

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
April 10, 2014
Public Session**

Meeting Called to Order at: 7:30PM

Open Public Meetings Statement: Read aloud by Board Secretary.

Roll Call: Messrs. Berardo (absent), Corriston, Pierson (absent), Reade, Cirulli, Newman (absent), Iannelli, Councilman Rorty, Chairman Hanlon, Mayor Randall (absent)

Also in Attendance: Mr. Richard Allen, Board Attorney (stand in for Mr. Gary Cucchiara who was ill this evening); Mr. David Hals, Borough/ Board Engineer; Mr. Ed Snieckus, Borough Planner; Ms. JoAnn Carroll, Board Secretary.

Chairman Hanlon: stated at the special meeting held on Monday, April 7, 2014, the oaths of office were reapproved; Councilman Rorty was absent for this meeting so at this time Councilman Rorty's appointment to the Board is reaffirmed and ratified; the necessary document has been signed; this information was stated for the record; Councilman Rorty's term ends December 31, 2014.

Chairman Hanlon: called the applicant for DB Heating and Cooling to come forward; the applicant was not in the audience at this time.

Resolution: Ho-Ho-Kus School Board: synthetic turf field at the school; capital improvement project.

Chairman Hanlon: stated the Board had a copy of the resolution; asked the Board to review for any additions and/or corrections.

Mr. Corriston: stated there were two issues; the generator issue raised; part of the approval was to take care of the generator problem at the school because of the emergency response; second issue was the existing lights, when moved, needed to be approved by the Planning Board.

Chairman Hanlon: stated these items can be injected into the resolution; since the school plans on having a 250,000 gallon retention system, the boiler needs to be connected to the emergency generator that will be installed.

Mr. Corriston: stated that the motion is to revise the draft to incorporate the generator and also that if the lights were extended or removed, that would require Board approval.

Mr. Iannelli: stated there was some discussion that the BOE would visit some ideas of a new array; doesn't believe that is required to be added to this resolution.

Chairman Hanlon: stated Mr. Hals gave the Board a suggestion in his report; this suggestion being how the underground system should be placed in the future.

Please note: there were no further suggestions/corrections and or additions from the Board.

Motion to approve the HHK BOE resolution with two corrections:
Councilman Rorty, Iannelli

Ayes: Corriston, Reade, Cirulli, Iannelli, Councilman Rorty, Chairman Hanlon

Mr. Robert Hoerter, DB Heating and Cooling Inc., 1 Hollywood Avenue, Suite 24, Block 603, Lot 1: warehousing tools and supplies for business; Dalebrook Park.

Chairman Hanlon: described the application and stated the landlord has provided the Board with a letter; asked the applicant if he would be the only employee present at the facility at Dalebrook Park.

Mr. Robert Hoerter: stated the space would be used for storage only; the business' main office is in Waldwick.

Chairman Hanlon: asked how many employees are located at the Waldwick office.

Mr. Hoerter: stated 2-3 employees.

Chairman Hanlon: asked if Mr. Hoerter was aware of the parking situation at Dalebrook Park.

Mr. Hoerter: stated "yes."

Councilman Rorty: asked if any hazardous materials would be kept at Dalebrook Park.

Mr. Hoerter: stated "no."

There were no further questions from the Board.

Chairman Hanlon: stated the applicant did not have to come before the board for signage because there is a preset program for them; confirmed there would be a sign on the door stating the business' name; confirmed there is plenty of parking.

Motion to approve DB Heating and Cooling application: Reade, Rorty
Ayes: Corriston, Reade, Cirulli, Iannelli, Councilman Rorty, Chairman Hanlon

Chairman Hanlon: instructed members of the public standing in the hallway outside of Council Chambers that there were accommodations in the ambulance room which had a live feed.

Chairman Hanlon: took the microphone and proceeded from the dais to the meeting floor; asked the Board to open up their plans at this time; discussed evacuation procedures in case of an emergency; named the Borough's employees and volunteers who were on hand this evening to help in that event; stated the Planning Board has a very strict set of guidelines which they work with through the courts and the State; the Planning Board members are made up of residents with the exception of Mr. David Hals who is the Borough Engineer, Mr. Ed Snieckus who is the Borough Planner; neither of which vote on the Board; the Borough Administrator, Mr. Don Cirulli, is on the Board and does vote; the rest of the members are fully employed; not retired and donate their time; the Board normally meets on the second and third Thursday of the month; the Board tries to protect the Borough the residents and Board; reviewed the meeting process for the audience; all cell phones should be shut off; no video recording devices or recording devices are allowed; there is one stenographer taking notes and the Board Secretary makes an audio tape of the meeting as well as types minutes for the meeting; the Bergen County Bar Association states the Board can ask the audience to shut off all devices; this is a public meeting; meeting will end at 11PM tonight; will not go beyond this time regardless of where the testimony is at the time; all discussions take place in front of the microphone to keep a legal record of the proceedings; if someone is not able to approach the dais, arrangements will be made to have the microphone brought to their seat; 200' list residents are given first priority to speak; residents need to be truthful in their testimony; they will be sworn in; perjury if false information is given to the Board; there are special guidelines and rules that are followed by the Board; explained voting procedure and resolution.

Mr. Corrison: stated that obviously the applicant has experts; the Objector's attorney will have experts; the Borough has experts; experts can be hired; everyone will have an opportunity to be heard.

Chairman Hanlon: asked if any members of the Board had a conflict in regards to this application.

No Board members identified a conflict.

Mr. Corrison: stated that the Board members not present this evening will listen to a tape of the meeting and will certify that they have listened to the tape.

Chairman Hanlon: stated the absent members will make a statement to the fact that they listened to the tape, as well as provide a written statement to the fact they listened to the tape.

Mr. Corrison: asked when the 45 day period on this application starts.

Chairman Hanlon: asked Mr. Corrison to mention this topic after he finished with the business at hand.

Chairman Hanlon: asked if any members of the Board had been on the property.

Please note that Councilman Rorty, Mr. Iannelli, Mr. Cirulli, Mr. Reade and Chairman Hanlon each indicated they had been on the property; Mr. Corrison indicated that he had not been on the property.

Chairman Hanlon: asked the Board members that have been on the property to please inject into the discussion their comments at the appropriate time so the applicant and/or the audience can ask questions.

Chairman Hanlon: asked the Board Secretary if the taxes are up to date on the property.

Ms. Carroll: stated "yes."

Chairman Hanlon: asked if the application had been on file in a timely manner for the public to review.

Ms. Carroll: stated "yes."

Chairman Hanlon: asked if the proof of notice and the registered mail receipts were submitted and part of the applicant's file.

Ms. Carroll: stated "yes."

Chairman Hanlon: stated the application in front of the Board this evening is the Hollows at Ho-Ho-Kus, Block 802, Lots 1, 2, 3, 4 and 10; stated there are no relief requests involved with this application.

Mr. Hals: stated the applicant is asking for a design waiver on the sidewalks.

Chairman Hanlon: stated there is a waiver requested but no variances.

Mr. Bruce Whitaker, McDonnell & Whitaker, Applicant's Attorney: stated he represents Chamberlain Developers; proposed subdivision application; 11 lot subdivision proposed; there was an issue with the annual notice for the January, February and March meetings; there was a meeting on Monday, April 7, 2014, and wanted to confirm the only member of the Board to still be sworn in was Councilman Rorty.

Chairman Hanlon: stated Mr. Whitaker was correct; Councilman Rorty has been sworn in again.

