

**MINUTES OF REGULAR PLANNING BOARD MEETING
HELD ON THURSDAY, APRIL 19, 2018**

Chairman Blewett 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 April 10th, 2018 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall. All stood for the Pledge of Allegiance.

PRESENT: BLEWETT, KAUFMAN, KOLDYK, MARINO, MORREALE, TERRERO AND WILD

ALSO PRESENT: BOORADY, ENGINEER AND NEISS, COUNSEL

ABSENT: RUNFELDT, TAORMINA, REHFUSS (ALT. #1) AND BRIGHTMAN (ALT. #2)

Chairman Blewett stated the first item on the agenda is approval of minutes.

Ms. Ward stated we have quite a few, we haven't had a meeting in a while. The first one is the November 16th meeting and the members that can vote would be Blewett, Kaufman, Koldyk, Terrero and Wild.

Chairman Blewett asked any comments. Motion to approve?

Mr. Koldyk made the motion to approve.

Mr. Wild seconds.

Roll call:

Yes: Koldyk, Wild, Blewett, Kaufman and Terrero

No: None

Abstain: None

Ms. Ward mentioned they're approved.

Chairman Blewett stated the next set of minutes December 21st, 2017.

Ms. Ward mentioned the members that can vote would be Blewett, Kaufman, Morreale, Terrero and Wild.

Chairman Blewett asked for a motion to approve.

Mr. Terrero moved the minutes.

Mr. Wild seconds.

Roll call:

Yes: Terrero, Wild, Blewett, Kaufman and Morreale

No: None

Abstain: None

Ms. Ward mentioned they're approved.

Chairman Blewett stated the next set of minutes is January 18th, 2018 the reorganization meeting.

Ms. Ward mentioned the members that can vote are Blewett, Kaufman, Koldyk, Marino and

Morreale.

Chairman Blewett asked any questions or discussion. Motion to approve?

Mr. Kaufman moved the minutes.

Mr. Koldyk seconds.

Roll call:

Yes: Kaufman, Koldyk, Blewett, Marino and Morreale

No: None

Abstain: None

Ms. Ward mentioned they're approved.

Chairman Blewett stated the January 18th, 2018 regular meeting minutes.

Ms. Ward mentioned the members that can vote are Blewett, Kaufman, Koldyk and Morreale.

Chairman Blewett asked for a motion to approve.

Mr. Kaufman made the motion to approve.

Chairman Blewett asked for a second.

Mr. Koldyk seconds.

Roll call:

Yes: Kaufman, Koldyk, Blewett, Marino and Morreale

No: None

Abstain: None

Ms. Ward stated okay that's it they're approved.

Chairman Blewett stated the next item on the agenda is waiver request by Tomasz Nykiel with reference to Flood Plain Encroachment Application #FPE 17-01 and Grading Permit Application #G17-01, on property known as Block 110, Lot 16 on the municipal tax map, also known as 112 South Valley Road.

Mr. Nykiel stated this is my son, I do not speak English very well.

Mr. Nykiel (son) mentioned I'm here to translate.

Chairman Blewett stated okay.

Mr. Neiss asked are you the only one testifying. He is not going to testify right?

Mr. Nykiel (son) stated he is the only one testifying.

Mr. Neiss stated only your dad is going to speak tonight correct?

Mr. Nykiel (son) stated I'll be speaking but he'll be telling me what to say.

Mr. Neiss swore in Mr. Nykiel (father) and Mr. Nykiel (son). Would you please separately state your full name and business affiliation for the record?

Mr. Nykiel (son) stated my name is Kamil Nykiel and I'm here to translate for my dad.

Mr. Neiss asked do you believe your father understood what I asked him.

Mr. Nykiel (son) stated I'm just going to tell him really quickly.

Mr. Nykiel (father) testified yes.

Mr. Neiss asked he understood that he is under oath and that what he says tonight is sworn testimony correct.

Mr. Nykiel (son) translated to father.

Mr. Neiss asked the answer to that question is.

Mr. Nykiel (son) yes.

Mr. Neiss stated your answers have to be out loud using your voice please because we have to have a record and the only way to get that record is recording your voice okay.

Mr. Nykiel (son) translated okay.

Mr. Neiss mentioned thank you.

Chairman Blewett asked do you have the engineering report.

Mr. Boorady stated since there are only a couple of waivers I didn't do the full blown report yet.

Chairman Blewett stated all right.

Mr. Boorady mentioned so what you have before you is Joan's memo from February 20th, 2018 with the checklists.

Chairman Blewett stated okay.

Mr. Boorady mentioned there are only a few items from the checklist that they are looking for waivers for. If it simplifies it, maybe I can walk you through it to expedite it. I know your engineer isn't here tonight so it might be easier if I helped.

Chairman Blewett stated that's fine, please do.

Mr. Boorady mentioned sure. The subject property is a conforming lot. The house that's on there now had some flood damage and it is in a location that has bulk variances associates with it. What they propose to do is demolish the house which has already been done and move the house into a conforming location which wouldn't require any variances, and elevate the house so that it meets with both DEP and local flood development rules. So what you will have is the first floor that is completely elevated and when flood waters come, the house won't receive any damage just the foundation will be in it.

Chairman Blewett stated okay.

Mr. Boorady stated it is something that the town encourages with redevelop in the flood zone and in a way that is more in keeping with today's standard.

Chairman Blewett mentioned okay, thank you.

