

Stanhope Land Use Board
February 14, 2022
Regular Meeting
Minutes

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**STANHOPE
BOROUGH**

CALL MEETING TO ORDER:

Chairwoman Maio called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

STATEMENT:

Adequate notice for this meeting has been provided according to the Open Public Meetings Act, Assembly Bill #1030. Notice for this Reorganization Meeting was forwarded to the New Jersey Herald and Daily Record on January 12, 2022, was placed on the municipal bulletin board and on the official website of the Borough of Stanhope.

In the event the Board has not addressed all the items on its agenda by 10:00 p.m., and it is of the opinion that it cannot complete the agenda in a reasonable period, the Board may exercise its option to continue this meeting at an agreed time and place.

At this time, please turn off all cell phones.

ROLL CALL:

Nicholas Bielanowski - present

Najib Iftikhar - present

Glenn Kurtz - present

Christine Lipinski (Alt #1) – present (arrived @7:05)

Rosemarie Maio - present

Thomas Pershouse - absent

John Rogalo – present

Edward Schwartz - present

Michael Vance - present

Paula Zelif-Murphy - present

Others present: Board Attorney Glenn Gavan, Board Engineer Eric Keller and Board Secretary Ellen Horak

MINUTES

January 10, 2022 Reorganization Meeting – On motion by Mr. Vance, seconded by Mr. Iftikhar, the Minutes of the January 10, 2022 Reorganization Meeting were approved on unanimous voice vote.

CORRESPONDENCE

01-13-22 Eric Keller, P.E. – Technical Review re: Sergio Lemus, Variance Appl, Blk 10105, Lot 1.01

01-21-22 BGK Realty Group, LLC – Appeal of Zoning Officers Decision, Blk 11207, Lot 8 (Stanhope House)

01-31-22 Tyler VanderValk, P.E. – Stormwater Management Report and revised plans re: Stanhope Fuel, Blk 11702, Lot 5

02-01-22 Maria and Jack Kaczynski – Email re: additional use at Bell's Mansion, 11 Main Street (and Zoning Officer's response to initial inquiry)

02-03-22 New Jersey Planning Officials – New Jersey Planner (Nov/Dec)

02-10-22 Eric Keller, P.E. – Technical Review #2 re: Stanhope Fuel LLC, Preliminary and Final Site Plan with D Variance, Blk 11702, Lot 5

02-14-22 Cory Stoner, P.E. – Preliminary & Final Site Plan & Use Variance for Manjit Bajwa, Blk 11702, Lot 5

On motion by Ms. Zelif-Murphy, seconded by Mr. Vance and carried by unanimous voice vote, the Correspondence List was accepted and placed on file.

Chairwoman Maio noted correspondence from Maria and Jack Kaczynski, owners of Bell's Mansion, and the question is whether or not they need to submit a site plan. Mr. Gavan stated they must submit a formal application in order for the Board to act. The Board cannot act on an email. Chairwoman Maio directed the Board Secretary to advise Mr. and Mrs. Kaczynski that a site plan application is required.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

Chairwoman Maio opened the meeting to the public for non-agenda items. Seeing no one from the public wishing to speak, Chairwoman Maio closed the public portion of the meeting.

Chairwoman Maio revised the Agenda and moved the New Hearing before the Unfinished Hearing.

NEW HEARING:

21-03, Sergio Lemus

Block 10105, Lot 1.01, Variance Application

Deemed Complete: 12/13/21

120 Days: 4/12/22

Chairwoman Maio noted this is a variance application for front footage.

Frank Colasurdo, Architect for Sergio Lemus came forward. Mr. Colasurdo provided a brief background of his credentials. He has been a licensed architect in the State of New Jersey since 1999. He has testified before hundreds of Boards through the State of New Jersey and was qualified at all of them. Mr. Colasurdo explained the application. It is for a new single-family home for Mr. Lemus, who plans to build and live there. The property is Block 10105, Lot 1.01, 39 Sparta Road. This is a 1.856-acre parcel off Sparta Road. They are proposing a 1,600-single family, 3-bedroom home. The variance requested is for road frontage. The lot frontage is 132 feet and 150 feet is required. Mr. Colasurdo noted Mr. Keller's report and stated there is the potential for another variance for steep slope in the front driveway. Mr. Gavan noted the lot is pre-existing and he asked what is on the sides of the property. Mr. Colasurdo responded to the north is a residential house and to the south are residential houses. There was no possibility for the applicant to have purchased any additional property. Mr. Gavan noted the frontage is pre-existing and the applicant could not obtain any more land even if he wanted to. Mr. Keller agreed, adding that the lot to the north is substandard as well.