Mr. Whitaker: discussed the Planning Board's ability to seek information from other agencies; the Board's By Laws state specifically how this information shall be obtained; recognizing Monday was the first meeting there were By Laws; in order to refer the application to any agency, it has to be done by the Board's own motion, administratively; understood that no motion was made to do that at the Monday meeting, so therefore it would be appropriate to send the application to other boards for review; the Board should proceed with a motion to request the Board Secretary to send the application to any officer, board or agency in connection with this case; requested, as per the Board's By Laws, the Board is to notify Mr. Whitaker who the application is being sent to, so if that board or agency has a hearing and will be discussing this application, Mr. Whitaker will be able to attend; if any reports have been submitted from any agencies, they should not be reviewed or in any way used in the decision making process because they have not been properly requested pursuant to the regulations of the Board's By Laws; this does not mean the Board cannot request those reports again; once re-sent to any agency, Mr. Whitaker would know who the application was sent to and would have the opportunity to attend their meeting.

Chairman Hanlon: stated, for the record, Mr. Gary Cucchiara, Board Attorney, was not able to be in attendance this evening due his being

very ill; Mr. Richard Allen has stepped in and will assist the Board this evening.

Mr. Allen: stated Mr. Whitaker referred to section 2:2-8 of the By Laws; if read literally, state the Board may request a written report on any matter; it was his understanding that the Board has had a procedure in place that would automatically refer applications to the Board's professionals and to various departments of the Borough; those referrals are not to independent boards or entities, but rather to staff member of the Borough; that has been an in memorial policy of the Board; the By Law provision does specifically say the Board on its own motion may request a written report; read literally, it doesn't require the report be requested by the Board and since the Board's policy going back for quite a long time, this automatically occurs; there has been nothing in the record that would cause the Board's reports that it has received to be disqualified in any way; the applicant makes a good point that he is entitled to see them and can confront them and to question and criticize them; the Board must be sure Mr. Whitaker is given that opportunity; does not believe the Board is obligated to deny the ability to review the applicant's reports especially as in this case the applicant has seen copies of those reports and was being given and reasonable and fair opportunity to confront them; so long as that occurs, he doesn't believe there is an reversible error by the Board in permitting the applicant's reports to be heard; to be most careful, the Board could ratify by vote the previous request, but doesn't feel this is necessary; the Board is not under obligation so long as he is given a reasonable and fair opportunity to confront those reports in a way that protects his client's interests.

Mr. Whitaker: stated his objection is noted for the record; that even if the policy is in memoriam, that does not give the applicant due notice as to what agencies have, in memoriam, made a motion to do all these referrals to; the applicant should have the right to know if there is a policy where is that and, if done all the time, it is his request that the Board should be informing the applicant of the policy; not in the By Laws what agencies an application goes to; only fair for an applicant to know that so that when an applicant is proceeding, they can recognize what agencies would do a review; another part of 2:2-8, gives an applicant the opportunity to meet with that agency that is referred to; if the applicant doesn't not the agencies that an application has been submitted to, the applicant would not be able to meet with them; in fundamental fairness, an applicant should be given that right; particularly, in most towns the list of who will receive a copy of an application is listed on the application itself; gives Mr. Whitaker an opportunity to contact those boards and have the ability to go before them when they have their public meeting; stated he is not aware of reports coming in without him having any knowledge or ability to proceed in front of those agencies.

Mr. Corrison: stated there are two provisions, the first provision is the Board can request a written report from any officer, Board or agency; the second provision is the Board may also refer an application to any appropriate agency for its review; if the Board asks the Police Department to comment, the applicant doesn't have the right to ask for a meeting because it is not an agency it is a department; the applicant does have a right to know where it is going; there is a very easy solution; the prior requests can be ratified; identify who the Board requested to review it; Mr. Inglima and Mr. Whitaker will receive copies of the reports; if they want the person who wrote the report to be in attendance at the meeting, they have the right to request it; doesn't know if any agency has held a meeting regarding this application; two different items; need to separate it; generally the Chairman will identify who has the application, the motion will be passed to ratify it and the hearing will continue.

Mr. Whitaker: stated he wants a list of who the agencies are that received the application; there may be an agency that does hold a hearing; does not have the right to sit down with the Police Department.

Chairman Hanlon: stated Mr. Whitaker was present when the Board stated where the documents were going to; there was a letter from Mr. Whitaker's office indicating he was sending 3 more sets of plans because the office did not have enough copies.

Mr. Whitaker: stated that was done before a meeting was had that was duly constituted; that is why it should be done this evening; trying to cover the record.

Mr. Robert Inglima: introduced himself; is an attorney representing nine property owners located within the vicinity of the site; all but one of his clients are within 200 feet; the other is within 250 feet.

Chairman Hanlon: confirmed that Mr. Inglima's clients are not allowed to make a presentation to the Board; all discussion, etc. must be done through Mr. Inglima's office.

Mr. Inglima: stated his clients were aware of this fact.

Mr. Inglima: stated a letter was sent to the Board earlier this day; sent to Mr. Cucchiara at 3:30PM; Mr. Whitaker forwarded the letter to Mr. Allen.

Chairman Hanlon: asked for Mr. Inglima to read the names of his clients and their addresses into the record.

Mr. Inglima: read the following names into the record along with his client's addresses: Bone, Dabbagh, DiGiacomo, Hayes, Westfall, Borgman, DeBruyn, Erickson and Malley; tax map provided to Board with each client's property indicated.

Clifford and Silvia Bone, 49 Brandywine Road, Block 802, Lot 7
Mark and Neyda Dabbagh, 55 Brandywine Road, Block 802, Lot 8
Anthony and Laurie DiGiacomo, 65 Brandywine Road, Block 802, Lot 9
John and Mary Hayes, 35 Brandywine Road, Block 802, Lot 6
Matthew and Allison Westfall, 789 W. Saddle River Road, Block 809, Lot 4
Russell and Emmy Lou Borgman, 752 W. Saddle River Road, Block 805, Lot 21
Edward and Randi DeBruyn, 801 W. Saddle River Road, Block 809, Lot 3
Paul and Robyn Erickson, 815 W. Saddle River Road, Block 809, Lot 2
Kenneth and Leah Malley, 764 W. Saddle River Road, Block 805, Lot 22

Chairman Hanlon: spoke to members of the public in the hallway outside of Council Chambers indicating there was a television with a live feed set up in the ambulance room; (it was brought to Chairman Hanlon's attention that there was a problem with the transmission.)

Mr. Inglima: stated he is representing nine residents who are the objectors to this application; stated the issues to be discussed; lack of applicant's compliance with the zoning ordinance and RSIS requirements.

Chairman Hanlon: asked Mr. Inglima to address Mr. Whitaker's concerns first.

Mr. Inglima: stated Mr. Whitaker raised an issue in regards to the By Laws of the Board and the procedures that are followed in referring applications for sub division approval to various agencies; referred to Chapter 32B, Municipal Code of HHK; the provision in 32B-7, preliminary approval procedures; requirements to be met before the application can be deemed complete and taken to a hearing by the Board; stated for the record the subsections; there is an ordinance that overrides any Board procedures that might be listed in the By Laws; imposes on the applicant to submit these documents directly to those agencies listed and provide an affidavit to the Board that this was done; stated no knowledge that this was done; part of his letter states for the record that he has attempted to inspect the file and has not been supplied with certain documents he was seeking; he was not able to review the prior subdivision plan in January; the plan was revised; those materials can be used in the course of the hearings, cross examination of witnesses; preparation for their own experts; the application is not complete based on the failure to provide these materials to either the Board or his client; stated he asked specifically for those documents

submitted by the applicant; the application cannot be deemed complete because there is no soil moving application filed; doesn't expect the Board to make a decision on this issue tonight; wanted to place on the record that without these materials, witnesses cannot be cross examined; asked that any cross examinations be deferred by agreement of the applicant and the Board to a subsequent hearing at which time those materials can be reviewed; would like to discuss procedural issues at an appropriate time; after the applicant has made their opening statement.

