

**MINUTES OF REGULAR PLANNING BOARD MEETING
HELD ON THURSDAY, JANUARY 21, 2016**

Chairman Lancaster called to order the regular meeting of the board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice dated January 13th, 2016 sent to the Daily Record, Suburban Trends and posted on the bulletin board at borough hall and website.

PRESENT: KAUFMAN, KOLDYK, LANCASTER, MARINO, MOELLER, RUNFELDT, WILD AND TERRERO (ALT. #1)

ALSO PRESENT: BOORADY, ENGINEER, STEINHAGEN, COUNSEL (FILLING IN FOR DEL VECCHIO AND MC KENZIE, SPECIAL PLANNER)

ABSENT: BLEWETT AND D'ANTONO

Chairman Lancaster stated the first item is the approval of minutes from December 17th, 2015.

Ms. Ward mentioned the members that can vote on them would be Koldyk, Lancaster, Marino, Moeller, Runfeldt, Wild and Kaufman.

Chairman Lancaster stated so we have enough people

Ms. Ward mentioned we do.

Mr. Koldyk made the motion to approve the minutes.

Ms. Moeller seconds.

Chairman Lancaster asked any comments on the minutes. Hearing none call the roll.

Roll call:

Yes: Koldyk, Moeller, Kaufman, Lancaster, Marino, Runfeldt and Wild

No: None

Abstain: None

Ms. Ward stated okay that's it.

Chairman Lancaster stated the next item on the agenda is the conceptual presentation by the Capodagli Property Company, LLC/Meridia, LLC, on property known as Block 3.5, Lot 305.5 and 305 also known as 107 and 117 Main Street.

Mr. Schepis stated it is my pleasure to be before you this evening on behalf of the Meridia Transit Village Project. Well as you may recall in the December meeting this project was the subject of discussion and Ms. McKenzie gave a very nice presentation. We are here this evening in response to the input that we received from the board's subcommittee, as well as the report to the board that Ms. McKenzie had made.

Originally this project had started out as some 260 units and as a result of the concerns that were voiced by the subcommittee it has been downsized substantially. The project as we have it here this evening has been reduced in number, in scale and in height. The project planner, Joe Gurkovich, is here and he can make a presentation to the board as to the downsized scale of this project, and then we have some additional witnesses for you that will provide some testimony as to the substantial benefit that this project will bring to the borough not only in satisfying its third round obligation for affordable housing but likewise financial benefits to the borough as a whole as it relates to tax revenue and business influx to the town. That being said perhaps Mr. Gurkovich can come up and be sworn.

Mr. Boorady mentioned Mr. Gurkovich didn't need to be sworn in it is not a hearing.

Chairman Lancaster stated it is a conceptual presentation.

Mr. Schepis stated Mr. Gurkovich is a licensed professional planner so Joe why don't you tell us about

your credentials and then you can tell us about the project as it has been downsized.

Mr. Gurkovich stated sure. I have a Bachelor's of Science Degree in Environmental Planning and a Masters in City Regional Planning and I have a license as a professional planner in the State of New Jersey, and also nationally recognized by the American Institute of Certified Planners. I have 35 years of experience in this right here.

I would like to make one correction, Mr. Schepis said it was originally 260 it was really 240, so we dropped the number a hundred units from 240 to a 140 so that change facilitated a lot of other changes. The biggest change would be originally the frontage along Main Street was 3 stories of units over 1 story of parking now it will only be 2 stories of residence over 1 story of parking. I reduced the whole frontage by 10 foot in elevation.

The second thing we did was originally the building extended out over to this flag part of the lot. We have taken that off and squared off the building and from our understanding of the comments from the committee they wanted to see fire access around the entire building. So you can see this light green strip here is a structural grass paver fire lane so if the fire department has to come in, they can come in directly off of Main Street along these 2 sides.

We've also secured an access agreement from the owners of the funeral home so that we can get in at the northeast corner if the fire department so chooses.

Basically the plan stays the way it was, you enter off of Main Street as you come into the building on the first level of parking you can go to the left or right. There will be visitor parking in this area and there is also visitor parking in this courtyard.

What we've done too is we have the amenity package with a pool and the outdoor seating and things within side the courtyard so we won't have any adverse impact against the existing single families adjacent to it.

So this is the ground level, this road here is the access drive to the lower parking lot at the back end of the site. This would be the partially underground parking which I said you enter through the front and go around the back and underneath and it is not completely covered around the entire site because we don't need as many parking spaces as we did before.

Another big change, we had the building setback 50 feet from the right-of-way now we have the building setback 75 feet from the right-of-way, another additional 25 feet, so essentially there are two stories of complete units around the whole building. When we get up to the third level again because we have less units, we didn't have to fill up the entire third level. We moved the whole building back an additional 150 feet so it is now 225 feet from the right-of-way of Main Street and I don't think anybody is going to be able to see that from Main Street, so essentially the third story is just less than half of the building.

When we get to the last sheet here, you can see on the bottom the elevation kind of cuts through to the building that shows the original 240 and you can see it is a lot longer and a lot higher, the 140 you can see is from crest in elevation a lot shorter and farther away from the street. Basically those are the changes we have made.

Mr. Schepis asked can you tell the members of the board and the public what the exterior of the structures will look like as it relates to Main Street, whatever type of architectural elements you are incorporating into the plan.

Mr. Gurkovich stated what we did we had a render preparing the rendering that you see on the right board and we tried to put mixed elements of architecture and tried to change the façade so that there is brick, stone, and siding. If you decide to approved this concept, we want to present it to the planning board, work with everyone and come up with the architectural styling that the town would most like to see out there.

Mr. Schepis mentioned now in conjunction with this matter and you being present at the December meeting, you are aware of the issues that the Borough faces with regarding to provide available affordable housing to satisfy the borough's third round of requirements.

Mr. Gurkovich stated we already provided 15% being 21 units out of the 140.

Mr. Schepis mentioned I believe you'd mentioned there is a bedroom count differential that you would offer up in satisfaction of what would otherwise be the requirement.

Mr. Gurkovich stated based on the original calculations for the affordable housing, out of the 21 there would be 4 one bedrooms, 13 two bedrooms, and 4 three bedrooms. Now whether that stays I don't know.

Mr. Schepis asked now would that be rental or for sale units in order to attempt to satisfy the obligation of the borough.

Mr. Gurkovich stated they are all rental.

Mr. Schepis asked would that satisfy what Ms. McKenzie had sought in her recommendation for "family rentals".

Mr. Gurkovich stated I believe so.

Mr. Schepis asked do you have anything else you would like to offer up to the board in an effort to address some of the concerns that were voiced.

Mr. Gurkovich stated not myself I think we've met all of them.

Mr. Schepis mentioned perhaps there are some questions for Mr. Gurkovich?

Ms. McKenzie asked I saw an earlier iteration of what you presented that had a few more units in it and you have some loft units in there, and the question I have pertaining to those loft units, I mean they were occupying part of the third floor did you just sort of squeeze them in and increased the height or how did you do that?

Mr. Gurkovich stated they are sort of like a studio apartment where the first level would be a living room and a kitchen and then you would have a stairway up and you would actually have the bedroom in a loft area within the roof.

Ms. McKenzie stated okay that part doesn't change the profile of the building except for the extra residential level it is just that you had them more squeezed in and going up.

Mr. Gurkovich stated say a one bedroom unit might be 24 feet wide this type of unit, the loft unit would probably be 18 feet wide.

Ms. McKenzie stated okay.

Mr. Gurkovich stated there would be a window within the slope of the roof here to provide light to the second level.

Ms. McKenzie states so the units you are now proposing are more conventional units.

Mr. Gurkovich stated right.

Ms. McKenzie mentioned you are not using or the space under the roof is just attic space/utility space not accessible for residential purposes?

Mr. Gurkovich stated correct.

Ms. McKenzie stated okay thank you.

Mr. Marino asked this may go beyond a concept plan I'm just thinking a little bit down the road, as far as the fire access lane in the back of the building are there entrances in the back of the building from the fire lanes to get into the buildings.

Mr. Gurkovich stated we haven't gotten that far but if the town requires it, we would do whatever it is to make it safer.

Mr. Marino asked as far as the front of the building or the middle of the courtyard, how are you accessing the units from inside there.

Mr. Gurkovich stated as you come in you have the courtyard here, right here would be the entry to the elevator/stairway so that would be the primary entrance. There is also going to be a stairway over here and the pool area so you can get in from either side.

Mr. Marino asked are they common areas/common lobbies.

Mr. Gurkovich stated yes. This would be kind of a common area in here with a management office but it would still have to be developed. But there is also going to be another elevator over in this corner so if you park over here you don't have to walk all the way over to the other side to this elevator.

Ms. McKenzie asked one of the issues that the master plan subcommittee had questioned you about initially was when the driveway goes into feed the lower level, whether there is enough height there so that an emergency vehicle could get in say if there was a need for an ambulance to get in there. You know if there was a problem they could get an emergency vehicle in there.

Mr. Gurkovich stated we looked at that and I know there are regulations being developed for most of the public garages because of the Short Hill issue this past year. There is also the issue if you provide a cart you are allowed to use standard size garages. Quite frankly if you went in here and got either in this elevator or the other, it is much quicker than driving all the way down in the back but we'll work with the town.

Ms. McKenzie stated we were concerned about something happening in the parking garage. If someone had a problem in the parking garage.

Mr. Gurkovich stated I mean we can discuss that during site plan application.

Ms. McKenzie mentioned it does affect sort of overall profile of the building if you have to raise up the garage.

Mr. Gurkovich stated I don't know what the height of the ambulances are but I would imagine 8 foot 6.

Ms. McKenzie mentioned I don't know either.

Mr. Gurkovich stated parking garages are required to have at least 8 foot 2 inches of clearance.

Ms. Moeller stated with the antennas and the lights and everything on top it is more than that.

Ms. McKenzie stated that could change the profile of the building unless you are able to dig it down further.

Mr. Gurkovich stated we want to stay above the flood elevation.

Ms. McKenzie stated right that makes sense.

Mr. Gurkovich stated so it will raise the building more or less a couple feet.

Chairman Lancaster stated the plans that you gave us on the first floor it shows a 116 units. I'm looking at the individual ones.

Mr. Gurkovich stated 116 units on levels one and two not just one so it would be half of that.

Chairman Lancaster stated okay. Then on level three you show 32 market units.

Mr. Gurkovich stated yes.

Chairman Lancaster stated so that's 148.

Mr. Gurkovich stated 116 and 34 is a 140. The 116 includes the 21 affordables.

Page 5 – January 21, 2016 (regular)

Mr. Boorady stated 116 plus 32 is 148.

Mr. Gurkovich stated that's a drafting error, I apologize.

Chairman Lancaster stated okay.

Mr. Gurkovich mentioned it is still 140.

Chairman Lancaster stated there was something that didn't match but 116 plus 34 is 150. But the proposal is 140 max.

Mr. Gurkovich stated 140 max.

Mr. Marino asked once inside the circular driveway at this point do you have any idea how far the building to the left would be from that circular driveway.

Mr. Gurkovich asked are you talking about this piece here.

Mr. Marino stated yes.

Mr. Gurkovich mentioned about 60 feet.

Mr. Marino asked 60.

Mr. Gurkovich stated yes.

Chairman Lancaster mentioned I assume the structural pavers in the center would be able to allow turning radius for fire trucks.

Mr. Gurkovich stated they can drive right over the top of it and turnaround, whatever they need to maneuver inside there.

Chairman Lancaster stated one of the concerns was the turning radius of emergency vehicles.

Mr. Gurkovich stated right.

Chairman Lancaster mentioned I see in the far back the proposal right now the plus or minus 60 feet on the last page is that to the top of the living unit or to the mid line of the roof?

Mr. Gurkovich stated the ceiling of the last floor, the actual height of the roof is yet to be determined. I think the definition of building height is to the mid-point of the roof and you would have to adjust that based on the ordinance.

Chairman Lancaster stated okay because right now I think our height is what 35 feet?

Mr. Marino stated 32.

Chairman Lancaster mentioned I know it was in the thirties.

Ms. McKenzie asked I know you want to stay above the flood elevation and I don't know where that is, but is there any way to drop down the garage level more into the ground.

Mr. Gurkovich stated I believe if you maintain the actual entrance to the garage above the flood elevation you can go down. We've done that on other projects yes. So 181 at the entrance and then you can drop down.

Ms. McKenzie stated well if you are providing required parking I think that is now required to be above the flood elevation so you may have a problem. I just don't know where your flood line lies so I don't know what flexibility you've got.

Mr. Gurkovich stated 179 we are at 181.

Chairman Lancaster stated you're a couple of feet above.

Ms. McKenzie stated it appears where they have to be I think.

Mr. Gurkovich stated in other towns we actually have underground parking where as long as the entry drive is above the flood elevation so the flood water doesn't get over the entry drive you are okay as long as you have pumps to pump it out.

Ms. McKenzie mentioned I guess that's a DEP issue as much as anything. It would be interesting to see because I'm noticing even though your buildings are two residential stories I always understood that the garage in the front would be somewhat below grade so it wouldn't really be a full story that's shown.

