

**MINUTES  
PLANNING BOARD  
TOWNSHIP OF CHATHAM  
JULY 12, 2021**

Mr. Franko called the Regular Meeting of the Planning Board to order at 7:33 P.M.

**Adequate notice** of the meetings of the Planning Board of the Township of Chatham was given as required by the Open Public Meetings Act as follows: Notice in the form of a Resolution setting forth the schedule of meetings for the year 2021, and January, 2022 was published in the *Chatham Courier* and the *Morris County Daily Record*, a copy was filed with the Municipal Clerk and a copy was placed on the bulletin board in the main hallway of the Municipal Building.

Answering present to the roll call were Mr. Franko, Mr. Nelson, Mrs. Abbott, Mr. Choi, Mrs. Ewald, Mr. Hoffmann, and Mr. Kahn.

Mr. Coviello arrived late, but was present for the entirety of the 522 Southern Boulevard (Chatham Family Apartments) hearing, and then recused himself and left the meeting just prior to the 15 Gates Avenue (Mark and Nicole Lois) application.

Mrs. Ozdemir was absent.

Also present were Township Planner Frank Banisch, Board Engineer John Ruschke and Attorney Amanda Wolfe in place of Board Attorney Steve Warner.

**Approval of Minutes**

Mr. Franko noted that there is a typographical error on the June 21, 2021 meeting.

Mr. Nelson moved to approve the minutes of the June 21, 2021 with the correction. Mrs. Ewald seconded the motion, which carried unanimously with an abstention by Mr. Hoffmann.

Mr. Franko announced that the hearing for 522 Southern Boulevard will be addressed first, followed by the application for 15 Gates Avenue. He also said that the applicants will be allowed to get through as much of their presentations as possible before the floor is opened for questions.

**Hearings**

**PBA-21-004 (Received 6-16-2021) Chatham Family Apartments. 522 Southern Boulevard. Block: 128 Lot: 2**

Damien Del Duca, an attorney representing the applicant, provided an overview of the application and named the witnesses who will give testimony on the application. Mr. Del Duca noted that the property is the site of the former Charlie Brown's Steakhouse, and the proposed new use of the property is for a municipally sponsored family rental affordable community. Mr.

Del Duca addressed the historical context of the application and the various agreements that the Township has entered into that have led to this application. He also said that the application will address the design of the site. Mr. Del Duca stated that it is hoped the development will be financed principally by a 9% Tax Credit administered by the New Jersey Housing Mortgage Finance Agency. He noted that preliminary site plan approval is a necessary component of the Tax Credit application. Mr. Del Duca stated that if preliminary site plan approval is granted, the applicant will need to return to the Planning Board for final site plan approval at a future date. Mr. Del Duca said that the application complies with the requirements set forth in the Redevelopment Plan, aside from three deviations. He stated that there will be testimony why the deviations are needed, and stated that the standard for justification of the deviations is to show a unique condition that results in a hardship, or that the application advances the purposes of zoning and that the benefits of the deviations outweigh any detriments of the deviations.

Mr. D. Del Duca indicated that review letters were received from Mr. Banisch and Mr. Ruschke. The applicant does not have any objection to those letters, and the comments in the review letters will be addressed.

Joseph Del Duca, the Director of Affordable Housing for The Walters Group, was sworn in to give testimony. Mr. Banisch and Mr. Ruschke were also sworn in.

Mr. J. Del Duca commented on the background of the selection of 522 Southern Boulevard as the site for Affordable Housing. He also addressed the parameters required by the Township for the site, and stated that a 75-foot buffer with preservation of as many trees as possible was required to reduce the impact on neighbors. It was also requested that the structure be moved back from Southern Boulevard so that the scale of the building would present better when viewed from the street. The Township also had requested that residents be able to access their units from their own front doors rather than through common hallways. 25% of the units will also be dedicated to US Veterans. Mr. J. Del Duca also stated that The Walters Group has their own construction group who only builds their projects, and The Walters Group will continue to own and manage the development once it is built. He also said that amenities and social services are provided at their Affordable Housing developments.

Rod Ritchie, a civil engineer representing the applicant, was sworn in to give testimony. Mr. Ritchie provided his qualifications and was accepted as an expert.