Mr. Whitaker: stated there are a number of issues raised by Mr. Inglima.

Mr. Allen: stated that before Mr. Whitaker covers all the issues Mr. Inglima raised, he would like Mr. Whitaker to address the motion he has made and Mr. Inglima's points.

Mr. Whitaker: stated he abided by the motion that he made; he has filed a number of applications with this Board; procedure with filing plans is the Board Secretary has delivered the plans to the various agencies; the plans have gone to agencies beyond the ones that are listed; not on the list is the BOE; wants to know who is receiving a copy of the application; Mr. Whitaker delivered the plans to the Borough; has no control of the file after they are delivered; called Mr. Inglima when he received his letter; this was the first indication that Mr. Inglima was representing opposition; since there was no ample time given before the meeting this evening, there was no ability to provide the information that he was requesting, nor would he have had the ability to review it for tonight's meeting; the information that would have been sent would have been information that was in the Board's file; application deemed complete; wants to proceed; the testimony would be started this evening; Mr. Inglima can look at the documents on file; all information can be supplied to him.

Mr. Corrison: asked for the identification of who received a copy of the application.

Chairman Hanlon: stated that in getting ready for a meeting, an application is sent to various agencies of the Borough, depending on the location of the application, etc.; in this case, the application was sent to the Police Department, Fire Department, Dept. of Public Works, Sewer, Water, Shade Tree Commission, Borough Planner, Borough Engineer and the BOE; the information was sent to the above mentioned on February 24, 2014.

Mr. Corrison: asked who we have received reports from so far.

Chairman Hanlon: stated we have received reports from the Police Department, Dept. of Public Works, Sewer, Shade Tree Commission, Borough Planner, Borough Engineer and the BOE; only one missing is the Fire Department.

Mr. Whitaker: stated he does not have a report from the Shade Tree Commission.

Chairman Hanlon: stated the Shade Tree report was tied in with the Borough Planner.

Mr. Whitaker: stated the only reports he is missing are the same ones the Board does not have.

Mr. Corriston: confirmed that Mr. Inglema officially entered his appearance today.

Mr. Inglema: stated “yes”, but he has made prior attempts to inspect the file.

Chairman Hanlon: asked if Mr. Inglema was specific as to his request.

Mr. Inglema: stated he asked for all materials in the file.

Chairman Hanlon: asked the Board Secretary for her comment.

Ms. Carroll: stated that Mr. Inglema asked only for the materials that were provided by the applicant.

Chairman Hanlon: stated he received Mr. Inglema’s letter after 5PM this day; stated Mr. Inglema has been involved with this application for well over a month and there was no reason for him to wait until 2 hours before the meeting to send a letter to the Board stating he did not receive materials; Mr. Inglema had plenty of opportunity to ask for the materials he felt he had not received.

Mr. Inglema: stated he was only engaged as the objector’s attorney this day; he was provided with Mr. Hals’ reports by Mr. Cucchiara via email.

Mr. Allen: stated it appears the applicant has received all of the reports; it also appears Mr. Inglema may have not received all of the reports; in fundamental fairness, those reports can be provided; can be cured by the Board’s management of the testimony in this case; Mr. Whitaker is the master of this case and gets to provide and produce his case in the way in which he believes it to be best for him; subject to the rules of the Board; the Board can request the reports be supplied to Mr. Inglema, and

to the extent necessary, request Mr. Whitaker to hold his witnesses over to a future hearing date, so those individuals can be cross examined; will take into account all the interests of both parties; the Board needs to make a decision based on the evidence and the ordinances governing this decision not to have to deal with which technical provision of the code has not been followed in a way in which fundamental fairness is preserved.

Mr. Corrison: stated a motion should be passed that to the extent that any agency has been asked to comment; ratifying they review it; the applicant and the objectors can contact those agencies; if a meeting has already occurred, a representative of the agency can be asked to come here to the extent they commented; the application will proceed; will not finish today; to the extend the direct is completed, another witness can be heard or an adjournment depending on what is happening and Mr. Inglima can proceed with his cross examination at the next meeting or anyone else.

Motion, in terms of procedure, the Board will proceed with the hearing this evening, try to get to some of the merits of the application; there will be no cross-examination; Mr. Inglima is put on notice to get these reports to the extent the Board has them; to the extent any agency was asked to review this application which is in the ordinance, will ratify that they do so; both Mr. Whitaker and Mr. Inglima, or anyone else are free to contact those agencies to see if any meetings will be held and obviously they are free to request the agency be represented at a meeting to the extent they issued a report and they have questions: Corrison, Cirulli

Ayes: Corrison, Reade, Cirulli, Iannelli, Councilman Rorty, Chairman Hanlon

Mr. Inglima: asked for any documents submitted to the Board by the applicant be copied to him on behalf of his clients; he will reciprocate with Mr. Whitaker; any engineering materials, drainage calculations, soil calculations, etc. be copied to him.

Mr. Whitaker: stated he has no objection to the request; stated he can't supply what he has not received; he does not have a report from the Shade Tree Commission; does have the Burgis Associates report as it pertains to the planning aspect.

Chairman Hanlon: stated Mr. Whitaker will receive the Shade Tree Commission report; the report was sent to the planner for review.

Mr. Ed Snieckus, Borough Planner and Mr. David Hals, Borough Engineer were both sworn in by Mr. Allen.

Mr. Snieckus: stated he had not received the Shade Tree Commission report.

Chairman Hanlon: stated he would supply him with a copy.

Mr. Snieckus: stated comments were made from a planning standpoint as to shade trees and the preservation of trees on the property; this was noted in the Burgis Associates report dated March 12, 2014; he has not received a copy of the Shade Tree Commission report.

Chairman Hanlon: stated there is a Shade Tree Commission report dated March 18, 2014; copies will be made this evening and distributed to the appropriate parties.

Mr. Corrison: stated for the Board's sake, anything submitted to the Board needs to be handed in at least a week before the meeting date or if there is a comment, at least three days before.

Mr. Whitaker: stated it is his policy to get information to the Board as soon as he has the information.

Mr. Inglima: stated he will do the same.

Mr. Inglima: stated in the applicant's notice of hearing and in its application materials the applicant takes the position that there are no variances required; variances are required; specifically with the creation of through lots on two non intersecting streets.

Mr. Whitaker: objected because he presents the opening statement; at this point, through procedure Mr. Inglima is talking substantively.

Mr. Inglima: mentioned lot depth and variances of two lots.

Chairman Hanlon: stated the Board doesn't know anything about it yet because the gentleman has not provided any information.

Mr. Inglima: stated he needs to have the issue on the record that he has alerted the Board of the possibility that this issue may be raised later; jurisdictional question of notice of a hearing; in addition, the application is being advanced on three different property owners; one is an estate; another on behalf of two different trust; nothing listed in the application that the trustees of the trust have consented to the application; omissions on plans to be discussed at a later date.

Mr. Whitaker: stated the trusts and beneficiaries are all one and the same; will provide to Mr. Inglima and the Board.