Mr. Gurkovich stated we could actually mount it up there because we have enough room coming back from the road at 75 feet so we can raise the grade a certain percentage and cover up say half of the garage at that point.

Chairman Lancaster stated 75 feet in from the road it does drop off pretty quick.

Mr. Gurkovich stated you're right it is about 5 feet.

Chairman Lancaster stated these are really kind of rough it doesn't show the contours.

Mr. Gurkovich stated it goes 10 feet from the front to the back so it is about 5 feet.

Ms. McKenzie stated so there is something that you can do so that the building reads more like 2½ story buildings which is what the goal is.

Mr. Gurkovich stated absolutely.

Mr. Wild asked so the entrance and exit would be in the front

Mr. Gurkovich stated the entire building. This would be the only major entrance.

Mr. Wild asked you don't think that would cause a traffic problem.

Mr. Gurkovich stated well based on the testimony you heard last time the 240 there was minimal impact and with a hundred units less I would think it is even better.

Mr. Wild asked is there any way to put an entrance out to Beaver Brook Road.

Mr. Gurkovich stated based on what I've seen on some of the maps there are wetlands back in here and as long as we have an alternate access point the DEP very seldom allows you to do that.

Mr. Wild mentioned speaking of the access point, if the fire truck access point can go through the funeral home what if that is sold what happens to that?

Mr. Schepis stated I'm sure they are going to have a recorded easement. I know they entered into a contract in order to purchase but it would be permanent.

Mr. Marino asked what are you considering the width of the driveway, the entranceway.

Mr. Gurkovich stated at this point it is being shown as 30 but I imagine it will probably be 3 lanes; one right turn, one left turn and one in. I think we have to look at that during the final design.

Mr. Koldyk asked what are you proposing the width of the driveway to the lowest garage level.

Mr. Gurkovich asked the one on the far right.

Mr. Koldyk stated yes.

Mr. Gurkovich stated 20 feet wide.

Mr. Koldyk mentioned 20.

Mr. Gurkovich stated it wouldn't be enough to do any parking we wouldn't want anyone to park on there.

Mr. Marino asked is this going to be a truss system for the roof.

Mr. Gurkovich mentioned I know why you are asking that because of fire issues. It hasn't been determined but I would imagine it is a truss system.

Mr. Marino asked floor too or just the roof.

Mr. Gurkovich stated it will be the truss type joists across probably yeah.

Chairman Lancaster asked any other questions for this witness. You said you had others?

Mr. Schepis asked shall we proceed.

Chairman Lancaster stated we shall proceed.

I have one question. You show a berm in the front and I assume that berm would have to be cut down for the entrance for the emergency access?

Mr. Gurkovich stated yes. At that point it would probably be low vegetation but enough so they can drive across.

Chairman Lancaster stated okay. I mean I've seen the grass pavers and they work, we have them over at the airport and a couple other places.

Mr. Gurkovich stated whatever the fire department prefers that is what we would use.

Chairman Lancaster stated that would have to be plowed in the wintertime. One of the concerns in the back is access to the living space because you are talking two levels of garage above ground and then you start living space.

Mr. Gurkovich stated right.

Chairman Lancaster stated being able to get in there for emergency access I think that's one of the questions that Sal was talking about.

Mr. Gurkovich stated I don't know what the procedure what they do, I would hope they would be able to get in from this side if they had to.

Chairman Lancaster stated it depends on where the fire is. If it is in the back, I know one of the concerns in what was Mountain Crossings or Mountain View Crossing, whatever it is, there was a fire in the back and there was a problem getting the trucks back there.

Ms. McKenzie stated they just don't want to have that happen here.

Chairman Lancaster stated it is one of those things that you want to be able to get to on all sides of the building.

Mr. Gurkovich stated and with the Avalon issue it is critical.

Chairman Lancaster stated I know it was a problem over there it was a couple of years back. They had to do a lot of reengineering to rebuild it.

Ms. McKenzie stated Mr. Chairman I kind of like the idea of doing the emergency access drive with grass pavers providing it is maintained properly and kept weed free, just sort of grass in the summer but also plowed in the winter because I think that will discourage people from using that as overflow parking which you don't want. You want it to be available for emergency vehicles and it has to be kept clear.

Mr. Schepis asked shall we proceed.

Chairman Lancaster stated I guess so.

Mr. Schepis stated our next witness is Richard Reading. Mr. Reading is the financial consultant to the project and he's done an in depth study into the financial impacts of this project on the borough. Why don't you tell everybody a little bit about yourself and your credentials?

Mr. Reading stated my name is Richard Reading and I'm an Economic Analyst and Consultant and have been so engaged for over 35 years. I'm a graduate of the Pennsylvania State University with a degree in economics, also principal in Richard B. Reading Associates. It is consulting firm based in Princeton and we provide economic and demographic research to approximately 650 clients in both the public and private sectors.

One of the specialties of the firm involves the economics of land use and in that regard I appear on a regular basis before planning boards, zoning boards, governing bodies, in Superior Court throughout New Jersey and the eastern portion of the United States. Over the years I've prepared reports and appeared in approximately 600 matters involving the economics of land use.

Ms. McKenzie stated I'm well aware of his credentials and I can recommend him to the board as an expert. I think you should hear his credentials that's why I didn't stop him. I've known Mr. Reading for a long time.

Mr. Reading stated my assignment here was to provide an evaluation of the economic and demographic and physical implications of the proposed development which you've seen tonight. I've done a number of iterations of this plan and the most recent of which was set forth in a Physical Impact Analysis dated December 14 which as I've heard tonight is not necessarily the newest plan. That plan included a total of 165 units and it is my understanding it has been reduced somewhat. I'll proceed on the basis of that and then at the end I'll try to give you an insight of what that change, the reduction in the development plan might mean.

The model that we used in a standard physical model that has been developed by the Center for Urban Policy Research at Rutgers University and it is an input/output model that measures the impact both on terms of cost and revenues of new development to a community. We start with the physical infrastructure of Lincoln Park and from that we obtained data from the borough clerk, the tax assessor, and the Board of Education to create a kind of model in which we would insert the new development to measure its impact on services, cost, and revenues.

The current development plan or the time that I evaluated it had a total of 165 multi-family residential units that was comprised of 140 market units and 25 affordable units. The market units were a mixture of one and two bedroom units and then the affordables; including the required UHAC mixture of one, two and three bedroom units, all of the units were anticipated being for rent.

The completed development had an estimated value and assessment of twenty-eight million dollars and would be occupied by approximately 316 residents when completed and occupied. Those additional residents would create service costs for the borough and we estimated that they would amount to about two hundred and twelve-thousand dollars which would be fully offset by two hundred seventy-three thousand dollars in property tax revenues.

In terms of the largest impact very often in residential development we looked at the multipliers for public school children. This project is what we would call a transit orient development by virtue of its design and location near transit facilities and as a result we used two different demographic multipliers. One is called the transit oriented development or TOD multiplier for the market units, but we used a special multiplier for the affordable housing units because those units have special occupancy requirements that are different than other types of units.

As a result of that analysis, we anticipated there would be a total of 19 public school children generated and those school children on average cost basis would generate about two hundred sixty-thousand dollars in costs for the school district but will be offset by add school district revenue of about three hundred seventy-eight thousand indicating a surplus of about a hundred and seventeen thousand dollars. So overall the 140 market units would generate annual revenue of six hundred and sixty-nine thousand with costs of two

hundred fifty-nine thousand and generate a surplus of four hundred and nine thousand dollars while the affordable units would generate a deficit of a hundred and eighty-one thousand so overall there would be a surplus to the extent that the market units would generate more revenues than the deficits generated by the affordable units. So combining them both there is an overall revenue surplus of one hundred eighty-one thousand dollars and this is the way an inclusionary development is supposed to work that the market units are constructed and funded by the developer. The revenue generated by the marked units offset the cost of the affordable units with no added costs to the taxpayers in the community and this project does that by covering not only the development costs but the operating costs.

Another factor we had looked at is the economic impact of the project on the private sector and that is the impact beyond those associated with municipal services, school services or county services to include the impact storing, the construction of the project and when it is completed its steady state or operational impacts. During construction this project would generate 249 construction related jobs both on site and off site about eleven and a half million dollars of construction payrolls and when completed it would be the location in this case of 165 households. Those households would be expected to generate about ten point nine million dollars in annual personal expenditures and that includes expenditures for shopping and convenience goods which may be satisfied locally. So overall it is a project that I think has a positive impact and it is the type of development that is more and more common in New Jersey. The principles of smart growth are actually being realized and it is the type of development that really appeals to the bookends in population to young professionals and some empty nesters and it is not a project in our experience that is really attractive to families.

For example, the 2 bedroom units in this plan have an average monthly rent of twenty-two hundred dollars a month. A family with children could find more suitable housing. For example, with twenty-two hundred dollars a month that would pay for a four hundred and sixty thousand dollar mortgage at today's mortgage rates so families with children have a lot of better alternatives than this type of product with the exception of the affordable housing units which really are in a different situation and need this type of housing.

Chairman Lancaster mentioned you said you were going to talk about the differences.

Mr. Reading stated I didn't really have a chance to sit down and do it completely but the surplus on the market units here amount to about twenty-nine hundred dollars per unit and the surplus overall when you include the affordables, and they just scaled the project down and I heard tonight that the affordables would continue to be about fifteen percent, so the surplus with the affordables is about eleven hundred dollars a unit. If you reduced the project by that number of units, for example, if you reduced it by 125 units that would have a commensurate reduction in the surplus that would be generated. Also on the other end the private sector, you do small projects the construction costs and the impact when it is completed would be smaller than if the project stayed at a 165 units.

Chairman Lancaster mentioned there are two other questions. You were talking about the original plan the 140 market units were 1 and 2 bedrooms no 3 bedrooms?

Mr. Reading stated the 3 bedrooms are in the affordable units.

Chairman Lancaster stated I assume that stays the same.

Mr. Reading stated that's required by COAH.

Chairman Lancaster stated okay. The other thing is when you were looking at it you had two sets of costs, one was the cost to the borough and the property tax to the borough, and then the costs for school and property tax for school. I assume the three hundred seventy K revenue, whatever it was, I know it was in the three hundred seventy some odd range was your regular taxes, I mean and the breakdown based on the tax rate and how much goes to the borough, how much goes to the schools and how much goes to the county?

Mr. Reading stated this project was calculated at what we call ordinary applicable taxes it is not a redevelopment project, it wasn't pilot revenues or rab pilot (phonetic). So those revenues are very basically the value of the project times the assessment ratio here because your ratio is a little over a hundred. We used the hundred which is what I'm required to do adding that twenty-eight million dollar value and assessment and then we applied the borough's tax rates to those to generate the revenue, and then they were compared to the costs that were allocated for each of those jurisdictions; for the borough, for the school

district and the county.

Chairman Lancaster stated okay. I use to be on the school board I assumed you used the school board's report card that talks about cost. The calculation changes when you add a few people because the costs don't necessarily change.

Mr. Reading stated it does and in the report there is such a thing called table five so we had done a history of the school district its enrollment and the revenues going back only back to 1976 and looking at the change. We did look at those and when I said they were calculated on an average basis not a marginal basis, we took the school district cost per student and applied those to this student without a discount.

Chairman Lancaster stated okay. Those were the questions I had. Does anybody else have a question?

Ms. McKenzie stated you talk about public school children but did you use the multiplier that assumes that some of the kids will attend private schools, or did you use school age children?

Mr. Reading stated well the set of multipliers I'm working from provide there are two sets. There are school age children and there is also a multiplier for public school children which is the multiplier that we used for this purpose.

Ms. McKenzie stated because I'm thinking at least on the affordable units did you just do the affordable units based on COAH's suggested household size?

Mr. Reading stated we used the actual multipliers, the public school multiplier, and I think Betsy it is Appendix 4 where they breakout public school children. If you look at those compared to the market units, there is a huge difference.

Ms. McKenzie stated right okay.

Mr. Schepis asked in your analysis based upon the school system, can you tell the members of the board and the public whether there is a trend of decreasing population in the school system presently or an increase in population.

Mr. Reading stated right now Lincoln Park School District is basically flat not like many municipalities experiencing the declines in enrollment that is yet to come. When we looked at age cohorts, and if you look at Table 2 in the report you find that as of the 2010 Census the younger components of the population, the preschoolers, were much smaller than they were years ago and the lower grades are smaller. Right now the school system has a relatively stable enrollment but as we go down the road four or five years with smaller classes in the lower grades we expect that enrollment to decline absent some development, other residential development in the borough.

Mr. Schepis asked what about the population in the borough as a whole did you do any research into the population status.

Mr. Reading stated the population in the borough has been stable. It is lower today 2014 according to the newest estimates than it was in 1990 so the borough has been a very stable demographic and economic base. Employment in the borough has declined a little bit since 2010 but not significantly so it is pretty much a stable town at this time. The trend though in demographics you have an aging population and you have in the lower age cohorts, particularly the pre-school and younger cohorts, a decline in those number of children compared to ten years ago.

Chairman Lancaster asked any comments from the board.

Mr. Schepis stated Mr. Gurkovich has something he would like to say.