Mr. Ritchie confirmed that he was present for the whole hearing thus far and testified that Mr. D. Del Duca's introductory comments were accurate. Mr. Ritchie also confirmed that he prepared the site plan submitted with the application and he is familiar with the site and surrounding area. Mr. Ritchie reviewed the existing conditions of the site, and presented a Google Maps satellite view of the surrounding area. The Google Maps image was entered into the record as Exhibit A-6.

Mr. Ritchie presented Exhibit A-1, which is the proposed site plan with color. He stated that the application proposes two buildings, one of which will be 2 stories and the other will be 3 stories. The driveway will be in roughly the same spot as the existing driveway. Mr. Ritchie described the proposed layout of the parking lot and circulation road. 95 parking spaces are proposed, which is 1.5 parking spaces per unit as required by the redevelopment plan. 5 of the parking spots will meet ADA requirements. Mr. Ritchie described the wooded buffer area. He also

addressed the deviation for the rear setback for the tot lot. Mr. Ritchie stated that a 200-foot setback is required by the Redevelopment Plan, and the proposed setback is 88.5 feet. The location for the tot lot was selected because a 200-foot setback would place the tot lot in the middle of the proposed housing units. The second deviation is for the trash collection area, which is also required to have a 200-foot setback. Mr. Ritchie stated that there is not sufficient space to move the garbage area without losing parking spaces. He stated that there will be a trash compactor and a recycling bin within the trash enclosure. Mr. Ritchie also stated that there will be an unlighted basketball court.

Ms. Wolfe asked if the applicant would stipulate that the basketball court remain unlighted. Mr. D. Del Duca confirmed that the applicant will so stipulate.

Mr. D. Del Duca said that the third deviation is for impervious coverage. He stated that the Redevelopment Plan allows for 50% impervious coverage, and the proposed site plan proposes 51.9% impervious coverage. Mr. Ritchie said that the existing conditions have 51.9% impervious coverage, and the proposed site plan is not an increase in the amount of impervious coverage. Mr. Ritchie also explained that the present conditions have mostly motor vehicle impervious coverage, and the proposed conditions have more rooftop impervious coverage. He also said that the NJDEP recognizes that the runoff from motor vehicle surfaces is not as clean as rooftop impervious coverage.

Mr. D. Del Duca asked about a comment in the engineering review letter regarding the flow velocities and an associated waiver. Mr. Ritchie said that the standards call for a minimum pipe velocity to self-clean the pipes. He stated that the slope of the site is so slight that the minimum velocities can be met, and a waiver is requested. He also said that a suggestion has been made by the Board Engineer to provide in the operations and maintenance manual an aggressive plan to periodically inspect and clean the specific pipes of concern. Mr. Del Duca said that as a condition of approval, the manual would be recorded with the Morris County Clerk's Office so that future owners of the site would have knowledge of the obligation to maintain the system. Mr. Ritchie also confirmed that the applicant will comply with the remaining conditions in the review letters from the Board's professionals.

Mr. Franko asked how compliance will be assured that residents will bring their garbage to the proper area. He also asked about access for garbage trucks. Mr. Ritchie said that trash truck access was considered, and turning radius templates have been applied to confirm that a garbage truck will be able to access the location and maneuver through the site. Mr. J. Del Duca said that having several garbage dumpsters is unsightly and attracts vermin. He also said that the property management team will enforce compliance, and using a compactor will decrease odor issues. Mr. Del Duca also said that they will fine residents who are non-compliant with trash disposal procedures. He further pointed out that there will be a 24/7 superintendent in addition to property management staff on-site during business hours.

Mrs. Abbott said that the Township agreed to a 75-foot setback for paved surfaces. Mr. D. Del Duca said that the side yard setback is 15 feet, the front yard setback is 20 feet, and the rear yard setback is 200 feet for the tot lot and trash enclosure but only 75 feet for a building. He also noted that the concept plan was not fully engineered when the Township approved the Redevelopment Plan.