Mr. Whitaker: stated he represents Chamberlain Developers; 11 lot subdivision; property at 806 West Saddle River Road; Block 802, Lots 1, 2, 3, 4, and 10; property consists of 3.660 acres; R2 residential district; proposing 11 building lots; application is referred to as the Hollows at Ho-Ho-Kus; Chamberlain Developers is involved in land use development; Mr. Frasco is here this evening and is the principal of the company; before him, his father was also involved with the construction of residential dwelling units throughout Bergen County; at this time the application is deemed complete; will proceed with explaining the development process; application was hand delivered to the Borough on January 6, 2014; deemed complete by the Board; notice sent to 200' list; submission of proof of publication and submission of all information, not only to Board Secretary, but also to the Board Attorney; at this point the applicant is ready to proceed with the presentation of the application as required under the MLUL; this is a major subdivision; will hear from the applicant's engineer, the position that is being taken is that these lots are all conforming lots; also be verified and confirmed in reports by Mr. Hals and Mr. Snieckus; testimony will be heard this evening that the drainage improvements that are proposed will meet the stormwater management requirements that governs this municipality as well as other municipalities; overall drainage improvements proposed will improve existing conditions; the applicant is proposing a roadway; cul-de-sac; some of the aspects of roadway development are covered by the RSIS; those improvements and requirements set forth by the State mandate are to supersede what a municipal ordinance has; if the applicant wants to rely on the RSIS standards; in this instance, the applicant is proposing to exceed the standards to make it more compatible with what Ho-Ho-Kus has and what Ho-Ho-Kus expects; testimony will be heard that the RSIS standards will permit the ability for the cul-de-sac to have less than a 50 ft. right of way and to have less than a paved roadway similar to others in Ho-Ho-Kus; the applicant however is proposing to proceed with a right of way of 50 ft. with a cartway that will be beyond what would be required which is an 18 ft. cartway; RSIS standards when dealing with a 50 ft. right of way, then there need to be sidewalks; the applicant is seeking a waiver for sidewalks as it pertains to the cul-de-sac because, when looking at the Ho-Ho-Kus landscape, sidewalks would not be necessary; the applicant is proposing curbing; under RSIS standards, the applicant is not required to install curbing; there will be an explanation of how this is being proposed; the applicant is proposing that all of the building lots would be hooked up to the existing sewer system and the existing water system; NJSA 40:55d-48 (c) states that upon completion of an

application and submission a Planning Board shall grant an approval for the subdivision; it is the applicant's position that they meet all of the requirements under the subdivision ordinance; all requirements are met under the MLUL; when an applicant has meet the requirements of the ordinance and the mandates of the MLUL then at that point, the Board is required to grant an approval of the subdivision; it is recognized that the Planning Board does not have the discretion to say they do not want 10,000 square foot lots in this particular area; that is up to the governing body and they have done that already; they did that when they said this area will be an R2 zone; the Board cannot look and say it is a heavy traffic area and they don't want to see any more cars in the area; the Board has the right to determine that the traffic ingress and egress is appropriate; the concept of generating more cars or more school children is not in the decision making process of the Board; if those were concerns, then those concerns would have been done in the Master Plan and by changing the ordinances; the applicant proposes a conforming 11 lot subdivision; the concerns the Board has is what type of style these lots will be; proposing homes will be architecturally harmonious with other homes in Ho-Ho-Kus; they will fit and be appropriate in the R2 zone; 10,000 square feet or greater; all proposed lots will meet bulk requirements; this subdivision is not an application to design or locate those homes; typical building envelope; homes can fit; driveways located; individual styling not mandated under a subdivision requirement; their first witness with be their engineer.

Mr. Mark Palus, MAP Engineering, Applicant's Engineer sworn in by Mr. Allen.

Mr. Palus: stated his educational history; professional background; principal and president of MAP Engineering; involved in commercial and residential land development; licensed in NJ; licensed professional planner in the State of NJ; testified before other Planning Boards; 50 different Boards including this Board; previously qualified as an engineer before the Ho-Ho-Kus Planning Board; has been qualified as an expert witness in engineering before the State Superior Court; is the Zoning and Planning Board Engineer in the City of Garfield.

There were no questions from the Board regarding Mr. Palus' qualifications and as an expert witness.

Mr. Inglima: asked if Mr. Palus was being offered as a planner.

Mr. Whitaker: stated Mr. Palus is an expert in engineering and planning.

Mr. Inglima: asked if a separate witness would be called to testify as to planning.

Mr. Whitaker: stated that is to be determined.

Mr. Inglima: stated he did not have any objections to Mr. Palus' qualifications as an engineer; would like to ask Mr. Palus questions regarding planning.

Chairman Hanlon: asked the Board if they had any issues with Mr. Palus as an engineer.

The Board as a whole did not have an issue with Mr. Palus as an expert in engineering.

Mr. Inglima: asked Mr. Palus if he ever testified before a Board in the state of NJ with respect to municipal planning.

Mr. Palus: stated "yes."

Mr. Inglima: asked where this took place.

Mr. Palus: stated it was in excess of 30 boards.

Mr. Inglima: asked if it was always in connection with an application for development that he was acting upon as an engineer.

Mr. Palus: stated he believed that was correct.

Mr. Inglima: asked if Mr. Palus was acting in a dual role as both an engineer paid by the applicant and a planner who was testifying in support of the particular design or development that he had personally worked on.

Mr. Palus: stated that certainly the majority of those cases there may have been less than a handful of times that he was solely a planner; majority as an engineer and planner.

Mr. Inglima: asked if Mr. Palus had ever provided professional planning services to any municipality in the State of New Jersey.

Mr. Palus: stated "no."

Mr. Inglima: asked if Mr. Palus had been involved in the formulations of zoning ordinances.

Mr. Palus: stated he had not.

Mr. Inglima: asked if Mr. Palus had been involved in the development or reexamination of a Master Plan.

Mr. Palus: stated he had not.

Mr. Inglima: asked if Mr. Palus was involved in giving expert testimony with respect to the interpretations of the zoning ordinances, Master Plans or similar provisions on behalf of a municipality; only for applicants.

Mr. Palus: stated Mr. Inglima was correct.

Mr. Inglima: asked if Mr. Palus had ever worked on behalf of any objectors in the State of NJ.

Mr. Palus: stated he had not.

Mr. Inglima: asked if Mr. Palus had been accepted by any court of the State of NJ or other jurisdictions with respect to professional planning testimony.

Mr. Palus: stated other than local municipal boards, no.

Mr. Inglima: stated he objected to the consideration of Mr. Palus' testimony in regards to professional planning.

Mr. Whitaker: stated an expert does not have to be qualified by a court; licensed in their field; taken exams in their field; testified in that field; those are the items that qualify an expert in their field; Mr. Palus is a licensed planner; has testified as a planner before and has been qualified that way; the work he does for an applicant or an objector is irrelevant.

Mr. Inglima: asked to be permitted latitude as respect to cross examination if this witness was to be deemed an expert in planning by the Board; the absence of those aspects of his qualifications be considered in determining the weight to give the testimony that this witness may produce.

Mr. Whitaker: stated that every expert renders an opinion; Board can give what weight and credibility they wish; at this point it is to determine if this person has the expertise in that field; based upon information Mr. Palus supplied to the Board, he does have the expertise in that field.

Mr. Allen: stated the determination if a witness is or is not an expert is within the determination of the Board based upon the testimony produced at the hearing this evening; if a party produces a witness who is licensed in his field by the State of NJ, often that is enough to provide

expert support; on the other hand, the Board is also free to waive the testimony of the expert in accordance with the Board's hearing of the testimony, etc.; the mere fact that someone is an expert does not mean their word is law; they are permitted to provide their opinion in matters before the Board; if the Board believes the witness is qualified as an expert and thus is entitled to give his opinion, then the expert can do so, but after considering the testimony, and the weight behind it and the cross examination, the Board can accept or reject based on the facts that are given at the time of the testimony.

Chairman Hanlon: asked if any Board members had thoughts on this witness.

Mr. Palus is qualified as an expert witness in the fields of engineering and planning on the basis of his licensing as a licensed planner in the State of NJ: Corrison, Rorty
Ayes: Corrison, Reade, Cirulli, Iannelli, Councilman Rorty, Chairman Hanlon

Mr. Corrison: stated Mr. Inglima is free to cross examination the expert as relevant to this application.