Mr. Boorady stated the applicant is here tonight only for checklist waivers, and the two checklists that are before you are the grading permit checklist and the flood plain encroachment checklist. The waivers that have been requested, starting with the flood encroachment plan are Items 6ff with sub-items 6ff i. and v. What that is is the existing information within 200 feet of the subject property; right-of-way widths and improvements, culverts and drain systems, and since this is a redevelopment project and the neighborhood is substantially improved with utilities, I would have

no engineering objection recommending the Board grant the waivers for all that information beyond the subject property, provided what they need to is in front of the subject property, but they are looking for waivers so they don't have to locate utility poles 200 feet away and other items within the right-of-way. I would recommend that those waivers be granted subject to your approval and that is from the flood plain encroachment checklist.

Chairman Blewett mentioned okay.

Mr. Boorady stated then moving onto the grading permit checklist, there are the same exact checklist waivers because there is some repetitiveness in your checklist for 6ff i and v, so again I would recommend those be granted. I skipped down a little bit just to cover those really quickly.

The new ones that you would be granting on this checklist are landscaping and lighting, and Item #11 which is samples of exterior finishes. Because it is flood development you are going to be looking at the first story which would be all masonry. Sometimes landscaping and even lighting become a concern because when you elevate the house, you are going to have lights also that are at a full story above everybody else's lights.

Chairman Blewett stated sure right.

Mr. Boorady mentioned so they are asking not to show any landscaping or lighting. Then #11 they are asking not to show any samples of exterior finishes, but I believe the architectural plans have some notes on what type of materials they are going to using.

Again it is up to the Board, I believe the foundation is going to have some sort of a skin coat finish on it mason block. Are you aware of the construction?

Mr. Nykiel (father) testifying in native language.

Mr. Nykiel (son) translated on the plans it shows that there will be stone used for the foundation.

Mr. Boorady stated so you are going to have stone on the foundation, like a field stone look?

Mr. Nykiel (father) testified.

Mr. Nykiel (son) translated not natural just stone.

Mr. Boorady stated let me see if it is on there.

Mr. Nykiel (father) testified in native language.

Mr. Nykiel (son) translated it is on page 3.

Mr. Boorady mentioned it says stone veneer on block walls so you are going to have a stone veneer on the foundation.

Chairman Blewett stated okay.

Mr. Boorady stated you know it is really up to the Board as far as whether you want to see landscaping because you are going to have so much masonry you are looking at on the first story, and then lighting, but it is up to you guys.

Chairman Blewett asked does the Board have any questions of the applicant. Any concerns?

Mr. Terrero stated I don't see any issues. I mean if it is a nice stone it is not a big issue usually those claddings are. I mean they are not like rock exposed stone so I don't think it should be a problem; plus you know, it should be a distinction from the other houses in the area that you would require extensive landscaping to cover it, but that is just my opinion.

Chairman Blewett asked the second one, 6aa up top, location description/dimensions of setbacks is there a building envelope on the plan.

Mr. Boorady stated I'm not sure why that is listed on there. The engineer has shown that information so I don't think they need a waiver from that.

Chairman Blewett mentioned okay.

Mr. Marino stated Chuck, excuse me, I would like to see something regarding the lighting because there is a house adjacent to their right and also houses across the street, and being that it is going to be raised up a little bit I would like to see something on that.

Chairman Blewett stated okay. All right anything else? Any other comments or concerns?

Mr. Wild mentioned I was going to ask about the landscaping. Will we be talking about any landscaping once the plans come through and all?

Mr. Boorady stated you can talk about anything you want.

Chairman Blewett mentioned but if we grant the waivers, we won't have another opportunity to see that right?

Mr. Boorady stated well what you do typically is grant a checklist waiver and what that means is if you want the information later, you can ask for it. But this type of application doesn't have a public notice associated with it, so typically these applicants would come once and they are done, so if you really want it and you want to talk about it, the time to ask for it is now.

Chairman Blewett mentioned it is now.

Mr. Boorady stated I will say, I've seen some elevated homes in the flood plain and you look at a very vanilla foundation. On these plans they are proposing a stone veneer on it which is dressing it up quite a bit, so you know it is up to you if you feel that that also needs some landscaping to go along with it or not. Some of the homes that didn't have a stone veneer they look kind of stark you know looking at concrete.

Mr. Wild stated exactly.

Mr. Boorady mentioned this looks like they dressed it up some and that's all I would ask. If you want to see landscaping now is the time to ask for it.

Chairman Blewett stated all right. Anything else? Okay so if we were to request that, then they would need to update their plans and when they come back in be prepared to speak to those items correct?

Mr. Boorady stated right. Normally landscaping would be put on the engineer's plan and lighting would be put on the architectural plan.

Chairman Blewett asked does the Board agree that we would like to see lighting and landscaping.

Mr. Koldyk stated as corrected.

Chairman Blewett stated okay. So what the Board is going to do is we are going to grant most of these waivers, except for we would like to see lighting and if you are going to do any landscaping when you come in with the plans.

Mr. Nykiel (son) translated information to father. My father testified for the lighting he said he is not doing any lighting. For landscaping he is just going to put down some grass and maybe a few trees, along with the existing trees and that's it.

Mr. Boorady asked Sal there is lighting required by code right outside doorways?

Mr. Marino stated yes.

Mr. Boorady stated I think you are going to have to put some lighting by code if nothing else.

Mr. Nykiel (son) translated to father. My father testified but since it is in the flood zone wouldn't that cause issues?

Mr. Terrero stated in terms of lighting, you are going to need a light by the door to the entrance right to the house. We are not talking about light posts, we are mostly concerned about what is going to be on the outside of the house that could affect a neighbor, or anything that is on the house itself not a light post, not a lamp on the ground but just what is on the building.

Mr. Nykiel (son) stated okay thank you.

