

**MINUTES OF THE TOWNSHIP OF MENDHAM PLANNING BOARD
REGULAR MEETING HELD January 15, 2020**

Chairman Giordano called the meeting to order at 7:30 p.m. and asked for roll call. Upon roll call:

ROLL CALL

PRESENT: Mr. Baio, Mr. Monaghan, Ms. DeMeo, Mr. Johnson, Mr. Perri, Mr. Maglione, Chairman Giordano
ABSENT: Mr. D'Emidio, Mr. Mayer
Others present: Mr. Dennis Keenan, Ms. Nicole Venezia, Mr. Jack Szczepanski, Mr. Anthony Sposaro

SALUTE 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 10, 2019 and Notice was filed with the Township Clerk on January 10, 2019

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 and decorum and civility appropriate to a quasi-judicial hearing will be maintained at all time.

Mr. Sposaro swore in Chairman Giordano, Mr. Johnson and Mr. Maglione.

MINUTES

A motion was made to approve the January 2, 2020 Reorganization minutes, and it was seconded. All agreed except Chairman Giordano, Mr. Johnson, Mr. Maglione, Ms. DeMeo, and Mr. Perri who all abstained.

Mr. D'Emidio recused himself from the meeting at 7:33 pm

APPLICATION – PB 19-02 - continued

Pitney Farm Development, LLC
Ballantine Road
Block 131.01, Lots 1.02 & 1.03
Major Preliminary and Final Subdivision

Mr. Dominic Cerminaro of Cerminaro & Associates entered an appearance as Counsel on behalf of Pitney Farm Development, LLC. in connection with a Preliminary and Major Subdivision application for Block 131.01, Lots 1.02 & 1.03. He stated that at the last meeting the Board had various questions and suggestions regarding the application. Mr. Cerminaro went on to say that he would like to inform the Board that the applicant would agree to some of the Board's recommendations, which are as follows:

1. Dry wells to "daylight."
2. The 28-foot wide roadway would be acceptable (as opposed to the current 24-foot wide roadway that was proposed).

3. The 50-foot right-of-way would be acceptable (as opposed to the current 40-foot right-of-way that was proposed).

He stated that Mr. Kastrud and Mr. O'Brien are present to answer any questions that the Board may have.

Mr. Keenan stated that he is in agreement with the 28-foot wide roadway and the 50-foot right-of-way, and he stated that this reduces the need for mountable curbs. Ms. Venezia stated that moving the road slightly in the revised plans did reduce the allowable floor area for some of the lots but also increased the floor area in others but not more than 80 square feet. As a result, the changes are very minimal and would not greatly affect the variance being requested. Chairman Giordano stated that therefore the assumption is that the parking on one side of the road and floor area is no longer an issue. Mr. Cerminaro also confirmed that the garage calculations will not be included in the floor area. Ms. Venezia stated that the ordinance states that garages are included in the floor area calculation and that the applicant was asked to provide at the last meeting a new table to show what the floor area would be of the surrounding neighborhood with the garage and without the garage. Mr. Cerminaro responded that that these calculations will be presented by the Planner, and he opined that the Board will find that with a variance the proposed houses will be in compliance with the surrounding neighborhood.

Mr. Keenan added that there should be some testimony regarding the width of the road to address the impact on impervious coverage with regards to stormwater. Mr. Cerminaro stated that the 28-foot wide road will still be under the allowed impervious coverage. There will be no sidewalks with the street being widened to 28 feet.

Mr. Szczepanski stated that there is no environmental impact with regards to allowing the overflow from the dry wells to "daylight."

Mr. Kastrud, engineer for the applicant, addressed the outstanding issues, and it was stated that he was previously sworn in. He marked his exhibit as Exhibit A-12 with today's date and stated that the plans were submitted ten days prior to the hearing. Mr. Kastrud referred to the slight modifications to the right-of-way and how this affected the lot areas (some increased, some decreased). However, for the most part the lot areas were kept as close as possible to their original size. The applicant can still complete his five-home subdivision with roughly the same square footage with the 50-foot wide right-of-way instead of the previously proposed 40-foot right-of-way.