Mr. Whitaker/Mr. Palus discussed: Mr. Palus is familiar with the property in question; reviewed existing conditions on the site; referenced plans prepared by MAP Engineering dated 11/12/13 and revised through 3/4/2014.

Exhibit A1: Major subdivision application; A2: 11 page plans; A3: drainage calculations prepared by MAP Engineering. (List of exhibits prepared by Mr. Whitaker and distributed to the Board and Mr. Inglima.)

Chairman Hanlon: stated some members of the audience may not be able to see the plans Mr. Palus is referring to.

Mr. Whitaker: stated that if a break was taken, the audience could approach the plans at that time to view them.

The Board was in agreement with this suggestion.

Chairman Hanlon: stated to the audience that during a break that will be taken during the meeting, the public is welcome to view the plans.

Mr. Whitaker/Mr. Palus discussed: stated a second set of plans would be placed on an easel so the public could view them as Mr. Palus was giving his testimony; discussed the existing property; R2 zone; there is

currently a single family home with out buildings; removing all improvements with project; topographic conditions discussed; 2/3 of property pitched toward the SE corner toward West Saddle River Road (WSRR); 1/3 of the property drains towards Van Dyke Drive; Van Dyke Drive, WSRR and Hollywood Avenue surround the property; referred to page 3 of 11; applicant is proposing an 11 lot subdivision; 11 new building lots; 4 of them with direct frontage on Van Dyke Drive; the remaining 7 lots created will have access off of a proposed road which will come off of WSRR; each lot was described per lot number, area, width and depth; all of the lots meet or exceed the lot area requirements for the R2 zone; all of the lots meet or exceed the lot width requirements for the R2 zone; all the lots meet or exceed the lot depth requirements for an R2 zone; all of the lots meet or exceed the required lot frontage for an R2 zone; indicated the driveway location ingress and egress; referenced **Exhibit A4: colored rendering prepared by MAP Engineering dated 4/10/14; cohesion of information found within the development. The Hollows at Ho-Ho-Kus Block 802, Lots 1, 2, 3, 4 and 10; 806 West Saddle River Road; Chamberlain Developers Inc.**

Mr. Corrison: asked if the Board had a copy of this colored rendering.

Mr. Palus: stated, no, this was prepared for this evening's hearing.

Mr. Whitaker/Mr. Palus discussed: explained the exhibit/subdivision; building locations on the plan; houses on plan are for demonstration purposes only; not specific homes; reviewed bulk requirements; also reviewed the R2 zone impervious and building coverage; bulk standards can be met; notation on plans stipulate no driveway access to Hollywood Avenue; shown on page 3 of 11; lots 1, 9, 10 and 11 have access to Hollywood Avenue; specifically placed on the plan that stipulates there is to be no driveway access to Hollywood Avenue for proposed lots 1, 9, 10 and 11 without approval from the HHK Planning Board; stipulation of the submission made; roadway design discussed; referred to sheet 4 of 11 off of Exhibit A2; right of way; 7 lots access the cul-de-sac; RSIS requirements; rural lane or cul-de-sac standards of the RSIS; right of way width 40 ft.; cartway width 18 ft.; no sidewalks or curbs required; not what is being proposed; upgrade over the RSIS minimum standards; 50 ft. right of way; 28 ft. wide cartway; proposing curb surrounding the cartway; fits within other roads in the vicinity; most municipalities prefer to see the larger cartway width; the applicant's decision to provide it to the municipality; upgrade/increase of what the development is required to do; discussed paved area; width of stem of cul-de-sac; provides 2 lanes of traffic; can park cars on the street; curbed cul-de-sac; not proposing sidewalks; higher intensity roadways; upgrading the roadway triggers a requirement for sidewalks; higher intensity design road; not at a higher intensity road; typical that cul-de-sacs of this nature do not contain

sidewalks; 28 ft. of asphalt proposed; the walking area has been incorporated within the cartway path; suitable for a roadway with low intensity use; direct benefit of curbing to corral the surface run off; Van Dyke Drive will be left as it currently exists; it is an uncurbed roadway with a right of way of 50 feet and a cartway path, which is a little irregular, averages between 19 and 21 feet in width; driveways would extend out to the existing Van Dyke Drive; no sidewalks proposed for Van Dyke Drive; if installed would be a sidewalk to nowhere; no other sidewalks on Van Dyke Drive currently; Van Dyke Drive is a rural thoroughfare; trees along it; minimize the impact; RSIS standards use the word rural; referenced sheet 5; WSRR also has a 50 ft. right of way; a municipal street; also has an existing cartway between 20 and 22 feet wide; proposing on their side of the street, widen WSRR so it is 15 feet wide from the center line that way the municipality can make it up to a 30 ft. wide road which is not an unheard of width; there is 15 feet on their side of the center line; widening the road 3-6 feet depending on the location of the road; no proposed curbs along WSRR; only curbing would be off of the proposed cul-de-sac; no curbs exist there now; proposing to extend a sidewalk from the cul-de-sac northward towards Hollywood Avenue where there is an existing sidewalk; sidewalk along the frontage of WSRR between the cul-de-sac and Hollywood Avenue; referenced drawing; the sidewalk proposed would connect the cul-de-sac to an existing sidewalk; Hollywood Avenue is a Bergen County road; it falls within the jurisdiction of Bergen County; there is an existing curb; in discussions with the County in corroboration with the Borough as to what the improvements will be along Hollywood Avenue; the jurisdiction of Hollywood Avenue is with the Bergen County Planning Board; it is understood that any approval of a development application at the local level is still subject to Bergen County Planning Board approval; regarding the roadway design; discussed roadway access; bend in WSRR; proposing to intersect it at about the center of the bend; maximizes sight distance in both directions; WSRR has relatively gentle slopes; adequate sight distance so you can enter and exit the proposed cul-de-sac safely; WSRR has a 25 mph speed limit; requires a stopping distance of 155 ft.; AASHTO standards; standard used by engineers in the State of NJ; pointed out the site perspective from this roadway; safety requirements are met; each lot needs to contain appropriate off street parking; RSIS requirements need to be met; requirements discussed; 2.5 parking spaces for each individual lot; 2 car garage for each home; 2 cars in each garage; 2 cars outside of the garage; 2 cars outside by AASHTO equals 1.5 parking spaces.

Mr. Whitaker: stated that the next part of the testimony will be regarding drainage; asked Chairman Hanlon if this was an appropriate time to have a brief recess.

Please note: a 10-minute recess is taken at this point of the meeting. 9:30PM

Meeting re-adjourned at 9:40PM

Roll Call Taken:

Messrs. Berardo (absent), Corrison, Pierson (absent), Reade, Cirulli, Newman (absent), Iannelli, Councilman Rorty, Chairman Hanlon, Mayor Randall (absent)

Please note: Mr. Palus is still under oath.