Mr. Boorady stated that is a good point. We are not talking about lighting fixtures on the inside of the house, I don't know if that is clear but what is on the building, the facade itself.

Mr. Nykiel (son) stated okay, sorry. Translated information to father.

Mr. Neiss asked Sal, you talking about fixtures, the kind of fixtures that he is going to put on it.

Mr. Marino stated my only concern is they are up seven feet six inches off the ground and whatever light fixture they would use on that façade I don't want it to wash across the street because of the neighbors that are there.

Mr. Neiss mentioned when you say lighting it is really a lighting detail.

Mr. Nykiel (son) translated father. So what he plans to do is just put two lights by the front door and two lights on the back door that leads to the deck.

Chairman Blewett stated okay but we would need that detail on the plan right, a description and location right?

Mr. Boorady stated right. Something similar to a sconce; but if you would just show it, it is a pretty standard residential fixture and shouldn't be that tough for the architect to show it.

Mr. Nykiel (son) translated to father. He just agreed to put it on the plan.

Mr. Boorady stated I think he has to.

Mr. Nykiel (son) translated he agrees.

Mr. Boorady mentioned it should be a relatively simple exercise in putting a sconce in the front and back.

Chairman Blewett stated right.

Mr. Nykiel (son) stated we will get it on the plan.

Chairman Blewett mentioned then the other one was whatever landscaping you are going to contemplate putting around the house.

Mr. Nykiel (son) translated to father. We will do that too.

Chairman Blewett stated okay.

Mr. Boorady mentioned so your engineer can take care of the landscaping if you tell him what species you are going to plant, and then the architect can take care of putting sconces on. If they get those simple changes done relatively quickly, you could still be on target for May so you won't lose a month. I know you are in a rush to keep moving forward, so if your engineer and architect get it to Joan I can get the report done before May and you are still on the agenda for May, if that is what you are looking to do.

Mr. Nykiel (son) translated to father. Yeah we will get it done but we are not really in a rush anymore, it has been two years so we don't mind slowing down now.

Mr. Boorady stated okay.

Ms. Ward mentioned if everything is done, you could possibly be on for the May 17th meeting.

Chairman Blewett stated okay. I guess we need a motion to approve those waivers indicating that we are going to require the landscaping plan and the lighting.

Ms. Ward mentioned Tom will mark up the checklists, it's just the lighting and landscaping that they will have to provide. We'll need to have a vote.

Chairman Blewett asked is there a motion.

Mr. Terrero made motion.

Chairman Blewett asked is there a second.

Mr. Koldyk seconds.

Roll call:

Yes: Terrero, Koldyk, Blewett, Kaufman, Marino, Morreale and Wild

No: None

Abstain: None

Ms. Ward stated okay granted. We'll send correspondence in the mail shortly.

Mr. Nykiel (son) stated thank you.

Chairman Blewett stated okay you're done.

The next item on the agenda is Grading Permit Application #G18-01 by North East Home Infusion Group, LLC, on property known as Block 3, Lot 2.13 on the municipal tax map also known as 7 Buckingham Road. This is a completeness waiver and a hearing. Good evening.

Mr. Neiss asked who is who.

Mr. Trautwein stated Rich Trautwein, architect for the property.

Mr. Palus stated Mark Palus, site engineer.

Mr. Neiss asked are you gentlemen testifying tonight.

Mr. Palus stated most likely.

Mr. Neiss swore both gentlemen in. Separately may I ask you to state your name, full name and business affiliations for the record?

Mr. Trautwein testified Rich Trautwein, architect.

Mr. Palus testified Mark Palus from Map Engineering, professional engineer.

Chairman Blewett asked how do you relate to the application and who the owner is.

Mr. Palus testified sure. The owner is North East Home Infusion Group, LLC whose principal is Simone Cimino who owns the property and is the applicant tonight.

Chairman Blewett asked and you're their professional experts.

Mr. Palus testified their architect and engineer.

Chairman Blewett stated all right very good. Why don't you tell us a little bit about what you are doing?

Mr. Palus testified the project is a proposed single-family home at the end of Buckingham Road and it was a subdivision that was approved and started in this municipality I believe more than a decade ago at this point. I think this is the only outstanding lot at this time that hasn't been developed so Mr. Cimino is the current owner of the property and he is proposing to develop it with a single-family home for his occupancy.

The property is encumbered by a fairly significant amount of wetlands. The wetland permits are already in place with the DEP as part of the original subdivision approval, but as a result approximately half of the one acre property is not available for use so that is going to remain undisturbed as per the DEP permit.

The application you have before you from a zoning standpoint is fully conforming. The property is going to be serviced by gas, electric, cable, municipal water and an individual septic system. The septic system has been designed and submitted to your Health Department pending approval. The last outstanding item is who the contractor is going to be but that hasn't been selected yet, so the technical aspect has been approved by your Health Department.

As part of the construction or I guess as part of the application, we do have a completeness waiver and do you want me to start on this?

Chairman Blewett stated well first of all let me know if you have Mr. Boorady's engineering report.

Mr. Palus asked the March 12th letter.

Chairman Blewett stated the letter of March 12th, 2018.

Mr. Palus testified yes.

Chairman Blewett stated Tom, do you want to give us a little overview maybe on your perspective here.

Mr. Boorady stated sure. I think Mark is correct that we need to deem the application complete first. The only waiver is Item #11 from the checklist for grading permit and that was similar to the prior applicant, those are the materials and you know for a single-family home I don't have an objection to the Board granting a waiver. The architectural plans do note cedar shake and all of the different types of materials that are going to be used, and actually the architect is here tonight so if there are any questions on material, he can speak to all of them and this way you don't have pieces of asphalt/brick being handed around, so that is the only waiver they require.