Mrs. Abbott asked if the forested area is being narrowed. Mr. Ritchie said that it is being narrowed in some areas, and he showed on the site plan where some trees will be removed. Mr. Ritchie also presented Exhibit A-3 which is the landscape plan. He stated that 23 trees will be removed and 11 will be replaced, which is consistent with the Township's tree management ordinance. Mrs. Abbott noted that there is a courtyard between the three-story buildings, and asked if the area shaded in green on the site plan will be grass. Mr. Ritchie said that there will be a variety of plantings, but the surface will be pervious. Mrs. Abbott advised against planting of invasive species and recommended native species. Mr. Ritchie said that the applicant is willing to work with the Township's Professionals on that. Mrs. Abbott asked if the tot lot is needed for the tax credit application, and noted that Shunpike Field is nearby and has a playground. Mr. J. Del Duca indicated that the tot lot is not a requirement for the tax credit application. He said that the Walters Group likes to add on-site recreation for children, and he agreed that the Township has a phenomenal park approximately a quarter-mile away on Shunpike Road. Mr. J. Del Duca said that if the basketball court is removed, the trash area location could be adjusted. Mrs. Abbott noted that there is also a basketball court at Shunpike Field. She recommended that the tot lot remain and the basketball court be removed to allow for more of a buffer and additional pervious coverage. Mrs. Ewald noted that maintaining the tree buffer is a commitment made by the Township. She also advised that as many trees as possible should be preserved.

Mrs. Ewald asked if there will be fencing in the rear of the property. Mr. Ritchie stated that there will be a post and rail fence with a wire mesh behind the tot lot, garbage enclosure and basketball court. Mrs. Ewald asked if the wooded area is being expanded. Mr. Ritchie said that there is a proposal for some new landscaping including trees and shrubs. Mrs. Ewald asked if residents of the units facing Southern Boulevard would need to walk around the building or if they could access their units from the rear. Mrs. D. Del Duca said that the architect can address that during his testimony. Mrs. Ewald asked if there has been consideration of the water flow from Madison. Mr. Ritchie said that the existing drainage pattern is that water flows from the northwest corner of the property to the southeast corner. He also said that there is some off-site drainage. Mr. Ritchie also said that the proposal does not change the drainage pattern. He also stated that there should be less stormwater runoff after construction.

Mrs. Ewald expressed a concern about two-way traffic by the tot lot. Mr. D. Del Duca stated that 24 feet is needed for cars to back up out of spots. Mr. Ritchie opined that there would be few instances of cars travelling from south to north.

Mr. Ruschke asked if Mrs. Ewald's question about stormwater had been properly addressed. He also stated that drainage to Sunset Lake is a separate drainage system.

Mr. Choi said that the location of the trash enclosure seemed inconvenient for access by garbage trucks, and he asked about the traffic circulation of trucks. Mr. Choi also noted noise concerns related to garbage trucks. Mr. Ritchie said that the trash enclosure is designed for a front-loading truck. Mr. Ritchie also stated that a circulation plan was included with the site plan that was submitted. Mr. Choi also asked about the decibel level of the trash compactors. Mr. D. Del Duca said that the applicant will comply with State standards for noise. Mr. Choi asked why the traffic circulation is not unidirectional in a counterclockwise pattern. Mr. Ritchie said that the trash removal access is the main reason for the clockwise flow of traffic. Mr. Choi expressed a concern about visitors travelling in the wrong direction to exit the complex. He also said he would like to see an analysis of sound disturbance if the basketball court remains. Mr. Del Duca

noted that the applicant is willing to explore the removal of the basketball court. Mr. Choi asked if there could be consideration of locating the trash enclosure at the southeastern corner of the property. Mr. Ritchie stated that there are wetlands in that area and other permits would be needed. Mr. Choi said he wants to be sure that all possible locations for the trash enclosure have been considered. Mr. Ritchie said he is willing to work with the Township's professionals to see if there is an alternative location that would be acceptable to the Township.

Mr. Kahn asked about the square footage of the additional 1.9% of impervious coverage. He also asked if the removal of the basketball court would result in a decrease in impervious coverage that would bring the proposal into compliance with the Redevelopment Plan in that regard. Mr. Ritchie stated that the basketball court was proposed to have a pervious surface, and its removal would not decrease the impervious coverage at the site. Mr. Kahn asked if attempts were made to keep the impervious coverage under 50%. Mr. Ritchie stated that attempts were made to comply with the 50% cap on impervious coverage, and it was not possible to do so while still fitting the intended program on the site.