Mr. Whitaker/Mr. Palus discussed: drainage considerations were prepared; discussed overall drainage conditions on the site at this time and what is being proposed; there are currently no real drainage conditions; no stormwater drainage system on the property; ridgeline or highpoint runs through the property; 2/3 of it drains to the east towards the WSRR area; the remainder drains to the west toward Van Dyke Drive; major subdivision stormwater management and drainage requirements are followed; NJ RSIS are followed; Mr. Palus is familiar with these standards and used them in connection with the development of a drainage plan for this subdivision; explained the standards and referred to Exhibit A3 showing what is being proposed; started with the existing conditions of the property; go through the development of the property, then a post development drainage analysis is done; compare post development conditions to the existing conditions; before RSIS, the rule was no more than you have today, don't make it any worse; under the RSIS standards this was taken a significant step forward; not only does the situation not have to be worse or match what is present, a reduction has to be provided over what the current conditions are; reduction in the rate of surface runoff as it comes off the property; key design storms that need to be considered under the RSIS; 2 year, 10 year and the 100 year storm; explained the criteria for each storm; when the analysis is done for these three storms, the reduction for the 2 year storm has to be down to 50% of what it is under the existing conditions; 10 year storm the maximum allowable is 75% of what is under the existing conditions; 100 year storm is 80% of what is under the existing conditions; in all cases, post development, there is a reduced rate of run off from the property compared to the existing rate of run off for the property for all three storms; RSIS standards for these three calculations are required for any major residential subdivision in any municipality; explained how this criteria has been applied to this subdivision and how it has been accomplished; french drain at right of way; roof leaders on each home; all improvements will be piped to underground seepage pits; seepage pits sized to handle 100 year storm; it will be as though no rain will fall on the house or the driveway; calculations submitted to the engineer; post development reduction compared to existing conditions; not required by

the RSIS standards to meet the requirements for every drainage on the property; requirement that it couldn't be increased substantially or at all on Van Dyke and then do extra reduction on WSRR, even though the end result, when put together, it may work, it doesn't work for the Van Dyke side; some form of reduction on all areas must be shown; put composite together, it has to meet the threshold for the three storms; no increase toward Van Dyke; collect water from impervious surfaces, piped to an underground pit, the water will be recharged as if the development had not been there; water was going to go in the ground anyway; State of NJ does not want all of the water piped and brought off site; instead of letting it run off, it will be directed back into the ground; recharge is a consideration when developing a drainage system; under the State of NJ stormwater management regulations not the RSIS; not depleting the ground water; offsetting impervious coverage with the recharge; all proposed seepage pits will be located on subject property; seepage pits are substantially closer to new homes to be built than current homes; standard construction practice; routine of development of properties these days; development and building of homes shifted over to the Building Department of the municipality to confirm they are meeting these standards before a permit is issued; Borough Engineer would give approval and Planning Board engineer would have the ability to review the actual location at the time the actual building plan is proposed; not proposing any specific homes at this time; the infrastructure will be created and the individual lots for future development of homes; each lot, when developed, will be the subject of its own application before the appropriate municipal official; specific house plans, site plans, drainage design, etc. will have to be provided; drainage standards required for subdivision approval are the same standards that have to be applied to the individual build out; there will not be the same reduction on the overall site because that has already happened; seepage pits sized to accommodate the driveways, they would be held to the same standards; referenced sheet 5 of Exhibit A2; other 2/3 of the property are on the eastern side; drains towards WSRR; ends up in a low spot, SE corner of property; spoke regarding the drainage screen and drainage pattern; not connecting the driveways to the seepage pits; formal drainage system out in proposed roadway; 2 different collection areas; stormwater piped to underground detention system; 48 inch diameter pipes; buried beneath the earth; pipes intended to provide a volume/holding/storage build up underground in the system; contained sealed unit; not being recharged in this area; underground vault; have an outlet structure designed to help filter out oils, contaminants; system located in the right of way of WSRR; direct access to the municipality for cleaning purposes; remaining lots facing cul-de-sac will meet the RSIS standards; will have the same reductions required; two sides taken; add two events together; composite hydrograph; that gives the final post development discharge rates; take those rates and compare them to the existing rates and that is where the

RSIS standards set the threshold of 50%, 75% and 80%; does comply with the requirements; based on plans, meeting State requirements for drainage for a development of this nature; municipalities are required to maintain storm drains; required to provide this water quality measure as part of this development process; Hollywood Avenue water does not come onto this property; not part of this site; WSRR most significant; there is an existing municipal drainage system; after going through the detention process it will be piped to the same location as part of this project; there is an inlet on the opposite side of WSRR from the property with a pipe extending toward the property; condition of the pipe is a little uncertain at this time; appears to be a 12 inch pipe of unknown destination; will replace the pipe and put a new inlet on their side of the street and put a new pipe in between those two inlets; investigated and, if needed, corrected by the applicant; has to be remediated; visual observations in regards to homes around the site regarding drainage; based on observation of surrounding properties there are 2-3 homes where the roof leaders at a minimum go into the ground; the other remaining homes have roof leaders that go out to daylight; consistent to what was done years ago; not up to today's standards; showed those homes on the plan; referred to key map on sheet 1 of Exhibit A2; roof leaders to daylight are not permitted for today's construction; utilities for this project; proposed along cul-de-sac will be underground; phone, electric, cable; will wrap around sides of the cul-de-sac; get gas service off of WSRR; water main in Van Dyke and WSRR; tap in on the WSRR side; run the water main down the cul-de-sac; take the water main through lots in this subdivision to get it down to Van Dyke Drive; looping the water main; reviewed Mr. Hals' report; he stated there may not be a necessity for looping; the option is to terminate the water main at the end of the cul-de-sac bulb; it is the lesser expensive option; may be the more appropriate option but what the applicant has done is provide the loop if deemed necessary; still working with the Water Department and the Borough Engineer to make a final determination whether or not that is needed; fire hydrants are proposed; locations discussed; pointed them out on the plans; sewer improvements; homes along Van Dyke will be connected to individual laterals; homes along the proposed roadway will extend to a sewer main off of the existing sewer main on WSRR; it will run the length of the cul-de-sac; each of the individual seven homes proposed on the cul-de-sac will have access to the sewer main through the proposed roadway; the State of NJ governs all sewer extensions; extensions are sought and applied for after a land use development has been granted; tree removal proposed; number of trees on the property; some will be removed in accordance with the proposed development; referenced sheet 9 of A2; planting plan/tree removal; there is a necessity to remove 21 trees; proposal for installing new trees in place of the ones being removed; shade trees to be planted along Van Dyke, along WSRR and along the proposed roadway; 28 trees proposed to be planted; all of 2

inch minimum caliper; Mr. Palus did not receive a copy of the Shade Tree Commission report dated March 18, 2014; testimony reserved as pertaining to this report.

Chairman Hanlon: stated the Shade Tree Commission report of March 18, 2014 was handed out to all the parties this evening.

Mr. Whitaker/Mr. Palus discussed: if the conceptual homes were graded on the plans, an additional 42 trees would be removed; for construction of 11 homes the average would be 4 trees per lot to be removed; did take a look at some of the trees; a lot of the trees are choked out with a lot of ivy; very poor health; the individual tree removal will be assessed at the time of the individual lot development; some of the trees to be removed are cedar pine; not high value trees; condition of many trees make them less valuable; individual lot development will determine which trees to be removed; street tree planting ordinance; it is understood the application would be in compliance with this ordinance.

Mr. Whitaker: stated there were no further questions at this time; has the right to recall the witness; the Shade Tree Commission report will be reviewed.

Chairman Hanlon: asked Mr. David Hals to comment on what was presented.

Mr. Hals: stated the engineer went through the items in Mr. Hals' report; explained all the lot sizes; all lots are conforming to R2 requirements; the cul-de-sac is relatively flat; proposed road has a grade of 1.5% followed by a 7% grade and then transitioning to 4%; all of which is relatively flat; meeting requirements of RSIS roadway width, pavement widths; proposed road is 28 ft. wide; the Copper Beech development road is narrower; the 28 ft. provides for 2 lanes of traffic with one parking lane; guests would be able to park on one side of the street and still have 2 lanes of traffic on each side.

Chairman Hanlon: suggested there be parking on one side not on two sides.

Mr. Hals: stated his recommendation is to let people park where they want; Mayor and Council would have to adopt an ordinance to restrict the parking on one side; more than adequate space with the driveways and the width of the roadway; the 40 ft. radius, 80 ft. diameter; it is adequate to turn around a single unit vehicle; not adequate to turn around a fire truck; there is no standard in the State of NJ for turning around fire trucks in a cul-de-sac; the width is designed for garbage trucks, UPS style trucks, etc.; meets those standards; did ask for WSRR

to be widened and they are complying; WSRR is a fairly narrow street; doesn't provide for parking; intersection with Hollywood Avenue, asked for the road to be widened; the pavement width will ultimately be approximately 26-28 ft. wide across the frontage of the development; recommended Van Dyke be widened; they have not complied with this request at this time.