Mr. Keller noted there were no calculations provided for the critical slope variance. He does not know what level of variance they are seeking because there were no calculations. Mr. Keller also noted there are engineering controls to deal with sediment control. Mr. Colasurdo presented a site survey that overlays the proposed home and driveway and has a shaded area where any slopes higher than 12' are, which was marked Exhibit "A." Mr. Keller noted Exhibit A shows where slopes greater than 12% are. The ordinance requires for 12% to 15% slope, you can disturb 30% of those slopes. Mr. Keller questioned if any of the slopes are greater than 15%, which you could then disturb 20% and any slope greater than 25% you can only disturb 10%. Mr. Colasurdo noted the ordinance requires the driveway not exceed 9% and to do that they will disturb 20% to 25%. He does not believe they are exceeding 20%. Mr. Gavan stated Mr. Colasurdo must submit the steep slope calculations before a decision can be made on the application. Mr. Keller stated he would rather have the driveway conform to the Borough's ordinance and disturb a little more of the steep slopes that will be restored and graded. Mr. Keller stated

there is not enough information that has been presented that the Board would know what they would be granting.

Chairwoman Maio noted the application indicates there is no sewer hook-up. Mr. Colasurdo responded that at the time they were not sure and then found out they cannot hook-up. They did soil logs in case they needed to do a septic and they received good results. The manhole is 300 feet away and to get from there they would have to pump up. Mr. Keller agreed, adding they would need to install an ejector pump or a septic system. Mr. Keller noted that some town ordinances require if you are within "x" feet you must connect; however, the Borough's ordinance does not. Mr. Keller said, in the 17 years he has served as the Borough Engineer, there has been no septic systems built in the town. Mr. Keller added, it would have to go to the County Health Department.

Mr. Keller stated he has concerns about the proposed grading and he asked the grading towards the north adjacent residential lot be addressed. Mr. Keller stated the grading plan depicts a slope of 3.44% within the first 15 feet of the driveway, and after review, the slope depicted is 3.75%, which exceeds the maximum permissible slope of 3.5% within the first 15 feet of a driveway. Mr. Keller stated he also had a comment about roof leaders. The plan had them discharging to the ground. That area needs to be stabilized and they need Soil Conservation approval. Mr. Colasurdo responded that he is waiting for that approval. Mr. Colasurdo said they agree to comply with the comments in Mr. Keller's review report.

Mr. Colasurdo noted Mr. Keller's comment #9 and said he checked his calculations and he is getting 3.44%. Mr. Colasurdo also stated it is their intent to create swales to take the water around the house to the back. This will be included in the revised plans.

Chairwoman Maio opened the meeting to the public for comments or questions on this application.

Wayne Miller was sworn in. Mr. Miller testified he is the owner of Block 10106, Lot 2, the center lot of the three in the Block that border the applicant's lot. Mr. Miller stated he, as well as his neighbors, are concerned with the water. The applicant will be disturbing a lot of dirt and there will be about 5,000 extra square footage coverage with the house, patio and walkway which will replace the existing woodland with impervious coverage that will provide run-off. Mr. Miller noted his property is downhill from the building site. His request is that the grading around the house be specified sufficiently so they do not get excess run-off. Mr. Miller also expressed a concern that a lot of excess run-off will form a swamp. Mr. Miller said he thinks the house and the plans are well in keeping with the land use defined by the town, but it is imperative that the detail of grading be specified so as not to impact the neighbors. Chairwoman Maio asked Mr. Keller if he could respond about the grading plan. Mr. Keller noted Sheet Z3 shows the entire property. If you look at the area around the house being graded and the septic system going some place between the house and tree line, that area needs to be flattened. Any regrading on the southern side of the property can possibly be directed towards Mr. Miller and his neighbors' property. There is a bit of a ridge line behind the house and his concern was more run-off going onto Lot 1. The grading directs it towards the north. The impervious surface will go towards Lot 1. Mr. Miller noted a silt fence is shown going up on the southern side and after the silt fence is removed there will be only a flow of water. Mr. Keller stated the grading on the plans shows a berm on the driveway. Mr. Keller suggested instead of pitching the driveway towards the south, have it towards the north, but to look at the grading to make sure the water is being pushed more to the east. Mr. Keller noted the initial need is to have a balance between the two. There is no variance needed for impervious coverage and the applicant is not required to provide any stormwater detention. Mr. Keller stated you cannot put in drywells if you have a septic system. Mr. Keller stated the berm is pushing water to the northeast to keep it away from the property. They need to