Mr. Kastrud next addressed the 28-foot roadway width. He stated that although the plan indicates a 24-foot wide roadway, calculations were performed for the impervious coverage with regards to stormwater for a 28-foot wide road with the results being that the post development stormwater rates are still less than the pre development rates. Therefore, the applicant will be in compliance transitioning from a 24-foot wide road to a 28-foot wide road. Mr. Keenan stated that as a matter of compliance he will confirm these calculations and that he was more concerned about how the widening of the road would affect the lots. He stated that this plan demonstrates that there would not be an adverse impact on the lots.

Mr. Monaghan inquired about the added four feet to the road and how this impacts the two neighbors at the bottom of the road. Mr. Kastrud responded that typically the road is centered; however, in this case it is not centered. Currently, as shown at the bottom of the northerly edge there is 8 feet off the right-of-way line. If the road is centered it will move 7 feet closer towards Lot 8. The right-of-way is initially 60 feet, and the road is not centered in the 60-foot right-of-way. It will be centered when it transitions to the 50-foot right-of-way up farther toward the cul-

de-sac. Mr. Kastrud explained how a right-of-way is established and stated that it is not an issue to have a road that is not centered within the right-of-way. Mr. Keenan added that having it centered provides equal opportunity to do something on either side. If it is skewed on one side it forces any potential improvements to one side of the property. He opined that centering the road provides the most flexibility.

Mr. O'Brien, Planner for the applicant, addressed the outstanding issues with regards to floor area, and it was stated that he was also previously sworn in. He began by addressing the variance request for the removal of the garages from the floor area of the proposed homes and stated that the Chairman requested the calculation for the surrounding homes, which would exclude the garages from the home area. He presented the Board with this table, and it was marked as Exhibit A-13 with today's date.

Chairman Giordano requested that Mr. O'Brien briefly present his credentials for the newer members on the Board who were not at the last meeting when he introduced his voir dire and was accepted as an expert. Mr. O'Brien stated that he has been a licensed professional Planner for 34 years and is certified by the American Institute of Certified Planners. He teaches planning and zoning classes as an adjunct professor at Rutgers University and has appeared before 250 Boards in the State of New Jersey, including many in Morris County. Mr. O'Brien confirmed that he is licensed in the State of New Jersey and that his license is in good standing and has never been out of good standing.

Mr. O'Brien stated that the chart (Exhibit A-11 – dated December 28, 2019) he handed out in December showed the proposed home areas averaging 4,149 square feet. In Exhibit A-13, he calculated the two recently built homes on Buddy Lane (and distanced away from the site) along with the houses located in the surrounding area in Mountainview. The home area square footage (second from the right hand column) reflects the home areas without a garage and the column on the right side reflects the home areas with a garage. He stated that the average size of the surrounding homes is anywhere from 4,285 square feet to 4,885 square feet with a garage and stated that it was pointed out at the last meeting that the proposed house sizes for this development is 3,549 square feet without the garage and 4,149 square feet with the garage. Mr. O'Brien stated that the proposed subdivision homes are smaller than the homes in the surrounding neighborhood or recently approved. In fact, the comparison without the garage goes from 4,285 square feet for the homes in the area to 3,549 square feet for the proposed areas. Mr. Baio inquired whether this is consistent with trends in housing. Mr. O'Brien stated that it is consistent and went on to say that the housing market has changed over time with larger homes being built in the past and smaller homes being built within the last ten years in the upper 4,500 square feet to lower 3,600 to 3,800 square feet in that area. The market is seeking smaller homes at a more affordable price. He went on to say that this development does achieve this particular trend and that the proposed subdivision is actually on the somewhat lower side of that range. Mr. Baio inquired whether the square footage includes the areas of the potentially developable garage attic. Mr. O'Brien stated that anything over the garage is considered livable space at this point in these calculations.

