know...just looking at the plan. There could be an opportunity to shift it a little bit I think. They do have an issue with the wetlands buffer there and what they'll be allowed to disturb in that corner. But I think the...it would be wise for the applicant to take a more detailed look at the possibility of maybe realigning that pipe and having a discharge in a different direction or discharge of more within the property and further away from the property.

Mr. McGroarty: And, Mike, that easement is coming through the wetland buffer now. Right?

Mr. Vreeland: Yes, yes, it is...the wetlands buffer.

Mr. Scapicchio: Thank you, Mike. Michael?

Mr. Selvaggi: I mean, look, we'll...besides and I understand what Mr. Buzak is saying about trying to avoid it, I guess the question is, is the approach that's proposed, not permitted under the storm water management rule...regs?

Mr. Scapicchio: I can't answer that. Chuck?

Mr. Buzak: Well, I'm not sure that that's the question. Mr. Chairman, this is a property rights issue, as I see it. That is the limit. And there may be a stormwater management issue as well,

obviously, because it releases stormwater management. But I think my concern and I think Mr. McGroarty's concern is the direct discharge onto another person's property. I will not pretend to be an expert in the stormwater management regulations with the DEP or even of the township ordinance related to it. But I feel comfortable saying that a Board should not be approving a Stormwater Management Plan that directs the discharge from one property onto another property without having the contributing property obtain an easement over the receiving property and...I...that's my advice to the Board. I can't say anything more.

Mr. Scapicchio: Thank you.

Mr. Schaechter: You know, I look at this and we have 2 very smart engineers that are participating in the Zoom call. And there's conflicting commentary here. I think...you know...as a Board, we have to go with what our professional say. And if Mike says...you know...you guys need to relook at where it's going, you guys need to relook at it. I mean, I think that makes sense.

Mr. Scapicchio: Mike Vreeland, is that your position?

Mr. Vreeland: I think there could be an opportunity to soften the direct discharge and potentially provide something with an overflow grade that may allow the water to discharge more within the property and send in different direction rather than...you know...piping it right to the edge of the property line.

Mr. Scapicchio: Thank you. Michael Selvaggi, can you work on that?

Mr. Selvaggi: Yes, I mean, we'll work on it. That's...that's fine.

Mr. Scapicchio: Thank you.

Mr. Selvaggi: All right, the...

Mr. Scapicchio: I think I need to give the public an opportunity here?

Mr. Selvaggi: Yes, hold on. I'm not sure if we...the question about the sidewalk, Shan, I mean Mr. McGroarty's comment about practical difficulty, assuming we were entitled to move these the dwellings closer to the road, the underground utilities...you know...the proposed obviously the sidewalk also helps with stormwater management. If we don't have it, it's less coverage. I mean, are there practical difficulties with the installation of the sidewalk here, even on one side?

Mr. Fanchiang: Inaudible.

Mr. Scapicchio: What did he say?

Mr. Selvaggi: Can't hear you.

Ms. Natafalusy: What did he say?

Mr. Fanchiang: No, I mean, it can be done.

Mr. Selvaggi: All right. What and then a light, another light on the...within the project, I guess, Sam maybe that's a question for you. If it matters?

Mr. Schaechter: Can we go back to the sidewalk, because I'm a little confused. We're doing it on one side of the cul-de-sac and not on the other side?

Mr. McGroarty: Brian, the reason why I am not advocating for the sidewalk, I'm simply saying that is what the residential site improvement standards require. And if there is a waiver to be granted, that's the criteria RSIS created, not me.

Mr. Schaechter: So what I'm saying...

Mr. McGroarty: On one side. Yes. They say in this type of road, low intensity road sidewalk on one side, yes, minimum. I mean, they can put them on both sides. But the RSIS has called for a sidewalk on one side.

Mr. Schaechter: So where do you make the delineation of what side is the side? You take the property and just split in half. So you have an ugly sidewalk that goes nowhere on one side and or do you loop the hole...it's a cul-de-sac.

Mr. McGroarty: I understand the question, it's not directed to me, it's directed to the people who put together the RSIS standards.

Mr. Schaechter: Well, can we give them a waiver on that because it sounds ridiculous and they don't look right when you do this. They have no use and it creates a maintenance issue moving forward.

Mr. Buckley: And it's more impervious coverage.

Mr. Schaechter: And it's more impervious coverage.

Mr. Fanchiang: And the Main Road has no sidewalk.

Mr. McGroarty: Again, that's...RSIS does not ask you to evaluate the context of the neighborhood.

Inaudible

Mr. Schaechter: So, Chuck, the question is, can we give them a waiver for that?

Mr. McGroarty: I would direct you to my comments, 5.11. That's the criteria you have to meet. If they meet that to your satisfaction. The answer would be yes. And then you will put that in a statement, and that will be provided to RSIS at some point.

