

**MINUTES OF THE TOWNSHIP OF MENDHAM PLANNING BOARD
REGULAR MEETING HELD NOVEMBER 29, 2022**

The meeting was called to order by Chairman Giordano at 7:01 p.m., who asked for a roll call.
Upon roll call:

ROLL CALL

PRESENT: Mr. Orlins, Ms. Neibart, Mr. D'Emidio, Ms. DeMeo, Mr. Johnson, Mr. Mayer,
Chairman Giordano
ABSENT: Mr. Perri, Mr. Maglione
Others present: Mr. Andrew M. Brewer, Mr. Dennis Keenan, Mr. Paul Cancilla, Mr. Roy
Messaros

SALUTE TO THE FLAG

ADEQUATE NOTICE of this meeting of the Mendham Township Planning Board was given as follows: Notice was sent to the Daily Record and the Observer Tribune on January 7, 2022 and Notice was filed with the Township Clerk on January 7, 2022.

This meeting is a quasi-judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision with decorum and civility appropriate to a quasi-judicial hearing being maintained at all times.

APPLICATION – PB 22-04 – cont'd

LAWRENCE FARMLAND, LLC

Block 147, LOTS 42.06, 42.07, 42.08, 42.12, 42.13, 42.16

PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL

Mr. Malman entered his appearance for the applicant and confirmed that Ms. Candace Davis of Yannaconne, Villa, Aldrich, LLC is the engineer representing the applicant and that Mr. Dave Kruger is the environmental consultant representing the applicant. Both of the professionals were sworn in at the previous Planning Board meeting on October 19, 2022.

Ms. Davis reviewed and summarized for the Board and the public her testimony from the previous October 19, 2022 Planning Board meeting and as described in the minutes of that date. She continued her testimony and marked her first exhibit being presented as Exhibit A-11, Sheet 2 of 15 as part of the recently submitted revised plans to the Board, which is basically the same plan as the first submittal but contains some additional information that has been added to the exhibit. She stated that Exhibit A-11 has a revision date of 11/16/2022. The exhibit presents the existing lots with no changes; however, additional information was added on the plan for clarification of existing conditions along the tract.

Ms. Davis clarified a question regarding the fire cisterns and that on the two existing access roadways there are three existing fire cisterns that had been installed as part of the previous approved subdivision. She went on to say that each fire cistern is a 30,000-gallon cistern, which is required as part of the ordinance for fire protection in Mendham Township. Additionally, the fire cisterns are required to be a certain distance apart from each other, from each driveway

access and a certain distance along the roadways. In that regard, all three fire cisterns comply with the minimum length of 2,000 linear feet between each one; therefore, in accordance with Ordinance 16-10.2, the existing fire cisterns on the site comply as required. There are no proposed changes to the cisterns as well, and they will continue to comply with the requirements of the ordinance with the proposed subdivision.

Ms. Davis went on to say that Exmoor Drive and Sutton Place were initially designed and approved according to RSIS standards for a rural lane and as stated in the resolution for that original subdivision. A rural lane is calculated according to the number of average daily trips that are generated from a site and that these calculations are presented in the proposed subdivision, which still comply with RSIS standards for a rural lane. She went on to say that RSIS dictates the design standards for different roadway categories and that the design standard is 18 feet wide for a road in the rural lane category. The survey department at Yannaccone visited the site to confirm that the existing roadways for Exmoor Drive and Sutton Place both comply with the 18-foot-wide requirement. Ms. Davis stated that the design also incorporated 6-foot-wide shoulders and that throughout both roadways there is an enhanced swale that provides additional support for the stormwater management design that was incorporated as part of the previous subdivision and road design at that time. There is no impact on any type of roadway pavement or the stormwater system that is currently existing at the site for the proposed subdivision.