Ms. Venezia stated that a 600-foot typical garage size was used in Exhibit A-13 and inquired whether this is what the applicant would anticipate to build with the proposed homes. Mr. Baio opined that 600 feet for a 3-car garage seems small, and Mr. O'Brien stated that this is an average of what is being built today. He stated that this adequately parks all three cars and has some storage space left over.

Chairman Giordano entertained a motion to open the meeting to the public for questions to either of the experts who just testified. A motion was made, and it was seconded. All agreed.

Mr. Clay Romweber of 14 Ballantine Road approached the microphone. He stated that his house is on Lot 8 and asked Mr. Kastrud how the configuration in the front end of the right-of-way will change if the applicant proceeds to a 28-foot wide road. Currently, there is a proposed 24-foot road with 8 feet and another 20 feet to his property line. Mr. Kastrud confirmed that the 60-foot right-of-way will not change with the transition to a width of 28 feet. Mr. Romweber asked in what direction the additional four feet of road would extend with the transition to a width of 28 feet. Mr. Kastrud referred to Exhibit A-12 and showed on the exhibit where the road would be moved. The road would be 28 feet wide, and there would be 11 feet between the 50-foot right-of-way and the curb line on the northerly side with 11 feet also on the southerly side. This is centering it within the 50-foot right-of-way. If this line is projected (not to be centered with the 60-foot right-of-way) out, the road is shifted slightly toward Lot 8. Instead of having a buffer of 28 feet from the curb line to Lot 8, it would be 21 feet from the road to Lot 8. He confirmed, therefore, that the road would move 7 feet closer to Lot 8. Mr. Romweber inquired if there would be any impact to the current drawing related to impervious coverage if the road was widened to 28 feet. Mr. Kastrud stated that there would be no impact to impervious coverage.

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

Chairman Giordano stated the six variances/waivers requested:

- Steep slopes for all the categories – Ms. Venezia clarified that this is a design waiver.
- Width of the road – Mr. Keenan stated that the ordinance calls for a 30-foot wide road. This is a design waiver.
- Exception for the sidewalks – testimony and agreement that once the road is widened to 28 feet that the sidewalks are not a necessity.
- Radius of the cul-de-sac – this was not to ordinance.
- Garages will be excluded from the floor area.
- The effect of any future development by the homeowner with regards to impervious coverage. Mr. Keenan recollected that the applicant was going to indicate on the plan the allowable impervious coverage. This is more from a stormwater standpoint since this would clarify the maximum allowable impervious coverage without additional stormwater management. Mr. Cerminaro stated that the applicant will comply with this request and that this would be indicated by lot.

Mr. Baio inquired whether a homeowner would be required to appear before the Board of Adjustment should they wish to convert part of the garage to living space. Mr. Sposaro responded that they would in so much as the present calculations are predicated upon that space being utilized as garage space. He stated that the Board would be granting relief based upon the exclusion of the garages and that if this was converted into living space the calculations change, and it would at minimum need to be reviewed. Mr. Kastrud stated that the only relief requested is for the concrete floor of the garage being counted as floor area. He went on to say that if the whole area was improved over the garage, it would be 600 square feet. Mr. O'Brien confirmed for Chairman Giordano that the area over the garage was already counted in as livable space. Chairman Giordano clarified then that the space over the garage is already in

the calculation, and Mr. Kastrud clarified that there are no architectural plans at this point so there is nothing to calculate other than a maximum number. Chairman Giordano went on to say that the question is not so much the space over the garage but whether a relative may move in and make a living area in the garage and whether this would need to come before the Board of Adjustment since the utilization is now being changed from garage space to livable space. Mr. O'Brien clarified the issue and said that whenever a home is built here all of the living space of that home will be counted with the exception of garage space. The garage space cannot be utilized for living space because it was excluded from the floor area. Mr. Baio confirmed that a homeowner who purchased a lot will be prohibited to reduce the 3-car garage to a 2-car garage and add living area unless they come to the Board of Adjustment for relief. Mr. O'Brien stated that he would agree with this statement. There was some discussion as to how the building department and zoning department would handle this should a homeowner wish to convert some of the garage to living space. Mr. O'Brien added that due to the granting, if this Board so chooses, of this application, this garage space is excluded from living space by virtue of this application and resolution. If a homeowner in the future wishes to utilize this space in the garage that is not garage or storage, they need to file a zoning application with the construction department. The zoning officer will review the application and the resolution, which states that this cannot be used for living space because it is being excluded from the floor area calculations. It is at this point that it would be flagged, and the homeowner would then need to come before the Board of Adjustment. The resolution and approved site plan carries forever with the land, and the zoning officer must review the resolution and approved site plan to see what was allowed. Mr. O'Brien stated that this is standard practice in this industry.