Chairman Blewett stated okay.

Ms. Ward asked what about the landscaping plan you have that circled too. You have the lighting okay but you have landscaping circled. Is that okay now?

Mr. Boorady stated technically Joan I believe you are right.

Ms. Ward mentioned it is on Y.

Mr. Boorady stated because half the property being wetlands and there being very little room for the house itself I may have overlooked that, but you are right I circled it but didn't put it in my letter. Again, I don't have an engineering objection to landscaping because there is limited lawn area in the back and in the front yard, and with this type of home I'm sure they are going to landscape it quite well in this neighborhood, so I don't have any engineering objection to granting a waiver from that it is up to the Board.

Chairman Blewett stated okay. Any comments from the Board on those two items.

Mr. Terrero asked what is the material being proposed for the base of the house. I know above

the foundation wall it is cedar plank and vinyl.

Mr. Trautwein testified right now it is just a stucco concrete.

Mr. Terrero stated okay. Is it going to be painted?

Mr. Trautwein testified I'm not sure the owner hasn't decided on colors but right now it is just a natural cement.

Mr. Terrero stated okay.

Chairman Blewett asked any other questions. I guess we need a motion to grant the waivers.

Mr. Terrero moved the waivers.

Chairman Blewett asked is there a second.

Mr. Kaufman seconds.

Roll call:

Yes: Terrero, Kaufman, Blewett, Koldyk, Marino, Morreale and Wild

No: None

Abstain: None

Ms. Ward stated they are granted you are complete.

Mr. Palus thanked everyone. I assume we can move forward with the hearing process.

Chairman Blewett stated yes.

Mr. Palus testified as I got into earlier, this is going to be a single-family home which is currently a vacant lot. Probably the most significant piece of the property is that roughly half of it is encumbered by fresh water wetlands.

The delineation of these wetlands has been done prior as part of the original subdivision so we are not proposing any encroachments above or beyond the approved permits from the DEP. The home and all its improvements are consistent with this municipality's zoning ordinance so there are no variances being requested as part of this. It is a relatively straightforward application, single-family home on a one acre property. It is a significant size home and we have the wetlands to deal with so we do have some restrictions, but that being said, for the most part it is a relatively straightforward application.

So looking at your engineer's letter dated March 12th there are some technical comments on there. I guess the best thing I can do is run through them in order and see how we are going to address them.

The first one speaks to the split rail fence that is going to be shown basically along the edge of the allowed disturbance adjacent to the wetlands, so that is almost the s-shaped wall that runs through the center of the property so there is going to be roughly a two foot bolder wall. On top of that is going to be a split rail fence just to ensure that the applicant and the future owners of the property don't go past that and disturb an area where they are not permitted to disturb.

Mr. Boorady asked for the fence to be installed before any of the site work is done.

Mr. Palus testified I think that is fine. The only thing I would suggest is the fence is on top of a 2wall so we have to build the wall first and then the fence will go on top of the wall at that point so we can certainly accommodate that. He asked for a detail of the fence and it is going to be standard split rail fence. It will be minimally visually impacted but enough to stop somebody from driving a lawn mower through there.

Note #2 just references the discrepancy between the date on our plan and the architect's plan and we just have to fix note #16 that's no problem.

Number 3 talks about showing a permit safety fence along any walls that are greater than 30 inches in height. The wall on the wetlands is not but we do have a wall along the edge of the property adjacent to Lot 2.12 on our north side, that wall maxes out at about 4 feet so we are putting a safety fence on that wall. We will make it clear on the plan where that fence is and we will update the safety fence detail on sheet 3. I think we had a split rail fence with mesh on there and I think what Mr. Boorady is looking for is something a little more similar to like a pool code fence. So either a chain link fence or a Jerith style fence will go there.

The wall because it will be close to a driveway and there is potential for a vehicle hitting it, and it is also close to the retaining wall on the back side of it, so there is a product called Sleeve-it which is one of those manufacturers that basically extends the foundation or the footing of the wall down below the foundation/footings of the fence, down below the wall just so when you push on the fence it doesn't then actually push on the wall itself. So we will update our details to include that.

Number 4 talks about a drop curb. The property has limited frontage on Buckingham Road and what limited frontage there is, probably more than half of it is encumbered by wetlands and we can't disturb, so the area of the driveway is very clearly defined where it is going to go.

The existing pavement on Buckingham Road relative to the curb height that is there it is a granite block curb, and the pavement it is almost basically a depressed curb now. It looks like when they put the curb in, they went in a little bit too low and then in an effort to direct all of the sheet flow from the cul-de-sac bulb towards the inlet which is further to the west, they raised the grade in front of our property and as a result there is very little curb reveal right in front of our property which is basically at the point where it looks like a depressed curb. I think basically you leave it as is, but if Mr. Boorady wants something done differently with that curb we can certainly do it. I would suggest that looking at the curb where our driveway is coming in now it is already a depressed granite curb.

Mr. Boorady stated just to clarify, the curb I was actually referring to is in the driveway.

Mr. Palus testified oh okay it is a low point.

Mr. Boorady stated so what you did at the low point where you put a drop curb, any water within the driveway can flow into the wetlands instead of flowing out into the cul-de-sac and (inaudible) up.

Mr. Palus testified gotcha okay.

Mr. Boorady stated so I just need a detail for that dropped curb.

Mr. Palus testified that's no problem.

Mr. Boorady stated the one in Buckingham is fine I agree with that.

Mr. Palus testified okay. We can certainly provide that.

Number 5 talks about, we do have some seepage pits which are going to handle the roof runoff for the proposed dwelling. Those pits are located in front of the home, and we are proposing to pipe some of the down spouts from around the building to these pits.