Mr. Gurkovich stated Mr. Reading wasn't here when we had the presentation back in July when we had the marketing report which was very extensive. The borough did experience a loss of 409 residents from 2000 to 2010, primarily I guess because of the flood buyouts and other issues. Also between the years of 2005 and 2015 grades 1 through 8 declined by 45 children so that was the trend up until now.

Ms. McKenzie asked declined by how many children.

Mr. Gurkovich stated 45.

Ms. McKenzie stated okay thank you.

Mr. Schepis mentioned as we continue to move along I would imagine traffic and the impacts of this project on the surrounding roadways would be something the board would be concerned with. So the client engaged services of a traffic engineer and it is Craig Peregoy. He is a licensed professional engineer and he's conducted an investigation into this project.

Mayor Runfeldt stated I'd just like to mention you made reference a couple of times to pages in his report we never received a copy of that report.

Ms. McKenzie asked are you going to supply that to us.

Mr. Schepis stated absolutely.

Ms. McKenzie stated that would be great.

Mr. Schepis mentioned I was under the impression that was submitted.

Ms. Ward stated we do not have it.

Chairman Lancaster stated we only have copies of the 11 by 17 sheets.

Ms. McKenzie stated the plan sheets.

Mr. Schepis mentioned I'm sure Mr. Reading is going to want to update it based on the reduction of use.

Ms. McKenzie stated that's fine.

Mr. Schepis stated we'll submit it as the amended.

Ms. McKenzie stated we'd like to see the report.

Mr. Schepis mentioned absolutely.

Craig why don't you introduce yourself and give your credentials.

Mr. Peregoy stated my name is Craig Peregoy, I am a licensed professional engineer in the State of New Jersey. I am a traffic engineer and I was here before when we had the 220 unit presentation so the qualifications are still the same as then.

Mr. Schepis stated you've reviewed this submission with the reduced number of units down to 140.

Mr. Peregoy stated yes.

Mr. Schepis mentioned the board and public is reasonably concerned about the impacts of this project that would have on intersections, public roadway not just immediately in front of the project but in the borough as a whole. Why don't you share with the board and the public what your investigation has revealed on this topic?

Mr. Peregoy mentioned the last time I testified we prepared a traffic study looking at the larger development, the two hundred plus unit development. We looked at the site driveway and how it is going to operate and also the impact that we were going to have on the adjacent intersection to the east at that five point intersection with Boonton Turnpike. The result at that time were good with the 220 units and obviously now that we are at 140 units you are talking about proportionately less traffic so there is less of an impact.

I think the key take away from what I discussed before and again the results are consistent as the driveway operates at a good level of service, meaning there is a minimal delay to get into and out of the driveway for residents. We don't have a significant impact at the signalized intersection it doesn't work ideally now, but

there is a county improvement plan coming through and when that goes through, then you are going to see a big difference and it is certainly going to add more than enough capacity compared to what we are generating with what this project will be adding to that intersection many times more in terms of the amount of cars it can handle. So I think those were the two key points again with the larger development and now with a smaller development really the same thing but obviously lesser of an impact proportionately based on the number of units.

Mr. Schepis asked have you reviewed the parking layout plan in conjunction with this concept plan as it relates to sufficiency of parking and the flow of the traffic.

Mr. Peregoy stated absolutely. Obviously as you heard before we made some improvements in terms of the ability for emergency vehicles to access by providing the ability to go around the site and connect to the funeral home property. In terms of the access for residents the driveway will operate acceptably. The parking layout is good and efficient and we will be able to provide enough visitor parking as well as assigned parking for residents based on this current layout. Obviously things like the dimensions of parking spaces and isle width will be developed as the site plan goes along, but the way the preliminary layout is certainly works effectively.

Mr. Schepis asked from an engineering standpoint is there any concern that the layout and the sufficiency of parking could in anyway not satisfy the Residential Site Improvement Standards, or I'll ask you in the positive sense are you confident that you will be able to satisfy the RSIS as it relates to the configuration driveway widths, isle widths and parking stalls.

Mr. Peregoy stated absolutely. As it is shown I believe we exceed it but as the site plan gets developed I'm comfortable we will easily be able to meet it.

Mr. Schepis asked as it relates to this project and its location on a county road, how in your professional opinion is this site suitable for this use.

Mr. Peregoy stated we've met with the county preliminarily back when we had 220 units and showed them what we wanted to do, and basically the traffic study that I prepared that you all will receive will be submitted to the county and they'll provide their review, but preliminarily they had no objection to what we were proposing.

Mr. Schepis asked is it fair to say that based upon the proposal this evening the 140 units that there can be a safe/efficient traverse into the project/out of the project and that the project as a whole wouldn't have a negative impact on existing roadways in the borough.

Mr. Peregoy stated absolutely with 200 plus units it worked and obvious this is just a little bit better in terms of traffic impact.

Mr. Schepis stated okay I don't have anything else I can asked.

Chairman Lancaster asked were there any assumptions made about the alternative going through to it is only fire access to the funeral home right it is not driveway access.

Mr. Peregoy stated it is just emergency access.

Chairman Lancaster stated just emergency access okay. I think in the original one it showed just a regular driveway so it was a concern.

Mr. Peregoy stated no.

Chairman Lancaster stated I'm looking at it now and I see that it is optional.

The fact that there is one entrance to the lower driveway, I guess in the upper driveway you know you have one on each side of the loop going around, is there any problem with just having those single entrances?

Mr. Peregoy stated that will work okay and what we will do is for that lower level there would be assigned parking spaces for units so you wouldn't want to have somebody wandering down there and there is no parking and they can't turnaround you'll know you have a certain assigned space down there.

Chairman Lancaster asked are those restricted access in and out of that parking. You know like you press a button or somehow to get in?

Mr. Schepis stated a keycard.

Mr. Peregoy stated yeah I would assume there would be something.

Mr. Gurkovich stated except for the visitor parking we will probably have those type of access gates here and here. As your car came in you would have the actuator in your car and it would open up for you when you entered in and when you left.

Chairman Lancaster stated okay. Any other comments or questions from the board?

Mr. Koldyk asked when your traffic study was done and you calculated your pull outs was it 19 or 29 I wondered. What time of the year was that?

Mr. Peregoy stated when we took our counts on the road it was May of 2015.

Ms. McKenzie asked May of 2015.

Mr. Peregoy stated yes this past May. The county had done a study as well for their improvements and we have their traffic data as well and it all matches up very well.

Mr. Koldyk mentioned I'm going to want to see numbers during school hours for those pull out times during the busiest time of day.

Mr. Peregoy stated we are looking at 7 to 9 in the morning and 4 to 6 in the evening on a weekday because the roadway is going to be as busiest then and you are going to have the most people going in and out of a residential building at that time, commuting traffic essentially is the spikes.

Mr. Koldyk stated okay.

Mr. Wild mentioned get back to the visitor parking, there are only 8 spaces for visitors to park?

Mr. Gurkovich stated no. This parking area would be say someone is coming in and they want to lease a unit they don't know where they are going that would be for them. If you have a visitor coming, you are going to tell them listen you pull into the first driveway and there will be spots there. They will give them a little placard to put in their windshield so they can control it. You get a placard with a certain time of day, 2 days they want stay it is controlled by management.

Mr. Schepis asked how many visitor parking do you anticipate Joe.

Mr. Gurkovich stated at this point I'm not sure of the exact number but RSIS allows for, for instance, a one bedroom unit requires one point eight spaces. Obviously most people are going to have one point eight cars for a one bedroom so it is accounted for in that. Someone told me I believed it was our engineer half a space.

Ms. McKenzie stated half a space per unit.

Mr. Peregoy stated half a space per unit yes.

Mr. Schepis stated so 70.

Mr. Peregoy stated 70 spaces would have to be available for visitors.

Ms. McKenzie stated correct.

Mr. Schepis stated Mr. Wild's concern was that there would be 8 parking spaces for every visitor that would be coming to this facility it could be kind of tight.

Ms. McKenzie mentioned the multiplier for the number of parking spaces per unit built in the visitor

parking you may want to have some spaces that are fluid.

Mr. Gurkovich stated each parking space will have a number on it and as you fill up the building you are going to understand what's going to be there for at least a year.

Ms. McKenzie stated okay I'm sure that can be worked out.

Mr. Gurkovich stated I didn't think a half a space is reliable.

Mr. Boorady asked are you going to tell tenants how many cars they can have.

Mr. Gurkovich stated well usually there is a fee involved.

Mr. Boorady asked you are going to charge for parking.

Mr. Gurkovich stated yeah it is a minimal fee but that's the way to control it.

Mr. Boorady stated so I can have 4 cars.

Mr. Gurkovich stated no not necessarily.

Mr. Boorady asked if I pay for them.

Mr. Gurkovich stated you are not going I'll say 140 units and 800 cars that is not just going to work that is not good for marketing and everything else.

Mr. Boorady asked will it be assigned parking.

Mr. Gurkovich states yes each one has its number on it and you get a space assigned to you when you sign your lease.

Mr. Boorady stated so that's how you'll police whether somebody has one car or two cars.

Mr. Gurkovich stated exactly.

Mr. Steinhagen asked did you do an updated study for the 140 unit building.

Mr. Perego stated we did. We reran our analysis.

Mr. Steinhagen asked do you know what the peak hour trip generation is in the A.M. and P.M.

Mr. Perego stated yes absolutely. For 140 units A.M. peak hour it is 71 trips. A trip is a car either entering or existing so it is 14 in and 57 out and the P.M. peak hour it is 57 in and 30 out for 87 trips.

Mr. Steinhagen mentioned you indicated it was good level of service but what is it at the site driveway?

Mr. Perego stated at the site driveway it is a level of service C.

Mr. Steinhagen stated okay. How would a moving truck fit on this site?

Mr. Gurkovich stated you are not going to have the big 50 foot long trailers coming in these are smaller apartments. They would come in right through here and around this area here.

Mr. Steinhagen mentioned the only reason I asked that is because I lived in a complex like this when I was in law school and when I moved, it was in Atlanta, and they brought a big big truck and they had like five or six other peoples' stuff on it.

Ms. McKenzie stated that is exactly what I was going to say you will get the big trucks.

Mr. Gurkovich stated I have extensive experience with the parking now with the Weehawken water front and 9 out of 10 trucks are the smaller trucks.

Chairman Lancaster asked what about the 1 out of 10.

Mr. Steinhagen stated yeah. I know this is preliminary and conceptual but has there been any consideration for how a big truck would come in?

Mr. Gurkovich stated well when they sign their lease they are going to tell you don't bring a big truck. It has happened but to prevent that from happening that's what they do you've got to tell people.

Mr. Peregoy stated move ins are typically scheduled in a building like this so you don't have 5 or 6 people showing up trying to move in on a Saturday. You get a block of time.

Mr. Gurkovich stated they are spaced out throughout the month.

Mr. Steinhagen asked let's say it is a small truck where does it go.

Mr. Gurkovich stated excuse me.

Mr. Steinhagen asked where does a small truck go.

Mr. Gurkovich stated it would go in through this area here and you just park on the side.

Ms. McKenzie stated I think what is really going to happen is if a big truck is coming in and sometimes you do get trucks that will come you know from some distance and they will put several different loads on the one big truck and they will drop off this load here. I mean that doesn't always happen but sometimes people do move in with a U-haul and they have a smaller truck and it is fine. I think what will happen is you will end up having them parked and taking up some of that front driveway. It may be during site plan it would be appropriate to provide some sort of a cut out.

Mr. Gurkovich stated sure.

Ms. McKenzie stated I mean I think you are just going to have to figure that occasionally you are going to have that kind of turnover and it also provide a place for you know a pumper to park or something like that. There are some advantages to providing that kind of a cut out just generally as a design thing and I think you might want to think about that.

Mr. Gurkovich asked certainly.

Ms. McKenzie stated I think thinking about those big rigs is a good idea.

Chairman Lancaster stated it is a concern. The other alternative would be to having them sitting out on Route 202 idling which is what we don't want.

Ms. McKenzie stated which is what you don't want. You need a place for them to come in and pull in conveniently and not make a big mess.

Mr. Peregoy stated we certainly don't want them stopping on 202 so we'll take a look at how, but we don't expect any of those large vehicles and we wouldn't really allow them but if one did wander on site we will make sure there is a way for it to get off.

Ms. McKenzie stated yeah so that will have to be looked at because some of your turning radii might be a little bit tight. I'm not an engineer.

Mr. Steinhagen stated I'm not either but it just looked kind of a little bit iffy on that turnaround in there.

Ms. McKenzie stated you want to look and make sure you can actually negotiate.

Mr. Peregoy stated a big truck is not actually going to be able to turnaround in that circular area but it could back into the drive isle that goes to the bottom and turnaround if we provide the geometry. We'll take a look at that.

Ms. McKenzie stated I think that is going to be important because you're emergency vehicles are going to

have to be able to maneuver with the same fluidity and some of them will be big as well. You need to make sure you've got the room.

Mr. Peregoy stated it should work in the circular area. The larger fire trucks should be able to circulate in the circular area, and obviously when we get to a site plan we will design the dimensions and we will design it for that.

Chairman Lancaster mentioned that is one of our concerns. Those are standing radius and you know we have some pretty large trucks and the turning radius is going to be critical, right Sal?

