

**MINUTES OF THE TOWNSHIP OF MENDHAM PLANNING BOARD  
REGULAR MEETING HELD December 18, 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, Ms. DeMeo, Mr. Johnson, Mr. Mayer, Mr. Maglione, Chairman Giordano  
**ABSENT:** Mr. D'Emidio, Mr. Perri  
**Others present:** Mr. Dennis Keenan, Ms. Nicole Venezia, Mr. Jack Szcepanski, Mr. Edward Buzak

**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.

**MINUTES**

A motion was made to approve the minutes to the November 19, 2019 regular meeting, and it was seconded. All agreed except Mr. Johnson, Mr. Monaghan, Mr. Mayer and Mr. Maglione who abstained.

**APPLICATION – PB 19-02**

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 there was a prior presentation to the Planning Board and that as part of the presentation it became apparent to the applicant that perhaps there were some other possible scenarios for the site. As a result, there were several revisions, which were submitted to the Board. Mr. Cerminaro stated that there are two lots on the existing site and that the applicant is requesting that the Board approve a 5-lot subdivision. The revisions submitted diminished the amount of variances that were previously sought. The flag lot was eliminated, and the applicant is attempting to meet as much of the criteria in the ordinance as possible. There are, however, a few bulk variances to address, and Mr. Cerminaro asked Mr. Kastrud, engineer for the applicant, to continue with his testimony.

Mr. Buzak clarified that this is a new hearing since there are new plans, and Mr. Cerminaro confirmed that it will be treated as a new application.

To allow for a voir dire by the Board, Mr. Christian Kastrud stated that he is a graduate of Tufts University and holds a Bachelor of Science in civil engineering with 12 credits towards a Master's Degree from Rutgers University in water resources engineering. He is the owner of Kastrud Engineering and has represented Warren Township and Mansfield Township as their engineer for their Planning Board, Board of Adjustment and Land Use Board and that he also serves as a conflict engineer in Bedminster, Green Brook, and Franklin Township, Hunterdon County. Mr. Kastrud went on to say that he has been involved with major subdivisions, site plans and grading plans for Boards of Adjustment and Planning Boards and has testified before Mendham Borough, Chester, Chester Borough as well as every County north of I-95. He is a licensed professional engineer in the State of New Jersey and in good standing and that his testimony will be as a professional engineer. Upon receiving no challenges, Chairman Giordano stated that the Board accepted Mr. Kastrud as a professional engineer.

Mr. Buzak swore in Mr. Kastrud along with the Planning Board experts.

Mr. Kastrud marked his exhibits Exhibit A-1 through A-8 and the color rendering as A-9. The subdivision plans submitted to the Board and marked as Exhibit A1 – A-8 were originally dated July 26, 2019 with a most recent revision of September 24, 2019. Exhibit A-9 is a color rendering of a conglomeration of different parts of the plan, and this is dated October 16, 2019.

Mr. Kastrud began by saying that the property is commonly known as a portion of Pitney Farm and is the remaining parcels of the old farm that was auctioned off for development purposes by Mendham Township and won a successful bid by his client, Mr. Anatol Siemieniczuk. It is known on the tax map as Block 131.01, Lot 1.02 & 1.03 with Block 131.01, Lot 1 designated as open space. The current revised design is represented on Exhibit A-9 with all five lots fronting onto the cul-de-sac with no access easements and no landlocked pieces. The intention is to subdivide the two parcels that were auctioned off and now owned by Mr. Siemieniczuk. Mr. Kastrud referred to Exhibit A-2, which is colorized to show the varying slopes on the property (many of them man-made) and that a steep slope waiver is being requested. The slopes that are less than 10% are in white, the slopes between 10-15% are shown in green, 15-25% are shown in yellow and 25% and greater, which are the steeper slopes, are shown in red. These steeper slopes are located in the southeasterly corner behind Lot 8. He stated that there will be a road that will access from Ballantine Road and run right through the middle of these steep slopes. The road runs up into a cul-de-sac with all five lots fronting to the cul-de-sac. Mr. Kastrud went on to describe each of the lots. Lot 1.04 is 40,667 square feet, Lot 1.05 is 35,095, Lot 1.06 is 53,854 square feet, Lot 1.07 is 31,311 square feet and Lot 1.08 is 35,416 square feet. All the lots are larger than the minimum zoning requirements. He stated that the proposed homes will be within the required setbacks and that there are no variances being requested for lot circles, building circles, sideyard setbacks etc. Also, in accordance with the ordinance any lot over one acre requires a 15-foot conservation easement. He referred to Exhibit A-9, which indicates the conservation easement in red along the northerly, westerly, and southerly border of proposed Lot 1.06. This is the lot that has the most frontage butting up to the Township's open space.

Mr. Kastrud stated that there is a request for an exception for the width of the road, which is being proposed at 24 feet wide while the Residential Site Improvement Standards indicates that a road of this nature should be a width of 28 feet wide. He opined that a width of 28 feet of pavement for five homes is not needed and that this would also be an exception from the ordinance.

Mr. Kastrud went on to say that the applicant is also requesting an exception from sidewalks running up the cul-de-sac since there would not be much traffic with only five homes and that there would be 8-foot wide grass areas next to the curb outside of the cart way. The cul-de-sac was designed in accordance with the RSIS minimum standard of 40 feet for the curb radius and a ROW radius of 48 feet, whereby the ordinance requires a minimum curb radius of 45 feet and a ROW radius of 55 feet.

Mr. Kastrud referred to Exhibit A-3, Grading Plan. The road was designed with the connection point on Ballantine Road with an inlet at the intersection. The road is kept at less than 10% disturbance once it runs into the steep slopes. The yards have all been graded to maintain the existing drainage patterns, and all of the driveways, except for proposed Lot 1.08, will drain to the street and will be collected by the storm sewer system that is in Samuel Farm Lane. The runoff from the roofs will be collected and directed into drywells that will be provided. The front yards all drain to the street with a series of six inlets, which drain into the storm sewer system that eventually leads out to the detention basin behind the homes in Mountainview.

Mr. Kastrud referred to Exhibit A-5, Utility Plan. All the lots will be served by public water, gas, electric and constructed underground, and each lot will require its own septic system. There was numerous septic testing performed, and every test indicated that the soils are appropriate and easily designable. Additional permeability rate testing was performed in accordance with Appendix E and the DEP BMP manual, and the results were similar to the results from the testing done for the septic systems. The results for this test have not yet been submitted from the geotechnical engineer; however, they will be provided to Princeton Hydro. He opined that he has no doubt that there will be any issues with any of the septic systems or the dry wells functioning and draining in accordance with DEP standards for the state code for septic systems. A water main leads up and terminates with a hydrant in the cul-de-sac.