Mr. Kahn asked if the tax credit application has been submitted yet. Mr. D. Del Duca said that the application is in process, and it cannot be submitted until preliminary site plan approval has been granted. He said that the application needs to be submitted by the end of August. Mr. Kahn asked if it would be helpful for tax credit application if there was a sustainable certification for the project. Mr. J. Del Duca stated that there is a requirement that certain LEED standards be met. He also stated that the Walters Group goes beyond simply engineering for the standard and will actually get certification. Mr. Kahn asked if building to the standard will help in the tax credit application process. Mr. Del Duca stated that the application will not receive more points, however it will help stay in good stead with the HMFA. Mr. Kahn asked if there are other elements not included in the plan that would help in the tax credit application. Mr. Del Duca stated that it is anticipated that the tax credit application will have a perfect score, and he described the competition among those applications that achieve such a score. He also stated that the tie breakers are financial items.

Mrs. Abbott said that tot lots can often be deemed annoyances due to noise. She suggested that the tot lot be closer to the building so that families would not need to get to the parking lot to get to the tot lot. Mrs. Ewald added that moving the tot lot closer to the building would do away with the encroachment to the wooded buffer.

The Hearing was carried to the July 19, 2021 meeting. Ms. Wolfe announced that the meeting will be conducted via Zoom. The Township Clerk indicated that the agenda will be posted on the Township website, which will include the Zoom access information.

At 9:17 PM the Board took a recess.

The meeting was resumed at 9:23 PM.

**PBA-21-003 (RECEIVED 5-7-2021) Created from Zoning Board App. ZBA-20--010**  
**Mark & Nicole Lois, 15 Gates Avenue, Block 108, Lot 30**

Rosemary Stone-Dougherty, an attorney representing the applicant, provided an overview of the application.

David Fantina, an engineer representing the applicant, was sworn in to give testimony. Mr. Fantina provided his qualifications and was accepted as an expert.

Mr. Banisch and Mr. Ruschke were also sworn in.

Mr. Fantina stated that the property is 19,238 square feet, and is located in the R-4 zone which requires only 10,000 square feet. He said that there is a house on the property which is occupied by the applicant. The proposal is to demolish the existing house, subdivide the property and build two new homes. Mr. Fantina stated that the new properties and homes will comply with all requirements of the zone with the exception of the lot areas. He said that Lot 30.01 will be 9763 square feet, and Lot 30.02 will be 9475 square feet. Both lots will be fully developable, and the homes will meet all other zoning requirements. Two mature trees will be removed, and more than 5 new trees will be planted. Mr. Fantina said that there will not be any environmental impacts from the development, and he noted that there is a high water table. Mr. Fantina addressed the stormwater management plan for the property, and said that all reductions in stormwater runoff are being met. Mr. Fantina said that there is not any opportunity for recharge on the property.

Exhibit A-1 was entered into the record, which is a site exhibit dated June 18, 2020. Mr. Fantina stated that the exhibit shows that there is a large green area, and he noted that the plan calls for screening trees between the two properties. Artist renderings of the proposed houses were also presented. Mr. Fantina described the proposed houses.

Mr. Fantina stated that a second variance is needed for each property. He stated that the Township's ordinance requires that the 10,000 square feet of lot area be obtained within 115 feet of the front property line. Mr. Fantina said that the proposed lots are 75 feet wide, and there will only be 8,625 square feet within the first 115 feet from the front property line. Mr. Fantina stated that the lots will not appear to be undersized when viewed from the street. He also stated that the applicant will comply with the review memorandum from Mr. Ruschke.

Mrs. Ewald asked if similar variances have been granted in the neighborhood. Mr. Fantina stated that he does not have information of any other properties in the neighborhood having received variances. Mrs. Ewald asked if the other properties have to comply with the requirement of 10,000 square feet within the first 115 feet from the property line. Mr. Fantina confirmed that they would, and the only way to meet that standard is to have a wider lot.

Mrs. Abbott said that there is a higher percentage of allowable lot coverage on the smaller lots than with the larger lot. Mr. Fantina stated that the 40% allowable impervious coverage is the same, and there will be a slight increase in impervious coverage. He also stated that the reduction in runoff will be from the stormwater basins.

Mr. Franko asked how much space would be available in each lot for a patio or a pool. Mr. Fantina said that there would be over 600 square feet on the smaller lot, and over 800 square feet on the larger lot.

Daniel Kline, Esq. was preset to represent objector Bradley Huke. Mr. Kline asked if it was Mr. Fantina's testimony that the second variance is a technical variance, and Mr. Fantina confirmed that was his testimony. Mr. Kline asked if Mr. Fantina had expertise in public planning or land

use theory that would qualify him to make that determination. Mr. Fantina stated that his experience in dealing with land use projects of this nature qualifies him to make that determination.

Mr. Kline asked for confirmation that the application calls for 6,230 square feet of impervious coverage. Mr. Kline also asked if the existing impervious coverage is 3,554 square feet. Mr. Kline confirmed both. Mr. Kline asked if it is correct that the impervious coverage is being doubled on a lot that is a block away from the Great Swamp Watershed. Mr. Fantina confirmed that is correct. Mr. Kline asked if the house footprints are 1,892 square feet, for a total of 3,784 square feet. Mr. Fantina confirmed those figures, as well as that the existing house is 1,610 square feet. Mr. Kline noted that the total house footprint is almost being tripled with this application. Mr. Kline asked what percentage of each front yard will be covered with impervious coverage. Mr. Fantina stated that the proposed coverage is approximately 25% to 30%. He also explained how the percentage is calculated. Mr. Kline asked what documents were submitted to support the stormwater runoff calculations. Mr. Fantina said that in addition to the documents already presented at this meeting, he had submitted a document of calculations titled "Hydrologic and Hydraulic Calculations to Support the Design of Stormwater Detention Facilities for the Subdivision and Redevelopment of Lot Grading Block 108 Lot 30 Located in Chatham Township, Morris County, Originally Dated August 2020, Revised February 12, 2021." Mr. Fantina asked if a stormwater maintenance or operations manual was submitted. Mr. Fantina said that one was requested by Mr. Ruschke, and it will be provided.

Mr. Kline asked when the last inspection of the property as-is was performed and what the weather conditions were. Mr. Fantina said that the last inspection was 2-3 months ago, and the weather was balmy and dry. He confirmed that the inspection was not performed during a rainstorm. Mr. Kline asked how often pooling and flooding occurs on the existing property. Mr. Fantina said it occurs regularly due to the high water table. He also said that when soil logs were last performed, they were left open because rain was coming. Mr. Fantina said that upon reinspection, water was not recharging. Mr. Kline asked what sets the subject property apart from other properties where stormwater may be adequate. Mr. Fantina said that a typical drywell on the adjacent properties would not be adequate because they rely on recharge. He also stated that there is published soil log information for the neighborhood which was reviewed for his analysis. Mr. Kline asked if there was a pond on the property prior to the current residences. Mr. Fantina stated that he has a topological map of the Township from 1927 that does not show a pond on the subject property, and there has not been a pond in the past 94 years. Mr. Kline asked what specific features were used when designing the stormwater infrastructure to accommodate the Great Swamp Watershed and associated environmental factors. Mr. Fantina said that the stormwater management was designed in compliance with the Township's ordinance, and he commented on his collaboration with Mr. Ruschke's office during the review process. Mr. Kline asked if the Great Swamp Watershed environmental factors were taken into account. Mr. Fantina stated that he believes the Great Swamp Watershed is considered in the overlay zone. Mr. Kline asked if two driveways are being added.

Mr. Fantina stated that one driveway is being removed and two are being added, for a net increase of one driveway. Mr. Kline asked if there was any attempt to relocate the driveways to the middle of the properties or away from 19 Gates Avenue. Mr. Fantina stated that the proposed driveways comply with the Township's ordinances and the proposed locations are what seemed to be the best location. Mr. Fantina confirmed that there was not any attempt to relocate

the driveways and front walkways, and he stated that there would not be any reason to do so. Mr. Kline asked if there were any attempts to reduce the size of the driveways or to reduce the amount of impervious coverage from the walkways. Mr. Fantina stated that the impervious coverage complies with the Township's ordinance. Mr. Kline asked if two mature trees are proposed for removal, and if they are being replaced by five trees. Mr. Fantina said that is correct. Mr. Kline asked if Mr. Fantina has experience as a landscaping engineer, and Mr. Fantina confirmed that he does not. Mr. Kline asked about the DBH of the replacement trees. Mr. Kline stated that they will have a DBH of two inches. Mr. Kline asked how long it will take for the replacement trees to reach the size of the mature trees they are replacing, and Mr. Fantina stated that he is not an expert in that field. Mr. Kline asked if an inventory of existing trees was conducted. Mr. Fantina stated that the surveyor located all the existing trees. Mr. Kline asked if a tree inventory was conducted on neighboring properties. Mr. Fantina stated that was not performed. Mr. Kline asked if a drip line analysis was performed. Mr. Fantina confirmed that there was not. Mr. Kline asked if there was an analysis of how the tree removal would impact stormwater runoff and erosion.

