

**MINUTES OF REGULAR REMOTE PLANNING BOARD  
MEETING HELD ON THURSDAY, MAY 20, 2021**

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Chairman Blewett called to order the regular (zoom) meeting of the Board and announced the meeting has been duly advertised in compliance with the Open Public Meetings Act by notice sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall.

**PRESENT: BLEWETT, FLORENTINO, GEMIAN, KAUFMAN, KOLDYK, MARINO, RUNFELDT AND TERRERO**

**ALSO PRESENT: PETRESKI, ENGINEER, NEISS, COUNSEL AND RICCI, PLANNER**

**ABSENT: TAORMINA**

Ms. Ward mentioned the mayor appointed Trish D'Antono to the Board but she is unable to attend tonight's meeting as she is not feeling well.

Mr. Neiss stated I'm really sorry about that I was so looking forward to a friendly oath.

Chairman Blewett stated the first item on the agenda is approval of the April 15<sup>th</sup> minutes. Are the minutes available?

Ms. Ward stated they are done but not proof read yet.

Chairman Blewett stated okay. The second item on the agenda is the Amended Preliminary & Final Major Site Plan Application #367A and Amended Grading Permit Application #G19-05A by Meridia, Urban Renewal, Lincoln Park, LLC, on property known as Block 3.5, Lot 305.2 on the municipal tax map also known as 115 Main Street. This is a consideration of a resolution of memorialization hot off the press. Arthur is there anything to say before we vote?

Mr. Neiss stated this afternoon or earlier today I did forward a red line version of the document that I sent to the Board members yesterday evening. There were some changes that had been suggested by the applicant's attorney, and in addition to those that were sent to you this afternoon, and based on my conversation with Joan there are two things that I would like to ask the Board to take note of. The first one is on page two, the fourth whereas down from the top, it says whereas the Board deemed the application complete on January 21, 2021, Joan reminded me that the completeness was confirmed on March 4<sup>th</sup>, so if the Board is of a mind to adopt and memorialize this resolution I will change that date to March 4<sup>th</sup>.

The second item I would like to bring to the Board's attention is on page 6 and that is in Condition Paragraph #4 the second line down, where it says Township's Building Department. Well the Borough is not a Township so if the Board is going to memorialize this resolution I would propose to change the word Township to Borough, and with that I would open the resolution up for discussion if the Board is of a mind to do that?

Chairman Blewett stated okay. So are there any comments/corrections on the resolution from any Board members?

**THE MERIDIA, URBAN REMEWAL LINCOLN PARK, LLC RESOLUTION IS ATTACHED HERETO AND MADE PART OF THE RECORD.**

Mayor Runfeldt moved to accept the resolution as amended by Arthur.

Mr. Koldyk seconds.

**Roll call:**

**Yes: Runfeldt, Koldyk, Blewett, Florentino, Kaufman, Marino and Terrero**

**No: None**

**Abstain: None**

Ms. Ward stated it's adopted.

Mr. Neiss stated Joan I will send you a revised version tomorrow with the two changes.

Mr. Ward stated perfect. Thank you.

Chairman Blewett stated the third item on the agenda is Grading Permit Application #G21-01 and Soil Removal Permit #2021-01 by Michael and Elaine MacLaren, on property known as Block 2.01, Lot 4 on the municipal tax map also known as 20 Eugene Circle (complete May 4, 2021 decision by June 17, 2021). This is a hearing. Is this a public hearing?

Ms. Ward stated it is just a hearing not a public hearing, they didn't have to advertise.

Chairman Blewett stated okay very good. Is the applicant and their representative here?

Mr. Onello stated Angelo Onello, engineer for the applicant and Michael MacLaren.

Chairman Blewett asked is there anyone else who will be speaking.

Mr. Onello stated just the two of us.

Chairman Blewett stated okay, thank you.

Mr. Neiss swore in Mr. Onello. Please state your full name and business affiliation for the record.

Mr. Onello testified Angelo Onello III, New Jersey License Engineer #49284, Onello Engineering, 5 Beechnut Street, Hillsdale, NJ 07642.

Chairman Blewett stated okay Mr. Onello was qualified as an expert last time, any objections? Hearing none, please proceed.

Mr. Onello asked should we swear in my client as well.

Mr. Neiss stated sure. Mr. MacLaren are you there?

Mr. MacLaren stated I'm here.

Mr. Neiss swore in Mr. MacLaren. Please state your full name and address for the record?

Mr. MacLaren testified sure. My name is Michael MacLaren, 20 Eugene Circle, Lincoln Park, NJ.

Mr. Onello testified for the record, I'm the engineer for the applicant, Michael and Elaine. I believe you all should have before you a full set of the site plans, last revised April 30, 2021. Is there anybody that does not have a copy of this plan?

Okay what you see before you is 11 sheet plan set prepared specifically for a pool, pool pavilion and retaining wall due to the existing conditions of the property and a retaining wall is required for the disturbance of the rear yard (inaudible – static) steep slopes waiver and that is the reason we are before you. Normally a project of this size would not require Board review, however, due to limit of disturbance and the rear yard steep slopes disturbances the lawn area I will show everyone through the pictures and the plans as well. I'm going to share my screen is that okay?

Chairman Blewett stated yes.

Mr. Onello testified can everybody see the plan on the screen.

Chairman Blewett stated yes.

Mr. Onello testified I'm just going to quickly flip through the plan set so you get an understanding of what it is and then I will specifically talk about a few plan sheets here.

This is a cover sheet and this is a proposed aerial of the entire neighborhood. You can see pools are very popular in this neighborhood. This is the proposed pool in the rear yard and installed within a vast lawn area. This is the characteristics of the neighborhood.

Chairman Blewett asked can I interrupt for a second. Arthur do you want to mark these as exhibits?

Mr. Neiss stated I was thinking about that myself Mr. Chairman, but these exhibits that is on the screen right now appears to be part of a plan set that was submitted by the applicant, and if that is the case then I think it is set forth--

Mr. Onello stated it is part of the record.

Mr. Neiss stated I know that Tom Boorady issued a report dated April 6<sup>th</sup> and were your plans in anyway changed after the date of that report?

Mr. Onello testified specifically these plans were provided to address that report and all the necessary copies as well, and the PDF the same, and was deemed complete by Thomas A. Boorady on this plan set specifically.

Mr. Neiss stated so it is fair to say, what we are looking at is a last revised dated April 30<sup>th</sup>?

Mr. Onello testified yes.

Mr. Neiss stated and all these plans were updated for that date or not as the case maybe? But nonetheless these plans that you are showing us now were part of that which was submitted as part of the application and all of them were last revised as of April 30<sup>th</sup> correct?

Mr. Onello testified correct for completeness yes.

Mr. Neiss stated the documents that are part of the file and I guess Alex, Tom and you have not issued an updated report is that correct?

Mr. Petreski stated that is correct.

Mr. Neiss stated okay. I think then I take your point Mr. Chairman and I think what we ought to do is just note for the record the plans, whatever it is that you are showing the Board Mr. Onello we will stop for a moment and just identify it and give it an A marking so that it is clear on the record. Is that okay with you?

Mr. Onello testified shall I call it A-1.

Mr. Neiss stated and what you are showing us now is the cover page of the plan.

Mr. Onello testified yes, let me just mark it and I'll state it for the record. Exhibit A-1 is Site Plan, Zoning Permit #2021-8Z, Soil Removal Permit #2021-01, Grading Permit Application #G21 -01, Steep Slopes Waiver for MacLaren Residence, Pool, Pavilion and Retaining Wall, #20 Eugene Circle, Lot 4, Block 2.01, Borough of Lincoln Park, Morris County, New Jersey. Original plan date January 20, 2021, last revised through and last revised April 30. 2021 per the Borough Planning Board, Drawing #1 through 11.

Chairman Blewett thanked him.

Mr. Onello testified actually on the cover sheet you can see the property in question Lot #4 and the Township of Montville and Borough of Lincoln Park property line is right along the back of the property. Drawing #2 is the aerial.

Chairman Blewett asked and this property is completely in Lincoln Park.

Mr. Onello testified correct. Right here you can see the existing conditions. The front yard is wide open, the rear yard is nice and wide open lawn, and there is some perimeter vegetation, nothing too crazy and the asphalt driveway. The rear lawn area is sloped.

This is the existing condition survey for those of you who read topography, you can see the rear yard slopes down from the rear patio 103 down to 90 which is about a 13 foot differential from the highest to lowest point. Realistically it is more of about a 10 foot elevation differential which isn't too crazy over a course of about 60 feet in the back of a covered deck with a pavilion on it.

I'll show some pictures which are all part of the record. Do you want to mark these as exhibits? But everything that was submitted was part of the record and the application being complete accordingly, so if I show the photographs do you want to mark these as well?

Mr. Neiss stated you don't have to mark them all because we've already noted on the record that this packet (inaudible). However if you are going to put something on the screen, would you just identify it so I can later on refer to whatever A-1 or whatever of the 11 sketches or plans that you put in I'll be able to identify them for the resolution.

Mr. Onello testified what we are looking at now for the record are MacLaren Lincoln Park site photographs by Onello Engineering dated September 12<sup>th</sup>, 2020. You can see that the rear yard is in a sloped area all lawn. If you look at this photograph which is on page 1 of the second photograph down from the left, this is the slope of the lawn. As I flip through these photographs you can see that it is a lengthy lawn with nothing to it, and the point of access to the pool you can't put a pool on a slope, hence we need to raise the grade to a moderate level so we can put the pool and the patio in, and there is also a proposed pavilion. We can refer back to these photographs, I just wanted to give everybody the gist of what the property looks like at the rear, and maybe some of you've had the opportunity to look at the property or you haven't, but the photographs show the existing conditions.

The Landscaping Plan is drawing #9, this is the proposed swimming pool which is smack dab in the middle of the rear yard with the pavilion to the side yard and no variances are required by the way. On the east side of the property they are going to install the pavilion which is 4 posts with a fire place extension off the rear. In order to elevate this entire area with the patio and the pool we need to elevate with retaining walls that we are planning on having off the back of the property with heavy vegetation to hide the walls. The walls will look fine but the vegetation will help enhance what the site is going to look like and then with the perimeter of all Green Giants which will grow nice and high and really hide the property.

If I can bring you back to the photographs here, this would be the upper right this one here would be standing at the bottom of the hill looking up at the back of the house. It is pretty high as it is. If the pool is that high, the neighbors in the rear which you can see in this photograph would really be looking at a wall of green and that is what we are trying to create with this landscaping plan. If we turn back to this landscaping plan, we are trying to create a wall of green around the perimeter to really enhance the look of the property. Right now the neighbors to the rear are viewing what is typically an open lawn up to the residence.

If you go to the lot coverage chart, Lot Coverage Table on Drawing #4, which is the design layout and zoning analysis, the proposed swimming pool is 556 square feet of water surface and it has an inset spa, and this is a pre-manufactured fiber glass pool which is a decent pool. If you look at the dimension from left to right, you'd get a better understanding. The pool water on its furthest length will be about 39/40 feet and I believe about 15 to 16 feet wide depending on where you are measuring from. It is a free form shaped pool so the area of water surface is about 556 sq. ft.

The pavilion to the left, I'm going to bring another document here which is an example of a pavilion which is near verbatim of what the MacLarens will be ordering. I'm referring to a document that was submitted on the record, MacLaren's Residence Pool Pavilion Example dated January 24<sup>th</sup>, 2021. This is a photograph provided by the MacLarens of what they actually selected from the website and this is what the pavilion will pretty much look like. Next to the pool I have to refer you to both documents here, the pool will be about 15 feet. This photograph is only about 5 to 6 feet away from the pavilion and the plan is designed to have the pavilion set back about 15 feet from the water surface.

Going back to the engineer's site plan drawings, the rear yard perimeter retaining wall is not very high. The Borough limit is 6 feet before a variance is instituted. By current design here is a cross section of the retaining wall and you can see how we have it about 5 feet high and the walls are

separated by 5 or 6 feet and then an upper wall is about 2½ feet high and then behind that we are going to have a 4 foot high perimeter fence. It is not okay to a solid wall fence it will be a nice decorative aluminum vertical baluster fence which is 85% open. I'm sure everybody has seen this type of pool fence and with the landscaping growing it should look quite nice.

With respect to the steep slopes waiver, this is the steep slopes analysis and the different colors meet the requirements of the ordinance. They are listed by code by yellow to blue to red, whereas the red is the steepest section of the disturbance and then the blue is moderate and the yellow is a little less moderation of the slope disturbance, and anything in white it is less than 15% slope. The red areas as seen from the photographs are all just grass lawn and the reality is this property was completely disturbed at one time and that is how the house was built and the property put together. The property was graded and the residence built, and the property was graded out to the rear property line and the builder at the time must have did straight shot grading and left it as lawn and really kind of created a hardship because the homeowner can't really do anything with the backyard without elevating to clear a level spot to some degree and in doing so you need retaining walls, and hence this is the reason we are here before you..

I'm sure you will have plenty of questions and I will have the answers, so I'd like to turn it over to the Board for any questions right now and MacLaren will also be available to answer any questions.

Chairman Blewett asked have you received the Darmofalski April 6<sup>th</sup> report.

Mr. Onello testified yes.

Chairman Blewett asked Alex have you had the opportunity to review the plans. I think what I heard was the plans were revised to address some of the comments in this April 6<sup>th</sup> report?

Mr. Petreski stated that is correct and I have taken time to review the plans, and I also had a discussion with Mr. Onello this morning.

Chairman Blewett asked and do you have any concerns. There was certainly a long list of items to be provided and are there any outstanding?

Mr. Petreski stated Item #1 of the technical review talks about calculations for the retaining wall and Mr. Onello and I had a discussion earlier about it. He agreed to install sleeve-it posts behind the retaining wall and the fence. We also spoke about how he would do his analysis and we agreed on that and he will be providing that to our office as a condition of approval.

Item #2 he has address and I've looked at the calculations for the subsurface infiltration and he has addressed it adequately.

Same thing with #3 he has redirected the overflow pipe and those three items are the bulk of our technical comments and the rest of them are general comments usually associated with any grading permit. He is asking for a design waiver for the steep slopes.

One thing I forgot to mentioned in the letter is that the Steep Slope Ordinance has a requirement, Chapter 17-18.1 Subsection C(7) it states, that as a condition of approval that any application for development of any lot containing areas of a slope in excess of 14.9%, which is anything that you see colored on this sheet, the applicant shall be required to record in the land records of the Clerk of Morris County, a map description of the limits of the steep slope area, together with bold print notice that no land disturbance or other activity may be undertaken therein, except in conformance with the requirement of Section 17-18.1C(7) of the Code of the Borough of Lincoln Park. What this is essentially saying is putting a record in the deed that says if you wanted to ever make another change here you would have to come back to the Planning Board and this is usually included in our letter but I missed it, so if the application is approved I recommend that this be made a condition of approval.

Mr. Neiss asked Mr. Onello if he heard the proposed condition.

Mr. Onello testified yes and we take no exception to that and it makes sense.

Mr. Neiss stated okay.

Chairman Blewett stated so Alex can you go through what waivers they will actually be requesting?

Mr. Petreski stated sure. If you go to the page with the steep slope disturbance and there is a nice chart on the right hand side that talks about the ranges of disturbance, the permitted percentage of disturbance and the proposed disturbance. If you look to the right, the slopes are between 0 and 15% and our ordinances do not regulate the amount of disturbance, but when you go past 15% there are different levels of disturbance and we get to 25% you are not allowed any disturbance. So he is proposing 32.9% disturbance and that is where it is between 0 and 15%, 89.4% in areas where the slopes are between 15 and 20% and 88% of disturbance in areas that are between 20 and 25% and he is proposing to disturb almost all the areas that are greater than 25%. Our office reviewed his drawings the retaining wall design and we have no objection to granting this waiver as long as that condition is met of recording the deed.

Mr. Onello testified sure.

Chairman Blewett asked any comments on that Mr. Onello.

Mr. Onello testified no, Alex summarized it perfectly.

Chairman Blewett stated there were a bunch of other things listed in the April 6<sup>th</sup> report and it starts on page two and three.

Mr. Onello testified if I could just jump in here, part of it is the record, part of it was the submittal packet with a full response report to all of Mr. Boorady's and Mr. Petreski's comments. You should all have a copy of that.

Chairman Blewett stated I have the packet.