design it so water does not run over the septic system and berm the area along the trees. Mr. Colasurdo stated they will create swales around the house. They are permitted 15% impervious coverage and they are proposing 6.27% which is less than half what is permitted. With the swales, the water will be kept in the backyard and it is his professional opinion water will not be an issue.

Mr. Keller noted, for the next meeting, they need the steep slope calculations and conditions of any approval will be Soil Conservation District approval, County Health Department approval on the septic system and revised plans to incorporate grading for the septic field and to create a berm along the south side.

Rich Perry was sworn in. Mr. Perry asked if the driveway will be paved or natural rock. Mr. Colasurdo responded it will be a paved driveway. Mr. Perry expressed his opinion that there will be a lot of water coming off the driveway and that a natural grade would be best, not paving.

Seeing no one further from the public wishing to speak, Chairwoman Maio closed the public portion of the meeting.

Mr. Gavan noted there are already two hearings scheduled for the next meeting. Mr. Gavan announced that this matter will be carried to the April 11, 2022 meeting with no further notice required.

UNFINISHED HEARING:

21-01, Manjit Bajwa (Stanhope Fuel LLC)

Block 11702, Lot 5, Preliminary & Final Site Plan and Variance Application

Deemed Complete: 09/13/2021

120 Days: 01/11/2022 (Extension Granted)

Mr. Gavan noted there are new Board members. At the December meeting the use variance was approved and there is now only the site plan. Since there are so many new members, he would like to start from the beginning for the site plan. Mr. Gavan stated there will be one resolution that will indicate the use variance was approved in December, but tonight will be the beginning of the site plan application.

Michael Selvaggi, Esq. of the firm Lavery, Selvaggi, Abromitis & Cohen P.C. appeared on behalf of his client, Stanhope Fuel, LLC. Mr. Selvaggi stated the application was grouped together and he asked that the Mayor's representative and Council representative step down. Mr. Gavan explained to the Board that, although this is a combined Board, in December the Board members sat as a Zoning Board and this is still a continuation of that Board. The Zoning Board keeps jurisdiction during the site plan since you sat as a Zoning Board in December. Mr. Gavan stated, if you sat as a Zoning Board in December, to be safe on jurisdictional issues you should sit as a Zoning Board for this portion of the application. Mr. Selvaggi said, in an abundance of caution, he thinks it is best that the Board remain as a Zoning Board.

Chairwoman Maio said she will defer to Mr. Selvaggi because the Board's attorney recommends she does; however, she will not do so before first voicing her opinion which is, since the Boards were combined it has been their practice, without problem, to separate the D Variance and having voted on that portion, any further discussion on the application was conducted with the full Board. Mr. Gavan stated the applicant has made an objection and if this goes to litigation on an appeal, a Judge may rule it is a jurisdictional issue and send it back to the Board. It will give someone who wants to appeal "count one in their favor." Mr. Selvaggi strongly objected to the full Board and urged the Mayor's representative and Council representative to step down, noting if there was no combined Board and the application moved from D variance to site plan, those two members would not even be present at the hearing. After a brief

discussion, Mr. Gavan advised that the Board has decided they will stay as a full Land Use Board for the site plan hearing.