Mr. Selvaggi: Yes, obviously...you know...the practical difficulties may not be putting in the sidewalks. Practical difficulty is the design of the storm water system by adding that additional...that's where the difficulty becomes. And if we're going to try to redirect or soften that that outflow to that neighboring property, less, less coverage is always is always a better approach.

Mr. Schaechter: You know, again, I go back to sidewalks to nowhere are nothing but an issue. And maybe it's just one of these rules or laws that were passed that are just ridiculous and blanket things, but...you know...if that's what we need to do, having a sidewalk that becomes a maintenance issue that's not connected to anything serves the public no purpose, zero.

Mr. Buckley: Can we ask for a waiver on that?

Mr. Selvaggi: Well, we did...you know...so we'll...our request for the waiver stands. We'll continue to do that. As a practical matter, all of the storm water management systems, even in the cul-de-sac, and we figure out that outflow...the homeowners association will take care of it. We won't ask the town to come in for just one portion of it. And I think with that, Mr. McGroarty's other comments will be more for Ms. Caldwell.

Mr. Schaechter: Hey, Michael, quickly, who's going to maintain the road?

Mr. Selvaggi: Well, that would be we would probably under the...inaudible...you know...even though there's a homeowners association, we would turn that over unless the town wanted to...you know...not do it and offer some contribution for whatever the cost to them would be to allow us to do the roads.

Mr. Schaechter: Well, all I'm saying is if the town's going to maintain the road, the town should maintain the sewer going into the basin.

Mr. Selvaggi: If it that's...that's fine.

Mr. McGroarty: Right, it's a different kind of thing, it's not it's not going in and cleaning out a basin, it's going in and cleaning out these systems, so.

Mr. Buzak: I'm sorry, I'm a little confused here and maybe everyone can unconfuse me.

Mr. Schaechter: So I mean...

Mr. Buzak: The situation. I'm sorry, Brian, I get the situation with regard to who's going to maintain the basin and you're going to create a homeowners association that will do that...

Mr. McGroarty: It was not a basin. It was not a basin. These are subsurface, and Mike will describe it...you know...Mike can describe it for us. But the town, the Public Works Department would have to go in and clean these things out. The set of these are containers subsurface. There's no basin in the conventional sense of this development. It would have to be cleaned out with the sediment and debris, get collected subsurface. It has to be used. You have to vacuum it out or use the jet system to blow it out or whatever has to be done, I believe, twice a year. And if it's not done properly, there'll be problems. So this is not your traditional basin where the water collects and then...

Mr. Buzak: Was that the proposal that the homeowners association was going to maintain that? Did I misunderstand that representation?

Mr. McGroarty: You did not misunderstand that was represented that they would. Yes.

Mr. Buzak: Okay, and now what? I assumed that this was going to be a public road. You know, a public street, it would be dedicated to the township and the township plow it. And we talked about that. Now, all of a sudden, there seems to be a thought that this is a private road that's going to be maintained by the homeowners association. And again, either I'm misunderstanding what's going on or I am understanding and I didn't get that from the application.

Mr. Selvaggi: We intend to dedicate it to the town. I mean, that was our intention all along.

Mr. McGroarty: The road, but the question is the system which is under the cul-de-sac, and then there's another part of that stormwater management system, which is on Lot 7.09, which the association own. They'll own the lot. They'll maintain the lot. At least if I understand testimony...

Mr. Selvaggi: Yes.

Mr. McGroarty: ...and they'll take care of the system which is underground there. So the question is, would they do likewise for this part...for the portion of the system which is actually sitting within the road, underneath the road, that is, since they bring in a company that does this stuff.

Mr. Buckley: The answer is yes. The entire system.

Mr. McGroarty: Mr. Buckley saying, yes.

Mr. Selvaggi: Yes.

Mr. McGroarty: The town will have the road, but they'll take care of the system underneath the road.

Mr. Buzak: Well, that's it. I mean, that sounds very attractive from the townships position. I sort of get that and maybe even practically for the reasons that you gave Chuck. But...you know...I think there's somewhat unusual situation where you have a private entity being responsible for an improvement that's in the public right away. And...you know...I mean, typically, I again, I recognize perhaps the inefficiency of it, but typically the demarcation is who owns what? And if it's privately owned, the municipality does not maintain it. And if it's publicly owned, the municipality maintains it. Again, I'm just not sure we're making...either I'm missing a whole lot here or we're making this into some kind of unique situation when while we haven't had...you know...subdivisions in a while these things are pretty standard kinds of things. You build a road, you put lots on the road. The roads are owned by the municipality. All the improvements that are in that road, the...you know...stormwater system, the sewer lines, the water lines are only maintained by the municipality. The other utility lines are maintained by those utility companies. Anything on private property is maintained by somebody else. Here it's appropriately a homeowners association. And...you know...and that's it. I don't know if we...making this into something more than it is. Or again, I'm just 5 minutes behind everybody else. That was rhetorical...

Mr. Scapicchio: I don't think you're 5 minutes behind everyone else.

Inaudible

Mr. McGroarty: If the town has to maintain it, then the town has to maintain it. It's like typically in the past, we've not seen these kind of systems underneath the...in the right of way.