Mr. Boorady points out that in the southwest corner of the proposed home there is an elevation of 203.2 on the plans. If we take the roof leader or the down spout from that point into the ground and run it at relatively minimum pitch around the seepage pits in the front that pipe, it ends up fairly deep in the ground and probably deeper than what we want it to be for the pit to function properly.

In talking with the architect tonight, what we believe we can do is take that downspout and then carry it across the side of the house above grade for a portion of the way until we get to the front

(inaudible). It is artificially submersed in the ground and creating a need to put those seepage pits lower. It is the side of the building which basically will not be visible to anybody because it is up against the wetlands adjacent to us and visually impacting, and you've got to cover that so it will be just a plastic pipe.

The other alternative is trying to bring that drainage behind the house. The area behind the house that is where the septic field is and you can't put the pits anywhere near a septic field so there is limited space in the backyard. As we move to the extreme southeastern corner of the property, in that area the water table is probably about 36 inches so it is not ideal for locating the pits there. I think probably keeping that rear downspout up and running along the side of the house and blending it in architecturally and then still keeping the pits in front of the house up high makes the most sense.

Mr. Boorady stated we can work on that subject to approval if you want.

Chairman Blewett asked can you explain the structure behind the house, the rectangular --

Mr. Palus asked the long rectangular.

Chairman Blewett stated yes.

Mr. Palus testified that is the septic field.

Chairman Blewett stated that's the septic field.

Mr. Palus testified right so, of course, that is going to be in the ground so that will be a lawn area behind the house. The rear yard of the property is relatively flat, you know between the house and the septic field. The field does come up some and we do have a small retaining wall on the back edge of the property which goes up again a church, the Abundant Life. We back up to the church parking lot so there is a large area behind this that basically is just a parking lot so we do have a two-foot wall on our rear property line.

Items 6 through 12m unless your engineer feels differently I think they're pretty administrative in standard.

Mr. Boorady stated yeah the rest of them are pretty standard.

Mr. Palus testified actually all the way through 14.

Mr. Boorady stated yeah those are standard conditions. If you agree to them, we don't need to go through all of them.

Mr. Palus testified yeah again being standard conditions we agree to them.

Mr. Boorady stated they can't go beyond the limits that they agreed tonight, and they'll provide as-builts and you won't bring in fill that's not virgin material or millings, or anything like that so that's pretty standard comments.

Mr. Palus testified I stipulate that we would agree to that.

Chairman Blewett stated okay. Tom is there anything else to address?

Mr. Boorady mentioned no. As Mark said, this is ten years in the making and I think the town would like to see a house built there. I have no reservations recommending that you grant approval of the grading permit.

Chairman Blewett stated this is residential and it is for a residential purpose.

Mr. Palus testified absolutely yes.

Ms. Ward mentioned it's the last lot in that subdivision to be built on Buckingham.

Chairman Blewett stated all right I just wanted to make sure.

Mr. Boorady mentioned there is going to be an indoor pool as well, so it looks really nice.

Chairman Blewett stated yeah.

Mr. Palus testified it is a beautiful home, I can't take any credit for that though.

Mr. Boorady stated okay.

Chairman Blewett asked any questions from the Board on this. This is a public hearing so motion to open it?

Mr. Koldyk moved to open the public meeting.

Chairman Blewett asked is there a second.

Mr. Terrero seconds.

Chairman Blewett asked is there anybody from the public that would like to come up and ask questions of the professionals with respect to this application. Seeing none, motion to close the public hearing.

Mr. Wild moved it.

Mr. Terrero seconds.

Chairman Blewett asked what is the Board's pleasure.

Mr. Terrero stated everything seems straightforward.

Chairman Blewett asked is there a motion to approve.

Mr. Koldyk made the motion to approve.

Mr. Morreale seconds.

Ms. Ward asked Arthur by letter or resolution.

Mr. Neiss stated I think letter is sufficient.

Ms. Ward stated okay and I'll put my usual spiel in there.

Mr. Neiss mentioned your usual.

Ms. Ward stated okay very good.

Roll call:

Yes: Koldyk, Morreale, Blewett, Kaufman, Marino, Terrero and Wild

No: None

Abstain: None

Ms. Ward stated you're approved and it will be done by correspondence and all the conditions have to be satisfied in Tom's report.

Mr. Palus testified okay. Does that letter go out to us and the applicant?

Ms. Ward stated yes, you'll get a copy and the applicant too.

Mr. Palus asked roughly when does that letter go out.

Ms. Ward stated probably tomorrow or Monday.

Ms. Palus testified fine.

Mr. Boorady stated you don't know Joan.

Ms. Ward mentioned depending on my schedule, it should go out tomorrow so you'll probably have it Monday in the mail.

Mr. Palus thanked everyone.

Chairman Blewett stated the fourth item on the agenda is the NJDEP mandatory course for municipal Board members regarding stormwater regulations. I was shown where it is now.

Ms. Ward mentioned you have it in your packets. The Planning Officials gave us the information and you have it. The only thing there isn't anything place to sign in that you've completed the course, so just advise by email when you've taken the course and the date so Cindi and I can keep track of it for our records.

Chairman Blewett stated it has to be completed on/or before July 1st.

We did have a site plan committee meeting tonight and Jonathan would you like to report on it.

Mr. Terrero stated the applicant is proposing to put a sports facility on the site; an open soccer field plus possibly an indoor field as well, break it up into different fields. They have some homework to do in terms of location on the site because it is close to the airport. If they build a structure, how the height of it will affect the airport. It is a possibility that they will go that way but also there is the possibility of being for public use by membership or being owned by a team so they still haven't ironed out those details.

