

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
JULY 19, 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.

Mrs. Ozdemir was absent.

Also present were Township Planner Frank Banisch, Board Engineer John Ruschke, and Board Attorney Steve Warner.

Announcements

Mr. LaConte noted that Mrs. Ewald is now the Class I member of the Planning Board and Mrs. Abbott is now a Class III member of the Planning Board. Mr. Warner stated that the changes in designation were made at the July 15, 2021 Township Committee meeting, and stated that there is continuity as they are still serving as Board members under different designations.

Hearings

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

Mr. Warner addressed a predicate jurisdictional issue raised by M. Kline at the last Planning Board meeting. He stated that a notice of the hearing said that the meeting would be on “Wednesday July 12th” rather than “Monday July 12th.” Mr. Warner also stated that the applicant’s counsel noted that a corrected notice was served to the neighbors in a timely fashion. Mr. Warner also offered his legal opinion that had the amended notice not been sent, it was still clear when the meeting would occur. Mr. Warner cited *Pond Run Watershed v. Township* and its progeny under the MLUL and Case Law to opine that the typographical error is not fatal to the Board’s jurisdiction.

Mr. Warner also said that the possibility was raised that additional variance relief would be required for the minimum lot area within a certain depth of the lot. Mr. Warner said that it is his legal opinion that the variances would be covered by the “catch-all” provision that was included

in the notice because they are additional bulk variances. Mr. Warner advised that the Board still continues to have jurisdiction to hear the application notwithstanding the objections.

Mr. Warner noted that Mr. Coviello has recused himself on this application.

Rosemary Stone-Dougherty, the attorney for the applicant, provided a summary of the proceedings at the last meeting. She said that Mr. Fantina will be recalled for redirect testimony.

Mrs. Stone-Dougherty asked if the subject property's proximity to the Great Swamp Watershed was taken into account for the plan design. Mr. Fantina stated that the plan design takes into account the Township's ordinances, which do realize that it is an environmentally sensitive area. Mr. Fantina also confirmed that the subject property is in Great Swamp Watershed Overlay District. Mrs. Stone-Dougherty asked if the plan and design meet the Township's ordinance standards, and Mr. Fantina confirmed that they do. Mrs. Stone-Dougherty said that there was confusion about a review letter from Mr. Ruschke's office. Mr. Fantina said that he was able to review Mr. Ruschke's letter dated May 10, 2021 in detail. Mr. Fantina stated that he reviewed the letter, which was substantively the same as the earlier review memorandum, and the applicant takes no exception to meeting the conditions in the memorandum. Mr. Warner asked for clarity that the applicant will stipulate to all 14 items in Mr. Ruschke's memorandum. Mrs. Stone-Dougherty confirmed that the applicant will so stipulate.

Mrs. Stone-Dougherty said that concerns were raised that the air conditioning units were not shown on the plan and whether or not additional variances would be needed for the placement of the units. She asked if Mr. Fantina has more information regarding those concerns. Mr. Fantina stated that the location is not shown on the plans, however he conferred with the Township's Construction Official and the air conditioning units can be placed without additional variances being needed.

Mrs. Stone-Dougherty said that there was also discussion about the belief that the subject property used to have a pond that would prevent development. Mr. Fantina reiterated his testimony from the last meeting that he reviewed a historic topographical map of the Township from 1927, and no indication of a pond was shown on the site. He also stated that he reviewed aerial photographs of the area dated 1930 and there was not a pond on the subject property. Mr. Fantina also stated that he has no reason to believe that there was ever a pond on the property. Mrs. Stone-Dougherty asked about soil logs that were performed on the property. Mr. Fantina stated that five holes were dug for soil logs, and there was not any indication of fill on the property.

Mrs. Stone-Dougherty said that a concern was raised that the development of the site would cause water issues on the adjacent properties, and she asked Mr. Fantina to address that concern. Mr. Fantina stated that the subject property is lower than the neighboring properties, and that the neighboring properties drain onto his client's property. He also stated that because of the Township's stormwater management controls as overseen by Mr. Ruschke, the flow from the subject property will be reduced. Mr. Fantina also stated that ponding will not be created on adjacent properties.