Mr. Onello testified I attended to every single one of those items with the exception of finalizing the calculations which I needed to review with Alex. I stated on the record I would provide those calculations and there was some questions about the fence location and that was the sleeve-it that Mr. Petreski was talking about. It is an underground fence anchor, posts to tie them in under the ground so the fence doesn't move due to a possible wind load. In this case the fence is 85% open so we don't anticipate any wind loads. It is a good idea for the design and we both concur with the assessment and at the end of the day the retaining wall is not that high only 5 feet at its highest point and the upper wall is 2 ½ feet exposed so less than 30 inches.

Chairman Blewett stated I believe the document you are referring to was issued April 30<sup>th</sup>, 2021 and it is MacLaren Lincoln Park, it is number 2021-8Z, 2021-01 and G21-01.

Mr. Onello testified that's the one.

Chairman Blewett stated that is the one you are referring to.

Mr. Onello testified yes, MacLaren Lincoln Park 2021-8Z, 2021-01 and G21-01 by Onello Engineering dated April 30<sup>th</sup>, 2021 and all those number codes reference to the actual application numbers which match the site plan that you all have before you. It was addressed to Ms. Joan Ward, of the Borough of Lincoln Park, as well as Mr. Tom Boorady. It addresses all the items with corresponding numbers for anybody to follow.

Chairman Blewett stated okay.

Mr. Neiss asked Alex did you receive a copy of that document, the April 30<sup>th</sup>, 2021 letter from Mr. Onello.

Mr. Petreski stated yes, I have received it.

Mr. Neiss asked and you are generally in agreement with his responses and there is nothing in there that causes you any concerns correct.

Mr. Petreski stated that is correct.

Chairman Blewett stated let me open it up to the Board and are there any questions from the Board?

Mr. Gemian asked the level of the pool is presumably lower than the street level grade is that correct.

Mr. Onello testified from the street level I guess technically about 15 feet lower, depending upon where you are going from and at its lowest at 20 Eugene Circle 2 feet lower at the mid-point of the property at the frontage about 3 ½ feet lower.

Mr. Gemian stated okay. The thing that is going through my mind is water runoff. It seems to me that the retaining walls that you are proposing to mitigate any water runoff to adjacent property with the slope so I am not concerned about that, am I correct in that assumption?

Mr. Onello testified the retaining walls hold up the property, but the entirety of the pool system I'm redlining here this is the network that catches all the water from this area and pipes into this system here. It is sized for a residential 100 year storm.

Mr. Gemian stated the last question I have is with draining the pool. How does the pool get drained? Does it have to be pumped out to the street and how do we avoid draining encroaching onto the adjoining neighborhood.

Mr. Onello testified if you are going to drain the whole pool, it would either be pumped into the dry well system assuming draining the pool when it is dry out, if not up to the road onto the asphalt driveway and have it leaked out onto the sidewalk or across the lawn area because there is a septic field in the front lawn, so realistically it would be either be onto the driveway or into the underground dry well system.

Mr. Gemian asked Alex do we have any concern regarding drainage of the pool, what would be the requirement from an engineering perspective with that issue.

Mr. Petreski stated so draining the pool into the dry well I wouldn't recommend that. The dry well has about 100 cubic feet of capacity, and I just did a quick calculation that the current pool has about 2,200 cubic feet of water so I wouldn't approve of that. If this has to be drained, I would say the inlets in the street would probably be the best option if you had to drain it.

Chairman Blewett stated apparently normal maintenance for a pool doesn't require it to be drawn down too much right?

Mr. Onello testified that is what I was going to say. If it had to be drained a little it could go into the dry well, but if it is going to be completely drained for some type of who knows maintenance--

Mr. Gemian stated my concern was not completely draining totally dry, but sometimes you get the benefit of taking 6 inches or a foot of water out of the pool and replenishing it for cleaning reasons and things like that, so I was just concerned how that would be done on a seasonal basis.

Mr. Petreski stated 6 inches to a foot that's about 550 cubic feet and the dry well has enough capacity for that.

Mr. Gemian stated okay.

Mr. Petreski stated so if need be, you can probably put that water into the dry well in one of the drains potentially.

Mr. Gemian thanked him.

Chairman Blewett asked any other questions from the Board.

Mayor Runfeldt stated I move that we move forward and accept the recommendations and the

agreements made.

Mr. Gemian seconds.

Mr. Neiss stated before we do that I just want to be clear, even though this is a hearing and not a public hearing maybe you should just open to the public for a moment.

Chairman Blewett stated okay. Is there anyone from the public wishing to comment on this application? I don't see anyone wishing to comment that is not a panelist, so we had a motion to approve and a second. Joan.

Ms. Ward stated yes. I'm going to call the roll.

**Roll call:**

**Yes: Runfeldt, Gemian, Blewett, Florentino, Kaufman, Koldyk, Marino, and Terrero**

**No: None**

**Abstain: None**

Mrs. Ward stated okay the resolution will be on for next month.

Mr. Onello thanked everyone.

Mr. MacLaren thanked everyone too.

Chairman Blewett stated the next item on the agenda is waiver request by Steven C. Schepis with reference to Minor Subdivision & Variance Application #632 by Andrew Rusin, on property known as Block 3, Lots 9.21 and 9.20 also known as 18 and 16 Sherbrooke Drive. Mr. Schepis.

Mr. Schepis stated nice to see you all virtually. I'm here tonight on behalf of Andrew Rusin, the applicant. Also joining us is Joseph Mianeck, the project engineer. Mr. Rusin is joining us too.

This is a request for some completeness waivers in conjunction with a minor subdivision, a lot line adjustment. There is no new lots being proposed. Mr. Rusin is attempting to adjust the lot line between his property and his neighbor immediately to the west to make his lot a little bigger and the neighbors gets a little smaller. The lots will comport with the minimum lot requirements in an R-40 Zone where they are located. He is also proposing some additions to his house which probably is one of the motivating factors for the adjustment of the lot line.

We have Mr. Boorady's memo of March 29<sup>th</sup>, 2021 and he discusses the completeness waivers. I understand Mr. Boorady is not here this evening but I think Alex from his office is here and perhaps we can go through the memo and address the completeness waivers.

Chairman Blewett stated sounds good.

Mr. Schepis stated Alex I assume you have the memo.

Mr. Petreski stated sure.

Mr. Schepis stated why don't you take the lead since your office wrote it and I'll address the issues.

Mr. Petreski stated there is a checklist for general information starting on page 3.

Mr. Schepis stated we will address all of those items.

Mr. Petreski stated okay. Item #7 is a certificate from the Health Dept. approving the sanitary facilities.

Mr. Schepis stated we are actually going to install a new septic system so we will address that

with the Health Department, but we ask that to be carried as a condition of approval. So we are asking for a completeness waiver for that and then as a condition of approval we will get the septic design and get that installed.

Mr. Petreski stated I have no objection to granting that waiver for that.

Mr. Schepis stated the 200 foot list I'll order it as soon as we are complete.

Mr. Petreski stated okay. Then the applicant will have to furnish all the copies.

Mr. Schepis stated got it.

Mr. Petreski stated Item #12 is the copies of the slope map.

Mr. Schepis stated we asked for a waiver of that because there is no construction in any areas.

Mr. Petreski stated the area you are proposing construction is generally flat and would not be regulated by our ordinance so we have no objection to granting a waiver for this item.

The next list is the checklist for the minor subdivision. Again Item 1 is just going back to the checklist for general information.

Mr. Schepis stated we will do that.

Mr. Petreski stated 2.0 there are a few items on the bulk schedule that will need to be updated.

Mr. Schepis stated we will address all of them.

Mr. Petreski stated okay. Item 2. P & Q location description of existing proposed utilities. The applicant has not requested a waiver but we have no objection granting that partial waiver for location of water services. I think the plan does not show those water services but the general relocation of the lot line probably will not affect the water services so we have no objection for granting a waiver for this as long as the applicant agrees to put it on the drawings as a condition of approval.

Mr. Schepis stated okay we accept the partial waiver.

Mr. Petreski stated the topography at two foot intervals for slopes less than 10% at 5 foot intervals, I think the drawings have spot elevations.

Mr. Schepis stated I'm going to ask Mr. Miannecki to chime in on that because that one is above my pay grade.

Mr. Miannecki stated the spot grades are shown in the area of the proposed building addition. The only place that we will require topography is in the backyard where the proposed septic system is going to be relocated, so if we can just carry that as a condition of approval we will provide topography in the backyard in areas associated with the disposal field relocation that would be great.

Mr. Petreski stated I would have no objection to that.

Mr. Schepis stated so that is a condition of approval proposed septic system.

Mr. Miannecki stated from below the retaining wall in the backyard, across the backyard.

Chairman Blewett stated okay are we good. Everyone is taking notes.

Mr. Petreski stated yeah. Item 2.U, was the LOI including providing copy of the NJDEP approval delineation map. Tom and Mr. Schepis spoke and they submitted a few documents to our office related to this item and we would have no objection to granting a waiver for this, but we will be reviewing those documents and we will eventually have technical comments and may ask for additional information as part of the public hearing.

Chairman Blewett asked you said 2.U.

Mr. Petreski stated 2.T, sorry.

Chairman Blewett stated that's okay.

Mr. Petreski stated it is the LOI.

Chairman Blewett stated right. Mr. Schepis are you all right with that?

Mr. Schepis stated that is fine. What happened was the site received a transition exemption back in 1999. The lot was created after the Wetlands Act but before the regulations so they were entitled to an exemption in the transition area, so I supplied documents to Tom and it was in the Planning Board file as well, that all the improvements were installed prior to the imposition of a transition area and we are more than 200 feet away from any wetland line. His backyard is all lawn so we don't see that in any way would possibly be in a transition area.

Chairman Blewett thanked him, I saw that. Alright 2.V.

Mr. Petreski stated Item 2.V in my letter it is 2.W, March 29<sup>th</sup>, 2021.

Mr. Schepis stated I have that location description of dimension setback is that it Alex?

Mr. Petreski stated yeah.

Mr. Schepis stated I see that as 2.V. as in Victor.

Mr. Petreski stated okay there is something wrong with my version. So we will proceed that it is under 2.V. and that just refers back to 2.O and you've agreed to address those.

Mr. Schepis stated absolutely.

Mr. Petreski stated the next checklist is for Planning Board and Board of Adjustment Variance application.

Mr. Schepis stated we will satisfy those items.

Mr. Petreski stated then the additional items these will be addressed as part of the public hearing.

Chairman Blewett stated okay.

Mr. Schepis stated I think that is it.

Chairman Blewett asked any comments or questions from the Board.

Mr. Schepis stated we ask that you grant the waivers please.

Chairman Blewett stated is there a motion to grant the waivers.

Mayor Runfeldt made the motion to grant the waivers.

Mr. Koldyk seconds.

**Roll call:**

**Yes:** Runfeldt, Koldyk, Blewett, Florentino, Gemian, Kaufman, Marino, and Terrero

**No:** None

**Abstain:** None

Ms. Ward stated okay granted.

Mr. Schepis thanked everyone.

Chairman Blewett stated the fifth item on the agenda is Minor Subdivision #636, Preliminary & Final Major Site Plan & Variance Application #375 and Flood Plain Encroachment Application #FPE 20-03 by Andio2, LLC, on property known as Block 139, Lots 2 and 1 on the municipal tax map also known as 211 Main Street and Borough property. This is a waiver request and public hearing.

Mr. Schepis stated good evening everybody, I'm here on behalf of the applicant, Andio2, LLC and tonight we have a few witnesses for you. First we would like to address the completeness waivers and our engineer, Mr. Miannecki, is on the scope, and we also have James Cutillo. The applicant is represented by Fatos Selimi. If we could proceed with Tom's memo relative to completeness waivers, perhaps we can satisfy the open issues.

Chairman Blewett stated Alex.

Mr. Petreski stated sure. This is a letter dated April 21<sup>st</sup>, 2021 correct?

Chairman Blewett stated yes sir.

Mr. Petreski stated the checklist for General Information, starting on page 4, Item #1 we had a few comments on pages 3 and 10, Items 4H and #9, do you agree to address these issues?

Mr. Schepis stated yes. We will address them. I believe we have paid the additional fees.

Mr. Miannecki asked what about the freestanding sign, we need clarification on the size.

Mr. Schepis stated it is 6 x 4 isn't it? Joe do you have those details?

Mr. Petreski stated so your office recently submitted exhibits of a freestanding sign in the front of the property and a sign to be mounted and they were both shown as 24 square feet. Is that correct is that how you are proceeding?

Mr. Schepis stated yes.

Mr. Petreski stated so I would say you've addressed Item 4H with that depiction.

The next item on the subject property is the new lot should be marked as such and you've agreed to revise you application to show that new lot.

Mr. Schepis stated yes.

Mr. Petreski stated Item #9 which is the fee, Joan can you verify that those fees have been paid.

Ms. Ward stated yes they were paid.

Mr. Petreski thanked Joan.

Item #2 certification of taxes. Joan have you received this?

Ms. Ward stated yes.

Mr. Petreski stated Item #4 this has to do with fees and Joan has verified that she has received the fees.

Item #5 is the ownership disclosure statement and I think I saw one of those come in. Mr. Schepis can you advise us?

Mr. Schepis stated yes. Fatos Selimi is the sole owner as disclosed in the application and the other entity involved is a non for profit corporation so there are no shareholders.

Mr. Petreski stated #9 was copies of the plans, surveys and architectural and supporting documents. The Board members have received those documents and I would consider that complete.

Checklist for variance application all items have been submitted.

Chairman Blewett stated very good.

The next list is the checklist for Preliminary Major Site Plan, compliance with Flood Damage Prevention Regulations in Chapter 24. This was part of the LOMR that will be official effective on June 29<sup>th</sup>, 2021. You've indicated in the application that you will be applying for a verification from NJDEP to memorialize that. We have no objection to granting this waiver as the property is no longer in the flood plain and it will not be regulated by the Borough Ordinance with reference to the flood plain.

Item 5 is the same as Item 4 and you will not need a stream encroachment permit from NJDEP as the property has been removed from the NJ flood hazard design elevation as part of the LOMR.

Item #6 is proof of submission to receive approval from wetlands LOI. The property has already been developed and the area does not appear to be in wetlands so we have no objection to granting a checklist waiver for this item.

Item #7 is proof of application to Soil Conservation District. The applicant has requested a waiver and we don't have any objection to this waiver so we recommend plan certification from Soil Conservation, so this is a conditional of approval of this application. Mr. Schepis is that okay with you and your client?

Mr. Schepis stated we are required so we will have to comply.

Mr. Petreski stated yes. There were some comments on the zone schedule and do you agreed to make those revisions?

Mr. Schepis stated yes sir.

Mr. Petreski stated Item 8M location and description of utilities with 200 feet of the subject property. You have provided most of the utilities but we seem to be missing the electric service, water and sewer service for the rectory and Thorpe Hall.

Mr. Schepis stated I think Mr. Miannecki can address that.

Mr. Miannecki stated it is not obvious but it is shown on the plan. Maybe as part of my testimony when I'm sharing the screen I can point that out. What happens is the rectory is connected straight out to Station Road and then the line goes into the rectory and then there is another one paralleling it that goes to Thorpe Hall. Then the water line does the same and gas line and it is shown.

Mr. Petreski stated so you'll go over that as part of your testimony.

Mr. Miannecki stated yes. If there is something not there, we will provide it, condition of approval.

Mr. Petreski stated okay.

The next Item 8Q existing spot elevations building corners and other critical location, I think this was specifically about the ADA ramp at the corner of Zelif and Main Street.

Mr. Miannecki stated we will provide it. Not a problem we have to be ADA compliant.

Mr. Petreski stated this is also a technical item. Show limits of NJDEP approved LOI and again this has to do with wetlands and there appears to be no wetlands within the immediate vicinity of this property. We have no engineering objections to granting a checklist waiver for this item.

Same thing with Item 8V NJDEP approve Stream Encroachment Line as discussed previously on Item #5. Item #4 this property was taken out of the flood hazard area as part of the LOMR and the applicant has agreed to provide a verification from the NJDEP to confirm.

Next Item 8W proposed vehicular and pedestrian ingress and egress, see Item 8Q above. Again that has to do with ADA and that's been included in our technical review and will be addressed with testimony from Mr. Mianecky.