Chairman Hanlon: spoke regarding the proposed road coming down West Road and up to Hollywood; Mr. Hals stated this is being widened; possibility of a line of sight; no parking on that side of the street; just the applicant side of the street.

Mr. Hals: stated there are no driveways coming out to WSRR; the only anticipated parking on WSRR would be by residents currently on WSRR; unless some large event on the cul-de-sac, there wouldn't be parking on WSRR.

Chairman Hanlon: stated his request is for safety concerns.

Mr. Hals: stated he doesn't believe a parked car would block the line of sight; doesn't see a need for parking restrictions; there is adequate sight distance the way the road comes out to WSRR; vegetation will be removed; sidewalk being put in on Hollywood Avenue; removal of vegetation will increase the sight distance of the intersection; south on WSRR, there is pavement widening plus their whole drainage system is being installed along there; there will be no vegetation from this proposed roadway down to the first house on the corner of Brandywine and WSRR; the first lot will be regraded to install the storm drain system; the proposed lot 5 is being elevated to install a storm drainage system; there will be no vegetation there; nothing to disrupt the line of sight; they are far and exceeding any requirements for sight distance; the Board can make recommendations to the Mayor and Council; the only thing different the County is looking for is the curbing and sidewalk to be replaced along Hollywood Avenue; comment from the Police Department regarding the intersection of Van Dyke and Hollywood Avenue; that basically has nothing to do with the development except that the development is along that corner of Hollywood and Van Dyke; that intersection, when coming from Van Dyke, at some times it can be dangerous; come out of the intersection and there is oncoming traffic off of Route 17; biggest problem is trying to make a left hand turn out of the intersection; if the applicant is agreeable that would be something to be addressed with both the County and the town; believes it will be outside of the State's jurisdiction; only the County jurisdiction; he assumes the best thing to do is eliminate the through lane coming from Route 17 and make it come and turn and be perpendicular to Hollywood Avenue so they would have to stop at a stop sign and go either right or left; that

would require further study; if somehow that could be incorporated with the developer by making overtures to the County about looking into the intersection that would be helpful.

Chairman Hanlon: stated procedures would have to be worked on with all parties to get the Borough Council involved; this is a serious interchange; doesn't know why it hasn't come before the Planning Board for the Master Plan; there needs to be a procedure on how to get this issued addressed.

Mr. Hals: stated the applicant has an application before the County; the applicant can be asked to express to the County to have the intersection addressed; meeting with the County, the Town and the applicant to discuss what can be done at that intersection; believes the applicant would be more than willing to initiate the conversation.

Mr. Whitaker: stated the applicant is agreeable to having this conversation.

Chairman Hanlon: asked what the procedure would be.

Mr. Hals: stated it will be left up to the applicant.

Mr. Whitaker: stated he will notify the Board and the town as to when such a meeting is occurring so town representatives can be there as well; wants the town to be an advocate at the same time as they are.

Chairman Hanlon: stated it should be noted because the public may not be aware that the Master Plan was passed with the fact we did not get information from the County; the day the plan was passed was the same day notification was received from the County that they are going to do a study; this means there can be an amendment to the Master Plan; this could give some support to the applicant and to the town that this has to be taken care of.

Mr. Snieckus: agreed with Chairman Hanlon.

Chairman Hanlon: stated something can be put together and inserted into the Master Plan; applicant can start working on it.

Mr. Hals: asked if Mr. Palus was returning to the next meeting.

Mr. Palus: responded "yes."

Mr. Hals: suggested the applicant submit a soil moving application and provide testimony for the soil moving for the development; this would be

considered a major soil moving permit; it would be more fruitful to have all at one time.

Mr. Whitaker: stated the numbers will be available at a future meeting.

Mr. Hals: spoke regarding drainage; the drainage for the development, what is being proposed, is take the roof leaders and the driveway runoff from the Van Dyke side, capture it and put it into seepage pits below ground; there will be runoff from the lots but it will be equivalent to or less than what is there now; no increase in runoff from those lots plus the volume run off will be reduced and the time of concentration will also be reduced; when you pave a surface you speed up the time the water runs off and that causes flooding; by taking the stormwater and putting it over a grass surface this reduces the run off; what the applicant is doing is basically taking the roof area for the driveways and the houses and capturing that and bringing it below grade so the physical area that it is draining towards is reduced; in regards to the new roadway and the front yards of all the houses, at this point, conceptually, will be flowing down; putting two new inlets at the mouth of the roadway; capturing the run off before it leaves the roadway on WSRR; capturing that run off and putting it underground into large diameter pipes; they are 150 ft; 4 barrels of 48 inch diameter pipe; capturing the water; then from there it will go through a very small orifice to control the run off; that run off will go through a water treatment facility then out to the storm drainage system at WSRR; does meet RSIS standards; and State stormwater requirements; County stormwater requirements; town stormwater requirements; makes the adequate reductions; houses would be connected to seepage pits; groundwater recharge; meeting requirements for the development.

Chairman Hanlon: stated the oil water separator is new.

Mr. Hals: stated the stormwater management ordinance requires the stormwater runoff that falls on impervious surfaces to be treated; roof water and walkways are clean stormwater; once it has fallen to the asphalt, cars, trucks, etc., that is “dirty” stormwater; have to clean it; reduce the total suspended solids to a level of 80%; try to remove 80% of the total suspended solids from that storm drainage from the roadway and the driveways; to do this, it has to be filtered; several different methods; the applicant is putting it through an underground retention system; controlling the rate of runoff and then treating the water after it goes through the large diameter tank and it makes the water spin around in the chamber; the large solids drop out and as it continues to spin around, small solids also filter out and that gives 80% removal of the total suspended solids; the unit does have a bypass for larger storm events; the water flows over the top and can bypass the system and flow

through so it does not cause a problem with backing up; put in a location which can be maintained with a vacuum truck; initially the maintenance is about 1-2 times during the development period; might be more than that; after the development is done, it generally needs to be cleaned the first year and then after that it could be cleaned every 2-3 years; it is the Borough's responsibility to maintain; the program is such that the DPW does go through the Borough on a yearly basis; one of the items that would go on that schedule.

Chairman Hanlon: stated, for the information of the public, the town has several of these systems currently in place; there are natural ones and man made ones; there is one on Normandy Court; large underground system; there is one under Route 17 under tributary number one; one on Arbor Drive that was put in 10 years ago; the Arbor Drive system is maintained by the Borough and is cleaned out 3-4 times a year.

Mr. Hals: stated the Arbor Drive system is not an oil water separator; this system has a small orifice that controls the runoff; leaves and other debris go into this system which requires it to be maintained more frequently.

Mr. Hanlon: asked if this would be the second system the Borough would maintain.

Mr. Hals: stated this would be the second one; the town does go over to Normandy Court on special assignments.

Mr. Whitaker: asked for Mr. Hals' comments on utility installation and location.

Mr. Hals: stated the State Board of Utilities requires any development of more than three lots, that the utilities be placed underground; the applicant is complying with this; electric, telephone, cable will be underground; gas is always underground; will be one utility pole overhead coming into the development; the four lots on Van Dyke will be underground as well; adequate sewer capacity to handle the additional flow from the houses; adequate water capacity to supply water to the houses for fire protection and domestic water.

Chairman Hanlon: stated in regards to the utilities, there was no mention of street lights.

Mr. Hals: stated it is the obligation of the borough to pay for the street lights; to maintain the power.