Chairman Giordano fielded questions from the Board members before addressing the expert reports. Mayor Gisser referred to Exhibit A-2 and inquired about the entry point. There are residents on either side of the entry point, Lot 8 and Lot 9 and that they are aware that they are adjacent to a ROW. It appears on the plans that the road is closer to Lot 8 as opposed to Lot 9, and he inquired as to why this is the case. Mr. Kastrud responded that at the beginning of the project it was noticed that there was an existing E inlet located in the southwesterly corner, which assumedly was installed at the time of the last subdivision. The road was kept, therefore, away from that area and moved closer to Lot 8 in anticipation that if a small detention pond was needed in this area it would be reserved for this purpose. Mr. Kastrud stated that there have been conversations with the owner from Lot 8 who has asked to move the road away from his property. As a result, in the redesign it was moved 28 feet from Lot 8. There was also added additional landscaping in this area in the right of way.

Mr. Mayer inquired as to why the width of the roadway was reduced since the lot sizes are larger than what is required. Mr. Kastrud responded that it is a general trend in design to try and eliminate unneeded impervious coverage. He stated that he has designed subdivisions such as this with an 18-foot wide road. He opined that for just five homes, a 30-foot wide road, which is required by ordinance, is more than what is needed for the traffic on this road. It is not a thru road and will only serve the residents living on this cul-de-sac along with emergency vehicles. Mr. Mayer also inquired about the absence of sidewalks since there will be no place for people to walk if the road is what is being proposed at 24 feet (requiring a design waiver). Mr. Kastrud reiterated again that because of the low volume on the cul-de-sac that the 24 feet is appropriate. There are two graded areas - each eight feet wide on either side of the road for pedestrians should they need refuge from any kind of traffic. He also clarified that Ballantine

Road in the Mountainview subdivision does have sidewalks and referred to Exhibit A-1 to show where these sidewalks are located. Mr. Monaghan inquired whether the proposed 24-foot wide road is sufficient for emergency vehicles. Mr. Kastrud qualified that for the most part it would be wide enough, although if they were stabilizer trucks, it may not be adequate. Mr. Kastrud agreed that the curbing could be mountable curbing so it would become useable for the emergency vehicles. Mr. Keenan agreed that there should be mountable curbing; however, it should be confirmed with DPW as to exactly how it is constructed since there may be issues with the plows.

Mr. Monaghan also inquired about the trees in the 8-foot wide cartway and how this would be handled in an anticipated emergency situation. Mr. Kastrud stated that the trees would need to be pushed to the back edge of the 8-foot wide area. Currently, they are placed approximately six feet off the edge of the pavement, but again they will be pushed further back.

Mr. Maglione inquired about the "B" inlet at the entrance way. Mr. Kastrud stated that the "B" inlet is being reconstructed as an "E" inlet. He opined that he does not see this as being a future issue since he has experienced this many times. This is at the low point of the road. He also clarified that the proposed 24-foot wide road is not compliant with RSIS. RSIS requires a width of 28 feet for this type of road. Mr. Maglione also inquired whether the fire department had any comments regarding the adequacy of the width of the road for emergency vehicles. Mr. Kastrud stated that he has not had any feedback regarding this from the fire department. Ms. Foley gave Chairman Giordano a copy of the fire department's comments. Mr. Kastrud also stated that the amount of impervious coverage is actually being reduced on the property, and as a result, the flows will be reduced to the inlet in Ballantine Road. There is no detention basin, but he stated that there are dry wells to further handle any roof runoffs; however, this was not included in the analysis needed to show that the amount of flow is reduced. The flow from Ballantine Road goes from across the street in a southerly direction through an easement and then runs down into a detention basin behind the homes that front onto Ballantine Road. The Homeowner's Association is responsible for this detention basin, and Mr. Kastrud stated that the applicant has had conversations with the Homeowner's Association with regards to this; however, he does not know the outcome of these conversations.

Mr. Mayer inquired about what size storm the dry wells are designed for, and Mr. Kastrud stated that these dry wells would be designed in accordance with the Township ordinance. Mr. Keenan inserted that he believed it was designed for a 3-inch storm and that the way the ordinance reads it is designed for a certain amount of inches of volume and that it must be able to store it. Mr. Mayer then inquired as to how the drywells are sized for each lot. Mr. Kastrud responded that there is a zoning table on Exhibit A-3, which indicates maximum floor area calculations based on the lot sizes and that the floor area is basically between 3,500 to 4,300 square feet. He stated that the actual size of the drywells will be determined at the time of the building permit with the engineering department involved. Mr. Kastrud stated that Mr. Szczepanski did request that more information be provided on the technical aspects of the drywells when the design of the dry wells becomes more apparent. Mr. Keenan also asked that Mr. Kastrud provide the maximum impervious coverage of the lots and that the drywell size be documented and reviewed prior to construction ahead of the lot grading application. Mr. Mayer stated that his concern is not so much with controlled stormwater runoff as much as sustainability of the groundwater resources whereby more flow is allowed to infiltrate into the ground and not run off elsewhere. Mr. Kastrud went on to say that the reports submitted to him for the septic system indicate that the infiltration rates are very high, so he does not anticipate any water overflowing onto the street. He believes that the drywells will infiltrate quite a bit of water. A ground water mounding analysis for the drywells will be provided as well. Mr. Mayer

pointed out a stray note on Proposed Lot 1.08 on the plan (Exhibit A-4) that stated “drywell typ.” This should have been moved when the plan revisions were done.

Mr. Monaghan raised the issue of the steep slopes between 1.04 and Lot 8 on Ballantine Road and the effects of any impervious coverage in this particular area, which would affect the runoff flowing down into Lot 8 since it is very steep in this area. Mr. Kastrud stated that there is a berm that was constructed on the westerly side of Lot 8 and the easterly property line of Lot 1.04. There are no plans on disrupting this berm, and, in fact, most of the slope of Lot 1.04 from the back will be directed to the westerly side of the berm and down into the street. This was taken into account in the design as to not disturb the current berm, and there should be no increase in water running under Lot 8 as a result of any development. Mr. Kastrud stated that there would not be near enough water velocity to erode the current berm.

Chairman Giordano requested that the engineer read the amount of allowable disturbance and the amount of disturbance requested by the applicant. Ms. Venezia clarified that the steep slopes is a design waiver and not a variance. Mr. Kastrud referred to Exhibit A-2. The first steep slope range is the 0 -10% category in white, which is a majority of the site (about 88% of the site). There are no waivers needed in this range. The next steep slope range in green is the 10 – 15% category, and the percentage of maximum disturbance for this area is 25%. The maximum allowable disturbance in this category is 3,999 square feet, and the applicant’s proposed disturbance is 11,338 square feet. The next steep slope range in yellow is the 15 – 25% category, and the percentage of maximum disturbance for this area is 15%. The maximum allowable disturbance in this category is 1,289 square feet, and the applicant’s proposed disturbance is 6,305 square feet. The final range in red is the 25% & up category, and the percentage of maximum disturbance for this area is 5%. The maximum allowable disturbance in this category is 138 square feet, and the applicant’s proposed disturbance is 1,585 square feet. Chairman Giordano noted that there were no percentages given with the applicant’s proposed amount of disturbance, and Mr. Kastrud confirmed this. Mr. Kastrud went on to say that there are very little steep slopes on the site (88% of the property is in the less than 10% category). The way the ordinance is constructed is that any disturbance of those smaller areas is a much larger percentage. He would certainly supply the proposed amount of disturbance percentages, if the Board so desires.

