

**MINUTES OF REGULAR REMOTE PLANNING BOARD
MEETING HELD ON THURSDAY, JULY 16TH, 2020**

Chairman Blewett called to order the regular remote meeting of the Board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall.

PRESENT: BLEWETT, KOLDYK, MARINO, RUNFELDT, TAORMINA, TERRERO AND FLORENTINO (ALT. #1)

ALSO PRESENT: PETRESKI, ENGINEER AND NEISS, COUNSEL

ABSENT: GEMIAN, KAUFMAN AND MORREALE

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

Ms. Ward mentioned the first set is the February 20th, 2020 minutes. The members that can vote are Blewett, Koldyk, Marino, Taormina, Terrero and Runfeldt.

Chairman Blewett asked is there a motion to approve

Mr. Terrero moved the minutes.

Chairman Blewett seconds.

Roll call:

Yes: Terrero, Blewett, Koldyk, Marino, Taormina and Runfeldt

No: None

Abstain: None

Ms. Ward stated okay they are approved.

The next set of minutes is the April 23rd meeting which is the Meridia public hearing. Members that can vote are Blewett, Marino, Taormina, Terrero, Florentino and Runfeldt.

Chairman Blewett asked is there a motion to approve.

Mayor Runfeldt moved the minutes.

Mr. Taormina seconds.

Roll call:

Yes: Runfeldt, Taormina, Blewett, Marino, Terrero and Florentino

No: None

Abstain: None

Ms. Ward stated okay they are approved

The next set would be the May 28th, 2020 minutes. The members that can vote are Blewett, Koldyk, Marino, Runfeldt and Florentino.

Chairman Blewett made the motion to approve. Is there a second?

Mr. Florentino seconds.

Roll call:

Yes: Blewett, Florentino, Koldyk, Marino and Runfeldt

No: None

Abstain: None

Ms. Ward mentioned they are approved.

Chairman Blewett stated okay. The next item on the agenda is Flood Plain Encroachment Application #FPE 19-06 and Grading Permit #G19-09 by Michael Phillips, on property known as Block 4, Lot 10.12 on the municipal tax map also known as 20 Garden Street. This is a consideration of a resolution of memorialization.

Ms. Ward mentioned the members that can vote on the resolution are Blewett, Koldyk, Marino, Runfeldt, Taormina and Terrero.

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

**RESOLUTION OF THE LINCOLN PARK
PLANNING BOARD**

**RE: MICHAEL PHILLIPS
ZONING PERMIT #2019-127Z
FLOOD PLAIN ENCROACHMENT APPLICATION #FPE 19-06
GRADING PERMIT APPLICATION #G19-09**

**BLOCK 4, LOT 10.12
20 GARDEN STREET
LINCOLN PARK, NEW JERSEY**

WHEREAS, Michael Phillips (the “Applicant”) applied to the Lincoln Park Planning Board (the “Board”) for a zoning permit, flood plain encroachment approval and grading permit for property commonly known as 20 Garden Street and designated as Block 4, Lot 10.12 on the municipal Tax Map Sheets of the Borough of Lincoln Park, Morris County, New Jersey (the “Property”); and

WHEREAS, the Applicant seeks these approvals in order to construct a pool, patio, pergola structure, hot tub, outdoor kitchen and related improvements at the rear of the Property; and

WHEREAS, the Applicant is self-represented; and

WHEREAS, the application was considered for completeness at a single, non-public meeting of the Board held on February 20, 2020; and

WHEREAS, at the meeting, the Board considered the statements of the Applicant, its engineer, David J. Egarian, P.E., of the firm DJ Egarian & Associates Inc., 271 Route 46, Suite G208, Fairfield, New Jersey 07004, exhibits and other materials, including the January 31, 2020 report of Darmofalski Engineering Associates, Inc., the Board Engineer, a copy of which is attached and made part hereof (the “Engineer’s Report”)¹; and

¹ The Engineer’s Report, at p.1, reflects the list of 12 items of the materials considered by the Engineer to prepare the Report. On February 14, 2020, the Applicant also submitted to the Planning Department a 2-page description sheet of Hayward Industries Inc. for its ColorLogic® 320 & 160 LED Pool Lights. The record of this matter also includes the October 15, 2019 denial of Zoning Permit application, and the Board Secretary’s January 24, 2020 transmittal letter to the Applicant.

WHEREAS, during the course of the meeting it was established that the Property is in the R-15 Residential Zone and, based on the materials presented and considered by the Engineer, it appeared no variances are required for the application, and because the development is with regard to a detached, 2-story frame dwelling (single family), the application is exempt from site plan approval (N.J.S.A. 40:55D-37a), and

WHEREAS, at the Board's meeting, the Applicant discussed the reasons for the application and the Board discussed with the Applicant or considered the Completeness Review and items 1-11 of the Technical Review section of the Engineer's Report; and

WHEREAS, the Board also considered the questions and comments presented at the non-public hearing by members of the Board, and based thereon, made the following findings of fact and conclusions of law based upon the evidence submitted:

STANDING

1. The Applicant (along with his spouse) is the owner of the Property. As the developer (see, N.J.S.A. 40:55D-4), the Applicant has standing to bring this application before the Board.