Mr. Peregoy stated a lot of time the fire department will be able to provide us with the spec sheets for the trucks that we can run that through our computer software. I don't know that a large fire truck would want to pull into the middle of a building if it was on fire.

Mr. Terrero stated well when you are talking about the courtyard, you might need to access your left and right units within the courtyard with a fire truck. You can't only provide safety for the perimeter of the building the interior courtyard needs protection as well.

Mr. Peregoy stated sure.

Mr. Terrero stated I don't think the current layout permits a fire truck to operate freely within the courtyard of a building.

Mr. Peregoy stated well we will work with the fire department and get those templates.

Ms. McKenzie stated if I can suggest I think it makes sense for you to have that meeting early on in the design stage and find out exactly what they are going to be looking for because they may have some very clear ideas of the kinds of things they want and they may know where they won't want to pull in. Maybe they won't want to use the courtyard because it is too tight and they don't want to ruin their equipment. But maybe they will want to have more room to pull over in various places or something like that so you have to kind of work with them early on so that it goes into all your coverage calculations and everything else. I just think that's a very good idea.

Mr. Peregoy stated you are exactly right. The largest the ladder truck isn't going in the courtyard and we want to make sure that works for the pumper truck and whatnot.

Ms. McKenzie stated you have to talk to them and find out what they are concerned about because if they feel that's important that may have an implication for the design of the building.

Chairman Lancaster stated actually that is one of the concerns that the master plan committee had was you know how do we maintain it, how do we live with it? You don't want to build something that you can't live with down the road and that's for borough services. It is not at a detailed design phase but I think it is up front because it is going to be one of the concerns before we even do any recommendations or no recommendations to the council.

Mr. Peregoy stated that drawing is just a conceptual sketch and we haven't laid out all the details like that, but I'm confident based on the dimensions that we have and the size of that courtyard that we will be able to accommodate the fire trucks and emergency vehicles that need to get into it. I have no doubt that you will be able to do that.

Ms. McKenzie mentioned as the chairman suggested, that probably would be good to address early on and find out what they are going to be looking for and know that you can accommodate it, or that it is not going to affect how you sight the building or whatever. Just early on before you start designing, before you get into heavy engineering, it is good to know what your parameters are.

Mr. Peregoy stated yeah.

Mr. Gurkovich stated that was our sense we didn't want to jump the gun and go beyond the scope of this thing.

Chairman Lancaster stated right but again that is one of the concerns, especially now it is a little bit smaller

and there are potentially things to work with but it is still a rather intense use of this 4½ acres. I look at some of the things around town that were a 120/140 units they are at least 2 times the size of this from an acreage standpoint, so it is an intense use compared to what we have in town okay.

Mr. Marino asked on those two access fire lanes on the left and right, coming off of 202 is that just an open driveway to get in and out.

Mr. Gurkovich stated it could be like a half of curb cut or sloped curb cut, whatever the fire department wants.

Mr. Marino asked anyone can drive into that driveway.

Mr. Gurkovich stated no.

Mr. Peregoy stated for somebody driving by it won't look like a driveway, the fire department will know it is there it will probably be a sloped curb but it will be up to the county. It will probably be a sloped curb so somebody driving by you would just see the curb and grass and you wouldn't know it.

Ms. McKenzie stated so it wouldn't look like a curb cut.

Mr. Peregoy stated it wouldn't look like hey I'm going to drive back there.

Chairman Lancaster stated except when it gets plowed in the winter which it would have to be for maintaining access.

Mr. Boorady stated it is going to look like a sidewalk because people are going to be walking across it.

Chairman Lancaster stated right.

Mr. Boorady stated in the front it is going to look like a sidewalk. Behind the sidewalk it will look like grass pavers.

Chairman Lancaster stated yeah grass paving.

Mr. Boorady stated yeah.

Chairman Lancaster mentioned again I know that on Bog & Vly in one of the buildings we have similar type things. At the end of the street I live on they put them in. They put in a subbase which is like a roadway and then the top is pavers with grass. There is actually some white fencing that can be opened you know when you have to use it or not, but you want to make sure people aren't looking at it to use it.

Mr. Gurkovich stated as you can see on the rendering we do continue the white fence that's out there now so that will be part of it.

Chairman Lancaster stated I know at the end of the street I live on there is a white fencing and gates that would be opened.

Mr. Gurkovich stated a breakaway gate that will pop with a truck.

Chairman Lancaster stated it has been broken but they are on hinges to open regularly too okay. Any other comments from the Board?

Mr. Boorady stated just traffic related.

Chairman Lancaster stated yes.

Mr. Schepis mentioned Patrick McClellan, the project engineer, is here tonight. Because we haven't gotten into detailed engineering on this project he doesn't have much to offer on from specificity but he can address questions as it relates to the overall develop ability of this property for the project that's proposed. Mr. McClellan why don't you come up and join us.

Mr. McClellan is a licensed professional engineer and he is charged with making this physically happen should the zoning accommodate it. Mr. McClellan just briefly just state your credentials for the record.

Mr. McClellan stated he is a licensed professional engineer in the State of New Jersey. I am a graduate of the New Jersey Institute of Technology with a Bachelor's of Science in Civil Engineering in 1989. I'm 50% owner of MCB Engineering Associates, LLC since 2002 and our office is in Totowa. I have appeared before this board and other boards approximately 150/200 times in my career on applications similar to this.

Mr. Schepis asked in further of this project have you done an analysis or an investigation into this property to determine whether or not what is proposed here this evening in the way of this project is feasible from an engineering standpoint, and when I say that I mean such things as drainage, sewer capacity, water capacity, stormwater management and grading.

Mr. McClellan stated specifically with regard to stormwater we've looked at that. We did a bit of a more detailed analysis and I provided information the last time we were here representing for 240 units. We haven't done a follow up detailed analysis on this plan and that's only because that we know when it comes to drainage when you reduce the scope of a development and you reduce the size of impervious cover and you give us open land to put a detention basin in, it just gives us many more options. I am very confident from a stormwater management perspective we can design a system that complies with the state regulations for water quantity reduction, water quality enhancement, and for ground water recharges if necessary.

Mr. Schepis mentioned as everyone here in this room is well aware, much of the borough is located in the New Jersey state flood hazard area. This property is it in the New Jersey State flood hazard area?

Mr. McClellan stated there are little bits of it in the state flood area. Just to clarify from before, the flood hazard elevation for this property is actually 181.1 and the FEMA one hundred year flood elevation is 179.1 so add a foot to that the state says and there is our design flood elevation. This building is proposed to be designed at an elevation of 181 and that's so all of our parking is over top of the flood hazard elevation and of course all the residential units are above as well. The access coming in from Main Street is also well above the flood elevation so we don't have access issues to this site as well. The site actually works very well with its grade higher at Main Street and sloping down in the back, so we do have a strategy for positioning the building fully out of the flood zone and what we believe would be compliant with NJDEP rules.

Mr. Schepis asked is it fair to say as one traverses closer to the train station that you would be going further into the flood hazard area.

Mr. McClellan stated correct.

Mr. Schepis asked so they are lower elevations.

Mr. McClellan stated correct.

Mr. Schepis asked is it fair to say that this property is about as close as you can get to the train station without being in the flood hazard area.

Mr. McClellan stated yes that's a fairly accurate statement.

Mr. Schepis mentioned so as far as walking distance and not being in the flood hazard area this is about as closer as you can get to the train station.

Mr. McClellan stated that's a good sentence yes.

Mr. Schepis stated okay. Is there any other issues of an engineering category that would raise concern as to the suitability of this property for the project that's proposed?

Mr. McClellan stated with sites like this we want to be aware of subsurface conditions. We have had opportunity several months back to have a firm do some subsurface investigation. Engineering is all about foresight and knowing what you are going to be facing and we do understand the soil conditions there are a little bit wet.

The building design, I'm not a structural engineer, but the building design is going to have to respond to that so that it is properly designed. From a site plan perspective though again it also encourages us to want to keep the building up out of the existing ground as best we can, so we are very optimistic that we will be able to satisfactorily design this in accordance with the rules and regulations of the borough's ordinances.

Mr. Schepis asked from a general perspective this site is suitable for the use is that fair to say.

Mr. McClellan stated from an engineering perspective this site is suitable.

Chairman Lancaster stated looking at the layout that's up there you show a fairly large stormwater detention basin that use to be building and parking. I guess that's shown in there that's how you can use it?

Mr. McClellan stated that's correct that's graphic to indicate to the board that you know (1) we can have an at grade detention basin. You know the days are gone where we are just digging deep holes. These days they are sensitive to the types of vegetation that are in them and in this case again because we know we have some moist ground I'm expecting we are going to have something relative shallow and it is probably going to have water tolerant plants in it to help evaporate some of the stormwater and help to infiltrate into the ground whatever can go into the ground. I can't represent that that's the size it is going to be but that is a pretty good area for us to work with and we did not have that opportunity on the previous layout. We had to work with other strategies that were a little bit more mechanical so I am very happy about that myself.

Mr. Boorady asked were any wetlands delineations done. Out at Hunting Meadows there are some wetlands areas as far as buffer areas as well.

Mr. McClellan stated we actually had Maser Consulting on site and they have walked the property and have identified areas that are regulated by DEP. The opinion that they have is that these are man-made ditches, drainage features which should be fillable by general permits. We have not had an application submitted yet to the DEP simply because it is a little premature. But we've worked with Maser Consulting Environmental folks before and we are confident in their opinion of that so there will be permits necessary from the DEP, so you will also have them watching out for the development of this project. I am confident in Maser's ability to get those permits as well.

Mr. Boorady mentioned when you were asked to review the site plan for the applicant, were any green spaces contemplated? I see you have the benefit of having room for stormwater prior plan showed it underground now it is going to be above ground, is there any way to have green areas to walk a dog or sit on a bench and look at a tree or read a book outside? I see a pool area which is nice.

Mr. McClellan stated those opportunities exist and much like some of the testimony or discussions prior to me where taken a snapshot early in the process where it is sort of a massing diagram for get ourselves oriented with what sizes we need for certain elements of the site and we are not at that detail, but I think with an area such as that where the detention basin is those are always opportunities to have walking paths and benches and things like that. I certainly would encourage that so the applicants could consider those kinds of features.

Mr. Boorady mentioned the 25-foot setbacks that are shown on the plan, a normal two-way driveway is 24 feet. I'm a little confused about the driveway going out to the right hand side.

Mr. McClellan stated I believe Mr. Gurkovich said that was a 20-foot wide access and the purpose for it being 20 feet is to discourage anybody from being tempted to park there.

Mr. Boorady mentioned is the distance from the property line to the building 25 feet?

Mr. Gurkovich stated it is actually to the west side or the left side of that driveway.

Mr. Boorady asked so what is the distance between the building and the property line.

Mr. Gurkovich stated actually the 25 foot line is here right on the edge. That's shown about 34/35 feet to the building.

Mr. Boorady stated again the borough's standard in residential site improvement standard is generally 24-

foot wide for two-way traffic, so that whole area there is no opportunity for green on that right side of the building it is going to the property line, driveway and building.

Mr. McClellan asked would the borough consider I guess it would be a de minimis exception from RISI standards to have that at least 20 feet wide because we are looking at like it is a parking lot design and we know in a parking lot if you have 24 isle width with parking spaces opposite it makes it very difficult to get in and out of the spaces but here it is an access driveway to the back.

Mr. Boorady stated I think it is too early to talk about exceptions and variances but just be aware there is no green area on the right hand side.

Mayor Runfeldt mentioned you mean on the 20 feet there is no room for anything.

Mr. Boorady stated there is no room for buffers and that is just something to be sensitive about.

Mr. McClellan stated we certainly will we'll see if we can slide the building over and we'll take a look.

Chairman Lancaster stated you just have to realize that that's to the funeral home as opposed to the other side, when you talk sliding the building you are talking sliding it toward the residential area as opposed to the sliding it away from a business.

Mr. Boorady stated well again it might not be a business someday, you know funeral homes can sometimes can consolidate and it might be a residential use someday. I think it is very important to consider buffers.

Mr. Gurkovich stated that's just a box we have to design it and it probably can shrink. We understand what your concerns are.

Chairman Lancaster mentioned I just didn't want somebody to say oh we will slide it over and get a little bit more because that is sliding over towards a single-family home.

Mr. Gurkovich stated we wouldn't do that.

Mr. Steinhagen asked what is the ceiling height of the apartment floors.

Mr. Gurkovich stated the intent of this particular drawing would be floor to floor would be ten foot.

Mr. Steinhagen asked does that 60 foot go all the way to the top.

Mr. Gurkovich stated to the ceilings at this point so you would have maybe 7/8 feet to the midpoint of the roof if that's the definition.

Chairman Lancaster stated so you are probably going a little bit more than 10 foot.

Mr. Steinhagen asked how do you get the 60 foot then.

Chairman Lancaster stated it is probably 12 foot because you have 5 different floors there.

Mr. Gurkovich stated 10 foot.

Mr. Steinhagen asked and the garage.

Mr. Gurkovich stated that's to be determined if it fits within that 60 foot.

Ms. McKenzie asked one of the things I had asked about when I was questioning Mr. Gurkovich was the issue of whether it would be possible to sort of sink the building into the ground a little bit more and I guess from an engineering perspective it sounds like you're thinking that it is wet soils and that is not going to happen.