Item 8Y is existing lighting and landscaping plan. The applicant has requested a checklist waiver and we recommend any existing lighting to remain to be shown.

Mr. Mianecky stated there is no existing lighting to remain everything is going to be replaced.

Mr. Petreski stated okay.

Mr. Mianecky stated unless there is some kind of little wall mounted fixture by a door or something like that that would will remain, but all the site lighting is going to be replaced.

Mr. Petreski stated so we have no objection for a waiver for that item.

Proposed lighting and landscaping, depict all building mounted lights proposed for the restaurant and there appears to be no lighting between the restaurant and Lot 14 boundary. Again these are all addressed under our technical items and I assume we will discuss this during the hearing.

Item 8AA & ACC the proposed solid waste and recycling enclosure facility there does not appear to be any solid waste or recycling enclosure for proposed Lot 2.01.

Mr. Mianecky stated on Lot 2.01 that is Thorpe Hall correct?

Mr. Schepis stated that's correct.

Mr. Mianecky stated they keep their garbage cans underneath the stairs. The set of stairs that goes up to the second floor on the side facing Station Road and they put their cans out for curb side pickup.

Mr. Petreski stated as a condition of approval could you depict that on the drawings.

Mr. Mianecky stated absolutely. Again I'll touch on that as part of my testimony also.

Mr. Petreski stated okay. Location of any non-building mounted signs along with details of same. You recently submitted this so I don't think you need a waiver any more.

Item 8JJ location of all proposed non-building mounted signs. again that was submitted recently.

Item 8MM construction details for all proposed improvements. We asked for streetscape details per Appendix F and Section 5.3.8 of the Redevelopment Plan. Provide the location of any exterior mounted mechanical and electrical equipment per Section 5.3.3.3. RP, all equipment shall be screened or placed on a rooftop in a location that is not visible from a public right-of-way. Do you agree to put these on the drawings as a condition of approval?

Mr. Schepis asked Jim where are you proposing the A/C equipment.

Mr. Cutillo stated everything is going to be located on the roof.

Mr. Schepis stated and the answer is yes.

Mr. Petreski stated it will be depicted on the plan as condition of approval.

Mr. Schepis stated yes.

Mr. Petreski stated I guess Mr. Cutillo will address that as part of his testimony as well.

Mr. Schepis stated yes.

Mr. Petreski stated the next item is 800 (i) existing information within 200 ft. of the subject property right-of-way width and improvements therein. The Applicant has requested a checklist waiver for this provision and we have no objections granting a partial waiver provided that favorable information is shown on site along the frontage of Main Street, Zeliff Place and Station Road. Again I think you've addressed the utilities on the frontages and we have no objection to that.

Mr. Mianecki stated Alex the only thing is we don't know where the water main is in Main Street. Somehow we have to hunt that down.

Mr. Schepis stated Joe we are not looking to tap into that.

Mr. Mianecki stated no we are not.

Mr. Schepis stated perhaps we can ask for a waiver.

Mr. Mianecki stated I just want to be up front that's all.

Mr. Petreski stated since you are not proposing to use the water main on Main Street I'm okay with granting a waiver for that.

Roman numeral (ii) which is water courses and again there are no water course so we have no objection to granting a checklist waiver for this item.

Culvert and drainage pipes show within two hundred feet within the frontage of the property, and we have no objection for granting anything beyond the frontages of the property within two hundred feet.

Next item is Item #10 show the existing site lighting. Again all of that is going to be replaced and we have no objection to granting a waiver for the site only.

Item #11 show the proposed site lighting. Again the proposed site lighting will be provided so I think that would be considered a waiver.

Item #14 Traffic Impact Study is required for application creating more than 20 seats for a food establishment. The applicant has requested a checklist waiver and we don't have an opinion on this and would defer this back to the Board on this waiver.

Chairman Blewett stated why don't you address 15 and 16 and then we can go back to the Board and discuss this.

Mr. Petreski stated sure. The next one is the Environmental Impact Study and again that is required for more than 20 seats in a food establishment, and #16 is a Fiscal Impact Study and we will defer to the Board for these.

The final item is #20 which is a sample of all exterior finishes, again we will defer to the Board. So Items 14, 15, 16 and 20 we defer to the Board.

Mr. Schepis stated I would say with regard to Item 20, Mr. Cutillo has a colored rendering where he can show the Board how the building will appear.

Chairman Blewett asked for Item 14, 15 and 16 does the Board have any opinion on the traffic impact study, the environmental impact study or the fiscal impact study in this location for this purpose.

Mr. Kaufman stated I personally don't think it is necessary. I feel that when the church was in use there was just as much if not more traffic and impact than what will be in a restaurant.

Mr. Gemian stated I agree with Josh on that point.

Chairman Blewett asked any other opinions. I'm somewhat in line with that. Anybody objects to that?

Mr. Neiss asked so Mr. Schepis is the applicant buying the property from the church is that how this is working.

Mr. Schepis stated we are proposing a minor subdivision so the property that the church owns will be divided. The church property has three principal structures on it presently; the church building proper, the rectory that fronts on Station Road, Thorpe Hall and also at grade a parking lot adjacent to rectory and Thorpe Hall on Station Road. So in essence the subdivision plan depicts the church structure and some areas immediately surrounding the church, it will be created into a separate lot and that is the section my client is proposing to purchase. The church will retain the balance of the property and continue to operate in some capacity.

Now the church congregation has merger with the congregation in Towaco up on Pine Brook Road, The Church of the Transfiguration, so they have their services up in Towaco but they still use the rectory building as well as Thorpe Hall for their philanthropic uses, so they are going to retain that.

You'll hear at the public hearing that there is a shared parking arrangements where my client gets the majority of the on-site parking spaces for his use and all the parking spaces at night time when Thorpe Hall is closed.

Mr. Neiss stated so in connection with a portion of the overall property that your client is actually purchasing was there an environmental study of any kind required?

Mr. Schepis stated there was an analysis conducted, you know phase 1 in conjunction with the purchase and it came up clean. I mean they are heated with natural gas and there was never anything there but congregational meetings so it seems that that was the initial use on the property and he didn't run into any environmental issues.

Mr. Kaufman stated there is a single family home on Station Road is that the old rectory or it that another building that is the rectory?

Mr. Schepis stated no that is the rectory.

Mr. Kaufman thanked him.

Chairman Blewett asked you don't plan on any major disturbances of the soil or the structure.

Mr. Schepis stated there is proposed a rear addition but there is no basement so there will be a need for footings, so that is the extent of the improvements and then the patio in front. There is some at grade disturbance. Hey there is a bit more disturbance on the municipal lot adjacent to us that is part of this project and that site has already been disturbed and I believe there was a house on that lot at one time and it demolished.

Chairman Blewett asked any other comments about these waivers. Any objections to allowing them? Okay just a matter of process Arthur, do we need to vote on these waivers prior to the hearing correct?

Mr. Neiss stated correct.

Chairman Blewett asked do you have any other questions Arthur.

Mr. Neiss stated I do not, thank you.

Chairman Blewett asked is there a motion from the Board to approve these as requested by the applicant.

Mr. Terrero moved it.

Mr. Kaufman seconds.

Ms. Ward stated once you vote on the waivers you are deeming the application complete.

Chairman Blewett stated that is correct.

**Roll call:**

**Yes: Terrero, Kaufman, Blewett, Florentino, Gemian, Koldyk and Marino**

**No: None**

**Absent: Runfeldt**

**Abstain: None**

Ms. Ward stated it is deemed complete.

Chairman Blewett stated Mr. Schepis do you want to proceed.

Mr. Schepis thanked the Board for deeming this complete. The public is well aware of what we are proposing and this property is in the B-1 Zone and in the overlay zone for the Redevelopment of Lincoln Park. My client is contract purchaser and has petitioned the Board for a Minor Subdivision and thereby a portion of the church property will be subdivided and he would take ownership of that.

Also they have made tentative arrangements with the Borough with regard to a joint venture for the municipal lot designated as Block 139, Lot 1 which is located on the corner of Station Road and Zeliff Place, presently a vacant lot. As part of this proposal, my client would transform that into a municipal parking lot and the initial arrangements that we have with the Borough is that my client will receive a parking easement. Mr. Mianecky, the project engineer, will show you the plans where we are proposing approximately 22 on-grading parking spaces of which will be used by the general public up until 5 P.M. and then exclusively by my client from 5 P.M. until 2 A.M. So he would improve it at his cost and then it would be more or less like a public parking lot for most of the day.

There is also proposed improvements to the church structure and, of course, it would have to be transformed in order to meet the needs of a restaurant. There is proposed an outdoor seating area in the front and likewise there is proposed an addition to the rear for a kitchen, and then there are proposed two apartments on the second floor.

Tonight we have several witnesses; Mr. Joseph Mianecky, the engineer and licensed professional planner, and he will give testimony in those capacities. We also have the architect, James Cutillo. Mr. Cutillo is here with us virtually and he'll address the architectural issues, and then lastly we have Fatos Selimi, Mr. Selimi is presently operating the restaurant in the Borough known as 202 Bistro so he is novice to the restaurant business and he would like to pursue this venture right down the block. Perhaps we can have the witness sworn and then we can proceed with the testimony.

Mr. Neiss stated we will take them as they come Mr. Schepis.

Mr. Schepis stated our first witness is Joseph Mianecky. Mr. Mianecky would you please identify yourself and then if I can ask Mr. Mianecky be sworn in.

Mr. Mianecky stated Joseph S. Mianecky, Jr., 9 Midvale Avenue, Towaco, NJ, the project engineer and planner for the project.

Mr. Neiss swore in Mr. Mianecky.

Chairman Blewett asked if they have received the Darmofalski report from May 7<sup>th</sup>, 2021.

Mr. Schepis stated I have it right here and we are prepared to address every item in it. We also have all the sub-agency reports that Joan had forwarded over to us during the course of the review.

Chairman Blewett stated okay very good.

Mr. Schepis asked Mr. Mianecky to place his credentials on the record.

Mr. Mianecky testified my both engineer and planning licenses are in good standing and I have testified before this Board numerous times.

Chairman Blewett stated we accepted him in the past, any objections? Hearing none, please proceed.

Mr. Neiss asked Mr. Mianecky you will be testifying both as professional engineer and planner correct.

Mr. Mianecky testified yes. The planning is going to be very limited. We only have one variance, so yes I will.

Mr. Neiss stated okay.

Mr. Mianecky testified I'd like to share the screen is that possible?

Chairman Blewett asked do you have control or not.

Mr. Mianecky testified yes.

Chairman Blewett stated there you go.

Mr. Mianecky testified I'm going to refer to a set of plans that are all the exact same plans the Board members have, colorized version identical. It is a set of 7 sheets that I prepared myself and the date of the drawings is March 22<sup>nd</sup>, 2021.

We all know where the project is it is located on Station Road. I'm now referring to the cover sheet, Station Road to the west, Zeliff to the South, and Main Street I guess that would be the east. I'm going to the second sheet.

Chairman Blewett asked the red line portion is the property the applicant will be purchasing.

Mr. Mianecky testified this is the entire property, the church property. The applicant is going to be purchasing this section right here and there is going to be a subdivision line that comes off this line right here and then doglegs to the left. The applicant is buying this portion right here.

Chairman Blewett thanked him.

Mr. Mianecky testified the church is going to be retaining this portion and the new municipal parking lot which the applicant will be constructing is located right here, on municipal property which is Lot 1.

All this shows the proposed conditions and I'll touch on the existing conditions very briefly. You have Main Street here at the bottom, Zeliff here on the left, the post office sitting over here and we have Station Road at the top. The existing church is stippled or outlined in red right here. You have the existing rectory directly behind it fronting on Station Road right here, and then we have Thorpe Hall right here.

The new subdivision line we are proposing is going to be coming up like I said before right in between on the right side of the church and then doglegging right here. This is the property right here that the applicant, Mr. Selimi, is purchasing. Then the church is retaining the rest of all of this.

Then we have tax Lot 14 that kind of sits in the middle and gouges right into the property but there are no improvements proposed on that.

The existing utilities is served by underground and there is sanitary line now that connects to a sanitary main in Station Road that serves the existing dwelling right here, the existing rectory;

and there is another sanitary line coming right beside that line that extends to the existing church right here, and then there is a branch off of it that goes to Thorpe Hall. So there are two services that serve the subject property currently; one is strictly to the rectory and then another one that serves both the existing church and Thorpe Hall. Under this application we're going to disconnect the church from that line and it will just be the rectory on its own and Thorpe Hall on its own.

With regard to water, there is an existing water line that comes into the dwelling and then comes out of the basement of the existing dwelling and goes into the church. Again the line that comes out of the rectory to the church will be removed and we will be putting in a new line, and I'll go over that shortly how that will work. The gas line the same thing; there are two gas services that come through the subject property on the west side of the rectory, the existing one comes in right here and then there is another gas line that serves the church. Again that line that services the church will be abandoned and rerouted.

We have the existing parking lot right here, the parking lot with one light in the middle of it and there is no other lighting that I am aware of at least on the site other than that one light in the center of the existing parking lot.

The refuse for the entire project is currently underneath these stairs right here, four or five garbage cans, I guess they put their refuse out to the curb for municipal pick up.

Then we have the municipal lot, Lot 1 that is currently vacant covered with quarry process and there use to be a house with a driveway on it that has since been demolished and they are proposing a new parking lot on Lot 1 that is shown right here which is currently all gravel.

With regard to the front of the church, again here is the existing church and there is an existing A-frame covered entrance which is going to remain and the ADA ramp that we referred to earlier is right here and we will provide, either myself or Mr. Cutillo's office will provide certification that it is completely ADA compliant. That is basically it for existing conditions and I think I touched on pretty much everything.

There isn't any lighting that I know of out here. There is an existing sign right here which is going to be removed and replaced with a new freestanding sign but it is not going to be 32 square feet it will be 24 square feet, so that is pretty much the existing conditions.

Under the proposed, again the existing church is right here and the yellow represents the new addition. It is a two-story addition and the first floor Mr. Cutillo will follow up after I'm done. The first floor is basically a kitchen and things of that nature to support a restaurant. The main restaurant will be in the church area with an office in the front area with a common entrance. The first floor is all support for the restaurant and I think it will also include the bathrooms for the restaurant.

The second floor will have two residential apartments with access in the back via a staircase, and the yellow area on the west side of the church is going to be the refuse enclosure and that is going to be 20 x 14 and access from that will be on Zeliff. Again Mr. Cutillo will show you how that all works and what it is going to look like with all the finishes. It will be an enclosed refuse enclosure. The refuse enclosure will serve the restaurant as well as the second floor apartments. The tenants will be able to bring their garage right along the sidewalk here and there will be a side door into the refuse enclosure here.

The kitchen and support staff there is a door that connects internally right into the refuse enclosure and for private pickup and there are two overhead doors right here with a concrete apron for pickup by a private hauler. Again all these amenities are all connected via a concrete sidewalk.

From a standpoint of loading for the restaurant, we have a concrete ramp right here so the ramp coming to a covered platform and this is where the bulk of the materials will come in into the restaurant; food and drinks, and all that stuff will be right here.

With regard to the parking lot now, this is the municipal lot where the applicant has agreed to improve it as part of the project. There are two colors on here; the darker gray and the lighter

gray, the lighter gray I think that was for the porous paving and that is how we are going to be mitigating the increase in stormwater runoff. Station Road the stormwater system I would say is at capacity and it doesn't have the ability to accept any more runoff. Although this project doesn't trigger any stormwater management, we're under a quarter acre of new impervious and under the one acre of disturbance we are still providing stormwater management that we are not increasing anything beyond what it is today. We're achieving that by porous paving because there is really no other way to take this water and dispose of it without burdening the system so we are not basically infiltrating it. I will get into that a little bit more on the Grading, Drainage and Utility Plan.

The lighter side is porous paving and the darker section is conventional paving where the heavier traffic comes into the parking lot where the maneuvering is involved is going to be conventional paving, which is here and here, as well as the four tandem parking spaces that will serve the apartments that will all be regular paving.

As I said, we have a 2 second story apartments so we are providing 2 dedicated spaces for those apartments and they will be tandem parking spaces. One tandem space will be designated for apartment #1 and the other set will be for apartment #2. The tenants will have this space here and here, these four here dedicated strictly for the apartments.