EXISTING CONDITIONS

2. The Property is located in the R-15 Zone and is conforming. It consists of 16,053 s.f. where a minimum of 15,000 s.f. are required.

3. More than 5,000 s.f. will be disturbed by this development, implicating the need for a grading permit and flood plain encroachment approval. The Property is located in flood zone area and, in particular, within a FEMA 100-year flood plain. The development work qualifies for permit-by-rule consideration (see, N.J.S.C.7:13-7, *et seq.*). The Board's jurisdiction in this regard is implicated in Borough Code § 17-133.1.

4. The application is to improve the back yard area and provide amenities.

5. The application suggests that the improvements will not affect the Property's compliance with the Zoning Ordinance.

6. The Applicant stated on the record that it has or otherwise will comply with Comments 1-11 of the Technical Review section of the Engineer's Report.

CONCLUSION

7. Subject to the conditions of this Resolution, this application meets the requirements for the granting of a zoning permit, flood plain development approval and grading permit approval.

NOW, THEREFORE, BE IT RESOLVED that this application by MICHAEL PHILLIPS for a zoning permit, flood plain development approval and grading permit approval be and is granted subject to the following conditions:

CONDITIONS

1. All "**WHEREAS**" recitals, findings of fact and conclusions of law set forth above are incorporated herein by reference.

2. The Applicant's application to the Board and all materials submitted in support of and in connection with it, including all plans, transmittal letters, the Engineer's Report, and the documents introduced at the Board's completeness review, together with the Applicant's stipulations on the record, whether or not they appear herein as conditions or otherwise, as well as the statements of the Applicant and the statements of the members of the Board, are deemed and are hereby made part of the record of this matter.

3. The Applicant shall comply with all applicable Borough County, State, and federal laws, ordinances, regulations, and directives.

4. All construction, use and development of the Property shall be in conformity with the plans approved herein; all findings of fact and terms and conditions of this Resolution and, to the extent not inconsistent with this Resolution, all representations of the Applicant and its engineer during the Board's meeting. Any deviation from the terms or conditions of this approval as reflected in the terms and conditions of this Resolution, shall be deemed a violation of the Borough's Development Review Ordinance.

5. Prior to the commencement of any construction:

(a) The Applicant shall submit to the Board Secretary a certification from the Borough Finance Department (i) setting forth the then-current balance in Applicant's escrow account; and (ii) confirming that all charges billed to such account have been or, to the extent known, are capable of being paid in full;

(b) The Board Secretary shall determine (after inquiries to the Board's professionals) that there is a sufficient balance in the escrow account to cover all remaining services chargeable to such account;

(c) Applicant shall submit to the Board Secretary a current certification from the Tax Collector that all real property taxes on the Property have been paid to date;

(d) The Applicant shall submit to the Borough Engineer a certification from its engineer or architect confirming that all other necessary governmental approvals have been applied for, obtained or are not necessary (e.g., the NJDEP). The Applicant shall not secure any building permit for this development from the Borough in the absence of proof that all required governmental approvals or waivers have been obtained by the Applicant.

(e) Applicant shall post inspection fees.

(f) Applicant shall arrange for and attend a pre-construction meeting with the Borough Engineer and such other Borough Officials as the Borough Engineer may deem appropriate and necessary.

6. The Applicant's construction activities shall be limited to those hours permitted by Ordinance.

7. The Applicant shall comply with the reasonable requirements of the Borough Engineer and Construction Official.

8. The Applicant shall ensure the Borough's possession of eight sets of plans (engineering and architectural) and following the completion of all construction, the Applicant shall submit four (4) as-built drawings.

9. **ALL NOTES INCLUDED IN THE APPROVED PLANS SHALL BE DEEMED TO BE CONDITIONS OF APPROVAL HAVING THE SAME FORCE AND EFFECT AS CONDITIONS EXPRESSLY SET FORTH HEREIN.**

Mr. Terrero moved the resolution.

Mayor Runfeldt seconds.

Roll call:

Yes: Terrero, Runfeldt, Blewett, Koldyk, Marino and Taormina

No: None

Abstain: None

Ms. Ward stated the resolution is approved.

Chairman Blewett stated the next item on the agenda is Minor Subdivision and Variance Application #633 and Grading Permit Application #G20-01 by Wolfson Realty Associates, LLC, c/o Lester Wolfson, on property known as Block 3, Lot 2.16 on the municipal tax map also known as 107 Jacksonville Road. A time extension was granted through the end of August 2020. This is also a public hearing. The applicant is here. Joseph are you going to open up?

Mr. Rasa stated yes I will open up. Thank you.

Good evening Mayor, Chairman, Secretary and Board Members, my name is Joseph Rasa (R-a-s-a), I'm an attorney with offices at 565 Newark-Pompton Turnpike, Pompton Plains, NJ. I represent Wolfson Realty Associates and Lester Wolfson. We are here tonight on a minor subdivision application, grading permit and a variance application. It relates to a property at 107 Jacksonville Road in Lincoln Park. Tonight we have two witnesses; Mr. Wolfson and our professional, Mr. Miannecki, a professional engineer.

Just a bit of housekeeping and then I'll direct most of this to Mr. Neiss. Actually this will probably be directed to Ms. Ward. Notices have been served on adjoining landowners and any other interested parties. I just want to confirm that the proof of service and the affidavit publication have been received.