Chairman Giordano stated that some of the steepest slopes are where the road would cut in and inquired if the applicant is anticipating any retaining walls. Mr. Kastrud stated that no retaining walls are anticipated. Chairman Giordano went on to ask if the applicant is anticipating no parking on the road, and Mr. Kastrud responded that he was not anticipating no parking but said that perhaps parking could be limited to one side. He stated that with a car parked on each side of the road an emergency vehicle would not be able to pass through. Mr. Kastrud stated that at 28 feet there would be room for one parallel parked car and emergency services vehicles. The applicant is proposing 24 feet whereby it would be more of a challenge for emergency vehicles with parked cars. Chairman Giordano then inquired as to why the applicant is proposing a 24-foot wide road instead of a 28-foot wide road, which he opined he is somewhat uncomfortable with. Mr. Kastrud responded that before the Residential Site Improvement Standards, it was very common for towns like Mendham and other rural areas to have 24-foot wide roads. Some towns still do have this width in their ordinances and that a 24-foot wide road would create less impervious coverage. Mr. Kastrud confirmed that the width of Ballantine Road is 30 feet wide.

Chairman Giordano brought up the issues of the drywells and stated that he is perplexed about the overflow going into the storm sewers. He asked Mr. Kastrud if he was accustomed to this type of design since he has never come across this before in an application. Mr. Kastrud

responded that perhaps it was never proposed but that it is normal. He went on to say that the overflow is not going to see runoff until the four-inch point. Chairman Giordano stated that there should be another type of stormwater design because he opined that the storm sewers cannot handle the overflow.

Chairman Giordano raised the issue of the trees, which would be moved to the back line of the eight feet but still have Township trees in the proposed right of way. He inquired as to the broad based root systems of these trees. Mr. Kastrud responded that they would not be a broad based root system and will certainly give special attention to the type of trees planted. He said that perhaps Mr. Szczepanski may have some suggestions with regards to this point.

Mr. Mayer referred to site distance particularly with regards to Lot 9 going south. Mr. Kastrud confirmed that the speed limit is 25 mph in this area and that the site distance is 250 feet with a rule of thumb being 10 times the speed limit. There was some discussion regarding a site easement, and Mr. Kastrud stated that he does not see a danger when turning out of the new road. He stated that the standards used are ASHTO standards, which is 300 feet looking to the right and 280 feet looking to the left.

Mr. Kastrud referred to the expert's reports from H2M dated October 10, 2019, Princeton Hydro dated October 15, 2019, and French & Parrello Associates dated October 15, 2019.

Mr. Kastrud first addressed the H2M Associates, Inc report dated October 10, 2019. He stated that there were no engineering comments in the report. Ms. Venezia stated that she did have a comment about the floor area but that it might be better served to discuss this with the planner. Mayor Gisser addressed Item #4 Letter b – Landscaping Plan. He stated that the 22 Maple trees proposed to be planted in the right-of-way should be changed since maple roots are shallow. Mr. Mayer commented that 122 trees are being removed with 42 trees being planted and whether this meets the Township's requirements with regards to the tree ordinance. Mr. Kastrud responded that the applicant is required to submit a tree removal plan to the Township Committee. Chairman Giordano read the Tree Committee comments, which stated that the trees to be removed are not specified on the plans and that the Tree Committee must meet with the developer before any tree removal commences. The final CO is conditioned on the Tree Committee approving the landscaping plans. Mr. Kastrud stated that the trees are marked (the plans may have been modified to show this after the Tree Committee received the original plans), which is indicated on Exhibit A-7 but confirmed that he will certainly meet with the Tree Committee for their approval for any landscaping and removal of trees.

Mr. Kastrud addressed the French & Parrello Associates report dated October 15, 2019 and began with each of the line items in the report.

**Item 1**

The proposed configuration and shape of the proposed property was addressed in the testimony.

**Item 2**

Design Waiver - the design waiver for the roadway was discussed in the testimony. The application proposes a ROW, which is initially 60 feet wide but transitions to 40 feet wide. The ordinance stipulates a minimum ROW width of 50 feet, which is consistent with RSIS. It is really a small exception from the ordinance.

**Item 3**

Design Waiver – the application proposes a pavement width of 24 feet. The ordinance requires a minimum width of 30 feet for the R-zone. The Board may wish to consider Ordinance Section 16-10.2.t.2, which allows for a 24-foot wide road in the R-1, R-2, R-3, and R-5 zones when located on a cul-de-sac. Mr. Keenan stated that there is no objection to the proposed width considering the low intensity use of the roadway and the fact that it is permitted in other residential zones in a cul-de-sac.

Mr. Mayer raised his concerns about relaxing some of the requirements in the ordinances on certain developments and that this can become precedent for other applications requesting waivers. He inquired as to what makes this development special that the Board would agree to reduce the size of the roadway to 24 feet, especially with no sidewalks which exist in the surrounding area. Mr. Kastrud responded that the ordinance does allow for the reduction in roadway width on roads with cul-de-sacs in other zones. He opined that this would not set a precedent since each application needs to stand on its own merits and be judged that way. The reason that this application is proposing a 24-foot wide road is strictly because there are only five homes, low volume and would mitigate impervious coverage and keep the area greener.

**Item 4**

Design Waiver – the ordinance requires a 55-wide foot cul-de-sac ROW radius, and this application is utilizing a 50-foot wide ROW radius. The proposed cul-de-sac radius is compliant with the RSIS minimum standard of 48 feet.

**Item 5**

Design Waiver – per the ordinance 16-10.2.o the cul-de-sac shall have a minimum curb radius of 45 feet, and the application utilizes 40 feet, which is compliant with the RSIS. Mr. Kastrud went on to say that if there is fire apparatus that needs additional area, this could be contemplated, although the RSIS does state that it shall not be increased.

