

**MINUTES OF THE TOWNSHIP OF MENDHAM PLANNING BOARD
REGULAR MEETING HELD MARCH 20, 2019**

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

ROLL CALL

PRESENT: Mayor Warren Gisser, Mr. Monaghan, Mr. D'Emidio, Ms. DeMeo, Mr. Johnson, Mr. Perri, Mr. Mayer, Chairman Giordano

ABSENT: Mr. Maglione

Others present: Mr. Edward Buzak, Esq., Attorney, Mr. Denis Keenan, Engineer, Dr. Jack Szczepanski, Environmentalist, Ms. Nicole Venezia, Planner

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. Buzak administered the oath of office to Mr. Johnson.

DISCUSSION ITEM

Mendham Township Historic Park at Pitney Farm – Consistency Determination

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

Ms. Orban-Brown entered an appearance and stated that she lives at 100 Ironia Road, Mendham Township. She explained that a Task Force was appointed in 2018 by then Mayor Diegnan to study the preserved seven acres of the 12-acre tract of Pitney Farm. The seven acres was preserved with funding from Morris County and from Mendham Township, both from the Open Space Trust Funds of the respective parties. The tract was acquired in 2009 and is currently in the same state of condition as when it was acquired by the Township and while the Township was looking into various proposals and plans for the site. Ms. Orban-Brown stated that it is only the seven acres that is being addressed, which is in perpetuity preserved land. The Task Force met over several weeks and presented to the Mendham Township Committee on November 27, 2018 a plan to create the Mendham Township Historic Park at Pitney Farm. She went on to explain that the plan is to create a meandering trail around the perimeter of the 7-acre tract and to also re-landscape the property by creating a central lawn and a raised lawn. The green house, seed house and walled garden would remain and that the idea is to create a suitable, accessible park for the public, which would also be handicap accessible. The tract itself will be about one half mile long and that this particular tract is surrounded by intense residential neighborhoods. Ms. Orban-Brown referred to the documents that were submitted to the Board, which shows the developed portion of the property. She went on to say that there

will be a limited parking lot with about 6 or 8 spaces and that the entrance to the park will be located off of Cold Hill Road. Also, the entrance will be widened in order to provide a safer site line with the hope of putting in a sidewalk along Cold Hill Road.

Ms. Orban-Brown explained that the reason for naming it the Historic Park is because there is a great deal of history in connection with this piece of property. There is a rich history of the Pitney family and that the family was very involved in the development of the Mendhams over time. Along the meandering trail there will be approximately 8 -10 informational signs that will describe the history of the Mendhams as well as the history of the Pitney family. It was important to many of the residents that this historic thread not be lost or forgotten.

Mayor Gisser stated that the efforts of former Mayor Diana Orban-Brown have been extraordinary and that she has been working tirelessly on a grant application to the State of New Jersey for a 50% matching grant of which the Township Committee will be taking legislative actions in order to finalize the grant application. He went on to say that the resolution before the Planning Board is a requirement of this application. Ms. Orban-Brown added that there are three required documents for this Green Acres application and that the application being sought is for a stewardship grant. The three required documents are from the Highlands Council, Ruling of Consistency with the Morris County Master Plan, and the Mendham Township Planning Board's Ruling of Consistency. The first two documents have already been obtained. She also stated that she has obtained letters of endorsement from Historic Preservation, Environmental Commission, the Pitney Farm Estates Homeowner's Association and from several residents who attended the public hearing on March 11, 2019, who were all positively in favor of the project. Ms. Orban-Brown stated that there is a great deal of support for the park with almost no opposition.

Mr. Mayer inquired whether there will be any handicap accessible bathroom facilities on the site. Ms. Orban-Brown responded that bathrooms are not being anticipated at this point because it was felt that it will be a park whereby the public will not be a captive audience as opposed to sports fields, which is a different circumstance and would require porta-potties onsite. She opined, however, that if it becomes obvious that bathrooms would be needed, then a porta-potti would be installed and would be handicapped accessible. Ms. Orban-Brown also clarified that the trail will be wheelchair useable and that there is porous asphalt and porous concrete options. Both have the substance for longevity for this type of project. The porous asphalt is now being considered.

Ms. DeMeo questioned the limited amount of parking spaces since this is a park that is supposed to service all of the Mendhams. Ms. Orban Brown responded that the surrounding neighborhoods will most likely be the biggest users of the park. However, according to Green Acres requirements, the park must be available to everyone, which is the intention anyway. She again reiterated that it is not the type of place where residents would stay for a long period of time and that it is also close to Patriots Path, which is used quite a bit for bicycling. As a result, she made a suggestion that a bike rack be installed since people will be bicycling to the park. She referred to the diagram and said that there is a huge amount of space available, some of which is set in meadows. The grass is a much smaller percentage of this piece of property than the meadows. Ms. Orban-Brown went on to say that if there is a need to expand the parking lot that this can be done into the meadow area and up to the green house and beyond. Both the meadows and grass area will be mowed.

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

Chairman Giordano entertained a motion to approve the resolution confirming that Mendham Township Historic Park at Pitney Farm Concept Plan is consistent with the amended Mendham Township Master Plan and thereby endorsing the submission of a grant application to New Jersey Department of Environmental Protection Green Acres Program for a stewardship grant. Mayor Gisser made a motion, and it was seconded by Mr. Monaghan. Upon roll call:

AYES: Mayor Gisser, Mr. Monaghan, Ms. DeMeo, Mr. Johnson, Mr. Perri, Mr. Mayer, Chairman Giordano

Mr. D'Emidio returned to the Board at 7:46 pm.

APPLICATION – PB 18-03 - continued

Mendham Shores, LLC
9 Shores Road
Block 127, Lot 29
Preliminary and Final Major Subdivision

Mr. Tom Malman of the law firm Day Pitney located in Parsippany, New Jersey entered an appearance as Counsel on behalf of the applicant, Mendham Shores, LLC in connection with a Preliminary and Final Major Subdivision application for 9 Shores Road, Block 127, Lot 29 on the official tax map. He gave a background of the application from when it was heard on January 16, 2019 and stated that the application involves property in the R-1 zone with six building lots and one open space lot being proposed. Mr. Malman said that revised plans were resubmitted to the Board that addressed issues that were raised at the January 16th meeting along with updated reports from the Planning Board's professionals. Also, Board of Health approval was obtained for the septic and well, and Morris County Planning Board and Soil Conservation District approval were previously obtained. Mr. Malman recalled Mr. Hansen, engineer for the applicant, who testified at the January 16th meeting. Chairman Giordano reminded Mr. Hansen that he is still under oath.

Mr. Buzak swore in Ms. Nicole Venezia, the Planning Board Planner and stated that she is sworn in for the balance of the year for any testimony that she may provide on any applications that come before the Planning Board.

Mr. Hansen began his testimony by referring to Exhibit A-2, which was marked January 16, 2019 and reviewed what was proposed at the January 16th meeting. This is a 7-lot fully conforming subdivision – 6 lots each for a single family home and one lot as an open space lot in the middle. There is a loop road that services the six lots with each lot served by a private well and septic system. A bio retention basin was designed to service the stormwater for the property and that this is located in the upper left hand corner of the site. Each lot is at least one acre in size, including the open space lot.

Mr. Hansen marked a new exhibit as A-7 entitled Proposed Landscaping Exhibit with today's date of March 20, 2019. He stated that this is a colorized version of what was submitted to the Board in the revised plans of February 8, 2019. The revisions made were minor in nature in order to address the Board's and neighbors' concerns. There was additional testing conducted to comply with the Board professionals' comments. Mr. Hansen went on to say that the loop road was identified as a rural street in accordance with RSIS standard and that there was some discussion at the last meeting as to whether the street should be wider in order to meet the residential access requirements of the RSIS. The applicant has agreed to increase this by one

foot so there will now be a total of 28 feet from the curb to the edge of the off-street parking. He confirmed that the street itself is 21 feet curb to curb and paved.

Mr. Hansen discussed the type of curbing on the street. The plan was calling for full face curbing and some mountable curbing and that after the original discussion, the applicant has agreed to all mountable curbing. There were some final comments with regard to the angle of the curb and that this could be addressed as conditions of any approval. Mr. Hansen stated that the curbing would be on both sides of the loop road. He went on to say that the street trees were also previously discussed and that these trees were moved just outside the right-of-way so that they are clearly on the individual lots. He stated that the grass paver parking stalls still remain off of the cart way of the road and that any vehicle parking would have to drive over the mountable curb. Mr. Hansen stated that the species of the trees were changed from red oaks to red maples and that additional screening was added along the northern side of the property line. A total of 90 6-8-foot Norway spruce trees will be planted overall to help with the screening from the existing residents. He opined that he is confident that the project is now well screened.

Mr. Hansen went on to say that some small signs were added to the plans to delineate the off street parking, which are indicated on the plans. A fire truck turning template was added to the plans, and all the driveways would be designed at the time of Lot Development Permit. The future residents would have the capability to turn around in their driveway and head straight out onto the road instead of backing out into the road. Mr. Hansen discussed the repaving of Shores Road along the frontage and that the applicant has agreed to fully repave the road to a width of 16 feet with all the widening done on the applicant's side of the property so that there would be no disruption to the neighbors' properties on the other side of street. The paved area was also extended approximately 40 feet past the loop road as opposed to the 200 feet that was previously discussed. Mr. Hansen also discussed the curbing on Shores Road since several of the Board members questioned whether it was really necessary and whether the road could be reinforced a better way. He stated that a plan was devised whereby the stabilized base extends more than the final top course pavement. This detail was added to the plans.

Mr. Hansen stated that there was quite a bit of discussion regarding drainage along with the basin that was designed for the property at the previous meeting. He stated that the proposed basin outfall location has been relocated further to the east to direct the water directly into the pronounced ditch onsite as directed by the Board engineer. He opined that this should eliminate any concern of whether the water will drain into that channel and then into the offsite channel. Mr. Hansen clarified that the riprap is approximately 22 feet in width with a proposal for additional grouting for additional stability. He pointed out the emergency spillway on the Exhibit that discharges 50% greater than the 100-year storm, which was also relocated to the left as far as possible. Mr. Hansen also addressed the access drive to the basin, which was also previously raised and that this will be regraded to better accommodate maintenance vehicles. A new sheet was additionally added to the set that showed the minimum required separation distance between all proposed septic beds and the existing and proposed domestic potable wells.

Mr. Hansen went on to say that the stormwater management runoff was again reviewed since there were some comments from Mr. Keenan regarding offsite runoff. The calculations were reviewed, and it was concluded that no additional design of the stormwater management basin is necessary and that it is slightly overdesigned to capture the flow. He added that additional soil testing was conducted at the request of Mr. Szczepanski, the Board's environmentalist, who felt that the testing needed to be refined in order to prove that the application is in accordance with the BMP manual. There are now five affirmative tests and that this has met Mr. Szczepanski's concerns.

Mr. Hansen went on to discuss a minor change in the slope disturbance, which involves about 250 square feet of disturbance of regulated slopes (size of a parking stall). This minor change was the outcome of moving the outfall of the basin. He read the numbers into the record.

0-10% slope range – ordinance has no limit – now increased from 73% to 75%.

10 – 15% slope range – ordinance allows 25% but at 63% and now increased to 69%.

15- 25% slope range – ordinance allows 15% but at 69% and now increased to 74%.

Over 25% slope (largely man-made slopes) – ordinance allows 5% but at 58% and now increased to 73%. This is a total of 15% increase but only one percent increase with regards to the basin. Everything else is because of landscaping.

Mr. Hansen discussed the velocity rate of the 25-year storm leaving the basin at the request of the Board from the previous meeting. He stated that this velocity is 11.5 feet per second. He stated that this is stated in his report that he provided back for testimony.

Mr. Malman stated that there are three reports provided by the Board professionals. He referred to the Princeton Hydro environmental report dated March 15, 2019, and Mr. Hansen stated that the matters addressed in this report regarding swale sizing, which may be contingent upon individual home construction and the O&M manual revised to reflect those swale details at that time, could be considered as conditions of approval. Mr. Hansen had no objection to complying with this request and as a condition of approval.

Mr. Malman next referred to the H2M Planner's report dated February 13, 2019. Mr. Hansen stated that the applicant will comply with all items addressed in the report and referred to the one comment regarding on-street parking, which was recommended to be increased by one foot. He stated that the applicant will comply with this as a condition of approval. Mr. Hansen also addressed the comment regarding the location of the guest parking signs, which was previously discussed. He had no objection to complying with the suggestions cited in the report. He clarified that the proposal is to have six signs, which he indicated on the exhibit and that they are relatively small signs and within the interior of the loop road. Chairman Giordano inquired about the concept of signage regarding the restriction on street parking and that these should be compliant with the New Jersey State statutes. Mr. Hansen responded that it was discussed to perhaps put a tasteful sign at the entrance of the development but that this can be discussed further with the professionals. Mr. D'Emidio opined that the "No Parking" signs on the street are excessive since there are only six houses in the development and that the parking should be restricted to parking on only one side, which he opined should be the west side (house side). Mr. Johnson added that there is no parking restriction in any of the neighborhoods in the Township and that one of the concerns is the emergency vehicle access with parking on the street. He opined that it is an awkward configuration to park across the street on the grass area and that parking signs can be installed in this area if parking on the street becomes an issue; however, he opined that this development has only six homes and that he does not foresee this as becoming an issue. It was clarified that the off street parking is parallel and not nose in. Mr. Hansen stated that the purpose of installing the signs is to indicate that there is parking on the grass area at the designated location. This would encourage visitors to park there as an option. Mr. Mayer opined that this was an awkward configuration and suggested that vehicles can park on the house side of the street and eliminate the parking stalls on the grass area across the street. Chairman Giordano added that perhaps the street could be just a one-way street, instead of a planned two-way street, and he opined that the parking in the center grass area is a combination of a waste of open space and that these parking stalls will never be used or misused. Mr. Hansen opined that it is not a good idea to make the street a one-way street, but Mr. Baum, the applicant, stated that he has no objection to a one-way street should the Board

be so inclined. Mr. Malman stated that he would seek the DPW's advice on the type of curbing they would prefer and that the applicant would accept this condition. Mayor Gisser opined that mountable curbing at the turn in points to the loop would be suitable for emergency vehicle purposes with vertical curbing through the rest of the loop. This would also address the water issue and making it easier to plow. Also, with no parking on the interior grass area, the mountable curb in this area would not be necessary. Chairman Giordano asked Mr. Keenan if a 21-foot wide street on a one-way street is in accordance with RSIS, and Mr. Keenan expressed his concern as to whether the street is suitable for emergency vehicles if the parking on the grass area is removed and parking allowed only on one side of the street. He would need to refer to RSIS to confirm that this would be compliant, if the Board wishes to comply. Mr. Malman interjected that Mr. Baum who testified at the last meeting is still under oath. Mr. Hansen stated that if the road was configured as a one-way street, then the road would be 21 feet wide curb to curb, which would allow for a 7-foot parking isle and 14 feet for the passage of emergency vehicles. Mr. Mayer opined that the interior grass area should be restricted to a no parking area at all with signage indicating as such. Mr. Hansen confirmed that a 21-foot wide street for a one-way street with parking on one side is quite sufficient and to increase this width would be unnecessary. Mr. Malman confirmed that the plan would now be revised to show a one-way street with the elimination of the parking stalls on the grass area and that the applicant will work with the engineer on the signage for the one-way street.

Mr. Malman referred to the French & Parrello revised engineering report dated March 15, 2019. Mr. Hansen referred to page 2 and addressed the follow-up comments from the French & Parrello review letter dated January 9, 2019.

1. Mr. Hansen stated that the additional 90 trees being added at the locations discussed earlier are appropriate for screening. There will be a two-year maintenance guarantee with regards to these and that they can grow as high as 20 feet or more. The homeowners will own the trees on the lots.
2. The proposed lots are further than 1,000 feet from a fire hydrant; therefore, relief from the Township ordinance is required. The applicant has a letter from the Fire Chief indicating that they reviewed the application and find the relief acceptable.
3. The applicant proposes improving Shores Road to 16 feet in width with full depth pavement to a point 40 feet north of the driveway. The improvement does not run to the northern property line as the Chairman noted as well.
4. The application was reviewed to include mountable curb within the site, which was discussed in length earlier.
5. The fire truck turning template has been provided and the revised one-way street will not change any of this. The vehicle dimensions will be shown on the plan, and the applicant will confirm that the dimensions are consistent with the Township vehicles.
6. The subdivision plan, if approved, will be in conformance with the map filing law.
7. The roadway station of Shores Road on sheet 9 will be made visible.
8. The detail for the full height curb will be added once obtained from DPW.

Mr. Hansen clarified that a riprap apron is being provided at the outlet in accordance with the soil erosion standards and is designed to slow the water down. The revised plans will be resubmitted to soil conservation for their approval since they have only thus far approved the initial design of the basin. When the water exits the basin, the riprap begins and goes for 35 feet. The riprap is 12 inches in diameter and set in a bed of concrete to secure the riprap from being washed away. The riprap is 22 feet in width. Mr. Hansen further explained that once the water runs along the ground for a certain amount of time, which is usually 150-200 feet, it is no longer sheet flow. It becomes shallow concentrated flow and then essentially open channel flow. This type of flow exists now and that this will continue to exist while reducing the rates of the runoff as required and exit into the same channel, same location, and same water course. The basin holds the volume and lets it out slowly through the outlet structure. Mr. Hansen clarified that the discharge is exiting onto the applicant's block and lot and then exits the applicant's property onto Lot 30.04, which is a lot with a Reservoir Ridge address. Mr. Keenan clarified that the perpetual maintenance of the basin is the responsibility of the Homeowner's Association with all the inspections and maintenance submitted to the Township engineer on a quarterly basis. Mr. Hansen stated that the basin was designed so as to not only accommodate the homes, which will be approximately 2,000 square feet in footprint and a 12-foot wide driveway with turnaround, but would accommodate for additional outdoor living area. He stated that the basin will not be undersized and that it complies with the ordinance in terms of the limits. Mr. Hansen confirmed that there will be no dry wells on the homes.

Mr. Mayer inquired about the access road location to the basin. Mr. Hansen responded that it is basically on the common property line between Lot 29.04 and Lot 29.05. Mr. Malman stated that there will be an easement that benefits the Association for access to the basin for maintenance. Mr. Mayer also inquired about bigger storms (beyond the 25-year storm) that could discharge onto the neighbor's property downstream and whether it is the responsibility of the Homeowner's Association or the neighbor who is downstream if the riprap and chute fall apart in these bigger storms. Mr. Hansen responded that from a practical point of view the Homeowner's Association would take responsibility; however, he reiterated that the stormwater basin exceeds the requirements for stability since it is designed in accordance with the 25-year storm along with the added grouting of the riprap. He opined that there is very little chance that there will be a problem of the system falling apart. He confirmed for Mr. Johnson that this will be approved through soil conservation and that any issues raised by them would be addressed and measures taken.

Chairman Giordano inquired about the vertical Belgium block curbing and whether this will necessitate stormwater maintenance on the street. Mr. Hansen responded that there will be no change with regards to the inlets, which will be the typical municipal-type of drainage inlets. Mr. D'Emidio inquired as to whether the riprap can be extended to the AT&T easement where the water drains pretty readily. Mr. Hansen responded that this could be extended if this is a concern of the Board; however, he opined that it really is not necessary. He stated that the flow of water is not being changed and that the way the water exits the property currently is exactly where it will exit the property in the future but in a more controlled manner. Mr. D'Emidio opined that perhaps the riprap should be extended over toward the AT&T easement, if this is an issue for the homeowner on Lot 30.04. Mr. Baum explained that the topography lines are not apparent on the exhibit and that when viewed in relation with these topography lines, it can be seen that the water can go no other way but to follow the topo on the property.

Mr. Buzak raised the issue of the curbing, and Mr. Hansen clarified for him that the curbing will be full faced curbing unless the DPW wants a different angle. This will be DPW's decision. There will be full faced curbing only on the internal road and that the curbing onto Shores Road is mountable at the request of the Fire Department.

Mr. Buzak went on to say that he received a copy of an email from one of the Board members, Mr. Maglione, who is not in attendance at the meeting. Mr. Maglione raised some questions that he thought were relevant and asked if the applicant would be prepared to listen to Mr. Maglione's questions, which were included in the email and respond to these questions. Mr. Malman agreed to this. Mr. Maglione's first comment was read by Mr. Buzak.

- "I believe that the applicants engineer stated that 5,000 square feet of impervious coverage was allocated to each dwelling. There must be a mechanism which will maintain a record of how much of the 5,000 square feet each dwelling consumed. This record must be preserved after the completion of the final home. It is reasonable to foresee homeowners wanting to add impervious coverage once the developer has moved on. We must ensure that the detention basin is not compromised by this possible future expansion of impervious coverage."

Mr. Buzak stated that the question becomes whether there is a mechanism to ensure that the assumptions that were made with regard to impervious coverage for each lot will not be exceeded if the detention basin and drainage plan was based upon, amongst other things, that limitation. Mr. Hansen responded that each lot will be subject to a Lot Development Plan that would be reviewed and approved by the Township Engineer. The Lot Development Plan will itemize all of the coverage proposed, including the amount of coverage, square footage and the percentage. This could be compared to not only the zoning requirements but to the 5,000 square foot limitation. Mr. Buzak inquired as to what would be the mechanism to prevent any impervious coverage being created post sale by the new homeowner beyond the 5,000-square foot limitation. He further inquired if a deed restriction would be appropriate to indicate that the impervious coverage does not exceed this limitation. Mr. Malman responded that there may be 4,000 square feet on one lot and 6,000 square feet on another lot because the house sizes may vary. This may be more of an aggregate of impervious coverage rather than individual lots. Mr. Buzak went on to ask if the Homeowner's Association will have any control or approval power with regards to individual improvements on the lots. Mr. Malman stated that this is not contemplated and that the Homeowner's Association role is to maintain the Open Space and the basin. Mr. Malman said that he understands the issue and would like to consider it further and that perhaps this could be more of a condition of approval of how this would be documented. There are things that can be done to enhance the protection of the limitation. Mr. Buzak stated that this is more of a matter of how any added impervious coverage would be monitored, and Mr. Baum added that a homeowner adding any substantial impervious coverage would have to apply for a building permit to allow for the work to be done. Mr. Buzak inquired as to the actual logistics from the Township's end and how the Township would monitor this as part of the building permit. He acknowledged Mr. Malman's point regarding the 5,000 square feet of impervious coverage on each dwelling as being more of an aggregate design and that this can become complicated. Mr. Malman stated that there must be some check to ensure that the basin is always appropriately sized to handle what is happening on the site. Mr. Buzak agreed with this and that perhaps the Homeowner's Association should have the obligation to monitor this since it is their collective best interest that the basin is appropriately sized for the amount of impervious coverage being created. Mr. Malman agreed that this should be considered the responsibility of the HOA also, and Mr. Keenan added that there should be something written into the plan that defines the 5,000 square feet since it would be a point of reference when a homeowner returns at some point in the future for a Lot Grading Permit. Mr. Keenan also opined that he prefers that each homeowner have their own aggregate, which is fair to each homeowner. Mr. Buzak inquired as to whether the 5,000 square feet is a reasonable maximum coverage limit per lot, and Mr. Hansen responded that this is appropriate and that the stormwater system was designed for 5,000 square feet of coverage on each lot.

Mr. Buzak opined that perhaps along with the 5,000 square feet of impervious coverage that the HOA would have to ensure that the detention basin could handle anyone wishing to go beyond this limit. Mr. Malman agreed that there could be more dry wells installed on the individual lots but agreed that there should be some mechanism in place to ensure that the system will function properly. Mr. Mayer inquired as to whether a swimming pool is considered impervious coverage, and Mr. Hansen stated that it is considered impervious because it is a developed piece of infrastructure but that in reality there is no runoff from it. Mr. Monaghan remarked that there is approximately 47,000 square feet of impervious coverage being added to the property and inquired as to what amount of impervious coverage was the basin designed to handle. Mr. Hansen responded that it was designed to handle the exact roadway width plus 5,000 square feet for each lot. Mr. D'Emidio added that installing dry wells would allow for more flexibility regarding impervious coverage on each lot, which would eliminate 2,000 square feet. He went on to say that it would be easier to install the dry wells now than in the future. Mr. Malman responded that they are really not needed now and that this is a significant expense. Mr. Buzak agreed with Mr. Malman regarding the 5,000 square feet of impervious coverage limit and the need for the homeowner to address any coverage beyond this limit as it occurs. Mr. Buzak will craft the language encompassing this in the resolution.

Mr. Buzak went on to read Mr. Maglione's second question, which is as follows:

- "The applicant's engineer stated that 1.5" rain events will be retained by the basin. Will this retention compensate for the vegetation that is being removed to create the basin? If so, this may assuage some of the Reservoir Ridge homeowner concerns."

Mr. Hansen responded opined that a direct comparison cannot be drawn between the vegetation being removed and the creation of the basin but that it is a 1.25" two-hour storm event – a water quality storm. He explained that the outlet of the basin is raised off the floor at small amounts so that there is some dead storage present. So there is the initial flush of water that will sit in the basin and then permeate through the sandy soil into the ground below. Mr. Hansen clarified that this system accommodates a 100-year storm, which is approximately almost 9 inches of rain in a 24-hour period.

Mr. Buzak read Mr. Maglione's last question, which is as follows:

- "The applicant's engineer and the Township's consultants should provide more testimony concerning the runoff and outfall designs. Did our consultants review and agree with all of the applicant's engineer's calculations and assumptions used to generate the calculations, is the rip rap outfall designed so no scouring or erosion of the existing downstream channel occurs, what happens in a catastrophic event when the emergency spillway is required?"

Mr. Keenan confirmed that the consultants did review and agree with the applicant's engineer's calculations and assumptions used to generate the calculations. Also, Mr. Hansen stated there will be 35 feet of grouted riprap and that if the Board wishes to extend this further, he would consult with the applicant to see if he would agree to this. He opined that it is not necessary since the flows are being reduced with the water flowing into the channel but stated that another 20 feet could be extended. Mr. Malman pointed out that Soil Conservation approved the prior design before it was shifted and was satisfied with what was proposed. Mr. Keenan agreed that this is not necessary. The riprap aprons are designed to dissipate from that specific pipe with a specific flow and properly dissipate the water. The soil erosion control standards are pretty conservative in this regard. He opined that the armoring being proposed is a step above and

that extending the riprap further does not necessarily add any benefit. Mr. Keenan went on to say that moving the head wall location is a great improvement since the drainage will now go to a defined channel.

Chairman Giordano inquired as to whether the residents on Reservoir Ridge will see a negative change going forward with respect to water from the proposed development. Mr. Keenan responded that there are two issues from a water standpoint. The one issue is surface water. On Lot 30.04 there is a dropout and a defined channel that is very overgrown and much lower than the house and the backyard. This is where the water would be discharged into an existing channel today, which is beside the existing home. He opined that he does not see this surface water as being an issue. The other issue is ground water, which is a totally separate issue. There are currently severe ground water issues with the homes in Reservoir Ridge and that this has been an ongoing long term problem. Mr. Keenan went on to say that the concern raised is the fact that there is now a detention basin, which the applicant needs to add and which will provide ground water recharge at the location behind Lot 30.04. The question remains whether this will impact the ground water table to Lot 30.04 and that this cannot be definitively determined. He opined that it would be difficult to see it creating a significant impact since there is already a water problem on this lot with regards to the water table and with water in the basement. Mr. Keenan opined that ground water, therefore, is really the bigger issue than surface water with this application. Mr. Keenan went on to say that the applicant has provided the calculations for the state standards justifying that there is a certain amount of ground water recharge occurring today and that this needs to be matched on an annual basis. As a result, it is reasonable to say that there is no change with the only difference being that it was occurring across the site but that it would now occur in the corner. The idea is to put as much water as possible back into the ground and that this stormwater system is certainly providing this. Also, it will minimize the amount of surface runoff that is occurring. The goal, of course, is that the neighbors are not impacted negatively. Mr. Szczepanski stated that he does not see the advantage to extending the apron, especially at the expense of removing trees and canopy. Mr. Buzak confirmed that the Board is comfortable with no further extension of the apron.

Mr. Hansen went on to answer the last part of Mr. Maglione's question with regards to what would happen in a catastrophic event when the emergency spillway is required. He stated that in this event all the flow would go in the same direction and that this would have to be 50% greater than the 100-year storm. The basin is sized for this and that it is stable with the flow going in the same direction as it is now. He referred to the exhibit and described this further.

Mr. D'Emidio inquired if the dam side of the retention basin is armored to prevent it from cracking. Mr. Hansen responded that this would not occur since it is built with a clay core on the downhill side and is built in accordance with the BMP Manual standards.

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

Mr. Eric Mauriello of 6 Woodlawn Terrace approached the microphone. He stated that his house is on Lot 28, which is the southern lot along the southern side of the property and inquired as to when the two-year guarantee will begin on the 90 new trees being planted. Mr. Hansen responded that it will begin when they are installed and that if the trees don't survive within two years, they will be replaced. He also stated that the new homeowners would not be allowed to remove any of these trees since this is a condition of this approval and consistent with the plans submitted, which would require screening at the various locations. This would be the protection. Mr. Mauriello inquired about what percentage of the discharge would overflow

onto Lot 28. Mr. Hansen responded that zero percent would discharge onto Lot 28 and that the channel extends onto Lot 30.04.

Mr. William Kloehn of 3 Reservoir Ridge Road approached the microphone and stated that he is the owner of Lot 30.04. He inquired about Mr. Hansen's testimony regarding various trees being planted on the property. Mr. Hansen clarified that the trees were designed to provide screening to the adjoining property owners of the new development and not for water retention. Mr. Kloehn asked if the applicant can provide additional trees for more buffer for the Reservoir Ridge property owners as is being provided in another location for the Shores Road property owners. Mr. Hansen stated that conceptually this would not be a problem but that the applicant would have to agree to this. Mr. Kloehn brought up Mr. Hansen's testimony that there would be no change in the direction of the water discharge off the property and that it would still flow to Lot 30.04. Mr. Hansen confirmed this. Mr. Kloehn also asked if the reduction in the vegetation has been changed since his last testimony, and Mr. Hansen responded that the overall proposed vegetation has increased for the project, and he showed where the additional trees are being planted on the exhibit. He clarified for Mr. Kloehn that none of the trees are designed to affect the water discharge. Mr. Kloehn asked if the basin can be seen from 3 Reservoir Ridge Road, and Mr. Hansen responded that if one was standing close to the property in the right location in winter time that the basin could be seen. He said that there would not be a problem putting in more trees to hide the basin but that it would not be recommended to take trees down to put trees in. There was further discussion regarding the vegetation around the basin.

Mr. Hansen stated for Mr. Kloehn that the applicant has not contemplated any changes to the Stormwater Management Manual since his last testimony. Mr. Kloehn also asked about how much impervious coverage is being created that does not exist today in the proposed development. Mr. Hansen responded that he does not have a number for the difference between the proposed impervious coverage and the existing impervious coverage but that the basin is designed to meet the code for the amount of coverage for the proposed road plus 5,000 square feet on each of the six proposed lots. Mr. Kloehn asked if the stormwater impact from 9 Shores Road to Lot 30.04 will be no worse after the project is complete than what it is today. Mr. Hansen clarified for Mr. Kloehn that when a property is developed with impervious coverage additional runoff is created and must be managed as required by the state. The basin is designed to manage the runoff in accordance with code in order to produce the result that there is no issue with the downstream properties. This basin is being located in the most appropriate area, in his professional opinion, to manage the stormwater from the project and will concentrate the water in the basin, which it is designed to do. Mr. Kloehn continued to inquire about the stormwater runoff, and Mr. Hansen explained that the basin is designed to reduce the amount of rate so that at the analysis point, which is the property line with the swale on Lot 30.04, the rate is reduced. He further described the mechanism that reduces the rate and discussed the stormwater basin with regards to a huge 100-year storm and a storm bigger than the 100-year storm, which is not regulated. Mr. Kloehn inquired about the outflow discharge, which Mr. Hansen explained will remain unchanged on Lot 30.04 but will be less of a rate. Mr. Kloehn then asked about moving the outflow discharge closer to the AT&T easement so that it would not impact Lot 30.04 as much. Mr. Hansen stated that a pipe cannot be put in the easement because it is under the jurisdiction of AT&T and that the intent is not to change the direction of the water but to keep the water running in the same direction it is now but just reduce the flow. This is what the regulations are designed to do. Even if AT&T would allow this, it would not be designed this way.

Mr. William Gillingham of 1 Woodlawn Terrace approached the microphone. He is also part of the Woodlawn Homeowners Association. He said that his property is further downhill from this

development. He raised his concerns regarding the water discharge and its effects on his neighborhood. Mr. Hansen stated that any current water issues in that area will not worsen as a result of the proposed development because the rate of runoff is being reduced. Mr. Hansen explained that the basin is designed to meet the 100-year storm and that the recent storm was not a 100-year storm, and therefore, it can be concluded that this type of storm would not be an issue when the basin is installed.

Ms. Heidi Blair-Herms of 5 Reservoir Ridge Road approached the microphone. Ms. Blair-Herms discussed the vegetation at the border of her property line and the proposed development and raised her concerns about insufficient screening. She stated that she would like to see more trees planted on a raised berm at that location on the applicant's property. Mr. Malman stated that the applicant will consider this proposal after some further research on the matter but that it could possibly be accommodated. Mr. Malman went on to say that perhaps with the guidance of Mr. Keenan that as a condition a plan will be devised for preview and approval. This would entail where the berm would be located etc. He stated that if the Board directs the applicant to do this that it will be done; however, the exact detail would need to be worked out in the field. The condition could include hypothetically the fact that if the terms cannot be met, then the applicant must return to the Board for resolution before the Board. Mr. Baum stated that the berm will be created first when dirt is being moved around on the property but that the installation of trees would be a little later in order not to damage any new plantings through the construction phase. Mr. Hansen stated that a typical height for a berm is four feet.

Mr. John Luttrell of 4 Woodlawn Terrace approached the microphone. He stated that he is a fairly new resident to Mendham Township and that there is a lot of water discharge onto his property. He said that it was stated earlier that the spruce trees planted would mature to 20 feet and that he does have some on his property that are 40 feet and that they can reach up to 100 feet. He wished to comment on the water that he has seen come through his property in the three months that he has lived here and that he is concerned about the impact that the drainage will have on his property and further downstream.

Mr. William Gillingham of 1 Woodlawn Terrace approached the microphone. He inquired about the discharge rate, and Mr. Hansen stated that the discharge rate depends on the type of event. The stormwater report is required to quantify the existing rates for the 2, 10, and 100-year storm. The existing 2-year storm rate is 2.97 cfs and that it is a requirement to lower this to 1.48 cfs with a proposal of 1.44 cfs. Under the 10-year storm the existing rate is 11.11 cfs and that it is a requirement to lower this to 75 % with a target of 8.33 cfs. The proposal for this 10-year storm is 4.98 cfs. Under the 100-year storm, the existing rate is 32.02 cfs and that it is a requirement to lower this to 80% with a target of 25.62 cfs. The proposal for the 100-year storm is 20.67 cfs. Mr. Gillianham inquired as to what would happen if the storms outstrip the engineering parameters with further deterioration downstream as a result. Mr. Keenan responded that if there is something more significant than the 100-year storm that the deterioration would occur anyway and could not be necessarily blamed on the development. Mr. Gillianham opined that the basin relies on the HOA's effectiveness on maintaining it and that if the system fails what the redress would be for the neighbors downstream. Mr. Keenan stated that if the HOA is not properly maintaining the basin, then the Township can become involved in order to ensure that the HOA does maintain the basin as it should be maintained. Mr. Monaghan stated that the reports can also be reviewed that are filed by their Homeowner's Association with the building department.

Mr. William Kloehn of 3 Reservoir Ridge Road approached the microphone. Mr. Kloehn stated that trees are very important with regards to water discharge and sited various pieces of information from different organizations. He stated that Mendham Shores, LLC is planning to

build six homes thereby creating impervious surfaces and cutting down 2 ½ acres of trees with minimal replacement that will affect the rainwater runoff or the screening as was admitted in the January 16th Planning Board meeting testimony. In a presentation by the developer to the Township Committee on July 9, 2018, Mr. Kloehn stated that on the record it showed that 2 ½ acres of trees would not be removed and that the Township engineer is accurate in admitting that there will be more rain water after the development as opposed to before the development. He went on to say that the developer in a presentation to the Township Committee on July 9th is on record in saying that the Stormwater Management system would be underground in the public space and not a retention basin. The developer and his engineer provided false testimony to the Planning Board in January, 2019 when it was indicated that they did not consider any other Stormwater Management plans and did not consider dry wells. He went on to say that it sets a dangerous precedent when a developer obtains a rezoning through ordinance by presenting one plan to the Township Committee and then coming to the Planning Board for approval with a completely different plan that violates the representation provided to the Township Committee. He stated that the action to present one plan to the Township Committee and a separate contradictory plan to the Planning Board will also cost Mendham Township more money in the long run. Mr. Kleohn presented his next series of Exhibits A – K, which he read into the record with the help of Mr. Perri, a current Planning Board member, who is also an attorney. The sections in these exhibits that he referred to are highlighted in yellow, and these exhibits will become part of the record and the minutes for reference purposes. Exhibit D entailed some further discussion regarding the seepage pits in Reservoir Ridge Subdivision.

Mr. Kloehn stated that when Reservoir Ridge Subdivision was developed, he opined that the developer did not understand the nature of underground streams associated with this area or the property above it – 9 Shores Road, which drained its stormwater through the surface and the ground water of Reservoir Ridge Road. There was nothing installed in the basements of the homes and that following the construction and sale of 3 Reservoir Ridge Road, the new owner immediately experienced flooding issues from the stormwater drainage, principally from 9 Shores Road, which created routinely 6 -8 inches of water flooding in the basement. To correct this issue, the original owners at the time created an elaborate drainage system on the property, including two underground trenches in the back of the house. There was the installation of four sump pumps for drainage from the house into the seepage pits. He went on to say that there will now be 2 ½ acres removed on 9 Shores Road and opined that there will be undoubtedly more stormwater even if it is at a slower rate and that it will end up in the seepage pits. Also, a sophisticated French drain system lines the entire perimeter of his basement. Mr. Kloehn also opined that the increased rain water from 9 Shores Road will place additional stress on the seepage pits that exist on Reservoir Ridge Road. These seepage pits only have a certain life span and have already been in use for over 20 years. He opined that the Township should consider the impact on these seepage pits.

Mr. Kloehn continued to say that the developer purchased 9 Shores Road and applied to Mendham Township for rezoning from R-3 to R-1. He went on to say that the developer stated that the 2 ½ acres of trees would remain, the development would not be close to the neighboring properties and that the stormwater management would be underground in the open space. He wished to refer to a video, which illustrates exactly what the developer presented at the Township Committee meeting in order to obtain the rezoning. Mr. Buzak asked Mr. Kloehn to identify the video, and Mr. Kloehn stated that the video was taken at the Mendham Township Committee meeting on July 9, 2018 and that he was present during the presentation. He confirmed that the video reflects what he actually witnessed when he was at the meeting. He obtained the video online but does not have the source; however, he can obtain the source. Mr. Gisser clarified that all the Township Committee meetings are video recorded. Mr. Malman

questioned whether the video is authenticated and its relevance to the application. Mr. Malman added that the Township Committee and Planning Board considered this property and that both bodies decided to rezone the property to one acre. When the applicant presented before the Township Committee this was a conceptual plan to show what could happen on the property. What was presented at the time to the Township Committee certainly could have changed over time given all the work and money invested to design the project that was not done at the time of the presentation. Eventually, the Township Committee and Planning Board agreed to rezone the property, which is why the developer is before the Board.

Mr. Keenan opined that an underground retention basin is an available alternative; however, in a development like this, it is not really feasible and explained this further. He said the maintenance is much more significant since it is entirely underground. Mr. Keenan confirmed for Mr. Buzak that the stormwater management system before the Board currently is a system that is consistent with the stormwater regulations that apply to this type of development though there may be other stormwater systems available. In terms of the choices that are made in order to develop a stormwater management system, Mr. Keenan explained that the applicant, as part of the process, makes a proposal, which is then reviewed by the Board professionals. Mr. Keenan stated for the record that this stormwater management system, as proposed and based on the questions that have been answered by Mr. Hansen, meets the criteria that it is required to meet the stormwater management regulations.

Mr. Buzak went on to explain that if the developer came before the Township Committee with a conceptual plan with regards to the manner by which the property will be developed, which is otherwise regulated through DEP and Township regulations that this is not binding on the developer in terms of the request that was made. The request made was the rezoning of the property to a smaller lot size than what was there before. The manner, in which the development will take place if the rezoning is effected, is something that is within the purview of the Board and the professionals of the Board based upon the rezoning. If the applicant proposes a stormwater management system that does not meet the criteria, the Planning Board is then constrained to deny the application. Mr. Buzak went on to say that if the property has been rezoned in one way or another that this does not mean it can be developed as proposed, if the criteria is not met for stormwater management. It may need to be developed with certain modifications in order to meet the criteria. He stated that he is unclear as to Mr. Kloehn's intent with his objections. Mr. Kloehn stated that the developer never communicated his plans for a basin to the neighbors on Reservoir Ridge and that this is why he would like the Board to see the video. There was some further discussion regarding what the developer presented conceptually to the Township Committee in anticipation of what he would propose versus what he is actually presenting at the Planning Board meeting. Mr. Buzak stated that the Planning Board only has jurisdiction over the proposed plan that is presented to them by the applicant and professionals involved. It was determined that an above ground or below ground retention basin would functionally perform in the same way, and Mr. Keenan also clarified that the seepage pits on Reservoir Ridge are in a maintenance easement, which implies that the seepage pits are the responsibility of the Township. The Board allowed Mr. Kloehn to play the video.

Mr. Kloehn continued to say that the removal of the trees will affect his property and that there should be additional screening, if ultimately a basin is approved. He referred to Exhibit I and asked whether the developer has looked at a new bill that was passed by the Assembly Appropriation Committee of New Jersey regarding stormwater management. Mr. Buzak stated that for the record Exhibit I encompasses a statement to the Bill – it is not the Bill or the legislation itself. He stated that many times there is a statement, which can be inconsistent with what the Bill says since the Bill can be amended many times with a statement never being re-

issued. Mr. Buzak stated that he is not familiar with this bill. Mr. Malman was familiar with the bill and explained its essence to the Board. However, Mr. Malman stated that this Bill does not change the stormwater management regulations or the manual plan that must be submitted as part of it. It also does not affect the design, and he opined that it is totally irrelevant to what is being presented to the Planning Board. The Board discussed this further and concluded that the bill is not relevant to the application at hand. Mr. Kloehn also referred to Exhibit J and read a portion of the Environmental Commission's findings. Chairman Giordano stated that this document was received by the Board and therefore part of the record. Mr. Kloehn summarized that he is concerned about the location of the stormwater basin and the lack of screening.

Chairman Giordano inquired about the removal of the trees along with the addition of new trees. Mr. Hansen stated that 90 Norway spruce trees will be planted, which will be increased considering the earlier discussion regarding the addition of trees along the rear property line. This does not include any landscaping net on the individual lots. Mr. Hansen stated that there is a substantial amount of landscaping on this project and that this will offset considerably the reduction of the 2 ½ acres of trees.

Chairman Giordano inquired whether Mr. Hansen examined the concept of using the open space area for a retention basin. Mr. Hansen responded that all the alternatives are examined in any project and what the best alternative would be after considering the uniqueness of the topo on the property, the development, along with the most efficient way to manage stormwater. The basin was placed in its proposed location because it is downhill of the land disturbance and any impervious coverage. He confirmed that the water would still flow to the same place it is now even if the basin were located in the open space area. There would still be a need for some stormwater management feature in the current corner where it is proposed to be located since it is still downhill of the significant disturbance due to the development.

Chairman Giordano stated that additional trees on a berm were discussed along the back line and referred to Exhibit A7, which shows the trees that are proposed to be planted along that back line. Mr. Hansen stated that these trees are a continuation of the wooded area behind Lot 30.04. Chairman Giordano asked if there was any thought to adding any additional screening at this location. Mr. Hansen explained that any time there is wooded area there are root systems that extend farther than the canopy of the trees and that additional plantings in this area could potentially damage the roots of the existing trees in order to plant the new trees. It is best to minimize plantings in a wooded area such as this. Mr. Hansen also stated that the trees proposed along the front of the basin will also provide added screening at a higher elevation for the properties downslope from the properties upslope. Chairman Giordano inquired about any increase in elevation at the far right side of the basin. Mr. Hansen confirmed that there is about a 3 - 4-foot elevation difference, which should provide a break in the site line of the basin for the properties downslope so that only the berm would be seen and not the interior of the basin.

Mr. William Gilliamham of 1 Woodlawn Terrace approached the microphone. He inquired about the outflow end of the channel and whether the volume would be changed or unchanged. Mr. Hansen responded that the runoff volume on existing conditions is less than the volume under proposed conditions. The channel will see more water in a year for a similar rainfall than it does currently. Mr. Keenan stated that the numbers relating to the volume is included in the stormwater report as to each individual storm. Mr. Gilliamham stated that the volume is just as germane as the discharge rate to the potential erosion that could occur downstream. Mr. Keenan continued to explain that the flow is governed by the rate of runoff through state regulations and that the volume of the runoff will increase in any new development in New Jersey. Over the course of a storm more water will flow through the channel than has previously but that it will be at a slower rate than what it is at now. Mr. Gilliamham inquired as to

how much the volume would be increased because of some downstream concerns in his neighborhood. Mr. Hansen responded that he does not currently have the calculation but that he would obtain the calculation and provide it to Mr. Keenan who could then provide it to Mr. Gilliamham. Mr. Gisser added that he understands Mr. Gilliamham's question and that it is an issue of volume versus velocity and explained this further. He said that the amount of water is the same but that it is now being managed via surface discharge and less ground water since additional impervious surface has been created. Also, the stormwater would be discharged at a slower rate with more water in volume, and he inquired whether this is more or less destructive than stormwater being discharged at a higher rate and with less volume. Mr. Hansen responded that the regulations were designed to address this and that the reduction in rate is more beneficial than the increase in volume. Mr. Keenan stated that ground water recharge is also included in the state regulation, which must be matched on an annual basis. Mr. Keenan addressed Mr. Gilliamham's question regarding total volume and referred to the stormwater report dated February 8, 2019. In a 100-year storm the existing conditions is 155,664 cubic feet of water coming off the property with the proposed condition being 178,804 cubic feet of water coming off the property – approximately a 14% increase in total volume to the surface but also a 20% decrease in the rate of runoff. There was some further discussion regarding the ownership of Woodlawn Terrace and the bridge with their HOA currently maintaining it and that the HOA has requested the title company to provide more clarity with regards to its ownership since it is ambiguous. Chairman Giordano stated that the 100-year storm water threat that could destroy the bridge due to velocity should now be diminished. Mr. Keenan stated that erosion is more commonly associated with the rate of runoff, which is more damaging than the total amount of water that flows over the same surface. When the rate is reduced, the velocity is also reduced.

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

Mr. Malman summarized by saying that this is an applicant who was willing to compromise and who listened to the neighbors, the Board, and the professionals' concerns. The plan has been modified in many respects and that the applicant has been very cooperative regarding the landscaping issues by adding considerably more trees along the rear with a berm being added. This will be presented to the Township engineer for his approval and hopefully agreed upon by both parties. The applicant has also been cooperative in agreeing to make the road a one-way road and remove the proposed parking spaces, which was part of the original plan. The applicant did come before the Township Committee and Planning Board to have the property rezoned and both bodies agreed to this. The Master Plan was amended to allow for the one-acre zoning. The six lots are all conforming in size so the application complies with the spirit of the ordinance and that this project is a very creative design. The public road that is being created will certainly improve the end of Shores Road, and Mr. Malman opined that the development will be very attractive when completed. The project is a terrific project for the neighborhood.

Mr. Malman went on to address the drainage, which is the biggest issue with this application. He added that the applicant has not ignored the drainage issue and that there was much time spent studying this. This project was designed to a great extent with considerable time and money invested along with much testing done on the site. He said that Mr. Hansen testified that the basin is in the right location and that the Township engineer agreed with this. The basin has been designed in accordance with all applicable standards and even exceeds the standards in many respects. Mr. Malman went on to say that it is designed appropriately, complies with the ordinance and that the application deserves to be approved. He is requesting that the Planning Board approve the application this evening with the conditions discussed. Mr. Malman also referred to the discussion regarding the 5,000 square feet of impervious coverage limitation per

lot and said that Mr. Buzak could craft the language regarding this in the resolution in an appropriate way.

Mr. Buzak stated that Mr. Malman has outlined the more important conditions of approval and that there would be more standard conditions added. He will address what the professional reports have indicated for compliance purposes. Mr. Malman stated that there are two waivers – one being a waiver from the fire cistern and the other regarding steep slope disturbance. There are no variances.

Chairman Giordano entertained a motion to direct Mr. Buzak to prepare a resolution approving the preliminary and final major subdivision with the conditions that were discussed and any other conditions relevant to the project along with the two waivers mentioned for consideration at the next meeting. Mr. D'Emidio made a motion, and it was seconded by Ms. DeMeo. Mr. Buzak stated that a voice vote was sufficient at this time. All agreed by voice vote.

MINUTES

Mr. D'Emidio made a motion to move the minutes to the December 19, 2018 meeting, and it was seconded by Ms. DeMeo. All agreed except for three members who abstained.

ABSTAINED: Mayor Gisser, Mr. Monaghan, Mr. Johnson

Mr. D'Emidio made a motion to move the minutes to the January 4, 2019 and January 16, 2019 meetings, and Mayor Gisser seconded the motion. All agreed except for one member who abstained.

ABSTAINED: Mr. Johnson

Chairman Giordano stated that the Planning Board is submitting to the Township Committee a request for funding for a Nitrate Dilution Model and Ground Water Study so that the Master Plan Committee can determine whether increased density in Mendham Township is feasible.

Chairman Giordano entertained a motion to adjourn the meeting at 11:14 pm. A motion was made, and it was seconded. All agreed.

Respectively Submitted,

Beth Foley
Planning Board Secretary