Tyler VanderValk, Houser Engineering, LLC, 1141 Greenwood Lake Turnpike, Ringwood, New Jersey was sworn in. Mr. VanderValk provided his educational background and licenses. He has a BA in civil engineering and is a licensed professional engineer in the State of New Jersey. His license is current and in good standing. He has testified before numerous boards throughout the State and before this Board and he has been accepted as a professional engineer. The Board accepted Mr. VanderValk as a professional engineer.

Mr. VanderValk stated the property is Block 11702, Lot 5 and is located on Route 206 between Route 206 and the border of Byram Township. The property is in the Highway Commercial Zone and is about a half an acre. It is on the southbound side of Route 206. The recently constructed gas station is located next door and the property to the north has a mixed use. There is a single-family home and vehicle maintenance garage and a single-family residential neighborhood in Byram Township to the west. The site contains a building closer to Route 206 but relatively centered on the lot. The site was historically operated as a restaurant. The driveway is paved along the front and goes around the building to a rear slope. They propose to demolish the existing structure and construct a 3-story building. There will be 2 retail spaces on the ground level and 2 additional apartments on the ground level towards the Byram side of the property. The basement will contain 4 apartments and the second story will contain an additional 4 apartment units and each will have access through a center staircase. The front yard setback required is 25' and they propose 41'. The side yard setback required is 10' and they are proposing 10'. The rear yard setback required is 20' and they are proposing 41'. The main level will contain two tenant spaces that can be retail spaces as well as two apartments on the ground level. To the rear of the property there will be a walkout for the basement level apartments and the second story which will contain four apartment units. There will be ten apartment units for which they obtained a use variance and will have retail in the space in the front of the building. Currently there are two curb cuts on Route 206 for access to the site. They will put in new curbs and have one access. There will be 27 parking stalls. They propose 2 ADA compliant parking stalls. They propose a loading stall between the building and the driveway, that will be a grass area and for which a design waiver required. There is no other area on the property for a loading zone. They are providing a 7-1/5' wide sidewalk along the front that will continue to a stairway that goes to the basement apartments and that sidewalk wraps around the building. The maximum impervious coverage for the zone is 30% and this application originally had 65.7% and based on Mr. Keller's comments, they reviewed the numbers and the current accurate number is 15,407 square feet of impervious coverage which is approximately 800 square feet more than the original application. They are requesting the Board grant 68.5% rather than the original 65.7%. They require a building height variance because the building height permitted in the zone is 35 feet and they are proposing 36.2 feet at the highest ridge line to the average grade. Given the style of the building, they feel it is warranted for the aesthetics. They are providing 27 parking spaces. Each unit will be a one-bedroom unit so they meet the required number of parking spaces. The size of the parking spaces will be 9' by 18' and the ordinance requires 10' x 20' so they will need a design waiver. Mr. VanderValk noted the proposed sign has been changed. The sign was proposed to be in the northeast corner and looking at the sign next door, it was not an ideal location so it was relocated and is now in the southeast corner by the driveway. The sign will not impede the view of the gas station sign. The sign can list up to two tenants and will provide for the street number. It will be lit with downward facing gooseneck lighting. Lighting will be placed on the sign. The sign is compliant. The maximum size is 75 square feet and proposed is 60 square feet. The required sign setback is 10' and 20' is required. Mr. VanderValk mentioned the plans displayed on the Board are the plans last revised January 28, 2022. Sheet 4 is the Grading Plan. It shows steep slope in the rear as well