Mr. Buzak: Understood.

Mr. McGroarty: Your point is otherwise that they might have to be easements and all that to gain access to it because it's in the town right of way. Ed, if you're saying to the Board, despite the generous offer from and I mean that sincerely from the applicant to take to being responsible for the portion in the street, if the town has to do it, the town has to do it.

Mr. Buzak: And that would be my recommendation. Thank you.

Mr. Scapicchio: Thank you. Michael?

Mr. Selvaggi: Okay, I believe with that we're concluded. Obviously, Shan can be questioned. And I know the public may have questions as well.

Mr. Scapicchio: Yes. So let's open it up to the public because I'm not sure whether we gave them a full and complete opportunity to ask questions. But let's open it up again. And I see one hand raised, Chuck?

Mr. McGroarty: Yes. And I'm not going to demote anyone after this. Right? And let me see if we do this right. And I think we have Sandra...

Inaudible

Mr. McGroarty: Sandra, you're on? Do you have the video?

Ms. Albertson: Are you going to be able to hear me?

Mr. Selvaggi: Yes.

Mr. McGroarty: Yes, we can hear you. You're on your phone, right?

Ms. Albertson: Should I call back in? I'll call back in.

Mr. McGroarty: We can hear you.

Ms. Albertson: Can you hear me?

Mr. Selvaggi: Yes.

Mr. McGroarty: Yes.

Ms. Albertson: I don't think they can. Well we're going to call in. Hold on.

Mr. McGroarty: No, no, don't...stay right there. Don't go away.

Mr. Buzak: I wonder if they can't hear us.

Mr. McGroarty: I'm going to call her. What a night.

Mr. Scapicchio: We should actually consider moving forward, going to the building...

Mr. Schaechter: September. Open that building up.

Mr. Scapicchio: Can we take a 60 second break until Chuck gets them online?

Mr. Selvaggi: Yes, that's fine.

Mr. Scapicchio: Thank you.

Break 9:39 pm
Reconvene 9:43 pm

Mr. Scapicchio: Okay, so Chuck, I opened it up to the public. I see Sandra is here.

Mr. McGroarty: Yes.

Mr. Scapicchio: And there was somebody else who had their hand up as well, but I don't see it now.

Mr. McGroarty: All right. Well, we'll check that again as soon as...

Mr. Scapicchio: Okay, Sandra? You can ask questions based on the conversation that went on over the past few minutes.

Ms. Albertson: Yes, well, I have some comments, if that's appropriate now to be able to ask them?

Mr. Scapicchio: How many comments do you have?

Ms. Albertson: About 25...no, I have...

Mr. Scapicchio: We usually allow that at the end. But if it's quick, you can go ahead.

Ms. Albertson: Oh, if you want to wait till the end, that's fine. I thought we were at the end.

Mr. Scapicchio: No, we're not. No, we're not at the end.

Ms. Albertson: Okay, then I will wait.

Mr. Scapicchio: Stay on board.

Ms. Albertson: I will.

Mr. McGroarty: Click on mute, but just stay there. Mr. Chairman, I don't see any other hands.

Mr. Scapicchio: I don't either. And I only see 4 attendees.

Mr. McGroarty: Right.

Mr. Scapicchio: Michael Selvaggi?

Mr. Selvaggi: Okay.

Mr. Scapicchio: Where are you? I don't see you...oh, there you are.

Mr. Selvaggi: If no one has any questions for Shan, I'd then like to have Ms. Caldwell sworn and she to take us through the planning testimony. She wasn't available at the beginning, so she was not put under oath yet.

Mr. Scapicchio: Okay, Ed, you want to square in.

Jessica Caldwell was sworn in for the record.

Ms. Caldwell: Jessica Caldwell, C A L D W E L L, 145 Spring Street, Suite E, Newton, New Jersey.

Mr. Buzak: Thank you very much. Mr. Selvaggi.

Mr. Selvaggi: Yes, Ms. Caldwell, you've testified numerous times in front of this Board, correct?

Ms. Caldwell: Yes, I have.

Mr. Selvaggi: And you've been accepted as a planner and I'm assuming you're planning license is still in full force and effect.

Ms. Caldwell: Yes.

Mr. Selvaggi: All right, Mr. Chairman and Mr. Buzak, I'd just like to avoid having to go through the Board there.

Mr. Scapicchio: We accept her.

Mr. Selvaggi: Okay.

Ms. Caldwell: Thank you.

Mr. Selvaggi: Jess, let's start first...you know...with the variance on the existing home that that front yard and then we'll shift over. And I'd like your opinion as to Mr. McGroarty's suggestion about moving the homes forward.