ADA spaces are also provided right adjacent to the sidewalk which is right here, so that will all be compliant ADA parking. Access to that parking lot is from Station Road and we are providing a concrete sidewalk along the entire Zeff Place right-of-way to match the redevelopment theme where you provide the pavers along the edge and then the concrete sidewalk down the middle. This paver area is approximately 2 feet wide and the concrete sidewalk is 4 feet wide and whatever is left over on the other side about 1/1.7 almost 2 feet. The new parking lot therefore will have the 2 foot bumper overhang so that the bumper from the cars won't be overhanging over the sidewalks so we will have a clear sidewalk.

Chairman Blewett asked this lot is owned by the municipality.

Mr. Miancki testified it is owned by the municipality. The applicant is entering into an agreement and maybe Mr. Schepis can clarify this a little bit more, into an agreement with the municipality to have certain rights to the parking lot at certain times during the day.

Chairman Blewett stated I guess my question was, the applicant was footing the bill for the improvement?

Mr. Miancki testified that is my understanding yes.

Chairman Blewett thanked him.

Mr. Kaufman asked who is responsible per that agreement for the maintenance and snow clearing of the lot.

Mr. Schepis stated well presently we are in negotiations and we have been going back and forth over a couple of things, and as part the Redeveloper's Agreement and there are certain items we have come to terms on, but the basic terms of the easement have been agreed upon at least as far as my exchange with Douglas Doyle who is representing the Borough's interest in the agreement.

I submitted for his consideration and that of Borough officials and my client's approval in (inaudible) with what we have achieved, the basic understanding which would be incorporated into a permanent easement document is that my client would bear the cost for all of the improvements, including the stormwater management, everything that you see on the site plan in exchange the Borough would grant my client a permanent easement for access parking and utility. One of the aspects is to allow utility lines to be brought in off of Station Road into the building and examining the various alternatives for utilities this was the most viable, so the Borough would grant us an easement for underground utilities.

In addition due to the fact that there is 2 parking spaces or 4 parking spaces on our property that can only be reached through the lot, they would grant us a permanent access easement for

those spaces, as well as to the rear of our building for access purposes.

Lastly there is a shared arrangement with regard to parking spaces, the spaces that you see here would be open to the general public all day until 5 P.M. So anybody that wanted to go and use one of the other restaurants or shop can park in this lot up until 5 P.M. and then at 5 P.M. my client will have the ability to use the lot exclusively for his restaurant. After 5 P.M. is when most people show up, so from 5 to 2 A.M. we would have exclusive right to use that parking lot as though it were our own.

As to maintenance, the lion share would fall on my client. He would be obligated to snow plow and maintain the actual improvements; the curbing, lighting, etc. One item of concession that the Borough has discussed with maintaining they will provide a vacuum truck which is necessary for maintenance of the porous pavement. So they ultimately have the equipment rather than my client having to secure a third party to provide that service as part of our negotiations the Borough has tentatively agreed to provide a vac truck to vacuum the porous pavement in accord with whatever the operations are.

Mayor Runfeldt stated it I may Mr. Chairman. I think having being involved with those negotiations I really think this is in the best interest of the Borough, it not only achieves what the applicant needs for his parking but it also gets us what we had intended for that space for a long time to make it viable for parking for our downtown area during the day which is typically when we have the most need for it for parking in that area.

Chairman Blewett thanked the mayor.

Mr. Mianecky testified I would like to point out that the existing church parking lot is going to be repaired. If there are any potholes or broken pavement it will be repaired, it will be seal coated and it will be restriped like I show here to provide about 25 spaces the end result. The proposed lot currently shows 26 spaces for a total of 51, however, the fire official has requested direct access to the back of the building so we are going to be losing one parking space in the parking lot. I discussed it on the phone with him and he basically we are going to eliminate this space right here that is currently 9 feet in width and he said he would be happy with a 12 foot wide access area striped no parking access to the back of the building. So we will be losing 1 space from what I show on here so we will be provide 25 in the existing lot and 25 in the proposed lot for a total of 50.

One potential variance Mr. Boorady pointed out is that we need a parking variance for approximately 10 spaces deficient. However it wasn't clear on my plans and I think Mr. Schepis clarified this but the outdoor dining area, when the outdoor dining area is in operation those seats, those seats within the restaurant will not be used and the area blocked off and closed or whatever so they will not be seeking any variance for parking when the outdoor patio is in use and there will be an area inside that will be closed down so as to support five seats for 50 spaces.

Mr. Schepis stated just so everybody is clear when you did your parking analysis, did you include the spaces required for the 2 apartments?

Mr. Mianecky testified yes I did. The parking analysis is right here and it included 1.5 spaces for apartment for a total of 3 spaces.

Mr. Schepis asked did it also address the parking demands for the remaining church property.

Mr. Mianecky testified I did yes. The thrift shop would be 2 spaces per 1,000 so yes they require 12 for the thrift shop and 2 for the existing rectory, so it was included.

Mr. Schepis asked now in your zone table Joe, you do have in there the (inaudible) is that fair to say.

Mr. Mianecky stated yes. My plan doesn't include the fact that we will be closing, it doesn't specifically say that we will be eliminating a like number of seats in the restaurant when the patio is open.

Mr. Schepis stated just so everybody understands we have submitted as part of the application a lease arrangement that the applicant has with St. Andrew's Church, in essence they have agreed to a 25 year written lease where my client gets a shared parking arrangement with the church. During business hours when Thorpe Hall is open I believe the church gets 8 of the spaces, but at all times they are going to maintain at least 2 for the rectory. Once Thorpe Hall closes, I want to say it is like 6 o'clock at night my client gets use all but 2 of the spaces in the parking lot so that gives him 23. So it is one of those symbiotic relationships where the church doesn't need the parking spaces at night and the restaurant needs those spaces at night so it is the classic shared parking arrangement and the details are on Mr. Mianeck's plan and I'm sure he can address if you have any questions.

Mr. Mianeck testified and I would also like to point out that the existing parking lot as I said will be seal coated, restriped, relit, and we are also providing a new sidewalk to provide a safe walkway to the restaurant which is right here, and that parking lot will also be used for loading. The applicant is here and can testify that the vast majority of his pickups and deliveries are either by van or panel van or a small single axel box truck, and the truck will pull into the existing parking lot and loading will be right along the curb line, down the sidewalk and here is the loading ramp we will call it to the loading platform, so it is a short walk from the existing parking lot.

I haven't bounced this off the Fire Department yet but he also has a designated 12 foot wide area that we are going to be provide here, and I don't believe there will be a problem that he can use that area for loading for a short time. The truck is going to be there and drop the goods, but I have to get that cleared with the fire official, but I also believe that will also be an alternate possibility for loading. If there isn't any questions on this, I will go to the Grading, Drainage and Utility Plan.

Mr. Neiss stated I have a question. Mr. Schepis said that part of the easements that were necessary for the parking lot were for utilities but I thought I understood you to say that the utilities were not on the parking lot site.

Mr. Mianeck testified they are not now but we are going to be modifying it. See there is no provision in the contract between Mr. Selimi and the church to allow these utilities to remain on the church property. We have to provide our own sanitary line, our own water and our own gas that are not going to be on the church property, they will be independent of the church property. So those we've created a 15 foot wide utility easement down the center of the parking lot where we are going to bring in the sanitary and the water. Gas will come off of Zeliff and electric will come off of Zeliff and I will show you that on the next sheet.

Mr. Neiss asked loading is going to be from there to the front depending on whether or not the Fire Department approves it.

Mr. Mianeck testified right. Without a doubt it will work here, but I can't see why the fire official would have a problem just for a half hour loading with the individual there, but I can't commit to that but it makes sense to me.

Mr. Neiss stated I assume that when you talk about loading or unloading, you are not talking about tractor trailers coming in just box trucks.

Mr. Mianeck testified generally not even like that many, but yes there will be an occasional box truck. According to Mr. Selimi, the applicant, the vast majority of all deliveries are in panel vans. They usually go and pick up the produce, the meat, the vegetables and all that stuff and they bring it there either themselves or from an outside delivery company that uses a van or a large panel van. The panel van would actually fit in a conventional parking stall if it had to, but I'm sure his alcohol gets delivered in a box truck like you see parked along Main Street or anywhere else that you see deliveries. They pull along the curb, then take off and they go. We are anticipating this area here to be the primary loading area and if we can this would be the secondary one subject to the Fire Department allowing it.

Mr. Neiss stated from the rear to the door, I mean there is --

Mr. Mianeck testified everything is right here. Here is the concrete ramp, here is the covered loading platform right here

Mr. Neiss asked is there a problem from the parking space that you are saying is the unloading area.

Mr. Miannecki asked over here.

Mr. Neiss stated yes.

Mr. Miannecki asked do you want to know how far it is.

Mr. Neiss stated yeah.

Mr. Miannecki testified I'm sorry, it is more like 70 or 80 feet.

Mr. Neiss asked using hand trucks and the like.

Mr. Miannecki testified they use hand trucks. It is all along a concrete sidewalk yeah.

Chairman Blewett stated maybe this is for the applicant or maybe Mr. Schepis you can answer this question, but if that parking lot is being used for the church purposes during the day that is when the majority of deliveries I expect would come, do they have an agreement that it can be used for deliveries during the day?

Mr. Schepis stated yes, we get to use still the vast amount of the parking spaces during the day, Thorpe Hall and the rectory get the use 8 spaces and those are the ones that are closest to Thorpe Hall. As you can see on Mr. Miannecki's site plan, there are 4 spaces in that corner and another 6 spaces, those are the ones that will be used by Thorpe Hall and then the rectory gets 2 spaces right up against the rectory and the balance during the day my client gets to use.

Chairman Blewett thanked him.

Mayor Runfeldt stated just as a reminder to, the church has ceased operations of the nursery school so they probably have less of a need for parking then when we started this whole thing,

Mr. Neiss asked what is the status of the agreement that you are going to need with the town. Has that grant been circulated?

Mr. Schepis states yes. I prepared a draft easement agreement in conjunction with the Redeveloper's Agreement. The Redeveloper's Agreement was prepared by Mr. Doyle on behalf of the Borough and we have had exchanges over the course of the last three months and it seems like that last go around it seems like we are in agreement as to the final version and attached to that is a form of easement. The terms of the easement were incorporated in the most recent draft of the Redeveloper's Agreement provided by Mr. Doyle. I incorporated those terms in the permanent easement agreement for his consideration and we are still waiting to hear back as to the deficiency. Any approvals that this Board issues will be conditioned on us entering into that agreement and easement.

Mr. Neiss stated so it hasn't been executed yet.

Mr. Schepis stated no it is not.

Mr. Neiss stated okay.

Mr. Miannecki testified I'll go to the next sheet. I am now referring to the Grading, Drainage & Utility Plan. This shows basically how the proposed utilities are going to work out. As I said, the dark area represents the conventional pavement and the lighter area represents the porous pavement. There is the 15 foot wide utility easement going down the middle. The big problem water is not an issue, gas is not an issue but sanitary is the hard one. I'm under the impression that the sanitary line in Main Street they have problems with it backing up and issues with that line so it is preferable that we stay out of Main Street. Not only that so it doesn't make sense from our end because we have slab construction with this and it would be very difficult for us to get to Main Street any way.

The problem in the back is the sanitary sewer main it is 13 feet deep and you say what is the big deal excavators can dig down 13 feet. The problem is you have a water table anywhere from 5 or 6 feet down so you are working 7 feet below the water table in order to make a direct tab anywhere we wanted along this line which is not easy so it is a big operation. So what I have designed here, we have an existing sanitary manhole at the intersection of Zeliff and Station so we are going to be extending a new line from that manhole but not at the bottom of the manhole 13 feet down, but it is only going to be like 5 or 6 feet down so that gives us enough slope on the pipe to be able to extend and then naturally there will be an internal drop inside of the manhole to bring it down the rest of the way down the main elevation. There will be a 4 inch PVC line at 2% extending from that manhole coming down to a cleanout at the entrance to the driveway and then the 4 inch sanitary line going right into the building.

Water is going to be the same way. There is an existing water main right over here on Station Road and we are going to tab off that line, 1½ inch domestic and then there will a proposed fire line with a water valve right here with a fire line to come in here to serve the building, so sanitary, domestic water and fire it is going to be within that 15 foot wide easement area.

Gas is going to come straight off Zeliff right here and electric is currently served by electric and the existing electric is right here. There are notations on the plan and I don't know if electric service is sufficient to carry the restaurant so there may be some negotiations with revisions with regard to the service and how that is going to come in. That we are going to have to get in touch with the electric utility company but that would be an overhead service possibly coming across Zeliff with a pole and go underground I'm not sure about that and that is difficult to answer at this point.

Again stormwater management because we are not going to be increasing anything beyond what it is now here is porous paving system with an outlet structure right here and the outlet structure an emergency overflow into an existing inlet.

Again I looked at various options, porous pavement is really the only way that I could see to mitigate stormwater for this property given the elevations of the pipes. Literally the inverted pipe is only 20 inches down and there is absolutely no ability to add any kind of storage or any kind of underground detention that is going to be viable to connect to that inlet gravity.

The roof water from the proposed addition will be mitigated in dry wells located underneath the tenant parking spaces, so all that piping will be located on the applicant's property right here. The dry wells will be the standard concrete dry wells and that will be underneath the pavement.

The porous pavement I will show you what that look like because I'm sure you are interested in what that looks like. Here is a cross section of the porous pavement. As I said, the only way we can handle the water is because I can't discharge parking lot or water that is subject to vehicular traffic directly into the ground without pre-treating it. The porous pavement is an accepted methodology of pre-treating water prior to discharging to the ground. You can see the area of porous pavement right here, and this is looking at it a cross section if you were standing at the back of the restaurant looking out towards Station Road. So you have one bed of porous pavement right here with an underdrain system and crush stone so what happens is the water runs off the regular pavement right here and hits the porous pavement and seeps right into the porous pavement into the stone and it percolates into the ground, and that is basically how it is all mitigated in its most simplistic form.

Now the reason why I split that way is because porous pavement doesn't do well with a lot of heavy traffic. The bulk of the turning area will be within the 24 foot dry well going down the center of the parking lot, so then the parking stalls are on this side and the parking stalls are over on this side, so that cuts down on a lot of traffic over the top of the porous pavement. The main traffic area is regular pavement.

Mr. Neiss stated it looks like the parking lot is pitched a bit.

Mr. Miannecki testified it has a very slight pitch towards Zeliff. Water hitting the high side which is over by the rectory will flow across the regular, will hit the porous pavement directly and then done. Then the drive isle will face towards this section of porous pavement and will go in, then in the B & P Manual (The Best Managing Practice) you have to have so much regular pavement

going into porous pavement all that complies. Again this is really the only way to mitigate stormwater for this site. Then I added the drainage calculations over there right above the BP and all of that and it shows how it complies.

Now just to go back I'll show you that one last time on the Grading Plan, again you have the porous pavement, you have the drive aisle, and you have the porous paving; so all the water no matter where hits other than maybe this little bit right here enters the site and it all goes into the porous paving system and then if it does surcharge it has too much in it, it hits the outlet structure because these pipes are high in the porous pavement section and there is an emergency overflow to an inlet and that is how that all works. We are not putting more water into the Station Road stormwater system than is going there today.

The calculations that I did don't even take into consideration permeability of the soil, so when you show permeability of the soil there is a factor safety and it even gets higher. I feel confident that this is going to work and work for the site, and the underlying soils are sand, very high permeability and the top two feet is more of a clay material, loam silky clay loam but that will all come out so it will expose the sand so everything will be directly going into the sand layer which again has good permeability. I'm quite sure it will work just fine.

Now I'll go to the Landscaping and Lighting Plan. I'll talk about the existing lot first. Currently we only have one light out there right where that little star is, and this is going to be a double headed fixture that is going to replace the existing fixture and these are lights with backlight shields right here, so we are proposing; four poles with double headed fixtures.

Mr. Koldyk stated I have a quick question about the permeability of the basin.

Mr. MianECKI testified let me go down to it. Go ahead.

Mr. Koldyk asked what kind of load will that withstand. Will a fire truck be able to set up on that with outriggers?

Mr. MianECKI testified I wouldn't recommend the outriggers but could it yeah. In other words, it will dent it yes. Is it going to create a situation where it is like going to go into it and not have a stable footing for it no, it will provide a stable footing but it will put a dent in it. The outrigger shouldn't be anywhere in it because we have a 24 foot aisle going right down the middle so unless the fire truck for some reason is in a parking stall it shouldn't be. Hang on a second.