**Item 6**

Sight Lines – the legs of the sight lines were reversed on the cover page and will be modified; however, the full 385 feet looking to the south and west is not possible. The sight line extends across the front yard of Lot 9, including the walkway to the front of the house. Mr. Keenan inquired if Mr. Kastrud has looked at what the available sight distances are at this location. Mr. Kastrud stated that he has not mapped this but that he can show this on the plan, if it is a concern. Mr. Keenan agreed that it is difficult for an applicant to obtain relief for an easement on a neighbor's front yard, whereby the neighbor would not be able to plant anything. However, a sign might help so that the drivers coming up Ballantine Road know they are approaching a roadway. Mr. Kastrud stated that he could add this to the plan.

**Item 7**

Sidewalks – there are no proposed sidewalks even though the surrounding neighborhood has sidewalks along one side. Mr. Kastrud testified that there will be two 8-foot wide graded areas on each side of the road for refuge should a pedestrian need to get off the cartway. He said that Mr. Keenan states in his report that it is his recommendation that a sidewalk be included in the application with the proposed roadway of 24 feet. Mr. Keenan explained that it is difficult not having a 24-foot wide road and no sidewalks. Chairman Giordano asked Mr. Keenan that if the road was expanded to 28 feet wide would he feel as strongly about no sidewalks. Mr. Keenan responded that he would be more comfortable without sidewalks at 28 feet (and in compliance with the police report).

**Item 8**

Additional detail has been provided at the proposed intersection to address grading. It will be updated to clarify that the existing curb will be removed and that the saw cut lines will be identified to ensure a proper pavement edge with Ballantine Road.

**Item 9**

Mr. Kastrud will adjust in order to comply with Mr. Keenan's comments.

**Landscaping**

**Item 10**

Mr. Kastrud stated that he will comply with Mr. Keenan's recommendation of installing 2 1/2"-3" caliper trees instead of what the application proposed, which is 1 3/4" – 2" caliper trees.

**Stormwater**

**Item 11**

The proposed roadway has a maximum slope of 10%. When road slopes exceed 6%, the catch basins shall be installed on a 45-degree angle to the curb. Mr. Kastrud will revise the plans accordingly. Mr. Keenan will meet with the DPW supervisor to discuss this further.

**Item 12**

Mr. Kastrud stated that the way the drywells are designed according to the ordinance is that the applicant will show the permeability available in the soils below the drywell to fully evacuate the drywell itself without using the overflow. The infiltration rate will be high enough in the soils below so that the water will not be flowing into the storm drain. Other design options (beyond water flowing into the storm sewers) would be "daylighting" onto the owner's lawn, whereby there is no overflow since a grate is placed on top. If the water does not infiltrate, it comes up through the top of the grate and bleeds out over the lawn. Chairman Giordano suggested that larger drywells would mitigate all of these issues and stated that he is uncomfortable with utilization of storm sewers. Mr. Keenan explained the two typical stormwater designs - one being that the water goes into the drywell and the drywell has an overflow, and secondly, downspouts go into the ground and the overflow bubbles up and comes back to the downspouts. However, this could cause problems to the foundation of the building. Mr. Keenan stated that it is always important to relieve the water in an appropriate manner that will not cause erosion and other problems such as flooding to the house. He went on to say that there would be no potential for erosion when there is a big water event and the water can pass through and out to the storm sewer system without eroding the front yard. Mr. Maglione opined that it is better to have the overflow go into the storm sewer instead of bubbling out onto the lawn. He asked if the calculations have been checked to verify that there is excess capacity in the existing detention basin to handle the flow from the drywells and whether these calculations will be provided. Mr. Keenan responded that more water is being pulled offline from the detention basin by adding the drywells. He stated that the drywells are designed for the 1 1/4" water quality storm and that he would ask that it be designed in accordance with the ordinance, which is around 3 inches. Mr. Keenan requested that Mr. Kastrud indicate this as part of the Lot Grading application so that it can be verified that he complies with the ordinance. Mayor Gisser added that this is all based on the important fact that the development would be tying into an existing stormwater system for Mountainview, whereby the issue was raised in a prior meeting whether the HOA from Mountainview would allow for connection into their stormwater basin. Mr. Keenan responded that ultimately the HOA would need to allow it. Mayor Gisser went on to say that, as proposed, this is an improvement to the impact on the existing stormwater management of the Mountainview development. The drywells will absorb water that is currently flowing elsewhere. He opined that this is an important point for both sides to understand and



that it seems the applicant is adding a benefit to the current development's (Mountainview) stormwater system and not a detriment. Mr. Kastrud confirmed this and stated that utilizing the drywells actually will reduce the water flow that comes down to that one inlet and crosses the street to the detention basin. He went on to say that if the application needed to prove certain reductions in accordance with the state code, they would not be able to take advantage of utilizing the drywells in the volume reduction. Mr. Kastrud stated that he can offer to "daylight" the drywells. Every drywell is designed with some sort of relief, and if the water overflows to the lawn areas that the lawn areas eventually drain to the street, which then gets collected by the storm sewer and eventually at the bottom of the hill. If the soils are very good, then it may never reach that overflow. Mr. Kastrud explained the term "daylighting the drywells." Mr. Kastrud stated that there is no "daylighting" currently proposed and that the "daylight" is proposed to be in the storm sewer.

**Item 13**

Existing E-Inlet – there is an existing E-Inlet located in the southeasterly corner of the property. Mr. Kastrud stated that he does not know who constructed it or when it was constructed, but there are a 4" and a 6" pipe discharging into the inlet. He opined that this could be from the roof leaders of the neighbor but that this cannot be ascertained and confirmed. There is no proposal to change any of this since he is not concerned about the amount of flow that comes through a 4" and 6" pipe with an 18" pipe that runs from the E-Inlet into the street. If the 18-inch pipe was broken or clogged, the worst that could happen is that it would bubble up out of the -E-Inlet and run across the land and back down into the intersection. Mr. Keenan responded that his biggest concern was that the pipe was addressed by the applicant since it may belong to someone else and how it will be handled within the subdivision. However, now an easement has been provided on the plans. Mr. Szczepanski stated that there may a 12" and 24" pipe in that area as well, and Mr. Kastrud stated that he does not believe that there is a 12" and 24" pipe.

**Item 14**

The stormwater management report will be addressed with Princeton Hydro's report.

**Item 15**

The subdivision plat is in the revised plans, and Mr. Kastrud marked it as Exhibit A-10, Sheet 1-1. This is the plat that gets filed with the County.

**Item 16**

Steep Slopes – this was discussed and addressed. He noted that a 25% slope is really a 4 to 1 slope and not a terribly steep slope. When doing construction and grading, it could be restored back at a 3 to 1 slope, which is even steeper.

**Item 17**

Mr. Kastrud stated that it will be indicated on the plans the estimate of import or export of soil. The soil will certainly not be deposited anywhere in Mendham Township unless there is a soil movement permit.

**Item 18**

Mr. Kastrud stated that he will let the applicant testify that all the different components (waste material) were separated throughout the demolition.

**Item 19**

An application was submitted into the Morris County Conservation District and is pending approval.