Ms. Ward stated yes and everything is in order.

Mr. Rasa stated very good. Mr. Neiss do you prefer we enter the applicant's exhibits beforehand, afterwards or not at all, it is up to you?

Mr. Neiss stated it is actually up to the chair as to how the chair wants to proceed.

Chairman Blewett asked these are exhibits that Mr. Miannecki will be presenting.

Mr. Rasa stated correct.

Chairman Blewett stated that will be presented to us in one file so to speak. I think there are 6 pages so why don't you just identify those and then we'll move on.

Mr. Rasa stated what I will do is wait for the presentation of Mr. Miannecki and then we will identify each of them and then enter them at that point.

Chairman Blewett thank you.

Mr. Rasa stated the first witness I would like to call is Mr. Wolfson.

Mr. Neiss asked Mr. Wolfson if he can hear me.

Mr. Wolfson stated yes.

Mr. Neiss stated my name is Arthur Neiss and I am the Board attorney.

Mr. Neiss swore in Mr. Wolfson. Please state your full name and business affiliation for the record.

Mr. Wolfson testified Lester Stanley Wolfson and I own Wolfson Realty.

Mr. Neiss asked the address of that entity sir.

Mr. Wolfson testified 6 Buckingham Road, Lincoln Park, NJ.

Mr. Neiss thanked him.

Mr. Rasa asked Mr. Wolfson to state his home address for the record.

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Mr. Wolfson testified 6 Buckingham Road, Lincoln Park.

Mr. Rasa asked okay and how long have you lived there.

Mr. Wolfson testified 10 years.

Mr. Rasa asked have you lived in Lincoln Park prior to living at Buckingham Road.

Mr. Wolfson testified I've lived in Lincoln Park 33 years.

Mr. Rasa stated okay. Do you have any other contacts in Lincoln Park?

Mr. Wolfson testified yes, Wolfson's Market. Basically I was the third generation and it is still in operation, fourth generation 99 years.

Mr. Rasa stated 99 years okay.

I didn't hear, does someone have a question? We are going to discuss the project at 107 Jacksonville Road. Where is 107 Jacksonville relative to your home?

Mr. Wolfson testified actually it is right next door to where I live on Buckingham.

Mr. Rasa stated okay.

Mr. Wolfson testified it is basically a corner lot off of Buckingham and Jacksonville Road.

Mr. Rasa stated just briefly because Mr. MianECKI is going to explain this in much more detail, but briefly described what you are looking to do at that site for the Board?

Mr. Wolfson testified I'm looking to subdivide the property if I get the approvals, where my grandson will move into the house who is a police officer and when this way when I get older he can take care of me.

(Laughter)

Mr. Rasa stated I hope. There is an existing house on the property right now?

Mr. Wolfson testified yes there is.

Mr. Rasa stated okay. The subdivided lot what's there right now?

Mr. Wolfson testified the subdivided lot will be empty and I'll sell it.

Mr. Rasa stated okay. Right now what is there nothing?

Mr. Wolfson testified all woods overgrown.

Mr. Rasa stated I have no further questions for Mr. Wolfson. If anybody has questions for Mr. Wolfson, I request that we probably just wait until Mr. MianECKI's presentation and then ask all the questions at the end because probably Mr. MianECKI will answer a lot of questions, if that's okay with the chairman?

Chairman Blewett stated that is.

Mr. Rasa stated my next witness is Joseph MianECKI. He is a professional engineer located in Montville. Mr. MianECKI can you please give me your address?

Mr. MianECKI stated it is on 9 Midvale Avenue, Towaco, NJ 07082.

Mr. Rasa asked and you are licensed as an engineer in the State of New Jersey correct.

Mr. MianECKI stated I am.

Mr. Neiss asked Mr. Rasa, would you mind if I interrupted.

Mr. Rasa stated not at all.

Mr. Neiss swore in Joseph Mianecki, Jr.

You've already given your name and business affiliation for the record. Thank you.

Mr. Mianecki testified you're welcome.

Mr. Rasa asked Mr. Mianecki your engineering license in New Jersey is in good standing.

Mr. Mianecki testified it is.

Mr. Rasa stated Mr. Chairman, I understand Mr. Mianecki has appeared before this Board on many occasions, would you like me to qualify him as a witness?

Chairman Blewett stated no, unless the Board has any objections, I think we'll qualify him as a witness. We've known him for a long time.

Mr. Neiss asked Mr. Mianecki you are being qualified as an expert in what field or fields will you be testifying tonight.

Mr. Mianecki testified engineering and planning.

Mr. Neiss thanked him.

Mr. Rasa asked Mr. Mianecki to explain the project, and I understand we have 6 exhibits. So perhaps just quickly we can go through the exhibits. Should he label them 1 through 6 or A through F, or whatever you would prefer? Could you identify each exhibit first?

Chairman Blewett stated Joe is going to share the screen so we can see the exhibits

Mr. Neiss stated while you are doing that Mr. Mianecki, do you intent to use all of the exhibits that we are about to mark during your presentation?