Mr. Koldyk stated if something happens after 2 A.M. and the parking lot is empty and it is dark out I just want to make sure there it is not an issue with the ruck setting up.

Mr. MianECKI testified well the fire official we are only provide a 15 wide access and he thought that the easement area was the width of the access and once I explained to him that we had a full 40 foot wide access he was happy with that. If the outrigger came down into here were the porous pavement is or over into this section, would it go down like six inches no, it may depress an inch or two.

Mr. Koldyk stated my second question is with frost upheaval how does that perform with --.

Mr. MianECKI asked for frost.

Mr. Koldyk stated yeah.

Mr. MianECKI testified you really don't get frost under it because the sand layer, stone layer and everything else, I don't want to say it is frost free but it is as close to frost free as you are going to get.

Mr. Koldyk stated okay.

Mr. MianECKI testified look the State of New Jersey accepted this for the entire state from Cape May all the way up to Vernon. If there was a frost problem or heaving problem it wouldn't be accepted. I've seen it work not here it is down in Ocean County in the Point Pleasant area and it has been in place now for five or six years and it is holding up very well, and that is at a

municipal marina where heavy traffic comes in and out every day and it is operated on.

Mr. Koldyk stated that's all I have, thank you.

Mr. Neiss stated I have a question about that, I am have difficulty conceptualizing that. As I understand what you testified to, the middle portion of the parking lot will be macadam or asphalt.

Mr. Mianecky testified yes.

Mr. Neiss asked what is the surface on the two sides, what is that surface that Dave is looking at.

Mr. Mianecky testified it is a macadam but where the center is going to look more like a driveway a very smooth finish okay, the light gray areas will look more like a base material where it will be more like popcorn looking. How do I explain? I guess like a popcorn finish where you can see like voids in the surface.

Mr. Neiss asked it is laid down like asphalt and it must be like an asphaltic cement that bind it on some level. Like you are saying it is porous.

Mr. Mianecky testified I believe the way it is made where the dark gray has more sand, the like gray has more porous aggregate in it so it creates that void less sand. The material is almost the same except that the breakdown or the amounts of the sand is less basically in the mix, so the mix is modified to provide a porous surface.

Mr. Neiss asked would the porosity of that surface would stand up to you know a major rain storm.

Mr. Mianecky testified absolutely yes. This isn't my favorite type of a way to mitigate stormwater but it is an accepted methodology in the State of New Jersey by the NJDEP and it works. It just requires the maintenance of the sweeping and the vacuuming to insure its longevity that is the important part of the whole thing, You can't come through here a year or two later and seal coat it and that kind of stuff, you have to make sure that it is maintained to maintain its porosity.

Mr. Neiss asked the vacuuming how what is the operation of that.

Mr. Mianecky testified that is just like your simply street sweeper. It comes in and it vacuum it up two times a year. The other thing is you don't want to throw like sand and grit on it in the winter. One thing about porous pavement you don't get the icing like you do on conventional pavement.

Mr. Neiss stated it would have to be plowed yes?

Mr. Mianecky testified yes it can be plowed.

Mr. Neiss asked would there be a weight problem that Mr. Koldyk was talking about earlier with a large truck coming in to plow it.

Mr. Mianecky testified could a big truck plow this yes. Is this a parking lot that is suitable for a large truck to plow? No. This parking lot is going to get plowed with a pickup truck or a small single axel dump truck, or maybe a Bobcat with a blade or something like that. This parking lot isn't big enough for like a tandem to come in or something like that, it will be a plowed with a smaller vehicle.

Mr. Neiss asked what becomes of the snow that is plowed in that lot where is it stored or where is it put. Is it taken off the property?

Mr. Mianecky testified it can be stored along this line to some extent over here. It can be stored in this little area over here but in general it is probably going to have to be hauled out. If we push it along here it is going to be on the sidewalk obviously so the only place to get rid of some of it would be right here.

Mr. Neiss asked your client is aware of that it is going to have to be taken out of there for the

most part.

Mr. Mianecki testified yeah. Just like then do on Main Street, when they plow Main Street then the town comes in with bucket loaders and hauls it all out.

Mr. Neiss stated right.

Mr. Mianecki testified this is something that the applicant is going to have to do for a major storm. For a smaller storm they can probably put it here or there, but there is really no opportunity to put snow.

Mr. Neiss stated I imagine that will be part of the agreement that is being worked up now is that right Mr. Schepis?

Mr. Schepis stated well as part of the agreement my client is obligated to maintain the parking lot and likewise to get rid of the snow. The mechanism by which he does that I guess will depend on whether it is an inch of snow or 2 feet. As Mr. Mianecki pointed out, opportunities to store the snow on site is somewhat limited so there are occasions when it could go to a snow removal and it has to be taken off site and put somewhere else, so that may be the only means by which he could effectuate that.

Mr. Mianecki testified I'll go back to the landscape.

Mr. Schepis stated please.

Mr. Mianecki testified the existing parking lot is going to be refurbished and will all be relit. Naturally we have to light it because it is no longer going to be used by the Thorpe Hall building or the rectory of the church and we need safety efficiency lighting in that parking lot. The proposed parking lot is going to be lit also with four lights. It will be very well lit, generally with 1 foot candles in the middle and 2 foot or a little bit more along the parking areas, and the same thing for the lot over here, it will not be obnoxiously lit but it will be very well safely efficiency lit.

There will be landscaping along the back of the building here, the street, basically foundation landscaping along the back, along Zeliff some foundation plantings along with some deciduous tree plantings. The Fire Department did request I believe this tree here to be removed because they need it for possible ladder access. We will agree to do whatever the Fire Department asks.

Also the outdoor patio is also a permeable paver to mitigate that stormwater. It looks like a regular paver except it is permeable and will have a sand bed underneath and that will infiltrate into the ground as well. It is not as elaborate as the porous pavement for the parking lot but it is a permeable patio that will allow for infiltration.

We have the foundation plantings around the front of it and they will grow a couple fee high. We have a retaining wall that cuts it off that creates the border for the patio and we have some plantings up against the building also just to create like a visual affect for the outdoor dining area. They are providing two street trees along the front.

Mr. Neiss stated I just looked at the fixtures are they going to be mounted. They obviously look like they are downward facing but you are not going to have any spillage onto other properties right? The lights themselves can you see from other properties in the neighborhood?

Mayor Runfeldt stated these are the lights that were specified in the Redevelopment Plan aren't they?

Mr. Mianecki testified not these. These are more site lighting fixtures. The Redevelopment Plan fixtures are very decorative in nature and those are like the Meridia Project and those are along the street so these are not those decorative fixtures these fixtures look like this.

Mayor Runfeldt stated okay.

Chairman Blewett asked Mr. Mianecki these can be shielded if needed.

Mr. Mianecki testified yes, absolutely.

Chairman Blewett stated okay.

Mr. Mianecki testified they are dark sky compliant and can be shielded as needed yes.

Chairman Blewett stated okay.

Mr. Mianecki testified we will get into the street lighting because in Mr. Boorady's memo he brings up the necessity that this plan lacks the lighting recommended by the Redevelopment Plan along Zeliff and Main Street so we will touch on that as we go through the memo okay.

Mr. Petreski stated #20 talks about lighting between the restaurant and eastern property line that is shared with Lot 14 here, are there any plans for lighting along that area?

Mr. Mianecki testified we can definitely add some. Since it is such a narrow area I think maybe some sconce lighting on the side of the building

Mr. Petreski stated I would agree that would be appropriate.

Mr. Mianecki testified we can have Mr. Cutillo testify that it is possible that we can provide some sconce lighting. The sconce lighting works really good for a distance of 5 or 7 feet off the building. It provides very little spillage and it is very subdued. We can definitely provide that kind of lighting along that eastern side.

Mr. Petreski stated that would be good and I think that would be appropriate for that location.

Mr. Mianecki testified it also provides like an illumined path so that people from the back parking lot will say oh here is the path.

Mr. Petreski stated yes that was another one of my comments in the report. I guess you'll touch base with the lighting along Zeliff and Main Street.

Mr. Mianecki testified I think the way to do that is, this is what we propose and then we are going to go through your memo.

Mr. Petreski asked do you want to go through the comments in the memo or do you want to wait until the end.

Mr. Mianecki testified whatever you want. The normal way I do it is I get the memo and I go back home and revised the plans and we come back in another month but I don't have that opportunity here.

Mr. Petreski stated so I think as you rap up each section, if you are okay with that Chuck, I think I'll ask a few follow up question in that section.

Mr. Blewett stated I would recommend that we keep this moving Mr. Schepis.

Mr. Schepis stated oh yeah keep on moving.

Mr. Mianecki asked do you want Jim on now to talk about the building.

Mr. Schepis stated Joe I can email over to you the sign detail as Jim doesn't have the ability to make that appear on the screen. There are two signs; one is a building mounted sign and the other is a freestanding sign. They are identified as being 6 x 4 each, 24 square feet.

Mr. Mianecki asked Steve is this where the sign is going. My site plan shows this is set more to the east. That sign is being shown here on the other side of that wall where mine is shown over here.

Mr. Schepis stated this is just an artist rendering as to where it could possibly go.

Mr. Miannecki testified just for the record that sign the 24 foot freestanding sign is going to go right where I show it here. It is not going to be shown like somewhere over here okay. It is going to be shown pretty much centered on the outdoor patio area and it is not going to be 32 square feet but 24 square feet and that is going to be the sign.

Mr. Petreski stated before we get into this sign I guess I have a question for the planner. Section 5.3.10 of the Redevelopment Plan says, standards of the (inaudible) shall comply with the section that freestanding signs as described in this section shall prohibit a second building mounted sign. When we are talking about freestanding sign is this a monument sign? When I read the Redevelopment Plan it kind of says freestanding signs aren't allowed but maybe this is not what Mr. Ricci meant when he said freestanding signs were prohibited. Can we pick your brain on what was intended here?

Mr. Ricci stated it was the intent and we classified I guess we will call it a decorative what I call like a wood carved style sign that was the specific intent of the plan. When we spoke with the applicant, we were looking for the carved look out front. I know we understand they don't use wood anymore, but the sign that is proposed by the applicant is precisely what we were looking to encouraging in my opinion and it is permitted.

Mr. Petreski stated thank you for that clarification.

Mr. Schepis asked Mr. Miannecki if you would show the other sign detail, the building mounted.

Mr. Miannecki testified the other one is going here.

Chairman Blewett asked the square footage of both will be the same, or is one bigger.

Mr. Miannecki testified the wall sign is 4 x 68. That's going to be a big sign.

Mr. Schepis stated that is a typo. They are both 6 x 4, both 24 square feet.

Chairman Blewett stated okay, thank you.

Mr. Schepis as Mr. Miannecki to address the issue of the decorative street lighting. Touch on it generally because you don't show it on your site plan now the specific light fixture that the Development Plan requires and tell us what we can do to address that issue. There is also the issue of landscaping in and around the parking so maybe you can touch on that.

Mr. Miannecki testified there is a requirement that the parking lot should be screened from the municipal right-of-way. Unfortunately we only have a lot here, let me go back to the site plan. We only have a lot that is 65 feet wide so there is only so much you can do with regard to and I centered the parking lot the best I could in that 65 foot, but there is a need to provide a sidewalk I believe at least along the parking lot between the parking lot and Zeliff Place. So there is real no opportunity to put any kind of landscaping to screen the proposed parking lot from Zeliff Place, so in lieu of putting plantings we did the paver edging on both sides of the sidewalk and pretty much hardscaped the whole thing. I don't really see an opportunity if I pushed the sidewalk all the way up against the curb of Zeliff then we would have bumper overhang encroaching on the sidewalk. If I pushed the sidewalk all the way against the parking lot, then I would have bumper overhang on that, so then I will need a 6 foot sidewalk so then there would only be a 2 foot strip some place and you are not going to plant any type of screening material because it would be hit by a car whether it be from the parking lot or from the cars parked on Zeliff. There is really no opportunity to plant any landscaping at all adjacent to the proposed parking lot.

Mr. Schepis asked him to tell about the decorative lighting where you would suggest.

Mr. Miannecki testified with regard to the decorative lighting, there is an opportunity for decorative lighting along Zeliff, whether or not we would be required for the proposed parking lot I don't know, but we could put in decorative lighting right here at the intersection of Main and Zeliff next to the relocated flag pole. We would have to shift the flagpole and we could put a light right here and another one centered between the ADA ramp and the refuse enclosure, and then another one where right here for illumination along Zeliff.

The other opportunity is I do show these as commercial lights, a light that looks like a site light and I guess I don't know if this fixture doesn't double hook where you can have one facing one way,, light on a shepherds hook,, and one going that way, we also have the ability to do that. The problem is then you don't get throw to illuminate the lot like these do. These illuminate lot very well. The decorative ones don't have the illumination that the typical site lights do I would recommend at most 3 along Zeliff and maybe 2 along Main Street.

Mr. Kaufman stated Mr. Chairman.

Chairman Blewett stated yes.

Mr. Kaufman stated we only have a half hour left of the meeting and there is the cannabis ordinance that Joan really wanted us to get to.

Chairman Blewett stated yes.

Mr. Miannecki testified this is the kind of light that I think they are referring to right here. This is the light I believe was approved for the Meridia project right here I believe it is that light that we would be putting 3 along Zeliff and 2 along Main Street which would go here, here, here; and then 2 along Main Street. I would prefer to leave these as it provides much better illumination but that is up to the Board as to whether they would want the decorative ones or not.

Mr. Neiss asked the decorative ones would that be in addition to the ones that overhang into the parking lot.

Mr. Miannecki testified no you can't mix them, otherwise the parking lot, the illumination in the parking lot is not going to look right because you don't get the quality of the illumination with this. In my opinion this does not provide parking lot lighting for a large area. It is meant for illuminating sidewalks in areas adjacent to the curb, like extent maybe 10 or 15 feet, but anything more you get a huge drop off so I don't recommend these for a parking lot. These I recommend for streetscape only.

I believe the way they are set up actually they actually hang over the sidewalk they don't even hang over the road. These things provide illumination for the sidewalk.

Mr. Neiss stated if you use the pole for lighting into the parking lot, you can use the same pole for lighting over the sidewalk could you not?

Mr. Miannecki testified no because I can't put this fixture on one side of the pole and the other on the other side otherwise it would look terrible. If I was going to have to put them, I would leave these here and then drop another one of the decorative ones right here in the middle to hangover of the sidewalk.

Mr. Gemian asked what about dual arm lighting, one hangs over the sidewalk and one hangs over the parking.

Mr. Miannecki testified right that is what I am saying, this with another going this way.

Mr. Gemian stated right.

Mr. Miannecki testified the problem is this does not provide illumination the forward throw or the width that this fixture does. This fixture is made to illuminate parking lots and the other fixture is not made to illuminate parking lots, it is made to provide decorative lighting for pedestrian areas adjacent to a roadway.

Chairman Blewett asked okay does anyone have any strong opinions. I mean personally if we had 3 of the decorative along Zeliff Place and I don't think it is going to be objectionable in viewing the fact that we have a different type of lighting in the parking lot. Are there any strong opinions on that?

Board members no.

Chairman Blewett stated it maintains the look of the downtown sidewalk area and I think it would serve the purpose to allow adequate lighting in the parking lot if we left what is being proposed there.

Mr. Gemian stated I agree.

Chairman Blewett asked are you okay with that Mr. Schepis.

Mr. Schepis stated oh yes thank you. Mr. Chairman in an effort to move this along, perhaps we could jump over to Mr. Cutillo and he can go over the architectural drawings. I think we have addressed most of the comments from Darmofalski Engineering and then maybe we could take the comments from the Board Engineer.

Chairman Blewett stated okay.

Mr. Schepis stated I'm going to ask that Jim be sworn and place your credentials on the record.

Mr. Neiss swore in Mr. Cutillo. Please state your full name and business affiliation for the record.

Mr. Cutillo testified James Cutillo, of James Cutillo & Associates, the architect of the project, 593 Newark-Pompton Turnpike, Pompton Plains. I'm a licensed architect and my licenses are all in good standing, and I've appeared in front of this Board and many other Board throughout the state.

Chairman Blewett asked any concerns from the Board with accepting his credentials. Hearing none, please proceed

Mr. Schepis asked Mr. Cutillo you are the project architect on this matter are you not.