**Item 20**

An application was submitted and heard before the Board of Health for the overall subdivision. The individual septic systems will be designed at the time of the individual grading plans for the lots. The homes will most likely be five bedrooms and the septic will be designed for such. Ms. Foley stated that the Board of Health heard the application and could not approve it since the applicant was not present.

**Item 21**

Approval was received from the Morris County Planning Board on October 28, 2019.

Mr. Keenan inquired about the width of the ROW and whether the applicant considered the concept of a 50-foot ROW. Mr. Kastrud responded that this would reduce the lot size slightly. It would basically be widening the backs of Lot 8 and 9 in that northwesterly direction. This could, however, certainly be considered. Mr. Keenan stated that he would prefer the 50-foot ROW, if it can be accomplished, and Mr. Kastrud opined that this would probably not create a variance. Mr. Keenan stated that this would offer the Township more flexibility with the roadway.

Mr. Cerminaro requested a short recess with his applicant.

Ms. Foley placed the meeting back on the record, and Mr. Kastrud next addressed Princeton Hydro's report dated October 15, 2019. He stated that the first page addresses the materials that Mr. Szczepanski reviewed and describes the project overview.

**Item 1.0**

**Environmental Impact Statement**

The original submission of the EIS needed some revisions, and this was completed for the most part, except Item 1.5. The applicant's environmental expert had originally done an LOI in July but had not done a flora and fauna survey at that time. He has since done this survey in September, 2019 in support of the LOI, and this was communicated to Mr. Szczepanski.

**Item 2.0**

**Groundwater Recharge and Runoff Quantity Standards**

Mr. Kastrud next addressed in the report the groundwater recharge and runoff quantity standards. He stated that Mr. Szczepanski clearly indicates the requirements necessary for a major development. Mr. Kastrud went on to say that there are three items that must be addressed - stormwater quantity (peak rates), groundwater recharge, which is slightly related to volume (how much water is put back into the soil) and water quality. With these three items, it is proved that the runoff is not increased on the site through the demonstration that the impervious coverage in the proposed condition is actually less than what currently existed before some of the demolition.

**Item 2.1.2**

Mr. Szczepanski referred to Item 2.1.2., and he requested a further explanation with regards to this matter. Mr. Kastrud explained the breakdown of the pre-development conditions and the post-development conditions and how it was arrived that there is still less impervious in the post development conditions than in the pre-development conditions. In addition, dry wells have been added since a big source of concentrated runoff comes from the roofs. The dry wells will take the runoffs from the roofs so that the amount of flow will be even lower in the post construction development since the roof runoffs are not included in the flow rate.

Mr. Szczepanski addressed the road, which is proposed at 24 feet. The testimony stated that the 24 feet will help keep things green while keeping the impervious coverage down. He

inquired whether Mr. Kastrud has considered pervious pavement. Mr. Kastrud responded that he is unclear if this counts as pervious in the stormwater regulations. He believed the stormwater regulations indicate that the pervious pavement has to be considered impervious even though it is not.

Mr. Cerminaro inquired as to how the reduction in impervious coverage affects the detention basin. Mr. Kastrud responded that all of the water currently flows offsite, sloping down the hills behind the homes that front onto Ballantine Road to this one inlet located in Ballantine Road. The inlet is located at a low point so the storm sewers in Ballantine Road collect the water that comes down the road to this one low point, crosses the street, runs down the hill between the homes into a detention basin farther southeast. He referred to Exhibit A-1, which shows an aerial photograph and an easement that flows back to the detention basin behind the homes in that area. The reduction in impervious coverage lowers the volume of flow that goes into the detention basin.

Mr. Keenan inquired whether in the existing condition the impervious and pervious coverage was separated. Mr. Kastrud stated that it was separated though originally it was not. Mr. Keenan stated that in the existing condition the impervious and pervious should probably be combined, and Mr. Kastrud stated that they were originally; however, he can provide this again. The flow is still lower when the two are combined, and Mr. Keenan stated that this will then lower the existing volume of runoff. This, therefore, would be the appropriate comparison.

#### **Item 2.1.3**

Mr. Kastrud continued with 2.1.3 in the Princeton Hydro report. The comments were satisfied, which again addressed the dry wells.

#### **Item 2.2**

Mr. Kastrud referred to 2.2 and stated that there was a request for additional testimony regarding the runoff. He has visited the site numerous times and that the runoff even from the highest point on existing Lot 1.02 (which is proposed Lot 1.06) does eventually flow down behind the homes that front onto Ballantine and makes its way out to the E-Inlet. He may be able to obtain a surveyor to outline the drainage areas that have not been separated along with additional topography that has not been provided. Mr. Szczepanski stated that the site must be divided into multiple drainage areas and the quantity requirements applied to both. Mr. Kastrud replied this could be addressed in order to satisfy this condition.

#### **Item 2.3**

Mr. Kastrud referred to 2.3, which addresses the same topography in this area along with the 4", 6", 12", 24" pipes that were discussed earlier, and he confirmed again that it is really just a 4" and 6"-inch pipe that comes into the E-Inlet. This will be revised on the maps to reflect only these two pipes.

#### **Item 2.4**

Post Development Drainage Map – Mr. Szczepanski would like to see an analysis of two separate areas, and this can be added to the drainage and to the report as well. Also, when some of the locations of the septic systems were revised with the lines shifted, the areas that were woods were not changed to grass. Mr. Kastrud stated that this will also be revised on the plans. Mr. Szczepanski added that the hydraulic calculations need to be updated to reflect that loss of woods.

#### **Item 2.5**

Satisfied

**Item 2.6**

The DEP does not allow typical testing for stormwater that would normally be done for septic systems. They require undisturbed samples, so undisturbed tubes of soil for sampling was collected and run. There are preliminary results but nothing has come back from the geotechnician that has been written up and signed and sealed. However, he is confident that the soils in the tube samples are identical in nature to the ones that were run for the Board of Health. This will certainly be provided when obtained.

**Item 2.7**

Mr. Kastrud stated that again once the results are obtained from 2.6 for the stormwater testing, then the draw down time for the drywells can be calculated.

**Item 2.8** – ground water mounding impacts on the drywells – not discussed.

**Item 2.9**

Satisfied – reduction in impervious area.

**Item 2.10**

Satisfied – ground water recharge requirements.

**Item 3.0**

**Water Quality Standards**

Mr. Kastrud stated that this has basically been satisfied since there is not a quarter acre of new impervious, which would exceed the threshold, and would then require the water quality. The dry wells reduce the flows to the bottom analysis point.

**Item 4.0**

**None-Structural Stormwater Management Strategies**

Mr. Kastrud stated that the roadway width was reduced from 30 feet to 24 feet and with no sidewalks being provided. Drywells are being used and perhaps rain ponds could be used at the back of one of the driveways or perhaps any other type of low impact development that addresses run off for stormwater.