Mr. McClellan stated that's possible in wet soil but I'm more concerned about the rules and regulations for flood plain management and we do know from our experience since Hurricane Sandy there have been some changes in the access, and I fully understand and respect Mr. Gurkovich's comment about you know if you

keep the entranceway above the flood elevation and then go down to parking you are keeping the flood water out. But you know I would feel more comfortable and the building would function better, we have to contemplate filling the flood plain with building structure so it makes all those permits accomplishable if we keep at or above that flood elevation.

Ms. McKenzie stated so sinking the building is not likely to happen is what you are sort of saying?

Mr. McClellan stated going lower with the lower level is likely not to happen. I'm looking at the sketch here and I see what is happening there is an average 12 foot floor height conceptualized that is where the 60 feet comes from, and perhaps during the board process the architect or the structural engineer can make decision on the floor systems and what is needed for the mechanical systems and maybe 12 feet can be 11 feet, and maybe the garages can be of a similar material and they can pick up 6 inches here and a foot there. I think the way to get that building down is once the final design of the structures are known you might be able to pick up a couple of feet that way.

Chairman Lancaster stated you are going to be plus or minus 60 feet.

Mr. McClellan stated right.

Chairman Lancaster stated I mean even at 10 foot and the garages are going to be 8 foot 6 plus the concrete structure and everything else, 12 feet is probably all that out of the realm so you are probably talking 55 to 60 feet.

Mr. McClellan stated I agree and I know the drawings are trying to be forthcoming about that. One of the benefits of the lay of the land is you know from Main Street you know if that side is conservative because it is one less story in the front with parking and one less story on top with residential, it is 35 feet to that ceiling line so at least from Main Street the feel is going to be more familiar it's in the back by the wetland area.

Chairman Lancaster stated it is the driveway to Hunting Meadow.

Mr. McClellan stated yeah.

Mr. Schepis stated I would point that out that it is the driveway to Hunting Meadow.

Chairman Lancaster mentioned again you've moved the building quite a bit away from Hunting Meadow so you are probably 150 feet now away from the building so it does change the layout a little bit.

Ms. McKenzie mentioned this is more of a comment. You have the area where you have the detention basin and I understand it has to be planted with wetlands vegetation but there are different kinds of wetlands vegetation some of them are attractive and some of them not so much. It seems to me that that could be a sort of recreational opportunity if there were a little jogging path around it and some benches and some things like that, so that it actually could be a place so people could walk their dogs or sit you know for a while and you know contemplate nature. It could be attractive if you were to treat it as a feature not just as a detention basin it is just a thought.

Mr. McClellan stated when we are involved as the engineer and this client has had us several times, we've incorporated an associate of ours, a landscape architect for just these reasons, because these plantings are important because they are doing part of the stormwater management job and they really do need to be maintainable. Unfortunately this is a site that I suspect is going to have you know trained landscaped people to maintain it so it has got to look nice, stay nice and do its function. It is an opportunity for you know some passive recreation and this basin because of the water I don't expect this to be a deep thing. You are going to see that there is a basin there but it is not going to be this really pronounced hole in the ground it is going to be much more subtle than that, so there are opportunities out there.

Mr. Schepis stated I've run out of witnesses so I have to just make some comments. As Mr. McClellan pointed out and as Mr. Reading also stated, this is a transit oriented project and the purpose of it is to give people and an opportunity to live close to the infrastructure that New Jersey Transit has put in place. When you look at the lay of the land, unfortunately the properties that are closer to the train station are all well within the New Jersey State Flood Hazard Area and these type of project are generally frowned upon by the NJDEP as it relates to securing the necessary flood hazard area activity permit. You know generally

speaking they want to see unencumbered access into such a development, in and out, so that in the event of flood people aren't trapped in their homes. So this property happens to be like the first property outside of that area yet still within walking distance to the train station and to the proximity of the stores and shops in the center of town.

Now I would point out having read the borough's submission to the Superior Court in furtherance of your request for Declaratory Judgment that the borough's attorney, Mr. Buzak, has submitted papers to the court that basically says you still have an unfulfilled obligation for your third round.

Ms. McKenzie stated we don't know that we don't know the extent of that.

Mr. Schepis mentioned I know the court has not made a determination but it looks like you are looking for something like 20 or 30 more units at least from what I saw from your original submission. At least you didn't seem to take a position in your report that you've satisfied your obligation.

Ms. McKenzie stated we can't take that position because we don't know what it is yet until that's decided by the court. We don't know, we do have a lot of credits but we don't know exactly where we are with it. We know there is a need for some additional affordable rental units in the plan so that is why we are listening to you.

Mr. Schepis mentioned understood and I recognize that and I think that is something that many of the people in the public may not appreciate, and I realize this board is sensitive to it and the council is sensitive to it, that the borough has an affirmative obligation to create or at least foster this type of inclusionary development and especially where it is a rental. As you may know from other applications, many developers are resistant to rental units because you become forever a landlord and your capital investment is tied up for 20, 30, 40 years and generally speaking these affordable units are money losers and that is just the nature of the way that the project layouts. As Mr. Reading pointed out, the market rate units make the affordable units cost feasible. I mean that's really what the whole purpose of the Mount Laurel decision is to give the developers financial incentive to create low/moderate income housing by having a density bonus.

We realize this is something where the board is sensitive to the public's concerns but when you see where this is in relationship to other high density developments like Hunting Meadow right behind it, and likewise its proximity to the center of town and walking distance to train station, and then you compare it to what may also be out there, there is really nothing else available in the borough. This particular developer did look at other property opportunities closer to the train station which turned out not to be feasible because of their 6, 7 or 8 feet below the NJDEP flood hazard area.

You know you can really only appreciate the devastation of flooding either having lived through it or having flown over it, and having personally taken pictures for the borough in conjunction with FEMA flooding of 2010 to see the devastation in these areas where it is just streets and houses under water it is just terrible. I'm sure many people here can speak to that on a first hand basis. So to provide an opportunity for this project outside of the flood hazard area with unencumbered access in and out onto a county road, it is not as though they've come to you with a project on a side street or some other road that is not what 202, I mean 202 and Boonton Turnpike are your main thoroughfares and apart from the Borinski Tract which was really your last developable tract which is now preserved, there is really nothing else out there. For you to pass up this opportunity where you have a developer that has the financial wherewithal to accomplish this, you know it is one thing to zone for it but it is another thing to actually see it happen, and while the developer has made certain concessions I think his concessions are basically at the end of the road.

You know there has to be a financial incentive nobody wants to spend twenty-eight million dollars to lose twenty there has to be incentive for this developer to proceed with this and actually build it out. He has a track record where he has built similar projects throughout the state so you have somebody here that has the financial viability to accomplish this.

So here is an opportunity 20, 21, maybe 22 whatever the number is of affordable rentals to help you fulfill your third round obligation and you can do it under a controlled setting. You, like most municipalities, have to be concerned of somebody coming forth with an action for a builder's remedy where they are going to try and force you to accept a 10-story building or a 5-story building or 8-story building, whatever it is in

the center of town or some other site that you may not find as suitable as this. But in this context where you have a developer proceeding before you on a request for a zoning modification and it can be done in let's just say a less hostile setting than like a builder's remedy, it gives the board and the borough as a whole a greater control over this than you would have should it be taken in another measure.

Now it wouldn't be Mr. Capodaglia probably somebody else, so ultimately what I would submit to you is that this is an opportunity for you to satisfy your third round obligation going forward in a controlled fashion where you have a developer that has the financial wherewithal to accomplishment, but also he has expressed a willingness to work with you to address your legitimate concerns as it results to the functionality of the site, the overall aesthetics of the project and the setting in which it can be accomplished. Considering the track record that he has and the professional that he has assembled, I'm confident that with the input of the board and the board's professionals that you are going to be able to craft the project that everybody in the borough can be proud of and that you can accomplish the goals that you are looking to accomplish, you know primarily establishing fulfilling your third round obligations and also establishing a decent ratable for the borough as it relates to additional tax revenue.

Even more so I think this is very important and you need to take this into consideration that at the very heart of the redevelopment of your town center is the ability to bring more pedestrian traffic into that area in order to support your shops and your stores, your pizzerias, your Italian Deli, and your restaurants and the like. Without having foot traffic coming through the downtown these stores are going to struggle. I mean you see some turnover in there and you see some of these tenancies that you know some of them they are not really like the high end tenancies that I think would be something that the borough as a whole would like to see, but you know people have an empty store and they are going to take whatever they can get in the way of a rental.

I would submit to you with additional foot traffic to the tune of some three hundred additional residents that many of who will be walking by these shops and stores on their way to the train station or simply to go out for a walk. I mean one of the greatest things that you have is when you are in a situation where you can walk to a store is you have the ability not to get in a car and just walk to the deli or walk to the pizzeria, or walk to the Dunkin' Donuts or even walk to the Walgreens.

I would submit to you by fostering this and by modifying the zoning to permit it that you are going to be given a shot in the arm to the downtown of the borough and that as a whole this may actually serve as the revitalization force that you have diligently pursued but which has been evasive because it requires partnership with the private sector. So here you have the private sector coming to you asking for your assistance to accomplish this so. I submit to you that as he extends his hand in an effort to accomplish this in a partnership that you shouldn't turn it away. Thank you.

Chairman Lancaster thanked Steve. So I guess going forward we are going to have to discuss this as a board, it is a much more intense use than what it is zoned for today, you know we are even talking with the reduction probably around 30 units.

Ms. McKenzie stated it is about 30.

Chairman Lancaster stated it is about 31 units per acre give or take. There are some positive changes in the height and it is only two stories in the front. We still have concerns and I know Tom you had mentioned some concerns about the height and how do you build that into a zoning ordinance. We appreciate you providing us this and we are going to need to see some of the studies, both the traffic study and the economic study for analysis. Were there any other studies? Those were the two that you discussed.

Mr. Gurkovich stated the marketing.

Chairman Lancaster mentioned the marketing study that was from the last meeting and we haven't received any of those.

Mr. Gurkovich stated no.

Ms. McKenzie stated what might also be helpful because I think that the master plan subcommittee may want to take another look at this you know in the context of everything and come back to the board with some sort of a recommendation. But it might be useful if you could layout sort of some of the zoning parameters that in terms of setbacks and stuff so we have in front of us what these are so we can look at

them relative to other developments and you know that kind of thing.

Mr. Schepis stated absolutely.

Ms. McKenzie stated it might be useful to have that kind of information available to us when we are talking about it.

Mr. Schepis stated we'll put Mr. McClellan on that one.

Ms. McKenzie stated that's fine. You have lots of qualified people work for you so we'll take it from there.

Mr. Schepis stated it is a good team.

Ms. McKenzie stated it is a good team, but we would like to have that information because we obviously have some work to do at our end.

Chairman Lancaster asked any other comments from board members. No okay.

Mr. Schepis thanked the board for their time and consideration and we appreciate it. We'll submit those reports as updated with the 140 unit count.

Chairman Lancaster thanked Steve.

Mr. Schepis thanked everyone.

Chairman Lancaster stated moving on to the next item on the agenda is a request from Steven Schepis, Esq. for a one year time extension with reference to Preliminary & Final Major Site Plan and Variance Application #348 and Flood Plain Encroachment Application #FPE 12-05 by Genuine BioFuel of New Jersey, LLC, on property known as Block 3, Lots 7 and 10 on the municipal tax map also known as 425 Beaver Brook Road (carried from the December 17th, 2015 meeting).

Mr. Schepis stated good evening Mr. Chairman.

Chairman Lancaster stated let me just say one thing, for the previous conceptual presentation there was no public hearing because this was a concept not an application and it would be preliminary to have a discussion at this point and time.

Mr. Steinhagen mentioned if it ever proceeded past the conceptual phase, for example, if the governing body adopted an ordinance, if this board considered an amendment to the master plan or the fair share plan there would be a public hearing and there would be a comment on that. Initially there would be comment on an ordinance and then there would be comments on the effects upon notice to the public.

Chairman Lancaster stated sorry about that Steve.

Mr. Schepis mentioned as you may recall this project was approved back in 2013 and we petitioned the board for a one-year extension of the Section 52-d of the Municipal Land Use Law and basically the statute provides that if an applicant can demonstrate to the reasonable satisfaction of the board that his ability to move forward on the project was delayed due to the necessity to secure outside governmental permits and approvals, that the board shall grant an extension of up to one year. So we've petitioned the board for a one year extension. As I explained to the board, Mr. De Rosa was here in December and he has been submitting/resubmitting and submitting again to the Department of Community Affairs in furtherance of satisfying their requirements in order to secure approval of the architectural plans, and the board specifically asked at the December meeting if we would supply correspondence that would corroborate the fact that he has made those submission and has pursued those. So under my correspondence of January 6th, 2016 I supplied to the board what appears to be approximately three quarters of an inch of letters back and forth with DCA as early of December of 2013, most recently of December 2015. So for better or worse there is this exchange that has been pretty consistent for the last two years between the applicant and unfortunately there has not yet been an approval by the DCA on the architectural plans we are still waiting. You know you submit you wait, you submit you wait so that's where we are.