Ms. Davis presented her next exhibit and marked it as Exhibit A-12, Sheet 6 of 15, which is part of the revision of the revised site plan set (revision date of 11/16/22). This exhibit is a result of the Morris Planning Board review, whereby that Board asked to elaborate on some of the bio retention features and that this exhibit now depicts the limits of disturbance and the bio retention swales. These plans have also been updated to reflect the Board of Health submittals and approval that was recently received as part of this project scope. Also, these limits of disturbance consider tree removal and questions that were generated from the previous meeting and references the Mendham Township tree protection ordinance. A 25-foot tree conservation area was added around each of the proposed lots in order to ensure that the limits of disturbance are outside of the 25-foot areas. These changes have also been presented on Sheet 7 of 15 and marked as Exhibit A-13 (revision date of 11/16/22) and indicate the four proposed lots in the northern area of the tract. Again, the limits of disturbance have been updated to reflect the Board of Health submittal as well as the tree conservation area. Ms. Davis clarified that this a conceptual grading scheme and layout of a home, driveway, required septic systems, wells, and the stormwater management controls for each lot as a demonstration that each lot can be built upon as part of the ordinance requirements and regulations.

Mr. Malman referred to the reports from Princeton Hydro, H2M, and French & Parrello and inquired whether their comments on drainage and stormwater were addressed as part of the plan revisions. Ms. Davis responded that generally there were a number of notes added onto the plans to accommodate the concerns of Lot Development plan requirements as well as a stormwater maintenance plan requirement that would be inherent with any individual Lot Development submittal of each of the lots. Also, notes with regards to compliance with the driveway ordinance for any future lot owner was also added to the plan and that with regards to stormwater management, the final layout and design of the stormwater management designs are subject to deviation by individual lot owners. It was noted on the plans that it is inherent that a Lot Development plan would be required to develop each one of the lots. Ms. Davis confirmed that a future homeowner would go through this process with the Construction Department and with the local municipal engineer as required by the ordinance and that there is specific verbiage in the ordinance that requires Lot Grading Permit submittals as well as tree removal permit submittals.

Ms. Davis discussed the Board of Health approval and that the application was presented to the Board of Health in order to reconcile the current project scope, whereby there are an existing six lots with nine lots proposed. The Board of Health updated their resolution approval to accommodate the current project scope. There was a review of soils with regard to septic systems as shown on the plan and in accordance with the soil logs data presented so that it could be demonstrated conceptually that each lot can support a septic system with room available as required for the setbacks.

Chairman Giordano opened up the cross examination to the Board members for any questions they may have regarding Ms. Davis' testimony. Ms. DeMeo referred to Sheet 9 of 15 (revised as of 11/16/22) – Slope Analysis Plan – Proposed lots C6 – C9 – the northern portion, and she inquired whether the existing wetlands conservation easement includes the 150-foot wetland transition area and the 300-foot riparian zone. Ms. Davis responded that the existing wetland conservation easement was from a previous approval by Mendham Township and that it encompasses the previous wetlands and wetlands buffer that were approved at the time of the previous subdivision. She went on to say that an updated freshwater wetlands and wetlands buffer review verification request was submitted to DEP and is pending at this time. However, it was previously testified that the existing conservation easement will be updated with the additional wetlands buffer as required by the Mendham Township ordinance.

Ms. DeMeo referred to Sheet 10 of 15 (revised as of 11/16/22) – Existing Landscaping Inventory Plan – Proposed lots C1 – C-5, and Ms. Davis confirmed that the Lot C-1 has a 50-foot tree conservation area in the front along the cul-de-sac. Ms. DeMeo then referred to Sheet 11 of 15 (revised as of 11/16/22) – Existing Landscaping Inventory Plan – Proposed Lots C-6 – C-9, whereby the tree conservation areas were discussed for these lots as well with respect to the riparian zone.

Mr. Mayer inquired about the 30,000-capacity cisterns and whether there is a maintenance schedule for these cisterns for inspections etc. Ms. Davis responded that the cisterns are not currently maintained by Mendham Township; however, in the long term they will be encompassed within an easement and that the easement along with the roadways is a maintenance issue. Any agreements with regards to these cisterns has not yet been established. If the roadways eventually become public, then the easements would also be maintained by Mendham Township. Ms. Davis stated that the cisterns are very large underground water tanks that would be available for Mendham Township's benefit and community in the adjacent areas, which is the intention of the fire cisterns.

Mr. Mayer inquired about the width of the pavement along both roadways, and Ms. Davis stated that the width of the actual pavement along both roadways is either equal or greater than the 18-foot-wide requirement - not including the cobblestone off of Hardscrabble Road that runs off the hill off of Exmoor Drive. This was an expansion in this area as a helpful benefit to the stormwater management design at that time and that the remaining portions of the roadways both through Exmoor Drive and Sutton Place have grass swales along with enhanced swales as part of the design. The shoulders are an extension of the edge of the roadway and are stabilized as required by the previous design, and she explained that if a car does happen to drive on the shoulder, it would not sink into the ground. Ms. Davis confirmed that there is no requirement for roadway lighting for this subdivision.