Mr. Morreale asked where is that located.

Mr. Terrero stated it is on Beaver Brook Road.

Mr. Marino mentioned 289 Beaver Brook.

Chairman Blewett stated just down from the airport.

Mr. Koldyk stated it is a truck parking lot right now.

Chairman Blewett stated south of B.D. Malcolm.

Mr. Boorady mentioned right across the street from Gro Rite.

Mr. Marino stated where all the tractor trails are parked.

Chairman Blewett mentioned because it is both in TI and industrial they have some thinking to do, and depending on what they come back with they could be before the Board of Adjustment depending on how they choose to build. That was one of the real things that they needed to go think about. They were just looking again conceptually whether it was something the town was interested in and I don't think anybody had any objections. There is not a lot of clearing because it has already been cleared. They need to go back and do their homework and figure out what they want to do.

Mr. Marino asked so is it my understanding that the tractor trailers will stay there until this gets approved.

Chairman Blewett stated I have no idea we didn't even get to that.

Ms. Ward mentioned they've been in municipal court with Sal on that.

Mr. Koldyk stated they weren't on the new drawing.

Chairman Blewett mentioned yeah they weren't on the new drawing. There was no truck parking for sure.

Mr. Boorady stated we didn't discuss any existing uses this was just a concept of proposed uses. Based upon what we saw there there would be no truck terminal there, I think that would be clearly eliminated.

Chairman Blewett stated yeah.

Mr. Boorady mentioned the timing is going to be several months at best because they will need DEP permits and need to do some zoning review so it is not happening tomorrow.

Mr. Koldyk stated right.

Ms. Ward asked what about in the back where the wetlands are what is going to happen with that.

Mr. Boorady mentioned they are not going into them. They are only going to use the disturbed areas.

Chairman Blewett stated the plan looked like it had sufficient parking which was a concern I raised.

Mr. Boorady mentioned yeah.

Chairman Blewett asked any other comments about that.

The six item on the agenda is ordinances. Anything Sal?

Mr. Marino mentioned you can carry that for next time.

Chairman Blewett stated okay. Is there any other business which may arise?

Mr. Boorady mentioned regarding traffic. When the Meridia project is deemed complete and comes in, I am recommending that the Board retain a special consulting engineer for traffic. There is a proposal in their application to make Station Road one way and I believe it is such a substantial change affecting non-street parking and circulation affecting residents and businesses and even their own project as well, and county interests since Comly Road is still there, and I believe it is important enough that a special traffic engineer comes in on behalf of the Board beyond my expertise.

They have submitted a traffic study and they have a traffic plan showing how they would stripe it and make it one way. I think it needs to be reviewed by a special consultant so I would recommend that and I believe it would be covered by escrow.

Ms. Ward stated yes it would come out of their escrow account.

Chairman Blewett stated okay.

Mr. Boorady stated they would issue a report to the Board and be here for questions and answers at a public hearing should you need them to be here.

Chairman Blewett asked do they have the ability to convert a road to one way. Would they have to go through the town/the county?

Mr. Neiss stated they have a lot of power but not quite that much power.

Mr. Boorady mentioned they need your approval, the Mayor and Council's blessing and the county too because it affects too many roads.

Chairman Blewett stated they just redid Main Street.

Mr. Wild asked which way do they want to go.

Mr. Boorady stated they want to go in.

Mr. Marino stated off of Main.

Mr. Boorady mentioned off of Main so the frontage along Wexford Inn on Station Road you would only be able to go in there. You would have one way coming out and that would be Zeliff Place.

Ms. Ward mentioned you have the parallel parking on Zeliff Place.

Mr. Boorady stated you can come in McKelvey and Station but you would have to come out by the post office.

Chairman Blewett mentioned or go through the train station.

Mr. Boorady stated yeah you would have to cut through under the viaduct.

Ms. Ward stated I don't think you can go that way.

Chairman Blewett stated well yeah but who is going to go through the back when you can cut through the train station.

Mr. Boorady mentioned we are not here to hear the application, but their idea is that you could park in front of this development and drop something off and keep going to your parking which is proposed to be NJ Transit at this point so that would work for them.

Chairman Blewett stated okay.

Mr. Boorady stated I can provide you with some names if you are going to have a selection committee. I don't know how you want to do this but Joan can send out an RFP.

Chairman Blewett stated okay. Any objections or concerns about that? I think that's a good idea because I have a whole list of things I think they should look at too. Not only what is in the plan but some special interests there.

Ms. Ward mentioned they are still incomplete and not scheduled for any meeting yet.

Mr. Neiss stated I have a funny feeling that they will be coming back sooner than later like next month.

Ms. Ward mentioned well I don't think they are complete yet right Tom?

Mr. Boorady stated they are not complete but they may have checklist waivers for the Board to hear next month.

Mr. Neiss stated right.

Mr. Boorady mentioned we don't know about those waivers yet but they may be coming before you. I think that is what Arthur means that they are coming in for completeness waivers.

Ms. Ward stated they just hired another attorney and his name is Bill Rush. Somebody sent out notices that there was a public hearing on the application tonight.

Mr. Neiss asked Rush (R-u-s-h).

Ms. Ward stated it is William Rush. I have his name and telephone number. I believe he is the municipal attorney for Fairfield.

Mr. Neiss asked Loloia is no longer the attorney.

Ms. Ward mentioned I just spoke with him the other day and I guess they are working in conjunction with one another. I'll send you an email with the information.