Ms. Caldwell: Sure. So I proposed Lot 7.01, which should be the lot that would retain the existing house along Main Road, there is a requirement to dedicate a 33 foot wide strip of right of way as many old lots went out into to the right of way and right of way wasn't dedicated at the time, obviously, that the house was constructed and now that there's an application, we're required to dedicate this right of way. What that does is that it creates a non-conforming front yard setback of 20.8 feet. There is still approximately 42 feet to the edge of the existing roadway. As far as I know, there's no planned expansion of the right of way from the street. Everything will look the same and nothing will be impacted in the neighborhood in terms of the change. But it is a change in the line, which creates is essentially a tactical variance but it's also a classic c1 hardship and that the house is located where it's located. And it would be obviously a hardship to move the house in order to dedicate the appropriate right of way and still retain the required front yard back. And because of the location... existing location of the house...has been there for many, many years. Obviously we don't see there's any negative impacts to the neighborhood.

Mr. Selvaggi: And I'm assuming compliance with the town's requirements to dedicate a roadway would also...you know...make a case that we're not...we're complying with the township ordinance so that under the negative criteria is a positive in our favor, correct?

Ms. Caldwell: Correct. We're complying with obviously potential future safety for the community with that roadway and having the proper right of way is the positive for the community at large as well.

Mr. Selvaggi: Okay. Now, originally, that was what you were going to testify to and Mr. McGroarty has put out his report. You've had an opportunity to review that report, did you not?

Ms. Caldwell: Yes I did.

Mr. Selvaggi: And what's your opinion with respect to the suggestion that perhaps the building envelopes be moved closer to the proposed cul-de-sac road?

Ms. Caldwell: So, I think Mr. McGroarty raised some really good points. I wouldn't say that it's uncommon in this day and age when subdivisions occur, because now there are, of course, almost lots of things like wetlands and buffers. Oftentimes these need to get put into conservation easements. We have more requirements for stormwater management and the like. And while the subdivision except where the variance I just testified to is completely conforming, there is these issues that come up where some of these lots have wetlands, habitat, tree conservation issues, drainage, utilities and other things, that it creates difficulty potentially in the future for homeowners in order to utilize their rear yard. And we have a unique situation in this area where you do have many homes that are closer to the road within the neighborhood and this old Flanders district. So wouldn't be uncommon to have these residential homes in this proposed subdivision to say something around 25 feet as a front yard setback and add an additional 15 feet to the rear yards. And you would want to keep it uniform because it is one cul-de-sac subdivision. It would make sense that if you apply it for some of the rear lots that he mentioned are 7.06, 7.07, 7.08 creating issues on those lots. It wouldn't really make sense from a planning perspective to only move the front yard set on those lots. So, to keep it uniform throughout the subdivision, I think also makes good planning sense. So, I think some of the positives that we're looking at, we're looking at a c2 flexible c variance and is also a variance that presents a better planning alternative. And that's the Kaufmann v. Planning Board in Warren Township case, is that if the proposal advances purposes of the municipal land use law and the benefits outweigh

the...inaudible...and presents a better planning alternative, the variances can be granted. So with respect to the benefit side, I would say it reduces the need for potential future variances on these lots where homeowners would be looking to put decks and pools and be able to utilize their rear yards. It puts all the homes in a similar location to adjacent homes in the neighborhood and creates that increased uniformity and also pulls the proposed homes away from adjacent property lines. So keeping them a little bit further away from adjacent properties that are sort of used to having additional development...not having additional development nearby and then also potentially provide some more room for tree preservation and the rear of those lots. So I believe for all those reasons that would promote the general welfare purpose, I think those reasons are aren't related to the applicant that are related to the community at large. Also purpose I to promote better visual environment in terms of keeping this neighborhood proposed more in keeping with the surrounding historic neighborhood. I don't see any negative impacts. As you know, reducing the front yards is really the impact is just within that initial subdivision. And I don't think there are negatives from a 25 foot to a 40 foot front yard. And it obviously has those benefits of having that greater rear yard outweighs any potential for negative impacts. And again, I think it's a very unique situation where would negatively impact some part of the master plan. We also have some diagonal lot lines and things like that that create this situation. So I agree with your planner, I think it's a better planning alternative, and I'd be happy to take any questions from the Board.

Mr. Scapicchio: Anybody have any questions for Jessica? Anybody from the public have any questions for Jessica, the planner? Chuck, I don't see any hands raised, do you?

Mr. McGroarty: No, I don't know, and I I'm looking at Sandra. She's muted, but she's not raising her hand or if you can hear me...I imagine she's not...I don't see anyone, Mr. Chairman, raising her.

Mr. Scapicchio: Okay. All right, Michael, you want to continue?

Mr. Selvaggi: Well, I mean, look, we at this point, I believe we've addressed the concerns of your planner, your engineer to the extent...as well as your traffic consultant. I apologize, Mr. Lublanecki. We would amend the application to move the building envelopes closer, as Mr. McGroarty recommended. And Mr. Caldwell has as justified. You know...there were certain other things we agreed to the additional light on along the street. We would certainly agree to work with your engineer to either redirect or so certainly take that direct flow from the detention facility at the end of the cul-de-sac on to that adjacent lot so we can soften that or redirected to your engineer satisfaction. I mean...there were obviously other conditions, but up until we moved the building envelopes, this was a fully conforming. That said, I think the comments from Mr. McGroarty are well taken. I think there's justification. And look, as Mr. Buzak pointed out, if you guys...the majority of you disagree with that. We'll just go back to the application as originally proposed.