Mrs. Stone-Dougherty asked about the proposed septic tanks on the property. Mr. Fantina confirmed that the property will be on public sewer, and the infiltration units referred to as septic

tanks will be used for stormwater management. Mrs. Stone-Dougherty asked about the proposed inlets. Mr. Fantina said that they are common features used in the Township. Mrs. Stone-Dougherty asked if the applicant's proposal for stormwater management is an improvement over what presently exists at the site. Mr. Fantina stated that the proposal will be an improvement because of the Township's stringent requirements. Mrs. Stone-Dougherty asked if any research was performed to see if the property had any wetlands that would render it undevelopable. Mr. Fantina stated that PK Environmental was hired to perform a wetlands study.

Mr. Kline asked what documents were submitted to the Board or are publicly available that would demonstrate property elevations of the surrounding properties. Mr. Fantina said that the topography on the grading plan shows the grades along the property line, which demonstrates that the surrounding properties are higher.

Mrs. Abbott asked for clarification about the septic tanks on other sites used to slow stormwater. Mr. Fantina stated that his earlier comment was about the inlets. Mrs. Abbott asked if the inlets drain into the storm drains in the street or into drywells. Mr. Fantina stated that the drain into drywells.

Mr. Franko asked about the lifespan of the tanks. Mr. Fantina said that there is unlimited life as long as the tanks are properly maintained.

Mrs. Abbott asked if there are any other properties in the Township that have four inlets draining to the storm sewers. Mr. Fantina stated that he would not have that sort of information.

Mr. Warner asked if the letter from referenced from John Peel of PK Environmental regarding the absence of wetlands was the letter dated July 9, 2021. Mr. Fantina confirmed that is the letter, and Mrs. Stone-Dougherty confirmed that it should be entered into the record as Exhibit A-2. Mr. Warner asked if the applicant is taking the position that in addition to the two proposed minimum lot area variances, the applicant also requires two maximum depth measurement variances. Mr. Fantina stated that is the applicant's position. Mr. Warner asked Mr. Banisch if he shares the position that the maximum depth measurement variances are needed. Mr. Banisch confirmed that the variances are needed.

Mr. Choi said that the stormwater management system was described in Mr. Fantina's testimony as being robust and overengineered to adjust for the neighborhood concerns. He asked Mr. Fantina to describe in laymen's terms if the system fail or exceed the capacity for which it is designed. Mr. Fantina stated that an inlet pipe could become clogged which would result in ponding. Mr. Choi asked if the system can handle a heavy amount of rain in a short amount of time. Mr. Fantina stated that the system is designed for a hundred year storm.

Mr. Ruschke stated that the applicant is complying with the Township's stormwater ordinance, however there has not been discussion the off-site mitigation for the deferral of recharge that cannot be met onsite. He said that a similar application on Mountainside proposed a cash contribution to offsite mitigation in the amount of \$10,000 per lot. Mr. Ruschke stated that the applicant should indicate what is proposed for this application, as it is subject to Board approval. Mr. Fantina stated that the applicant would like to make a cash contribution in lieu of onsite recharge. Mrs. Stone-Dougherty stated that the applicant deems the amount of \$10,000 per lot to

be an appropriate amount. Mr. Ruschke stated that he does not object to that amount. Mr. Warner stated that the stipulation is on the record.

Paul Ricci, a Public Planner representing the applicant, was sworn in to give testimony. Mr. Ricci provided his qualifications and was accepted as an expert.

Mr. Ricci stated that the application is to subdivide an oversized lot into two lots which would be slightly undersized. He stated that variances are requested for the lot size. Mr. Ricci also stated that he reviewed the Township's Master Plan, the site architectural plans, the tax maps for the area and the pertinent sections of the Township's zoning ordinance. Mr. Ricci stated that the variances are sought under the C2 criteria. He said that lot area variances are sought, and the application complies with all other regulations for the zone. Regarding the positive criteria, Mr. Ricci stated that aside from the variances for lot area, the development is consistent with the existing character of the area. He also stated that the proposed lots and homes are more consistent with the area than what would be permissible on an oversized lot.