**Item 5.0**

**General Stormwater Comments**

**Item 5.1 and 5.2**

Mr. Kastrud stated that the utility plan showing the dry wells will be in compliance, and the elevations of the pipes, the inverts, and the depths of the drywells will be shown. The drywells will be designed in accordance with the ordinance at the time of the building permit. Each drywell will be provided with a specific design for that specific lot and home.

**Item 5.3**

Mr. Kastrud stated that typically this type of detail is not provided at this early stage for pipe capacity calculations for the roof drains, drywell system outfall pipes, and proposed storm drainage pipes. However, if the Board wishes to have these calculations, this can be provided.

**Item 5.4**

Mr. Kastrud stated that this item refers to the tributary drainage and topography, whereby Mr. Szczepanski would like to see a split in the drainage areas along with an update to the map to show this. This is on the drainage area maps.

**Item 5.5**

Mr. Kastrud stated that this refers to the origin and drainage area of the 4" and 6" pipe. This has already been discussed.

**Item 6.0**

Operation and Maintenance

**Item 6.1 & 6.2**

Mr. Kastrud stated that an O&M manual has been supplied, and this will be modified to include a map showing exactly where the drywells are located. The stray leader will also be eliminated.

**Item 7.0**

**Erosion and Sediment Control**

Mr. Kastrud stated these are similar comments consistent with the Soil Conservation District and that this will certainly be added to the plan.

**Item 7.1 and 7.2 – satisfied**

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

Mr. Eric Svenson of 18 Ballantine Road approached the microphone. He stated that he is the second lot over from Lot 8 and that his property will not be impacted directly by the development. Mr. Svenson is a retired professional engineer and inquired about the stormwater analysis whereby an analysis is conducted of the site as it was and the site as it will be in terms of total impervious surface. He went on to say that he had walked the site before the demolition of the buildings and that the access roads were not actually paved roads but just crushed stone and compacted dirt. Mr. Kastrud confirmed that NJDEP counts that as an impervious layer. Mr. Svenson also inquired about the active water runoff from the site and stated that he has never seen in all the years he's lived in Mountainview the flow of water coming off that site into the catch basin area. His presumption would be that the water was permeating in through the soils more than it is running off (overland flow). He surmised that there will be more surface flow coming off of the site because of the added impervious coverage and then entering into the detention basin. Chairman Giordano clarified Mr. Svenson's question of whether there will be an increase in overland flow based upon the development. Mr. Kastrud responded that based on the calculations and the methodology used there will not be an increase in the overland flow based upon the development. He went on to say that efforts are made to control runoff from areas that are known to be problems in other developments, which is why there will be drywells to collect the roof runoffs. Mr. Svenson further asked that if the road was widened to 28 feet whether the extra impervious coverage associated with this would trigger the quarter-acre threshold of the NJ regulations that is required in accordance with water quality standards. Mr. Kastrud said that it may but that he does not have this answer. Mr. Svenson referred to a prior hearing where he brought up the discussion of Pitney when it was an old farm and that he has always been concerned about the pesticides on the site. He asked that if the quarter-acre threshold was triggered whether the active control measures employed would prevent anything from subsequently impacting the residents in Mountainview who own the detention basin. He would like to make sure that in five or ten years there will not be a problem that was unforeseen at this time as a result of the new development. Mr. Kastrud responded that this determination

cannot be made. If there are pesticides or the like in the soils, TSS does not remove this. TSS only removes solids and particles, and this is what is required to do. If there is something left over in the soils, it would be more of a problem than just a detention basin. Mr. Kastrud clarified that pesticide-related tests have not been done by his firm. However, he is not sure what Phase I's were done by the Township or the applicant. Mayor Gisser stated that at the time of the acquisition of the Pitney property there was a Phase I done, and Mr. Keenan said that some tanks were identified and removed. Mr. Svenson stated that the site was used as an agricultural facility but almost like an industrial site because of what was used on the site. Chairman Giordano stated that if the site was tested for pesticides that this would be public records and an OPRA request could be submitted to the Clerk.

Mr. Tasio Konidaris of 6 Ballantine Road approached the microphone. Mr. Konidaris inquired about the water flowing from the "ski slope" and what type of permission is needed from the HOA. If permission was granted or not needed, he inquired as to how the detention basin would connect to this sight. Mr. Kastrud responded that the applicant is allowed to utilize the storm sewer since it is a Township-owned right-of-way and a Township-owned storm sewer system. He said that most likely the easement that runs down to the detention basin that holds the pipe probably gives the rights to the Township to maintain, if necessary, but not the obligation. He opined that the obligation is that of the HOA. Mr. Kastrud went on to say that pipes are underground along the edge with two inlets at the end of the new proposed road with one pipe that runs from the inlet into the existing B inlet in Ballantine Road.

Mr. Jim Medenbach of 27 Ballantine Road approached the microphone. He stated that he is unclear as to the easements and the rights that accompany those easements. Mr. Kastrud referred to Exhibit A-1 on the plans. The site is outlined in red, and it has the "ski slope," which extends down in a southeasterly direction to Ballantine Road. This is all private property owned by the applicant. Once it reaches Ballantine Road, it becomes a public street and that the site will connect to the existing system through the existing E inlet. There is an existing storm sewer in Ballantine Road at the low point of the road, and he referred to Exhibit A-5, Utility Plan. He detailed the flow further. Mr. Medenbach described a few associated issues with this. The first is that the homeowners have beneficial use of the detention basin and that there is maintenance associated with the basin. There is also a Homeowner's Association fee and that it doesn't seem equitable that the new homeowners would have beneficial use of the detention basin and wouldn't be compensating for this use. Secondly, Mr. Medenbach stated that there was an original investment made to develop the basin in Mountainview and that now it will potentially be used by additional homes with this application. Chairman Giordano clarified Mr. Medenbach's question for Mr. Kastrud and asked whether it is proposed that the HOA for the new proposed development will be looking to join the existing Mountainview HOA with the associated fees required for access to the basin. Mr. Cerminaro stated that it is the full intention of the applicant that each house will become a member of the Association. Chairman Giordano clarified Mr. Medenbach's second question for Mr. Kastrud and inquired whether there will be an upfront payment (buy-in) to have a "share" of the basin by the new homeowners. Mr. Cerminaro stated that this is not the intention to have an additional upfront payment. Chairman Giordano clarified the next question in that if the HOA denies the use of the basin for the new development whether there would be an alternative plan. Mr. Cerminaro responded that the applicant does have the right to use the detention basin since it runs through the Township inlet. There was further discussion regarding this initial HOA fee by the new homeowners.