Ms. Davis confirmed for Mr. Mayer that the run-off from each individual site is controlled by its own bio-retention area, and she discussed further maintenance of these bio-retention basins. She went on to say that there will be an O&M (Operations and Maintenance) manual for each lot and that when an individual lot owner submits a Lot Development Plan to the Township engineer,

the owner would then be required to file an O&M manual with their deed before/during construction depending upon the Township's engineer's requirements. The homeowner is required to maintain their own stormwater management system according to the O&M manual (log sheets are included in the manual). Mr. Mayer inquired as to who enforces this maintenance responsibility of the homeowner, and Ms. Davis responded that there is a requirement for logs for both inspection and/or repair. This would then be sent to the Township engineer. Ms. Davis went on to say that there is also verbiage within the O&M manual that explicitly dictates the responsibilities of maintenance of any stormwater management system and the consequences should the system not be properly maintained. She stated that there is language in the O&M manual that dictates what occurs if there is an issue with the stormwater management measure and that any fines instituted would be subject to a Mendham Township requirement. Ms. Davis stated that she can submit a draft O&M manual for a typical bio-retention basin for review.

Mr. D'Emidio stated for information purposes that the fire cistern nearest to Corey Lane was placed there to service Corey Lane as well.

Chairman Giordano discussed the anticipated traffic based upon each household along with service people entering and leaving the development and whether the increase in the subject lots would affect the traffic in the development. Ms. Davis responded that she added the calculation for the proposed conditions for a rural lane and referred to Exhibit A-11 that indicated this calculation. With this calculation, the subdivision still falls under the maximum threshold, whereby the roadway is still considered a rural lane, which is 200 average daily trips. She discussed this calculation further with regards to the proposed eighteen lots and the way RSIS considers the calculation. The calculation allows for approximately ten trips per household per day, which is the standard calculation.

Chairman Giordano inquired whether the Lot Geometry Circles have been established with respect to all of the new lots and what remains of the old lots in terms of maintaining a proposed Lot Geometry Circle. Ms. Davis responded that the existing lots are not being impacted and that with the proposed subdivision the zoning requirements are fully compliant for Lot Geometry Circles. She referred to Exhibit A-4, Sheet 5, which demonstrates this.

Mr. Messaros inquired about the time of concentration pre and post development and that the idea is to have post development time of concentration not be a shorter amount of time but a longer amount of time. Ms. Davis confirmed that the time of concentration should be lengthened and not reduced. Mr. Messaros referred to Ms. Davis' November 17th memo, Page 5, Item 5.3 and questioned her last sentence, which states a reduction in time of concentration. Ms. Davis confirmed that the sentence would need to be corrected and revised.

Chairman Giordano entertained a motion to open the meeting to the public for any questions with respect to Ms. Davis' testimony that the public may have. A motion was made, and it was seconded. All agreed.

Mr. John Inglesino of the law firm Inglesino & Webster located in Parsippany, New Jersey made an appearance and stated that he represents the Mendham Alliance Conservation and Preservation Group. Mr. Inglesino referred to Ms. Davis' testimony with regards to the tree conservation and asked Ms. Davis to discuss this further. Ms. Davis responded that in deference to the comments that were generated at the previous meeting, she reviewed Mendham Township's Tree Protection Ordinance. There was a 25-foot tree conservation area added along each of the proposed lot lines and the sides for each lot along with the 50-foot tree conservation area presented on the frontage of each lot. As part of that consideration and deference to the environmental concerns with regards to tree removal, some of the potential lot development and

grading schemes were adjusted to demonstrate that construction plans will be avoided in those particular areas along the lots. This is referenced specifically to the Mendham Township ordinance, whereby any lot over two acres with conservation areas are explicitly protected by the ordinance. She clarified that they are not easements but are conservation areas in accordance with the Mendham Township ordinance, and there was some further discussion regarding the Tree Protection ordinance and controls with regards to the conservation areas. Mr. Inglesino inquired as to whether the applicant would agree to prepare metes and bounds for the conservation areas and to deed restrict these areas so that there is permanency with regards to these conservation areas. Chairman Giordano added that this is assuming that the lot lines do not change and that if the lot line disappeared, then the permanency would also disappear. Ms. Davis stated that there is a provision to allow for driveways and utilities to come through the front 50-foot area so there are explicit exceptions within the ordinance.