as sideline. The grading of the site is to create an appropriate parking area. They will construct a retaining wall to get back to the existing grade. Variances are required for steep slope. With steep slopes from 0% to 12%, you are permitted 100% disturbance; from 12% to 15% you are permitted 30% disturbance; from 15% to 25% you are permitted 20% disturbance and 25% and over you are permitted 10% disturbance. The shaded area shows the area is limited to only 569 square feet. In the 15% to 25% permitted is 20% disturbance and they are proposing 89.1% which is only 750 square feet of disturbance on the property. The area greater than 25% runs along the rear and side line and is proposed 97.7%. Mr. VanderValk noted these slopes are man-made. They will be building retaining walls which will provide a benefit to stabilization of that slope. They are proposing a stormwater management system although since this is not a major development they are not required to do. In the design of the stormwater system, although not required, they are proposing a subsurface detention basin which will be located in the parking area that will be collecting surface run-off from the parking lot and routing it through that basin with the idea that they store the rainfall and let it out slowly. As far as another major change is they provided for two drywells in the front yard to take the roof run-off from the structure. This is being done in response to concerns with increase in volume even though they will be decreasing the volume rate. The intent of the pits is to provide some level of recharge, specifically the roof water. The system also contains an emergency overflow as an added level of protection. They are also providing for water quality, although not required. After they provide detention, the water is routed through a water quality device which will provide 50% removal of soluble solids so water coming out at the back of the property will have some of the waste removed. The property will be serviced by an electric utility located along Route 206 and they will be connecting to public water which is in the median on Route 206. When the gas station was constructed they provided a sewer extension across Route 206 and that is the location of the manhole in front of the subject property. They will be tying into that and since that manhole cover is above the basement units, they will have an ejector pump in the basement level units which will pump it up to a gravity lateral connection out to the manhole. Since there is no natural gas available to the property, they will be using electric rather than providing a fuel source.

Mr. VanderValk noted on Sheet 5 lighting changes were made specifically to address concerns raised by Mr. Keller and the neighbors. They changed the type of fixtures as well as the location of some of them. Lighting in the back of the parking lot was moved closer to Route 206. They also changed the style. The rear and northside of the building had lantern style, but they replaced them with a wall sconce style that face directly down. Throughout the parking lot they changed the commercial style lighting to a lantern style. Landscaping changes were made in response to concern about a lack of substantial landscaping in the rear so they converted the single row of evergreen into a double row and they adjusted some of the other plantings throughout the site based on Mr. Keller's comments. The double row planting will be Eastern Red Cedars that come in at the planting height of 7' to 8'. Mr. VanderValk said if there is an opportunity to save a healthy tree that is tall and plant around it, at the Borough Engineer's discretion, they will save whatever they can.

Mr. VanderValk delivered a signed and sealed survey that had not previously been provided. Mr. Selvaggi noted a concern about the deck of the adjacent property owner and asked the outcome after receiving the survey. Mr. VanderValk responded Lot 6 on the original survey showed the deck continuous with the edge of the property and encroaching on their property. The updated survey accurately reflects the location of the deck and it is not encroaching on their property.

Mr. VanderValk summarized the variances and design waivers requested as follows: variance for steep slope; various for impervious coverage; variance for maximum building height and variance for minimum sign setback and design waivers for parking space size and buffer areas, distance to residential property.

With respect to the design waiver for the buffer, the requirement is to have a 50' buffer to the residential house in the rear and they are proposing 20'. Mr. VanderValk noted they are keeping more retail space in the front and more residential in the rear. The buffer is more residential in nature and softens the affect.

Mr. VanderValk noted there are a number of open items in Mr. Keller's report which he does not have any additional comments on other than they have no objection to doing as Mr. Keller requests. Mr. VanderValk noted a comment that the Board may prefer granite block curb and they have no objection if that is the Board's preference. The original application had concrete curbing. Mr. Keller noted the gas station is all granite block curbing and he would rather see granite block curbing on this property. Mr. Selvaggi and Mr. VanderValk were amenable to making the change. Mr. VanderValk mentioned that the color of the lights depicted on the plans are at 3,000K. Mr. VanderValk clarified that the designation at 30K is the catalog number. Mr. Keller explained to the Board and the public that 3,000K means it is a softer, more of a daylight color. The higher the number, the whiter and harsher the color.

Mr. Keller noted the sewers and asked if all of the units and retail space going to go to a single ejector and then out to the street or are they going to take the ground floor and upper floors and do it by gravity and only use the ejector pump for the lower level. Mr. VanderValk responded it is the intent that the basement will use the ejector pump and everything else will be gravity right into the discharge line. Mr. Keller asked where they are going to put the ejector pump as there is no mechanical room on the basement floor. Mr. Keller noted the location needs to be shown on the floor plans. Mr. Keller also said if they are going to have a gravity line from the ground floor and upper floor, that needs to be shown. Mr. VanderValk responded he will have the architect amend the floor plans. Mr. Keller noted at the December meeting, Mr. Byrne, the applicant's architect indicated he would try to get a window well in Apartment #4 which is the one on the east end of the lower level. Mr. Keller stated that must be shown on the plans. Mr. VanderValk will add that and make the change.