Mrs. Stone-Dougherty objected to the questioning of things that were not part of the testimony. Regarding the questions about relocating the driveways, Mrs. Stone-Dougherty stated that she had spoken with the objector's counsel to see if there were any requests or anything that her client could offer, and they were told no. Mrs. Stone-Dougherty asked that the cross examination pertain to the testimony that was presented. Mr. Kline stated that it is within his right to question any methodology in any report submitted to the Planning Board in connection with the application. Mr. Kline also stated that he respects the Board's time, and he will also make sure his client's rights are represented.

Mr. Kline asked if Mr. Fantina is aware how many trees were removed from the subject property in the past three months. Mr. Fantina stated that is not. Mr. Kline asked if calculations were performed for stormwater runoff onto neighboring properties. Mr. Fantina said that the calculation is what exits the site, not what property it runs onto. Mr. Kline asked about septic tanks on the site. Mr. Fantina stated that the properties will be connected to public sewer, and the septic tanks on the properties will be utilized for underground detention basins. Mr. Kline asked how close to the front property boundary on each proposed lot the septic features would be located. Mr. Fantina indicated that they will be approximately 8 feet from the property line. Mr. Kline asked how far the inlets would be from the side yard property line. Mr. Fantina said that the closest basins would be in the west, which are 7 feet from the property line with an inlet 5.5 feet from the property line. Mr. Fantina also stated that the proposed inlet in the back of the property would be about 4 feet from the property line.

Mr. Kline asked about the relocation of the existing shed onto Lot 30.02, and if it will be 15 feet from the side yard. Mr. Fantina stated that the closest point is 15 feet, and the distance increases to 15.4 feet.

Mr. Kline asked if there has been analysis of the topography of the neighboring properties. Mr. Fantina stated that the only such analysis was performed in response to Mr. Ruschke's request that it be determined what neighboring properties drain onto the existing property. Mr. Fantina asked how many neighboring properties drain onto the subject property. Mr. Fantina stated that portions of the rear properties drain onto the subject property. Mr. Kline asked if there is a backup plan if the inlets are not sufficient. Mr. Fantina stated that there is a berm so that water



would pond on the subject property rather than leaving the site. Mr. Kline asked at what point water would leave the property. Mr. Fantina said that there is a sump in the inlet. Mr. Kline asked where the stormwater tanks would drain. Mr. Fantina said that they all drain into the right-of-way on Gates Avenue and then into an inlet on Gates Avenue. Mr. Kline asked if there is anything to make sure the water flows north and then west, or could the water flow in multiple directions. Mr. Fantina stated that there are pipes from the property that carry the water to the inlet. Mr. Kline asked who will be responsible for the stormwater utility maintenance. Mr. Fantina stated that it will be the responsibility of the homeowner, and there will be a maintenance agreement on file with the Township. Mr. Kline asked if Mr. Fantina has seen anything else of the same scale as what is proposed in this application. Mr. Fantina stated that he is not aware what stormwater utilities exist on the neighboring properties. He also said that this application goes above and beyond to address stormwater. Mr. Kline stated that there appears to be an air conditioning unit on the existing property, and he cannot find it in the impervious calculation for the proposed subdivision. He asked if the unit will remain on one of the subdivided lots. Mr. Fantina said that each lot will have an air conditioning unit, and 12-13 square feet can be added to each property from what is shown in the application. Mr. Kline asked where the air conditioning units will be located, and Mr. Fantina stated that determination has not yet been made. Mr. Kline opined that the location of the air conditioning units could require another variance depending on where they wind up being located. Mr. Kline objected to a meeting notice that stated the meeting would be held on Wednesday July 12<sup>th</sup> rather than Monday July 12<sup>th</sup>. He also preserved an objection that the applicant may have known that an additional variance would be needed which was not included in the notice for this meeting.

Mrs. Stone-Dougherty stated that the notices sent to neighbors were resent within the 10-day period with the correction to the weekday of the meeting. She also stated that there have been 6 notices between the two boards and the carries, and Mrs. Stone-Dougherty said that it is felt that more than adequate notice has been given to neighbors.