Mr. Neiss stated I'll jump in on this. I think what is happening just so the Board is aware, I got a nasty gram from Tom Carrol, he is the attorney who represents Capodagli in the lawsuit that was filed in Morris County, and he was making some noise about the fact that we weren't hearing the application. So in working with Tom I am going to be crafting a response to that and it is likely that they will want to come back for their checklist waivers maybe as soon as next month. I just want everybody to be aware that that is what is coming down the pike.

Ms. Ward mentioned I received a telephone call today from the Vita's attorney asking if Meridia was on the agenda tonight for the public hearing. I advised they weren't on the agenda but we do have people in the audience that were noticed too.

Chairman Blewett stated they wasted their money.

Mr. Boorady stated there is no public notice required for the checklist waivers. If they do come here next month there won't be a notice for that. That is an informal hearing just to decide checklist waivers. If they are deemed complete, then there will be a notice for a public hearing.

Mr. Neiss stated yes because it will be a site plan.

Mr. Boorady stated there will be another notice when it happens.

Ms. Ward mentioned you are welcome to come and hear the waiver request. It will be posted on an agenda.

Chairman Blewett stated so on this traffic professional we are all in agreement and do we need to vote on that?

Unidentified person stated oh yeah.

Chairman Blewett asked for a motion.

Mr. Terrero moved it.

Chairman Blewett asked for a second.

Mr. Kaufman seconds.

Chairman Blewett asked all in favor.

Board aye.

Chairman Blewett asked nay opposed.

Board none.

Mr. Neiss asked Tom what logistics do you want to do in order to make recommendations to the Board concerning such a traffic professional.

Mr. Boorady mentioned sometimes Joan will do an RFP and I do have a few names I can give Joan. They can give you proposals but I'm sensing time is a little tight. I don't know if an RFP would be time sensitive or not.

Mr. Neiss asked how much do you estimate the cost will be to retain a traffic expert. It is an escrow charge in order to retain such an expert.

Ms. Ward stated yes.

Mr. Boorady stated I can't estimate that for you right now. That would be something I would ask the proposal to identify.

Mr. Neiss stated that figure is in the pay to play.

Mr. Boorady mentioned right. I don't want to say what a traffic engineer is going to charge.

Chairman Blewett stated how about we do this. We have two months practically speaking right? They are going to have to come in for waivers and if they come in next month, we really have two months or maybe a little less to get an RFP out and get some people to respond to it and interview them. Is that reasonable? So whoever has some names throw them Joan's way and we'll put together an RFP. Arthur if you have any, we will be glad to take them too.

Mr. Neiss stated I will do that as well.

Chairman Blewett stated all right. Is there any other new business?

Ms. Ward stated I have nothing else.

Mr. Neiss stated just a comment. I know I am harping on you folks, but I now see you have a by-law subcommittee that has been formed. I don't want you to forget that you really need to have crafted some by-laws and I think it is very important for this Board. The MLUL says the Board shall have by-law and so I would like very much for the Board to have by-laws.

Ms. Ward mentioned we have our by-laws from Brian.

Mr. Neiss stated from a long, long time ago.

Chairman Blewett stated so who is on the committee.

Ms. Ward stated it is in you packet.

Ms. Morreale mentioned you, Jonathan, Nick and me.

Chairman Blewett stated I think we've got it. Would you be available before the next meeting to sit down with the committee?

Mr. Neiss stated sure I'll make myself available.

Chairman Blewett asked what time do you guys want to get together.

Ms. Ward mentioned your meeting is a 7:30 so do you want it at 7 P.M.?

Mr. Neiss asked have the by-law subcommittee meet before the next meeting.

Ms. Ward asked would that be good.

Mr. Neiss stated okay. But does everybody on the committee have the original by-laws?

Ms. Ward mentioned I can mail a copy out tomorrow or email them to everyone. Do you want a copy too?

Mr. Neiss stated sure.

Chairman Blewett asked do we want to have a separate meeting so it is not so rushed. Does that work for you?

Mr. Neiss stated I think the first order of business is for everyone to acquaint themselves with those original by-laws. I believe I have all of the by-law subcommittee member's emails and maybe what I will do is transmit to each of you by-laws that I have used and have been adopted in other communities that are more up-to-date shall we say.

Chairman Blewett stated that would be great.

Mr. Neiss mentioned then however you want to proceed maybe you could work among yourselves by trading back and forth over emails, but I'm happy to meet with you and help in any way I can.

Chairman Blewett stated I think it would be good to get together before the meeting if that works, then we could have time between now and then to take some notes.

Mr. Neiss stated that's okay that's fine.

Ms. Ward mentioned I'll put it on for 7 o'clock.

Mr. Neiss stated it is a subcommittee meeting.

Ms. Ward mentioned yes.

Chairman Blewett asked does that work for everybody. What is the date?

Ms. Ward mentioned that would be May 17th.

Chairman Blewett stated okay we're done.

Mr. Koldyk mentioned I noticed there are two cuts in the road by the Meridia's other proposed site. Would that be considered a site improvement if they removed the gas service for the two buildings that are there already on the upper Main Street project?

Mr. Neiss asked did they get a permit to do that.

Mr. Marino stated not though us that was through the county, it is a county road.

Mr. Neiss mentioned oh through the county. Tom what do you think?

Mr. Boorady stated they removed the gas line and it took some doing with the county because the county just paved it last year, but the county gave them an approval to remove the gas line. I believe and they are going to be demoing the houses.

Mr. Marino mentioned yeah I don't know when.

Mr. Koldyk stated I thought they had to do the other project first.

Mr. Boorady mentioned they've closed on the upper Main Street project so they own the property. Wexford, it is my understanding those three properties they do not own yet so the timing is a little different. You would think it would be the other way around, but for whatever reason they closed on the other properties so they are taking advantage of that and shutting off the utilities.