Mr. Keller noted comments from Byram Township's engineer and he asked Mr. VanderValk to talk about the main detention system and how it is designed and what the functional characteristics of that design will provide. Mr. VanderValk said it is designed as a detention basin only. As per stormwater rules, although they are not required for this project, the applicant's responsibility is to reduce the rate of run-off leaving the property. The rules address the rate of run-off not volume. The detention basin will collect and detain it and at a much slower rate, release the water so they will not have a flooding impact. They are providing for drywells for the roof run-off in order to recharge some water to get a reduction in volume. The new design is a reduction in volume from the previously submitted application. Mr. VanderValk stated he worked with Mr. Keller's office with regard to the drainage and the concern regarding infiltration and the idea was if they provide for perforated piping they are allowing it infiltrate into the ground. They have not taken this into consideration in their calculations and they still have the same size basin, but can offer this as an additional volume of recharge. Mr. VanderValk said they did soil testing and found conditions suitable for infiltration. Mr. Keller asked if there would be any benefit in moving the basin closer to Route 206 so that it is away from the retaining wall and more of it is within more natural soil. Mr. VanderValk agreed it is a good idea and he will make the change. Mr. Keller commented the drywells are a great idea but they need to make sure they are not creating a water condition to the lower level building. Mr. Keller asked that they do a water analysis to show the impact. Mr. VanderValk agreed to do the water analysis. Mr. Keller asked if there has been any discussion with JCP&L regarding a need for a transformer. Mr. VanderValk responded he has not discussed that with JCP&L. They are providing for condensers along the front and if a transformer is required by JCP&L it will be properly screened. Mr. VanderValk stated they confirmed that the water line is in the median and he has another consultant working on road opening permits with NJDOT as well as access.

Mr. Keller questioned adding a sidewalk along the frontage. Route 206 has a sidewalk on the other side of the road and it would be nice to plan for the future extension of the sidewalk. Mr. Keller recommended the Board start the sidewalk process. Chairwoman Maio agreed, noting especially since there will be residential units on the site. Mr. Keller noted the evergreen trees and said he would like it made very clear on the landscaping plan that those trees are to be, to the extent possible, placed amongst the existing trees. Chairwoman Maio said they must not put in pine trees. Mr. VanderValk stated the trees will be Red Cedar and Blue Spruce as far as the evergreen trees and he assured the Board they will not be pine trees.

Mr. Rogalo noted when you let the water out, it will follow the natural drainage that goes to the adjacent property to the south. Mr. VanderValk stated there is a berm at the property line that has been there and they have no plan to change that. Mr. Keller noted there was testimony at the last meeting that there will be a right of discharge from this property onto the adjacent property. Mr. Selvaggi stated they will have a cross-easement. Mr. Keller asked if they had any problem with the rest of the comments in his review letter and if they will comply with his comments. Mr. VanderValk responded they have no issues and will comply with Mr. Keller's comments.

Chairwoman Maio opened the meeting to the public for questions for the engineer.