Mr. Scapicchio: Understood. Michael, thank you for that. Okay, I guess at this point, any Board Members have any questions, comments or thoughts? Being done. Open to the public.

Mr. McGroarty: Let's go to Sandra because...

Mr. Scapicchio: Sandra, where are you? There you are. You're at the bottom left corner.

Mr. McGroarty: There you go. All right. Unmute please....there you go.

Mr. Albertson: I did.

Mr. Scapicchio: Sandra, the floor is yours.

Ms. Albertson: Okay. My name is Sandra Albertson. I live at 36 Main Street. I've been in here for 33 years. I just went through the variance process, Chuck can attest. And one of the things that Howie Weiss had mentioned at...inaudible...which was that the objective of the Planning Board is to determine the hardship or need of an applicant. Now, in my opinion, this is neither. This is just basically greed. You have a person that says they have an affinity for a home. And the natural conclusion is we're going to build 8 more of these homes. I have a lot of objection...a lot of concerns, let me say, and objections to this. The first of them being the traffic over the last 33 years. We should have seen a dramatic increase in traffic down Main Street. When Siemens was opened up, they're going from 206 and crossing over to get the Siemens through Main Street. And that has been a big problem. Since there's really no stop signs or anything. The landscaping use that to get from wherever to 206. Speed limit, 30 miles an hour is a joke. You haven't lived until you've seen a car go 50, 60 miles an hour over the railroad tracks. I know because I live right next to them. Another problem that Mary Ann Feola had mentioned...we're having a big problem with water pressure. There are many times when we don't have water, we've called the Water Department, can't get any resolution. So that's a problem. Another concern of mine is the runoff from the street. When we have big rains, the runoff, and you go back to where Mr. Buckley's property is a budding our property, it is mush. Mosquitoes there, that's a concern. Another thing is that we...inaudible...the intersection of Park Avenue and Main Street is a disaster. Now, we're going to be having another access right there by the...that we have to contend with. That is a concern of mine. So, I mean, these, I think, are all important. I mean, listening to what everyone is saying, and it sounds to me like this is...we're talking about sidewalks that don't go anywhere and cleaning the basins. It sounds like this is a done deal. And my question to you is, is it? And how are you going to address these concerns that we have?

Mr. Scapicchio: Sandra, it's not a done deal until the vote is taken.

Ms. Albertson: Okay.

Mr. Scapicchio: And the applicant just about fully complies with all of the ordinances, and they're not allowed to dump water on somebody else's property, if there is, then we have an issue with that. And mosquitoes, they're everywhere. We can't deny an application because there may be more mosquitoes.

Ms. Albertson: How about the traffic. I mean, what...what is the resolution on the...

Mr. Scapicchio: That's not that's not a problem for the applicant. That's a problem for the township.

Ms. Albertson: You're going...

Mr. Scapicchio: Infrastructure is a problem for the township. I mean, if the road can't handle it, the township needs to do something. We can't penalize the developer because of that.

Ms. Albertson: Okay.

Mr. Scapicchio: Anything else?

Ms. Albertson: Nope, that's it.

Mr. Scapicchio: Thank you.

Ms. Albertson: Okay, thank you.

Mr. Scapicchio: All right, Chuck. I don't see anybody else with their hands up, do you?

Mr. McGroarty: I do not.

Inaudible

Mr. Scapicchio: I'm sorry. What did I hear?

Mr. McGroarty: I don't know. Did someone say something?

Mr. Scapicchio: All right, Ed, how should we proceed here? I have some notes, and I'm sure you do as well. Should I go through the notes that I have real quick?

Mr. Buzak: Yes, in one second, Mr. Chairman. I think I'd like to just sort of set the scene here and then we can go from there.

Mr. Scapicchio: Thank you.

Mr. Buzak: This is an application only for a preliminary subdivision approval, somewhat unusual, not only because we haven't seen subdivisions, as Mr. Selvaggi mentioned himself for several years, but because they're only seeking preliminary. They will come back before this for final approval, which will allow them to actually begin construction and so forth. So that's number one. They're only seeking preliminary approval. Secondly, we have the two variances, one related to the house on the existing house on one of the new lots and the second one for the setback of 25 feet for the balance of the residential building lots. The Board could if they...if they to desire look at the variances, particularly the second one, the 25 foot front...separately. In other words, you could vote separately on that and continue with the application on preliminary approval with the variance...inaudible...the house that is there. Or we can throw in one package. I just throw that out there. I'd hate to see a negative vote on the overall application solely on the basis that there was opposition to the 25 foot setback. So maybe we should handle that separately, but I'll leave that to the Board...to the Chairman and Board to deal with. Now, Mr. Chairman, why don't you go forth with your notes and then I'll supplement whatever you have in any of the Board Members can do the same.

