

**TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD**

Public Meeting
Thursday, October 15, 2020 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 October 15, 2020 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: Brian Schaechter, Ken Forlenza, Kim Mott, Catherine Natafalusy, John Mania, Dan Nelsen, Paul Ottavina, John Batsch, Joseph Ouimet, Howie Weiss

Excused: David Scapicchio

Board Professionals in attendance were:

Chuck McGroarty, PP/AICP, Board Planner

Michael Vreeland, PE, Board Engineer (arrived at 8:35pm)

Susan Crawford, Esq. Board Attorney

Edward Buzak, Esq., Board Attorney

Joseph Vuich, PE, Conflict Engineer

Mary Strain, Board Secretary

Mr. Weiss: Well, you're welcome, but we appreciate you stepping in to help us out on this application by members of the Planning Board. If you if you didn't recall, we had a conflict of interest on this, on the first developmental matter. So we passed the Resolution to appoint Joe as our Engineer for this application. So that's... if you're looking at the screen, you're seeing an unfamiliar face, that's Joe. And again, Joe, thanks very much and welcome tonight.

Mr. Vuich: Absolutely. Thank you for having me. It's a pleasure to serve the Board.

Mr. Weiss: We appreciate it.

Mr. McGroarty: It looks like you're serving other things.

Mr. Vuich: I have to hide from my... my three year old daughter, in a room with a closed door. So I'm sitting at my bar tap, but I am not, I am not drinking obviously. They... they are dead taps.

Resolution

PB 2020-2 Mount Olive Planning Board Procedures for Remote Meetings

Mr. Weiss: All right. Well, our first item on the agenda this evening is Resolution PB 2020-2. And this is a Resolution by the Township of Mount Olive Planning Board, to establish procedures for remote meetings. Ed sent us to all kind of a nice and lengthy letter explaining why we've addressed this. Ed, did you want to hit some of the highlights? And then we can certainly move right through the Resolution.

Mr. Buzak: Yes. The emergency regulations that were promulgated by the state, gave no one an opportunity to really react until it was late. So we're doing this as quickly as we can. The Resolution deals with three things. It deals with the manner in which members of the public at these remote meetings can access to documents and materials that would otherwise be available at the meeting, either visibly or actually in hard copy. The second...the second thing, it addresses is the matter in which public comment will be heard by the Board remotely, and I know that when we get to that part of the meeting, in terms of applications, the Chairman will announce the protocol that will be followed and the manner in which a member of the public can remotely ask questions or make comments. And the third portion of it also relates to public comment, but it's... it with the manner in which disruptive members of the public are to be addressed and be handled by the local public body that is conducting the remote meeting. Now... you know...I don't want to jinx us but we've been very successful at not having to worry about or not having anyone attempt to disrupt the meeting. The third party or even a member of the public being disruptive would otherwise be at the meeting.... Inaudible...on an application. But, the... the regulation required a protocol and set forth a protocol all that was to be followed as incorporated in this Resolution. So those are the three things, Mr. Chairman, that are addressed in this Resolution, and we should adopt it so that we're in compliance. Other portions of that memorandum that was unfortunately much lengthier than I have anticipated addresses various other aspects, particularly notice. And we'll be working on that with Mary and Chuck both in the near future and in the longer term in regard to our annual notice of meetings that will be coming up at our reorganization meeting. Thank you, Mr. Chairman.

Mr. Weiss: Okay, inaudible... Thanks for that. So, like we said, pretty self-explanatory. This Resolution is kind of reactionary to what we need to do to be in compliance. I don't know if there's any conversation, any other questions, but let me first see if someone please make a motion to...to push...to pass Resolution PB 2020-2.

Mr. Nelsen: I will make that motion to accept PB 2020-2.

Mr. Weiss: Thank you Dan.

Mr. Schaechter: I'll second it.

Mr. Weiss: Thank you, Brian. Mary, just to confirm the number is correct. 2020-2, correct?

Ms. Strain: Yes.

Mr. Weiss: Okay, that's what I have. Okay, so motions been made and seconded. If anybody has any questions, comments or concerns, let's, let's address them. If not, I don't see anybody. So let's, let's move this quickly. Mary, roll call please.

| | | |
|------------|----------------------|-----|
| Roll Call: | Brian Schaechter | Yes |
| | Ken Forlenza | Yes |
| | Kim Mott | Yes |
| | Catherine Natafalusy | Yes |
| | John Mania | Yes |
| | Dan Nelsen | Yes |
| | Paul Ottavinia | Yes |
| | John Batsch | Yes |
| | Howie Weiss | Yes |

Mr. Weiss: Okay, thank you everybody. That was quick work of that. Let's continue through our agenda.

Extension Request

PB 17-18(2) Chaudhari, Saket, 54 Corey Road, Block 5201, Lot 5

Mr. Weiss: At this point, Dane, I'd like you to bring up Mr. Chaudhari. We're here to discuss the request to extend the variance application PB 17-18(2), which is for Mr. Chaudhari, Saket and inaudible... a request to extend his variance of 54 Corey Road, which is Block 5201, Lot 5. I think it will... Mr. Chaudhari, you're coming up. You'll need to unmute yourself and when we're ready, we'll... we'll get into the extension request.

Mr. Chaudhari: Yes, Sir.

Mr. Weiss: Do you have a video feed tonight?

Mr. Chaudhari: I... Yes, Sir. There you go.

Mr. Weiss: Okay, Mr. Buzak, do we still assume that Mr. Chaudhari, is still under oath from last time or should we inaudible... bring him back under oath?

Mr. Buzak: I think Mr. Chaudhari, just you are... continue to be under oath in the last hearing that we had... 30 days ago...

Mr. Chaudhari: Yes, sir.

Mr. Weiss: Ok, so you're back in front of us. I know you're asking to extend your variance, but let's start from the beginning. Tell us what brings you here. What's been done and why you need an extension.

Mr. Chaudhari: So in regards to what's been done, per the last meeting, things that needed to have, a need to have gotten done, should have gotten done and finally done in terms of achieving compliance with the current lot, that is successfully able to dismantle the gazebo and dismantle the shed and bring the shed onto my property. So the bare minimum, these were the tasks that I should have done but was able to complete during this time frame. Regarding the permit extension request,

due to multiple reasons, I was unable to achieve the development of the approvals that I had last time, so I'm requesting an extension. The reasons initiating with the continuance of my lawsuit that didn't quite conclude by this time frame. And it seemed unwise due to that, due to COVID and a couple of other reasons such as financial instability, without having a clear direction as to how the economy will be. I thought it'd be best to not initiate a major development until I had a little bit more direction on certain things. That has brought me again to the board meeting.

Mr. Weiss: Well, this...you've been in front of us...this would be now your...this is at least if you take away last month's hearing, you're asking for, I think your second request of the initial variance Chuck, is that correct? Second extension coming off the original variance?

Mr. McGroarty: Yes, I believe it's the second extension. Mary, is...

Ms. Strain: Yes.

Mr. McGroarty: Thank you.

Mr. Weiss: Okay, so... so it's a long time. When I look at... when I look at the application, starting with 17, I'm sure you can tell the Planning Board doesn't like to carry applications for so long. You know, I'm not sure, it sounds like you had some issues, some legal issues, it's not really the business of the Planning Board, but when it comes to the fact that we keep on seeing this application...Planning Board is really quite busy. Are you prepared to start forward on this project of yours or...

Mr. Chaudhari: Yes, Sir? Oh, Sorry.

Mr. Weiss: No, that's Okay. I just or is it time to maybe start over again? I'm not really sure. It's it doesn't seem like any time you're in front of us, we have a direction that sounds positive, and I'm just getting concerned about that.

Mr. Chaudhari: Sir, I remain confident that if I do get approvals this time, I will be able to move and finally initiate the project.

Mr. Weiss: You mentioned the lawsuit. Again, I don't need the details of the lawsuit, but is that something that delays... is that behind you? Or is that going to still cause delays?

Mr. Chaudhari: As far as far as my financial involvement, that has been basically been put behind me. I have accrued the measure of my expenses that need to accrue. So, I'm confident that I should be able to initiate the project for this upcoming timeframe.

Mr. Weiss: Do you have your contractors in place?

Mr. Chaudhari: I have a couple that are potentials. I do need to finalize a couple of things with them. Yes.

Mr. Chaudhari: So, I... I just got to ask... So over the last three or four years, how come it hasn't been done?

Mr. Chaudhari: Legal issues were certainly a good part of it. I did want to achieve a conclusion before moving forward. And three or four years ago, in terms of pursuing the general contractor?

Mr. Weiss: Yes.

Mr. Chaudhari: Oh, I apologize. No... I have a very good team. Not everything has been finalized, but I have a good core team to initiate the project.

Mr. Weiss: Mary, maybe you know, what is the technical date that the extension expires or expired?

Ms.: Strain: I'm sorry, Howie. I forgot the Resolution. I don't have it in front of me.

Mr. Weiss: I have...I have mine.

Mr. Buzak: I have it. It's October 18th of this year. And it expired, several... it expires in a couple of days.

Mr. Weiss: What kind of time frame do you need to get this project started, Mr. Chaudhari?

Mr. Chaudhari: I was hoping within the spring with the foundation and to continue there-forward. I can initiate certain aspects of it now, but certainly within the six, seven months, I do believe I can at least start the project.

Mr. Weiss: No, I understand we're going through some difficult times in the world, and I think maybe for that reason, in my case, for that reason only, I have a little compassion, but I'm not... not a big fan whatsoever of carrying projects like this and keep on extending them. I don't know if anybody from the Planning Board has any questions or concerns or share some opinions?

Mr. Nelsen: Question, Howie?

Mr. Weiss: Yes. Go ahead, Dan.

Mr. Nelsen: Mr. Chairman? The lawsuit that you had brought up, just curious, is that in any way associated with the property involved?

Mr. Chaudhari: No, Sir.

Mr. Nelsen: And the project has nothing to do with that?

Mr. Chaudhari: Correct, Sir. Not at all.

Mr. Nelsen: Okay.

Mr. Weiss: Anybody else trying to... you have a question? John Mania?

Mr. Batsch: Mr. Chairman, I do.

Mr. Weiss: Oh, thank you. For some reason, some of the pictures are small. Thank you, John Batsch, go ahead.

Mr. Batsch: Yes. Mr. Chaudhari, how... how long of an extension are you again requesting? You're saying you have to be able to start in six months, but what is the completion expectations of the project?

Mr. Chaudhari: Completion expeditions, not encountering any hurdles, I was hoping to at least get the approval for a year to initiate the project and just carry it forward smoothly. But I can certainly put a good mark on the project starting in the six month timeframe. As far as completion, do you mean absolute finishes and things of that sort? Or just a good chunk of the project being progressed?

Mr. Batsch: I was asking for the completion. Your build cycle is expected to be six months? A year? Eighteen...

Mr. Chaudhari: My start...sorry about that...my start time sort of...inaudible...but by springtime, I do plan on fully initiating project. As far as the pool and everything else. I can't really speak that there wouldn't be any issues, but I certainly would make a good mark on it on my part.

Mr. Weiss: You know, generally speaking, Mr. Buzak, it doesn't have to be a round number. My thought is, listening to Mr. Chaudhari, he's talking springtime to me that June. Its eight months from now. I want to see that this project gets started. I would like to put a tight leash on this, maybe six or seven months. And if there's no start time, then I'm not interested in extending this application too much longer. Is it...would it be reasonable to...to offer something like a six month or seven month extension? Or do you advise against that?

Mr. Buzak: I think that in light of that, the extensions that we've granted and the testimony, I think it would be appropriate, as you said, Mr. Chairman, to... to just keep track of this project. You know, a year is, a long time. And you know, Mr. Chaudhari is confident that he's going to be able to start this project in the spring. You were pretty generous in the spring being June or July. I always think June and July are the summer, but if we go to June...June 1 or June 30...and I'd pick a date certain as opposed to 6 months or 8 months or 2 months. I think that would be more than reasonable. And this way, then hopefully that will be some incentive for Mr. Chaudhari recognizing the Board's concerns that you either have to start the project or you got to come back when you're ready to start the project. I mean this doesn't mean to say that the Board will not reconsider the variance. They would, but...you know...it's got to be in proximity to when you are going to start the project. And that's the whole idea of the time limit on the variances. Thank you, Mr. Chairman.

Mr. Weiss: Okay, so if we're using the 18th of the month as the end date, then I would say that I'm going to suggest we go to May 18th. By May 18, 2021 if this project isn't started, I'd like to have Mr. Chaudhari back in front of us and give us a good explanation as to why. I don't know if that's acceptable, Mr. Chaudhari, or if anybody from the Planning Board has any reason to not accept that date or offer some other date. Otherwise, I'm going to suggest to Mr. Chaudhari that we offer a May 18th date of 2021 to have this project started and underway.

Mr. Chaudhari: Mr. Weiss is very fair. Thank you.

Mr. Weiss: Okay, so then let's not beat the dead horse. Then I'll make... somebody needs to make a motion, if we can, to extend application PB 17-18, through May 18, 2021.

Mr. Ottavinia: I'll make the motion.

Mr. Mania: I'll make that second.

Mr. McGroarty: Mr. Chairman?

Mr. Weiss: Okay. Yes, Chuck, go ahead.

Mr. McGroarty: Just... just before you do that. Can I suggest you make it to May 20th? That would be a meeting night for the Planning Board.

Mr. Weiss: There you go. Let's extend it. That May 20th, which gives us time to hear it. Thank you, Chuck.

Mr. McGroarty: Get two extra days out of it.

Mr. Weiss: I'm going to amend that... to the motion was made to May 20th, 2021. Paul, you made the motion. Is that Okay?

Mr. Ottavinia: Yes.

Mr. Weiss: John Mania? John Mania, you seconded it? Okay with you, to May 20th?

Mr. Ottavinia: Howie? Mr. Chairman? Quick question, just for clarification on my standpoint that, that date, May 20th, is to start the project or finish the project?

Mr. Weiss: I think by May 20th, if that project isn't started, I don't know if it's fair to expect it to be finished. But certainly by May 20th, we can take another look at it and bring Mr. Chaudhari back in.

Mr. Ottavinia: Okay, thank you.

Mr. Weiss: Inaudible... But if there's no... nothing started by that date then, Mr. Chaudhari will most likely lose his approval and have to come back in front of us. At least that's my opinion, I don't want to speak for the Planning Board. So, we have a motion made by Paul seconded by John Mania. Any other comments? I see none. Mary, roll call please.

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|------------|----------------------|-----|
| Roll Call: | Brian Schaechter | Yes |
| | Ken Forlenza | Yes |
| | Kim Mott | Yes |
| | Catherine Natafalusy | |

Ms. Natafalusy: I'm going to abstain. I wasn't on the Board when this was approved.

| | |
|----------------|-----|
| John Mania | Yes |
| Paul Ottavinia | Yes |
| John Batsch | Yes |
| Joseph Ouimet | Yes |

Ms. Strain: Thank you.

Mr. Chaudhari: Thank you, Board.

Mr. Nelsen: Am I on that one, Mary?

Ms. Strain: No, you were absent at that meeting. I'm sorry, you were excused.

Mr. Weiss: You're talking about the meeting a month ago, right? That's what you're basing your roll call on? That's fair enough. Okay, so, Mr. Chaudhari, we will hope to see something happen by next spring. Good luck with it. And um... you enjoy the winter.

Mr. Chaudhari: Thank you, Sir.

Mr. Weiss: Thank you for showing up this evening.

Mr. Chaudhari: Thank you.