Chairman Blewett stated okay.

Mr. Koldyk mentioned I just didn't know if that was considered site improvements and they were locked in to doing one project before the other.

Mr. Boorady stated no they can request to demo and ask to take down the houses if they want I believe.

Chairman Blewett mentioned they could come back and request that they start there.

Ms. Ward stated I think they can do them simultaneously.

Mr. Boorady stated the agreement with the judge is that the lower Main has to be done first that is the current agreement with the judge.

Chairman Blewett asked first.

Mr. Wild stated the C.O.'s have to be in first.

Mr. Boorady stated I believe so. They are not starting upper Main they are just demoing the houses and utilities.

Mr. Kaufman asked if there is any kind of delay in the demo of those houses, can they do something for the upkeep, especially not the farmhouse but the other one; the gutters are hanging off, trees are all down, and garbage is strewn all over the place.

Mr. Boorady asked the red ranch.

Mr. Kaufman mentioned yes the red ranch.

Mr. Boorady stated I think what was holding them up from taking that down was that the gas company had a really difficult time getting the road opening permit because the road was just paved. I think the house might have even been down by now if they had that gas approval sooner. But as far as property maintenance, you would have to contact Sal.

Mr. Marino mentioned they are still responsible for the property regardless of taking it down now or three months from now.

Mr. Kaufman stated if you take a drive by that red ranch it is just a disaster.

Chairman Blewett stated okay. Anything else?

Mr. Morreale asked anything going on with the traffic patterns. Are they going to pave the street? I saw some lines across the road on 202.

Mr. Boorady stated I just met with the county on Tuesday and I walked it with the county engineer and we have some paving concerns, with ultimately Main Street which will be your street. The town is going to take back Main Street. Comly, Chapel Hill and 202 will still be the county but they have been waiting, the weather has been terrible so they are going to be doing some restriping.

They are going to tweak the striping in front of Linda's Deli, tweak the striping in front of McDonald's and change some of the light timing as well because there are some issues on Main Street with not being able to get through the light, especially on a Saturday morning. You can wait three lights before you make it from the bagel shop to 202 Bistro.

They are going to be doing a modification testing to see if that works and if that works, then they will do the final paving and final striping. The striping that you see out there today is temporary and they are going to do another round of temporary striping, then if that works they will make it final.

Mr. Wild stated making a left into here just past the firehouse I almost got hit head on twice.

Ms. Ward mentioned me too.

Mr. Wild stated I think that's a bad thing.

Ms. Ward mentioned you know where else is bad is in front of the Lincoln Park 1st Bank. When you are making the turn onto Chapel Hill Road they are in the turning lane too soon for the Chapel Hill turn. As I was getting over to make the turn onto Comly Road, they were already in my lane. Luckily I saw him otherwise I would have been hit head on. He was in that lane way in advance of the Chapel Hill turn.

Mr. Boorady stated I think that is going to be adjusted.

If you are coming from the Grasshopper by Wolfsons, you have to get over to go straight so they are going to adjust that in front of McDonald's.

Ms. Ward mentioned they are backed up there at rush hour.

Mr. Boorady stated just so you know, the striping and the light timing aren't done yet. When we do the temporary striping again it will be like the second test case, so if that works then they will make it permanent so you still have time to comment.

Mr. Morreale mentioned okay.

Chairman Blewett stated I had enough time to think of one item for myself. What happened at the lighting at the wreck it place, the collision center?

Mr. Boorady mentioned I did some testing myself as I have a light meter. The lighting cuts off pretty quickly so right underneath the lighting it is very bright.

Chairman Blewett stated right.

Mr. Boorady mentioned as you move away and I walked along Beaver Brook Road it cuts off at less than a half a foot candle which is acceptable.

Chairman Blewett stated okay.

Mr. Boorady stated I think it is the perception.

Chairman Blewett mentioned well they are bright LED white lights.

Mr. Boorady stated they are very bright LED lights so when you're looking that way it seems very bright, but when you are standing on Beaver Brook Road you are not getting any bleed over.

Chairman Blewett mentioned so the bottom line there is they don't need any shielding.

Mr. Boorady stated I don't think so because he made some modifications. I am asking him for another lighting plan. I want him to memorialize any changes that he made and I'm waiting for that.

Chairman Blewett stated okay.

Mr. Boorady mentioned he is moving a little slow and I may light a fire soon. I will send him another reminder.

Chairman Blewett stated no pun intended.

Mr. Boorady stated yeah.

Ms. Ward asked have they provided the as-builts and the project completion report.

Mr. Boorady stated they have the as-builts but they didn't fill out the project completion report yet. I want to ask them for a lighting plan so that it is memorialized and we have something from their designer that says they are within their limits. I did my own testing but I want it from them to confirm.

Chairman Blewett stated okay.

Mr. Kaufman stated I just have one more paving question. Going out of town heading from McDonald's down to Wolfson's, the right lane what is the status on paving that? It is almost un-driveable now.

Mr. Boorady stated that is the gas company and I believe they are still making some connections to the services. So what they do is they run the main and then they test it, then they come back house-by-house and run the lateral into the house and that takes some time. When they are done with that, the county is going to make them pave that. That is a county road again and the county is also looking to restripe it and do the full width of it and that's north.

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Chairman Blewett asked anything else. No? Motion to adjourn.

Mr. Koldyk made the motion to adjourn.

Mr. Kaufman seconds

Meeting adjourned 8:35 P.M.

Respectfully submitted:

Joan Ward, Secretary

Charles Blewett, Jr., Chairman