Mr. Scapicchio: Okay. We're going to grant or the proposed proposal is to grant the waiver for sidewalks. My understanding is that they agreed to comply with Mr. Vreeland's recommendations in his report. We grant design waiver for curbing. I thought I heard them accept Lublanecki's memo dated July 14, 2021. Delineate the wetlands with a split rail fence. Move the homes to within 25 feet of front yard setback and we will deal with that separately, Ed, as you recommended. One additional

street light. And they're going to redirect the flow of the detention basin away from the neighbor's property. That's all I have, Ed.

Mr. Buzak: Okay. Well, that's...I believe that's what most of those. Well, let me add... Chuck, go ahead.

Mr. McGroarty: Let me add. Yes. I wanted to ask I don't know if we ever got a decision or how you want to handle the question I raised about limit of clearing on lots. It is...is there...but where it says limit of clearing, or is that a commitment to say that that is the limit of clearing and it will be covered by a conservation easement or not?

Mr. Buzak: Well, I had that item, Chuck, just as the limit of disturbance. You call it limit of clearing and I think that's more accurate. And I just wrote to be delineated to the satisfaction of the township engineer and I put conservation easement or some other mechanism. Is that what you were thinking?

Mr. McGroarty: Well, I don't know if it's some other mechanism. Yes, that's what I'm thinking. But if you...if the Board is going to impose that is a limit of clearing, then I think you have to make it a conservation easement. I mean, I'm not stepping in your shoes here, Ed. You're the attorney. You'll tell us. But there has to be some restriction on there that's enforceable. Otherwise don't put anything because it'll be...you know...anything short of a conservation easement, I don't see how it's enforceable and it will only create problems later for the town and for the homeowners. So if that limit of clearing is just a sort of conceptual idea for the subdivision plans and the Board is satisfied that at some point those trees may be removed, depending on the homeowner, then fine. But if you want to keep it as a limit of clearing, I suggest you lock it in with an easement.

Mr. Buzak: Okay.

Mr. McGroarty: And the conservation easement should be granted, I guess, to the township or to some entity. So that there can be some kind of enforcement on it.

Mr. Buzak: And I think would be the township and I agree with that, Chuck. I'm sorry. Do you have any other items, Chuck, before I go through mine?

Mr. McGroarty: The will serve letters...you know...that'll be a condition of approval, that there'll be confirmation from the utilities. The plans will be revised to show the...at least the electric lines, and that'll be underground. You know...again, I don't know if there was any discussion about the, as I mentioned, some of those large trees, if it's possible to preserve them, that can't really be a condition. I just perhaps offer that again. I don't know if...I don't recall any response to that.

Mr. Buzak: I was going to just say that the applicant shall make a good faith effort to preserve 30...inaudible...trees and leave it at that.

Mr. McGroarty: Okay. And the street tree easement again that too, with the town.

Mr. Buzak: Yes.

Mr. McGroarty: Because in the past, we haven't clarified that and it becomes a problem. And by the way, I mean, let me just mention one thing. I didn't go into it, but I think we kind of glossed over it or I did, especially now that the Board will waive the sidewalk requirement. I suggested moving the street trees up into the 11 foot wide right of way on either side of the road to get the trees closer to the street. There are no utilities within those right away boundaries, at least from what I see. All the utilities are under the street itself, just a way of getting the trees a little bit closer to the street within a 10 foot or 11 foot easement, let's call it, or actually be within the right of way. So that, I think, would be in some ways even better if the trees can be planted within the 11 foot right of way on either side of the road. And the town will have...and there's probably still should be a treatment for it, but I think it'll probably serve everybody better and it'll get off people's front lawns, frankly.

Mr. Schaechter: Chuck, who's responsible for these trees, if a storm comes in and knocked them down, does that become part of the tree fund for replacement?

Mr. McGroarty: Well, that's a good question. And a lot of developed are...not a lot...there's a couple of developments where homeowners have taken those trees down. And I don't know, I've tried to find out if there's any mechanism to do anything about it and we haven't been successful. So I think in this case, it's good to be talking about it like this now because we can say it'll be a street tree easement. The town will have the easement whether the town replaces it out of the tree fund or which by the way I guess this developer will contribute to the tree fund in lieu of planting trees or the association will do it. But I think it's a good question because this is the time to really try and figure that out.

Mr. Scapicchio: I actually think the township should take responsibility for it.

Mr. Buzak: I think the idea...if we're going to have an easement...street tree easement...that would be granted to the township once the original plantings are done, I think that would make sense to the township...Chuck?

Mr. McGroarty: I agree, and I think especially if the developer is contributing to the tree fund...you know...in lieu of planting trees. And I don't think...that's another thing...we haven't really...you haven't decided how much I mean, at 1,100 trees. We're probably not looking at what the Board has done on other occasions to sort of cap the contribution at a certain point.