I mean it is truly unquestionable that we haven't been able to proceed because the DCA is holding up, I shouldn't say holding taking their time in reviewing and likewise we are submitting information making plan modifications. As of this date we do not have a set of plans that we can present to the board professionals for their review to demonstrate that we've either satisfied all of the requirements of the prior resolution, or to secure a building permit so we are just not there. What those ultimate approved plans look like only the good lord knows so we shall pursue it.

Chairman Lancaster asked when you say approved, you are talking DCA approval.

Mr. Schepis stated DCA approval yes,

Chairman Lancaster stated which is different from the plans that we approved and I guess it is a question of if the plans are, and I guess Tom you are going to be one of the keys on that, if the plans are drastically different from what we saw or not evenly drastically but different from what we saw and what we approved as part of the resolution how do we deal with those? That is one of my thoughts.

Mr. Schepis mentioned I would point out to you that this evening we are not in a position to present to you what the DCA approved because they haven't approved it yet. Depending on what they approve maybe it will require further review and consideration by the board maybe not. At this point we are just simply asking that you give us a one-year extension so that we can continue to try and appease the DCA, and if and when, presumably it will occur, we get those approved plans we will submit the plans that are stamped approved, and they'll go through the process an administrative level through the borough, presumably Mr. Boorady will review them, the construction official Sal, will review them and then I guess opinions can be rendered as to whether it satisfies what the board approved back in 2013, or whether it requires further consideration so that is basically where we are at. We are here for the extension and it seems that we've met the statutory requirement of demonstrating that this is where we are and ultimately we hope to get an approval, and when we get the those plans approved we'll submit them to the borough and you can see them and tell us what you think.

Chairman Lancaster stated okay. Tom do you have any comments?

Mr. Boorady stated I have a lot of hand written notes there wasn't enough time for a full report. I reviewed the preliminary plans that have been back and forth to DCA not all of them. I received the prime architectural plans, I haven't seen the mechanical plans, the fire protection plan those weren't provided to me. Those three sets of plans; the architect, the mechanical and the fire protection plans, haven't been approved by DCA yet as the applicant's attorney mentioned.

Based upon what I saw on the architectural plans there are changes on the inside of the building that I consider to be significant enough that some sort of amended plan might have to be applied for. One thing that stuck out was there is now a methane room inside that has some fire protection measures separate from the rest of the building and some separate ventilation requirements, and I don't know how that becomes ventilated out to the building because I don't have any plans on it the DCA hasn't approved it yet.

On the outside of the building there is also some significant changes from the site plan the utilities are significantly different. There are now extensions leading out further past these two buildings for future expansion for the electric lines, the water line went from 2 inches to 8 inches, there are additional fire hydrants and fire department connections, there are now meter banks on the outside, some electrical transformers and all that is within the flood hazard area some of which would be below the elevation, so those would require additional review from this board in the way of a modified or an amended flood plain development application.

As the plans sit right now even though the DCA hasn't approved them, it is my opinion that regardless of what the DCA determines that some sort of amended approval would be necessary, so I'm not really sure how an extension would play into that.

Secondly, in March of 2015 FEMA has issued preliminary flood maps for all of Morris County, including Lincoln Park, and my review of those flood maps shows that the flood hazard elevation, the base flood elevation is another foot and a half above what it is currently. So any of the flood proofing that they showed up to 12 inches would now have to be almost 3½ feet because you need a foot of freeboard under the FEMA rules to be flood proofed so as opposed to having a foot steel curtain around the buildings the way they showed it to this board in 2013 you would have to have some sort of way of flooding proofing up

to 3½ foot.

We as a municipality are somewhat forced to follow those rules now that we participate in the CRS program. Any time there is a variance given you risk being pulled back out of CRS or losing points and instead of being ranked 5 you might be ranked 6. So FEMA almost prohibits this board or the administration from approving anything that is a variance from your flood development ordinances. There are a lot of unknowns and we are also required to use those preliminary maps. FEMA makes us use them even though they are not effective because you are supposed to follow the worst case scenario. They don't want you to build something knowing that something else is coming. There have been a lot of changes since 2013 to the plans; architecturally, site plan, and there are flood development changes that really impact our CRS rating.

My opinion right now is an extension would jeopardize our CRS rating. An extension would be based upon plans that don't even meet with what you originally saw so that is what I can leave you with as far as what I have so far. I have three pages of specific details and I don't want to go through all of those, but I gave you some examples of how the plans have changed and some of the new rules that FEMA is essentially making us follow which is a good thing because we are getting significant reduction in insurance rates for the homeowners and other commercial people who buy flood insurance.

Chairman Lancaster stated okay. I mean I know when you were here in December there was a question that your approval doesn't go away and the extension had other protections. So I guess the question is until we see some more details, and I'll have to talk to the attorney are we hemmed in because there is just too many unknowns, I mean I understand they are spending a lot of time and DCA is pushing back on stuff but then again how does it affect us as a borough and the approval that we have.

Mr. Steinhagen stated there are different sections of the statute regarding extensions. Counsel referenced subsection d which requires the board to give an extension when the failure to obtain governmental approvals is not the fault of the applicant. I mean there is a big stack of transmission documents and I haven't studied it in depth but it seems like there were things that were not supplied to the DCA that are supposed to be supplied in accordance with the regulation.

Mr. Boorady stated I read through those and there is a big gap between February of 2015 and December of 2015.

Mr. Steinhagen stated sure right.

Mr. Boorady stated that is a 10 month gap that I have unaccounted time.

Mr. Steinhagen stated that's the secondary issue there has to be diligent pursuit. I assume this is the applicant?

Mr. Schepis stated yes.

Mr. Steinhagen asked he wasn't the person who was submitting this stuff was he.

Mr. Schepis stated he was overseeing it and I'm sure he can address any questions.

Mr. Steinhagen asked did he submit it.

Mr. Boorady stated well the applicant is Genuine BioFuel, LLC.

Mr. Steinhagen stated I know but is this person the managing member.

Mr. Schepis stated yes.

Chairman Lancaster stated he is the owner of the airport which would be the landlord.

Mayor Runfeldt stated he is not the applicant.

Mr. Steinhagen stated I don't think that he is necessarily competent to say what is being sent out.

Page 27- January 21, 2016 (regular)

Mr. DeRosa stated I know what's going on.

Mr. Schepis stated so why don't you tell us.

Chairman Lancaster stated back and forth between Genuine Biofuel.

Mr. Steinhagen stated I guess if we are going to talk to him we need to swear him in that's the first step.

Mr. Schepis stated why don't we do that and Mr. DeRosa can tell you what he knows.

Mr. Steinhagen swore in Mr. DeRosa.

Mr. DeRosa stated absolutely.

Mr. Steinhagen asked him to state his name and business address for the record.

Mr. DeRosa testified Peter DeRosa, 425 Beaver Brook Road.

Mr. Schepis asked Mr. DeRosa you are familiar with the application/submission by Genuine BioFuel to the Department of Community Affairs in furtherance of securing approved architectural plans for the BioFuel project of Lincoln Park Airport.

Mr. DeRosa testified yes.

Mr. Schepis asked and to what degree were you involved in those submissions in that application process.

Mr. DeRosa testified now I've been just overseeing the professionals, the architect of record, and just dealing with the engineers.

Mr. Schepis stated we see from the submission under my letter of January 6th, 2016 that the earliest submission was in December of 2013 and some of the most recent was even just month of December 14th, 2015. Can you tell the members of the board what efforts were made in order to pursue and secure approval from the DCA during that period of time?

Mr. DeRosa testified we have been working with the architect, Mr. Cutillo, the mechanical engineer, Shine Engineering, and Haskell Fire did the plans, the fire suppression plans.

Mr. Schepis asked what type of detail was the DCA requesting in order to satisfy their concerns.

Mr. DeRosa testified some of the gap that they referred to was they wanted a report from a qualified engineer as to the process, so that took some time to have our process reviewed by somebody that the principals in Florida trusted and they put together a letter to satisfy some of the DCA's concerns.

Mr. Schepis asked now that is the process of actually manufacturing the biofuel.

Mr. DeRosa testified yeah correct.

Mr. Schepis asked what type of modifications were made to the plans as it related to fire safety and other life safety issues.

Mr. DeRosa testified as far as I believe from what was approved, the only change was in the one building to put that 10 x 11 room for the methanol container that's it, we haven't changed the number of tanks. It is my belief that the sprinkler line coming was approved as 8 inch. The site, Joe Miannecki's work nothing changed on Joe's site plan.

Mr. Schepis asked as far as you know nothing changed as it related to the grading and the parking or the fire line.

Mr. DeRosa testified to the best of my knowledge no what is there was what was approved. I'm pretty cognizant of the fact that we didn't change anything outside and we stuck to that.

Mr. Schepis asked what type of input have you received from the Department of Community Affairs as it relates to this back and forth. Are you narrowing the issues or are the issues becoming more expansive?

Mr. DeRosa testified at this point I think we narrowed it all down.

Mr. Schepis asked and what were the primary concerns that they expressed.

Mr. DeRosa testified just fire safety.

Mr. Schepis asked and to what degree did they require modifications in order to address fire safety.

Mr. DeRosa testified basically the containment room. There is a technical term but just to put the methanol in its own area.

Mayor Runfeldt stated, if I may Mr. Chairman, maybe I can help us all out here. I think obviously there are some discrepancies between what Tom and the applicant, no pun intended or disrespect here Pete is not even the applicant.

Chairman Lancaster stated right.

Mayor Runfeldt stated kind of testifying on what he knows about what the applicant did. I really think maybe what we should do is give Tom a chance to go through everything he's got, obviously he said there are changes to what we've already seen. Pete to the best of his knowledge which once again he is not the applicant.

Chairman Lancaster mentioned the applicant, engineer or architect.

Mayor Runfeldt stated so I think, not that I mind listening to either of you gentlemen speak but --

Mr. Steinhagen stated I only had one question.

Mayor Runfeldt stated right.

Mr. Steinhagen mentioned Mr. DeRosa started going through it, but there looks to be deficiency letters from the DCA issued that the plans did not comply with the construction code. There were utility items that weren't shown properly and that is not the fault of somebody else that is the fault of somebody who submitted the plans. Would you agree Tom?

Mr. Boorady stated yes. What I would submit to you pretty simply is that the plans that this board approved are not the plans that are going to set before Sal and myself when they go for building permits they are substantially different. I'm not allowed to administratively approve that and neither is Sal and they'd have to come back to the board for an amended site plan. There are changes to the exterior, many utilities, and you know the use class of the building changed and that is going to affect whether the building is classified as a substantial improvement or not which also effect are CRS ratings and whether they would have to flood proof or not.

Mr. Schepis asked what do you suggest Mr. Mayor.

Mayor Runfeldt stated my suggestion was rather than have you continue to go through it let's ask whatever questions we need to address and we can decide whether it is something we can either grant or not grant tonight or if we need more information regarding, I mean Tom said that he didn't have all of the plans yet.

Chairman Lancaster stated it sounds to me at a minimum there needs to be a technical discussion between Tom, the applicant, the engineer, and architect to say here is what I think the changes are and am I wrong?

Mr. Boorady stated I spoke with the attorney today and offered, as I always offer to every applicant to meet any time, you know to go over these outstanding items. I am more than happy to meet with the applicant.

Chairman Lancaster stated again this was carried from December and I mean to carry it another month to get some technical instead of you know he said she said you know there are changes, no changes, you now Mr. DeRosa you are not the engineer.

Mr. Schepis stated understood.

Chairman Lancaster stated I understand where you are coming from.

Mr. Schepis stated I appreciate that and you know what maybe it is best that we just put it off until the February meeting and maybe in the interim we can have some type of communication to see if there are any issues.

Chairman Lancaster stated clearly Tom is seeing something different.

Mr. Schepis stated understood.

Chairman Lancaster stated you know for me to say Tom is wrong I can't say that because Tom was working here on the application.

Mr. Schepis stated I think he honor has an excellent suggestion and we'll take that and go with it. So if I can ask that this application be carried to your meeting of February 17th.

Chairman Lancaster mentioned the 17th.

Mr. Schepis stated now I would also point this out, I just recently read that the aircraft carrier group led by the Supper Carrier John Stennis is traveling on 10% biofuel and the Navy has mandated that by 2020 the fleet will be operating 50% on biofuel.

Chairman Lancaster stated I saw that today too.

Mr. Boorady asked the meeting is the 18th right? The 18th is a Thursday.

Chairman Lancaster stated the 18th I'm sorry I was looking at the wrong date.

Mr. Schepis stated the Navy has to get their biofuel from somebody not going to buy it from the Saudi's.

Mayor Runfeldt mentioned I just didn't want to keep going in circles.

Mr. Schepis stated mayor I appreciate it, quite frankly I was looking for an out and you gave it to me, so thank you. Okay very good so ultimately what it comes down to is whether you give us the extension or don't give us the extension, we are not going to be able to build anything unless we make it through the administrative process so we will have to address it sooner or later. Okay very good thank you very much.

Chairman Lancaster mentioned one of the things I want to address is Steve's letter of January 6th, 2016 concerning the rezoning request for the Evangelical Mission.

Mr. Schepis stated okay.

Chairman Lancaster stated I just want to make sure that we understand what is meant by that before we go on.