Thomas Knutelsky, 17 Plains Road, Augusta was sworn in. Mr. Knutelsky stated he is a licensed professional engineer in the State of New Jersey and is employed by the firm Harold E. Pellow & Associates, Inc. who is Byram Township's engineer under the supervision of Cory Stoner. Mr. Stoner could not be present tonight so Mr. Knutelsky is speaking on his behalf and has three questions. Mr. Knutelsky noted testimony about volume and stormwater and he is pleased to hear the pipes are perforated and that the detention basin will be moved in an easterly direction to take advantage of the soil. Mr. Knutelsky said the detail shows there is 6-inches of stone below the bottom of the pipe to the bottom of the excavated basin in he asked if in order to facilitate more volume storage in that infiltration zone could it be increased to 12-inches or 18-inches of stone that will guarantee water will go out of the perforated pipe and into stone and then infiltrate, which is really storage and will take away volume. Mr. VanderValk responded from an engineering perspective the infiltration seems more to do with the surface area than volume of storage and he does not think you would be helping the amount of infiltration other than you have more water tract below the pipes that cannot get out. Mr. VanderValk stated he would not have a problem with adding another 6-inches of stone. Mr. Keller expressed concern with the additional stone. Since there is fill material on the property and you do not know the composition of that soil and it is highly variable. Mr. Keller is concerned about putting water with no way to get out except to infiltrate. Mr. Keller noted one of his comments was for the applicant to put the discharge pipe at the bottom of the stone, not at the invert of the pipe because if it clogs or does not infiltrate, you have 6-inches of water sitting in the ground. Mr. Keller stated he does not recommend extra stone. Mr. Knutelsky said it was an idea to increase the volume that they do have issues with to the properties to the west. Mr. Knutelsky said his second question has to do with the grass pavers that are out front. He asked if there is a design that may not use grass, but possibly pea gravel instead; the idea being if the grass is not maintained in the winter and it is scalped on a thaw day, the grass is gone and you are left with dirt. Mr. VanderValk responded it could become a maintenance issue if not properly taken care of, but he would still prefer to have grass, but is not opposed to pea gravel. The intent was the grass would keep more green space in the front. Mr. Knutelsky said his third question has to do with the lighting, specifically Light A, which faces towards the westerly property. The light loss factor seems to be very low at a .2 and he thinks it should be up higher similar to the other lights' loss factor. Mr. Knutelsky asked if there is a reason for that or if it is

something that should be checked. Mr. VanderValk responded as far as the light loss factor, they are at .1 only 15-feet off the building. Mr. Knutelsky said the light loss factor attributed to that light he would think would be higher and what is there may be more intense along the westerly property line. Mr. Keller agreed with Mr. Knutelsky, stating it is not a correct light loss factor and he told Mr. VanderValk they need to recalculate it with an appropriate light loss factor. Mr. Keller said they may need to reduce the output of those two fixtures. Mr. Keller noted regarding the light on the north face of the building, you are right next to the house and there is not much you can do because the house is practically on the property line, but possibly look at adjusting the lateral placement of that light. Mr. Keller stated they need to correct the light loss factor. Mr. VanderValk agreed.

Seeing no one further from the public wishing to speak, Chairwoman Maio closed the public portion of the meeting.

Mr. Vance noted reference to the home on the property line with the deck and asked if there will be a conflict with light and noise for the residents with the deck. Mr. VanderValk responded they are so close, but he will look at getting the light lower. As far as noise, the area is only for entrance for the two basement units. There is no outdoor living space in that location. There is no space for a set-up of patio space, etc.

Mr. Schwartz noted Mr. Keller's comment about the silt fence and use of a stronger silt fence. Mr. Keller stated it was either a super silt fence or a silt fence with haybales which they did for the construction of the gas station and it was very effective. The plan is to use the silt fence with haybales. Mr. Keller noted it is more natural and when they get wet, the haybales are very heavy.

Mr. Rogalo commented that with regard to the underground storage, if it is moved forward you are actually getting away from the undetermined fill and you will be more in good soil so the extra gravel probably would be beneficial. Mr. VanderValk responded that rather than going deeper beneath the pipe, to possibly give an extra 6-inches on all sides. Mr. Keller agreed, saying he would rather see a wider area of stone on the perimeter. Mr. Keller asked that if they increase the surface area that it be detailed on the plans.

Chairwoman Maio opened the meeting to the public for questions or comments.

Thomas Knutelsky, said he is present behalf of Byram Township's engineer's office specifically for their February 11, 2022 letter that was submitted to the Board. The letter notes that the impact off this site are going to be to the west onto Byram Township resident properties with increased volume of stormwater off from the site due to the amount of impervious coverage related to their variance and with the height of the building as it stands, the properties in Byram to the west will be looking up to that building. The lights positioned along the building might encroach into those properties. Mr. Knutelsky noted there are impacts to the Byram Township residents that they would like put on the record and that they feel could be taken care of with certain changes to the site. The applicant has agreed to make certain changes to the site that they are agreeable with. Mr. Knutelsky stated the variance for impervious coverage of 68% when 30% is allowed shows this may be an overdevelopment of the property. Mr. Knutelsky agreed this is a property that needs to be developed and brought up to current standards, but maybe if it was scaled back and the impervious coverage reduced it might be effective. Mr. Knutelsky said they feel the Byram Township residents in that westerly portion may still be impacted but they do agree that the applicant has provided some concessions to try to alleviate those impacts. Mr. Knutelsky offered to walk the tree line with Mr. Keller to assure the vegetation is being preserved.