Mr. Buzak: Or we can do...because this is just preliminary approval, we can indicate that it's a contributory...inaudible...the contribution to the tree replacement fund when planting the trees to be determined at the time of final approval.

Mr. Selvaggi: Yes, I think that's a good suggestion because this will enable us to revise the plans, figure out where we are with all these easements, figure out if there's perhaps additional opportunities to plan on...within the project and wrap that up or finalize it when we come back in for final.

Mr. Scapicchio: Thank you, Michael.

Mr. Nelsen: Mr. Chairman? I have a couple of questions.

Mr. Scapicchio: Go ahead, Dan.

Mr. Nelsen: Regarding the 25 foot setback. Is that is that going to apply to all of the lots, some of the lots, or is that to the applicant's discretion?

Mr. Buzak: I think it was...if I might...I think it all of the building lots and the lots that will have houses on them, except for the existing house...that lot...all the other lots that will have houses on them will obtain the 25 foot front yard variance.

Mr. Nelsen: Okay. And then just to go back, one more step to the system underneath the cul-de-sac, who's going to maintain that?

Mr. Buzak: Anything I think in the public right of way, the township will maintain anything outside the of the public right of way.

Mr. Nelsen: So that would be the township that would maintain that.

Mr. Buzak: Exactly.

Mr. Nelsen: Do we have anything else like that in the town?

Mr. McGroarty: There's no other residential development with a storm system like this, which I think Mike can tell us. I think this is a rather new approach under the stormwater regs. But there's a couple of private places. CVS's is one that has a system like this, I believe, but no other resident...Mike Vreeland, correct me if I'm wrong.

Mr. Vreeland: Yes, I'm not aware of any other ones, Chuck.

Mr. Nelsen: And does the township or CVS themselves maintain theirs?

Mr. McGroarty: Well CVS maintains theirs. I believe. The town has to report on it, but I'm...

Mr. Vreeland: Yes, but I mean, that's a private system on a private piece of property. So that would be the responsibility of the property owner to maintain it and provide reports indicating that maintenance is being done.

Mr. Schaechter: So Dan, I could help answer you. In like Flanders Crossing the streets belong to the town. The town maintains the sewers and the pipes leading into the retention basins. Flanders Crossing Homeowners Association maintains the basins themselves, and then when it empties out and crosses Flanders-Netcong Road or Flanders-Bartley Road, the town takes it over from there. So it's kind of a mixed system like this is. But...you know...there's a lot of times where the sewer grates will fall down and the town has to repair that or the sewer boxes collapse and the town has to maintain that then especially since they pave the roads.

Mr. Nelsen: And that's what I'm thinking. I'm not familiar with a system like this. And I'm just wondering, is that something within the township workers to get actually under the cul-de-sac and maintain it? Actually go in there...

Mr. Vreeland: Yes. The way this system is set up, you have your typical drainage inlet and then from that inlet, it goes into a filter and then from the filter, it goes into those dry wells which are represented by the circles and infiltrates into the ground. So in theory, the primary maintenance obligation would be making sure that those filters are regularly maintained and cleaned out. And looking at the plan, it looks like the system at the cul-de-sac, the filter is probably outside the...very close to the edge of the right of way, the dry wells that put the water back into the ground are located within the right of way.

Mr. McGroarty: And also we should just point out, just to make it a little more complicated. On the other Lot 7.09, some of those, as you mentioned, make those dry wells, several of them, at least 4 and a portion of the 5th are in the right of way, even though they're on Lot 7.09, they fall within the 50 foot right away. So to Ed's point earlier, while they're not under the paved part way of the street, they're going some portion of that...of those dry wells, about half of them are in the right of way. So, again, Mr. Buckley said the homeowners association did take responsibility for them. Does the town do the 5 in the right of way? How's that going to work?

Mr. Buzak: Well, again...you know...I like to keep things simple, and I think the delineation of...you know...is in the right of way. It's the township's responsibility. If it's not in the right of way, it's the homeowner's association responsibility, is probably the simplest way to answer those questions, because I suspect that we're going to be seeing more of this in the future with the new stormwater regulations...inaudible...

Mr. McGroarty: But I don't know if you can split a system to clean it like this. But Mike would be able to better tell us. I mean, the town would have to go in and clean some of them and not others. I mean...

Mr. Nelsen: And I'm wondering if the cul-de-sac itself would have to have some kind of special reinforcement if people have got to get underneath there to work in there.

Mr. Vreeland: I mean, these things can be designed to be traffic rated and they have access lids on them if you need to get into them. But...you know...just you know, a little bit about the question with the 25 foot setback versus the 40 foot setback, looking at the plans and listening to some of the discussion...reduce reducing that setback, one provides an opportunity maybe to...up the cul-de-sac. If you look at Lot 7.07 where the building is proposed, is proposed with that 41.4 foot setback to the right of way line. And that setback which...inaudible...to a cul-de-sac can be shortened up a little bit and provide a little bit more room...of these stormwater features.