Mr. Schepis stated I don't have it with me but having written it I'm sure it will come to me.

Ms. Ward asked would you like a copy of your letter.

Mr. Schepis stated no I've heard and read enough for one night.

Ms. McKenzie asked are you the only attorney that ever appears in Lincoln Park.

Mr. Schepis stated it is just coincidence.

Chairman Lancaster stated I guess essentially you are requesting, it's a formal request that's been on the table for quite a while that it would be 10% affordable set aside without regard to limitation for sale of rental as opposed to the 15 and 20% that we have in our ordinance.

Mr. Schepis stated understood. I happened to be coincidentally in July and his honor had pointed out, and it wasn't even on the agenda it was just something that came up in conversation, that the borough is right now at a loss as to understand what its third round obligation is because like every other municipality who knows? Depending upon what the results are of the depending Declaratory Judgment Action and any appeal that may arise from that you'll get a better understanding as to what it was. The suggestion made in July was that this application be tabled until such time as you have a determination from the court.

Mayor Runfeldt stated that time we thought was going to rather quickly.

Mr. Schepis stated I thought so too I mean I have no idea what that is going to be.

Ms. McKenzie stated we thought it would be over by December and that would be it but I think it will be next December.

Mr. Steinhagen stated maybe.

Mr. Schepis stated here is the problem that they have and what was expressed to me, is that the infrastructure costs associated with developing on that hill are very high and primarily it has to do as I noted in my letter that within like between 6 and 18 inches from the surface there is this very hard basalt bedrock. As I noted, I represented a developer right across the municipal line in Montville that did a residential development and when he did his test borings he found that it was cost prohibitive to hammer or blast for utilities so he ended up importing over 52,000 cubic yards of fill material in order to change the grades so that he could put the utilities in the ground surface and then fill on top of them. In that project they had like 30 acres here there is just not enough room in order to add 3 or 4 feet of fill on top of the rock. So they are looking at these hard costs to install the utilities and the other infrastructure associated with this project and it is pricing them out of the game that is basically where they at. They can't get the financing and they can't make this project work financially with a greater than a 10% set aside.

Now I don't do the number, I don't run the numbers, I put this question as it was presented to me in front of the applicant and this is what I was advised as the situation. One thing I can tell that would tend to demonstrate the voracity of that statement is that they are not knocking down your door to try to get this thing done because they've come to the business decision that the project right now within anything more than a 10% set aside is not cost feasible. While you could change the zoning and get whatever benefit you can possibly extract that, fact that you have zoned for an inclusionary development, chances are it won't get built under the present setting.

Now maybe in five years the economy will turnaround to such a point where the value will be there. I mean look what happened as prices rose up to 2006 and 2007 and then the bubble burst so maybe some time in the future this can be resurrected, again pun intended. So that all being said this is what I was told and I put it in paper form and I submitted it to you for what it is worth, you asked me to get information and I asked them and this is what they told me and I penned the paper.

Chairman Lancaster stated okay.

Mr. Schepis stated now if you would like I can always bring them here in February.

Mr. Wild mentioned we just had somebody else come in and we told them they had to have 15%.

Ms. McKenzie stated yeah.

Mr. Wild stated now to tell these people you don't have to have 15% that's not right.

Ms. McKenzie stated this is my concern that is exactly what you are raising. I know initially the ordinance was drafted with something like 20 and 25 percent but we need to bring it down to 15 and 20 percent to be consistent with the prior round rules which we will have to observe, and I think that is more tried than true anyway. COAH had allowed us to go to 25% and of course you could take advantage of that. But I think the problem with giving you 10% is the developers are very conservative and they don't want to get a worse deal than the guy down the street and as soon as you get 10% that is what the going rate will be.

Mr. Schepis stated understood.

Mr. McKenzie stated from Lincoln Park's perspective we have limited opportunities for this sort of housing. I think we need to stick with the 15 and 20%. I will tell you that I don't think you are going to do for sale of affordable unit. I'm not sure how you can do for sale of affordable units, it is not they will be allowed or not allowed it is ever since the UHAC Rules were amended to require that upon foreclosure the controls on affordability are no longer extinguished. Banks, the secondary mortgage market is not going to take on affordable for sale units so that is part of why you are getting rental affordable units.

At one point I had gotten a phone call from a non-profit developer who was a well known one, but I forget who he was right now who he was, but who was interested in seeing if there was anything he could do in Lincoln Park and I suggested he get in touch with Pastor Lim.

Mr. Schepis stated he did get your message. I passed that information along and they did speak and I don't know the sum and substance but apparently it didn't work out.

Ms. McKenzie stated I'm sorry about that because it may be that is how you do the 15% is that you work with somebody who will perhaps do the affordables as part of a package which would involve you doing a deal with them which will involve some money changing hands and things like that, but it could be a way around that. I'm not going to recommend that you abandon that at this stage because we need that.

Mr. Schepis stated understood. Would you like to hear from the people at the mission or is that not worth your while?

Chairman Lancaster stated I'm not sure it would change her mind.

Mr. Schepis mentioned now when you say 15% that is 15 percent rental or 20%.

Ms. McKenzie stated 20% for sale yes.

Mr. Schepis stated okay.

Ms. McKenzie stated I'm assuming you are going to end up doing rental even if you don't know you are going to do rental yet because that's just where it is going.

Mr. Schepis stated you may be right.

Ms. McKenzie mentioned all I'm saying is you know I think I would recommend that you open up other possibilities of how you could put together a package. You know another possibility perhaps is dealing with some special needs units or something like that which can give you more bang for your buck if you have shared living arrangements or something like that. You might be able to do some of those and get up to 15% in terms of bedrooms that way because those count as bedrooms if they are in fact shared living arrangements.

Mr. Schepis stated understood.

Ms. McKenzie stated there are things you can do but you need some advice and I give advice to Lincoln Park. I am happy to talk to you but you need your own advice.

Mr. Schepis stated I understand. They did reach out to such a consultant and the client did speak to them at some point but I don't know where they left off with it. Look I'll take this back and put in front of EMSI and see what they have to say and see if there is anything they can suggest, or perhaps make this work.

Ms. McKenzie stated they could get creative and make it work. There are ways to do it and you know there have been people that have approached Lincoln Park in the past and maybe they would be willing to talk to you about doing you know group home type things that could be incorporated. There are things that could be done. I would like to see family rental units there but if you can't do them, maybe there is another way to at least get the credits for the town and do something good at the same time. At this point I'm not going to make a recommendation that we make any changes because I think it will make it harder to get affordable units every place else. Nobody else want to do them either.

Mr. Schepis stated I understand.

Ms. McKenzie stated they have to.

Mr. Boorady stated Lincoln Park is in good shape today because prior builders were enforced to have the 15%/20%.

Ms. McKenzie stated exactly because Lincoln Park said look this is what we have to do and we are going to meet our obligation and we are not going to get caught with our pants down down the road and therefore the town is in quite good shape and I am really proud of them. This is a great town to work in for doing affordable housing because they know what their obligation is and they step up to the plate and they do what they have to do.

Mr. Schepis stated understood. Well look I'll pass this along.

Ms. McKenzie stated if I can answer questions I'm happy to answer questions, but I just can't can consult pretty much.

Mr. Schepis stated you've been very gracious I must say and have been very helpful and I appreciate it. The failure of this project to go forward is no way in a reflection on your assistance or your qualifications. I mean you've been very helpful and there is really nothing more I can say that could be more favorable of your assistance it is just unfortunately the numbers that the client has crunched have placed them in the predicament that they feel they are better off leaving the property vacant than developing it. But perhaps maybe there will be something that will change maybe we can investigate these other alternate means of satisfy the obligation. I mean we can certainly explore this in an effort to try and meet your request.

Ms. McKenzie stated thank you.

I have one other question it is not on your application, Tom that scared me about the new flood elevations is that going to affect Capodagli or they are designing to that?

Mr. Boorady stated I believe they will still be out.

Ms. McKenzie asked they'll be okay.

Mr. Boorady mentioned I don't have the new flood maps memorized.

Ms. McKenzie mentioned but that would be something to look at because I am concerned about the profile of the building.

Mr. Boorady stated they are a long way away from that stage of the process though.

Ms. McKenzie stated I know but to some extent to understand the profile and how it is going to appear to people across the street from Main Street, I think we kind of need to know how high up in the air is this thing going to be because the first thing I want to do is to figure out how we can get that front part to look like 2½ stories instead of looking like close to 3.

Mr. Boorady stated right now everyone in Lincoln Park whether they want to put a garage addition in the flood plain or build a 140 apartments has to be aware of the preliminary flood maps.

Ms. McKenzie stated right sure.

Mr. Boorady stated FEMA makes us use that if it is worse. Now in some areas of town the flood hazard went down a little bit but the floodway expanded.

Ms. McKenzie stated spread out exactly.

Mr. Boorady stated it is not an all across Lincoln Park the elevation raised some areas it went down.

Ms. McKenzie stated okay.

Mr. Boorady mentioned anybody coming to this board and the zoning board have to be made aware of the new flood maps and that is part of my job in reviewing completeness.

Ms. McKenzie asked are we going to need to make amendments to our flood plain ordinance here pretty soon in order to make sure that's in the ordinance so that people are on sort of notice about that or is that in appropriate to do it yet.

Mr. Boorady stated when they come in to make an application, as I review it for completeness I have to make them aware of it.

Ms. McKenzie stated okay.

Mr. Boorady mentioned or if I have a pre-application meeting with an applicant who is looking to do something.

Ms. McKenzie stated okay.

Mr. Boorady stated which is always the best way to have a pre-application because then I can make them aware of some changes that are going on.

Ms. McKenzie stated they should talk to you.

Mr. Boorady stated yeah.

Mayor Runfeldt stated the maps are still not approved.

Mr. Boorady stated they are still preliminary but we are told by FEMA because we participate in CRS to use the worst case scenario to insure the borough and the homeowner that they will be insurable to the new standard. So you don't have to use them you could fight it but it is not in the best interest of the homeowner, the applicant, or the borough because you can put yourself in an uninsurable situation.

Chairman Lancaster asked is there any time frame for where it goes from preliminary to final.

Mr. Boorady stated I wish I had that for you.

Chairman Lancaster stated I know that is government and it is pie in the sky.

Ms. McKenzie stated it is really typical of certain governmental agencies to adopt draft regulations and then tell you you have to follow them as if they were adopted but you haven't had a public hearing.

Mr. Steinhagen stated the DEP did that.

Ms. McKenzie stated they do it all the time.

Mr. Steinhagen stated they did it with the FEMA flood maps.

Ms. McKenzie stated right.

Mr. Boorady stated we have to go onto the Ace Hardware application.

Chairman Lancaster stated yeah let's to that.

Ms. McKenzie asked do you need me for that application I'm happy to stay.

Chairman Lancaster stated no.

Ms. McKenzie stated okay. Thank you it was a pleasure to see you all Happy New Year!

Board member stated Happy New Year!

Ms. McKenzie stated I think in February I'm going to present a draft housing element to you to look over and you can decide what to do with it. I think the court is going to want to move towns like Lincoln Park along fast, you have no interveners and you did the vacant land assessment I think he would give you some sort of conditional approval so that you could kind of move it along quickly. Then you would amend it

when you have your actual final number. We are doing that in the Borough of Chatham because I think they are in the same category.

Chairman Lancaster stated okay.

Ms. Ward mentioned that would be the February 18th meeting.

Ms. McKenzie stated that's my goal.

Ms. Ward mentioned a week before do you want to call me and let me know.

Mayor Runfeldt asked can you work this out later so we can do the next applicant.

Ms. McKenzie stated okay I'm going to go.

Chairman Lancaster stated the next application, Steve you are still here.

Mr. Schepis for the record my name is Steven Schepis and I'm the attorney for the applicant Bellmore Home Lincoln Park, Inc. d/b/a Costello's Ace Hardware. Standing to my right is Jaime Maloney she is one of the shareholders of the corporation and she is here on behalf of the corporation. I'm here to represent them in furtherance of the request for completeness waivers in an effort to secure a determination of complete for their minor site plan and variance application in conjunction with a building mounted sign or signs.

Chairman Lancaster stated it is completeness waivers and looking through the package I had some questions. I saw the letter from Joan to you that they were deemed incomplete and I was going through it and I saw waiver requested see explanation by applicant's attorney. When I read your letter it says there are a number of completeness checklist waivers that are requested, but I don't see any list of checklist waivers.

Mr. Schepis stated well in conjunction with the application, we submit the checklist with the various requested waivers so somewhere in the submission was a marked up checklist where we asked for basically waivers from 90% of your completeness checklist requirements.

In essence what the application is it is simply an application for permission to install two building mounted signs. As you may recall, there were previously signs on the building in basically the same location where these signs are proposed that announced the Walgreens and then there was the pharmacy aspect of it. Those signs were removed and there were no signs on the building, so any variances of course that were granted for those signs which were comparable to these were abandoned. So now the applicant has to basically secure reapproval for building mounted signs.

Now your ordinance is somewhat is conservative in building mounted sign limitations and as such these signs exceed the maximum sign area and likewise exceed the height. Now as I noted in the application this space is about 30,000 square feet. If they were to divide up the space into seven spaces that were somewhere around 2,500 square feet apiece, they could have seven building mounted signs that sign are would match up to what we are proposing here so in a way the ordinance doesn't anticipate this type of anchor store in the limitations on sign height/sign areas, so that is basically the premise of our case.