Mr. Perri wished to address some of Mr. Romweber's concerns regarding his lot - Lot 8. When the roadway was moved, the curb line was moved seven feet towards Lot 8. He inquired as to why the road could not be centered more towards Lot 9 so it would be equi-distance on the buffer between Lot 9 and Lot 8. Mr. Perri asked if the reason for this is because of the drainage easement. Mr. Kastrud responded that it was not because of the drainage easement that the road was moved toward Lot 8 but that this was a concern. However, if the whole right-of-way is moved more toward Lot 9, this would affect the lot area for Lot 9 with the floor area becoming smaller. Mr. Perri suggested moving the right-of-way perhaps only 2 or 3 feet toward Lot 8. There was some discussion regarding this suggestion, and Mr. Kastrud confirmed that the right-of-way could be moved several feet and that this would not affect anything from an engineering point of view but only from the floor area aspect for Lot 9. Mr. Perri opined that this suggestion would address some of the concerns for Lot 8 by putting 3 ½ feet on either side. Mr. Maglione opined that the road could be kept to 24 feet, which would solve the issue for Lot 8; however, he opined that the main concern should be safety, and if the police department and fire department are recommending the road be widened to 28 feet then the application should abide by this recommendation. However, he opined that if the 28 feet is not absolutely necessary, then 24 feet for the road is more than adequate. Mr. Cerminaro pointed out that some of the newer developments are 24-foot and 22-foot roads.

Mr. Johnson, the police chief, addressed his recommendation of a 28-foot wide road as opposed to a 24-foot wide road on his comments to the Planning Board. He stated that one of the reasons that he recommended this is because of the town's experience in Drakewick. The roads there are 30 feet, and that especially at Halloween it becomes very difficult when one car is parked and then there is added pedestrian traffic even though there are sidewalks, which are not necessarily utilized. He felt that 28 feet was a reasonable request because vehicles can park on one side while allowing people to walk and that this also gives access to the fire trucks and first aid vehicles. Mr. Johnson opined that 28 feet makes it safer for pedestrian traffic. Mr. Sposaro stated that there is a report from the police department dated July 18, 2019 that recommends widening the road to 28 feet.

Mr. Perri again requested whether there was any way to accommodate Lot 8 and the concerns the owner has with the revised right-of-way, which is closer to his property. Mr. Kastrud stated that the right-of-way could be shifted in order to allow a distance of 3 feet farther from Lot 8, which would then be 24 feet from Lot 8. It would not be centered; however, it is not currently centered. Once the road transitions into the 50-foot right-of-way toward the cul-de-sac then the road becomes centered. Mr. Perri stated that this would address some of the concerns. Mr. Keenan opined that his preference would be that the road be centered in the area where there is a 60-foot right-of-way because of how it would affect the floor area of Lot 9.

Mr. Maglione referred to Mr. O'Brien's comments regarding how the zoning officer handles prior resolutions. He stated that there was much discussion at the last meeting regarding drainage and utilization of the detention basin. Mr. Maglione inquired if anyone from the applicant's team reviewed the Pitney resolution with regards to the use of the detention basin by the proposed development since he opined that this would contain the genesis of the detention basin. He stated that he would expect that the current applicant's lot was discussed in the resolution with its impact on drainage along with other factors. Mr. Maglione went on to say that he would like to be ensured that the Board's findings do not contradict what is in the original resolution in order to avoid any future issues.