Mr. Mianecki testified probably not, I will probably be using the Subdivision Map which is sheet 2, the Grading, Drainage and Utility Plan which is sheet 3, and the Slope Analysis Plan which is sheet 4. These plans are all the same exact copies that the Board members have with the exception that mine are colorized where the Boards are black and white.

Mr. Neiss stated I think what we want to do is mark those as separate exhibits.

Mr. Mianecki testified okay.

Mr. Neiss stated the Board has the whole packet but the public may not have that. I would like the record to be very clear about what we are marking tonight. So rather than mark all of the exhibits it may make better sense for the record for you to proceed with your presentation and then mark the exhibits as you move forward.

Mr. Mianecki testified that's fine. Do you want me to mark them with a marker or pen and then give them to Joan as a hard copy, or digitally mark them somehow?

Mr. Neiss stated I can't do that digitally so I think if you would be willing to do that, mark them and then send them to Joan that would just be terrific.

Mr. Mianecki testified that's fine. I guess I should turn the screen over, can the Board see that?

Mr. Rasa stated there we go.

Ms. Ward stated I see it now.

Chairman Blewett stated not yet.

Mr. Miannecki testified this will be Exhibit A-1.

Chairman Blewett asked 2 of 6 is that correct.

Mr. Miannecki testified that's correct. How do you want me to mark it A-1?

Mr. Neiss stated let's call it Exhibit A with today's date how is that? Just briefly describe for the record what we are looking at?

Mr. Miannecki testified sure. Exhibit A is the Minor Subdivision & Zoning Compliance Plan dated January 3rd, 2020, and last revised February 28th, 2020, and it is the same plan the Board members have except they are in black and white. Okay?

Mr. Rasa thanked Mr. Miannecki.

Mr. Miannecki testified the existing property fronts on Jacksonville Road and is designated as 107 Jacksonville Road. That is on the northerly extent of the property that is right over here. Then on the easterly side is Buckingham Road, so it has dual frontages and it will be considered a corner lot with the configuration as it is today.

Mr. Wolfson lives over on the southern side, right over here on the abutting lot, referred to as 6 Buckingham Road.

The property currently has a one-story ranch style house which is outlined right here, and is served by a driveway from Buckingham Road which enters right here and comes up and then loops around the back of the house and wraps around the southerly side of the house and then the garage is in the front. There is also another driveway which has since been abandoned which is there which extends out (inaudible – airplane noise) Jacksonville Road, it is just at the right-of-way. There is an existing driveway that is usable as well as a driveway that is somewhat abandoned (Inaudible – airplane noise). Now what we are looking to do is to subdivide the property.

Mr. Rasa stated in court we usually ask that everyone turn their microphones off unless they are speaking.

Mr. Miannecki asked is that better.

Mr. Rasa stated that's better.

Mr. Miannecki testified what we are looking to do, the property is located in the R-40 Zone so that means a minimum lot size of 40,000 sf, so the exiting property is almost like 102,000 sf so it is 2½ times the required minimum lot area. So we are proposing to create a lot fronting on Jacksonville Road, partially fronting on Buckingham that is going to be 40,667 sf, so it is 667 sf in excess of what we need. It generally has a line that is perpendicular to Buckingham Road and then it angles off to the southwest to create a 40,000 + sf. The other remaining lot will be with the existing home on it which will be 61,133 sf in size, 1.4 acres so that one will still be a very large lot. We will have two conforming lots with regard to lot area.

Again we are going to be retaining the existing home but in order to access the new home we didn't want to put a curb cut onto the county road, Jacksonville Road and we thought it would be more appropriate to bring a driveway in to serve the new home on the new lot which is the one that fronts on Jacksonville Road from Buckingham. So we are proposing a driveway that extends from Buckingham Road and comes up and wraps around to the side edge of the garage to the house that is going to front on Jacksonville Road.

Chairman Blewett asked Joe can I interrupt you for a second.

Mr. Miannecki testified sure.

Chairman Blewett asked Joan can you hear us.

Ms. Ward stated yes, we are recording.

Chairman Blewett asked Joan to unmute herself. Sorry Joe.

Mr. Mianecky stated the existing home on the new lot, now since the new driveway conflicts with existing driveway going to the existing home we have to put a new driveway in that will serve the existing dwelling. We will be removing all the asphalt and removing the driveway currently to the lot that fronts on Jacksonville Road and construct a brand new driveway to serve the existing dwelling also off of Buckingham Road, so that would be this driveway right here. This is going to be a new driveway that serves the existing home and the existing one that went around the back will be removed.

Chairman Blewett asked there was a macadam path that led down to the corner there.

Mr. Mianecky testified yes.

Chairman Blewett asked will that be removed or retained.

Mr. Mianecky testified that will be removed also, yes.

Chairman Blewett stated okay, thank you.

Mr. Mianecky testified also that cuts across there is the gas service in all red wires, so those utilities will also have to be relocated to serve the existing dwelling from Buckingham Road. I will get into that in a minutes on the Grading, Drainage and Utility Plan.

Basically we have an existing home to remain, and then we will have the proposed home right here that will front on Jacksonville Road, and the complete removal of a section of the existing driveway. The existing home is served by a septic system located in the front yard so that is not being impacted by this subdivision at all, and the existing home is also served by a private well which is located to the rear of the dwelling in an enclosed porch which is right here, so that will also remain.