Exhibit A-3 was entered into the record, which is an aerial photo of the area showing zoning information, as well as the undersized lots and those that do not meet the area requirement within 115 feet of the property line. Mr. Ricci stated that the Morris County GIS system was used in the preparation of the exhibit. Mr. Ricci highlighted the properties having lot widths under 100 feet, and he said the lot width is a more defining characteristic in this neighborhood than the lot depth. Mr. Ricci said that there are 15 lots in this area having lot depths that are under 100 feet in width. He also showed how the proposed homes' footprints would be in character with the neighborhood. Mr. Ricci also presented a potential footprint of a house that could be built under present conditions. He further opined that the application advances at least one objective of the Master Plan by preserving the desirability of a community and a neighborhood by limiting the scale of an expansion and alteration. Mr. Ricci also stated that the application advances several purposes of the Municipal Land Use Law to provide adequate light, air and open space, to provide sufficient space for residential use and to preserve a desirable environment. Regarding the negative criteria, Mr. Ricci stated that the variances can be approved without a detriment to the public good and without a substantial impairment to the zone plan. Mr. Ricci opined that the subdivision also prevents the development of a larger home that would adversely affect the character of the neighborhood. Mr. Ricci also commented on how the proposed homes would conform with the zone plan.

Mrs. Stone-Dougherty said that at the last meeting a concern was raised by Mr. Banisch that developers often maximize the lot coverage or impervious coverage which leads future homeowners to have to apply to the Planning Board. Mr. Ricci stated that the maximum lot coverage in the zone is 40% and the proposed coverage in the application are 31.3% and 33.5% which will afford future owners some flexibility. Mrs. Stone-Dougherty asked if Mr. Ricci had discussed with the applicant such design ideas to not maximize the coverage, and Mr. Ricci confirmed those discussions were held. Mrs. Stone-Dougherty asked if any historical research was conducted regarding how the zone was developed. Mr. Ricci said that such research was performed, and he discovered that the lots were originally to be 25 feet wide. He also said that the lot numbering supports that original intention. Mrs. Stone-Dougherty asked if it is becoming common that many applicants are now proposing modest homes rather than McMansions. Mr. Ricci said he is not the best person to comment on building trends. He also said that as a

planner, it is his opinion that new homes should be in accordance with the character of the neighborhood.

Mr. Banisch said that Mr. Ricci did a great job of presenting the statutory criteria, and any questions he had were answered in the testimony.

Mrs. Ewald asked if Mr. Ricci had confirmed with the applicant's architect and engineer that the potential size of a house on the lot under current conditions is as large as was testified. Mr. Ricci said that he did not. He also stated that as a planner he understands zoning regulations and what can be developed. Mr. Ricci also stated that the focus on the application was whether it makes sense despite the proposed lots being undersized, and he said that the variance powers of the Board are appropriate in this context because the proposed lots and houses conform to the zoning regulations in every other way.

Mrs. Ewald asked upon Mr. Ricci's review of historical data if any subdivisions were granted in the R-4 Zone since the designation was imposed. Mr. Ricci stated that in 2007 three current lots had been created by subdivision, and some variances were approved as part of that subdivision. He also stated that it is a small zone, and the frequency of a certain type of approval matters less than the planning proofs used to justify the application.

Mrs. Ewald said she thought Mr. Banisch's review letter stated that a variance should only be granted if there is a case of hardship. Mr. Ricci said that there needs to be a hardship or a special reason, and there can be both.