Mr. Inglesino inquired as to what lots are owned by the applicant that are contiguous to the proposed subdivision. Ms. Davis responded that they are Lots 42.09, 42.10, 42.11, 42.14, 42.05, 42.04, 42.01, and 42.02 and that there is no change to these lots. Mr. Inglesino inquired as to whether a lot averaging plan was considered as is contemplated in Mendham ordinance Section 21-10, which encourages lots in the R-5 and R-10 to average. Ms. Davis responded that the presentation at hand is for the fully compliant subdivision in keeping with the R-5 zone and that lot averaging is explicitly a land development option for consideration if there are restrictions that may impede a developer to provide fully compliant lots. In this case, the applicant does have fully compliant lots even though the averaging is an option in the ordinance as well. Mr. Inglesino continued his discussion with regards to lot averaging and that this would reduce the amount of tree removal and environmental disturbance on the property as a whole. Ms. Davis stated that the issue with tree removal is explicitly in the northern lots and referred to Exhibit A-4 and that there will be testimony by the applicant's environmental consultant with regards to the specifics on the type of wooded areas that are in question. However, again the applicant is able to propose fully conforming lots for this project scope. Mr. Inglesino continued his inquiries with regards to an averaging plan as opposed to the proposed scope of this project.

Mr. Inglesino inquired as to Lots 42.05 and 42.09, and Ms. Davis stated that those lots are not part of the project scope. He also inquired whether the building envelope took into consideration steep slopes, variances etc. Ms. Davis responded that the presentation for the proposed subdivision fully conforms with the Mendham Township slope ordinance as required and that no variances are being requested. She confirmed that Lot 42.03 is also not part of the scope of this proposed subdivision. Ms. Davis explained that the presentation shows a typical residential dwelling of approximately 5,000 square feet of footprint, and there was some discussion regarding whether the outdoor space is adequate for a house of this size. Mr. Inglesino opined that none of the outdoor spaces have been adequately depicted on the plans and are woefully inadequate at most. As a result, this will force a lot of non-conformities in order to build a house that is depicted on the plan. Ms. Davis again reiterated that what is being presented is a typical conceptual lot development layout and that there are significant areas within the limits of disturbance on each lot whereby the outdoor space can be enhanced. There was further discussion regarding the adequacy of outdoor space available on the proposed lots, and Ms. Davis stated that each individual homeowner is required to submit a lot development plan for approval with the proposed impervious that they are considering.

Mr. Nick Monaghan of 20 West Main Street approached the microphone and stated that he is also the Mayor of Mendham Township. Ms. Davis confirmed that the roads and storm basins have been there for a while as part of the original subdivision, and Mr. Monaghan inquired as to whether they have been conveyed as of yet to the Township. Mr. Malman responded that they have not since the final top on the road is not done since the houses have not yet been built. This is part

of the prior approval. He confirmed as well that the storm basins will be inspected to ensure that they are in good condition before being conveyed to the Township.

Mr. George Koenig of 13 North Gate Road approached the microphone. He inquired that since this is a very environmentally protected area whether the proposed plan will protect as many trees as possible. Ms. Davis responded that the conceptual limit of disturbance that have been presented are explicitly considerate of the trees, which is why the tree conservation area has been depicted along each lot as a buffer. Mr. Koenig also inquired as to whether the Mendham Township tree committee will have an opportunity to opine on any tree removal, and Ms. Davis responded that this does occur when a tree permit is submitted. She went on to say that there is a lot of consideration on saving trees to the greatest extent possible within Mendham Township. Mr. Malman explained that this is done in a two-part process – lot development plan and the tree removal plan. The tree removal plan must be reviewed and approved first. There was further discussion regarding farm assessment with regards to these lots, and since they do qualify for farm assessment Mr. Koenig inquired as to whether there will be any deed restrictions as it relates to farm uses such as breweries or wedding venues. Mr. Malman stated that this is going to be a residential subdivision with not much farming being conducted. There was some further discussion with regards to the uses allowed on a farm assessed property. Ms. Davis stated that an application for that type of use would need to be reviewed by the Mendham Township Planning Board prior to any kind of consideration in that regard. Again, this is at the discretion of the individual future lot owners and that this is not an inherent possibility unless it is reviewed by the Board. Mr. Koenig went on to inquire about the larger lots that are likely to be farm assessed by an owner and whether there will be any deed restrictions on the types of agricultural uses allowed, which is the case in other deeds in Morris County, specifically restricting a wedding venue etc. Mr. Malman stated that those lots are not part of this application so the condition cannot be imposed.