Mr. Cutillo testified yes I am.

Mr. Schepis asked tell us a little bit about what you are proposing in modifying the existing church structure and show us the plan and walk us through the modifications that you are proposing.

Mr. Cutillo testified right. I'll share the screen and in your packet you have some of the items.

Mr. Neiss stated you have to make it clear for the record.

Mr. Cutillo testified the back and white architectural drawing you have are included in this screen share as well. There are three pages, A-1 through A-3 and dated March 16<sup>th</sup> of this year, so they will be popping up as well and you can refer to them.

So this is a rendering basically standing on the corner of Main Street and Zeff Place so clearly everybody is familiar with this building. There will be some slight changes to the core of the building; there will be the addition in the back that we will talk about and the patio area in the front facing Main Street. This particular rendering was done before the signs were selected so they are not on this rendering.

Also when you get back to talking about lighting I'd like to point out that the front patio area should have some low level lighting in there as well.

So this is the building from the street view and these are the four elevations of the building. This is basically the same drawing that you have in your package, however, it has been colorized and shows up a little bit better. The upper left hand corner that will be the south elevation facing Main Street and there is really nothing of any significant change there. There is just some cleaning up and sprucing up and they have added the outdoor patio area. To the right of that, the west elevation that is facing Zeff Place you can see the colored area is the existing part of the building and the new additions towards the left hand side they are not colored in and you'll see front and center the garbage disposal garage and then the two story structure behind that.

Then bottom left, the north elevation that is the one from Station Road that is where the existing

façade of the church will be covered up with the new addition. It is primarily kitchen on the first floor, toilet areas and whatnot, and then a stairway that goes to the second floor that will house two apartments. To the right of that, the east elevation there is not much going on there. I might point out that that elevation is really not seeable because it is in the alleyway between the two buildings so there is not much to there.

Mr. Schepis asked Jim to tell them about the exterior materials that you are proposing for the entire structure, specifically the rear addition.

Mr. Cutillo testified the existing structure is heavily roofed because of the original church design so that whole shape and style is going to remain the same and then it is existing brick for the most part. What we are doing is we are trying to blend the new and the old together so we don't want to create 100% of the brick structure because there is just no way that that would ever match. So what we are doing is we are just taking some of the feature and using some brick to kind of blend it in and then the rest of it would be a stucco façade. There was talk about that in the economic development meeting where they wanted some of that broken up and we have achieved that by adding some brick to the back, but it could not be heavily fenestrated because of the fact that it is all kitchen in that back area so it does not give us the ability to put in windows, but there is some proposed landscaping along that back wall. Then of course on the second floor there are plenty of windows.

Mr. Schepis asked the stucco you are proposing at the rear addition is that "real stucco" or it is some other type of synthetic material.

Mr. Cutillo testified we are using real stucco these days and you can see it on the side facing Zeff Place so we are looking for the actual colors, basically it is a hard coat, they refer to it as hard coat instead of the EIFS which is not really used anymore with the exception of trim and decorative work. It is easier to maintain the surface.

Mr. Schepis stated Jim, just so everybody is clear about the exterior materials, is it fair to say the brick that you are proposing will accent the side and the rear of the addition would be compatible or possible to match the existing brick on the church building?

Mr. Cutillo testified we are going to try to match it but because of the age of the existing brick it is fairly hard to do that, so we just don't want to use a lot of it so we are using it as an accent feature.

Mr. Schepis asked it appears that the stucco section is kind of a brownish or beige.

Mr. Cutillo testified right natural earth tone colors, so we have all browns and beige colors on the buildings.

Mr. Schepis asked is it fair to say what the Board sees here on the screen is what would be built should the Board approve the project.

Mr. Cutillo testified that is correct. That is the closest that we can resemble that on the rendering.

Mr. Schepis stated so why don't you take us to the floor plan and show us how this lays out.

Mr. Cutillo testified so we went through the elevations and we are going to skip over the next page which is what is in your packet and those are just the black and white version of the same thing, and then we get to the floor plans which again you have in your packet. So basically we are showing the two floors, to the left is the first floor and the area on top of the page is the addition and we are utilizing pretty much 100% of the existing church structure as eating areas of the new restaurant with the exception of a couple of office in the lower right front corner. So the whole addition as you can see comprised of the toilet areas, kitchen areas, dry storage, walk in cooler/freezer, all the appurtenance that you would need in a kitchen area. So again there is really not a big change to the materials and so forth what was used as the church for the restaurant because that is just going to be a big wide open eating area. Then there will be a door that goes out to the front patio and that patio will be fenced in, a decorative fence around that. The A/C will be separated and the access for that patio will be from the inside. So you will

go inside and see the host and the host will say do you want inside or outdoor dining and then you will be taken to that area. There would be a connection to where the entry is, but that is not for people coming in that would be basically for emergency reasons, or if somebody was having an outdoor cocktail party and they were setting it up specifically for private guest, so there would be a separate area just for that but that would be blocked off for the majority of the time.

Then on the second floor the upper part of the floor plan shows the two apartments which are brand new, and the other part to the left represents the mezzanine area that is a private dining area. Some of that mezzanine area does exist today and what we are doing is we are just enlarging it one bay over to create enough room for a small party venue up there and that is over to the large cavernous area below, so it is a separate area and that is basically the plan.

Not to get into it too much but the last page, and that is included in the drawing, is just the seating chart and it shows exactly how many seats will fit in all of those area so they are listed right above the title block and that is a per code item so that is really maximum occupancy. It is also important to note that the chances of this ever being 100% occupied is very slim because there are several private rooms. Obviously when it is colder weather you won't be using the outside area; and there is a private room on the first floor, and a private room on the second floor. So chances are you are never going to get the exact number that is shown on the drawing, so that is in the nutshell trying to keep it simple.

Mr. Schepis stated okay well you've accomplished that, so maybe we can jump over to Alex's memo and see if we can address his items of concern.

Chairman Blewett stated that would be great. Does anyone on the Board have any questions about the architectural? Alex.

Mr. Petreski stated sure. So Items 1 through 4 have to do with architectural subsection and I think Jim's testimony has addressed those comments. I'll go onto my first one that I have question about the roof top equipment. Do you have an idea of the number and size of units proposed?

Mr. Cutillo testified not at this point. The whole new addition above the apartments is a flat area so it would be one unit for each apartment. There is a hood for the exhaust vent that is shown on my drawings but that is located already, and then there would be probably 3 or possible 4 units for the restaurant.

Mr. Petreski stated okay. So they will be split up in zones so there will be multiple units for the restaurant instead of one larger unit.

Mr. Cutillo testified right. If you look at our drawing, we do show a parapet wall all around the upper level to best screen that and it is pretty high too, so when you are walking on the sidewalk and in the parking lot close to the building you will never see anything up there.

Mr. Petreski asked so would you say if you are on any of the sidewalks along the frontage of this property on Station Road, Zeliff or Main Street you wouldn't see the mechanical units.

Mr. Cutillo stated that is correct you would never see them. You might see the exhaust hood because that has got to be a little bit higher and that is depicted on my drawing.

Mr. Petreski stated okay. My next question is number 6 it talks about, could you maybe talk about the outdoor bar area. I think Mr. Rici also commented on it in his letter.

Mr. Cutillo testified on our drawings for the floor plan we do show that area, and that is a service bar for outdoor dining and it is not like the indoor bar.

Mr. Petreski stated so no person is going to walk up to it to and order a drink, it is only to be there for the waiters and waitresses.

Mr. Cutillo testified I do' know exactly how it is going to function.

Mr. Schepis stated why don't we ask the applicant, Fatos? I would ask that Fatos be sworn.

Mr. Neiss swore in Mr. Selimi. Please state your full name and business affiliation for the record.

Mr. Selimi testified my name is Fatos (F-a-t-o-s) Selimi (S-e-l-i-m-i) I'm the owner of Andio2, LLC.

Mr. Schepis asked Fatos if he was listing in all night.

Mr. Selimi testified correct.

Mr. Schepis stated and you've heard the representations that have been made on your behalf?

Mr. Selimi testified yes I have.

Mr. Schepis asked was everything we said was accurate as far as you understand it

Mr. Selimi testified yes I do.

Mr. Schepis stated now there was a specific question raised as to the outdoor bar. Can you tell us how you intent to operate that?

Mr. Selimi testified well it is going to be I think we talked about 8 seats to be because it I all going to be enclosed so nobody is going to walk in through Main Street directly to the bar, they have to go through the restaurant and we are going to have approximately 8 seats, and if that will be an issue then we will have to do it just as a service bar for the clients and they won't be sitting outside.

Mr. Schepis stated nonetheless you are proposing it to be a bar as one would see in a restaurant is that fair to say.

Mr. Selimi testified yes. It will be a bar just to eat because we provide fine dining versus just a regular bar restaurant.

Mr. Schepis stated now Fatos there was an issue raised with regard to the efficiency of the on-site parking. Mr. Boorady's memo raised the issue that there was a deficiency of ten parking spaces. Mr. Mianecki advised that you would reduce the number of seats within the building when the outdoor dining area was open so that there would be a total of no more than 171 seats is that fair to say 171?

Mr. Selimi testified I think that is correct.

Mr. Schepis asked Joe is that 171.

Mr. Mianecki testified yes, I believe it is 171.

Mr. Schepis asked Fatos the fire subcode official wanted you to lose one parking space in the rear lot in order to provide for fire access and we can discussed the potential for eliminating 5 seats in the restaurant in order to accommodate this deficiency, so it went down from 176 down to 171.

Mr. Selimi testified that is no problem.

Mr. Schepis stated I hope we've addressed that and maybe we can continue with Alex's report.

Mr. Petreski stated so it is going down from 181 to 166.

Mr. Schepis stated I made a mathematical error 166.

Mr. Petreski stated Jim maybe you can correct me but --

Mr. Mianecki testified Alex that is correct it is 166.

Mr. Petreski stated alright good. If we can go back to the architectural drawings, I think I saw posted an area on the outdoor dining area with Fatos' testimony there isn't going to be --

Mr. Selimi testified that wasn't in the previous plan so we are going to have to remove that.

Mr. Petreski stated okay so that is going to be an entrance.

Mr. Selimi testified now that we have experience with outdoor dining at 202 Italian Bistro so it kind of makes sense for us to have people walk inside and go through the restaurant outdoors so we kind of have control of not leaving correctly or any issues.

Mr. Petreski stated okay that sounds good. You mentioned that there were 8 seats proposed at the bar and that is included in the 48 proposed.

Mr. Selimi testified yes that is correct, we will not have the extra seats.

Mr. Petreski stated okay. Those were my questions as far as the architectural portion. I have a few on the engineering and I would like to ask those questions of Mr. Mianecky.

Chairman Blewett stated as quickly as possible.

Mr. Petreski stated okay. Number 7 was addressed just now with Mr. Schepis' comment.

Number 8 was also addressed by Mr. Mianecky's testimony.

Number 9 was addressed.

Number 10 talks about Title 39 and does the applicant agreed to provide Title 39 to the Borough.

Mr. Schepis stated as far as the Borough property they are going to own it, so whatever agreement is granted as it relates to the church parking lot I'd ask that we not be required to do that because it something to do with the church and we don't want to force them sign that. All of our handicap spaces are on the municipal lot.

Mr. Petreski stated okay the Board should consider that.

Number 11 is there going to be any signage directly restaurant patrons from the church parking lot to the restaurant itself?

Mr. Mianecky testified no we were not proposing any.

Mr. Petreski stated okay. I guess some signs on the door would be helpful because I know there are a few doors along the route.

Mr. Mianecky testified we can put like employees only on there.

Mr. Petreski stated so something like that would that be amenable?

Mr. Mianecky testified sure.

Mr. Schepis stated add directional signs for pedestrians.

Mr. Petreski stated yeah.

Mr. Schepis stated that sounds reasonable.

Mr. Petreski stated Number 12 we suggested sidewalks along Station Road between Zeliff and the property line shared with Lot 6.

Mr. Schepis asked Joe to address that.

Mr. Mianecky testified I'm assuming you mean along here?

Mr. Petreski stated yes essentially.

Mr. Mianecki testified the problem with that is we are going to put a new curb here just to define that area, but the existing edge of pavement meanders and then it comes back up over here. In order to require a lot upon the applicant to put a sidewalk along Station Road so we were asking that that not be required.

Mr. Schepis asked Mr. Mianecki to show the Board the pedestrian route should any of our guests park in that church parking lot.

Mr. Mianecki testified naturally they would walk along the sidewalk here or walk along these sidewalks here and walk along Zeliff to get in, or if they park in the existing parking lot, there is a concrete sidewalk that takes them all away around the east side of the building to the front.

Mr. Schepis stated so there will be no reason for any of our patrons or guess to walk along Station Road.

Mr. Mianecki testified not for our patrons no so we ask that that not be required.

Mr. Petreski stated okay. Number 13 was addressed in your testimony. Number 14 RP § 5.3.7 Item #5.

Mr. Schepis stated we will provide that the sprinkler system for the vegetation.

Mr. Petreski stated #15 has to do with the streetscape details. We discussed lighting along Main Street and Zeliff Place what about street trees?

Mr. Mianecki testified yeah. We will be providing street trees along Main; one here and one here and we are not providing street trees where it abuts the restaurant because naturally there is no room to put it where opposite the parking lot.

Mr. Petreski asked Mr. Ricci to chime in on this. The agreement talks about specific details and I think there were some tree grates, maybe pavers.

Mr. Ricci stated Mr. Mianecki I think you understand the question, when the Borough undertook the Meridia project by the train station they got approval for street lighting –

Chairman Blewett stated Mr. Ricci you keep breaking up. Let me just interject here for a moment. We technically have 7 minutes left and practically speaking let me ask the Board, can we continue to hear this case and deal with the cannabis ordinance? Are people willing to stay a little bit later? If not, we will have to carry this until the next meeting?

Mr. Kaufman stated I'd like to carry the cannabis until the next meeting it is getting let.

Ms. Ward stated we can't carry the cannabis we have to do that tonight. The council has a meeting on the 21<sup>st</sup> and we have to respond.

Mr. Kaufman stated it doesn't need to be adopted by the council until August so we have time to carry it.

Mr. Neiss stated the way it works is Council refers it to the Board and we have 35 days to act on it.

Ms. Ward stated we have to do it tonight.

Mr. Neiss stated I mean the council can still adopt the ordinance without the input from the Planning Board but this is our opportunity to pass on it and say what the Board wants to do, whether or not it is inconstant with the Master Plan and maybe Paul can help out on that.

Chairman Blewett stated that's a separate issue. Let's talk about what to do with the case we are hearing right now and then we'll move to the cannabis if you don't mind. Mr. Schepis.

Mr. Schepis stated the applicant would like to continue and I realize that we will be going on after 10 o'clock, but I would like to point out that we didn't start at 7 we were delayed about ten/fifteen

minutes so maybe we can add on fifteen minutes.

Mr. Neiss stated we were delayed by 8 minutes.

Chairman Blewett asked does the Board have any objection staying for another 20 minutes.

Board members not at all.

Chairman Blewett stated okay let's kind of complete this. Alex as quickly as you can and just if you could just touch on things they haven't already addressed tonight.

Mr. Petreski stated sure. So #16 through 20 is lighting and we've covered that and I don't have any with that.

Number 21 was trash and recycling and we asked for garbage pickup time and frequency.

Mr. Schepis stated Fatos comment on the trash and recycling how that room will work if you would please?

Mr. Selimi testified the doors will automatically open and we will roll down the containers and put it back in. It will be less than what we do on the corner of Main Street, and much easier and cleaner and it will be much better I will say.

Mr. Schepis stated all the trash and recycling will be met within the confines and in addition to the roll off doors is that fair to say?

Mr. Selimi testified yes.

Mr. Schepis asked does that include the residential apartments.

Mr. Selimi testified that is correct. There will be a door on the side that they will have access to it.

Mr. Schepis stated okay. Can you tell us the frequency of pickups that you anticipate with the trash?

Mr. Selimi testified that will be twice a week. Right now we have it every Monday morning and we have it also on Thursday mornings. Everything will be back there properly packed and thrown in the dumpsters.

Mr. Schepis stated very good. Does that address your question Alex?

Mr. Petreski stated yes it does.

The stormwater management #22 through 30, Joe do you agree to address my comments? I think you've addressed a few of them already but is there anything that you have objection to?