Seeing no one further from the public wishing to speak, Chairwoman Maio closed the public portion of the meeting.

On motion by Mr. Vance, seconded by Mr. Iftikhar, and carried by the following unanimous roll call vote the Board approved the site plan and granted the following variances: critical slope, steep slope variance; impervious coverage variance where 30% is permitted and 68.5% is proposed; height variance for the building where 35' is permitted and 36.3' is proposed; setback for the sign where 20' from the roadway is required and 10' is proposed; and a series of design waivers being for the size of the parking spaces of 9' x 18' instead of required 10' x 20'; the setback for parking spaces where 5' is proposed and 10' is required; the loading zone should be 10' x 16' and proposed is 14' x 45' and it is also supposed to be in the rear of the building; the buffer for residential uses should be 50' and 20' is proposed; involving the steep slope area to the rear is significant and conditions of approval are as follows: the comments and requests in Mr. Keller's report dated February 9, 2022; the applicant will modify the curbs from concrete to granite block curbing; the architect will amend the plans to show the placement of the ejector pump and the window well for Apartment #4 and there will be modification to the elevation so the windows are the correct size; lighting modifications will be made and verification of the calculations on the light loss factor for the westerly end and northerly side; the detention area will be widened and moved closer to Route 206; there will be a right of discharge onto the adjacent property; there will be two rows of trees in the rear and there will be no healthy and vital trees removed and there will be absolutely no pine trees planted; and if a transformer is required, it has to be screened.

AFFIRMATIVE: Mr. Bielanowski, Mr. Iftikhar, Mr. Kurtz, Ms. Lipinski, Chairwoman Maio, Mr. Rogalo, Mr. Schwartz, Mr. Vance, Ms. Zeliff-Murphy
 OPPOSED: None
 ABSTENSIONS: None

BILLS:

	<u>Bowman Consulting Group, Ltd.</u>	
02/04/22	Re: Lusardi	\$ 75.00
	<u>Miscellaneous</u>	
01/25/22	Gannett (Daily Record) – publication of Annual Meeting Notice & Affidavit	\$ 58.40
02/07/22	Linda Chirip – secretarial services for reorganization meeting	\$ 40.00
01/31/22	NJ Planning Officials re: 2022 Membership Dues	\$325.00

On motion by Mr. Vance, seconded by Ms. Zeliff-Murphy, the aforesaid bills were approved on the following unanimous roll call vote.

AFFIRMATIVE: Mr. Bielanowski, Mr. Iftikhar, Mr. Kurtz, Ms. Lipinski, Chairwoman Maio, Mr. Rogalo, Mr. Schwartz, Mr. Vance, Ms. Zeliff-Murphy
 OPPOSED: None
 ABSTENSIONS: None

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

Chairwoman Maio opened the meeting to the public for non-agenda items. Seeing no one from the public wishing to speak, Chairwoman Maio closed the public portion of the meeting.

DISCUSSION:

Mandatory Training – The Secretary informed the Board that this issue of the New Jersey Planner contains the dates that the mandatory training sessions are being offered. A member has 18 months from the date of their appointment to take the training class. The Mayor’s representative and Council representative can take the class, but it is not mandated that they do.

BGK Realty Group Application – Mr. Gavan noted an application from BGK Realty Group for an appeal of the zoning officer’s decision as well as an interpretation. Mr. Gavan informed the Board that he sent an email to the applicant’s attorney advising him that any appeal of the zoning officer’s decision must be filed within 20 days of the appeal. The decisions being appealed are from August 2, August 7 and September 4, 2021. Since the appeal was not filed within the 20-day limit, the Board has no jurisdiction to hear the appeal. The Board can hear the Interpretation portion of the application.

ADJOURNMENT:

On motion by Mr. Iftikhar, seconded by Mr. Rogalo, it was the consensus of the Board to adjourn the meeting at 9:00 P.M.

Respectfully submitted,



Ellen Horak, Board Secretary