So there are a lot of items of course in your checklist that require various information relative to the property which you would generally see when you are looking to create/approve a new site as it lays out. So in rather than creating a new site plan what we did is we took copies of the existing as-built approved surveys of this property that were the subject of prior site plan applications. Ms. Ward was very gracious and helpful and she assisted me in finding prior approved plans from this board and I was able to take the approved as-built surveys and have those reproduced and presented to you in a package to show you what's out there. What we see on the surveys that are submitted, in essence everything that was previously reviewed and approved as part of the prior site plan applications.

Now as it relates to this application, really the only thing that is different is the building edifice and the sign that is being proposed. So what we did in order to provide the board sufficient information so that you could render an informed determination is to give you a sign details that show what the sign will look like on the building. It is like photo shop where they have a picture of the front of the building and in our

packet. Well I guess you don't get that yet.

Chairman Lancaster stated you are getting a lot into the application itself as opposed to the checklist.

Mr. Schepis stated in essence we are asking for waivers for 95% of your checklist requirements.

Mr. Boorady mentioned it was well said Steve, a sign application that conforms wouldn't have to go through any of the site plan checklists because they need variances it is a minor site plan. The way your minor site plan is set up your checklist is set up that it asks for a multitude of information, storm inlets, parking calculations, all kinds of information and the reason I didn't do a report on this is because virtually every item of your minor site plan checklist they need a waiver from. If I were to just regurgitate everything, we would be here to two days.

Chairman Lancaster stated right. So what's the summary?

Mr. Boorady stated if I can sum this up, the general information checklist there is no checklist waivers requested or needed and generally you don't give waivers from that because it is all the administrative items, so we can skip over the general checklist item. All those have been supplied or will be supplied.

Checklist F. is your minor site plan checklist. What they are using for a minor site plan map is the as-built that was approved by administration when Walgreens went in.

When I spoke to Steve on the phone, he obtained the plan from Joan I thought this administration approved the as-built and that essentially serves as the survey that you are obtaining. Nothing has changed at the site since Walgreens just the tenant. So I would recommend the board grant the minor site plan map waiver and all those subparts under it and accept the as-built survey that Walgreen submitted and that was approved by administration.

Chairman Lancaster stated okay.

Mr. Boorady mentioned that is Item 2 of your checklist. Then Item 3 and 4 are architectural and again what the applicant is going to provide is two things; a photocopy of the architectural drawings that were submitted as part of Walgreens and also a photograph with the new sign superimposed on it. Again the building really hasn't changed from when it was Walgreens.

Chairman Lancaster stated physically it hasn't changed other than the signs came off.

Mr. Boorady stated I would recommend the waivers for architectural plan and samples of the exterior finishes because those items aren't changing and you are just going to see the sign superimposed on the as-builts that were approved.

Moving on the checklist D. that is the planning board's checklist for variances. I am recommending a waiver from 1B, D, E, and #2 and again those are the prevailing front yard setbacks to the adjoining lots and the sign is not going to impact that. D is the original survey and what they are giving you is essentially an original survey it is the as-built. Item E is preliminary architectural plan that is redundant from the other checklist and Item 2 is if the survey is more than a year old, the applicant is supposed to provide something that states that accurately represents it. The conditions today and based upon my site inspection it has nothing has really changed from Walgreens. In summary you know I recommend that the applicant be granted checklist waivers and for Item 2 with all the subparts, Item 3 and 4, and then also for checklist D, Items 1B, 1D, 1E and #2 those are the numbers they would be granted checklists from. That is my recommendation.

Chairman Lancaster stated it sounds reasonable because all you are doing is changing the sign and everything else is as approved as-built and we've accepted it from that standpoint. Are there any checklists items/waivers that you don't recommend or does that cover them all?

Mr. Boorady stated that covers them all.

Chairman Lancaster stated okay. Again I was trying to get a handle on really what was there when I was looking at it and I said something to Joan I said okay.

Mr. Boorady mentioned really the minor site plan checklist wouldn't even have been submitted if there was no variance requested. It kind of kicks you into a minor site plan when you need a variance from the sign ordinance, so you wouldn't even see that normally.

Chairman Lancaster stated okay.

Mr. Wild moved it.

Mayor Runfeldt seconds.

Chairman Lancaster stated what he said. Any other comments from the board?

Ms. Ward asked Tom you'll mark-up the checklist for all the waiver so we can sent it out. Once we have everything then we can deem it complete.

Mr. Boorady stated sure.

Chairman Lancaster mentioned you are saying we have everything now.

Ms. Ward stated no we need 15 copies of the application form we only have 3.

Mr. Schepis stated I just handed it to you tonight in that big envelope.

Chairman Lancaster stated okay.

Mr. Boorady stated presumptuous.

Ms. Ward stated when you're deemed complete you'll be on for a public hearing.

Mr. Schepis stated okay.

Mr. Boorady mentioned the fees were highlighted for some reason.

Ms. Ward stated yes I have to check that. I think you paid the minor but I don't think you paid the variance escrow.

Mr. Schepis stated I saw your letter but it looked like you just needed another \$1,500 in escrow. So we have a check for you tonight.

Ms. Ward stated I have to go back and look at the file. Let's vote on this.

Roll call:

Yes: Wild, Runfeldt, Kaufman, Koldyk, Lancaster, Marino, Moeller and Terrero (Alt. #1)

No: None

Abstain: None

Ms. Ward stated that's it waivers are granted.

Mr. Schepis asked if I can just make one observation, annex to the application was the Cost Cutter approved architectural plan and it is stamped received Planning Department August 17, 2015. We have the check for the additional escrow and I submitted 10 additional sets of the plan and 10 additional sets of the application.

Ms. Ward stated I just have to check it.

Mr. Schepis stated understood no problem. But as far as I can see I think we have gotten everything to you, so as long as I am provided sufficient time to notice for your February meeting we hope to be back in February.

Ms. Ward mentioned by next week we should know whether you are complete or not, then you can be on the February 18th meeting.

Mr. Boorady stated whatever Joan tells me to do.

Chairman Lancaster stated okay. Thanks Steve.

The next item is Development Review Ordinance review.

Mr. Boorady stated we met with the borough attorney on January 12th and we covered a lot of territory on some of the outstanding items. The ordinances are being codified and at the same time they are being updated and revised.

Chairman Lancaster stated I saw all the notes was that from that meeting?

Mr. Boorady stated not that particular copy but that has already been superseded. But we are going over all of these items with the borough attorney and we are almost there with making these corrections.

Mayor Runfeldt asked do we need to have a committee for this to go over the changes.

Chairman Lancaster stated that's just the status of where it is.

Mr. Boorady stated there is still a little bit more to do and I guess if you want to form a committee to get together.

Mayor Runfeldt stated we may need to form a committee just to go over some of the stuff and we want it to be done pretty quickly.

Ms. Ward asked do you want to put that on for the February meeting when we appoint all the other committees.

Chairman Lancaster mentioned the final appointments for the committees.

Ms. Ward asked do you need that sooner or do you need a committee to be appointed tonight for that.

Mayor Runfeldt stated it might be safe to appoint a committee for that tonight because I think this is one of the last pieces of the codification process.

Mr. Boorady stated I'm available whenever.

Ms. Ward asked do you want to call it the Development Review Committee.

Chairman Lancaster stated the DRO Review.

Ms. Ward asked who would like to volunteer. I need either 3 or 4 of you. Don't all volunteer at once?

Mr. Terrero stated I'll bit the bullet.

Mayor Runfeldt stated the new guy you are on it anyway Jonathan don't worry about it. Did you see that list before, you are on all of those?

(Laughter)

Chairman Lancaster asked Joshua.

Mr. Kaufman stated sure.

Mayor Runfeldt stated I can't been on the committee.

Ms. Ward mentioned I need Class IV members.

Mayor Runfeldt stated I certainly will be available to help out too.

Chairman Lancaster stated okay.

Mayor Runfeldt stated this again is just for cleaning up the language in the ordinances.

Ms. Ward mentioned I need a couple more, we need some experienced members too. Two more can volunteer now is that a hint or not?

Mayor Runfeldt stated we should put Chuck on then.

Ms. Ward stated he would do very well.

Mayor Runfeldt stated and Trish too.

Chairman Lancaster stated and hopefully you'll get one of them to show up.

Ms. Ward stated yes.

Mr. Boorady stated Joan just make sure everyone has this.

Ms. Ward mentioned it was send in their packets. We never received anything from Brian when he passed away.

Chairman Lancaster mentioned this is the whole thing with her comments.

Ms. Ward stated right.

Chairman Lancaster mentioned you have additional comments beyond this.

Ms. Ward mentioned they had that for the meeting and they have more. I just wanted you to have something to know what they were doing.

Chairman Lancaster stated so that's done and you'll send out notice about that committee.

Ms. Ward mentioned I'll put it in an email and see if I can get everyone together to go over it.

Mayor Runfeldt stated it is probably something the borough attorney will want to be involved with too so you'll have to coordinate that with Chris.

Ms. Ward stated sure.

Mayor Runfeldt stated it just cleans everything up.

Ms. Ward asked you want either Tom or Paul to be there.

Chairman Lancaster stated Tom already said he would be there.

Ms. Ward stated got it. I'll sent the email out.

Mayor Runfeldt stated perfect.

Chairman Lancaster stated ordinance.

Ms. Ward mentioned Sal will speak about the gas station one.

Mr. Marino stated there is a problem with the Citgo Gas Station they seem to have too many cars and trucks on the site. I approached them and told them kindly to try to remove some of the vehicles and it looks like more and more are coming in. I've been taking pictures almost on a daily basis.

I spoke to the borough attorney, Chris DiLorenzo, and he advised me to take pictures and eventually we'll

have to build a case against that but we need an ordinance to do that first. I'm just trying to get the paperwork and background together taking pictures where all the vehicles are parked. They are parking in the street as well, but that is more of a PD problem than myself to be involved in. But as far as the number of trucks and cars on the site, it's just overwhelming and we are getting a lot of complaints now.

Chairman Lancaster mentioned you are saying there is really nothing addressing that in any of the ordinances.

Mr. Marino stated no.

Ms. Ward mentioned in the DRO gas stations fall in the conditional use section of the ordinance. But there is a section on gas stations where they have to be 1,000 feet from schools but it says nothing about parking of all these vehicles.

Mr. Marino mentioned they are parking vehicles but they are also selling them.

Ms. Ward stated they are using it like a used car lot but there is nothing in there that prohibits it.

Mr. Steinhagen stated if they are doing it now and you rezone the property, they are going to be a pre-existing nonconforming use.

Ms. Ward mentioned we'd like to have something in the ordinance so we don't have a problem in the future.

Mr. Steinhagen mentioned going forward.

Ms. Ward mentioned he's got vehicles all over and you can hardly get into the gas station.

Mr. Steinhagen stated in terms of enforcement on that property you have to look at what was approved and what they are allowed to do and what the ordinance prescribes at the time of the approval. You can't just change the ordinance on someone and try to enforce it retroactively.

Mr. Boorady mentioned at the same token if public safety is involved.

Mr. Steinhagen stated public safety is different though.

Mr. Boorady mentioned if car sales aren't an approved use and not listed, then assume it is not.

Chairman Lancaster stated it is not conforming if they are doing car sales.

Mr. Steinhagen stated what would happen is you would issue a violation and they would probably appeal it, and at the same time then you would have to be able to demonstrate that they were doing it when it was either legal or they got a variance or something like that.

Mayor Runfeldt stated it has never been legal.

Mr. Steinhagen stated right. So then they would come in on an appeal to the board of adjustment and that would be how it would be adjudicated.

Mayor Runfeldt stated okay.

Ms. Ward stated our ordinance talks about used car dealership. Years ago where the Saving Bank was that use to be Tom Barry's Used Car Dealership and that's long gone.

Mr. Steinhagen asked does the ordinance say you can only have one principal use on a lot.

Ms. Ward mentioned it doesn't say anything like that in the gas station section.

Mr. Steinhagen asked in general.

Ms. Ward stated I don't know. That gas station came in for a use variance because they were within a

1,000 feet of a school.

Chairman Lancaster mentioned the question would be part of it is from an enforcement standpoint what was the conditional use? I mean it sounds like if they are parking them over night they are selling them and there may be other ways to do it. Again we may need a gasoline station you know what is an acceptable use there?

Mr. Wild stated they are charging for storage too.

Mr. Steinhagen stated would seem like an ordinance might not necessarily be the way to attack the problem.

Mayor Runfeldt stated right.

Ms. Ward mentioned but we still want to change the ordinance.

Mr. Steinhagen mentioned oh absolutely.

Chairman Lancaster stated that's going forward that's two different issues.

Ms. Ward stated I know but we want to put something in there to prohibit it.

Chairman Lancaster asked any other business.

Ms. Ward stated no.

Mr. Koldyk made the motion to adjourn.

Mr. Kaufman second.

Meeting adjourned 10:45 P.M.

Respectfully submitted:

Joan Ward, Secretary

Kevin Lancaster, Chairman