Mr. Cerminaro responded that in light of the fact that the prior owner of the farm was not required to become a member of the HOA nor contribute to the detention basin then this is not an issue. He went on to question whether the Township participated with the HOA or contribute to the detention basin when it owned it for ten years. The presumption is that clearly this was not a requirement on the original resolution. There was some discussion regarding this point, and Mr. Cerminaro clarified that each one of the proposed homes will join the HOA in Mountainview. The professionals confirmed that they have not reviewed the original resolution. Mr. Perri stated that reviewing this resolution is out of the Boards' purview and explained further the role of the HOA (at least in Drakewick where he lives). Mr. Maglione argued that this has nothing to do with being part of the HOA but more about the approvals that were granted to the Pitney subdivision, which may impact the proposed parcels. There may have been conditions in the original resolution that the Board should be aware of and considered during the approval process of this current application. He opined that this is a very simple task to do and that this should have been researched from the beginning.

Mr. Sposaro stated that after reviewing Mr. Buzak's notes, that Mr. Buzak is recommending that if the Board acts favorably upon the application that the Board imposes a condition that no construction on the project shall commence until Mendham Township is assured that the drainage plan that is proposed by the applicant can be implemented. Mr. Sposaro opined that the applicant is, therefore, proceeding at their own risk. The Board cannot compel the applicant to further explore the conditions of the original Pitney resolution but that Mr. Buzak's recommendation regarding the drainage plan be a condition included in the resolution should the application be approved. In this respect, the Township is protected. Mr. Perri further explained the role of the HOA in subdivisions along with the fees associated with the HOA with regards to residents living in these subdivisions not only in Mendham Township but in the State of New Jersey overall.

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

Mr. Tasio Konidaris of 6 Ballantine Road approached the microphone. Mr. Konidaris asked for an explanation of the term "daylight." Mr. Kastrud explained that drywells are underground

storage tanks that catch roof runoff and allow it to infiltrate into the ground. There are several ways to overflow this – one is tying it into a storm drain, one is tying overflow into a daylight (4” PVC pipe out into the lawn area) and the other is a grate on top of the drywell. Chairman Giordano stated that he was objecting to the applicant tying into the storm sewers with the overflow and that the applicant has revised this to where the overflow would tie into a “daylight.” Mr. Konidaris inquired about an area on Lot 1.08, and Mr. Kastrud clarified that this area is grass. He also stated that he empathizes with the resident on Lot 8 regarding his issue with the roadway and applauds the Board for considering the homeowner’s concerns and finding a reasonable solution.

Mr. Konidaris referred to the widening of the road from 24 feet to 28 feet and stated that Governor Estates has a roadway that is 24 feet wide with about ten homes in the subdivision. He questioned why this proposed subdivision with ten homes has a roadway of 24 feet but that the recommendation by the police for the proposed subdivision with five homes in Pitney is 28 feet. Mr. Johnson responded that he was not the Chief when the Governor Estates was approved (with the 24 feet) and that the lessons learned from Governor’s Estates was the impetus for recommending 28 feet. Chairman Giordano reminded Mr. Konidaris that the ordinance is 30 feet.