Mr. Warner asked if it is Mr. Ricci's analysis for the lot depth variances is the same as for the lot area variances. Mr. Ricci stated that the intent of the variance is to discourage flag lots and irregular lots. Mr. Warner asked if the applicant is advancing a C-2 variance argument because an undue hardship for a C-1 variance would perhaps be a self-created hardship from the subdivision. Mr. Ricci confirmed that the variances requested are C-2 variances. Mr. Warner asked if the conditions stipulated to by the applicant are reasonable and have a nexus to mitigating a detriment that would otherwise be associated with the proposal. Mr. Ricci said that he did not hear all of the testimony and cannot answer that question. Mr. Warner asked if Mr. Ricci is aware of any unreasonable conditions to which the applicant has stipulated. Mr. Ricci said that he is not.

Mrs. Abbott said that based on the drainage issues it would seem difficult for a future homeowner to have an expansion in the rear yard, and asked why there is room for a patio or a swimming pool. Mr. Ricci stated that the maximum impervious coverage in the zone is 40%, and each proposed property has less than that. He stated that from a zoning standpoint, there can be more impervious coverage added.

Mr. Ruschke asked if the applicant would be willing to design the stormwater management for the proposed lots to be able to accommodate 40% impervious coverage. Mrs. Stone-Dougherty said that the applicant would be willing to do so for each proposed lot as a condition of approval.

Mr. Franko opened the floor to the public to ask questions of the witness regarding his testimony.

1. Jacqueline Fusco, 26 Mitchell Avenue, asked how Mr. Ricci feels that the proposal meets with the character of the neighborhood, and asked if he is aware of the tree removal on properties on Garden Street. Mr. Ricci stated that he has did not witness the tree removal. Mrs. Fusco questioned Mr. Ricci's qualification to testify that the proposed stormwater system is adequate. Mr. Ricci stated that his testimony was that he was relying on Mr. Fantina's testimony. Mrs. Fusco asked if site plan and approval would still be needed from the Planning Board if the property was redeveloped without a subdivision. Mr. Ricci stated that the Planning Board hearing is due to the variance relief and subdivision request. He also stated that site plan approval is not needed for a single-family home. Mrs. Fusco asked about the percentage of the lot coverage for the principal structure. Mr. Ricci stated that the two proposed homes are 19.38% and 19.97%, and the allowable lot coverage is 20%.
2. Janet Coley-Lima, 12 Mitchell Avenue, asked for clarification if her property is one of the lots Mr. Ricci testified received a variance. Mr. Ricci stated that it was an adjoining property. Mrs. Coley-Lima stated that the variance greatly affected her property.
3. Aileen O'Donovan, 9 Gates Avenue, asked for clarification on the rationale for requesting the variances and what the special reasons are for a C-2 variance. Mr. Ricci stated that he described at great length the reasons why the variances are warranted. He also summarized his testimony.

Mr. Franko announced that the hearing is being adjourned to the August 16th Planning Board meeting. Mrs. Stone-Dougherty asked if there is a possibility for a work meeting at which the application could be heard, or if there could be assurances that this hearing would be the only matter on the August 16th agenda. Mr. Warner stated that there are no other work sessions between this meeting and August 16th. He also stated that while there are not any guarantees, at this time it does not appear that there would be any other hearings scheduled for August 16th.

Mr. Kline stated that there will be objector's witnesses. He also preserved an objection to Exhibit A-2 regarding the 10 day rule and that it was an exhibit testified to without the author of the document available under oath or for cross examination. Mr. Kline also objected to Exhibit A-3 as it was not submitted 10 days or more in advance of this meeting.

At 8:59 PM the Board took a recess.
The meeting was resumed at 9:05 PM.

A roll call was conducted to ensure the presence of all Board members in attendance.

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

Mr. Damian Del Duca said that at the last meeting there were questions raised about the location of the basketball court and the tot lot. He also stated that this application is for preliminary site plan approval.

Mr. Rod Ritchie was recalled to give further testimony.

Mr. Warner said that there may be questions about Mr. Ritchie's additional testimony, and he remains under oath.