Chairman Giordano entertained a motion to close the meeting to the public. A motion was made, and it was seconded. All agreed.

Mr. Dave Kruger made an appearance as an environmentalist on behalf of the applicant and stated that he is from the firm Environmental Technology Incorporated, which is an environmental consulting firm. As a voir dire, he stated that he has a Bachelor of Science degree from Cook College, Rutgers University and that he is a professional wetlands scientist. He is a member of the Association of the State Wetland Managers and has qualified as an expert before this Board in the past on the previous application associated with this subdivision and has testified before approximately 60 boards throughout the State of New Jersey with testimony on various environmental issues. Mr. Kruger stated that he has testified in Superior Court and local courts along with conducting projects for municipalities and private entities. He went on to say that he has been practicing for 37 years and stated that a license is not required for his professional expertise. There were no questions from any of the Board members or public regarding Mr. Kruger's qualifications, and he was accepted by the Board as an expert witness for the applicant.

Mr. Kruger began by saying that as part of the application the wetlands were delineated again on the entire tract since it would be required for the future as well as for this subdivision. They had been approved for the previous subdivision and that since that time this aspect of the application has expired. In addition, he assisted the civil engineer in preparing the flood hazard area application to verify the limits of the flood zones on the property as well as the limits of the riparian zones. After the initial delineation was completed, work began on the preparation of the Environmental Impact Statement. The application for the new wetlands delineation and the flood hazard was submitted to DEP at the end of August, 2022 and is still pending. The Flood Hazard verification deadline is December, and this is still pending.

Mr. Kruger referred to Exhibit A-14, Sheet 11 or 15 with a revision date of November 16, 2022 with today's date of November 29, 2022. He referred first to the lines on the northern portion of the property, which contains the wetlands transition area and riparian zone. The yellow line is the recently delineated wetlands line with the green line being the existing conservation easement from the 2005 approval. The pink line is what is new, which includes the new conservation easement to replace the old one, if approved by DEP. The orange line on the plan is the 300-foot riparian zone. In summary, the wetland delineation line and conservation easement has changed slightly and that the houses are significantly far away from where the lines are on plans. Mr. Kruger went on to say that the current proposed subdivision (houses, bio-retention basins) is well outside of these environmentally sensitive areas.

Mr. Kruger went on to say that the blue area on the plan are the limits of disturbance that were shown on the existing three lots of the original subdivision. The black line on the plans is the current limit of the proposed limit of disturbance on the four lots, which is conceptual. Most of these areas are further now from the riparian zone and wetlands buffer than previously indicated and pushed up closer to Exmoor Drive because it is now an R-5 zone. He went on to explain this further, whereby the lots are now smaller with less ability to disturb steep slopes and that the development has become more compact. Mr. Kruger clarified that actually there is .04 acres less with disturbance than with the old plan on the north side.

Mr. Kruger referred to Exhibit A-15, Sheet 10 of 15, with a revision date of 11/16/22 with today's date. He stated that this is the south side of the proposed subdivision, which has three lots being subdivided into five lots. The blue shading indicates the areas shown on the original plan with the black lines indicating the proposed limits of disturbance. Mr. Kruger stated that he shaded the wooded areas in green and that the tree removal in this area of .39 acres (about 16,000 square feet of wooded area) is very limited and really only in one location. Most of the lots on the south side have very few trees.