There are provisions that you will see on the Grading, Drainage and Utility Plan for a future connection to municipal service, but for now we are going to leave the existing septic system which is in good operating order and the existing well to serve the existing dwelling. Is there any question on this plan?

With regard to the variance request, we are requesting one variance with regard to the subdivision, a side yard setback variance where a 40 foot side yard setback is required, and we are requesting a 20 foot side yard setback and that is at this point right here. At the closest point to the corner dwelling, the existing dwelling so this is like an internal variance. There are no variances being requested to any of the frontage, roadway line, the adjacent properties, or anything like that, this is purely a 20 foot deviation internal to the subdivision from the existing home which is that dimension right here. I tried to play around with it but Mr. Wolfson wanted to retain the existing home, and it made sense for him and I guess for his family so that is how I came up with the lot lines. I didn't want to create a nonconforming lot with regard to area and I felt the lot area was an important aspect for compliance. By maintaining the area he sacrificed and we are requesting that 20 foot deviation, 20 foot side yard variance and that would be right here.

At the back corner of the house we are actually at 39.9 feet which is you know a 10th of a foot short of 40 feet. So it is only at this point where we have the minimum and then it gets larger and larger at the back and we are almost compliant with the side yard setback at the rear of the dwelling. Are there any questions in regard to this sheet?

Mr. Taormina asked on the back lot the 39.9 are you requesting a variance for that because you are just shy.

Mr. Mianecky asked say that again.

Mr. Taormina asked the side yard setback in the rear corner is 39.9 and you said you are just shy of the 40 feet setback, are you also requesting a variance for that or that is not necessary.

Mr. Miannecki testified that is not necessary. It would be that minimum that is the controlling variance so we are asking for 20 feet, so that is the 39.9 ft. It is moot because the controlling variance would be that side yard at this point.

Mr. Taormina stated I got it, so the front would take care of the back one.

Mr. Miannecki testified yes.

Mr. Taormina stated I gotcha.

Mr. Miannecki testified yes. I'll go to the next sheet. Here is the Grading, Drainage and Utility Plan, it is 3 of 6 and also dated January 3rd, 2020, last revised February 28th, 2020 and I'll mark that B and it is July 16th, 2020.

Now one thing I didn't mention is Mr. Wolfson is most likely not going to be the individual who is constructing this house for sale, he is most likely going to be selling this property to a builder or family to have their own house built. That being said, although I show all these improvements, the improvements are being shown to demonstrate that there is development potential for this lot and to verify no variances will be needed for this lot.

So again I show the conceptual house, the deck, sidewalk, show the driveway servicing it and being there are no sanitary sewers in the area, we show a viable septic system location and we verified it via test pit. Soil test pit #1 is right here and soil test pit #2 is right here, and it is all K4 soil which is a very good soil for a septic system. So we have a septic location here that is viable. I am also showing the location for a dry well to mitigate stormwater. I am also showing a water connection extending from Buckingham Road to the house, electric from Jacksonville Road to the house, and gas extending from Buckingham Road.

The existing home I show a revised gas line extending from Buckingham Road that is right here, and a water line extending from Buckingham Road also in the event that they don't want to use the well.

Underground electric I show coming from an underground transformer, however, it is my understanding the applicant met with the utility company and they are looking to extend utilities to the existing home somewhere along Buckingham Road from the front, but I'm not sure about that. The underground electric, the way I show it is most likely going to change so I just wanted to put that out there.

Again, it is served by a septic and pretty much all utilities are here so it would be a fully functioning lot. I am creating a driveway extending in the front yard to create a smooth transition to Buckingham Road to the garage doors of the house, and again all this asphalt is going to be removed as shown on here. That is pretty much it as far as the Grading, Drainage and Utility Plan.

I just want to say, this plan is going to change mostly likely on the vacant lot so the builder, developer, or homeowner is going to have to come back to this Board for a grading permit to allow whatever future construction is going to be permitted on this property. Again I'm showing this conceptual site plan, the grading plan to give the Board the ability to say okay a house can be built on here and this is where it is going to go and here it is how it is going to be laid out.

I think if anyone is going to build this house I think it is pretty much the way I show it and very little I believe will change. I feel pretty confident that something very close to this will be constructed.

I will take you to the Slope Analysis Plan which will be the next plan. This will be Exhibit C and I will date it 07/16/2020, it is the Slope Analysis Plan, dated January 3rd, 2020, last revised February 28th, 2020. This is the Slope Analysis Plan for the project and as you can see the site really isn't that all impacted by steep slopes at all. In fact the only steep slope that will be

impacted for the proposed lot or the vacant lot that fronts on Jacksonville Road is this little small area right here when you come in off the road, and in all honesty that was a previously disturbed area when they put in Buckingham Road. That little area is just to flatten out for the driveway just to create a pad to come in. I guess the driveway could have been shifted closer to Jacksonville Road to eliminate that, but I always try to get my driveways as far away from an intersection if possible and I thought this was a safer alternative to put the driveway where I have it.

The other steep slope disturbance all relate to the existing house. The front yard where I am going to be reconfiguring the driveway in front of the house that requires grading and that grading infringes on steep slopes. Now these steep slopes are previously disturbed and they are existing lawn areas and there is not going to be any tree removal or degradation of the environment or any of that sort, it is purely to come up with a conforming driveway and create a gentle transition from where the front septic area is and the front slope of the property into the existing driveway.