Exhibit A-8 was entered into the record, which is an alternative site plan. This site plan has the circulation reversed from the prior presentation, the basketball court has been removed, the tot lot is relocated next to the clubhouse, and the trash enclosure has been rotated to accommodate a rear-loading garbage truck. The tot lot was relocated in response to the Board's concern about having children cross a parking lot to get to the tot lot. Mr. Ritchie also stated that the alternative site plan has two additional parking spots. He also said that three trees would be saved with this plan. Mr. Del Duca asked about the deviation for the tot lot setback in the original application. He said that the Redevelopment Plan calls for a setback of 200 feet, and the original site plan had the tot lot 88.5 feet from the property line. Mr. Ritchie said that the alternative site plan has the tot lot set back 158 feet. Mr. Del Duca asked about the set back for the trash enclosure, and said that 108.6 feet were originally proposed. Mr. Ritchie said that the alternative plan has a setback of 99.79 feet, which is due to the rotation to accommodate rear-loading vehicles. Mr. Ritchie also stated that the lot coverage deviation is not changed in the alternative site plan. Mr. Del Duca asked why the traffic rotation was changed in the alternative site plan. Mr. Ritchie said that there were comments at the last meeting about cars entering the site being immediately met with a Do Not Enter sign. He also stated that the change in flow allows for the rotation of the trash enclosure.

Mr. Kahn asked if this plan changes the amount of impervious coverage. Mr. Ritchie said that it does not. Mr. Kahn asked if there is room for a car to get around a garbage truck during pickup. Mr. Ritchie said that traffic would probably be blocked.

John McCormack, a traffic engineer representing the applicant, was sworn in to give testimony. Mr. McCormack provided his qualifications and was accepted as an expert.

Mr. McCormack confirmed that he was retained by the applicant to assess the traffic impact that the construction of 63 rental units will have on the adjacent roadway network. He also confirmed that he and his office prepared a traffic impact study dated May 27, 2021. Mr. McCormack stated that assessments were made of the site access, traffic volumes, trip generation, intersections and the parking and on-site circulation.

Mr. McCormack stated that the current roundabout drop off setup will be removed, and the alignment will be consistent with the driveway across the street leading into the Hickory Square Mall. Traffic volumes were also collected on weekday morning and evening peak periods in May 2020. As the volume counts were taken during the COVID-19 pandemic, two traffic counts performed in 2017 within 500 feet of the subject driveway were reviewed to adjust this traffic study to provide a more realistic traffic count. The trip generation potential of the site was also analyzed. The Institute of Traffic Engineers Land Use Code for Multi-Family Low-Rise Housing was used in the analysis of trip generation. Mr. McCormack stated that 31 trips are anticipated in the morning peak hour and 38 trips in the evening peak hour. He also stated that the property would generate trips if still used as a restaurant. He also stated that the anticipated trips generated by the housing units are less than half of what would be anticipated from a restaurant of the same size as the Charlie Brown's Steakhouse. Mr. McCormack stated that the NJDOT and the ITE set an industry standard threshold of 100 new trips for which analysis would be required, however the applicant has performed an analysis anyway for the Board's evaluation.

Mr. McCormack said that the application maintains the level of service for the current conditions, and said that there is a Level B service at the intersection of Southern Boulevard and Shunpike Road. Regarding parking, Mr. McCormack said that 95 spots are required and the current plan shows 97 spots. The driveway ingress would be at level A service. Mr. McCormack stated that the ITE Parking Generation publication states that one parking space per unit is the average demand. He stated that 97 spots exceeds the ITE standard. Mr. McCormack stated that the 63 units will generate minimal traffic, and will generate half of what Charlie Brown's would generate if the restaurant reopened. He also stated that there will not be a negative impact on the local traffic flow.

Mr. Franko asked where snow would be removed to if there was a two-foot snowfall. Mr. McCormack stated that typically snow is pushed off the edges and could be carted away if there was significant snowfall.

Mr. Warner asked about the safety of the ingress/egress and the site circulation as compared with the original design. Mr. McCormack said that the counterclockwise design is an improvement and allows for a rear loading garbage truck. He also stated that it allows for smoother ingress. Mr. McCormack said that the counterclockwise traffic flow is safer. Mr. Warner asked if the original design is also safe for ingress/egress, should the Board decide to approve that option. Mr. McCormack stated that option is safe as well.