Mr. Jim Medenbach of 27 Ballantine Road approached the microphone. He wished further clarification of the number of stormwater drains on the existing development. Mr. Kastrud responded that there is one official inlet but that he does not know if there are any lawn drains in and around the barns etc. Mr. Medenbach inquired as to how many stormwater drains are proposed in the new cul-de-sac and the new roadway. Mr. Kastrud stated that there are six in total. Mr. Medenbach inquired as to what type of flow is going to be generated into the stormwater drains then ultimately into the Ballantine Road street. Mr. Kastrud responded that it is going to be less than it is today, which was his previous testimony according to the calculations. Mr. Medenbach went on to say that he has visited the one existing stormwater drain and found very little flow running into it versus what is connected on the street where there is much more flow. Mr. Kastrud confirmed that this is probably very true. A member of the public who was in the audience and who also lives in Mountainview stated that he experiences a lot of flow in his backyard and that the drainage plan will actually divert it. Mr. Medenbach stated that with five connected storm drains there will be a lot more flow and that the detention basin is in the deeds of the property owners. Also, the detention basin is a tax lot and owned by the Association who pay taxes on this lot. He went on to say that the applicant is asking for greater rights and that the detention basin is private property. Mr. Kastrud stated that he previously testified regarding this issue and went on to explain that the runoff that is generated by the proposed development is less than what occurs today. The applicant has the right to tie into an existing inlet that is in the Township right-of-way because of the mitigated flow. Mr. Kastrud clarified for Chairman Giordano that the Township storm sewers empty onto this one particular tax lot. Mr. Medenbach stated that he has not reviewed the original development plans but presumes that if the Board required a detention basin to be placed by the proposed development that the Township of Mendham would not be responsible for funding this but that this would be the developer’s responsibility. He would presume that this is the same that occurred thirty years ago when the original development was granted for the Pitney Farm development. He opined that it doesn’t seem equitable with this additional drainage. Chairman Giordano opined that this is outside the scope of this application and that the testimony was that the flow would actually be less pursuant to the applicant’s calculations.

Mr. Keenan explained that it would be a problem if the water from the applicant’s property did not go into the detention basin today. It would then be a different argument. There was some further discussion regarding the drainage from the undeveloped property to the detention basin,

and Mr. Keenan added that DEP requires that the calculations be performed in a certain way in order to capture all the different components involved with drainage. The applicant has provided this in accordance with the DEP requirements.

Mr. John Meister of 12 Ballantine Road approached the microphone. Mr. Meister inquired whether the water would be intercepted before it gets down to the existing drain right next to his property. Mr. Kastrud responded that he may actually see a decrease in actual surface flow coming down to that drain. He confirmed that it is the same amount of water but gets intercepted at the top of the development. In addition to this, Mr. Kastrud made the point that each home will have dry wells for the roof runoff, which will then be infiltrated into the ground. The soils are very conducive for infiltration in this area as testified earlier.

Mr. Rich Cotter of 9 Cooper Road approached the microphone. He stated that he has been the Treasurer for Mountainview's HOA for about five years and that he is on the Board. Mr. Cotter stated that the HOA maintains all the common areas and that the homeowners do pay yearly dues. Secondly, he raised the issue of sidewalks, which he favors for safety reasons. He opined that sidewalks add a feeling of community since people can walk safely on them even down to the shopping center.

Mr. Clay Romweber of 14 Ballantine Road (Lot 8) approached the microphone. He stated that he is assuming that the Board would want to understand the impact to the neighboring lots. Also, he was told that the roads in Governor Estates are actually more like 21 feet wide. Mr. Romberger went on to say that he would like to commend the developer and engineer for proactively communicating with him by coming to his house numerous times during this process to ensure that he was comfortable with the situation, and he stated that he was comfortable with the situation when the road was originally designed to be 24 feet wide. Even the new right-of-way of 50 feet would not impact his property. He stated that for the record there have been no plans submitted for a 28-foot wide road so it would be helpful for the public to see those plans before anything is finalized. The new plan indicates the 50-foot right-of-way but indicates the 24-foot wide road and that there is no change in terms of where that road is in relation to his property. Mr. Romweber further discussed the width of some of the other streets in other subdivisions in relation to the amount of traffic that occurs.

Mr. Romweber referred back to the revised roadway, which is currently closer to his Lot 8. He stated that the road is 28 feet from his property and that his driveway sits 12 feet from his property line. This, therefore, makes his driveway 40 feet from the road (about 13 yards). He questioned the necessity of a 28-foot wide road for just five homes on a cul-de-sac and the impact it could potentially have to his home and his home value with the road so close to his driveway. The plan indicates the current configuration for a 24-foot wide road. If the road were widened to a 28-foot wide road, the road would be 33 feet from his driveway, which would even be closer. Chairman Giordano asked what the footage or site line is from the closest part of his home to the road. Mr. Romweber responded that his house sits up whereby the basement is entered through the garage with steps in the basement to the first level. He cannot really comment on the site line situation; however, there is a little hill in the front of his house, which really does not impact the site line for vehicles. Mr. Romberger stated he would be curious as to what the actual need is for a 28-foot wide road given the lack of traffic coming onto that road. It was concluded that Mr. Romweber would be more satisfied if the road was shifted less toward his Lot 8 with a 28-foot wide road than what is indicated on the plan.