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

Mr. Cerminaro presented his second witness, Mr. Kevin O'Brien, and Mr. Buzak swore in Mr. O'Brien. Mr. O'Brien entered an appearance as Planner on behalf of Pitney Farm Development, LLC and stated that he is a professional Planner. He is employed by Shamrock Enterprises at Madison House, Suite B, Madison Avenue in Rahway, New Jersey. Mr. O'Brien went on to say that in addition to being a licensed professional Planner, he is certified by the American Institute of Certified Planners, which is a nation-wide credential. He has appeared before 250 Boards in the State of New Jersey and currently works for four communities – Long Hill Township, City of Rahway, Borough of Kenilworth and the Township of Clark. Mr. O'Brien stated that he has been an adjunct professor of Planning and Zoning at Rutgers University and taught for the New Jersey Planning Officials as well as for the Association and Zoning Administrators. He also has a current license in the State of New Jersey and is in good standing. Upon receiving no challenges, Chairman Giordano stated that the Board accepted Mr. O'Brien as a professional Planner.

Mr. O'Brien began by saying that the applicant is seeking approval for a Major Preliminary and Final Subdivision on the Pitney Farm property, which has been subdivided for development. The applicant seeks a variance to exclude the garage calculation from the floor area calculation. This will allow the proposed homes to be built at a scale and size comparable to the surrounding homes. All the other bulk requirements concerning the setbacks, coverage etc. have all been met, and these lots are conforming in that respect.

Mr. O'Brien continued to say that the main house has been destroyed by fire and had to be demolished. The property is surrounded by large single family homes on Shelton Road and Ballantine Road and that the new homes will have 3-car garages. Mr. O'Brien stated that he deducted the garage area from the house area to arrive at a certain series of numbers, which he would like to enter into evidence and hand out to the Board. This handout was marked Exhibit A-11 with today's date. He stated that the top sheet is a summary of the five proposed homes on Samuel Farm Lane. The second page is entitled Mendham Township Home Area Data, and the third page is a google earth image of the area.

Mr. O'Brien stated that the variance being sought is an exclusion of the garage calculations. The first page shows the average of the five lots and the five homes that are being built, and the average size of those homes is 4,149 square feet. He then referred to the second page, which lists surrounding homes on Ballantine, Shelton and Buddy Lane and stated that three of the houses on this list are smaller than the average 4,149 square feet. Thirteen homes are within 10 percent of the size of the proposed homes and eight homes are 36 percent larger than the 4,149 square feet. This indicates that the proposed homes are the right size for this type of neighborhood. The proposed homes will conform to the character of the neighborhood and will blend in with the surrounding homes. Mr. O'Brien went on to say that it is clear that the average of the proposed homes on Samuel Farm Lane is actually at the low end of the scale between the homes that are smaller and the homes that are larger.

Chairman Giordano inquired about the Home Area square footage, which is the square footage that already removed the garage. There is a notation on bottom of the page that indicates that all the homes have a 3-car garage. He asked if there was a calculation that included the garage. Mr. O'Brien stated that he does not have this calculation but that he would prepare a calculation that includes the garage for the proposed homes and for the homes in the surrounding neighborhood for the next meeting. Chairman Giordano clarified for the record that he would like an FAR of each of the proposed homes in accordance with the Mendham calculation as outlined in our ordinance. Mr. O'Brien stated that the ordinance defines floor area and it also defines floor area ratio and that the applicant is presenting in accordance with the

floor area definition and not the floor area ratio definition. Chairman Giordano confirmed that the utilization of the term floor area ratio was not correct and that floor area is the correct term.

Mr. O'Brien went on to say that in discussing any variance before the Board, one must prove the positive and negative criteria. In this case, the positive criteria refer to the Master Plan and Land Use law. He found on Page 4 a discussion of the Tempe Wick area and Corey Lane area and quoted what the Master Plan states in this section. Mr. O'Brien stated that this quote indicates that the Master Plan anticipated this kind of development and recognized past developments. It accepts the fact that these kinds of developments are off the historic roads and that their locations in interior roadways, such as this development, allow that uniformity of character that seems to be accepted in the Master Plan. He opined that this application does meet that goal by providing a development that is in character with the existing pattern and development.

Mr. O'Brien stated that in terms of the Land Use Law, this application does meet several of the goals of the Municipal Land Use Law, including:

Item A – to encourage municipal action to guide the appropriate use or development of all lands in the state.

Item B – to secure safety.

Item C – provide adequate light air and open space.

Item G - provide sufficient space and appropriate locations for a variety of uses.

Item I – promote a desirable visual environment

Item M – encourage the more efficient use of the land.

He opined that this application does meet the goals of the Municipal Land Use law by providing new residences that conform to the updated building codes and conforms to the character of the nearby residences.

Mr. O'Brien went on to address the negative criteria and stated that the proposed use is compatible with the character of the surrounding area. The proposed homes will match the homes that already exist and, in fact, will be somewhat smaller on an average to many of the surrounding homes. Therefore, he does not see a negative impact upon the area or the community as a whole. Mr. O'Brien stated that Mr. Kastrud testified and was agreed to by Mr. Keenan that there will be a reduction in stormwater flowing from this property, which is a positive criteria for everyone.

Mr. O'Brien stated that any application for a variance must demonstrate the positive and negative criteria, and he opined that this application meets these tests. The positive criteria are met by showing that the application can be reconciled with the Master Plan and the Zoning Ordinance. The Master Plan discusses community character and specifically accepts new subdivisions on interior roads that cannot be seen from the historical street. This application also meets a number of goals of the municipal Land Use Law such as Items A, B, C, G, I and M as outlined above. The proposed use is particularly suited for this location because the proposed residences are conforming to the neighborhood.



In conclusion, Mr. O'Brien opined that this application can be granted without substantial detriment to the public good and without substantial impairment to the zone plan and the zoning ordinance.

Mr. Cerminaro asked Mr. O'Brien if there was anything that he wished to address in Ms. Venezia's (H2M) report dated October 10, 2019. Mr. O'Brien responded that he did review the report and that he has no exception to her comments.

Ms. Venezia stated that there has been some discussion about either increasing the right-of-way or the roadway, which would then decrease the lot size and affect the maximum floor area for the proposed homes. This would then possibly reduce the calculations on Exhibit A-11, Page 1. She would like to make the Board aware of the fact that by increasing the roadway and increasing the right-of-way width that the home area would decrease even further than what is permitted currently. If there is a variance granted for the garages, it might be substantial if the roadway and right-of-way width were to increase. Chairman Giordano asked, therefore, that his request be amended. In addition to adding in the average garage space, he requested that Mr. O'Brien run a second calculation assuming a 28-foot road and how that would impact each house with a 50-foot ROW. Mayor Gisser clarified that currently there is a 24-foot road with 8 feet on either side for a total ROW of 40 feet. If the road was expanded to 28 feet with 6 feet on either side for a total ROW of 40 feet there would be no impact on these calculations. However, if the ROW is changed to 50 feet then this would affect the calculations. Mr. Keenan stated that if the road is widened to 28 feet, then 6 feet on either side for a total ROW of 40 feet is too tight, which is more reason to transition to a 50-foot ROW. He explained that with only 6 feet on either side that this may perhaps prove to be inadequate since the Township may decide to install sidewalks or some utility at some future point.