Mr. Franko opened the floor to questions of the witness by the public. He also noted that if the members of the public want to make comments on the application, they will need to be sworn in to give testimony.

1. Aileen O'Donovan and Joe McManus, 9 Gates Avenue, asked if there will be a site visit for this application. Mr. Franko said that there has not been a determination if a site visit will be conducted. Mrs. O'Donovan said that there is high interest in the neighborhood on this application, and asked the Board to take that into consideration.
2. Mike Slattery, 24 Gates Avenue, asked if the Board is aware of any previous applications on this property. Mr. Franko stated that this is the time for questions of the witness on his testimony, and the Board cannot answer that question.
3. Joseph McShane, 11 Gates Avenue, asked why his house is not shown on the rendering of the proposed homes. Mr. Fantina stated that the exhibit was only meant to show what the proposed houses will look like, not the neighboring houses. Mr. McShane asked of the applicant will be planting trees on his property. Mr. Fantina stated that the applicant will not be planting trees on neighboring properties. Mr. McShane asked if the neighboring houses were not shown because the proposed houses will be closer to the

property line than what exists now and his privacy will be lost. Mr. Fantina stated that he did not prepare the exhibit.

4. Amy Hauser, 10 Gates Avenue, asked about the artists rendering of the proposed homes, and asked what guarantee the neighbors have that the proposed houses will look as what was presented. She also asked if the applicant would be free to build whatever they want once a variance is granted. Mrs. Stone-Dougherty stated that if the application is approved, the resolution of approval would state as a condition of approval that what the Board is approving is based on the actual submitted architectural designs that would include the floor plans, dimensions, renderings and other plans. The applicant would stipulate that they would build that which has been approved. Mrs. Stone-Dougherty also stated that when a variance is granted, it is normally conditioned on specific criteria. She further noted that a variance stays with the property, and any deviation from an approved variance would require additional notice and Board hearings. Mrs. Hauser asked about drainage, and said that what is proposed for this application is different from what all other new construction properties in the neighborhood were required to implement. She asked if Mr. Fantina surveyed the neighbors to see if the drainage systems were not working. Mr. Fantina said he did not reach out to any other property owners, however a drywell will need a two-foot separation from the water table. He also stated that what is proposed will be more efficient and will work better in the long-term. Mr. Fantina also said that the grading plans for Mrs. Hauser's house was reviewed.
5. Richard Daingerfield, 31 Gates Avenue, asked if Mr. Fantina considered if there are other properties in the neighborhood that are smaller than 10,000 square feet and if so, when were they created. Mr. Fantina said that was not considered in his analysis, and the applicant's planner has not yet testified.
6. Frank Delaney, 13 Jay Road, asked if there are renderings of what the proposed homes will look like from the rear. Mr. Fantina said that the architectural will have the renderings and elevations from all four sides. He also stated that there are not presently color renderings from the rear. Mr. Delaney asked if details regarding drainage remediation at 9 Jay Road were incorporated in the planning for this application. Mr. Fantina confirmed that those details were incorporated. Mr. Delaney asked what the fundamental reason is for the subdivision request. Mrs. Stone-Dougherty said that will be addressed when Mr. Lois testifies at the next meeting.
7. Jacqueline Fusco, 26 Mitchell Avenue, asked if the natural drainage patterns in the neighborhood were considered, and asked how an impounding of water on the neighboring property caused by the proposed berms will be prevented. Mr. Fantina said that a detailed grading plan has been prepared showing that all the drainage will enter the inlets and water will not be impounded on neighboring properties. Mrs. Fusco asked if that can be accomplished without showing the topography on the neighboring properties. Mr. Fantina stated that the neighboring properties are of a higher elevation, and the berms will direct the drainage to the inlets.
8. Mr. Daingerfield asked if Mr. Fantina has been involved in a prior project involving the type of stormwater drainage system as proposed in this application. Mr. Fantina said that he has not used the particular product as proposed in this application, however he has

been involved with numerous applications with similar products and the other features of this system.

Mr. Franko announced that this hearing will be carried until the July 19<sup>th</sup> meeting at 7:30 PM. Mrs. Stone-Dougherty noted that there will be additional testimony and some redirect for Mr. Fantina.

Mr. Nelson moved to adjourn at 10:41 PM. Mrs. Abbott seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Planning Board Recording Secretary