Mr. Donald Wood of 5 Ballantine Road approached the microphone. He addressed the 28-foot road versus the 24-foot wide road. He opined that a 24-foot wide road (given there are only five houses) seems more than adequate.

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

Chairman Giordano inquired as to any open issues that the experts may have with regards to the application. Mr. Keenan stated that most of his issues were vetted; however, the one issue he wished to address was with regards to the catch basins and the fact that they were on a 45-degree angle. This was discussed at the last meeting whereby he was planning to discuss this with the DPW supervisor, Mr. Read, which he did. It was determined that Mr. Read would prefer that the catch basins be straight with the curb line. Mr. Kastrud stated that this is not an issue and that this was what had been originally proposed by the applicant.

Ms. Venezia stated that she has no other issues from her perspective, and Mr. Szczepanski stated that Princeton Hydro did receive the two permeability tests; however, there was a lack of clarity as to where the tests were performed. He went on to say, however, that after reviewing the results there would not be much of an issue provided that the drywells were constructed below the naturally compacted layer of soil.

Mr. Maglione inquired about the existing septic systems and how they would be abandoned. It was clarified by the applicant that the tanks have already been abandoned. He also inquired about the drywells draining to "daylight" and whether there is much of an impact on what will eventually go into the storm sewer. Mr. Kastrud responded that there will be very little impact and that having the drywells go to "daylight" would afford the opportunity for infiltration and absorption into the lawns.

Mr. Sposaro stated that he is not clear as to where the bed of the new road is going to be located in relation to Lot 9. Chairman Giordano inquired, therefore, the applicant's final determination as to the placement of the center line and road at the bottom of the cul-de-sac. Mr. Cerminaro responded that while the road is not centered that the distance from Lot 8 could be increased from 21 feet to 24 feet. Mr. Kastrud confirmed that it will be moved by three feet; however, this is contrary to Mr. Keenan's recommendations who desired the road to be centered in the 6-foot right-of-way. Mr. Sposaro stated that this would need to be included in the resolution because the exhibit that was marked Exhibit 12 depicts the increased right-of-way to 50 feet; however, the comment from the public was correct in that the plan shows a 24-foot wide pavement and does not show the boundaries of where the pavement will be located. Mr. Sposaro stated that a new revised plan with the change indicated should be submitted along with a condition that if the Board is going to act favorably on the application, then the current plan be revised or supplemented to reflect the actual location of the 28-foot wide paved road consistent with representations of the engineer.

Mr. Keenan asked Mr. Kastrud for confirmation that based on the current revised plan submitted that the southerly curve line would remain with an adjustment to the northerly curb line of 4 feet. Once the road is transitioned from the 60-foot right-of-way it will then be centered in the 50-foot right-of-way. Mr. Kastrud confirmed this and described for the record the terms of the progression, which will take place gradually over a distance of 100 feet. Mr. Kastrud confirmed that the new road will be 90 degrees to Ballantine Road.

Chairman Giordano stated that there will be a condition, which includes a new plan to be submitted as part of the record for purposes of the exact location of the road. He went on to say that the applicant for Block 131.01, Lot 1.02 and Lot 1.03 is requesting preliminary and minor subdivision approval with the following caveats:

1. Seeking a design waiver for steep slopes from all three categories.

2. Requesting a variance for the width of the road from 30 feet to 28 feet.
3. Requesting an exception for the sidewalks to be removed.
4. The radius of the cul-de-sac will be as reflected on the plan.
5. The garage calculations will be excluded from the floor area and that the resolution will state that the garage space cannot be counted as livable area without further relief.
6. The drainage calculations have been provided, which indicates the ability to drain into the lot in Mountainview where a detention basin is located and whereby the HOA may appear before a judge and seek an order to show cause or as such. The Board has no control over this and relies on the testimony given by the applicant's experts.