Mr. Kruger went on to explain that as typical of any plot plan or subdivision, normally the trees are not located until the plan is proposed since there can be changes made based upon individual lot owner decisions on the location of the house, a pool, patio etc. on the area of the property that can be developed. Ms. Neibart inquired whether the Board can restrict where development is specifically on each lot. Chairman Giordano stated that this is determined through the lot development phase, and Mr. Keenan added that the steep slopes are the biggest restriction for flexibility of development on some of the lots, particularly on the north side. The south side has lesser steep slopes so there would be more flexibility for development. Mr. Malman stated that the ordinance is very detailed on the process for allowing any permits or tree removal permits and that should the lots be approved as shown, the Tree Committee must review the plan first and approve it before a Lot Development plan can be processed. There is an entire process in place through a very specific and defined ordinance in Mendham Township to look at these issues in order to protect open space and trees. Mr. Kruger clarified for Ms. DeMeo that the .39 acres of wooded area is on proposed lot C-3. Ms. DeMeo stated that the proposed increase was expected to be 2.36 acres, and Mr. Kruger confirmed that this was in error and has been corrected in the EIS addendum.

Mr. Malman referred to Princeton Hydro's report dated October 12, 2022 Section 1.0 – Environmental Impact Statement 1.1 – 1.9. and asked Mr. Kruger to address any questions in that section.

1.1 The EIS is complete and prepared and has met the checklist requirements of the ordinance.

- 1.2 The paragraph on page 25 in chapter III was corrected to include 42.12 in order to make the list of lots consistent across the document.
- 1.3 Yannaccone's soil logs were submitted and attached in the addendum as required in Chapter 17-3.1a(3).
- 1.4 The Applicant submitted the wildlife inventory, which is provided in the addendum.
- 1.5 The Applicant agreed to a title restriction on the clearing of any trees between April and October, which is the period of presence for the Indiana bats. However, he added a caveat whereby if someone wanted to clear trees during that period of time that a study would have to be undertaken on the bats by an acceptable firm. If it was determined that no bats were present and also reviewed and approved by Princeton Hydro, then trees could be cleared since it would be an official confirmation that there were no bats in the area. Chairman Giordano challenged this caveat and would like to see a complete prohibition during the April through October time period. Mr. Kruger then suggested whether it would be acceptable if perhaps the report was submitted to Fish and Wildlife and that if they issued a letter agreeing to the removal of the trees during this period if this would be acceptable. Mr. Keenan opined that the issue would rest with the Tree Committee since they would be issuing a permit and that he has never heard of anyone submitting a permit confirming that there are no bats with an approval to clear trees during this period. After further argument and discussion, Chairman Giordano stated that there should be no clearing of trees during the April through October time period.
- 1.6 Mr. Kreuger stated that there is a defined process in the Tree Ordinance for identifying trees, and Mr. Messaro stated that he is satisfied with the discussion regarding this issue, whereby there are enough protections under the ordinance.
- 1.7 Mr. Kruger stated that the application has received Soil Erosion and Sediment Control certification from the Morris County Soil Conservation District and that when the LOI and Flood Hazard verification is obtained, they will be provided to the Board and the Professionals. He stated that the Flood Hazard verification is due in December but he does not have an expectation of a date for the LOI (perhaps March or April). Mr. Messaro inquired about the Flood Hazard and Riparian area on the plans, and Mr. Kruger confirmed that he is waiting for NJDEP to submit confirmation of what was submitted to them regarding these areas. He also inquired about the wetland delineation that was outlined and whether the wetland was expanded over what was previously delineated. Mr. Kruger responded that in some areas it was expanded and that there are overall more wetlands delineated now than what was there previously. He confirmed that the original delineation in the earlier version of the plan sheets were done by his group and approved by NJDEP. Mr. Messaro stated that this item is satisfied pending what will be submitted at a later date once received from the State regarding the Flood Hazard verification and LOI.
- 1.8 Ms. Davis stated that the detail for the bio-retention basins was updated on the subdivision plan on Sheet 15 of 15, with a revision date of November 16, 2022 to note the site-tolerant grasses. She stated that the bio-retention basins are specifically designed with vegetation and that she also added to this particular sheet 15 notes with regards to individual Lot Development Plan requirements to satisfy some of the concerns with regards to O&M manual and stormwater management designs. Mr. Messaro stated that he is satisfied with the update; however, he went on to say that the caveat is that this is typical and what will be proposed later for engineering review is very important. Ms. Davis marked this Sheet 15 as Exhibit A-15 with today's date. Ms. Davis clarified that there are specific stormwater

management standards for designing these bio-retention basins, which she discussed further.

- 1.9 Mr. Kruger stated that he will provide more information regarding fully addressing concerns about available drinking water from wells. Mr. Kruger marked his last plan as Exhibit A-17 with a revision date of November 16, 2022 and discussed the wells and gallons per minute on each individual lot, which includes Lot 42.10 (25 gallons per minute) Lot 42.15 (15 gallons per minute), Lot 42.03 (40-50 gallons per minute and adjacent Lots 33 (30 gallons per minute), Lot 34 (10 gallons per minute), Lot 40 (20 gallons per minutes), Lot 44 (10 gallons per minute), Lot 45 (8 gallons per minutes), Lot 19 (18 gallons per minute), Lot 21 (60 gallons per minute). Mr. Kruger stated that this was all submitted with his second addendum and that seven of the lots were in the EIS with the additional 3 lots added to the second addendum. He went on to discuss the recharge available in this area and stated that there is a lot of water available. There is an ordinance that requires a minimum of 5 gallons per permit. Mr. Kruger clarified for Ms. DeMeo that he has the depths of all the wells he sited and that the deepest well is 780 feet with the shallowest as being around 185 feet deep. He stated that most of them average around 200 feet. Mr. Kruger stated that this further information regarding the wells was prompted by the FPA report, which requested additional testimony on the wells as well as a request stated in the Environmental Commission's report.

Ms. DeMeo referred to Sheet 5 of 15 and stated that there is a solid line running across the northern part of the property called NJDEPFHA. Mr. Kruger responded that this is the Flood Hazard Area limit and explained that there was never FHA on the property before – it was never shown on the old subdivision. However, based on all the regulations since that time, it was noted in order to verify the Riparian zone.

Mr. Kruger confirmed for Mr. Johnson that there is not a full tree survey done on this property.

Mr. Cancilla referred to the 300-foot riparian zone and stated that in certain areas it is actually closer to the limit of disturbance than the 150-foot wetlands and the conservation easement. Mr. Kruger referred to Exhibit A-14 showing this, and Mr. Cancilla asked if there is a rationale for why the 300-foot zone is not included within the updated conservation easement. Mr. Kruger stated that the original conservation easement was for the wetlands buffer, and Mr. Malman added that it is the way the ordinance reads, which says that the wetlands transition area has to be included in the conservation easement.

Chairman Giordano clarified for Mr. Messaro that this application could continue for a minimum of two months.

Chairman Giordano entertained a motion to open the meeting to the public for any questions the public may have for Mr. Kruger. A motion was made, and it was seconded. All agreed.

Mr. John Inglesino approached the microphone and inquired about the existing conservation easement on the property for the wetlands and wetlands transition area. He asked whether this was prior to the riparian zone, and Mr. Kruger confirmed that it was prior to the 2007 riparian zone. Mr. Inglesino inquired whether the possibility of a lot averaging plan/cluster plan with smaller lots would further minimize environmental disturbance to a site, which would be better from an environmental perspective. Mr. Kruger responded that this is not in his purview to answer this question but that obviously clustering in a smaller area would create less disturbance.

Mr. Inglesino inquired about the preponderance of dead or dying trees on the proposed lots, and Mr. Kruger stated that he walked the lot with the plan and that after examining the trees on these

lots that there was not a preponderance of dead or dying trees. He said that there were more in the wetland areas. There was some further discussion on the type of trees on these lots and that there is a restrictive tree removal period between April 1th – October 31st because of the Indiana bats.

Chairman Giordano entertained a motion to close the meeting to the public. A motion was made, and it was seconded. All agreed.

Mr. Messaro stated that since the last meeting, Ms. Davis furnished a copy of the soil erosion control permit, which is a general permit, and whether she will also need additional application for the individual structures that will be built on the different lots. Ms. Davis confirmed that this is the requirement.

Chairman Giordano announced that the application will be carried with no further notice to the next scheduled Planning Board meeting on December 21, 2022 at 7:00 pm at the Mendham Township Middle School, All Purpose Room.

Chairman Giordano made a motion to open the meeting to the public. A motion was made, and it was seconded. All agreed.

Seeing or hearing no one from the public, Chairman Giordano made a motion to close the meeting to the public. A motion was made, and it was seconded. All agree.

Chairman Giordano made a motion to adjourn the meeting. A motion was made, and it was seconded. All agreed.

The meeting adjourned at 9:45 pm.

Respectively Submitted,

Beth Foley
Planning Board Secretary