Mr. Miannecki testified the only thing Alex I would like to be able to leave is the way I have designed the dry wells. I realize I don't meet the two foot separation between ground water and the bottom of the dry well, but the dry well is strictly for roof top water and it makes sense to put it underneath the parking lot that way. Those infiltrated units I'm not going to get the volume that I have with the dry wells, so if we could I'd like to leave the dry wells designed the way it is, other than that I am fine with everything.

Mr. Petreski stated are these shallow.

Mr. Miannecki testified they are only 3 foot deep. The problem is I have the HS 20 vehicle loading on it and so that is 8 inches there, so you know to put the Cultec or the other thing underneath it is going to be a much larger area.

Mr. Petreski stated okay. I think I can live with that considering that is all clean water coming down here. You are not going to use the dry well for any treatment so it is only going to be for

storage.

Mr. Mianecki testified I will make sure there are locking lids on them too.

Mr. Petreski stated alright, I think that addresses it.

Number 31 there is nothing for us, we've already talked about it.

Mr. Neiss asked Alex do you still require that that be made a condition of approval or does that take into consideration the LOMR.

Mr. Petreski stated the only requirement is that they apply for a verification from the NJDEP.

Mr. Schepis stated and we agree to do it.

Mr. Petreski stated the utilities 32 to 34 the DPW had given us comments and do you agree to address the comments from the DPW?

Mr. Mianecki testified yes.

Mr. Petreski stated #34 we ask that you provide an interior grease trap and the DPW made a similar comment.

Mr. Mianecki asked do we have the option to do an interior one.

Mr. Petreski stated an interior one was used unsuccessfully at Bubbakoo's so from experience we prefer an exterior one.

Mr. Mianecki testified I'll find room for it.

Mr. Petreski stated okay.

Under Miscellaneous 35 was addressed by the attorney's testimony. Number 36 --

Mr. Mianecki testified I'll fix that.

Mr. Petreski stated 37 also.

Mr. Mianecki testified alright.

Mr. Petreski stated #38 just identify the adjacent owner that the air conditioner is on your property.

Mr. Schepis stated we will let him no. Mr. Wolfson your air conditioning units are over the line.

Mr. Petreski stated this is Lot 6 not 14.

Mr. Schepis stated oh forgive me Mr. Wolfson.

Mr. Petreski stated Item 39 you agree to address any comments from all of the Borough Departments?

Mr. Mianecki testified we will address that.

Mr. Petreski asked you agree to enter into a developer's agreement.

Mr. Schepis stated yes, it's already in draft.

Mr. Petreski stated okay. You agree to provide a project completion report?

Mr. Mianecki testified yes.

Mr. Petreski asked do you guys agree to address –

Mr. Miannecki testified yes I read this.

Mr. Schepis stated we agree to all of them.

As far as the neighbor's air conditioning units, they are all the way on the other side of the property and I don't think the neighbor has much choice of putting the air conditioning units anywhere else but I will notify the church. I don't think they want to make enemies of the church.

Mr. Petreski stated just notify them.

Mr. Schepis stated we will send them a note but I don't think the church is going to want to pay for that.

Chairman Blewett asked Mr. Ricci if he has anything else to add or any concerns.

Mr. Ricci stated just a couple of comments I know it is late. First and foremost it is important to recognize I was the principal author of the plan and they adhered to all the requirements. The intent of refurbishing this facility and everything is in line generally with the Redevelopment Plan.

Regarding the streetscape when I was breaking up, that is the requirement that was developed as far as the Meridia project and my understanding the applicant is aware of this and they previously agreed to install that same streetscape, otherwise they received a required plan deviation. It is recommended that they install these streetscapes because that is what they previously agreed to in principal, and also we have to grant a deviation for the shrubs on Zeliff Place because they are technically require and at the time the applicant thought they could place them in the Borough's right-of-way. In the plan it recognizes they shall and we require a deviation there. Also it require a deviation, the plans simply require a certified landscape architect to prepare the landscaping so you would require a deviation from that as well.

I am actually working remotely so I apologize for the area connection.

It is my understanding that the parking is part of the separate Redevelopment Agreement and I think that's been discussed, and the outdoor bar has been discussed. As a planner I can say that, when I did go out and attend restaurants and bars it is something that does exist in outdoor dining area throughout the state today. It was not something that was specifically for this piece of land, I mean I think it is something that could be considered as part that is typical and associated with an outdoor dining area. When we designed the plan, the goal was not to have that as an open passage way to the street for the outdoor dining area and keep it more private and require access through the building. That was the principal way of trying to control that outdoor dining area and keeping it more of an accessory area, and that was really the key planning concern or otherwise we really defer to the Board in regard.

With regard to architecture, I'm glad we had the colored rendering. It was unclear regarding the stucco, the coloring and how the architect was going to kind of match the building and kind of create a new versus old and I think he has kind of achieved that in a kind of simple manner. The only comment is regarding the doors that there was nowhere else to place the (inaudible) so I think that was a result of engineering wanting to see the loading there ultimately and that was the only place that would work. We just ask the applicant to do whatever he can to minimize the exposure whether that is through painting or the architect to try to minimize that view right in the right-of-way on the streetscape there, otherwise the applicant has essentially in my opinion has complied fully with what the intent of the Redevelopment Plan is.

Mr. Neiss asked the outdoor bar do you consider that to be a deviation or not.

Mr. Ricci stated all I can say as the principal author of the plan that is something that was never really brought up to me or it was not fully contemplate, but when I look at land use and zoning, it is somewhat of an involving art where a certain land use has certain attributes largely associated with it and I think you can include it as not being a deviation from the plan. I asked the applicant to speak to the intensity and the character of it, and it should be in my opinion really suitable in that environment and it shouldn't be overwhelming in that environment was what my concern is.

Mayor Runfeldt stated actually if I may, I know this was not contemplated a couple of years ago when we started talking about this, however, I think probably Covid and the fact that we were forced to go outside I think it was a very welcome addition to the town and a lot of the town's people liked it and enjoyed it and I think we proved that it could work, although it was not contemplated in the beginning I don't see there is any reason why it should be excluded from this plan.

Mr. Gemian stated it probably will be included in many futuristic plans that design.

Chairman Blewett stated just to one of your concerns Mr. Ricci, I thought I heard testimony that the access to that would actually be by people coming into the restaurant and then taken out to that area, so there is no free flow from the outside into that area is that correct?

Mr. Ricci stated yeah at least from a planning standpoint the way that that area can be separate more, you know it is still in the front yard but it is more discreet and private.

Mr. Schepis stated we agreed the plans will be modified to address that.

Chairman Blewett stated okay. Any other comments from the Board on this application?  
Arthur do you have any other questions or concerns?

Mr. Neiss stated no I think I have enough to draft a resolution. I guess we just have to open it up to the public.

Chairman Blewett asked Mr. Schepis, Mr. Ricci did make a comment about the streetscape, the sidewalk design --

Mr. Schepis stated you know that is a good questions, Fatos, Mr. Ricci raised the issue associated with the design of the sidewalk and I assume Mr. Ricci what you mean is you don't like the concrete that is there now and something else is required?

Mr. Ricci stated I thought it was clear pretty clear to everyone when that thing was adopted to continue the streetscape that is in the Meridia project. It deals with how the concrete is laid, it is not a traditional 4 x 4, there is a paver course on the side, the street lighting and in theory it could include a certain bench or not, but it is all predetermined material, colors and including the street lights that would go along the street so they would match specifically or exactly what has already been approved elsewhere for downtown.

Mr. Schepis asked Fatos did you hear that.

Mr. Selimi testified yes I do.

Mr. Schepis asked what do you have to say about it.

Mr. Selimi testified that's fine. If we have to do pavers or whatever is necessary that is fine.

Mr. Schepis asked Mr. Ricci is that just on Main Street or does that have to wrap around on Zeliff as well.

Mr. Ricci stated just on Main Street. I think what we agreed to on Zeliff was that he would do the base course and planting 101 encourages landscaping around parking lots, but parking is paramount here clearly so that is why your engineer put that paver course in because that was something that was discussed during development of the plan.

Mr. MianECKI asked Mr. Ricci are decorative lights also required along Zeliff or only along Main Street.

Mr. Ricci stated it was my opinion that they were only required along Main Street.

Mr. MianECKI testified we offered them along Zeliff but if they are not required, do you want to put them there?

Mr. Fatos testified that is fine it makes the town look better.

Mr. Miannecki asked Mr. Ricci do you know how much these lights cost by chance.

Mr. Ricci stated I don't, I'm sorry. These style lights the Board should be aware of are more expensive than the type of lights you would see in a rear parking area that is why the intent was to only put it in the right-of-way in the downtown per se that is why it was only required for that reason.

Chairman Blewett asked does the Board have any objections to having those lights only along Main Street and not on Zeliff.

Mr. Kaufman stated no.

Mr. Koldyk stated no.

Mr. Gemian stated I think there is something to be said for a global continuity, Zeliff while it can be construed as a side street it is still part of the major downtown area, and you've already heard the applicant agree to put it in, so I would like us to see a bit more continuity there as well.

Mr. Terrero stated Gary I understand your point, but to the other point across the street is not going to have them and further down the road we are not going to have them so it is probably going to look out of place, plus it is a side street mainly for parking not for pedestrians and I really don't see any concerns with having the other lights as long as lighting is provided.

Mayor Runfeldt stated I would like to think that if cost was an issue the applicant would be okay with it, and if cost is not that much difference, then when it comes time it would make sense to do something that does look the same or at least close to it.

Mr. Selimi testified that is fair.

Mr. Gemian stated I agree let's go with that plan.

Chairman Blewett stated Arthur I did hear the word deviations, how are those handled?

Mr. Neiss stated I'm sorry, I didn't hear you Chuck.

Chairman Blewett stated well Mr. Ricci mentioned there were potential deviations from the Redevelopment Plan and how would we handle those?

Mr. Neiss stated those are equivalent to variances and you know if the Board, I don't know that we would delineate each one. We talked about them, but if the Board determines to move forward with approval of this plan as amended, then I will show them in the resolution and break them out, and I don't see the need to go through each and every one.

Chairman Blewett stated alright.

Mr. Schepis stated Mr. Chairman I would add one thing on the lighting of Zeliff. The plan does provide the option of utilizing powered lighting so perhaps we can effectuate the continuity of the theme with a decorative bollard lighting along Zeliff to address (inaudible) lighting and maintain some type of a theme. I believe that is in the plan isn't it Mr. Ricci?

Mr. Ricci stated yes.

Mr. Schepis stated so perhaps we can strike that compromise if it does satisfy the plan.

Chairman Blewett stated okay. Any other discussion from the Board?

Mr. Schepis stated there is only one variance we are looking for and that is the parking space size and I would like Mr. Miannecki to give us the Reader's Digest version of that area the 9 x 18 versus 9 x 20 parking spaces.

Mr. Mianeki testified they are 9 x 18 on both sides where 9 x 20 is required. We are providing for a bumper overhang. We have a two foot bumper overhang everywhere so none of the sidewalks will be obstructed where the cars are parked up against the curb. We are requesting in the interest of reducing (inaudible) disturbance and the interest of space to approve a 9 x 18 stall because we have the 2 foot bumper overhang that's all

Mr. Schepis thanked him.

Mr. Koldyk made the motion to open the public hearing.

Mr. Gemian seconds.

Chairman Blewett asked is there anyone from the public wishing to speak. I don't see any attendees they dropped off before.

Mr. Koldyk made the motion to close.

Mr. Florentino seconds.

Chairman Blewett stated okay what is your pleasure with this application? Is there a motion to approve?

Mr. Koldyk made the motion to approve

Mr. Kaufman seconds.

**Roll call:**

**Yes: Koldyk, Kaufman, Blewett, Florentino, Gemian, Marino, Runfeldt, and Terrero**

**No: None**

**Abstain: None**

Ms. Ward stated okay, the resolution will be on for next month.

Chairman Blewett stated okay thank you.

The last item on the agenda and the other ones will be carried is Ordinance #5-21 Prohibit Cannabis Businesses. I believe everyone received a copy of the ordinance in your package? Is there any discussion on this?

Mr. Kaufman stated I don't know what discussion we can really have in terms of the ordinance. I disagree with it, but it doesn't matter because as Arthur said, it fits in with our Master Plan so I mean I think it is a mistake and I disagree with it.

Mr. Terrero asked how does it disagree is it immoral. What is the basis for it?

Chairman Blewett stated well I think if you read through it, I'm looking for your help here, if you read through the law, the town has to take some action with respect to this bill and one is to go for it or approve it essentially for your town, and the other is exclude it. If you don't exclude it, then I believe the town is put up for like 5 years as a free for all.

Mr. Kaufman stated if you don't exclude it, then you accept it and you allow it for five years right?

Mr. Terrero stated I thought you were allowed to exclude a portion of it and not the entire thing.

Chairman Blewett stated well you can.

Mayor Runfeldt asked may I Mr. Chairman.

Chairman Blewett stated go ahead.

Mayor Runfeldt stated I believe there are five different categories, you can either opt in or opt out of and they go from cultivating, warehousing, distribution, and there are a couple of other ones. What it comes down to is there is no real guide lines in place right now and what happens is the municipality has the option to either opting out right before August, in which case we can always opt in at any point, however, if we don't do anything, or if we opt in we can't opt out again for five years. So this is all new territory and nothing has really been done by any other municipality because this is very new, so what happens is, if we opt in and don't do anything, we are in it for five years; good, bad or horrible. If we opt out of it and we see that things are going in a way where it can be regulated and controlled and not a drain on the resources of the municipality, we can opt back in next month if you want

Mr. Kaufman stated mayor, based on the amount of licenses for, I guess licenses isn't the right word but the state is offering, this isn't going to be the Wild West here, to be able to get a license for cultivation or wholesale, you know Koldyk and I can't just rent a bagel store and start selling it it's not that easy there is a whole process to get licensed. I think there are 24 or 36 licenses and 12 of them are reserved for the people who already are already doing the medical, so this isn't a Wild West thing here to be able to just show up and say, okay you are allowing I'm selling.

I think with all the buyouts with the taxes that the municipality has put on it that goes directly to the municipality and I think it is very shortsighted to say a blanket no. You know with the greenhouse phase and the farm phase that we have for cultivation, the warehouse phase for Frassetto for warehousing, maybe not for retail, but a blanket no is very shortsighted and old school thinking.

Mayor Runfeldt stated personally I see it the other way. They say yes before we really understand what is going on and like I said, we can opt in next month if we want, but if we say blanketly yes now and no one knows exactly what is involved, then we are stuck with it for the next five years.

Mr. Kaufman stated by the time you, and it is not you but Lincoln Park says yes, those 24 licenses will be taken and nobody new is coming in, so Lincoln Park is saying oh will do it but no one is looking for anything.

Mr. Gemian stated one of the other things Josh on the revenue side of this issue, everybody is getting very excited about potential pre-tax revenue aids but no one is really at a point of understanding what the costs are that would be deducted from the revenue side, so the statute provides that the individual municipality has to absorb all the costs in its entirety.

Mr. Kaufman stated okay.

Mr. Gemian stated so no one knows what that cost is yet, and until we do by opting in we could be at a greater risk potential given that ratio between tax revenue and cost that we would be obligated

Mr. Kaufman stated, I'm sorry, go ahead.

Mr. Gemian stated that is the point I just wanted to make.

Mayor Runfeldt stated I think the one thing that is important to realize is that Gary and I have already expressed policy issues and that is not really what is being discussed right now, and I think we are just explaining why mostly because you asked why the town has decided to go this way, but as a Planning Board if we decide that we would like to advise we are open to these things, I don't think there is any reason why we can't say that to the town Council.

Mr. Kaufman stated I don't see why we can't allow one of the five. Let's just say, for instance, the distributor okay, so they have some place in Frassetto that is just what I'm thinking is industrial, and part of the ordinance requires certain security, ventilation and you know you can make it so that if somebody really wants to get in, you're as covered as you can be, where you are not saying anybody can come in and set up shop wherever.

Mayor Runfeldt stated once again I think you are creating policy and that is not what we are trying to do here. If we as a Board decide we want to say, we have no problem with

warehousing, distribution, cultivating or dispensary, then I think that is what we need to advise the Council. But I don't think we are debating policy issues here, it goes with what the town Council thinks and how they decide to move forward, and you as the Planning Board can advise them that we think either all five or anyone of those five are acceptable uses.