Chairman Hanlon: stated there was no mention of the placing of the street lights.

Mr. Hals: stated the applicant should be asked to install street lights if the Board feels they should be.

Chairman Hanlon: asked for a suggestion from Mr. Hals regarding how many street lights should be placed.

Mr. Hals: stated, at a minimum, there should be one street light at the intersection of the street and WSRR; there are no sidewalks on the street so there are no sidewalks that need to be lit; the Board may want a street light at the cul-de-sac; Police Department patrols streets; they can view up the street whether there is an issue for going on the street; probably two lights should be provided.

Mr. Corrison: asked if there should be a street light on Van Dyke.

Mr. Hals: stated he personally missed the street lights on his report; normally he would go out and look at what the lighting situation is; will have this information for the next meeting.

Mr. Whitaker: asked Mr. Hals to comment on sight distances.

Mr. Hals: stated the sight distances are more than adequate because of the position of the roadway and the tree clearing that will occur.

Mr. Snieckus: asked, in regards to the proposed lot lay out, it seems the corner lots also comply with the minimum 12,000 square feet.

Mr. Palus: stated "yes," there is a special provision in the code that requires them to go above the 10,000 square feet and each one is above 10,000 square feet.

Mr. Snieckus: stated in regards to the configuration of Lots 11 and 10 towards the westerly direction; what was the criteria established for Lot 10; purpose for question is the kink in the lot line for Lot 11 which is at the corner of WSRR and the proposed road.

Mr. Palus: stated this was done primarily to provide adequate buildable area; both lots are above what they are required to be; if extended, it would squeeze Lot 11; Lot 11 has two fronts.

Mr. Snieckus: stated, in regards to the configuration of Lot 11, is there leeway to slide the lot line of Lot 11 towards Lot 10 just to give Lot 11 a little bit of normal rear yard space.

Mr. Palus: stated he attempted to make a radial lot line; take it and turn it, or slide it up; it would lose the radial aspect of it; trying to create uniform lots.

Mr. Snieckus: asked if there could be an option to move the lot line towards the westerly direction sharing more of the rear lot space.

Mr. Palus: stated it could be possible; shift to the west to make Lot 11 bigger; Lot 10 a little smaller; go through and compare with the topography; building pads to be used for each individual lot; if there is an opportunity to move that lot line without creating a non conformity or deficiency in either Lot 10 or 11.

Mr. Snieckus: stated it was offered for consideration.

Mr. Snieckus: stated his next series of questions related to the Shade Tree Commission report; limit of clearing line on the tree preservation plan; assess which trees may or may not be impacted.

Mr. Palus: referred to page 5 of Exhibit A2; showed individual lot grading plans for the WSRR portion of the site; does have a limited disturbance around each lot; establishment of what trees would be coming out.

Mr. Snieckus: asked that the trees that are being preserved or removed be shown on a grading plan overlay as a separate illustration so it can be assessed where the grading is being proposed.

Mr. Palus: stated this can be done but wanted to reinforce that the homes shown are conceptual in nature; might be more appropriate to be done on a lot by lot basis.

Mr. Snieckus: asked if an estimated line could be established; where the level of disturbance might be.

Mr. Palus: stated a supplemental drawing can be done.

Mr. Snieckus: stated he conferred with Mr. Hals regarding the tentative location of the seepage pits; primarily for the lots that are fronting off of the new cul-de-sac; asked if they could be moved to the front yard to preserve trees.

Mr. Palus: stated, in general, seepage pits are put downhill of the dwellings; looking at Lot 10, seepage pits in the NE corner of the property; if moved to the front, they will actually be going uphill; try to keep the seepage pits towards the low side of the properties; at this point

the seepage pits are conceptual as are the homes; not conceptual is the fact that seepage pits will be provided; will be submitted for approval by the town; so much is still up in the air.

Mr. Snieckus: asked for a possible discussion or notation on the plan that it is preferred to have the seepage pits towards the front yards if at all possible.

Mr. Palus: stated this would be noted.

Mr. Snieckus: stated one of the items that he will be taking a look at is the issue of the street trees along both Van Dyke and along the proposed cul-de-sac; comments being made by the Shade Tree Commission; species choice; will be making recommendations to the Board at a future meeting; with other subdivisions in other towns, primarily the right of way area between the curb and the property line of a proposed cul-de-sac, generally becomes a catch all for a lot of utility features; when trying to plant shade trees in that area it becomes very tight; would offer a discussion of a shade tree easement; 10 ft. into each property; trees could be the purview of the borough to supervise their removal and or additional trees being planted; more room to grow; doesn't conflict with the utilities.

Chairman Hanlon: stated this was an interesting item and a good idea.

Mr. Snieckus: stated there were comments in regards to trees to be planted along Hollywood Avenue; rear locations of the buildings may be visible; privacy issues; ordinance is only a 4 ft. high fence is permitted; could allow a 6 ft. fence; could debate and hold up for future consideration; property owner may come back for that type of relief to maintain rear yard privacy.

Mr. Whitaker: asked if the applicant would be given the benefit of the species that would be suggested.

Mr. Snieckus: stated it is in his report and that he placed some trees; did not vet them with the Shade Tree Commission.

Mr. Whitaker: asked for that information to be supplied to him.

Mr. Hals: stated the lots on Hollywood Avenue would be restricted; the restriction being if they want to come back for a driveway access they would have to come to the Planning Board; recommendation it should be on the deed restrictions.

Chairman Hanlon: stated this protects the town, County and neighborhood.

Chairman Hanlon: stated this would normally be the time the Planning Board asks questions of the experts; time is such that this can not take place this evening; next meeting will begin with the Board asking questions of the applicant's engineer; next scheduled meetings are May 8th and May 15th; has asked the Zoning Board Chairman if the Planning Board could meet on May 1st which is there regularly scheduled meeting date.

Mr. Whitaker: stated he was available on May 1st.

Mr. Corrison: stated May 1st he is available but not on the 15th; will also be available on the 8th.

Mr. Snieckus: stated he might have a conflict on the 8th.

Mr. Whitaker: stated the 1st and the 8th he is available; he can make arrangements for the 15th; needs enough time to schedule.

Mr. Inglima: stated he is not available on the 1st but is available on the 8th; asked that his schedule be taken into account.

Mr. Whitaker: stated there are time constraints with this application; moved to take necessary steps to keep his Thursday nights open; only Thursday that he was not available was the 15th but will make the necessary arrangements to be in attendance.

Mr. Corrison: asked how many more witnesses would Mr. Whitaker have.

Mr. Whitaker: stated he would have one or two more witnesses.

Mr. Corrison: stated at the next meeting the Board would only get through the cross examination of the engineer and maybe begin another witness; then the public; if a Board member can't make a meeting, they will listen to the tape; asked Mr. Inglima if he was going to have witnesses.

Mr. Inglima: stated "yes."

Chairman Hanlon: stated there are other Board members who are missing this evening, but believes they will be in attendance at the next meeting.

Mr. Corriston: suggested the next hearing of this application be scheduled for the 8th and tentatively for the 15th, as long as there is a quorum; another meeting can be held after that; time constraints.

Chairman Hanlon: stated there are 5 Thursdays in the month of May; the 22nd is another option; polled the Board and the experts.

Mr. Whitaker: stated he wanted the record to reflect that he has made accommodations for May 1st and will make accommodations for the 15th.

Chairman Hanlon: stated the meeting will be adjourned; additional items regarding this application are available in the main office of Borough Hall and the various reports discussed this evening not previously available will be available.

Motion to Adjourn: Rorty, Iannelli

All Board members present approve motion to Adjourn.

Meeting adjourned at 11:00PM.

Respectfully submitted by:

JoAnn Carroll
Planning Board Secretary
May 2, 2014