Mr. Keenan stated that there were a few comments from his review letter dated October 15, 2019, whereby it was indicated by the applicant that they will be in compliance with his comments:

1. Item 6
The applicant agrees to the signage on Ballantine Road regarding the upcoming intersection. As a member of the public and the Board (who recused himself), Mr. D'Emidio strongly objected to this signage. Mr. Keenan stated that the issue was the non-compliant site distance and that the applicant would be unable to obtain an easement from the neighbor. He stated that there is limited site distance at that intersection and that a sign would be an option to address this while protecting the Township. Mr. Keenan stated that he does not expect people to be driving fast on Ballantine Road nor is it a heavily travelled road; however, considering it is not meeting the DOT standard raises a concern. Mr. Keenan confirmed for Mr. Sposaro that this recommendation is contained in his report.
2. Item 8 & 9
Addressed grading concerns and elevation corrections.
3. Item 10
Addressed landscape size – the applicant agreed to increase the caliper of the landscaping.
4. Item 15
Indicates there will be final review verifying the subdivision plat in accordance with the map filing laws.

Mr. Sposaro stated that Mr. Buzak's notes indicate that one of the conditions would be compliance with the report from French & Parrello bearing the date of October 15, 2019, except to the extent that the resolution specifically states otherwise.

Ms. Venezia had no further comments, and Mr. Szczepanski requested the locations of the permeability tests.

Chairman Giordano entertained a motion, which would include the items that were just put forth on the record, to direct Counsel to prepare a resolution to be reviewed at the upcoming meeting in February in affirmance of the preliminary and major subdivision approval with the variances and restrictions that have been described to date. A motion was made by Mr. Monaghan, and it was seconded by Ms. DeMeo. Upon roll call:

AYES: Mr. Baio, Mr. Monaghan, Ms. DeMeo, Mr. Johnson, Mr. Perri, Mr. Maglione, Chairman Giordano

Chairman Giordano stated that Counsel will prepare the resolution and that the next meeting is February 19, 2020 at which point the Board will address the resolution.

Mr. Cerminaro requested that the Board pass the resolution this evening subject to the items being provided, which were itemized above for the record. Otherwise, there are issues that will need to be addressed such as the Indiana bat deadline for removing trees. It would also require an additional appearance. Chairman Giordano explained that Mr. Buzak will send the resolution to Mr. Cerminaro in advance. If the resolution is agreed upon by both parties, then it will simply be a vote on the actual resolution at the February meeting. He went on to say that he tends to be very chagrined to approve resolutions that are not in front of them, especially with the number of items that need to be included in the resolution. Chairman Giordano clarified that the vote was to instruct Counsel to draft an affirmative resolution granting the requested relief on the variances subject to a formalized vote on February 19, 2020. It was confirmed that February 19, 2020 would not be a memorialization and that the final approval would extend to the March meeting. Mr. Sposaro clarified that the Board has not approved this application at this point. It has only directed him to prepare a favorable resolution.

Chairman entertained a motion to approve the application subject to Counsel's rendition of the memorialization being in all aspects and respects compliant with the items mentioned above. A motion was made by Mr. Perri, and it was seconded by Ms. DeMeo. This alleviates the need for the first roll call.

Mr. Cerminaro stated that by approving the resolution tonight that the next meeting would be a memorialization; however, it must conform to the terms of the resolution unless it will not be memorialized. The Board is protected since it is subject to the conditions.

AYES: Mr. Monaghan, Ms. DeMeo, Mr. Johnson, Mr. Perri, Mr. Maglione

NAYES: Mr. Baio, Chairman Giordano

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

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

Chairman Giordano entertained a motion to adjourn the meeting at 9:28 pm. A motion was made, and it was seconded. All agreed.

Respectively Submitted,

Beth Foley
Planning Board Secretary