Mr. Neiss stated if I may, the standard that this Board has to consider is whether or not the proposed ordinance is inconsistent with the Master Plan. The mayor's point on policy is well taken in that regard, the Board is only limited to that analysis.

Mr. Terrero stated I thought we already had that discussion in the past.

Mr. Kaufman stated we did and when the state legalized it every Borough or Town had to go back and redo their ordinance to accept or decline.

Mr. Terrero stated right and we've already stated our opinion as we think it shouldn't be.

Mayor Runfeldt stated if I may Jonathan, I think when we came across I think we were actually okay with cultivation, however, I do know for a fact, as Josh said, there are only 24 licenses in regard to certain aspects of it, and there were even less with regard to cultivation and I don't believe anybody from Lincoln Park actually applied for cultivation. But I know in our past discussions if I'm not mistaken, that is what we decided on was cultivation would be okay, but all other aspects you were not in favor of as a Planning Board.

Mr. Gemian stated I would just like to say, I've had direct experience in the cannabis field from a resident's perspective and I can tell you that there is a significant tsunami coming when this thing gets legislated, when you have essentially cannabis with high concentration of psychotropic THC being sold over the counter or being grown in your town. You can't imagine the problems that can essentially bring about, so I think we have to be very cautious and yet keep our eye on opportunity that is within the law, but being very cautious on how we do this as a municipality to not do harm to the town or the residents, etc. We have plenty of time to get to that point and I think the state legislative statute is trying to force municipalities to make that decision quicker and I think we would be on safer ground by saying we want to opt out at this point, gather our facts and do our due diligence in the context of the law, and what others are doing and get up the learning curve so we can make a better decision with the community moving forward, but I don't think we are at that point yet and I think we are being shortsighted.

Chairman Blewett stated if you take the word cannabis out of this and you are thinking towards what Arthur is directing us to do, the five various licenses so to speak are areas of business that are consistent within the Master Plan right? In town we grow things, we manufacture things, we have wholesale licensing, there is distributors and there is retail so it is not inconsistent it really becomes a moral discussion on how do you feel about this.

Mr. Kaufman stated and I would agree with that Mr. Chairman. I'm going to say if you are going all out with a vape shop, then a cannabis manufacturer or cultivator with the proper utilities built into the ordinance is no different.

Chairman Blewett stated I would agree.

Mayor Runfeldt stated as would I.

Chairman Blewett stated I personally align with the Council's I guess proposed ordinance at this point and time, but that is a Chuck Blewett thing, but again to that point I don't think it is inconsistent with a lot other things we do in town.

Mr. Kaufman stated you don't think it is inconsistent.

Chairman Blewett stated no it is not inconsistent with what we do in town, we have all those facilities in town today.

Mr. Kaufman stated right so by putting an ordinance against those things makes it inconsistent with the Master Plan.

Mr. Gemian stated well we are not putting --

Chairman Blewett stated I'm not saying that.

Mr. Kaufman stated I'm trying to figure out what you mean by that.

Chairman Blewett stated no, no, I personally believe and I come from a very regulated environment that it is prudent to walk before you run, and I think the opportunity and the decision to opt out at this time and have the opportunity to opt in in the future, irregardless of how many licenses there are is probably in my opinion the best way to move forward.

Mr. Gemian stated I agree.

Mr. Terrero stated I think if we determine that we consider it is not in alignment, then our answer is no it is not in alignment with the Master Plan and then that's as far as our conversation goes because Council is going to do what Council is going to do.

Mr. Kaufman stated that is exactly right.

Mr. Terrero stated from our point of view, as you stated Chuck, it is consistent with the Master Plan, so from a Planning Board's point of view it is consistent and we have no objections to it, but the Council is going to make a decision of popping out regardless of our recommendation.

Chairman Blewett stated right.

Mr. Terrero stated so I think as a Planning Board we can't really say that it is inconstant because it is not.

Chairman Blewett stated okay. Do you want to make a motion as a recommendation to the Council?

Mr. Terrero stated I'll recommend that it is within the guide lines of the Master Plan.

Mr. Florentino stated yeah I second that one too. I agree with Jonathan.

Mayor Runfeldt stated just like Josh said, we should state in our thing saying that we don't see any reason why these things would violate the Master Plan even though we understand there may be additional restrictions or requirements placed by Council.

Mr. Kaufman stated I know for instance, Rockaway Township has an ordinance allowing it and they built in security and ventilation and every requirement they have in their ordinance makes it so it is a lot of good things, I don't want to say risks but it takes a lot of risk out of it. I understand Gary what you are saying, it can create an issue but if you build it so that people have to jump through all hoops so we are comfortable with it, then why not build it with a ton of hoops?

Mr. Gemian stated I would agree with that, but all I'm suggesting Josh now is not the appropriate time because we don't know.

Mr. Kaufman stated by the time you know all 24 licenses will be gone.

Mr. Gemian stated that is likely to change, that is not going to stay constant moving forward. The state has dollar signs in front of their eyes that's what they are looking at. By opting out now, I mean I would love to see what Rockaway, is it Rockaway you just mentioned?

Mr. Kaufman stated yes Rockaway Township.

Mr. Gemian stated I would love to see what they are doing. I have no learning curve on what Rockaway is doing, maybe they have stumbled on an opportunity and theirs works successfully. The point of it is, by opting out now it gives us the time to look at things like Rockaway and experiences of other municipalities and then we can make a determination at some point in the near future and we don't have to wait five years.

Mr. Terrero stated I understand maybe we don't want it in our town but they have it in the shopping center in Mountain View Plaza. So it is not like we are keeping --

Mr. Kaufman stated Jonathan that is a vape shop and we have one.

Mr. Terrero stated no, no they are opening a different one.

Mr. Kaufman asked Gary can you tell me the for and against the vote on the Council. I can never get there because I have to choose between the Fire Department's drill and the Council meeting so I can never get there.

Mr. Gemian stated Mayor correct me if I'm wrong, but I think it was pretty unanimous wasn't it as to opposes?

Mayor Runfeldt stated I'm sorry it was seven/zero.

Mr. Gemian stated yeah.

Mr. Kaufman stated okay so nothing is going to change within the next five years because it was seven/zero, so it is not a wait and see what happens and we are going to change it.

(Inaudible – several members speaking)

Mayor Runfeldt stated guys can I just get a word in. I think you mischaracterized it, it is not nothing is going to change in five years. I think had we opted in then absolutely nothing is going to change in five years. However opting out, things can change at any time within the next five years and to take your point about the twenty-four licenses I would think that being around the government of this town and the state as long as I have, what will happen is if it turns out that there are whatever amount of municipalities opted in; whether it is two percent, ten percent, fifty percent, or ninety-eight percent, if it seems to be that everything is working fine, then I think the state will then obviously increase the amount of licenses it gives out too.

Mr. Gemian stated absolutely. If I could just answer Josh's question in this way. I think it is a legitimate question Josh, I think the degree of uncertainty around this issue, and I am going to try to speak for the entire Council because of the vote, was that the uncertainty outweighed the benefit of opting in at this time. I guess that is the simplest way to put it. No one on the Council is really significantly opposed to it, I think there is just a general underlying fear of not being able to manage what I refer to a tsunami that is coming without at least having a learning curve of how to manage it when it arrives. I would rather be ahead of the curve than behind it, and so I think for those reasons the Council felt safe to opt out at this time which gives us all the possible options as the mayor has alluded to, and I think Chuck has identified as well.

Chairman Blewett asked okay so what is the message we want to send to Council.

Mr. Kaufman stated there was a motion and a second.

Chairman Blewett stated oh yes, what was the motion?

Mr. Terrero stated motion was limiting is inconsistent with the Master Plan. Allowing it is consistent with the Master Plan as long as certain caveats are implemented where it is allowed.

Mr. Kaufman stated I'm sorry, say that again Jonathan.

Mr. Terrero stated allowing it is consistent with the Master Plan, limiting it is inconsistent.

Mr. Kaufman stated so we are against their ordinance is that what you are saying? We are against the ordinance as it stands.

Mr. Terrero stated right. We are against the ordinance as it stands. You can make the ordinance either allow them but putting enough caveats to make it workable for the Council, but I think to flat out deny it is inconstant with the Master Plan.

Mr. Neiss stated forgive me because I am confused. The ordinance is an ordinance to prohibit the operation of any class of cannabis business within the boundaries. The question before you is does this ordinance, is this ordinance consistent or inconsistent with the Master Plan from your perspective.

Mr. Terrero asked say that again.

Mr. Neiss stated inconsistent. This ordinance is inconsistent with the Master Plan.

Mr. Terrero stated yes, correct.

Chairman Blewett stated if you replace the word cannabis with the word zinnias, it would be a no brainer right? It is consistent with the Master Plan.

Mr. Terrero stated right. Change cannabis to (inaudible – two people speaking).

Mayor Runfeldt stated absolutely that is the right way to go and that leaves it up to Council to make policy which is what they were elected to do is to make policy.

Chairman Blewett stated so we can send a note to the Council to say that the Planning Board believes this ordinance is inconsistent with the Master Plan.

Mr. Kaufman stated and just so we are clear, we do not agree with this ordinance is what we are saying?

Mr. Terrero stated that is what we said yes.

Mr. Kaufman stated okay. It is inconsistent and we do not agree with the ordinance as it stands.

Mayor Runfeldt stated no, I don't think it should be we agree or disagree with the ordinance, I think we should just say that we think the proposed uses are consistent with our Master Plan and that's it. I don't think the Planning Board should get involved in policy at all. I think the advice should be, we reviewed the ordinance and the proposed uses that the ordinance created are allowed under our Master Plan.

I would further like to see, much like Josh has mentioned and he was the one that brought this up, is that we understand that if these uses are allowed to exist that there may be extenuating circumstances regarding requirements or regulations that may be imposed, whereas Chuck's term you know we were talking zinnias, but we realize with regards to this there maybe additional requirements, regulations imposed as a result of any ordinance or policy that Council decides to take on.

Mr. Neiss stated, in other words, this ordinance is proposed to provide the Borough with options, isn't that really the base that we are talking about here?

Mr. Gemian stated yes. By opting in now, you are limiting your options moving forward and you are locking yourself in to a situation that you might regret in the future.

Mr. Neiss stated so this ordinance would simply maintain the options that the Borough has.

Mr. Gemian stated that is precisely why it was drafted. I think some members of the Planning Board are reading too much into the Council's motive, we are not suggesting that we are opposed to any of this we are just suggesting that, I think someone said it best, we need to walk before we run. This opting out gives us the time to do the due diligence, to learn and get up the learning curve and find out what is working and what is not in context of the regulatory and economic environment around this issue and then make a bona fide business decision.

Mr. Kaufman stated Gary, then I would argue, table the ordinance until July since it doesn't have to happen until August, table it until July and look at other ordinances that are out there and examine the requirements in those ordinances for security and retail and things like that.

Mayor Runfeldt stated Josh just a point of order on that, the fact is the ordinance needs to be passed by August which means that it needs to be done in the first meeting in June, which is the next Council meeting because after that it has 30 days and then it becomes read and after that 30 days it becomes law, so that all has to be done before August that is not something that has to be done on August.

Mr. Kaufman stated no I understand that, but you can postpone it for at least a month. At that point if you need 60 days, the first reading, the second reading you can revisit it, where the Council can revisit it.

Mayor Runfeldt stated the next meeting is the last change they have to introduce the ordinance.

Mr. Koldyk stated we are only looking at this from a land use point of view, so we've determined that the land use is permitted and we should just give a recommendation to the Council and let them deal with the rest

Mayor Runfeldt stated I agree.

Mr. Terrero stated that is what I have been saying, we recommend that it is allowed and the Council makes the decision, I'm not making policy here.

Mr. Koldyk stated whether or not the town accepts this or prohibits this is really not up to anything that has been said so we are just going to take a vote on it right?

Chairman Blewett asked and we are voting for it is inconsistent with activities we currently allow in town.

Mr. Terrero stated right. The ordinance is inconsistent with activities that we currently allow in town.

Chairman Blewett stated we are not judging the business decision that the town is making.

Mr. Terrero stated right that is entirely up to the town Council.

Chairman Blewett stated yeah Okay we have a motion and a second.

Mr. Neiss stated I'm so sorry (inaudible – several people speaking).

Mayor Runfeldt asked Arthur, we are just going to send a letter to the Council that we don't see any reason why any of these uses are inconsistent with the Master Plan, end of story.

Mr. Neiss stated okay.

Mr. Florentino stated Jonathan motioned and I second.

Chairman Blewett stated okay.

Ms. Ward asked are you ready for a vote.

Mr. Gemian asked can you rephrase your statement that you just made Dave.

Mayor Runfeldt stated the recommendation, the post cannabis ordinance whatever it was entitled, was submitted to the Planning Board for their comments and the Planning Board found that none of the five points violate or are in opposition to our Master Plan and that's it.

Mr. Koldyk stated well there are six classes.

Mr. Florentino stated yeah.

Mr. Gemian stated under those words I would feel, how I would like to vote on this if I may, since I am kind of a liaison between Council and Planning Board, and with those words that Dave has just articulated I would feel more comfortable in abstaining and not voting no, whereas previously

I think some of the language that we were kicking around I would feel more compelled to say no. But under what Dave has just characterized the ordinance, the Planning Board sends back to Council I will abstain on that because I think that is an accurate portrayal of what the Planning Board is attempting to do, how does that sound?

Mayor Runfeldt asked once again are we talking inaccurate or accurate.

Mr. Gemian stated no I think it is an accurate.

Mayor Runfeldt stated okay.

Mr. Gemian stated your articulation of the response to the Council David, and why I asked you to repeat it again makes me more comfortable by not voting no, so I would vote to abstain and put myself in a neutral position as your liaison to the Council to leave both spectrums open for future consideration.

Mayor Runfeldt stated absolutely. All we are saying is, much like Chuck said if it were (inaudible) saying there is no reason why you can't do this here and now it becomes up to the Council to decide on the policy.

Mr. Kaufman asked are we running a vote.

Ms. Ward stated you need to vote. Jonathan made the motion and Alvin seconded, so are ready to vote?

Chairman Blewett stated yes.

**Roll call:**

**Yes: Terrero, Florentino, Blewett, Kaufman, Koldyk, Marino and Runfeldt**

**No: None**

**Abstain: Gemian**

Mr. Kaufman asked can I ask one question.

Chairman Blewett stated sure.

Mr. Kaufman asked what is a zinnia.

Mr. Terrero stated it is a flower.

Ms. Ward stated in the marigold family.

Chairman Blewett stated I thank everyone for hanging in and getting the application done. I'm quite sure everybody appreciated that so thank you.

Mr. Kaufman asked is this our last zoom meeting.

Chairman Blewett asked do you guys have 5 more minutes.

Mr. Kaufman stated midnight.

Chairman Blewett stated the Council, and maybe you can help with this, I believe they are contemplating coming back on June 21<sup>st</sup> and so the question before the Board is, are we comfortable with coming back into the Council Chambers and running the Planning Board meetings?

Chairman Blewett stated I'm personally vaccinated so I don't have a big concern coming back.

Mr. Kaufman stated I agree.

Mr. Terrero stated that's 2 of us.

Chairman Blewett asked do we want to take a poll. All in favor?

Board aye.

Chairman Blewett any opposed. I don't think there are any opposed, so the consensus is we can come back. Joan I would also just ask is the Borough issuing any guidelines for these meetings coming back.

Ms. Ward stated I'll ask Kathy.

Chairman Blewett stated that is something we have to be cognizant of when we come back together

Ms. Ward stated okay

Mr. Gemian stated masks are probably going to be mandatory but other than that I will defer to Kathy.

Ms. Ward mentioned for the Board of Adjustment, if they were unvaccinated they had to six feet apart from vaccinated people and we have to wear a mask.

Chairman Blewett stated if the town issues guidance, we need to know about it. Maybe they should issue some guidance. We will anticipate meeting in June.

Ms. Ward stated that is the 17<sup>th</sup>.

Chairman Blewett stated unless we hear otherwise. Again thanks everybody.

Mayor Runfeldt motion to close.

Mr. Kaufman seconds.

Meeting adjourned 10:49 P.M.

Respectfully submitted:

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Joan Ward, Secretary

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Charles W. Blewett, Jr., Chairman