Mr. Monaghan wished to discuss the landscaping plan that was addressed in Ms. Venezia's report. He inquired about the 22 maple trees in the ROW and who would maintain these trees. Mayor Gisser stated that by ordinance this was changed in 2018 whereby trees in the municipal ROW on the resident's property are the responsibility of the resident.

Mr. Buzak requested clarification on the scope of the variance. On Page 1 of Exhibit A-11, there are the home areas without the garages and that the Chairman has requested that the garages be added to this calculation. He asked that when the garages are added to the calculation whether it is anticipated that the resulting size will be inconsistent with the ordinance as it now reads. Mr. O'Brien confirmed that this is the case and that otherwise the applicant would not be going through the exercise of requesting a variance from this calculation. Mr. Buzak went to say that if the variance is granted, then the floor area would be maxed out. If the resident wanted to install a tennis court, for instance, or any other impervious coverage, the resident would be unable to do this. Mr. O'Brien clarified that this would really be considered impervious coverage and not the floor area of the residence. Ms. Venezia stated that the definition does say that any accessory building over 200 square feet would apply to floor area; however, a tennis court is not an accessory building but impervious coverage. A pool house or shed is considered an accessory building, and if they are over 200 square feet then they would be applied to floor area. Mr. Keenan referred back to the importance of adding the note about the designed impervious coverage for each lot so this is capped. Mr. Buzak went on to say that the concern is that the new property owners would have absolutely no flexibility to do anything on their lot of that nature. A variance would be required when this calculation is maxed out. This was raised before in another application, and Mr. Keenan stated that this was part of a discussion on Shores Road, which would apply here, and that if a new property owner did request additional impervious coverage, then some stormwater management measures would

need to be provided to ensure that the rate of runoff is not being increased along with the consideration of the downstream impacts etc.

Ms. Venezia stated that she would also be interested to know the floor plan for the garages since in certain designs the garage space on the second floor is left as attic space. This is often expanded into living space by the homeowners and that this could potentially affect the floor area. Mr. O'Brien stated that currently there is no floor plan but that this would certainly be a consideration. Mayor Gisser said that the removal of the garage in the floor area calculation sounds like it's on the assumption of its unoccupied space other than a car; however, a fair number of homes in the existing subdivision have occupied space above the garage. Ms. Venezia stated that this second floor above the garage should be counted toward the floor area since it is used as occupied space.

Mr. Buzak inquired if there would be testimony with regards to waivers that are being requested by the Planner or whether this was adequately addressed by the engineer in terms of steep slopes and other waivers. Mr. O'Brien responded that Mr. Kastrud did explain this in his testimony; however, as a Planner, he opined that the waivers are justified given the testimony that has been given. Chairman Giordano confirmed that there are five design waivers - steep slopes for the categories 10%-15%, 15%-25%, and 25% and above, width of the roadway, exception from the sidewalks (more of a variance), the cul-de-sac since it does not currently comply to the ordinance as currently designed in terms of the radius and the issue of the floor area calculation.

Mr. Buzak requested that the lot area square footage be converted to acreage to be consistent with Page 2 of the chart on Exhibit A-11.

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

Seeing no one, Chairman Giordano entertained a motion to close the meeting to the public. A motion was made, and it was seconded. All agreed.

Mr. Cerminaro asked the Board for a short recess, which was granted.

After going back on record, Mr. Cerminaro asked the Board that the application be carried so that Mr. Kastrud and Mr. O'Brien may compile the information requested by the Board.

Chairman Giordano stated that the following request to the applicant be noted"

- Septic system numbers that are not available as of yet
- Data and work on the mountable curbs
- Show on the map or make a notation of the trees being pushed to the back edge of the ROW
- There are no stormwater calculations on maximum impervious coverage from the DEP, which need to be submitted
- Question regarding site distances coming down out of the road – should be noted on the plans the available site distance
- Signage on Ballantine Road when approaching the "T"
- Increase the caliper of trees from 2 ½ inches to 3 inches
- Notation on plans for no parking on one side of the road (this is flexible depending on the width of the road)
- Floor Area

- Storm drains at a 45 degree angle – Mr. Keenan will follow up with DPW for their approval

Chairman Giordano originally adjourned the meeting to February 20, 2020 at the request of the applicant's attorney, Mr. Cerminaro, and this was announced to the public. However, Mr. Cerminaro pointed out the fact that there is a state law that beginning April 1st trees cannot be removed because of the Indiana bat regulations and that the lot would be unable to be cleared, if the application was approved, unless an exception is obtained from the state. Mr. Cerminaro requested, therefore, that the meeting be adjourned to the January 15, 2020 meeting. Chairman Giordano stated that the meeting will be adjourned to January 15, 2020 at 7:30 pm in Town Hall but would still request the extension to the end of February. Mr. Szczepanski will also look into the regulation regarding the Indiana bat restriction on trees and communicate this with the Board members. Mr. Buzak re-announced that the meeting is adjourned to January 15, 2020 without further notice to the public at 7:30 pm in Town Hall. Mayor Gisser stated that the HOA President who did not hear this should be notified. A member of the public stated that she would communicate this to him.

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

Mr. Eric Svenson of 18 Ballantine Road approached the microphone. Mr. Svenson stated that all his concerns would disappear if the Township took ownership of the detention basin. These concerns would disappear with no legal issues arising for the acceptance of the flow, and he opined that even the homeowners would still agree to maintain it.

Mr. Clay Romweber of 14 Ballantine Road approached the microphone and stated that he is the homeowner of Lot 8, which is most likely the most impacted property with regards to the application. He wished to give kudos to the developer and engineers for collaborating with him since they actually brought the plans over to show him in advance. Mr. Romweber went on to say that he has a huge berm in the back; however, this is not his concern. He is concerned what the runoff would be as the road climbs up 50 feet. Mr. Buzak interrupted and stated that the hearing has been closed on the application and that if this deals with the application, it should be addressed on January 15, 2020 (or another date) because comments are not allowed at this point in the hearing. The Board cannot allow the public in the public session commenting on an application, which is in the process of being heard by the Board.

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

Mayor Gisser stated that this is his final meeting and has appreciated the opportunity to serve on the Planning Board. He thanked the Board members and professionals for all that they've done this past year.

Chairman Giordano entertained a motion to adjourn the meeting at 10:43 pm. A motion was made, and it was seconded. All agreed.

Respectively Submitted,

Beth Foley  
Planning Board Secretary