As you can see, the only other steep slope is up on the top here where it abuts someone else's property, that would be on the westerly extent. So basically the only disturbed slopes are in the front yard and maybe a little bit along the back and that is a result of removing the driveway, the impervious coverage. That is the design exception we are requesting. As you can see, the design exceptions are very small as far as slopes are concerned. So that is pretty much it, so if the Board has any questions for me or if I missed something?

Mr. Neiss asked Mr. Miannecki can you just identify what sheet number this is.

Mr. Miannecki testified it is sheet 4 of 6.

Mr. Neiss thanked him.

Mr. Miannecki testified you're welcome.

Chairman Blewett stated Alex is sitting in for Tom this evening. I know that Tom had written a report and are there any concerns to be discussed with the applicant? Alex are you there?

Mr. Rasa stated he just lost audio and video.

Chairman Blewett stated okay. We will give him a minute. Mr. Miannecki did you receive Tom's report.

Mr. Miannecki testified assuming that's the April 28th, 2020 report?

Chairman Blewett stated yes.

Mr. Miannecki testified yes and I have reviewed it, and I don't take exception with anything in the report. We will agree to comply with everything in Mr. Boorady's report of April 28th of this year.

Chairman Blewett stated thank you.

Mr. Neiss asked you mean under the technical review section of the report, pages 3 of 5 is that what you are referring to Mr. Miannecki? Three of 5, points 1 through 20.

Mr. Miannecki testified yes.

Chairman Blewett asked does the Board have any questions for the applicant or Mr. Miannecki. Okay.

Mr. Koldyk asked do you need a motion to go public.

Chairman Blewett stated well yes.

Mr. Koldyk moved that we open to the public.

Mr. Rasa asked is the Board engineer here at all or no.

Chairman Blewett stated we are going to have to wait for him to come back. He can hear.

Mr. Rasa stated he said he can hear.

Mr. Neiss asked Alex is it possible for you to call in.

Chairman Blewett asked Alex. I assume you tried to call back in with your computer. Let's open it up for the public hearing. There was a motion, is there a second?

Mr. Terrero seconds.

Chairman Blewett asked all in favor.

Board aye.

Chairman Blewett asked any opposed.

Board none.

Chairman Blewett stated it looks like there is one individual from the public and that looks like George Nahass. Do you have any comments for the Board or questions for the applicant?

Mr. Rasa stated Mr. Nahass you have to unmute your microphone.

Chairman Blewett asked can you hear us. Mr. Nahass hello?

Mr. Neiss asked Mr. Nahass can you see the chat, I have put in the telephone number that you can use if you want access the chat.

Chairman Blewett stated it looks like he is on the phone. You have to unmute it.

Mr. Nahass asked Mr. Chairman I do have a question. That existing driveway is there going to be "fencing" out there and is there any stop signs on Buckingham Road and Jacksonville Road?

Mr. Miannecki asked can you repeat that one more time.

Mr. Nahass asked so you guys said you are going to remove that existing driveway.

Mr. Miannecki testified yes right here

Mr. Nahass asked that is all going to be pulled out.

Mr. Miannecki testified yes. It will be restored to open space.

Mr. Nahass stated okay. Is there any existing stop sign right there by Buckingham Road?

Mr. Miannecki testified I would have to imagine some kind of stop sign there, the surveyor just didn't show it. I'm not sure.

Mr. Wolfson testified there is a stop sign there on that corner.

Mr. Nahass stated okay.

Mr. Miannecki testified it should be on this side I would assume.

Mr. Wolfson testified yes.

Mr. Miannecki testified it is probably somewhere over here. It ends right here.

Chairman Blewett stated yeah and it doesn't access the road.

Mr. Miannecki testified no.

Chairman Blewett stated okay. Does that answer your question Mr. Nahass?

Mr. Nahass stated yup.

Chairman Blewett thanked him. Are there any other question? Is there anyone else from the public that is on and would like to ask a question? Hearing none, do I have a motion to close the public hearing?

Mr. Koldyk made the motion to close the public portion.

Chairman Blewett asked for a second.

Mr. Terrero seconds.

Chairman Blewett asked all in favor.

Board aye.

Chairman Blewett asked any opposed.

Board none.

Chairman Blewett stated okay thank you.

Alex are you back yet? Hold on for one second. Alex you are not showing up as a panelist. Here we go.

Mr. Petreski asked can you hear me.

Chairman Blewett stated we can hear you now.

Mr. Petreski stated sorry my computer overheated and I had to restart. My question is what is the status of the Morris County Planning Board approval?

Mr. Miannecki testified they approved it with no impact with regard to the county road, Jacksonville Road.

Mr. Petreski stated okay.

Mr. Miannecki testified they gave us an approval.

Mr. Petreski stated okay.

Mr. Miannecki testified we also have Morris County Soil Conservation District approval.

Mr. Petreski stated yes I saw that as well. Okay.

For this one we are not doing a developer's agreement, so from the date of approval you have 190 days to record the deed.

Mr. Miannecki testified correct.

Mr. Petreski stated the applicant is aware that he has to complete the work within that 190 day period so he can get the sign off from the chairman and engineer before he can record the deed.

Mr. Miannecki testified he understands that and that is why we have the Morris County Soil and Sediment Control certification; and as soon as we get approved Mr. Wolfson can pull a permit with the town to remove the existing driveway, redo the driveway, do the grading and everything else, and get all the utilities off of the Jacksonville Road lot, I'll call it and shifted onto the other lot.

Mr. Petreski stated okay. And it is understood that whoever purchases the lot will have to come back to this Board for a grading permit for the created lot.

Mr. Mianecki testified absolutely.

Mr. Petreski stated okay. I think that was the extent of my questions.

Mr. Mianecki thanked him.

Chairman Blewett asked okay. Arthur any other questions or comments from you?

Mr. Neiss stated not that I can see. Joe Rasa are you going to create a deed? How are you doing this?

Mr. Rasa stated that's exactly what we are going to do.

Mr. Neiss stated generally in such circumstances I would ask, and the resolution will say, that you forward the deed to me and I will give it an eyeball.

Mr. Rasa stated that is my normal procedure.

Mr. Neiss stated good. I expect that Alex's computer overheated because this is a hot application okay.

Mr. Rasa stated it is on fire.

(Laughter)

Chairman Blewett stated okay so let's go back to the Board then, if there no other comments from Mr. Rasa, anything else?

Mr. Rasa stated I have nothing further. If the Board does not have any questions from Mr. Wolfson or from Mr. Mianecki, I have nothing further.

Chairman Blewett asked are there any questions from the Board?

Mr. Koldyk made the motion to approve the subdivision with the requested variance for the side setback.

Chairman Blewett asked is there a second.

Mr. Terrero seconds.

Chairman Blewett asked Joan to take the roll call.

Ms. Ward stated yes.

Roll call:

Yes: Koldyk, Terrero, Blewett, Marino, Runfeldt, Taormina and Florentino (Alt. #1)

No: None

Abstain: None

Ms. Ward stated okay it's approved.

Chairman Blewett asked you guys are good.

Mr. Mianecki thanked the Board. Also remember he also has design exceptions for the slopes.

Ms. Ward mentioned the resolution will be on for the August 20th meeting.

Mr. Rasa stated nice to see everyone. Thanked the Board and have a good evening everybody and I'll be in touch.

Chairman Blewett stated we are going to go on. You guys can actually drop off if you would like? Lester good luck.

Mr. Wolfson thanked the Board.

Chairman Blewett stated the next item on the agenda is a plaque for Donna Brightman for her service to the Planning Board. Donna is not here but we certainly acknowledge her contribution to the Board, and we are always grateful to have Board members. When you see Donna, you'll give her the plaque, right Joan?

Mr. Ward states yes, I will contact her.

Chairman Blewett stated very good.

The fifth item on the agenda is the discussion about the pod ordinance. As we were progressing with this ordinance, it became apparent that it was written specifically for the residential zone and Arthur kind of pulled that back for us so that we could consider whether or not other zones should be covered by the pod ordinance. Arthur are there any comments on that?

Mr. Neiss stated Joan, I forwarded the email to you and I don't know whether or not it got sent out to the Board members.

Ms. Ward stated I forwarded it to everybody.

Mr. Neiss stated okay. So that email should put everybody in the same place that I am, and Tom is, with regard to the issues to be addressed. The issue is quite simple and it was pointed out by Chris Di Lorenzo, the town attorney, who said that the ordinance reads like a residential ordinance and it doesn't apply to commercial. I think the concern that Tom had was that you know commercial entities ought to be able to use a pod like structure. We are calling it a pod that is really a registered trade mark, but I think we all understand that it is a mobile storage unit. I guess the ordinance ought to be tweaked a little bit if that is the thinking of the Board, in order to accommodate commercial uses as well.

Alex did you have a chance to talk about this with Tom?

Mr. Petreski stated we spoke briefly and he was just concerned whether it applies to everyone or just residential or commercial.

Mr. Neiss stated as he expressed himself in the email strain, I think he would be in favor of the ordinance applying to commercial, but he expressed some hesitation or reservation that he could see commercial establishments using, again I'm calling it a pod and I shouldn't, but the mobile storage unit to become an adjunct almost to the business keeping stuff in a pod which could be problematic in the sense that they would be using it essentially for an improper purpose.

So what Tom I think was saying, that perhaps it might be appropriate to limit the use of commercial establishments to a one 90 day period rather than two 90 day periods. This is all up to the Board discussion and resolution and ultimately it will wind up being a recommendation that will get sent to the mayor and council that will have obviously final approval on whatever it is that is appropriate for the Borough,.

Mr. Koldyk asked would this also include tractor trailers because we have many lots that store tractor trailers and I don't want to see that being a conflict.

Mr. Neiss stated I don't think that the mobile storage unit definition contemplates tractor trailers or the rear portion of such trucks.

Mr. Koldyk thanked Arthur.

Chairman Blewett stated I guess the question that I had for Tom and it came back, and what I

took away from it is that I thought commercial and other industrial uses had some limitations on storage and screening, and those types of items were managed through site plans right? Where the recycling containers, garbage goes, and those types of things, and in general those would be screened from public view. But I think in his response he said that that is contemplated in the ordinance but at the same time it really doesn't address this temporary storage unit that a company can bring in and set there for a while and take away.

So I guess the question for the Board is what is your pleasure here? It was written strictly for residential, I'm kind of recalling, but I think we did talk about commercial uses so what is the Board's feeling?

Mr. Koldyk stated I think we should keep it residential and it could be expanded in the future if it had to.

Chairman Blewett asked any other comments.

Mr. Taormina stated I agree with that. Wasn't the initial premise of this pod ordinance to I guess mitigate people in residential area from using these as almost an ancillary structure to their home? It seems like commercial might be different animal and should be brought up separately.

Chairman Blewett asked any other comments. I do agree with that line of thinking. I think the biggest challenge for us was pods in residential areas as they stick out like a sore thumb right?

Ms. Ward asked Chuck can I interrupt for one second. I just want you to know my iPad I have a low battery so I only have 10% remaining so please talk a little faster.

Chairman Blewett stated we'll sort this out quickly.

Ms. Ward thanked him.

Mr. Neiss asked Sal, are you still here.

Mr. Marino stated I'm here.

Mr. Neiss asked what is your experience with this.

Mr. Marino stated well I agree because most of my concerns are with residents and their homes regarding pods, not really anything commercial wise has come across.

Chairman Blewett stated the only down size is we are not prohibiting the use in a commercial so they can just drop them and use them for whatever right? But I think it was Nick that mentioned we may need to rethink this with respect to commercial and industrial use and we can take that up, but I think we would like to move the residential ordinance forward. So what is the pleasure of the Board?

Mayor Runfeldt stated I agree.

Chairman Blewett stated okay Jonathan?

Mr. Terrero stated yeah move forward.

Chairman Blewett asked Alvin.

Mr. Florentino stated agreed.

Chairman Blewett asked did I miss anyone else. I have Nick and Dave are in favor of moving forward right?

Mr. Koldyk stated yes.

Mr. Taormina stated yes.

Mr. Marino stated I'm in favor of it also Chuck.

Chairman Blewett stated okay, thanks Sal. So I guess Arthur we would just move it forward as written.

Mr. Neiss stated as currently written. So just so I am clear, you don't want to include a prohibition on commercial use you just want it to go forward the way it is currently written which really contemplates residential.

Chairman Blewett stated I believe that's the Board's feeling.

Mr. Neiss stated okay. I just want to make sure that I was clear about that.

Chairman Blewett asked anybody else feel differently.

Mr. Koldyk stated no.

Chairman Blewett stated alright good. Do we need a vote? I think we got the feeling of the Board and let's move forward.

Mr. Neiss stated it will become a recommendation and I'll send it onto the Borough attorney and the Borough attorney will have it introduced to the mayor and council.

Chairman Blewett stated okay. Under ordinance, Sal there was something about entertainment.

Mr. Marino stated not so much entertainment but I do have two things. One being, Tom and I have come across a few things that residential homeowners want to locate a pool in the front yard and we do not have enough bite in the ordinance now to prevent that, so I think the committee maybe should get together before the next meeting and discuss that and add some language to what is there now.

Chairman Blewett asked do we have any volunteers.

Ms. Ward mentioned we have the ordinance committee and I can send an email out to the members on that committee. I don't have that information with me tonight but I'll email it and you can get together on it.

Chairman Blewett stated that sounds good.

Mr. Marino stated one more thing Chuck.

Chairman Blewett stated yeah.

Mr. Marino stated I would like to ask Arthur, the Citgo Station in town has since come under new management and I noticed a sign there now that says towing service. Now I had some issues in the past with them but nothing in the ordinance helped me to stop them from using that site as a towing service. Is there anything we can do now to change that?

Mr. Neiss stated well if the mayor and council adopts it, I don't know the answer as to whether or not they can be grandfathered in. If they are making use of towing now and the mayor and council changes the ordinance, there is a question as to whether or not they are grandfathered. I will discuss that with the Borough attorney and get his take on it.

Mayor Runfeldt asked Sal, is the issue of towing or storage of cars on the lot.

Mr. Marino stated it will probably be both. As of right now they are pretty good, there are not many trucks on site, but remember in the past it was a nightmare over there.

Mayor Runfeldt stated only because they stored the cars on the lot right?

Mr. Marino stated and also their towing trucks.

Mayor Runfeldt stated okay.

Mr. Taormina stated it is nothing like it was that is for sure because of new management.

Mr. Marino stated no not yet.

Mayor Runfeldt stated alright. Guys I'm at 2% battery myself so just everyone knows.

Chairman Blewett stated we are very close. Does anyone have any new business?

Ms. Ward stated nothing.

Mr. Neiss stated I think it is very interesting Chuck that both Joan Wards have low batteries.

Chairman Blewett stated yeah. If there is no new business is there a motion to adjourn?

Mr. Koldyk made the motion to adjourn.

Chairman Blewett asked is there a second.

Mr. Taormina seconds.

Chairman Blewett asked all in favor.

Board members aye.

Chairman Blewett asked any opposed. It doesn't matter, have a good night everybody.

Meeting adjourned 8 P.M.

Respectfully submitted:

Joan Ward, Secretary

Charles Blewett, Jr., Chairman