Mr. Del Duca confirmed that Mr. McCormack's testimony about snow removal is accurate.

Ferdinando Micale, an architect and public planner representing the applicant, was sworn in to give testimony. Mr. Micale provided his qualifications and was accepted as an expert in architecture and public planning.

Mr. Micale presented Exhibit A-7, which he described as prior Exhibit A-4, but amended to include color renderings and dimensions. He provided an overview of the architectural design. Mr. Micale confirmed that the plans are conceptual at this stage and may change, however they generally represent what will be built. He also confirmed that he reviewed the architectural standards in the Redevelopment Plan. Mr. Micale stated that Plan requires that the length of the buildings not exceed 225 feet, and the dimensions shown on Exhibit A-1 show the longest length proposed which conforms with the Redevelopment Plan. The offsets also comply with the Redevelopment Plan.

Mr. Del Duca stated that three deviations are required relating to the setback of the tot lot and trash enclosure, as well as for impervious coverage. Mr. Micale stated that the variances are justified under the C-1 criteria. He stated that the narrowness of the site presents a hardship. He stated that the necessary circulation for parking and building access constrain the location of outdoor amenities. Mr. Micale testified that the design provides a better planning alternative than what would comply with the Redevelopment Plan. He also stated that the plan advances the purposes of zoning. Mr. Micale further testified that the benefits of the plan substantially outweigh the detriments of the deviations.

Mr. Del Duca stated that Purpose A of zoning is to encourage municipal action to guide the appropriate use or development of all land in the State in a manner that will promote the health,

safety, morals and general welfare, and asked if the building of 62 affordable units for low- and moderate-income families would promote those purposes. Mr. Micale stated that it would. Mr. Del Duca stated that Purpose C states that adequate air, light and open space are to be provided, and Mr. Micale stated that this plan will provide that. Mr. Del Duca said that Purpose I states that a desirable visual environment through creative development techniques and good civic design and arrangement. Mr. Micale confirmed that Purpose I will be advanced as well, and the plan as designed creates a compact development site and allows for preservation of a majority of the wooded area. Mr. Del Duca stated that the development assists the Township by providing its fair share of affordable housing, which Mr. Micale confirmed advances the purposes of zoning. Mr. Micale stated that the detriments to the setback deviations are minimal compared to the benefits.

Mr. Kahn asked if there is a rendering of what the property will look like from Southern Boulevard. Mr. Micale provided a screen share of the rendering.

Mrs. Ewald asked if the common hallways pass from the back of the buildings to the front so that residents living in front units do not have to walk all the way around a building in inclement weather. Mr. Micale said that residents from both the front and rear of the building and from both levels can access the building from the parking area side.

Mr. Choi asked what material is proposed for use on the exterior of the building. Mr. Micale stated that there will be brick veneer and lap siding.

Mr. Warner asked if the applicant stipulates to all the conditions in Mr. Banisch's memorandum dated July 9, 2021. Mr. Del Duca confirmed that Mr. Ritchie testified at the last meeting that the applicant does not object to any of the comments in the memorandum. Mr. Warner asked if it was addressed that outdoor seating spaces will be offered as an amenity. Mr. Del Duca said that the applicant agreed to that at the last meeting, and the applicant will work with Mr. Banisch on that. Mr. Del Duca also confirmed that the applicant will also stipulate to the conditions in Mr. Ruschke's memorandum dated June 23, 2021, and he clarified that a design waiver was requested for the flow velocities during the testimony at the last meeting. Mr. Warner asked if it is Mr. Micale's testimony that the waiver for flow velocity is justified by the same criteria specified by Mr. Ritchie at the last meeting. Mr. Micale confirmed that he agrees with Mr. Ritchie's testimony regarding the waiver. Mr. Warner asked if Mr. Micale's testimony is the same whether the Planning Board approves the original design or the amended design. Mr. Micale stated that his testimony is the same for either option.