PB 19-25 Hunkele Equities, LLC, 160 Gold Mine Road, Block 4400, Lot 85.02

PB 19-28 Hunkele Equities, LLC, 160 Gold Mine Road, Block 4400, Lot 82

PB 19-29 Hunkele Equities, LLC, 160 Gold Mine Road, Block 4400, Lot 85

Mr. Weiss: Ok, we were going to move on to our next three applications. All three of the applications, I'll read them formally, are going to be carried until December 17, 2020. PB 19-25 Hunkele Equities, LLC, Minor subdivision with variance, 160 Gold Mine Road, Block 4400, Lot 85.02; PB 19-28 Hunkele Equities, LLC, Preliminary & final site plan, 160 Gold Mine Road, Block 4400, Lot 82; and PB 19-29 Hunkele Equities, LLC, Amended site plan, 160 Gold Mine Road, Block 4400, Lot 85. All three of those applications are going to be carried until December 17, 2020. No further notice. The meeting at least at this point will be conducted the same method via Zoom. No further notice. So, if anybody's here for that application, that's... it will be carried. No further notice. Mr. Buzak, Is there anything else I need to add to that?

Mr. Buzak: That would be at 7:00 pm. I don't know if you said that?

Mr. Weiss: No. At 7:00 pm this same Zoom link, and directions to get on, of course, if anybody needs, will be on the township website.

Mr. Buzak: Thank you.

PB 20-08 Mount Olive Solar Farm, LLC, 149 Gold Mine Road, Block 4100, Lot 10

Mr. Weiss: Okay. So, let's bring us then, to our first developmental matter on the...on the agenda this evening is PB 20-08, Mount Olive Solar Farm, LLC, which is a combined preliminary and final site plan for property located at 149 Gold Mine Road, Block. 4100, Lot. 10. I believe we have Mr. Bellin, the attorney for the applicant. Dane, if you would please bring him up and we'll find out which other experts he might want to bring up with him. Okay, welcome. Mark, I see you there.

Mr. Bellin: Yes.

Mr. Weiss: Do you have any other experts that you wanted to bring with you?

Mr. Bellin. Yes. I do. Ed Caballero. I know he's on.

Mr. Weiss: Yes.

Mr. Bellin: Rob Zelli. Barbara Ehlen I think that that's our...my team. Stephen Gouin is co-counsel. And I believe that he'd be available for questions of...you know...if something came up regarding corporate... corporate matters. And another team member is David Miller.

Mr. Weiss: Dane, did you get all those names to bring up?

Mr. Westdyk: So far...

Mr. Bellin: I see Ed.

Mr. Weiss: Ed seems to be here.

Mr. Bellin: I see David.

Mr. Weiss: Okay.

Mr. Bellin: Barbara, I'm not... I don't see her name yet.

Mr. Westdyk: Barbara, Okay, hold on. We're running out of space.

Inaudible

Mr. Weiss: Ok, and looks like Mr. Miller, you're muted.

Mr. Bellin: Well, he... he would... he would be muted unless he had something he wanted to say. I'll ask him when we get to that part.

Mr. Weiss: Mr. Buzak, inaudible...We'll swear everybody in. We're just waiting for Barbara.

Mr. Westdyk: Is that everyone? Is that everyone, Mr. Bellin?

Mr. Bellin: I think so. Uh... there... there's one other attorney that I believe is listening, whether you might want to just let him in just to participate, if we ask him a question. His name is...and he may or may not be here yet. His name is Steve Gouin. But if his name does appear, Mary, let him in.

Mr. Weiss: I see it. He's on there, Dane.

Mr. Westdyk: There you go.

Mr. McGroarty: What is Barbara's last name, please?

Mr. Bellin: B E H B E H L I N

Ms. Ehlen: My last name is E H L E N.

Mr. Bellin: I always mispronounce it.

Ms. Ehlen: It's Ehlen.

Mr. Bellin: Oh, sorry, Barbara, I've got a B in there.

Mr. Weiss: Just one quick question before we get started. Steve Gouin, I don't know if you're... if you have video, or if you're muted right now...because what I'd like to do is as we get started, we can have Mr. Buzak swear in all of your experts at the same time. But before we do that, I will turn it over to you, Mr. Bellin, you can kind of introduce the application and give us some background and we'll get started.

Mr. Bellin: Yes. Thank you. There is one other person. Is Bob Zelli attending yet?

Mr. Gouin: Yes, he is. He is in the room with me.

Mr. Bellin: Oh, Okay. So that's not a separate cam.

Mr. Bellin: Okay. Well, hello everybody. And we're happy to be here. I represent Mount Olive Solar Farm, LLC. We're a solar development company. We proposed to build a solar field on what is commonly unknown as the North Combe Superfund Landfill. It's a preliminary and final site plan approval. And I do have a number of witnesses to testify in support of the application. My first witness is going to be Ed Caballero. He's with Maser Consulting, and he prepared the site plan. So he'll be testifying as to the nature of the property, the surroundings, what we've designed, and all of that. If you want to start with Ed, that would be great.

Mr. Weiss: Okay. So, Mr. Buzak, would you like to swear in Ed Caballero?

Edwin Caballero was sworn in for the record.

Mr. Caballero: Edwin Caballero. C A B A L L E R O. The address is 53 Frontage Road, Suite 100, Hampton, New Jersey 08827.

Mr. Buzak: Thank you, Sir. Mr. Bellin?

Mr. Bellin: Excuse me?

Mr. Buzak: No, I was just uh... passing the baton to you.

Mr. Bellin: Oh. Okay.

Mr. Buzak: I'll try to do that seamlessly, but apparently I... sputtered a little.

Mr. Bellin: Ed, you have some exhibits to show the Board and...

Mr. Weiss: Hold on, Mr. Bellin, before we do that, let's learn a little bit about Mr. Caballero.

Mr. Bellin: Mr. Caballero, can you give them your education and your professional licenses, please?

Mr. Caballero: Yes, again, Ed Caballero, Good Evening. I have a Bachelor of Science in Civil Engineering from New Jersey Institute of Technology in 1979. I'm a Professional Licensed Engineer in the State of New Jersey. License Number...inaudible.... I have over 35 years of experience preparing site plans and subdivisions for the firm, and I have testified before numerous Planning Boards.

Mr. Weiss: Have you been in front of the Mount Olive Planning Board before, Mr. Caballero?

Mr. Caballero: I have not. This is... this will be my first time here.

Mr. Weiss: Okay. Tonight, you're... you're going to be addressing the Planning Board as the engineer, the site plan engineer.

Mr. Caballero: Yes.

Mr. Weiss: Okay. Joe, do you have any question from an engineer's perspective as we accept Mr. Caballero?

Mr. Vuich: No. In terms of qualifications.

Mr. Weiss: Okay, unless anybody from the Planning Board disagrees, I will certainly accept Mr. Caballero as the expert engineer for this evening. Welcome to Mount Olive and happy to have you here.

Mr. Caballero: Thank you very much.

Mr. Weiss: So, go ahead, Mr. Bellin, back to you.

Mr. Bellin: Ed, can you can you give the Board a general overview of the application that's before them today?

Mr. Caballero: Yes, I can. That's the first one. Are you able to see the aerial exhibit? I know there... it's...

Mr. Westdyk: Mr. Caballero, you can share your screen on the bottom of your Zoom webinar window. There should be a little share your screen...there.

Mr. Caballero: Did it come on?

Mr. Bellin: Yes.

Mr. Caballero: OK, very good. All right, um...

Mr. Buzak: Mr. Caballero, I'm sorry to interrupt you and Mr. Bellin, before we start, I just wanted to get the protocol down. Despite the fact that documents may have been submitted as part of the application. Our protocol is to mark every document that is put up either on the screen or on the... on the easel when we have in-person meetings. And I would ask that you...that all of your witnesses and you, Mr. Bellin, refer to that exhibit number so that the record can track the documents that you're referring to if someone has to look at it. So with that, I'd like you to mark this or that would be marked uh... Exhibit A-1. And Mr. Caballero, are you about to explain what it was before I interrupted you.

Mr. Caballero: No problem. Exhibit A-1 is titled Mount Olive Solar Farm, Ariel Exhibit. It's Sheet 1 of 1 prepared by Maser Consulting. And it's dated August 31, 2020.

Mr. Weiss: Thank you. So, Mr. Caballero, why don't you tell us what we're looking at here?

Mr. Caballero: Okay, basically just to provide the Board some reference, the project is located on, Lot 10 in Block 4100. The address is 149 Gold Mine Road, is a municipal roadway. The property is bound to the north by existing woodlands. Basically to the east, by the ITC Crossing Shopping Center. To the south, by Gold Mine Road. And to the west, by existing wilderness. On the exhibit you'll see in the upper left hand corner a legend and the site boundary is shown here in purple around the perimeter. The wetlands and associated wetland buffers are in yellow. They are to the north, where the left hand side of the exhibit and also in the south, southwest corner adjacent to Gold Mine Road. The gray areas that crisscross the center of the solar array is... is a gravel drives to be able to access the panels for cleaning. And the solar panels are in dark blue. The site plans are all dated April 30, 2020. The Zoning Ordinance, Ordinance #19-2019, was amended in order to establish an overlay zone on Lot 10 and Block 41, and that's within the C-L1 Commercial Light Industrial Zone, to allow total solar energy facilities, in accordance with the Combe Fill North Redevelopment Plan. The project will adhere to all the requirements established within that zone. The total tract area of the parcel is 101.235 acres, as many of you know, the site is the existing Combe Fill North Landfill Site. Our environmental constraints on the site include and NJ-DEP exceptional resource classification wetlands, with 150' buffers, and those again are located along the northerly property line. And a portion of the westerly property line in the southwest corner. Currently, the site consists of a landfill, wooded areas, wetlands and associated wetland buffers. We

are proposing in the development a 28.73 megawatt direct current solar generating facility. It includes associated invertors, switch gears, existing and proposed gravel drives, an existing security fence, basically around the perimeter of the site. There are 61,128 panels on ballast foundations, there's 11 invertors, one switchgear and a meter pole. The solar facility is located on the top of the existing landfill, and the landfill itself is 65 acres out of the 101 acres, and the site is surrounded by existing 8 foot high, security fence. The closest solar panel are set back 77 feet off of the easterly property line that would be adjacent to basically the Wal-Mart Center, just to the east, or the right of your screen. They switch gears and inverters are at the closest improvement, to Gold Mine Road, and that is set 50.4 feet off of the northerly right of way line. And the setback to Gold Mine Road is 50 feet. So, they comply with the ordinance. There is an existing access drive. Basically, it's a 10 foot wide access drive from Gold Mine Road, and it basically comes into a ring road. The ring road is also a 10 foot wide gravel road, and the ring road basically surrounds the Solar Farm area. We are proposing to improve the access to provide a 24 foot wide concrete driveway. And that's from the edge of pavement on the Gold Mine Road, to the property line. Once we hit the property line, the driveway will transition basically utilizing dust and connecting back into the existing 10 foot wide gravel road. What we did in the design of the Solar Farm is, we prepared a slope map to confirm the existing slopes on the landfill and the Solar Farm, Most of the landfill areas are...have a 0-15 foot slope range. And all of that area is contained within the ring road around the landfill itself. The site was designed to fill in the areas where necessary in order to flatten the slopes for the panels. We are not proposing any cutting on the project and that's to make sure we maintain the existing cap of the landfill. With regards to storm water, there is an existing comprehensive storm water management system for the landfill itself. We calculate...we did pre and post development run off calculations for the site, and based on those calculations, there would be no increase in the rate of runoff for the 210 and 100 year storm. Part of the calculations...in accordance with the New Jersey State Bill, S-921, meadow grass in good condition, was utilized to the disturbed areas for the solar panels and the open access areas. The runoff, under the development condition, is going to be less than the existing conditions and therefore no attenuation is required for the project. There are existing swales on the landfills that basically intercept overland flow and convey those plans to a larger like riprap or stone swales and those swales are located basically around the perimeter of the landfill itself. Those swales discharge into the wetlands to the to the north corner and also to the west corner property lines. The project will not create any impervious coverage and that would require any water quality treatment. The access drives were previously constructed of gravel, which is not considered an impervious surface, as per the storm water management rules. Run off on the surface will flow as it currently flows, today. We maintain the grades as much as possible to the existing grades on site. The proposed development is located entirely in environmentally sensitive planning area, PA-5. The landfill portion of the project was constructed with a clay cap, underneath the topsoil and the lawn. The DEP considers the landfill as an impermeable area. As such, there is no groundwater recharge occurring today and they'll be none, occurring in the future. The areas around the perimeter of the landfill are all undisturbed and they would basically recharge as they do today. The storm water design is in compliance with the townships. Morris County and NJ-DEP regulations, and it meets the water quantity, quality and recharge requirements. Therefore, there will be no...there will be no negative impact from this development. With regards to other utilities, water will basically be brought on site, in order to clean the panels, when necessary and...and also in order to water the landscape basically for the first year. This site will use tray tables...that they're set a minimum of like 12 inches above grade, and that will be used for the electrical conduit, to connect the panels. There are no trenches into the soil required, basically for this project. Again, there's no...we're not looking at any excavation to do any damage to the capital. That cap will remain as it is. And basically there's no other utilities required, for the project itself. With regards to

landscaping, we have proposed, they see, a combination of White Pines and Douglas Firs to supplement the existing vegetation along Goldmine Road, itself, and also the Easterly property line. Basically, an accordance with the Ordinance Requirements, a second row of evergreens will be added to provide a double row of evergreens along Goldmine Road, itself. And we'll also have a double row of evergreens along the Easterly property line between The Solar Farm and basically the Crossing Shopping Center. All other disturbed areas will be seeded with a meadow grass mix and add stone to stabilize the soils in those locations. With regards to lighting, we're basically only proposing one solar light pole, and that's in front... basically in front of the switchgear. It's a 24 watt LED lamp. Posted mounted 12 foot from existing conditions. One of the items that was brought up, I believe, in one of their professional's letters, was in regards to spillage of light over the property line. And basically because the fixture is only 12 foot high, if you kind of look at that, on a 45 degree angle, that's the limit of the spillage, that the water... the water... the lighting would go. And basically, in addition, in that location where we showed the light pole, there are existing trees between us and the light pole and the right of way that basically is going to remain. So, there was not going to be any spillage into the right of way of... from this particular light fixture.

Mr. Weiss: Mr. Caballero? Would you please identify where the light pole is going to be? Is it going to be in the southeast corner? Or the southwest corner?

Mr. Caballero: Is the Board able to see my hand on the...

Mr. Weiss: Yes.

Mr. Caballero: Okay, so basically the switchgear, is in this location here and the light pole is... is just on the opposite side. So you can see that there... there's existing vegetation basically along the northern property line and Gold Mine Road. And then we also have the double row of evergreens there. So, that will screen off the light spillage from the light pole.

Mr. Weiss: Okay and just for clarification, when you mentioned when you were moving your hand over and you said this area, this area refers to, for the record, it is the south eastern most corner of the property line.

Mr. Caballero: That is correct. Thank you very much.

Mr. Weiss: There you go. That's fine. I was just curious where this is going to be.

Mr. Caballero: Sure.

Mr. Weiss: So, if there is any spillover, it would kind of become spilled over into the... the Wal-Mart parking area, is that correct?

[Mr. Caballero: Well, it's... it's a certain distance away from the Wal-Mart. And so, as you can, again, as you can see as you're going in an easterly direction, we have the double roll of evergreens basically turning the corner and coming up the easterly property line. So it would intercept it before it got there.

Mr. Weiss: Right. I guess my point was that there's no homes or other residential...

Mr. Caballero: No.

Mr. Weiss: Not one whatsoever? Plus, it does look like there's a buffer between your property line and the start of the Wal-Mart drive over on that side...that far side.

Mr. Caballero: Yes, that is... that is correct.

Mr. Weiss: Okay. So, we all understand what we're looking at.

Mr. Caballero: Thank you.

Mr. Weiss: Okay.

Mr. Caballero: One of the items in the planner's review letter, was a question raised in regards to glare, for the Solar Farm and what we did, we went back and reviewed a paper from Massachusetts Department of Energy Source, The Massachusetts Department of Environmental Protection, and Massachusetts Clean Energy Center, published its paper. The paper is called Clean Energy Results. And its questions and answers in regards to groundwater, ground mounted solar systems. Within the glare section, you have solar panels are designed to reflect only about 2 percent of incoming light. So, issues with glare on the solar panels are basically rare. Solar panels are designed to absorb solar energy and basically convert it into electricity. Most are designed with anti-reflective glass front surface, to capture and retain as much of the solar spectrum as basically possible. The solar module glass have less reflection than basically water or like a window glass. Reflected light from the solar panels would have a significantly lower intensity and glare from...you know...basically direct sunlight. We have...we have located the panels to basically ensure that there would be no glare coming off of the site. And again, as you had noted earlier, there is no existing residential homes around the surrounding area. Basically, the property itself.

Mr. Weiss: Mr. Caballero, I have another question.

Mr. Caballero: Sure.

Mr. Weiss: As I'm looking at Exhibit A-1, and I'm also looking at our planner's report on Page 2, which has a pretty good description by picture of the type of solar panels and how they're going to be mounted. So, we all have a good understanding, but maybe as we're talking about it, can you tell us, and orient them as to which direction they're pointed as they look at this large mass of solar panels on Exhibit A-1? So, for example, are they going to be facing the north, facing the west?

Mr. Caballero: Basically, the panels would be facing the South.

Mr. Weiss: Okay. Everyone on the Planning Board will understand where they're... where they're facing now.

Mr. Caballero: Okay. Thank you.

Mr. Weiss: Okay.

Mr. Caballero: I guess another question was raised in regards to maintenance and basic scheduling for the maintenance of the Solar Farm. You know, the Solar Farm improvements include the use of a monitoring system that provides real time performance parameters to an offsite monitoring facility. The monitoring system would provide notification of components of the system that are not functioning as required. And then a technician would visit the site as necessary to perform technical maintenance on the Solar Farm components. A technician wouldn't...would inspect the site on a monthly basis, to see signs of distress or deterioration on the site improvements. They'd be looking at the access drive. They'd be looking at the landscaping, and they'd be looking at sections of the fencing. We have submitted to the Board, a Facilities Maintenance Manual that was dated June 2020 and it would be used to keep a record of all on-site maintenance required throughout the facility. And we are looking at...we anticipate that the construction activity would occur over approximately an eight month time period. And basically, as previously stated, that they are, our client would be maintaining the cover over the cap, that would be maintaining landscaping and maintaining the fencing for security. NJ-DEP would still be responsible for the monitoring wells as well as the gas venting system. With regards to noise, ground mounted solar array inverters and transformers, they make a kind of humming noise, basically during the day when the arrays are generating electricity. Basically within 100-150 feet of the array. Most of the inverters are inaudible. And again, we just point out that there's no residential homes along any of the sides of the property and the noise levels would adhere to the applicable noise levels, allowed by the township and also required by the NJ-DEP.

Mr. Weiss: I want to make sure I got that right, the maintenance will be done by your client.

Mr. Caballero: Yes.

Mr. Weiss: Taking them into account, landscaping, road maintenance and so on. But the monitoring of the former landfill will still be monitored by the NJ-DEP?

Mr. Caballero: Yes, that is correct. They take care of the monitoring wells and the gas venting systems.

Mr. Weiss: How long does that go for? Do you know?

Mr. Caballero: That continues, I believe it's spelled out in the ACO, but I mean, it continues for the life of the solar panels...the project.

Mr. Weiss: Okay, thanks.

Mr. Caballero: All right.

Mr. Ouimet: I have a question.

Mr. Caballero: I have a second Exhibit...

Mr. Caballero: Yes. Let's mark this A-2 and then...

Mr. Weiss: Wait... hold on before we jump to A-2, Mr. Ouimet had a question for a... inaudible.

Mr. Caballero: Yes, yes. Yes, I... I'm sorry. I didn't mean to interrupt before I got you.

Mr. Weiss: Joe, go ahead. You have a question?

Mr. Ouimet: Yeah, I was just asking on the solar panels, what do you do when they break down? Supposedly that... they're toxic if they get into the ground or whatever. Do you take them away?

Mr. Caballero: We submitted to the Town basically a decommissioning plan. And that has instructions in it, to let the people who come in, the contract who comes in, take them apart correctly, in order to not have any impact on the on the surface, on the ground that they're currently at.

Mr. Ouimet: Okay, because I read an article about that, they kind of leach out into the ground as they as they come apart or whatever. As they break down.

Mr. Caballero: Yeah, no, they're there's a methodology. And when we submitted a report that clearly shows how that, they be able to adjust and... and I guess fix that condition or change that condition or adjust that location. And the monitoring and the inspections that are done on a monthly basis, they have a good handle on if there's a certain panel that is... is wearing out and they will take care of it accordingly.

Mr. Ouimet: And now you take them away from Mount Olive and bring them to, where?

Mr. Caballero: The... the disposal facility. The federal disposal facility, that... that would accept them.

Mr. Ouimet: Okay.

Mr. Caballero: Thank you.

Mr. Weiss: It is hard for me to see if anybody else has a question. You might want to just speak up because of the... Mr. Chair? Size of the screen. I don't see anybody. John Batsch, go ahead.

Mr. Batsch: Yes, Mr. Caballero, what uh... is there security at the facility? Is it a... passive fencing system? Is there any type of cameras?

Mr. Caballero: There is an existing eight foot high security fence completely around, it currently exists completely around the entire Solar Farm. So if you...and...there aren't... no there isn't any security cameras currently. The DEP does not have any security cameras currently on there. They... they rely on the security fence.

Mr. Ouimet: So, that's a passive fence, it's just basically eight feet high, correct?

Mr. Caballero: Yes.

Mr. Nelsen: Howie?

Mr. Weiss: Yes, go ahead. I... I don't see it. Dan?

Mr. Nelsen: Yes.

Mr. Weiss: Go ahead.

Mr. Nelsen: I have a question. And perhaps you went through this, the panels are they actually affixed to the earth or do they just sit on top of the earth?

Mr. Caballero: What happens is that there is a ballast system. And the panels and the poles from the panels are secured on the ballast system itself. And that's how they're secured. The ballast system is basically a concrete system. I think this project is about 1 ½ - 2 feet wide by 9 feet in length, by 1 ½ foot high and the posts are mounted to the system and secured from panel to panel.

Mr. Weiss: There's a very good...there's a nice representation of what this looks like on Page 2 of Chuck's report.

Mr. Schaechter: Howie?

Mr. Weiss: Yes, go ahead.

Mr. Schaechter: I've got a comment. I mean, we've got other ground based solar array projects throughout the town. Benjamin Moore has one. I know the school district has several. This is not going to be any different. Looks like it's not going to be any different than those ground based solar array panels. There's one at Tinc Road. If you if you pass by the Tinc Road School. I know the school has an eight foot fencing around it and then pine trees and it's very quiet. Doesn't make any noise. I also know that Mr. Weiss and myself both have solar systems on top of their house. They don't make too much noise or they don't leach into the roof. It looks like it's a nice, clean project. Just some common area as far as this goes, it doesn't look like it would be any different than any of those other projects.

Mr. Nelsen: One difference, Brian, might be that it's on top of a superfund. So I just wanted to make sure it wasn't going to penetrate the earth anywhere.

Mr. Schaechter: Well, I don't know what's on top of a superfund, it's on top of a dump. When things...when we look at, what do you do? How do you make an ugly situation better? We can't really put homes on it? You can't really put a golf course on it. We're certainly not putting a park on it. So, a nice, quiet solar array, might be a solution to an ugly problem.

Mr. McGroarty: Dan, as we said in the Master Plan and you know, the experts and I can testify to this, when we did the Master Plan, amendments several years ago. This is standard engineering for these closed landfills. They don't penetrate the cap and I'm sure the expert will confirm this. The DEP wouldn't allow them to penetrate the cap. So, this is designed not to do that.

Mr. Nelsen: Okay.

Mr. Caballero: Yes, that... that's correct. It goes basically from ballast to ballast and it actually distributes the load across the base of all the panels.

Mr. Schaechter: I kind of like how it looks like Budd Lake.

Inaudible

Mr. Weiss: Okay. I know you would if anybody has any questions, let's otherwise... it looks like...

Mr. Mania: Howie? I have a question.

Mr. Weiss: Go ahead, John.

Mr. Mania: What is the life expectancy of a solar panel?

Mr. Caballero: Usually they... they run about 25 years. That's when...you know...the decommissioning report basically handles any issues that would come up within that time frame, but usually it's like 25 years.

Mr. Weiss: Thank you.

Mr. Mania: Thank you.

Mr. Weiss: All right, so if there's no other questions for Exhibit A-1 that looks like we were ready to turn the page to A-2. I know I'm going to hold off because I know there's still some more comments in Chuck's report. And I got to imagine they'll be addressed here on A-2. So, go ahead, Mr. Caballero, I don't want to stop your momentum.

Mr. Caballero: Thank you. A-2, is entitled Mount Olive Solar Farm Interconnection Route to JCP & L Easement. It was prepared by Maser Consulting and its dated October 14, 2020. Basically, this exhibit shows the interconnect group from our site to the existing JCP & L easement. The easement goes through Lot 9, Block 4100, which is the ITC Crossing Shopping Center. Crosses International Drive South and enters Flanders Netcong Road until it connects with the JCP & L easement itself. The alignment will be entirely underground, basically except for the connection within the JCP & L. Basically prior to the easement, the underground conduit would be tied into a proposed utility pole, which is set perpendicular to the existing overhead lines and then connect the overhead lines basically into the grid. We would...we would need... we would be required to get two easements... one from Lot 9, Block 4100 and the other from a Lot 3, Block 4105. We have received letters of intent to grant those easements from each one of those property owners.

Mr. Buzak: Mr. Caballero, can you just point out that... the two properties with your... with your hand on the computer, that you were referring to?

Mr. Caballero: Sure. This is actually, this is our solar site here and we're crossing... we're going across... Lot 9, Block 4100. For those of you who travel the road, you realize that the existing

detention basin for the shopping center is basically in this area. Then we would cross International Drive South. And then basically we go along the west side of Flanders Netcong Road. And basically, the easement that we were tying into is in this location here just before the intersection. So, this is... so this is the other lot. This is Lot 3, Block 4105. So, this lot here, we come back across and then the Shopping Center Lot here.

Mr. Schaechter: Hey Chuck? Can you put an easement across a retention basin?

Mr. McGroarty: Well, it'll actually be at the top. And again, Mr. Caballero, correct me, please, if I'm wrong but having walked it out there, as I understand it, the...the line will go on the top of the base...it's actually...

Mr. Caballero: Yes.

Mr. McGroarty: On the top...of the basin...and will not go into the basin itself.

Mr. Caballero: It doesn't go into the basin and it doesn't impact the volume or the function of the basin, at all. It's basically on the top edge, the top of bank, if you will, of the basin.

Mr. Schaechter: So, you're talking about it goes behind Applebee's, to the left of Applebee's behind kind of the Wendy's and then down into...down across the road...

Mr. Caballero: Correct.

Mr. Schaechter: ...through the through the campgrounds, I guess.

Mr. Caballero: It's actually in the roadway itself. It doesn't it doesn't touch the campground to just...it doesn't touch the campground until it just hits...to be able to connect to the JCP & L easement. And this location here.

Mr. Buzak: Mr. Caballero, I'm sorry, did you say that those were all going to be above ground or below ground and that whole thing...

Mr. Caballero: Everything is underground of basically from our site going through the Crossing Center under Flanders-Netcong Road and it basically comes up just before the easement. It would tie into a utility pole about Lot 3, Block 4105 and then connect to the JCP & L grid within the region.

Mr. Buzak: Thank you.

Mr. Caballero: Basically, with regards to permits for this site, we have applied and received approval from the Morris County Soil Conservation District. That was issued on September 16, 2020. We have also applied to the Morris County Planning Board, and we received an exemption letter from this site plan, and that was issued on June 19, 2020. We have applied to the DEP for an Applicability Determination. That is pending. We've also applied to the DEP for a Wetlands Letter of Interpretation and a Line Verification Approval. That is also pending. And we also have submitted to the DEP for the Landfill Disruption Permit. And all three of those are currently being

reviewed by the DEP. One item that I did want to note that was in one of the reports, was we had previously... what I'll do is... I'm going to transfer back to A-1.

Mr. McGroarty: One... one second, please.

Mr. Caballero: Okay.

Mr. Weiss: Go ahead, Chuck.

Mr. McGroarty: Just for the record and you'll note, that highway above at the top is actually that's actually Interstate 80.

Mr. Caballero: Yes.

Mr. McGroarty: Okay. Just so that...

Mr. Caballero: Thank you.

Mr. McGroarty: It's in the record and you know, it's part of the exhibits. So, that's actually 80.

Mr. Caballero: Yes, you are correct. Sorry about that.

Mr. McGroarty: Not a problem.

Mr. Caballero: Okay. I'm going to refer back to A-1 right now.

Mr. Weiss: Okay.

Mr. Caballero: And in the lower southwest corner there is existing wetlands with an existing 150 foot buffer. And in reviewing the site plan, we had previously two invertors located in that location. We went back and we had spoken with the electrical engineer and basically we were able to take those inverters and shift them to the west and also to the east far enough so we're outside of the 150 foot buffer. So we no longer have to go to the DEP for a Wetlands Buffer Averaging Plan. I just wanted to bring that to the Board's attention.

Mr. Vuich: Thank you, Ed.

Mr. Caballero: All right. And basically that's...I'm done with my presentation. I can go through the...to the planners letter and the engineer's letter. I mean, we basically have no objection with either one. I've reviewed both of them and I tried to incorporate some of my...some of their questions...my answers to some of their questions.

Mr. Weiss: And they see that. I've been actually following. It looks like a lot of them have been addressed. I have a technical question. Chuck, your comment, 5.9 on Page 5, is this a design waiver that we're going to need to address, regarding the height of the fence?

Mr. McGroarty: No, a fence that's in what...that's a zoning standard, I wasn't aware the existing fence is eight feet. I guess DEP has had control over the landfill, at least since it's been in the superfund category. I think the applicant had indicated they would keep the fence or replace it in kind or something of that nature.

Mr. Caballero: Yes, that would be correct.

Mr. McGroarty: So, I don't know if maybe Mr. Buzak can help us here. If it's an existing fence, they replace it. I don't know if they get any dispensation for having it as it is already, but the ordinance requires a...puts a cap of six feet on fences. And it also just for the record, doesn't allow chain link fence is in a front yard, but again we're dealing with a very unique kind of property.

Mr. Weiss: And feel free and feel free to define the front yard here, Chuck.

Mr. McGroarty: The front is on Gold Mine Road.

Mr. Weiss: Yes, I guess technically that's right.

Mr. McGroarty: 50 feet in. That's the front yard.

Mr. Caballero: Right through this section here.

Mr. Buzak: I think that during the time that this fence was put up, if I understand it correctly, it was under the control of a higher governmental body than us, albeit the State or the Federal Government. And that was I assume, was installed for security purposes because of the condition of the landfill. While it is not technically a prior non-conforming use or prior non-conforming structure, because in order to do that, it had to be legal at some point in time and it technically was not legal because we never allowed an eight foot high chain link fence as set forth as actually constructed. I think the fact that higher governmental authority installed it as part of that project creates a certain new category of prior nonconformity when that higher level of government installs that. So, while it's not technically that, I don't think a variance should be granted or should be needed here. I think the fence can be maintained. It could be replaced if the fence is torn down or removed, then I think it needs to be replaced consistent with our ordinance regulations. Unless again, a higher government authority has some other requirements that were imposed as part of the entire cleanup in the sense of I understand it wasn't excavated, it was capped. But as part of that whole project, there's nothing would require the eight foot fence, if this fence is removed, that would have to comply with all ordinances. If there is something that requires that kind of security fence, then I still think that would govern prospectively as well. Thank you.

Mr. Weiss: So maybe what we'll do is, I've been following along right up until we have some comment from the Environmental Commission. Chuck, Is there anything open or outstanding in your report that you'd like to address that maybe Mr. Caballero did not address?

Mr. McGroarty: One or two things. I think did a wonderful job incorporating the concerns that I had on my end into his testimony. There was some clean up stuff on some of the reports with references to the township, et cetera that'll be taken care of I'm sure.

Mr. Caballero: Yes, absolutely.

Mr. McGroarty: The boundary, even though we don't, we're not... I'm not disputing your... your lot area goes out to the centerline of Gold Mine. I believe a lot line should start at the...50 at the...edge of the property as it were outside of the road, as I indicated in the report. Again, it's not going to have any impact on your facility unless there's some objection to that. And Mr. Chairman, I'm sorry.

Mr. Weiss: Go ahead Chuck.

Mr. McGroarty: I didn't know if they want the answer to that. Mr. Chairman, I also would recommend to the Board that even if all goes well and the applicant...this is approved tonight, that you authorized Dr. Keller to join us as this project moves forward, given his expertise in inaudible... and management and things of that nature, which is part of the landscaping scheme here. I think it would be very helpful.

Mr. Weiss: Yes. I think that's a great idea. We can make that a condition.

Mr. Bellin: No objections to that at all.

Mr. Weiss: Then...you're addressing Chuck, just the record. That's on your report 5.10.

Mr. McGroarty: Yes.

Mr. Weiss: Okay, good.

Mr. McGroarty: And again, the testimony was that the landscaping plan will be modified to conform to the buffer standard. So, it addressed my concerns, I think very, very adequately. Thank you.

Mr. Weiss: Perfect. I think what we want to do is let's look at the comments and I know you might have picked up on them Mr. Caballero, but let's look at those four comments or so from the Environmental Commission on Page 6, of the planner's report. Can you just kind of hit upon them and address their concerns for the record for us?

Mr. Caballero: Sure, with regards to the monitoring wells because of the magnitude of project they're quite big, but the monitoring wells are shown on the existing conditions plans on Sheets 2 through 6. You know, basically the solar project was designed to not have any impact on those wells. And we also showed that the wetlands...no impact to the wetlands or the associated buffer. Most of the...as I said before...most of the wells are around the perimeter of the landfill and not within the landfill. There's only three monitoring wells that are within the landfills and they fall adjacent to basically in between panels, so we won't have any impact to them.

Mr. Weiss: So, I guess really the biggest concern is in that again on Page 6, second paragraph, you're talking about the weight and the excavation to install these concrete bases. Is there an issue...do you feel about the weight and in the construction process to put the heavy objects in and its impact on the cap? Are you concerned about that at all?

Mr. Caballero: We are not. As part of our application, we did submit ballast calculations. And as I noted before, basically the ballasts are between 14 and 17 feet apart from each other. And that basically acts to distribute the weight across the segment of the panel. And there's no concentrated weight of the solar panels on any particular segment of it. So, we don't...we don't see any impact to the landfill itself.

Mr. Weiss: I don't want to downplay their initial comment that the link that the landfill is capped but not lined, regardless of how it was kept and or aligned, your project will have no impact on the way that the project had been capped and or lined. Is that an accurate statement?

Mr. Cabello: Yes, that's correct. We're not looking to do any excavation here. When we did the slope mat, any areas that needed adjustment to we filled those areas. We didn't do any excavation. So, we are keeping the cap maintained and certain areas actually adding a little bit to it.

Mr. Weiss: And then, of course, you did address, I think, the third...the third issue from the Environmental Commission, which is...who is going to test? And you made it very clear that the NJ-DEP will continue to test and monitor. So, that and answer that concern.

Mr. Caballero: Yes, they will.

Mr. Weiss: And there's no change in test wells. Everything that currently there will remain there and there will still be access to those current test wells, correct?

Mr. Caballero: That is correct.

Mr. Weiss: Okay. So I think if there's any member from the Environmental Commission that has any other comments when I open it to the public will make sure that you have any opportunity to give me the opportunity to speak up. So, Mr. Caballero, did you have any idea of the testimony? It sounds like we got that pretty well done.

Mr. Caballero: As I said before, I was just trying to hit as many questions that came up in my testimony from inaudible...

Mr. Weiss: So let's do this. Let's pull down these exhibits...

Mr. McGroarty: Mr. Chairman?

Mr. Weiss: Before we get... Yes, go ahead.

Mr. McGroarty: I'm sorry. Just one other thing, Mr. Caballero, just on back to...it's just...a kind of a small detail, but one of the report...the maintenance manual referred to the Raritan Solar...is that the name of this facility or that..?

Mr. Caballero: No it's not.

Mr. McGroarty: Ok, that's fine. So that'll be changed.

Mr. Caballero: Yes, absolutely.

Mr. McGroarty: Very good. Thank you.

Mr. Weiss: So at this point, let's pull down a... Mr. Caballero, let's pull down the exhibit, give us a better picture, then I'll be able to... I want to open it to the public at this point. And then I'm going to come back to... to our engineer report. We'll speak to Joe, see if he had anything. We'll see if he had anything to add. There you go. Thank you. So at this point, let me open it to the public. If anybody from the public has any questions of... based on the testimony that was given by Mr. Caballero, I'm looking over the list of attendees to see if anybody has any questions. This is my...

Mr. Buzak: We just announce, or someone can announce, maybe Dane, if he's still here, So many people on I can't tell. Everything... just announce how a member of the public, in case they're not familiar with how to do this. They are able to raise their hands to be recognized ultimately by The Chair.

Mr. Westdyk: All you need to do is on the bottom of your Zoom meeting screen, there's a hand there. You click on Raise Your Hand and I will acknowledge that and will I click a button and allows you to speak. So, if anybody wishes to ask a question, just raise your hand.

Mr. Weiss: And so, to follow up on Dane's comments, we have a pretty good shot of who's on and we can see who's got a hand. And I see nothing. That's all. I'll give everyone just another second or two if they're having trouble finding it. Just also let you know that before we go for a vote, I'll open it one more time to the public. I don't see anybody from the public...

Mr. Westdyk: Nope.

Mr. Weiss: With a question. So let me let me close it to the public. And I thank you, Mr. Caballero. What I want to do, actually, I'm going to have you stay put because I want to bring Joe up. Again, Joe is our engineer for the project and we have a copy of Joe's report. Joe, I want to give you the form to go through your report and talk about any items that may be unaddressed or open in something you'd like to discuss, over the...

Mr. Vuich: First, Mr. Caballero, you did an exemplary job of addressing my letter seamlessly through your testimony. So, he has taken a little bit of my thunder there in working for the Board in this conflict position.

Mr. Weiss: That's a good thing.

Mr. Vuich: That's a good thing, because it means a nice, efficient meeting for all of us.

Mr. Caballero: Thank you.

Mr. Vuich: So, it looks like we've really, we've covered just about everything. Item 18 on Page 6, sorry, 17 on Page 6, understanding the... from the dimensioned plan indicating that we would be relocating and adjusting the existing vents to the rear of the panels, where they're in conflict. No issue there, but regarding existing vents in the gravel drive being cut off and encased, could you speak to any conversations with the DEP to assure that they still have adequate venting of

the landfill and that there's no modification of additional vents that they may have to install when encasing others?

Mr. Caballero: Yes, we had a pre-application with the DEP. We went through our application. We went through our various alignments of the solar panels on top of the landfill area. And that was part of our discussions with them. Any of the venting systems that basically would come up through a panel, it would be cut off, you'd put an elbow pipe in it and you'd basically bring it to the back, of the panel itself and then basically set it at the same height that it currently is today. And they...they agreed with that approach and they didn't have any problems with it.

Mr. Vuich: Ok, so we're adding the gravel drive areas where you have to cap them completely, that there's no issue with zone of influence of being able to still passively vent.

Mr. Caballero: Yeah, no, there shouldn't be any... any issue at all, because we're not touching anything on the gravel drive along with everything contained inside where the landfill is.

Mr. Vuich: So, for the Board's benefit of understanding storm water management, there was a reference to the conformance utilizing the NJ State Senate Bill S 921. It's a common reference point in the industry for storm water management on a solar facility. Essentially, what we're looking at is, while the panels themselves are a hard surface, the water is running off and has adequate ability to drain underneath on the existing land cover and infiltrate and run off according to existing conditions. So, essentially with minimal disturbance of grading, minimal impact to potential changes in time of concentration, compliance is pretty much demonstrated de facto. So while you're looking at what may seem like impervious surfaces, traditionally they're not handled that way in storm water management and there are no concerns from our office there. The report meets all the qualifications for storm water compliance. And Ed, you had touched on this earlier in your testimony regarding the extent of disturbance being limited to really fill operations and smoothing out some of those slopes, to the extent that you may disturb the existing vegetation cover, it would be just a tracking of equipment that could be easily seeded, reseeded and stabilized with hay and other measures.

Mr. Caballero: That's correct, yes.

Mr. Vuich: Now, there's a number of items related to emergency coordination very typical of a solar farm installation. Typically, I would offer to the Board that we would provide some coordination effort with the applicant's engineer and facilitate between the fire chief and any other emergency services to be a part of those meetings so that we can report back to the Board for the clarity of the record and assure that any of the concerns are fully addressed and...and just is essentially a resolution compliance. I don't see any issue with any of them needing specificity to the Board at this time. They're all matters that Mr. Bellin and his...his applicant, as well as Maser Consulting are well aware of and typically are customary that we work out.

Mr. McGroarty: On that, Joe if I may, the fire marshal, he take...he takes the lead in reviewing these plans for the town. He's done that and he consults with the fire department. The Budd Lake in this case The Budd Lake Fire Department. So, they're okay with it. I don't...we don't actually do a resolution of compliance, but I think that...your offer is a good one to coordinate with, with us, with myself and those folks and absolutely the applicant, of course, and at the time of a pre-construction meeting, I think a lot of that stuff will have to be ironed out as well.

Mr. Vuich: Sure Thing. And then I just wanted to ask Mr. Bellin, could you just speak towards decommissioning agreements and some of the...the general terms that are covered in them, the performance bonding and how we address those with the township attorney and just the customary processes for the Board's information.

Mr. Bellin: Well, it's a fairly standard agreement that's used from...from site to site, and it really, really changes it. It would track it...you know...basically to simply provide that the... that at the end there were triggering events and abandonment or the end of the process at some defined time. We have to remove the...the panels and return the property to the condition that existed in... inaudible. So it's obviously a landfill. We remove everything and it rolls off like a carpet. We do post performance bonds. And what will happen is... is after the... if we're fortunate enough to have the approval approved, there will be a period where we perfect the conditions of the approval. One of those will be the...you know...the calculation of what it would cost to decommission the property that would be posted in the form of a bond.

Mr. McGroarty: This will all be part of a Developer's Agreement you will have...

Mr. Bellin: Correct. And it's recorded so that...that and that is something that we handle with obviously your input and the township attorney will have to review it. And that's really a contract between us and the township. It's a... it's a formal contract supported by...you know... surety. And there's... there's nothing mysterious about it. It basically simply says the time comes, you have to remove it. And we do.

Mr. McGroarty: Yes, this is the standard format and process of the township attorney's office will use to...in coordination with you, Mr. Bellin, assuming that...inaudible.

Mr. Bellin: Yes.

Mr. Weiss: That's actually good to know so that we don't have to sit here and worry about making those conditions of approval. That will be addressed in the developer's agreement with the township.

Mr. Bellin: But we won't...we won't get a Building Permit without it.

Mr. Vuich: Okay.

Mr. McGroarty: That's correct, you won't.

Mr. Vuich: Okay, that that satisfies all the comments in my letter. I'd like to open it up to the Board, if you had any direct questions of me, from anything from the letter.

Mr. Weiss: Hey Joe, That's my job. It's my job. But thank you. Let's take Joe's advice, if anybody has any questions for Joe, let's ask and of course, do the same thing open it to the public if anybody has any questions from the public. For Joe, you did touch on a couple of things. We did bring Mr. Caballero back in. So, I also I don't see anybody from the public so close it to the public. Anybody else from the Planning Board?

Mr. Ottavina: Howie, I have a question.

Mr. Weiss: Go ahead, Paul.

Mr. Ottavina: Well, I don't know if... if Mr. Caballero is the right person to ask, but all the electricity that gets generated by all these panels are going back to the power company? Like, for example, I have solar panels on my house, also. Right, I use the electricity. It's made me extra. I sell back to the power company and I also get SREC, the Solar Renewable Energy Credits. Will this work in a similar way just not going to...you know...local residents or to a business. It's all going back to the power company?

Mr. Bellin: I think I can answer that. It's there will be a wholesale market participation agreement between the applicant and what we call the PJM, the grid. And the electricity is sold directly to the grid at wholesale prices.

Mr. Ottavina: Got it.

Mr. Bellin: And so just the vast sea of electricity and we sell into the grid.

Mr. Ottavina: Thank you.

Mr. Weiss: Okay. So, it looks like we went through the testimony. I don't know, Mr. Bellin, if you had anybody else, I'm fairly satisfied that we've addressed some of the issues.

Mr. Bellin: You know that...thank you. That that really is our affirmative case. I do have a number of people around that can answer questions, but otherwise we're good that our presentation is been met.

Mr. Weiss: Very good. I like that answer, Mr. Bellin, very much. So, as we close, I'll take that as your closing statement. I don't want... inaudible... but I do applaud you and Mr. Caballero for making it a very efficient testimony. And I was very easy...And sometimes these meetings make it very difficult to follow along. I'm looking at multiple screens and multiple reports, and it was a pleasure just following right along. So, you know Ed, thanks again for that. I think what we can do is anybody from the public has any comment on any part of this application. I'll open up to the public one more time for any comments about it.

Mr. Westdyk: You know, Mr. Chairman, if I may switch roles here as a citizen of Mount Olive Township, my name is Dane Westdyk. I live at 87 Mt Olive Road. I'm assuming the NJ-DEP will be inspecting the work to make sure to make doubly sure you're not breeching that?

Mr. Caballero: I would assume that they would absolutely be sending their inspectors as well. You know...they still have...you know...to do the monitoring wells and check the gas venting system. So that would probably be covered for the landfill disruption permit.

Mr. Westdyk: Okay, thank you.

Mr. Weiss: Thanks Dane. Dan, do you have a question? No. Okay. So, let's do this, let's if nobody else from the Planning Board has any comments or questions, let me have somebody

from the Planning Board, please make a motion for this application PB...I'm lost. Sorry, I have it right here PB 20-08 for the preliminary final site plan approval for Mount Olive Solar Farm, LLC.

Mr. Schaechter: I will make the motion to move PB 20-08.

Mr. Nelsen: I will second that.

Mr. Weiss: Thank you, Dan. Thank you, Brian. To the motion. Thank you, Dan, for the second. Any comments, questions, concerns? I see none. Mary, roll call.

Roll Call: Brian Schaechter...

Mr. Buzak: Pardon me, Mr. Chairman, I was muted and I was trying to speak and I couldn't unmuted quick enough. There were...there were a number of conditions that I'm sure were incorporated in the motions of the compliance with the reports of both our planner and engineer to the extent that they have not been complied with, the involvement and I'll just briefly say this, the involvement of Dr. Keller where necessary. Plans were in fact revised to address the buffer requirements or will be revised to reflect that? I wasn't sure.

Mr. McGroarty: Will be revised.

Mr. Buzak: So that'll be a condition. And then we'll insert a condition related to the Developer's Agreement, the decommissioning agreement, as part of that and so forth. So those are the conditions, plus our standard conditions.

Mr. Weiss: Sorry, in fact I do apologize for not addressing those because they have them clearly marked on my report. But we talked about two easements and the fact that there's a letter of intent. Is the condition of approval, should that include confirmation of these easements?

Mr. Buzak: Yes, it should.

Mr. Weiss: Okay, so let's add that as a condition as well. Mr. Bellin, no problem with that correct?

Mr. Bellin: No problem, we have agreements with the people.

Mr. Weiss: Okay.

Mr. Bellin: It's all fine, so that's fine.

Mr. Weiss: Chuck?

Mr. McGroarty: Mr. Chairman, and a condition along with that as the testimony offered this evening, the lines will be underground ground up to the point where it connects to the pole and then into the JCP & L lake. So, all the utilities will be underground.

Mr. Bellin: Yes, that's correct.

Mr. Caballero: Yes.

Mr. Weiss: I think just one of thing, our decommission plan, we did...Joe brought up a really nice point about having a town engineer, part of that process. Does that need to be a condition that the approval of this application will include the fact that township will have the seat on that on that Board when it's reviewed?

Mr. Buzak: No reason not to put that in, Mr. Chairman.

Mr. Weiss: Okay, we will agree to that and I think that's a great idea.

Mr. Bellin: That's reality because the township engineer reviews the performance bonds on quantities and sums and inaudible...

Mr. Weiss: Kind of assures us at some point later on down the road that we're represented at some point. So, with those few, if anybody else has any other conditions based on what we heard, let's speak up. Otherwise, those conditions, as we noted by myself, Mr. Buzak, with Mr. McGroarty. Brian, you made the motion. Is it Okay to amend with those conditions?

Mr. Schaechter: I will 100 percent amend my movement of PB 20-08 to include all the conditions by our esteemed attorney, Mr. Buzak, and our Chairman Howie Weiss.

Mr. Weiss: Mr. Schaechter that could have taken five seconds, to simply say, yes. But that's Okay.

Mr. Nelsen: Mr. Nelsen, you Second it?

Mr. Nelsen: Yes.

Mr. Nelsen: Fine, Thank you. See how nice and easy that was? Mary. Roll call, please.

| | | |
|-------------|----------------------|-----|
| Ms. Strain: | Brian Schaechter | Yes |
| | Ken Forlenza | Yes |
| | Kim Mott | Yes |
| | Catherine Natafalusy | Yes |
| | John Mania | Yes |
| | Dan Nelsen | Yes |
| | Paul Ottavinia | Yes |
| | John Batsch | Yes |
| | Howie Weiss | Yes |

Mr. Weiss: Yes, gentlemen, thank you all, once again. Wonderful presentation, very clear, concise and good luck with the project moving forward.

Mr. Bellin: Thank you very much. Have a great night, gentlemen. All right.

PB 20-07 Ramilo Humberto, 39 Saint Johns Road, Block 2514, Lot 4

Mr. Weiss: Okay, so let us continue. Unless anybody wants to take a little break, I'm all for moving forward. Good, we're moving forward. Let's bring up our last application or developmental matter for the evening, PB 20-07 Humberto, Ramilo for a minor subdivision at 39 Saint James Road, Block 2514, Lot 4. Mr. Heymann is here representing the applicant. Dane, would you bring up Ron Heymann? I should also say, Joe, there's no reason...we can excuse you for the evening...

Mr. Vuich: Yes, I just wanted to make sure that...I just want to make sure that Mike had been able to log in and represent properly.

Mr. Weiss: Yes, we'll nudge Mike. We'll wake him up. I'll call him if we have to. But, I thank you. Great insight and I appreciate the...you know...stepping in to help us out on this application.

Mr. Vuich: Absolutely. Thanks for the opportunity to serve the Board. Have a great night.

Mr. Weiss: Thanks. Mike, you're up. Welcome back.

Mr. Vreeland: Thank you, Howie.

Mr. Weiss: You're coming back on board. We'll get you unmuted.

Mr. Vreeland: Dane, can you bring up Mount Arlington too as a panelist, please?

Mr. Weiss: Well we see Mount Arlington is here. Just waiting...

Inaudible

Mr. Heymann: Howie, I hear you but for some reason I don't have a picture. Do you hear me?

Mr. Weiss: I can hear you now, Ron. It looks like you go back and forth with your mute, but I do hear you. You're muted.

Mr. Heymann: You hear me now, Howie?

Mr. Weiss: Yes.

Mr. Heymann: I don't know why my picture is not up, but as I said that's a blessing for you guys, so...say when.

Mr. Weiss: It's very nice to have you here, Mr. Heymann. We can certainly hear you...

Mr. Heymann: I see all of you, and I can't explain why I'm not on, but don't worry. And hopefully Mr. Careaga is on somewhere also.

Mr. McGroarty: Not yet.

Mr. Weiss: I don't...Jeff, you're there. Let's bring up Jeff as well. So, as we're doing that Ron, why don't you introduce the application?

Mr. Heymann: Thank you.

Mr. Weiss: I've announced it. Why don't you tell us what's going to go on here.

Mr. Heymann: Okay, so it's Ronald S. Heymann, Mr. Ramilo is here in my office. So when it's time for him, I'm going to ask about two questions. I'll pass this over to him. You're right. This is 39 Saint James Road. Block...Saint Johns Road, Block 2514, Lot 4 in the R-4 Zone. Many of you probably weren't there. And I didn't do this application, But 10 years ago, this gentleman appeared before the Board and got approval for a two lot subdivision. Unfortunately, it was never perfected. And so that's why we're back here again. It's literally the same application. Mr. Careaga had prepared the plans the first time. He's revised some of the plans. And as long as I can get my client just to answer one or two questions, Mr. Weiss, I can get it right into Mr. Careaga to go over the reports from Mr. McGroarty and Mr. Vreeland. And I think some of them overlap and we should be ready to move on.

Mr. Weiss: Perfect. And thank you, Mr. Heymann. It looks like we have a pretty straightforward application. So, Mr. Buzak, if you would swear in Mr. Humberto whose sitting with Mr. Heymann.

Mr. Buzak: We're going to have to get a video under those new regulations that we talked about, sworn testimony can only be given if you have an audio and video. So we're going to have to get Mr. Heymans to appear here somewhere.

Mr. Heymann: I don't know how come I'm not appearing. Hold on. Let me see.

Mr. Westdyk: On the lower right, Mr. Heymann, on the left, there may be something there that says start video.

Mr. Heymann: I'm going to try. Hold on. I've been trying to get on here, let me see. I got Jeff, I see him. Let me maximize and go back.

Mr. Buzak: You also are not on video. I don't know if you have that... off or if you're having the same difficulty.

Mr. Heymann: I'm having the same difficulty and can understand why Ed, to be honest with you, because we do this every day, all day long, so. Start my video, I see, I don't know...

Inaudible

Mr. Weiss: Ok, so you're working now, Ron.

Mr. Heymann: I am. Okay.

Mr. Weiss: And there's Jeff. He's up as well.

Mr. Heymann: All right. So you see Mr. Ramilo, he's in my office here. Do you see him?

Mr. Buzak: You got the screen down a little bit.

Mr. Weiss: There we go.

Mr. Heymann: Okay, wait a minute, please.

Mr. Buzak: Well, just before we begin, Mr. Heymann, I know you mentioned in your introduction that this subdivision was granted some time ago, a decade ago, I think if I remember the Resolution correctly, and the same subdivision and nothing really changed and we're going to talk about it. The intent here is not to get the meeting over by 8:45. We have probably all new members on this Board or many new members who have no idea about what happened a decade ago. So I want you to not assume Mr. Careaga, I want you to not assume, the applicant do not assume that the Board knows everything. They have the materials that are before them. But this is not a not in proximity to the expiration where everybody heard it and you just made a new application. So please give that...inaudible.

Mr. Heymann: And I will certainly do that Ed. And you know my rule, I never assume you know what happens when we assume, so. That's not going to happen.

Mr. Buzak: Okay, that's fine. Sir can you please raise your right hand.

Ramilo Humberto was sworn in for the record.

Mr. Ramilo: Humberto Ramilo (R A M I L O) 39 Saint Johns Road.

Mr. Buzak: Thank you, Sir.

Mr. Heymann: Thank you, Ed.

Mr. Buzak: Mr. Heymann?

Mr. Heymann: You are the owner of the property that you just placed on the record, correct?

Mr. Ramilo: Yes.

Mr. Heymann: And it is your intention and your request to this Board, along with the assistance of myself and Mr. Careaga to subdivide your property. Am I correct?

Mr. Ramilo: Yes.

Mr. Heymann: And what you wish to do then, if the Board grants the approvals on the vacant lot. You wish to construct a new property, a new home, correct?

Mr. Ramilo: Yes.

Mr. Heymann: And it is your intent to then reside in that home, correct?

Mr. Ramilo: Yes.

Mr. Heymann: And you will sell the property that's next door that you are currently living in?

Mr. Ramilo: Yes.

Mr. Heymann: And the Board wanted to know...I know Mr. McGroarty asked the question... can you tell us about what type of house, how big a house do you plan to build at this site?

Mr. Ramilo: Similar to the one I have in now, like 30 by 40...

Mr. Heymann: And approximately...a three bedroom, two bath type of house.

Mr. Ramilo: Three bedroom, 2 bathrooms...something like that...

Mr. Heymann: Just so we are clear...you did appear...just so the Board gets a little flavor. You did appear ten years ago with the same application, correct?

Mr. Ramilo: Yes.

Mr. Heymann: And you represented by attorney, not myself, but somebody else. But, the Board granted your approval, correct?

Mr. Ramilo: Yes.

Mr. Heymann: But unfortunately, the deeds were never prepared.

Mr. Ramilo: My lawyer didn't do it...you know...I don't know why.

Mr. Heymann: Okay, and so now you're back here again.

Mr. Ramilo: Yes.

Mr. Heymann: And the property is still city water and sewer, correct?

Mr. Ramilo: Yes.

Mr. Heymann: That's your intention, and you had already gotten approvals the last time. This is an important point. The last time...maybe Mr. Careaga will talk about we already had gone through Highlands and they approved...

Mr. Ramilo: Yes, all the necessary...

Mr. Heymann: And we submitted that documentation once again.

Mr. Ramilo: Yes.

Mr. Heymann: Okay, and you know that the Board has a couple of issues that you need to remove. So if they grant this...

Mr. Ramilo: Whatever they need me to do, I'll do.

Mr. Heymann: So let me finish. You know they want you to replace trees.

Mr. Ramilo: Yes.

Mr. Heymann: 16 trees. And there was another issue concerning the rear patio to remove a portion of that. You have no objection to those recommendations from the Board or Mr. McGroarty and Mr. Vreeland.

Mr. Ramilo: Yes, no objections.

Mr. Heymann: Mr. Weiss, all right. I don't have any other questions of this gentleman.

Mr. Weiss: Okay, does anybody from the Planning Board have any questions for Mr. Ramilo? I see none, let me see if anybody from the public.

Mr. Westdyk: Oh, wait a minute, do we have one.

Mr. Weiss: There's a question from Mr. Greg Dominic.

Mr. Westdyk: Mr. Domenick, I'm going to unmute you. When you come on, please state your name and your address.

Mr. Weiss: And Mr. Domenick, what I want to just do, just remind you the process right now, we just heard a little bit of testimony from the homeowner, property owner. And I'm going to give you an opportunity to ask questions based on what he told us. If you have an opinion or a suggestion or something, that now's not the time. Now's the time to ask a question based on what Mr. Ramilo had spoken about. So go ahead, please, if you would state your name.

Mr. Domenick: Sure. For the record, you guys can hear me okay?

Mr. Weiss: You're fine.

Mr. Domenick: Okay, so Greg Domenick (D O M E N I C K), I reside at 23 Saint James Road, Budd Lake, New Jersey 07828.

Mr. Weiss: Okay, go ahead. You have a question.

Mr. Domenick: Are there actual plans for said structure as far as layout on the property?

Mr. Heymann: No, we've not yet to present any architectural plans.

Mr. Domenick: Okay, because it's... I have two concerns that I don't know if I should be bringing them up now, but one, the property behind my house and next to his, is up for sale.

Mr. Weiss: Let me just stop you, what we'll do is we'll hear some more testimony, I think maybe a follow up, and we'll give you an opportunity to ask that question maybe with some of the questions, because I just want to stay focused and stay in order here. I would imagine and I don't want to testify. Mr. Heymann, the home that Mr. Ramilio will ultimately build will have to conform to the setbacks and the bulk standards of the property within the building envelope.

Mr. Heymann: That is absolutely correct, Mr. Weiss.

Mr. Weiss: And I don't want to make that assumption, but I don't see any request for a variance for extending that. So, Mr. Domenick, just a follow up to your question, even though there's no specific home presented, the testimony that we just heard was that it will conform to the standards of the zone, which means it will fit within the building envelope.

Mr. Domenick: Okay.

Mr. Weiss: All right, and so we'll come back, we'll make sure that before we're done, I'll give you an opportunity to ask every question. We'll fill it in so we'll figure it out somehow. But right now, I want to let the applicant continue with his testimony. Unless you had said anything else, I'm going to pull you down and I'll keep on coming back to the public.

Mr. Domenick: Understood, understood. Thank you.

Mr. Nelsen: Mr. Domenick. What is your lot number?

Mr. Weiss: 23 Saint James...

Mr. Nelsen: That's his address, is lot number?

Mr. Weiss: You know, which is yours?

Mr. Domenick: I do not... I do not know my lot number.

Mr. Nelsen: Mr. Careaga, would you know that?

Mr. Careaga: What was the address again?

Mr. Domenick: 23 Saint James, my backyard backs up to Saint John...

Mr. McGroarty: He's not in the 200 foot list.

Mr. Weiss: Okay, so he's not with 200...

Inaudible

Mr. McGroarty: Wait, wait, I apologize, Mr. Chairman. He is...

Mr. Domenick: I am well within 200 feet.

Mr. McGroarty: Yes, my apologies. Block 2403, Lot 1.

Mr. Weiss: I don't see anything, Chuck. But that's okay. I'll take your word for it.

Inaudible

Mr. Domenick: My property borders Indian Trail, so does his.

Mr. Weiss: Yes, we see it. 23 Saint James. Dan, you got it?

Mr. Nelsen: I got it. Thank you.

Mr. Weiss: Thanks, Mr. Domenick. Anybody else before we let Mr. Domenick come off? Okay. Thank you for that. Mr. Heymann let me go back to you. You had questions for Mr. Ramilo.

Mr. Heymann: I do not. I'm going to ask Mr. Buzak or you to swear in Mr. Careaga and I will go with him.

Mr. McGroarty: Do we have someone else with their hand raised, or no?

Mr. Weiss: Cam?

Mr. McGroarty: What's that?

Mr. Weiss: Well let's bring up Cam.

Mr. Magnotta: Yes, hi, can you hear me?

Mr. Weiss: Yes, Cam I want you to...what you do is just...

Mr. Magnotta: I'll be a little more specific. My name is Chris. Last name is Magnotta. I reside at 40 Saint Johns Road. That's directly across the street from the proposed variance.

Mr. Weiss: Okay.

Mr. Magnotta; So, I do have some concerns and questions. I'm just wondering if I should have those addressed now or should I wait?

Mr. Weiss: Well, I'm going to give you the same instructions if you have a question based on the testimony that Mr. Ramilo just gave, feel free. Otherwise, there'll be more opportunity.

I don't know what the question is, but there's going to be quite a bit of testimony from the engineer. So, again, not knowing what your question is, if it has anything to do with what Mr. Ramilo told us, feel free. Otherwise, we'll give you more opportunity as we get to it.

Mr. Magnotta: Well I would state right off the bat, I'd like to know what the thought processes behind the driveway. So, for instance, when I look at the plans, there appears to be the possibility of having the driveway go on to what I think is Manor House Road.

Mr. Weiss: Okay, so, Chris, I'm going to stop you. We didn't talk...I'm sure Mr. Careaga is going to talk about driveways.

Mr. Magnotta: Well, I look forward to his testimony.

Mr. Weiss: Okay, thanks so much, Chris. Anybody else have any other questions for Mr. Ramilio based on the testimony that he gave? I don't see anything so Mr. Buzak, if you would, let's swear in Mr. Careaga.

Jeff Careaga was sworn in for the record.

Mr. Careaga: My name is Jeff Careaga (C A R E A G A), Careaga Engineering, Route 46, Budd Lake, New Jersey.

Mr. Buzak: Thank you, sir. Mr. Heymann, you may proceed.

Mr. Heymann: Mr. Weiss, Mr. Careaga I know has testified before this Board on multiple occasions and is a professional engineer. Will you accept his qualifications in that field without me having to...inaudible...him?

Mr. Weiss: Thank you for that, Mr. Heymann. I do know of the work of Mr. Careaga, we're familiar with him. So unless anybody from the Planning Board or Mr. Vreeland has any questions, let's accept Mr. Careaga as our expert engineer for this application. Jeff, I welcome you back. It's always nice to see you virtually or not. And I look forward to your testimony.

Mr. Heymann: Thank you, Mr. Wise. Mr. Careaga, you were retained by our mutual client to prepare these plans for this particular project, correct?

Mr. Careaga: That's correct.

Mr. Heymann: And you have prepared these plans on the same project some ten years ago, correct?

Mr. Careaga: That's correct.

Mr. Heymann: I'm not going to go through the reports at this point in time. I want you to give the Board and a couple of the gentlemen, Mr. Domenick and Mr. Magnotta, an overview of the project.

Mr. Careaga: Sure, the property is existing, 21,332 square foot property. I don't know if everybody can hear me. I have a connection... inaudible.

Mr. Heymann: We are losing you on the connection.

Mr. Careaga: Can you hear me now?

Mr. Heymann: Yes.

Mr. Careaga: So the existing property is 21,332 square feet in a 10,000 square foot R-4 Zone. We are proposing to subdivide the lot into a remainder lot with the existing houses... Lot number 4, of 10,291 square feet and a new lot of 11,040 square feet on... inaudible... so both lots are meeting the requirements of the zone with the exception of the existing front yard setback, pre-existing condition for Lot number 4, which is 29.9 feet as opposed to the 35 feet required in the zone. The property is in the highlands... they received approval for the highlands for this development. The public water and public sewer are both available and both are coming off of Saint John's Road. This part of the development, we're proposing a 27 1/2 foot wide by 47 foot long house. The justification behind that size was really I think the original intent was to build the potential modular home on the property and the maximum width of a modular home is 27.5 feet. So that's pretty much why we use the width of the house... at that width. We are proposing stormwater management for the new lot. There are dry wells being proposed for the roof leaders and there's pervious pavement for the driveway with gravel storage under the pervious pavement. There's also a yard drain catching water that's currently running down the hill and going into the street on Saint Johns Road. So this could be substantially less water runoff onto Saint Johns Road compared to what there is today. There is a driveway turn around proposed for the house so there will be no backing out of cars into the roadway. Due to this slope of the property, we have designed some retaining walls for the driveway installation. They are stacked retaining wall. So we don't have a high retaining wall. The maximum of 3 foot high wall with a 2.8 foot high wall also. We are cutting down some trees as part of this application. There is a total of 16 trees being removed and 16 replacement trees 9 Dogwoods and 7 Norway Spruces proposed. The soil erosion and a grading plan is designed to be in conformance with Morris County Soil Erosion Control. A permit will be required from them. We have not received it yet. We want to get the approval from the Planning Board first before we submitted to Morris County so that we don't have to go back and forth with any revisions that might be necessary. Site distance on the property for the new driveway towards Pine Grove Road to the north is 190 foot of sight distance. And to the south on Saint John's, there's 225 feet of sight distance, which is acceptable for a 25 mph speed zone which is... inaudible. There are overhead wires traversing the property. We don't have any indication of whether or not there's an existing easement for those wires to the... inaudible... a copy of that easement. We'll provide a new easement if necessary. In general, we don't have any issues with the comments in Mr. McGroarty and Mr. Vreeland review letters indicated potentially adding some stormwater approval on the existing house. We are not aware of any water problems coming down from that property at this point and time, so we request that we do not have to put stormwater into that.

Mr. Heymann: Mr. Careaga, we have a variance for the existing property on the rear yard too, correct? We have 35 foot setback requirement. I think we're 23.7 on the existing property.

Mr. Careaga: Yes, you're right. That's correct. Inaudible.

Mr. Heymann: And then according to Mr. McGroarty, I think there's also a variance for the new lot with regard to the lot impervious coverage. Correct? We're under what we're permitted.

Mr. McGroarty: No, no there's no variance.

Mr. Heymann: No, there's not? Okay, Chuck, thanks.

Mr. Careaga: No variances for the new lot.

Mr. Heymann: Okay, good.

Mr. McGroarty: Well that's...we need to get to that. But not for impervious coverage.

Mr. Buzak: Before we get to the new lot, I did not think that the applicant was seeking variances for the pre-existing conditions on the existing lot with the existing house. So I need to clarify that because I thought Mr. Careaga referred to it correctly, accurately as being the pre-existing conditions. And this subdivision is really that aggravating that front yard nor the rear yard in any way, because the...if I understand it correctly, the new lot line is going to be on the side yard, so to speak, or the side of the house. So I just need to get that straight, because that's an issue that is important for the Board in terms of prospective activity on the existing lot. And I didn't see anything in the notice about that, I don't know. Chuck, did I miss that somewhere?

Mr. McGroarty: I did not see that either.

Mr. Buzak: Okay.

Mr. Heymann: I think you're right, Mr. Buzak, those are pre-existing setbacks and would not require a variance. They're just...there's just...I wanted to know that there is something in your code, but they've been pre-existing there for quite some time. The house is...I can't imagine how old. How old is the house Mr. Ramilo? 40 or 50 years old. So, you're right, Mr. Buzak, there's no requirement for those variances.

Mr. Buzak: So we're not talking about variances for the existing lot. Thank you.

Mr. Heymann: So I think...if Mr. Weiss could possibly...the best way now is for us to probably cover Mr. McGroarty's report and then we can slide into Mr. Vreeland's report. But again, I think they overlap.

Mr. Weiss: I don't disagree with that. I've highlighted Mr. McGroarty's report. So why don't we address...let's stay with Chuck's report, under review comments, I would imagine...on Page 3.

Mr. Heymann: Yes. Mr. Careaga, do you have the report in front of you, please.

Mr. Careaga: Yes, I do.

Mr. Heymann: Okay. So we are talking about the design waiver versus the variance relief. The lots...the wall height that you mentioned was obviously much smaller than what Mr.

McGroarty has in his report. You were testifying about a 3 feet to a 2.8 foot wall and there's just...let's just straighten it out if we can.

Mr. Careaga: I'm sorry it was 2.85 to 3.9 feet...inaudible...we submitted calculations that showed all different sizes of wall. We should have scaled that...the calculation back to just show the actual walls that were being constructed. So, anything in reference to walls over 3.9 feet is not really applicable to this application.

Mr. Heymann: Okay, great. That clears that point up.

Mr. Weiss: Wait, before you move off of that, Mr. Careaga, so the wall will be no higher than 3.9 feet?

Mr. Careaga: Well they're stacked walls but they are more than twice the distance away...usually when walls are less...for instance if you have a 3 foot high wall with another 3 foot high wall...2 feet behind it...it's considered a 6 foot high wall. But if you're more than 6 feet away with the second wall, then each wall stands independently...you don't add them up.

Mr. Weiss: And that's the condition that you're talking about. It's more than 6 feet apart, less than 4 feet high?

Mr. Careaga: Correct.

Mr. McGroarty: The concern, though, Mr. Chairman...you know...and I just want to make sure perhaps I was misreading it then. So the retaining wall calculations report that's standards, none of which...you know...these are all for qualified engineers. Not for me to read. 6 foot and 8 foot high dry walls. And then as I said in...the last detail, there is a footnote that for the 11 foot maximum wall height. So I just want to make sure...I just want to make sure that Mr. Careaga just said it'll be nothing higher than 3.9. So there's no confusion later on with anyone, if this is approved, that that 3.9 is the maximum height per wall. There may be more. And I think your plan shows several, tiered type of walls. You just want to make sure that that's the case in this that this report is not going to supersede that.

Mr. Careaga: Yes, that is the case. The report will not supersede the plans.

Mr. Weiss: Fair enough, so then there is no variance required under Chuck's 5.1.

Mr. McGroarty: Correct.

Mr. Weiss: Okay, good. All right. Let's move on.

Mr. Heymann: 5.2, I guess I'll address this to either add or to a Chuck if you wanted inaudible... on this. I don't really think it's necessary, but obviously will...you know...do what you feel is correct.

Mr. McGroarty: Let me suggest, Mr. Chairman, if I may, let's go through the rest, because this lot, it's not considered a major development as far as the Mr. Careaga has provided us the plans and the documents. So in the sense that didn't get highland's approval. It got recognition by highlands

and DEP that it's subject to the regulations. So let's go through it because there is a cap on the amount of impervious coverage for both lots. And I think you can get when we get to the end, we can go...inaudible.

Mr. Heymann: At the end of your report, Chuck. So you're right. Let's just keep going through. So, Mr. Weiss, I'll let you go to which one you think is the next one. I think we address 5.3 but I don't want to skip anything.

Mr. Weiss: No. I agree. I my next comments come at 5.4.

Mr. Heymann: We will certainly do the sooner... we have to do the easement across the property. So we will do the easement submitted to Mr. Buzak or whomever or whoever needs to review that in town and take care of that.

Mr. McGroarty: That should be provided as part of this application. So.

Mr. Heymann: You want us to...yes, well, you can make a condition on it, I'll get it to you before your next meeting and you can you can review it, Chuck or whoever.

Mr. McGroarty: Well, it'll be Mike and Ed, yes.

Mr. Heymann: Okay, that's fine.

Mr. Weiss: Okay, fine. We can make that a condition. And then when I look and I don't want to steal your thunder, Chuck, I just made some reports. I've read it pretty well. 5.5, you have a clarification is needed regarding the existing overhead wires. Let's talk about that, Mr. Careaga.

Mr. Careaga: Yes, I spoke briefly about that a minute ago, but there is existing white overhead wires that are traversing the lot by the new house. Chuck was asking for a copy of any kind of easement for that. We did not see an easement or the deed research we did on the property doesn't mean it's not there. We may have to get a title search or to...to see if they can find it. Usually those...those easements aren't specific and don't have metes and bounds. They're just generic utility easements that describe the fact that utility companies are allowed to maintain and change the wires if necessary in the same location. So we will provide either a copy of whatever easement exists or will provide a new one.

Mr. McGroarty: Yes but...might... Mr. Chairman, some of the plans. He shows the overhead lines continuing through the property with the new improvements on that lot. Sheet 5, there are various panels that show the true replacement plan and others, and it shows with what I read the terminology...inaudible...underground. So those overhead wires are no longer shown. And in fact, there's an underground line from the pole to the new house. So...

Mr. Careaga: That's correct, there is there is an underground line from the new pole to the house, and I do not put utility lines on tree replacement plans. I don't want the...the...utilities are shown on the grading plan. The dry walls are shown on the grading plan. The overhead wires are shown on the grading plan. But dry wells and overhead wires aren't shown on all my plans because it would get too busy.

Mr. McGroarty: Well, let me suggest...

Mr. Careaga: That is why they don't show up on the other plans.

Mr. McGroarty: Well, let me suggest that you may have a problem because you have an overhead line where you're showing new trees to be planted. So, I think that...I think it's got to be clear if that overhead line, which comes from Manor House down to St. John's, is going to stay and if it is going to stay in the location that it is. And if and if that's the case, the trees...the trees will have to be, of course, adjusted accordingly and they'll research to tell there's an easement in place.

Mr. Careaga: That's...that's no problem Chuck. We will uh...will remove the trees and show it on the tree replacement plan, so it will be clear.

Mr. Weiss: Is that satisfactory Chuck?

Mr. McGroarty: Yes, I just...these are the kind of details that become a problem in the field, so let's get them straightened out now.

Mr. Weiss: Yeah, I can certainly see that. I understand Jeff's issue where he's not adding it makes it quite messy. But at the same time, if we don't have some kind of overlay to show how the trees are, in fact the wire, it's a problem. And the problem falls on Chuck shoulders when he's out in the field. So if we can make...inaudible...

Mr. Heymann: I agree, we'll make those changes, Mr. Weiss. So we'll get that straightened out.

Mr. Weiss: Fair enough. I know that Chuck has been very good about vocalizing his concerns. That one makes good sense. And at the same time understand why it's not there. But let's just make sure we're on the same page on that one.

Mr. Heymann: So, Chuck, turning to 5.6 and Ed can chime in when I say this. My thought would be to add to any...to both of the deeds, that particular language. I've done that in the past with other, you know, either highlands or wetlands or any type of restrictions that we have. And I think that should satisfy that. But I will wait to hear from probably Ed.

Mr. McGroarty: But let me be add...Mr. Chairman, if I may.

Mr. Weiss: Yes, go ahead, Chuck.

Mr. McGroarty: While anticipating Ed giving his input on that from a legal point, I just wanted to be sure, Ron and Jeff, because I don't know the answer and I'm not trying to be funny about it. The way the DEP writes that, it's not clear to me. Are they... would either or I should say either property be allowed to put more improvements on as long as they don't cross that threshold? Or does that mean they're locked into what they have today and that's it? And of course, the patio on the existing lot...inaudible.

Mr. Careaga: From the DEP's perspective, it is...the approval we are allowed to do more improvements as long as you don't exceed the quarter acre of impervious coverage between both of

the...both of the lots combined or a total of one acre of disturbance with both of the lots combined. That's why the DEP's permit essentially would allow complete disturbance of inaudible...because if you've disturbed every square inch of both of the lots, you still be under the one acre of disturbance. So the DEP's permit does allow up to disturbance of the entire lot for both lots. It does...it does... the DEP's approval is a combination, so you can't...you have to look at both lots together from the DEP's approval.

Mr. McGroarty: So here...here's the problem, Mr. Ramilo will own one lot, someone will own the other lot. And is it just a matter of who gets to the limit first? That how it works? So that if the quarter acre impervious is reached for the two lots together, at some point...a year or two hence...and then and then Mr. Ramilo or the neighbor comes in and says, well now I want to put a deck or a patio, our answer will be, you cannot because you have now the two lots combined, have reached their quarter acre maximum coverage. And perhaps Mr. Heymann's suggestion about the restriction on both deeds will help us there. But that's what I...that's a potential problem that I anticipate.

Mr. Heymann: I think...I think you are right...

Inaudible.

Mr. Heymann: I was just saying, I think... I think Mr. McGroarty is correct, it is probably a race to see who gets there first. I think that either property could do that. I would put that restriction language in there. So if Mr. Ramilo sells his existing property, the property owner would be on notice as to what their limitations might be. And there might not be any limitations of Mr. Ramilo in his existing property for lot 4.01 doesn't do anything.

Mr. Careaga: So the remainder lot 4.0, is essentially maxed out with regard to coverage, so the remainder lot really is not allowed to do anything else on the property as far as coverage without coming back before the Board. And if they wanted to do that, then they would have to show that he was doing a lot...inaudible...to justify that.

Mr. McGroarty: Yes, that is true.

Mr. Weiss: So do we handle that as an easement that says a lot 4.0, there can be no more improvements on it?

Mr. McGroarty: I think it, let Ed respond, but I think it's more a deed restriction...

Mr. Heymann: Yes. I agree.

Inaudible.

Mr. Weiss: Deed restriction, that's what I meant.

Mr. Buzak: I think that's what it would be...you know...these regulations do create problems in the future that other people are going to probably have to deal with, because right now everybody is...knows what's going on. We have one property owner who owns both and effectively will own both lots for a short period of time and then they'll sell the other lot. But he's familiar with

it because he's listening to everything that's gone on. But 10 or 15 or 20 years from now, when Mr. Ramilo is somewhere else and maybe the new property owner for the new...for the old house is somewhere else. People forget these things and that's when it becomes...it becomes problematic. But it is what it is. We have to deal with it. There's no failsafe way to do this. I can...I can assure you of that.

Mr. Heymann: So, Ed, would you think would you think that for Lot 4.0 language would be a deed restriction? No more improvements? Obviously, it'd have to be specific. I'm really talking about outdoor improvements, obviously. I wouldn't want to restrict anything that somebody could do to the interior of their home or anything else. Maybe they wouldn't be allowed to do an addition without...they couldn't do an addition. And then lot 4.1 would have the language that is cited in Mr. McGroarty's report under 5.6. I think that would, I think, put everybody on proper notice.

Mr. Buzak: Well, I think...I think it would assuming that the regulations to the township do not change and are not relaxed at some point in the future. If I understand it correctly, you're saying that the existing house on...on what will now be a new lot has maxed out based on the current regulations. So, putting that kind of restriction on the property that nothing can be done. The background information on that is nothing can be done on that because under current regulations, it's been maxed out. If those regulations are relaxed, it seems to me to be unfair for that property owner to be subject to not being able to do anything else when he could do it. And maybe the other property owner has not done anything yet. So I think and that's the combination of these things. They have to be...they have to coordinate. Each side's got to coordinate with the other side and they have to be aware of it. And again, it's going to work easy over the next two, three, four years. But it's not going to work easy 15 years from now. I can assure you.

Mr. Heymann: I'll take your advice. I think that's good advice. I think I'll put it to the restriction based on the...we're maxed out based on the current regulations, obviously. Those changes, those regulations are ever amended either by the state or by the municipality, that then the property owner has a right to see what they can do with the property.

Mr. Buzak: Okay, we will work...we can work out the language, Okay? That's the concept.

Mr. Heymann: And you agree then Ed, 5.6...I mean, I'm sorry...for Lot 4.1, the new lot, should include the...the DEP language that Mr. McGroarty has on the top of Page 4 under 5.6.

Mr. Buzak: Yes.

Mr. Heymann: Okay, then we'll add that. Okay, so that's fine.

Mr. Weiss: And at the same time, a lot 4.0 would have the deed restriction, that no more outside improvements.

Mr. Heymann: Correct. Again, using the language Mr. Buzak just...inaudible.

Mr. Weiss: Correct.

Mr. Heymann: I agree Mr. Weiss. That's fine. Okay.

Mr. Buzak: And I just reserve the right, when I see it, to tweak the language. You know, I haven't... I haven't looked at the language that Chuck has in the sense of that kind of analysis.

Mr. Heymann: Ed, you can tweak anything I send to you. I'm an egoless tweaker. I don't care. Go right ahead.

Mr. Weiss: All right. Is there any more comment on the 5.7, Chuck? Where we kind of...

Mr. McGroarty: No, 5.7 I think is important because...you know...again, I realize this is really hard for people to sit and listen through. It's like going to the dentist, but it matters because the DEP...the that's just the way I look at it is this on...on Mr. Careaga's plan, forgetting about the highlands plan for the moment, proposal of 4.10, the new lot, the only coverage that's shown and I'm looking at Sheet 4, for only coverage it's shown is the dwelling. There's no information for walkways, for walls, although that information has been provided or was provided to the DEP. And as I said in the report, pervious driveway. I think it's an admirable approach, but the township does not have a pervious driveway standard. And I read the Resolution from several years ago, whenever this was last approved, and there was some mention in there about an annual inspection by the town to make sure that you heard that the pervious nature of the driveway is maintained. You know, number one, we had no pervious standard, so I think the driver has to be counted towards impervious. In any plan that is predicated upon these kind of annual inspections, I think the Board should stay away from because it's not going to happen. These kind of annual inspections simply will not happen. So, I think that the total impervious coverage for the new lot has to be clarified here. I think it's more than it's shown on Mr. Careaga's plan here, which is 1,403 square feet. I think it's probably closer to the plan that he submitted to the DEP for its highland's exemption.

Mr. Heymann: Jeff, can you comment on that?

Mr. Careaga: I have no...I have no problem with Chuck's comment. I agree that we can increase the...I believe the coverage increase will go from 12.7 percent to 16 percent. I think, Chuck, you had that in your report?

Mr. McGroarty: Yes.

Mr. Careaga: If we counted that get that coverage and I...I have no problem with that. I agree with that. It's fine.

Mr. McGroarty: Okay.

Mr. Careaga: And further to your comments, with regard to the difference in the highlands map, really the difference in the highlands side of the square footage is the patio was included with the highlands permit. The driveway was included with the highland's permit. So, no changes are really going to be made. No additional variances are going to be triggered by adjusting these numbers to do what Chuck has suggested.

Mr. McGroarty: Okay.

Mr. Weiss: Quick question for you, though, on your report, Page 2, when you talk about impervious coverage and you claim 16 percent, is that 16 percent based on the fact that the driveway is going to be included?

Mr. McGroarty: Yes. And that's...that. Yes. Mr. Careaga, just refer to the 16...yes, if it were. Yes.

Mr. Weiss: Okay. I just wanted to make sure. So there were still...you know...at 50 percent or so, a little bit more than.

Mr. McGroarty: Yes. And Mr. Careaga, on another plan sheet analyzed the steep slopes and we talked about earlier and applied the ordinance standards that there's actually a reduction in the total amount of impervious permitted on that lot. And he went through all that. And I agree with the way he did it, and I agree with his outcome on that. So, without...unless the Board wants to go through the details, it's a little different from the standard procedure. But I think 16 percent is the right number.

Mr. Weiss: Okay. And there seems to be no disagreement with that. So let's...let's continue then, if we if we discussed 5.7 and 5.8 in that conversation. But I think I did hear before that on 5.9, the applicant agreed to...to remove the... the blocks?

Mr. Heymann: Yes, and I think that Chuck, that go into 5.10 also? Is that...is that so we will remove what needs to be removed in order to conform.

Mr. Weiss: And when you say conform, for Mr. Heymann, it's conformed to the 30 percent impervious coverage, correct?

Mr. Heymann: Correct, Yes. Yes.

Mr. McGroarty: Yeah. And just for 5.10... 5.10 you would ask if Mr. Careaga would help us. And on one of the plan's sheets, show what the...if he did already, perhaps he can help me find it, but maybe just clarify what the new patio or the modified patio will look like on the existing lot. So, they have to remove 400....they are going to remove 470 square feet of the existing patio. So, some place on one of those plan sheets, just tell us...show us what's there and you see what's there. But tell us what's... what's the final plan, what the final patio footprint will look like. And that would be very helpful.

Mr. Heymann: Okay.

Mr. Careaga: There's really not much of a patio. We had just left a three foot wide strip. You can see a line right behind the building that was the regular shaped patio above that is going to be removed. And there was just a three foot wide, realistically probably wants to have something other than that. And whatever that square footage is that's left, we can shape that into a more of a square patio, but we have to change the inaudible...

Mr. McGroarty: All right. No, I mean, that's fine. No need to change the plan for that. And the last point I have is Mr. Chairman, just the thing was carried on a couple of plan sheets.

The scale is just a tad off. If you don't mind just checking that. And it may have been the way they were...inaudible...

Mr. Careaga: That's not a problem.

Mr. McGroarty: Okay, thank you.

Mr. Weiss: And of course, let's not skip 5.11, where the applicant has already agreed. And we could make that a condition of approval to...to install some trees...16 trees and I know Mr. even addressed the type of trees and there's no problem there.

Mr. Heymann: Inaudible...before you open it up, because it's probably the same testimony or I mean, we've got to answer Mr. Vreeland's comments. Do you want to just to continue on there?

Mr. Weiss: I think so, because we're rolling. And Mr. Vreeland's comments were kind of I don't want to say, minor. They're not they're not many of them. So let's... let's move on. Let's turn over to a Mike. And Mike, I see that you have some comments in your introduction. One of you go over your report and let's talk about those items that you're concerned about and don't feel have been addressed properly yet.

Mr. Vreeland: Sure, I would probably start in Section 2, the general comments, and I think the applicant already talked about the site distance or the applicant's engineer talked about the site distance, 2.2. I think I know the answer to this, but I want a clarification by the applicants engineer. There's some... some, I guess, flow arrows shown on the grading plan. And I just want to make sure that the applicants grading scheme, is it looking to push water around the property, that that's water that is going to be not come on the property and remain off the property. Jeff, can speak to that briefly.

Mr. Careaga: Yes, that's correct, Mike, the slope of the property, actually, as it goes from back to front, the way the water flows, it actually directs water onto...onto the lot where...where I show the arrows that's just showing that there is runoff coming down the trail right now. And we are not going to be adding any...any water to any runoff that's coming down the trail right now. We are actually catching a bunch of that water in that proposed yard inlet that goes into the gravel storage of the driveway.

Mr. Vreeland: Okay, I'm satisfied with that response. Item 2.3, I haven't been out there during any rain events, but I did notice the downspouts, at least one of them discharges onto the driveway. There's a couple other long roof leaders, and we always like to take these opportunities to try to disconnect impervious surfaces, meaning runoff from roof directed onto runoff from pavement. And we think this is an opportunity where the applicant can maybe incorporate some of that into the project if they'd be willing to.

Mr. Careaga: Are you talking about just redirecting the roof leaders as opposed to putting in dry wells or something?

Mr. Vreeland: Yes, yes.

Mr. Careaga: I don't think the applicant will have a problem just redirecting roof leaders.

Mr. Weiss: Is that satisfactory to you Mike.

Mr. Vreeland: Yes, they are reducing and impervious coverage on that lot and ultimately I think there will be less run off, but I am satisfied with that answer.

Mr. Heymann: That's fine. Thank you.

Mr. Vreeland: 2.4, obviously, the applicant's engineer is going to be responsible for the effectiveness of the system. 2.5, we're going to need some soil testing to confirm the permeability and the depth to the ground water table.

Mr. Careaga: Inaudible...soil testing out there. Back in 2010, I guess they just didn't submit it to you, but we did soil logs on July 8, 2010. Essentially we got 9 ½ feet down, hit ledge at 9 ½ feet, all of the soil above was very good, sandy loam, no modeling, no water table. So we can't submit those soil logs to you.

Inaudible.

Mr. Vreeland: That would be fine, so we can have a chance to take a look at that.

Mr. Vreeland: 2.7. Once these dry wells and infiltration systems get installed in the property and the owner's going to be responsible for maintaining them. And we suggest that some kind of maintenance line would be included on the plan. So everyone is clear what the responsibility is.

Mr Careaga: No problem.

Mr Vreeland: 2.8, we're asking that the...the pavement detail be revised to include stabilize based course. Particularly if there's...inaudible....

Mr. Careaga: Inaudible...This is just in the right of way you're talking about. I have to get to you right away. Yes, that's no problem.

Mr: Vreeland: Yes, Chuck, that would be in the right of way. And then 2.9, we were just suggesting that brass caps be used on the clean outs so that they can be found in the future.

Mr. Careaga: No problem.

Mr: Heymann: No problem.

Mr. Buzak: Mr. Chairman, I'd just like to go back to 2.7, the operation maintenance information, including it on the plans, unless the plans are utilized to protect the subdivision, new property owners, are simply not going to be aware of what those requirements may be. And typically, these minor subdivisions are perfected not by the filing of the map with everything on it, which even in those cases many times, again, practically speaking, people miss what the requirements are. So I think we need to come up with some other way to deal with that. If Mr. Vreeland is

concerned about this, we're going to have to put something in the deed so that when the property is transferred, that will come up in the search and people will be aware of it, whether they comply or not comply. That's... that's an enforcement issue. But we should make every effort to...to flag it for people and to at least have it come up when they do the typical searches.

Mr. Heymann: Ed, I don't and Mike, don't... don't take this the wrong way. Is it a bit of an overkill for this to lot subdivision? I mean, I certainly haven't put that type of language in deeds on the subdivision of this, you know, size on...on that, and I agree with you, Ed, we can't put on the plans and it'll be too much on the plans and no one's going to review the plan. So, I guess I'm asking can that be waived?

Mr. Weiss: You know, I have a question before we answer that question, Jeff, in the current state, tell me about the water flow. Where does the water flow on the property now? How does it flow through the property now?

Mr. Careaga: It flows from the back of the property towards the front of the property and is...is actually directed more towards the existing house on the proposed lot 4, than straight down. So it comes down at an approximate 45 degree angle, down towards...ultimately all ends up on St. John's Road.

Mr. Weiss: Okay. And so with the improvement, where do you feel the water's going to go then?

Mr. Careaga: Well, there is going to be a lot less water that comes down from the road, from the proposed Lot 4.01, and actually there'll be less coming off of the front of 4.02 because a lot of Lot 4.01 is actually directed towards Lot 4. So, the dry wells and the yard drain are going to intercept a good deal of that water. So there's going to be substantially less coming out to the street except for some very substantial rainfalls.

Mr. Weiss: The reason I ask that question is that if we're looking at how do we address a failure of the system and what would be the implication of a failure, what's going to happen will revert to what's currently now? I don't...I don't want to...because I'm not really sure how I can look...

Mr. Careaga: Essentially, yes.

Mr. Weiss: I'm sorry.

Mr. Careaga: I think you just said exactly what will happen if not if there is a failure of both the dry wells for the roof leaders and the stone dry well, for the driveway. It's essentially going to revert and the water is going to be directed right into St. John's Road. And it should not be a concentrated flow. It's going to come down. It is a sheet flow. So there pretty much will be no change from the existing conditions now or if everything did fail, which I really don't think it's a viable possibility that it's really going to fail.

Mr. Weiss: Brian, you have a question?

Mr. Schaechter: I mean, we're talking about a possible failure and...you know...with all due respect, 20 years from now and possibly none of us are sitting here, and can remember what those plans look like, where the dry wells? How are they maintained? That could be that could be quite a bigger problem than I think Mr. Careaga is leading towards because, they're building a house, things have to change. They're not going to stay the same. So either, you know, if the water is going to go into the street and if it's in the street and it's in the winter time, it's going to freeze. It's going to create an ice problem. It's at the bottom of the hill. So...you know...I kind of agree with, Mr. Buzak, maybe this should be in the deed. It's got to be somewhere where it's memorialized properly. And, just because we haven't done it in the past, doesn't mean moving forward we shouldn't possibly stop a possible problem from two people that might not know what's going on in their houses.

Mr. Weiss: How do we enforce it? If you have something, a deed, some kind of language that says the homeowner must maintain the storm, the drywalls, how do you maintain that? Are we just barking up the wrong tree, creating some...some language that we can never enforce?

Mr. Schaechter: Well, I think if it's in the deed and there's a problem with someone's driveway, and you can then go back to...you know...when someone calls the town or the town engineer and says, I've got all this water runoff and it's not going anywhere. Someone could look it up somewhere and say, hold on...there was...you know...part of the original deed was, they have to maintain this. Now...now the finger pointing stops and...you know...the maintenance of a drywall or the possibility of corrective action gets put in place. Are we going to be able to effectively go back and say, you haven't maintained your dry well? I don't know. All I know is, you know, we've got retention basins and if they're not maintained properly, you get fined.

Mr. Heymann: Right. But, you know, Mr. Buzak, I can put language in the deed for 4.01 that says pursuant to the Resolution, if the Board grants is the Resolution, that the homeowner has a responsibility to maintain the dry wells. I mean, I could add that and I think he's right. At least somebody is on notice, whether they read the deed and remember 20 years down the line, who knows? But at least the town has a recourse to come back and say it's in your deed.

Mr. Weiss: Yes, And I think Mr. Schaechter has an excellent point. I just want to make sure that the argument is legally sound, Mr. Buzak, is that Brian makes a great point. Is that...is that legitimate? There's a problem. There's water, there's ice, somebody's not taking care of the house. Can it point back to the homeowner says we have a...you have a deed restriction and you're not following through with it?

Mr. Buzak: Well, I think it can. The legality of enforcement becomes a little bit more complicated because of who's the beneficiary of the easement and who's got the right to enforce it. Not the easement. Who's got the beneficiary of the condition? Who's got the right to enforce the condition and so forth. So, we can try to work out some language there and see if we can handle it. I have to tell you, I think we're making a good effort and I think that that may be the best we can do. It's not as I said earlier, none of these things are failsafe when you start when you start putting them in deeds and whatever. But you did the best that you can under the circumstances and hope that hope that it works. And I don't mean to be as cavalier as that, but, to create the kind of thing or to create the structure that would be needed is well beyond, I think to Mr. Heymann's point, is well beyond what ought to be done with this kind of minor subdivision.

Mr. Weiss: Okay, so then perhaps we can come up with language as a condition to get this application as being approved, that would address this as a deed restriction, falling the...putting the responsibility back on the homeowner of lot 4.01 to maintain their dry wells.

Mr. Heymann: Yes, I don't have any problem with that, Mr. Weiss, of adding something in then Mr. Buzak and I can see how we can craft something. I mean, it's going to be pretty basic, but we can see what we can figure out.

Mr. Weiss: Fair enough. Mike, do you have anything else in your report you wanted to chat about?

Mr. Vreeland: That pretty much covers it all.

Mr. Weiss: Okay, perfect. Thank you very much. Jeff, did you have anything else you wanted to add with your testimony?

Mr. Careaga: No, I think...I think that pretty much covers it, but maybe just from the legal perspective, when you're talking about not being able to put any more improvements on Lot number 4, maybe it should be worded, you're not allowed any more coverage on a lot number 4, because certainly you've got an oversized driveway on Lot 4. And if somebody wanted to trade a patio for a piece of driveway and they should be able to do that as long as they don't see that 30 percent coverage.

Mr. Weiss: Ed, are you okay with that?

Mr. Buzak: Yes, I think that makes a lot of sense.

Mr. Weiss: Okay, fair enough. Is anybody from the Planning Board going to have any questions for Mr. Careaga? I don't see any. So let's do this Dane, and I know that I did promise Greg and Chris an opportunity to come back and ask and I think now they probably understand that there's been some testimony, that probably more applicable to their questions. So I'll open it to the public. I just don't want to assume anybody. So if you have a question, you want to raise your hand, we'll call upon you.

Mr. Westdyk: And actually bringing down our... Greg and Chris are unmuted, so just take turns and be nice.

Mr. Weiss: Right now, I'm just going to pick only because Greg went first last time, Greg let's start with you. You have a question based on what we heard tonight. Let's go ahead and feel free to ask the question now.

Mr. Domenick: Sure, in looking at some of the site plans, I know you guys discussed...you know...water runoff and that sort of thing. Again, I'm just speaking an opinion, I do have somewhat of the background in drafting both architectural and mechanical. And I can't see how leveling the lot, or at least for the most part, clearing the lot is going to contain run off more than what we have now, because I do get water in my backyard since St. John's Road has been repaved. They didn't extend the blacktop curve at the crest of the hill, which is right at the corner of my property. And...you know...between the trail that's there, which is not maintained by the town on

that side, I do maintain it on my side between my property and Chris' property. You know...water is definitely a concern of mine.

Mr. Heymann: Jeff, do you think that the provisions that you testified to are going to give Mr. Domenick a better comfort level than what's existing there now?

Mr. Careaga: Well, we are importing stormwater collection and storage and infiltration, and so it is certainly going to be less than it is right now, that one, this project is done, but there was no stormwater. What he said would be applicable, that there'd be more runoff. But the runoff that we are creating, restoring in addition to storing some of the other runoff, it's going offsite already. So I think the stormwater that we designed is going to make it a much better situation than it is right now.

Mr. Weiss: Ok, thanks, Jeff. Greg, did you have any other questions,

Mr. Domenick: Not a question, more of just a personal side note. When I bought this property, when I first looked at the property five years ago, a little over five years ago, the lot that's behind me, technically behind me, I have two front yards and no backyard Block 2402, Lot 1. That property and my understanding from the realtor and also my attorney was owned by a corporation at the time. I know there have been people looking at that property. And I guess it's just my concern is and knowing also that Mr. Ramilo's lot was quote unquote a double lot. I would have never thought that no one would be a second house built on his property and the potential of another house built on Lot 1 Block 2402. So it just again, on a side note, from a personal level, if there was a house there prior, would it have been a big deal? Not really. But in being told corporations own this property for 25 years and nothing will ever be built there And now I have the potential of two houses being built behind my house, which is on an upslope and leveling all of the...all the trees and wooded area. Like I can't see Manor House Road from my property. It's that heavily wooded. So that's all I really wanted to add to that.

Mr. Weiss: Ok, you I have been looking at looking at the map, I see exactly where you're talking so Planning Board also has the same pictures. Okay, so it looks like, Chris, you also had a question. Let me bring you up. Chris Magnotta.

Mr. Magnotta: Yes, sure. Can you hear me Okay? Well, clearly, Jeff did address some of the concerns I had. But I do want to talk about two other topics, one I did bring up earlier which, of course, is the driveway, and my concern is more about where it's situated, so it's situated on St. John's Road? I don't know if you've been up here. It's a very narrow road. I would say it's even more narrow than Manor House Road. I'm just wondering why there was no consideration with the driveway the other way. There must be a reason? I just want to understand that.

Mr. Weiss: When you say the other way.

Mr. Magnotta: Well, the way I understand...I'm not an engineer, of course. So I don't have the knowledge you might have on all the drawings. I don't believe you are an engineer either, but you've been through this process a lot more than I have. From what I can see, based on the drawings that I saw, which I'm not looking at currently, it seems as though the property backs up to Manor House Road, am I correct?

Mr. Weiss: That is correct.

Mr. Magnotta: Okay. So, my question is, you have the driveway facing my residence and so what you'll have is essentially three driveways within, I don't know, 30 feet of one another. Wondering why there was no consideration for the driveway to be faced the other way?

Mr. Weiss: The other way, is that you have the driveway pull out to Manor House Road?

Mr. Magnotta: I'm sorry, I keep saying the other way. Onto Manor House...Onto Manor House Road.

Mr. Weiss: I'm not sure...

Inaudible.

Mr. Heymann: Jeff, can you answer that?

Mr. Careaga: Yes, I can answer that. Being the property to look at the topography, the properties, inaudible...there'd be disturbance of critical...House Road. It's not as desirable typically to put a house down in a hole. You typically want the house to be higher than the road as opposed to low on the road. So from a normal design standpoint of putting the house uphill, if you can, and not disturbing, critical slopes are really reasonable choices to use to bring the driveway out to St. John's Road. We would be before the Board with additional variances to try to put the driveway up on the...Manor House.

Mr. Heymann: Okay, thank you.

Mr. Magnotta: Okay, I think I understand your point on that. I just want to again make it clear that you're going to have a pretty tight area, three houses, three driveways, fairly close to one another. And a lot of people do come through this neighborhood fairly fast. So be aware of that. The other question I have is I have a well on my property, unlike most around here who now have hooked into city water, you can see that well on one of your drawings, which is right out in front of my house. That obviously concerns me from an impact standpoint. What goes on in terms of considering the fact that I have a well and where that water may be coming from, is there a potential for...for that to be disturbed during the building process?

Mr. Careaga: I would think not. Inaudible...control methods that will that they have to adhere to during construction that will stop any kind of...inaudible...or dirty water from getting down towards your property of the drywell that we are installing...inaudible...according to state standards and safety, to make sure wells cannot get contaminated and we're over 50 feet away. So there should be no issues.

Mr. Magnotta: Do you...are you aware currently where my water is coming from? So in essence...you know...my well exists. Did you do any research? Do you do any research? Are required to do any research to make a determination as to where my water is coming from so that you stay 50 feet away from it during the building process?

Mr. Careaga: We are saying 50 feet away from with the drywell, we're not we're not obligated to stay 50 feet away from it during construction, which I believe we will be anyway. We are over 50 feet away from a smaller disturbance, but we're not obligated to go on something like this to...to research where neighbors' waters are coming from, for a minor subdivision.

Mr. Magnotta: So that's not something that's typically done? That what I'm hearing?

Mr. Careaga: I've never done it and I've done an awful lot of minor subdivisions.

Mr. Magnotta: Okay. That's fine. Obviously, that's a concern of mine. I'm making a note of it here today in this discussion. Then let's see what else I have...I think that's it. I think that's all I had today.

Mr. Weiss: Okay. Chris, thank you so much for your....

Mr. Magnotta: Thank you for answering my questions.

Mr. Weiss: My pleasure. Is anybody else from the public that has any comments or questions for the process that we just sat through this evening? I don't see any. So let's close it to the public, Dane, unless there's anybody else that I'm missing. Ron, I'll go back to you if you have any kind of summation, if you have anything else you wanted to bring.

Mr. Heymann: No, I'd like you to obviously I want the Board to approve this application with the modifications in the, you know, including what we spoke about with Mr. Vreeland and obviously with Mr. McGroarty. And...you know...I'll get the sewer easement over to everybody to look at and start to work on the deeds. I think otherwise I think it's a pretty clean project.

Mr. Weiss: Okay, so on this one, I'm going jump ahead to Mr. Buzak. You and I usually follow along if the Planning Board is to approve such there's some conditions that we've discussed, starting with Chuck's report. I'm just going to try to go in order. We had a condition about the retaining walls. I don't know if it should be a condition that no... no retaining wall would be higher than 3.9 feet maximum height when they're tiered at 6 feet apart. I don't know how we write that or add it, but that was something we discussed under 5.4, talking about the easement.

Mr. Buzak: Yes.

Mr. Weiss: On comment 5.5, there will be clarification about the existing overhead wires.

Mr. Buzak: Agreed.

Mr. Weiss: I know that we have to address and I know we did a nice job, we spent some time on 5.6 talking about the language to incorporate the DEP conditions. And I think that we...we talked about a deed restriction of 4.0 required that no more improvements that would exceed the standards. I think was kind of the way we went with it based on Jeff's comment.

Mr. Heymann: Inaudible...lot coverage.

Mr. Weiss: Regarding lot coverage.

Mr. Buzak: Lot coverage...that's correct.

Mr. Weiss: And regarding Lot 4.0.

Mr. Buzak: Now, that is 4.0, right?

Mr. Weiss: I meant 4.1. That was 4.0. Regarding 4.1, the same language to include the DEP to make sure we incorporate the DEP language on 4.1.

Mr. Buzak: That is correct.

Mr. Weiss: I also find that we don't need...I don't think we need to make them a deed restriction that the applicant has agreed to reduce the existing patio that was testified to. And, of course, the applicant has agreed to our tree planting, 16 trees. Again, I don't know if that's...that's a condition, but I think just finish up Mike's report on Page 2, 2.3.

Mr. Heymann: Mr. Weiss, we just missed one thing. We're going to increase the maximum pervious coverage to 16 percent.

Mr. Weiss: Okay. That's fine, and the reason I skipped that, Mr. Heymann, was because Chuck's report already took...you know...already went over it.

Mr. Heymann: Okay, I'm good. Okay, thanks.

Mr. Weiss: We're basing it on 16 percent. The conversation was to confirm that calculation.

Mr. Heymann: Okay, that's fine.

Mr. Weiss: That correct, Chuck?

Mr. McGroarty: Yes. Mr. Chairman? On the, 5.9 and so on, for the...you know...removing the block from the driveway, fixing the patio, I would suggest the condition be that before a building permit is pulled for a new house on the new lot, whichever one it is. 4.01 or 4...proposed 4.01, that...that those, that the driveway for the existing house...the blocks be removed, etc. The patio will be reduced and so on before a building permit is issued for the other lot. I'd rather not wait until the CO is issued, because that causes lots of problems.

Mr. Heymann: That's going to be good for us.

Mr. Weiss: Okay, and so I jump over to Mr. Vreeland's report, Section 2, 2.2. Flows, ...no, no, I take it back 2.3. It looks like I made to note that we need to condition there.

Mr. Vreeland: And we're going to take a look at ways that they may be able to disconnect impervious surface on the existing lot.

Mr. Weiss: Okay, and then the same with 2.5. The installation of drywell, soil testing, I'm not sure Mike, how you want that written up, but we should have something in there, that there will be some soil testing done.

Mr. Vreeland: Either...either they'll provide the soil testing that has been done or there will be soil testing to be done.

Mr. Weiss: And then the old the one that brought us some more conversation 2.7 was language to be added as a probably a deed restriction, that proper maintenance will be required by the homeowner for their drywell.

Mr. Buzak: Yes.

Mr. Weiss: And 4 inches of stabilized base course in the right of way.

Mr. Buzak: Correct.

Mr. Weiss: All right, that's what I had, Mr. Buzak, did I forget anything?

Mr. Buzak: Well, I mean, I had that in all my reports...

Mr. Weiss: This is always a lot easier when we actually sit next to each other and we can check each other as we go. I'm sorry to put you on the spot.

Mr. Buzak: I have nothing further other than the standard conditions that we put in all these regarding compliance with township ordinances and so forth.

Mr. Weiss: Okay, and Mr. Heymann, no problem with what we just talked about with conditions.

Mr. Heymann: No, not at all.

Mr. Weiss: Okay, so that being said, if somebody from the Planning Board, if you will from the Planning Board, would please make a motion on this application, with the conditions that we noted, application 20-07. We're looking for someone to make a motion.

Mr. Buzak: Is everybody on mute? Is that what it is?

Mr. Schaechter: I'll move PB 20-07, with the conditions as stated.

Mr. Weiss: Thank you, Brian.

Mr. Batsch: I'll second it.

Mr. Weiss: And it looks like John Batsch, we got you in there. John Batsch second, correct?

Mr. Batsch: Yes.

Mr. Weiss: Okay, with that, any comments, concerns? I see none. Mary, roll call please.

Ms. Strain: Brian Schaechter Yes
Ken Forlenza Yes
Kim Mott Yes
Catherine Natafalusy Yes
John Mania Yes
Dan Nelsen Yes
Paul Ottavinia Yes
John Batsch Yes
Howie Weiss Yes

Mr. Weiss: All right. Well, I thank you, Mr. Heymann.

Mr. Heymann: Mr. Weiss and members of The Board, I thank you, Mr. Buzak, please note that this took an hour and a half. Much longer than you had thought anticipated might...you thought my presentation be 15 minutes. I appreciate the time.

Mr. Weiss: I'm not sure which Mr. Buzak you're talking about. The one I know doesn't ever estimate 15 minutes.

Mr. Heymann: I know. Thank you, everybody. I'll get that stuff out to all of you with the deeds and the easements...you know...shortly. Thank you very much.

Mr. Weiss: Thank you Mr. Heymann. Good luck to everybody. I have nothing else on the agenda if anybody has any comments. I think, Chuck, one of the things before we break, we talked about impervious, the conditions of impervious versus previous on the driveway. Maybe if you make a note, let's...let's table that during a committee meeting. But maybe that's something we can look into and see if we could make life a little easier for everybody.

Mr. McGroarty: We can. But I'll tell you, Mr. Chairman, I can tell you from experience those kind of things, they're wonderful on plans and on paper. And it only takes the second homeowner, sometimes just the first one to decide they actually want to pave the driveway or pave the patio or whatever it may be. And then I think it's one of those things that sounds great and environmentalist tout it all the time. I think I think from a practical standpoint, in the field you can't enforce it. But I certainly will put it on the agenda for discussion, as you suggest.

Mr. Weiss: Well, they bring it up because it kind of follows up our conversation today. Every time we can kind of stay ahead of things, it might help us somewhere down the future. So if it's not nothing, no conversation, then we'll discuss it offline in the committee. Anybody else?

Mr. McGroarty: I can tell you, they could tell you of properties that have...that have restrictions because of freshwater wetlands. And...you know...maybe the first homeowner knows about it. But I can point to some properties in town that subsequent homeowners don't know. They fill it in and it just becomes...

Mr. Weiss: A mess.

Mr. McGroarty: A mess.

Mr. Weiss: All right. So much for that good idea. Anybody else? Do I hear somebody making a motion to adjourn?

Ms. Mott: I make a motion to adjourn.

Mr. Weiss: Thank you very much, Kim.

Mr. Mania: I'll second.

Mr. Weiss: Thank you, John. All in favor.

All: Aye.

Meeting adjourned at 9:57 pm

Transcribed by Karen Grill

Mary Stain
Signature

March 11, 2021

Planning Board Meeting date approved