Mr. McGroarty: Another benefit then, the less impervious.

Mr. Vreeland: Less impervious, yes.

Mr. Scapicchio: Okay, any other questions, comments, concerns?

Mr. McGroarty: What do you want to do, Mr. Chairman...what do you about the limit of clearing on lots? Leave it as...

Inaudible

Mr. Scapicchio: No, I think that Ed had some language that I thought was appropriate.

Mr. McGroarty: I mean, I guess the question is, do you want you want to impose that on it or do you to just say on those lots, we'll see what happens?

Mr. Schaechter: We should see what happens. We are already delineating with a picket fence.

Mr. McGroarty: No, no this is different. This is...I'm talking about not the lots that are impacted by the freshwater wetland buffers. I'm talking about the lots on the other side of the cul-de-sac that there's...if you don't have the plans handy, you wouldn't see it. But towards the back, several of these lots, 7.05, 7.04, 7....

Mr. Schaechter: They back up to the woods.

Mr. McGroarty: Yes. And so the line just says limit of clearing. But unless that's...if you're okay with saying look that may change because people may decide, as they frequently do, to clear more of those trees than that's one option or the other option is to say, no, we want to we want to lock those trees in or some portion of that end with an easement.

Mr. Schaechter: Well...you know...I would hate for...I know that a lot of the people in my neighborhood are having a problem with ash...inaudible...and they are taking ash trees down left and right. Is this going to be a problem if there's a disease tree that needs to come down or is hanging over a house or...you know...there's a problem if you take it down.

Mr. McGroarty: No, there's usually exceptions built into conservation easements, dead or diseased, or a threat to public health and safety. They can be taken down. And I'm not advocating to do it, I'm just saying now's the time to decide how you want to handle it.

Mr. Buzak: I thought that we and maybe I misunderstood. I thought we had agreed that we were going to impose a conservation easement on the limits of disturbance for those properties.

Mr. McGroarty: Okay.

Ms. Natafalusy: That what I thought too.

Mr. Buzak: The only other thing, Mr. Chairman, is that we had an incursions of the steep slopes, and that's an exception sometimes called a waiver, but technically an exception as Chuck reminds us all the time...that we would be granting to allow that minimus intrusion into the moderate slope beyond what's in the...inaudible.

Mr. Scapicchio: I'm okay with that. I think the Board Members are as well.

Mr. McGroarty: They're very minor, very minor locations where that occurs.

Mr. Scapicchio: Yes, okay, I guess we're ready for...

Mr. Schaechter: So just to be clear, on the on the drainage, the town is going to maintain the system?

Mr. Buzak: That portion in the right of way.

Mr. Schaechter: Okay.

Mr. Scapicchio: All right, any other comments, real quick. Seeing none.

Mr. Buzak: We had 2 things, Mr. Chairman, you were going to vote just to remind you on the on the 25 foot variance first so a motion for that.

Mr. Scapicchio: Yes, do you want to do the variance first, Ed?

Mr. Buzak: Yes, I would do, yes, to separate them, I would do the 25 foot variance the first.

Mr. Scapicchio: Okay, can I get a motion that we grant the 25 foot variance?

Ms. Natafalusy: I'll make a motion to grant the variance to reduce the front yard setback to 25.

Mr. Scapicchio: Thanks, Catherine. Do we have a second?

Mr. Schaechter: I'll second that.

Mr. Scapicchio: Brian seconded that. Roll call, please Mary.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	Dan Nelsen	Yes
	Paul Ottavina	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes

Mr. Scapicchio: Okay, now can I get a motion that we move preliminary major subdivision for 50 Main Road, Block 5400, Lot 7, with the conditions as outlined by Mr McGroarty, Mr Buzak, and myself.

Mr. Nelsen: I'll make that motion.

Mr. Buzak: And we need to add to that, Mr Chairman, granting the variance...front yard variance for the existing house, which is not...was not included within the 25 feet and the exception for intrusion into the steep slope that was testified to.

Mr. Scapicchio: So noted, Ed. Thank you very much. So we have a motion and we had it seconded.

Mr. McGroarty: Who seconded please.

Mr. Schaechter: No one seconded. I'll second it though.

Mr. Scapicchio: All right. Roll call, please Mary.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	Dan Nelsen	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes

Mr. McGroarty: Mary, how many votes? I lost it with Paul. Do we have 8 votes? Is that what it is?

Ms. Strain: Yes, 8.

Mr. McGroarty: All right. Thank you.

Mr. Scapicchio: All right, Michael, thank you and your applicant, we appreciate your time. Thanks for lost time with technology, but we'll get through it.

Mr. Selvaggi: No, no, that's fine. I appreciate it, guys. Have a good weekend.

Mr. Scapicchio: All right. Get a motion to adjourn

Ms. Natafalusy: So moved.

Mr. Nelsen: Second.

All In Favor: Aye.

Meeting Adjourned at 10:21 pm

Transcribed by: Mary Strain



Signature



Planning Board Meeting date approved