At 9:52 PM the Board took a recess.
The meeting was resumed at 9:57 PM

A roll call was taken to confirm that all Board members had returned.

Mr. Warner stated that there were four witnesses who provided testimony.

Mr. Franko opened the floor to the public to ask questions of the witnesses.

1. Kimberly Flynn, 2 Daniel Street, said she is concerned about the trash compactor and that she is upset about the variance request. Mrs. Flynn asked how big the trash area and the

compactor are. Mr. Ritchie stated that the design plans are based on a similar facility, and said that he did not have the dimensions readily available. Mrs. Flynn said testimony was offered that the compactor would take approximately one minute to compact trash, and asked how many times day the compactor would be run. Mr. Ritchie stated that the compactor would be run only 2-3 times per day on weekdays and only once per day on weekends. Mrs. Flynn asked at what time of day the compactor would be run. Mr. Ritchie stated that he does not know when it would be run or if it would be run according to a schedule. Joe Del Duca stated that there is not a specific time that the compactor would be run, however it will be during business hours. He also commented on the decibel level of the compactors and said it would be comparable to a lawnmower or an air conditioning compressor. Mrs. Flynn asked if there is a list of properties having similar compactors that could be shared so that people can hear what they sound like. Mr. Del Duca stated that he will submit a list to the Board Manager's office. Mrs. Flynn asked if the trees next to Charlie Brown's could be moved to the rear of the property as a noise buffer. Mr. Del Duca stated that it is difficult to relocate mature trees. He also stated that measures were taken to try to move the trash enclosure. Mr. Ritchie presented a drawing of the trash enclosure which shows a 6-foot high concrete wall. Mrs. Flynn asked if residents can dispose of trash at any time of day. Mr. Del Duca stated that residents can throw out their trash at any time, however that should not create a noise disturbance.

2. Aileen O'Donovan, 9 Gates Avenue, asked about the risks of having only one ingress/egress point, particularly for emergency situations. Mr. Ritchie opined that the plan meets design standards, and he opined that it is a safe design. Mr. McCormack stated that this project is well under the standard guidance for needing multiple points of access. Mrs. O'Donovan cited the traffic data presented, and asked when the calculations and data will be made available so that the Planning Board can review for accuracy. Mr. McCormack stated that the data and calculations were included in the submission to the Planning Board and said that a significant amount of traffic to the base counts so as to be conservative.

Seeing no further questions from the public for the witnesses, Mr. Franko closed the floor.

A poll was taken of the Planning Board members to assure that there will be a sufficient number in attendance at the August 2, 2021 meeting.

Mr. Franko opened the floor for public comments on the application.

1. Kimberly Flynn, 2 Daniel Street, was sworn in to give testimony. Mrs. Flynn thanked the Planning Board for the work they have performed regarding Affordable Housing. She said that she is concerned about noise from the site, and stated that salt trucks created a noise nuisance when the Charlie Brown's restaurant was still open. She also stated that the garbage from Charlie Brown's was a noise issue even when it was closer to the adjacent gas station.

Mr. Warner stated that the applicant has stipulated to comply with local and state noise regulations.

2. Rinna Reyes Lin, 19 Lake Road, asked if Mr. Ritchie or Mr. Del Duca have visited the site and the neighborhood in the winter or fall when there are not leaves on trees to create a noise buffer. Mr. Warner stated that the questioning of the witnesses has been closed, and this is a public comment session. Mr. Del Duca stated that the applicant's commitment to comply with noise regulations is regardless whether or not there are leaves on the trees. Mrs. Lin stated that this site was chosen because other neighborhoods in the Township did not want the affordable housing in their neighborhoods. She stated that the noise will have an impact on the Sunset Lake neighborhood.

The application was carried to the August 2nd meeting and will be held via Zoom. Mr. LaConte noted that the Zoom information for that meeting will be different from this meeting.

Mr. Nelson moved to adjourn at 10:32 PM. Mrs. Abbott seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary