

**MINUTES OF REGULAR ZONING BOARD OF ADJUSTMENT
MEETING HELD ON TUESDAY, JULY 9TH, 2019**

Chairman Byrne called to order the regular meeting of the Board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice dated June 28th, 2019 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall. All stood for the Pledge of Allegiance.

PRESENT: BYRNE, ERICKSON, KUBISKY, WOLFSON, ZAPF, DUBOWSKY AND ZALEWSKI (ALT. #1)

ALSO PRESENT: BOORADY, ENGINEER AND ALEXANDER, COUNSEL

ABSENT: FOREMAN

Chairman Byrne announced the first order of business is the approval of the minutes from the April 9th and May 14th, 2019 meetings.

Ms. Ward mentioned the members that can vote on the April 9th minutes are Byrne, Erickson, Kubisky, Zapf, Dubowsky and Zalewski.

Mr. Zapf stated no corrections on either set of minutes.

Chairman Byrne asked for a motion.

Mr. Zapf made the motion.

Chairman Byrne asked for a second.

Mr. Erickson seconds.

Roll call:

Yes: Zapf, Erickson, Byrne, Kubisky, Dubowsky and Zalewski (Alt. #1)

No: None

Abstain: None

Chairman Byrne stated that's for both sets.

Ms. Ward mentioned there were different people present so we need to take them separately.

Chairman Byrne stated okay.

Mr. Zapf made the motion to approve the May 14th minutes.

Chairman Byrne asked for a second.

Mr. Dubowsky seconds.

Roll call:

Yes: Zapf, Dubowsky, Byrne, Kubisky, Wolfson and Zalewski (Alt. #1)

No: None

Abstain: None

Chairman Byrne stated okay. The next order of business is the time extension request by Mr. & Mrs. Victor Torres with reference to Variance Application #2018-03 by Norka B. Torres, on property known as Block 46, Lot 81.1 on the municipal tax map also known as 5 Hunter Road, approved by the Board on August 14th, 2018. Good evening sir.

Mr. Alexander swore in Mr. & Mrs. Torres. Please state your names and addresses for the record.

Mr. Torres testified Victor Torres, 5 Hunter Road, Lincoln Park, NJ 07035.

Mrs. Torres testified Norka B. Torres, 5 Hunter Road, Lincoln Park, NJ.

Chairman Byrne stated Joan was saying you finally got a well on the property

Ms. Ward mentioned no not a well. The well company did the excavation and found no well on the property. You have copy of the letter they provided.

Chairman Byrne stated I didn't get to read the letter.

Ms. Ward mentioned we have the letter, and I also attached a copy of the resolution as the variance was due to expire.

Chairman Byrne stated okay.

Mr. Alexander asked you are requesting an extension of time.

Mr. Torres testified yes.

Mr. Alexander asked and for what reason.

Mr. Torres testified because they are just getting started now.

Mr. Zapf asked everything else that was in the resolution has anything else been done at this time because that was last year.

Ms. Ward mentioned everything was satisfied except the well issue which was holding them up, we couldn't release the signed plans until it was resolved.

Mr. Zapf asked is the house in any worse shape. I got the impression this was pretty immediate that this needed to be done.

Mr. Torres testified well like I said, they are working on it now they've had a couple of days on it that is what it is.

Mr. Zapf asked do you see anything else coming along that is in the resolution that is going to hold you up any further that we need to consider.

Mr. Torres testified I don't think so.

Ms. Ward stated all the other conditions in the resolution were satisfied.

Mr. Zapf stated they are asking for a time extension and do we need to make it longer if there is another boondoggle out there waiting to hold you up.

Chairman Byrne asked was there an estimate for about how long it would take them from this point.

Mr. Torres testified I was told two to three months

Chairman Byrne stated okay so what do you want to do?

Ms. Ward mentioned I believe they are looking for a year.

Chairman Byrne stated a year and this was August of last year.

Ms. Ward stated right.

Mr. Zapf asked and you don't see anything further that would cause you to say, hey we need five or six more months.

Mr. Torres testified no I don't.

Mr. Zapf stated okay.

Ms. Ward asked do you want to put it for 18. I mean they are working on it now and it may not even take them that long.

Chairman Byrne stated just do a year. If they have to, they can always come back.

Ms. Ward mentioned they can apply for another extension.

Mr. Zapf stated if there was something that was maybe going to hold them up maybe we can do that.

Mr. Torres testified they haven't gone that far yet. They haven't dug anything yet they are just breaking the walls in the basement so I wouldn't know if they found anything yet.

Mr. Zapf stated you might already know and you need to tell us that.

Mr. Torres testified no, I wouldn't know anything now.

Mr. Zapf stated all right.

Chairman Byrne mentioned so if we grant this and then something should come up and cause you --

Mr. Torres testified I'll come back.

Chairman Byrne stated try to come back sooner rather than at the end of the year, you know what I mean.

Mr. Torres testified okay.

Mr. Zapf stated as soon as you find out.

Mr. Torres testified okay.

Chairman Byrne stated well I don't have any questions. Do you have any questions or comments anyone?

Ms. Ward asked Craig should this be a resolution for the time extension. How should we handle this?

Mr. Alexander stated I'll do a very brief resolution.

Ms. Ward mentioned okay.

Mr. Zapf made the motion for 12 months.

Chairman Byrne stated all right. Is there a second?

Mrs. Kubisky seconds.

Chairman Byrne asked and this will start when from the 14th of August forward.

Ms. Ward mentioned it will be from the expiration date of the resolution, they will have a year from then. Craig has a copy of the resolution and we will just attached the time extension resolution to the previous one. Everything will stay in effect.

Mr. Alexander stated the resolution was adopted on August 14th, 2018.

Ms. Ward mentioned that's why they are here before it expires.

Mr. Zapf stated it will be the same but 2020.

Chairman Byrne stated okay.

Roll call:

Yes: Zapf, Kubisky, Byrne, Erickson, Wolfson, Dubowsky and Zalewski (Alt. #1)

No: None

Abstain: None

Ms. Ward stated the time extension is granted.

Chairman Byrne stated good luck guys.

Ms. Ward mentioned the resolution will be on for next month but you do not need to attend the meeting. I will sent you a signed copy of the resolution for your records.

Mr. Torres thanked the Board.

Chairman Byrne stated we are going to skip #3 for now and go to #4 on the agenda. Waiver request by Stephen Schepis with reference to Preliminary & Final Major Site Plan Application #370, Variance Application #2019-01 (use/bulk) and Flood Plain Encroachment Application #FPE 19-01 by Joseph and Barbara Fede, on property known as Block 5, Lot 16.01 on the municipal tax map also known as 12 Troy Lane.

Mr. Mianecky stated Steve isn't here yet. Could we go on to the next one if you don't mind?

Chairman Byrne stated okay. We will skip over 3 and 4 and we'll go to #5. Waiver request by FUGD Holdings, LLC, c/o Sean Yennie with reference to Grading Permit Application #G19-04 on property known as Block 35, Lot 24 on the municipal tax map also known as 91 Mountain Heights Avenue.

Mr. Alexander swore in Messrs. Yennie and Mianecky. Please state your names and addresses for the record.

Mr. Yennie testified Sean Yennie, 299 Grant Avenue, Totowa, NJ.

Mr. Mianecky testified Joseph S. Mianecky, Jr., 9 Midvale Avenue, Towaco, NJ.

Mr. Alexander asked Mr. Yennie just for the record what is your relationship to FUGD Holdings.

Mr. Yennie testified I'm the owner.

Mr. Alexander thanked him.

Mr. Mianecky testified Joan before we get started, Mr. Makarewicz's wife failed to get the affidavit notarized so they are not going to be able to go on tonight.

Ms. Ward mentioned okay so this will be carried. We'll have to make the announcement to carry it without further notice.

Mr. Mianecky asked so we won't have to renote again.

Ms. Ward stated no, we can carry it until the next meeting right Craig? She didn't have it notarized.

Mr. Alexander stated no they won't have to.

Mr. Mianecky stated sorry about that.

Chairman Byrne asked what date is the next meeting.

Ms. Ward mentioned August 13th.

Chairman Byrne stated I might not be here I'll be coming back from California. Tom are you here on the 13th?

Mr. Zapf stated yes.

Chairman Byrne stated okay, then I'm not going to be here.

Do you want to give us an overview of the project?

Mr. Mianecky testified sure.

Mr. Mianecky testified actually this is the same piece of property that Doug Bell owned, Doug's Lilly Pond, the piece of property at the top of Mountain Heights Avenue. There is a pond on it and it is a fairly large tract of land served by a 20 foot wide access area between two homes. Obviously we will be maintaining that access drive going down and around the south side of the pond and the house is going to be set in the back of the wooded area over looking the pond, and it is also going to include a detached accessory garage behind the house up on top of the hill.

Chairman Byrne asked how big is the garage.

Mr. Yennie testified 28 x 30.

Chairman Byrne asked height wise.

Mr. Mianecky testified height wise, if you look in Mr. Boorady's report, he brought up the fact that it was higher and Mr. Yennie decided that we are going to make it a fully conforming garage having a maximum height of 12 feet. We are going to have garage doors no more than 8 feet high and we are not going to have any farm animals.

Mr. Boorady stated oh all right.

Mr. Mianecky testified so we are not going to need any use variance, so basically only "it is not really a variance but a design exception" it will be for steep slope disturbance.

Mr. Boorady stated all right. So with the garage is there a limitation on the number of garage doors in the R-15?

Mr. Mianecky testified I'm not aware of a limitation on the doors, I believe it is the number on the door height at 8 feet.

Mr. Boorady stated okay. The building height is 12 feet right?

Mr. Mianecky testified the building height is 12 feet measured along the front of the garage.

Mr. Boorady stated to the center of the gable.

Mr. Mianecky testified the mid-point of the gable.

Mr. Boorady stated right.

Ms. Ward mentioned isn't it two doors in the R-15 Zone Joe?

Mr. Mianecky testified I believe it is only two doors yes. It is very similar to Mr. Makarewicz's plan where it is like going to have a basement under the garage with a walkout in the back. So we

are still going to maintain that, but the building height in Lincoln Park is measured at the front of the garage so we are going to be fully compliant at the front of the garage.

Mr. Boorady stated right okay.

Mr. Mianecki testified like I said, we are going to be compliant with door height and no farm animals, maybe some chickens.

Mr. Boorady stated there is an ordinance for chickens.

Mr. Mianecki testified I know but no roosters, maybe a peacock.

Mr. Yennie testified those are even louder.

Mr. Mianecki asked Tom if he wanted to go through his completeness report.

Mr. Boorady stated well yeah some of it is not going to be applicable if you get rid of the use variance right?

Mr. Mianecki testified correct.

Mr. Boorady stated my report is dated June 18th and the completeness review starts on page 3. So Items 1, 4, 9, 10 and 12 from the general information, generally there is no waivers from that so I don't think you are looking for any waivers. The general information you usually have to give us all that stuff.

Mr. Mianecki testified correct.

Mr. Boorady stated TBSA is required because it is a new connection.

Mr. Mianecki testified we will send something to TBSA.

Mr. Boorady stated if it is an existing residential and there is a lateral there that's fine, but I think you are supposed to notify them.

Ms. Ward mentioned just send it to Tom Bongiovanni.

Mr. Mianecki testified right.

Mr. Boorady stated so that is the checklist for general information and I don't think you need any waivers from there. There are some corrections that will have to be made now that the application is being changed.

Mr. Mianecki testified absolutely.

Mr. Boorady stated so you'll have to look at the standard development application and refill that out.

Mr. Mianecki testified right not a problem.

Mr. Boorady stated going on to the checklist for grading permit.

Mr. Mianecki testified Item 6.C.ii we will do.

Mr. Boorady stated hold on, I just have to make sure I'm not missing a page. For some reason it says checklist for grading permit continued but that might be a mistake right?

Mr. Mianecki testified I'm not sure.

Mr. Boorady stated yeah that's a mistake, so at the top of page 4 that shouldn't say continued.

So the first Item I don't think you need a waiver you can put that sheet number on the plans.

Item 6.I there seems to be a gore or overlap going on and has that been figured out with the surveyors?

Mr. Mianecky testified it has not been figured out. That has been a bone of contention between the previous owner and Elefante for years and I don't know if we can get a resolution to it.

Mr. Boorady stated well as long as there is no problem with hearing the application I don't think it matters, the lot area is substantial.

Mr. Mianecky testified we are not within that area of the overlap.

Mr. Boorady stated working in that area okay.

Mr. Yennie testified I spoke with one of the Elefante brothers who owns that lower lot and they didn't have any issues with anything because I wasn't touching that area. So they said they knew what it was and I guess Doug Bell, the previous owner, kind of went back and forth and kind of bumped heads a couple of times and they did.

Mr. Boorady stated okay.

Mr. Mianecky testified it all had to do with the interpretation of the brow of the mountain. Apparently Doug manipulated the brow of the mountain so they said he did, and he said he didn't so it became an issue.

Mr. Boorady stated so I guess there is an issue with the survey but it really doesn't affect any of the work that is proposed. I don't have any objection of that issue not necessarily being resolved so that this can move forward.

Mr. Zapf mentioned no issues because the coverage or anything like that it is a big enough piece of property so it is not a factor.

Mr. Boorady stated it is way big.

Mr. Yennie testified it is 9 acres.

Mr. Mianecky testified it is 9 acres.

Mr. Boorady stated yeah. Item 6.J I just think there are some zone schedule items that were discussed under the standard development application, so just make sure your zoning table is correct on the engineering plan and also consistent with the standard development application zoning table.

Mr. Mianecky testified okay.

Mr. Boorady stated 6.M that you are showing utilities within the frontage of the property and I don't think it is necessary to show utilities two hundred feet away, so as long as everything is shown in the frontage of the property I guess that is a partial waiver of 6.M.

Mr. Mianecky testified Sean contacted call before you dig to get the waterline marked out in front of the property.

Mr. Yennie testified everything was marked out except for the sewer. I mean I can see the manholes and the water.

Mr. Mianecky asked Joan would you have a contact for the water.

Ms. Ward stated yes, just call Jessica and she'll make the arrangements for you.

Mr. Yennie testified they marked out my one neighbor's curb box but they didn't mark the main in front of the property.

Ms. Ward stated just contact Jessica.

Mr. Mianecki asked do you have her extension.

Ms. Ward stated yes, 2057 Jessica Arnott. She'll contact the fellows and they will take care of it.

Mr. Mianecki testified okay. Thank you.

Mr. Boorady stated okay so that is a partial waiver from 6.M. I'm not sure we got a survey actually that accompanied your plan.

Mr. Mianecki testified okay we'll get you one.

Mr. Boorady stated yeah just make sure that's submitted. So those, the water line and anything else that you didn't pick up show it on the survey.

Ms. Ward mentioned Joe we would like two surveys, one for Tom's office and ours.

Mr. Mianecki testified okay.

Mr. Boorady stated Item 6.X & Y that is existing and proposed lighting and landscaping. I don't have an objection to the landscaping because it is such a large piece of property but show some lighting detail.

Mr. Mianecki testified yeah we changed the architect.

Mr. Yennie testified and he made notes that it will all be aimed down for light pollution.

Mr. Mianecki testified so you just want a completeness waiver for landscaping.

Mr. Boorady stated okay so we will call that a partial waiver from showing landscaping and lighting will be shown.

Item 6.AA refers to the comments back on the standard development application. I think some of the setbacks maybe weren't going to the right property line or something like that. I can't remember.

Mr. Mianecki testified okay.

Mr. Boorady stated we won't call that a waiver I think you'll have that fixed.

Mr. Mianecki testified I know I kept the interpretation of the front, side and rear yards consistent with what was approved under the Bell's Lilly Pond application.

Mr. Boorady stated okay.

Mr. Mianecki testified that predates you it goes back to Maiella.

Mr. Boorady stated yeah it goes back awhile. It is kind of like a flag lot right?

Mr. Mianecki testified yeah.

Mr. Boorady stated okay just double check that.

Mr. Mianecki testified I will.

Mr. Boorady stated so 6.BB the construction details. I don't have an objection to putting in sanitary pump details on at a later date as a condition of approval. I think those were the only construction details they are going to have to pump the sewer up to the sanitary line, so they are going to need a pump station so that can come later.

Mr. Mianecki testified there is plenty of room to put it on the property. We show the location of the pump area, a line going up to the road but we just don't have the exact details of the pit and pump size.

Mr. Boorady stated right but you will have to provide that as a condition of approval.

Mr. Miannecki testified absolutely.

Mr. Boorady stated okay so that is a partial waiver and everything else is shown except for the sanitary pump station details.

Mr. Miannecki asked Tom because of the amount of rock on the property, can we shift the tank if I show it on the plan 10 feet either way.

Mr. Boorady stated as long as there is room within your property.

Mr. Miannecki testified oh yeah definitely.

Mr. Boorady stated Item 6.FF, again as long as that information is shown within the subject property I don't think we need it shown within two hundred feet; and that information is right-of-way widths, improvements, watercourse, railroad, bridges, culverts and drainage pipes and rock outcroppings. As long as that is shown within the frontage of the property, I won't have an objection to a partial waiver for not showing it beyond the subject property, so that's a partial waiver.

Chairman Byrne asked that is 6.FF.

Mr. Boorady stated yes 6.FF.

Then 6.II that is a pretty easy thing for you to do, the delineation of the areas to be seeded and planted. I don't think you need a waiver from that.

Mr. Miannecki testified no I think it is on the soil erosion and sedimentation plan.

Mr. Boorady stated okay. If it is there, just call it out.

Mr. Miannecki testified yeah.

Mr. Boorady stated Item 7 I don't think we have a calculation confirming the seepage pits or size.

Mr. Miannecki testified yeah I didn't show seepage pits and there is no point discussing it here. I wanted to route the water to the pond and use the pond as a storage facility instead of putting dry wells in because of the depth of the rock.

Mr. Boorady stated okay. Is the pond always overflowing?

Mr. Miannecki testified you get a trickle out of it.

Mr. Yennie testified there is a spillway but right now the water is below it.

Mr. Boorady asked is there freeboards at the spillway.

Mr. Yennie asked freeboards meaning they could come up.

Mr. Boorady asked is there storage in the pond or is it always overflowing.

Mr. Yennie testified it depends on the time of the year and how much rain we have.

Mr. Boorady stated yeah.

Mr. Miannecki testified maybe you and I can talk about it, either way I will provide whatever you want.

Mr. Boorady stated yeah I don't necessarily have an objection to that, I just don't know if there is enough storage in the pond at certain times of the year. Is there more water flowing downstream I guess close towards Elefante?

Mr. Miannecki testified maybe we can raise the pipe.

Mr. Boorady stated yeah but there are times when that water is coming out of the pipes.

Chairman Byrne stated maybe you can raise the gate.

Mr. Mianecky testified maybe we can raise the gate up and put a board in to increase the capacity of the pond.

Mr. Boorady stated I don't know what that means as far as --

Mr. Mianecky asked all right is that something you and I can work on and maybe we can look at the site.

Mr. Boorady stated I don't know if that is so easy to put a board up, you know storing all that additional water could cause more harm than good should it over top.

Mr. Mianecky testified the problem in the driveway is it's like 800 feet long and to capture the water, right now the driveway is completely leaning everywhere towards the pond.

Mr. Yennie testified right now the entire property drains to the pond because of all the rock there.

Mr. Mianecky testified I mean literally you go down 2 or 3 feet you are into rock.

Mr. Boorady stated even if there was some way you can attenuate it before it gets to the pond within reason.

Mr. Mianecky testified okay. Maybe we can create some, you and I can work that out.

Mr. Boorady stated yeah we can.

Mr. Mianecky testified I will give you construction details for it.

Mr. Boorady asked I mean is this going to be worked out before the public hearing.

Mr. Mianecky testified yeah. I mean I'm not going to come to the public hearing without having stormwater management worked out that you are not happy with that would be ridiculous.

Mr. Boorady stated all right.

Mr. Mianecky testified how can they vote on it?

Mr. Boorady stated I just didn't know if you wanted a checklist waiver from it, or if you want to provide it before the public meeting that's all because this is really a waiver hearing. So do you want to figure it out before the public hearing?

Mr. Mianecky testified I think I would rather have it figured out before the public hearing.

Mr. Boorady stated okay so no waiver for Item 7.

Mr. Mianecky testified I can't see how we can ask for a waiver for Item #7.

Mr. Boorady stated okay.

Mr. Mianecky testified because if we have neighbors that come, if Elefante comes, I can't sit here and say we don't have it worked out unless we have it worked out.

Mr. Boorady stated I've been down on Pine Brook Road and I know there are some drainage issues and we've looked up the hill and said well that pond is overflowing so it didn't help the situation.

Mr. Mianecky testified okay.

Mr. Boorady stated I have to ask for something.

Mr. Alexander mentioned it sounds like he should be prepared to present some type of solution.

Mr. Miannecki testified right. Unless Mr. Boorady isn't happy with what I designed and had the opportunity to review the details of it, you know if the neighbor from down below comes to the hearing, we are only going to get jammed up and it is going to be like coming back to another meeting and it's a waste of time and money for my client.

Chairman Byrne stated yeah.

Ms. Ward asked didn't that overflow a couple of times on Elefante's property.

Mr. Miannecki testified I don't know. Mr. Elefante did a whole bunch of channelization on his property so I guess he's had a lot of water coming off the mountain over the years.

Mr. Zapf mentioned I spent my whole life on that hill. As a kid we were up there by the pond and everything else, and it flowed the other way towards Mountain Heights Avenue and down that side as well. Is it really kind of situated now where it only goes towards the Pine Brook Road side?

Mr. Miannecki testified yes.

Mr. Zapf stated okay.

Mr. Yennie testified there is like 60 feet of elevation from Mountain Heights Avenue to the water level.

Mr. Zapf stated okay then it is probably a different pond than this one when I was a kid. There was an old house structure up there with all kinds of stuff.

Chairman Byrne stated there was like a root cellar or something.

Mr. Zapf stated there was a two-story house that was still standing.

Mr. Miannecki testified there was a root cellar.

Chairman Byrne stated right by the pond there was a root cellar or something.

Mr. Miannecki testified there was.

Chairman Byrne stated I know that property.

Mr. Zapf stated as long as there isn't any impact on Elefante's side, the nursing home, and all that stuff because there are lots of houses on the other side, so if it is not impacting them I withdraw my question.

Mr. Miannecki testified okay so we will provide.

Mr. Boorady stated yeah.

Mr. Miannecki asked you are in agreement right.

Mr. Boorady stated yeah I don't know anything about the pond, so there is no pond details but you are going to provide us with all that that's fine.

Mr. Miannecki testified I will take some photos if that will help.

Mr. Boorady stated okay.

Mr. Miannecki testified and I will come up with some kind of drainage.

Mr. Boorady stated as long as the geese aren't there I will show up.

Mr. Mianecki testified they were friendly to me.

Mr. Yennie testified I have one he's defensive.

Chairman Byrne asked how big is the pond. Do you have all the measurements for that?

Mr. Yennie testified the pond is 1.3 acres.

Chairman Byrne stated all right so you'll give him all of that.

Mr. Mianecki testified it is big. The distance from like where the water surface is to the rim I would say it is about 2 feet.

Mr. Yennie testified it is more about 4 almost.

Mr. Mianecki testified well yeah but at the lowest spot, some areas it is higher but generally it is like 2 feet.

Chairman Byrne stated if you want to use it and you have the calculations and he approves it, I think that is a great idea.

Mr. Mianecki testified there is a lot of storage in the pond.

Mr. Zapf stated we'll have a diagram of the property layout so we can situate ourselves.

Mr. Mianecki testified absolutely.

Mr. Boorady stated Item 11 is the exterior finishes.

Mr. Mianecki testified which we will provide.

Mr. Boorady asked are you going to bring a sample board.

Mr. Mianecki testified the samples will be specced out on the plans.

Mr. Boorady stated okay on the plans. So it is a waiver from providing samples but they will show the details on the plans, so I don't have any objection to that.

Mr. Yennie asked does it have to state the color or just vinyl siding and cultured stone.

Mr. Boorady asked is that all right.

Chairman Byrne stated that is fine with me.

Mr. Zapf stated a description is fine.

Mr. Boorady stated so just to sum up the waivers; it will be partial for Items 6.M, a partial for 6.X & Y, a partial for 6.BB (the sewer pump station will be shown later subject to approval, so it is really just a checklist waiver), a partial 6.FF, no waiver from Item 7; 6.II no waiver, and a waiver from Item 11 because they will show your architectural details on the plan.

Mr. Mianecki testified correct.

Mr. Boorady stated that's what I have. Is that what you have?

Mr. Mianecki testified that's what I have.

Chairman Byrne stated that's what I have. Tom, on 6.J it says refer to Item 1 so what exactly in Item 1 are you referring to?

Mr. Boorady stated it is zoning table information there were some corrections that needed to be made.

Chairman Byrne stated all right.

Mr. Mianecki asked is that a conflict between the application and my plan.

Mr. Boorady stated it could be.

Mr. Mianecki testified I'll check it.

Mr. Boorady stated yeah just make sure the application form and the plan match, but also check some of the numbers. Maybe it has to do with the flag lot, I'm not sure if I was looking at certain yards in the backyard or side yard.

Mr. Mianecki testified all right.

Mr. Boorady stated in some municipalities the front line of the flag lot after you leave the stem is a front yard but I don't think Lincoln Park's ordinance reads that way.

Mr. Mianecki testified right.

Mr. Boorady stated you know there really isn't any front yard on a flag lot.

Mr. Mianecki testified right.

Mr. Boorady stated just check that. I don't think you need any setback variances right?

Mr. Mianecki testified no.

Mr. Yennie testified we are a couple of hundred feet off every side.

Mr. Boorady stated yeah.

Mr. Mianecki testified every property line we are a couple of hundred feet off the line.

Mr. Boorady stated okay.

Chairman Byrne asked on the older application I know there was a large discussion about fire trucks getting back on the driveway, so I don't know if the driveway is reoriented or how that is.

Mr. Mianecki testified the driveway was the same as what was approved under Doug's Lilly Pond application. We can send the plan to the Police and Fire Department for review.

Ms. Ward mentioned Joe Fede and Sal can review it.

Chairman Byrne stated I remember that being part of the other application.

Mr. Zapf stated I remember the garage was an issue and was taken off.

Mr. Boorady mentioned Joe knowing that that's a question is that something that you can be prepared to talk about at least at the public hearing that you either have the turning radius or you don't.

Mr. Mianecki testified yes I think we should send it to the Police and Fire Department and let them look at it.

Mr. Boorady stated getting there is one thing but turning around and getting out is another thing without having to back out on an S curve.

Mr. Mianecki testified we can create an area down below right immediately at the bottom of the driveway for a fire truck to be able to do a K-turn.

Mr. Boorady stated normally it would be 10 x 35 turnaround.

Mr. Mianecky testified we can accommodate that easily.

Mr. Boorady stated you are going to revise the plans any way so just note that.

Mr. Mianecky testified okay.

Mr. Boorady stated and speak to whether the turning radius can accommodate a certain size.

Chairman Byrne stated I think it was resolved in the other application but I don't remember what the details were.

Mr. Mianecky testified this house is farther back than the original application.

Chairman Byrne stated I think it was the first turn.

Mr. Mianecky testified Doug had it right at the bottom of the hill the house and garage. This one is around the east side of the pond, southeast.

Chairman Byrne stated all right.

Ms. Ward asked for a couple extra sets of plans so they can be sent to the police, fire and First Aid Squad.

Mr. Mianecky testified yes.

Mr. Zapf stated the new ambulance I noticed they are having fun learning how to drive it because it is so much bigger than the old one.

Chairman Byrne stated I think we've heard enough, does anyone have any questions or comments on the Board? Okay. Do you want to --

Mr. Zapf stated I'll make the motion, now how do we verbalized this that the items mentioned 6.M, 6.X & Y, 6.BB, 6.FF are conditional?

Chairman Byrne stated 11.

Ms. Ward mentioned Tom will mark the checklist, the waivers/partial waivers.

Mr. Zapf stated okay good. 6.II, 7 and then 11 we were not granting the waivers.

Chairman Byrne stated 11.

Mr. Zapf asked we are for 11.

Chairman Byrne stated yes. So you are just going to put it on the plans the description right?

Mr. Mianecky asked the location of the areas to be seeded.

Chairman Byrne stated no.

Mr. Zapf stated not for providing the materials.

Mr. Mianecky stated okay.

Mr. Zapf stated I'll make the motion if you can figure out how to verbalize it.

Mr. Alexander stated the motion is based on how Tom summarized the waivers and partial waivers and the testimony that we expect to receive.

Mr. Zapf stated good enough.

Mr. Boorady mentioned I stated them on the record.

Mr. Mianecky asked you are going to give us the marked up checklist right.

Ms. Ward stated yes.

Chairman Byrne mentioned we have a motion and is there a second anyone?

Mr. Dubowsky seconds.

Roll call:

Yes: Zapf, Dubowsky, Byrne, Erickson, Kubisky, Wolfson and Zalewski (Alt. #1)

No: None

Abstain: None

Mr. Mianecky thanked everyone.

Mr. Yennie thanked everyone too.

Chairman Byrne stated good luck.

So Item 3 on the agenda is Variance Application 2018-06 and Grading Permit Application #G18-2 by Michal Makarewicz and Marta M. Zajkowski.

Mr. Mianecky stated he is here now and has his things but it is not notarized Joan.

Chairman Byrne stated so we are going to have to carry that until next month.

Ms. Ward stated we need it notarized and I have to check it.

Mr. Zapf asked for sake of expedience Craig, but is that a conflict of interest if I notarize his signature. I can run home and get my stamp.

Mr. Boorady mentioned Joan is a notary too.

Ms. Ward stated no I'm not.

Chairman Byrne stated it is too late.

Mr. Schepis offered to notarize it. I just have to see a picture ID.

Chairman Byrne stated if you guys want to do that it doesn't bother me.

Ms. Ward stated I still have to check the service.

Mr. Mianecky stated have Marta notarize it and give it to Joan so she can check it, and then you'll be on for next month. You don't have to renotece.

Ms. Ward stated no it is going to be carried, make your statement on the record.

Chairman Byrne stated so Variance Application #2018-06 and Grading Permit Application #G18-2 by Michael Makarewicz and Marta Zajkowski, on property known as Block 71, Lot 42 on the municipal tax map also known as 26 Pocahontas Path, we will carry that until the next meeting which is August 13th, 2019. There will be no further notice given.

Mr. Mianecky thanked the Board.

Mr. Makarewicz thanked everyone.

Chairman Byrne stated Item 4 is waiver request by Steve C. Schepis with reference to Preliminary & Final Major Site Plan #370, Variance Application #2019-01 (use/bulk) and Flood Plain Encroachment Application #FPE 19-01 by Joseph and Barbara Fede, on property known as Block 5, Lot 16.01 on the municipal tax map also known as 12 Troy Lane.

Mr. Schepis stated there is an application in administrative review and we are hopeful to being deemed complete with the requested waivers. I am representing Mr. & Mrs. Fede with regard to a use variance and a site plan application for property at 12 Troy Lane. We have the memo that was provided under Joan's cover of February 5th, 2019. The reason for the delay is just to let you know we have been in contact with the DEP. There was a pre-app meeting and the property is located in a flood hazard area so we've gotten some favorable feedback from the department, so it seems what we are intending on presenting to you is approvable by the department so that is why we haven't been here since February.

So now that we have that input we'd like to proceed with some completeness waiver requests and then submit some additional documentation and samples, and then hopefully get deemed complete shortly and then come before you at a public hearing.

Mr. Alexander swore in Mr. Fede. Mr. Miannecki you are sworn in already.

Mr. Miannecki testified yes. Tom there is no memo in here from you.

Mr. Boorady stated I never did a completeness memo.

Mr. Miannecki testified okay so you didn't.

Mr. Boorady stated I didn't want to spend escrow money on a long winded letter because there is some question about the application you know because it will be a watchman's residence correct? You know that was part of the ordinance that I didn't even know existed but apparently that is allowed in that zone.

Mr. Miannecki testified right.

Mr. Boorady stated and then there was some question about substantial improvement in the flood hazard area and whether you were going to obtain permits which I guess now you have favorable feedback.

Mr. Miannecki testified yes.

Mr. Boorady stated so when we heard you had favorable feedback from the DEP there really wasn't enough time in between the end of June and today for me to write a letter 10 days before the meeting. So I didn't write a letter but the checklists from February 5th, 2019, I don't want to go through every checklist because there is preliminary and final site plan checklists, plus there is a floodplain checklist, but I think if we use the floodplain checklist that includes all the items even though the item numbers maybe a little different. I think the floodplain checklist covers everything that will be on the preliminary and final checklists. If that is okay with the Board, I would just use the one checklist.

Chairman Byrne stated that's okay.

Mr. Schepis stated simpler is better.

Mr. Miannecki testified either way we will work it out.

Mr. Schepis stated page 74 that's the checklist?

Mr. Boorady stated so again we are just here for completeness waivers correct?

Mr. Schepis stated yes.

Mr. Boorady asked do you guys want to go ahead I circled the items.

Mr. Mianecki testified Items 3, 4 and 5 relate to either wetlands/flood hazard area. Mr. Schepis pointed out, Joe Fede and I went down to Trenton and met with the section manager for Morris County and we got a favorable result. Basically it is not a problem with the indoor storage and parking of construction equipment as long as that portion of the building is flood vented. We are going to be converting the front office area which is now office into a breakroom that will consist of lockers and a desk so the DEP didn't have any problem with that.

The residence was the one thing that I was concerned about because we couldn't demonstrate unencumbered access for the residential use in the floodplain. The department took a position that it was no more than two units, a duplex. Essentially Mr. Fede would be able to put up two units up there and still comply with the flood hazard area regulation.

Mr. Boorady asked two units or one unit.

Mr. Mianecki testified two, a duplex.

Mr. Schepis stated we are only proposing one.

Mr. Mianecki testified we are only proposing one but the DEP said we could have up to two.

Mr. Boorady stated okay.

Mr. Mianecki testified without having to worry about unencumbered access.

Mr. Boorady stated because of the zone you are only allowed one.

Mr. Mianecki testified correct.

Mr. Boorady stated because it is a really a watchman's --

Mr. Mianecki testified caretaker.

Mr. Boorady stated right.

Mr. Mianecki testified with regard to the wetlands, we met with Chris Squazzo, I guess he is the manager now for Morris County and he indicated that we would apply for a footprint of disturbance (LOI), and we would also have to apply for a special activity transition area waiver for a redevelopment of a previously disturbed area, being that there is a concrete pad out there which was going to be basically the new floor of the new garage.

Mr. Fede testified behind.

Mr. Mianecki testified behind the garage. So being we are going to be excavating two feet around to create the block wall and foundation, we need a redevelopment permit because it is already gravel or stone, or asphalt and concrete to begin with. The department would prefer to do it post-Lincoln Park approvals so they would like to know that Lincoln Park is on board with this prior to us submitting a formal application to them.

Mr. Schepis stated so we would ask for a waiver of Items 3, 4 and 5.

Mr. Boorady stated I don't think you can have a waiver from 3.

Mr. Schepis stated oh I'm sorry.

Mr. Boorady stated I'm just saying that 3 is the Borough's Stormwater Ordinance so will you be able to produce at least enough information to show compliance with our ordinance?

Mr. Schepis stated you know that's a good question. So Joe why don't you tell us what is proposed in the building and how it relates to the Borough's ordinance and whether we would need a variance from their design regulations, or design exception from their design standard.

We are not elevating the floor of the garage above the base flood elevation.

Mr. Mianecki testified right and the base flood elevation right now is 180 for that area.

Mr. Boorady asked you'll be taken out of the 100 year eventually.

Mr. Mianecki testified under the preliminary maps the building will be out of the flood hazard area.

Mr. Boorady asked the 100 year and the DEP or just the --

Mr. Mianecki testified I believe both because the flood elevation is going down like about 3 or 4 feet.

Mr. Boorady asked what is simpler from a DEP permit standpoint to go in for an IFP, or just to go in for a method six verification to take yourself out.

Mr. Mianecki testified well we can't go for a method six verification because the map hasn't been adopted yet. Oh you mean a method six is a calculation I believe?

Mr. Boorady mentioned well the method six you basically present FEMA's new study and say, hey here is FEMA's new study from 2015/2017 accept this. Actually Lincoln Park's flood consultant is doing that right now so you may be taken out by the work that is being done by Lincoln Park which is happening within weeks or months.

Mr. Mianecki testified okay so I was not aware of that.

Mr. Boorady stated many people on this Board probably don't know this, but the Planning Board knows this because of the Meridia project on the Wexford site which is right across the tracks from you.

Mr. Mianecki testified he is on the other side of the tracks.

Mr. Boorady stated yeah but it is all part of the flood study.

Mr. Mianecki testified right.

Mr. Boorady stated Lincoln Park's flood consultant, Mr. Agnoli, is actually applying to FEMA for a letter of map revision, a LOMA that will take the downtown area, including Mr. Fede's property out of the flood hazard area altogether.

Mr. Mianecki testified beautiful.

Mr. Boorady stated so you may not even need the permits from Lincoln Park, and then from the DEP's standpoint you may be able to take that work that was done and present it to the DEP and say, look we have a LOMA and we don't even need the permit.

Mr. Mianecki asked so how long if they do get a LOMA, how long will it take the Borough to adopt that map.

Mr. Boorady stated well Lincoln Park is going to do it lickety-split but I don't know how long it will take.

Mr. Mianecki testified they will do it quick.

Mr. Boorady stated Lincoln Park actually hired Nick Agnoli to do it.

Mr. Mianecki testified so that could take anywhere from 5 years.

Mr. Boorady stated well there is a lot of pressure from the judge to create affordable housing so Lincoln Park has been charged with diligently pursuing these approvals.

Mr. Mianecki testified okay.

Mr. Boorady stated so that is only going to benefit everybody from the airport down actually.

Mr. Mianecky testified right.

Mr. Boorady stated so that study starts with the airport so the airport is going to be corrected because we all know that area is not correct.

Mr. Mianecky testified right.

Mr. Boorady stated with the elevations and then everything downstream of there. So what Lincoln Park is doing is taking the preliminary maps and presenting it to FEMA and saying give us a letter of map revision based on the effective maps.

Mr. Mianecky asked FEMA is going to go along with that. I can't see how they can do it.

Mr. Boorady stated that is what's happening.

Mr. Mianecky testified okay I'll love it if they do it that will take care of flood compliance.

Mr. Boorady stated getting back to this, you know what you don't want to sit around waiting forever.

Mr. Mianecky testified no we don't.

Mr. Boorady stated so you are going to have to figure out on Item #3 whether you need a variance or not.

Mr. Schepis stated I think we are going to need a variance because the finished floor of the garage is not going to be one foot above 181 MSL and I doubt that that change is going to take affect between now and the next time we come back which will be within weeks, so we are going to have to ask for a variance and identify those variances. Joe will identify those and then we'll put that on the list of required relief. So I guess what it comes down to is we will comply with Item 3 by showing you either compliance or we are going to ask for deviations.

Mr. Boorady stated okay.

Mr. Schepis stated so I guess we can withdraw the request for 3 because we will either show compliance or request a variance.

Mr. Mianecky asked did Meridia ask for variances for their project.

Mr. Boorady stated so their approval was subject upon them getting the LOMA and getting DEP to agree to it. If they get taken out of the flood hazard area, then they won't need any fill or variances they will be out, and then Lincoln Park won't have to give them the variances. So their approval is basically in limbo right now, in purgatory if you will, until they get FEMA and DEP approval. If FEMA and DEP don't agree on what Nick Agnoli is doing, then that project has to come back and they have to ask for variances and buy fill credits. You know the rules it's all a can of worms.

Mr. Mianecky testified wow! Our project will not require fill credits either way. We are going to be wet flood proofing the garage, so from that standpoint we will have a floor that will be below the BFE so it will be wet flood proofed.

Mr. Boorady stated okay.

Mr. Fede testified our floor is existing now.

Mr. Mianecky testified right existing.

Mr. Boorady stated so for Items 4 and 5 normally there is some sort of a report that maybe you can prepare and I know an EIS is part of the requirement. So since you have favorable reaction from NJDEP, both the flood hazard and wetlands, can you prepare at least something for 4 and

5 that summarizes it?

Mr. Mianecki asked like a letter.

Mr. Boorady stated yeah what permits you are going to need and the fact that you have a reasonable degree of certainty that you will obtain those permits based upon your meeting with DEP.

Mr. Mianecki testified that's fine. I can also give you a statement regarding #3 too.

Mr. Boorady stated right and you can call it an EIS and then satisfy the EIS requirement.

Mr. Mianecki testified that's fine.

Mr. Boorady stated that's later on on the checklist, I jumped the gun on that one.

Mr. Schepis stated but we'll still need a technical waiver for 4 and 5 because we are not presenting the permits.

Mr. Boorady stated right. So that is a checklist waiver only for 4 and 5 and they will still have to satisfy subject to any approval.

Mr. Schepis stated sure.

Mr. Boorady stated I think the rest of the checklist will go a little smoother, the flood hazard stuff is always a lot of fun to talk about.

Mr. Schepis stated the top of 75 Item H we will supply the survey.

Item M we are looking for partial waivers. We've shown the utilities that are located immediately in front of the property, an expansion to the rear of the building, so I don't believe we are going to have any impact on the utility infrastructure. So we ask that you accept what we show on the survey and the site plan as being sufficient in order to satisfy the need to know what utilities are out there, so that is a partial waiver on M and N as well.

Mr. Boorady so you will show whatever is on the property within the frontage right?

Mr. Schepis asked Joe, you already have that don't you.

Mr. Mianecki testified yes we do.

Mr. Boorady stated so it is a partial.

Mr. Schepis stated on page 76, Joe why don't you take those because those are all technical items on your plans; S, T, U.

Chairman Byrne stated sorry, so M and N are both partial waivers.

Mr. Mianecki testified yes.

Mr. Schepis stated we are showing what is in front of the property and then on the property.

Chairman Byrne stated on the list it said waiver next to N it didn't say partial, however I get it.

Mr. Schepis stated all on site and off site to the extent.

Mr. Mianecki testified S I have Tom, the DEP flood hazard area elevation, the elevation hundred year flood.

Mr. Boorady stated okay. Normally there is a snapshot of the flood map.

Mr. Mianecki testified oh you want a copy of the flood map on it.

Mr. Boorady stated usually it is on the plan or included it in your EIS report, however, you want to explain all of it.

Mr. Miannecki testified all right.

Mr. Boorady stated but you should at least note it on the plan. If you already did, then --

Mr. Miannecki testified it is referenced on the plan.

Mr. Boorady stated I see it. Now I see it okay.

Mr. Miannecki asked is that all right.

Mr. Boorady stated yeah. You are probably going to mentioned it in the EIS.

Mr. Miannecki testified yes.

Mr. Boorady stated yeah okay.

Mr. Miannecki testified so that will be provided.

Chairman Byrne stated so S is not a waiver.

Mr. Miannecki testified a lot of towns now are only requiring me to show the preliminary maps. I'm doing a lot of jobs in Bergen County and all they want to know is they don't want to see the affect, it is called pending now in Bergen County.

Mr. Boorady stated yeah it is not here yet. It is going to be a long time from what I'm understanding because of the scientific review that is going on.

Mr. Miannecki testified oh.

Mr. Boorady stated long story short, I just spoke to Damian Friebel who is Vince's right hand guy and they are still at DEP using the worst case scenario, either the effective or the preliminary. I just submitted two applications and they held me to the effective one which was worse. I think you still need to show both all right.

Mr. Miannecki testified okay.

Chairman Byrne asked so Tom, S is a waiver request.

Mr. Boorady stated no he is going to show it. He will show S there is no waiver on that.

Chairman Byrne stated all right.

Mr. Boorady stated then T is the LOI.

Mr. Schepis stated that would be a waiver.

Mr. Miannecki testified T --

Mr. Boorady asked you don't have the LOI yet.

Mr. Miannecki stated we don't have an LOI we are going to do a footprint of disturbance LOI.

Mr. Boorady stated okay.

Mr. Miannecki testified so it is going to be limited basically to the garage and two feet all the way around.

Mr. Boorady stated okay so that is a checklist waiver then.

Mr. Mianeck testified a checklist waiver yeah.

Mr. Boorady stated so T is still required as subject to approval as a checklist waiver.

Mr. Mianeck testified U will also be a waiver request.

Mr. Boorady stated and U yes.

Mr. Mianeck testified X we don't show the existing because I believe all the existing is being removed.

Chairman Byrne stated I'm sorry, I feel like I missed U. Did you mentioned U?

Mr. Boorady stated that is also a checklist waiver similar to the LOI right?

Chairman Byrne stated so S, T, U are all checklist waivers.

Mr. Boorady stated no S is not.

Chairman Byrne mentioned no, sorry right.

Mr. Boorady stated S they are providing, T and U are checklist waivers and they will have to comply subject to approval.

Chairman Byrne stated all right now we are on X.

Mr. Boorady asked there is only lighting on the building.

Mr. Mianeck testified yes.

Mr. Boorady asked so is all that going to be removed.

Mr. Mianeck asked Joe, you are going to have all new lighting.

Mr. Fede testified yes.

Mr. Mianeck testified all new lighting.

Mr. Boorady stated so then there is a waiver from showing the existing with the understanding that it is going to be removed.

Mr. Mianeck testified yes. Under Z we will provide the survey.

Mr. Boorady stated and you are showing proposed lighting right? I think you are.

Mr. Mianeck testified I show all new lighting around the building. There is no lighting being proposed outback in the outdoor storage area.

Mr. Boorady stated okay. Then Z you are going to provide the survey.

Mr. Mianeck testified yes.

Mr. Boorady stated FF I believe that's a --

Mr. Mianeck testified we are asking for waivers on that stuff.

Mr. Boorady stated I think it is really a partial because you are showing anything that is within the property in the front.

Mr. Mianeck testified yes.

Mr. Boorady stated so that is a partial waiver.

Mr. Mianecki testified yes.

Mr. Boorady mentioned stormwater #7 right?

Mr. Mianecki testified yeah we don't have an increase in impervious coverage.

Mr. Boorady stated okay.

Mr. Mianecki testified I'm pretty sure we don't.

Mr. Boorady asked about the leaders.

Mr. Mianecki asked where do they go now.

Mr. Fede testified they just discharge on the property. There is really only one right now.

Mr. Mianecki asked where is it going now. Everything is going to the back.

Mr. Fede testified yeah flows to the back, the one is on the back corner now.

Mr. Mianecki testified we are going to do like splash pads and let it run.

Mr. Boorady asked but aren't you going out.

Mr. Mianecki testified we are going over the top of the concrete pad. See the existing concrete pad there all we are doing is going on top of that. Let me see if we are increasing the impervious coverage, I don't remember, 69.4 and 69.4 no we are not increasing the imperious coverage, so we aren't going to do stormwater management other than like splash boxes or stuff like that.

Mr. Boorady stated the right side of the building according to the contours it is kind of pitched towards the neighbor.

Mr. Mianecki testified yes it is.

Mr. Boorady asked I'm just wondering if there is something that could be at least done with the roof water to at least keep it on your property.

Mr. Mianecki testified I'll look into it.

Mr. Boorady stated we are not necessarily asking you to do a stormwater management plan but at least if we can take care of the nuisance runoff and not sending anymore towards the neighbor, towards the road actually.

Mr. Mianecki testified I'll look at it.

Mr. Boorady stated I guess it wants to flow towards Beaver Dam Brook.

Mr. Mianecki testified it wants to go to the back.

Mr. Fede testified it flows to the back to the brook.

Mr. Boorady stated if you can just show a leader plan that directs everything to the back and doesn't bother roads or neighbors.

Mr. Fede testified there is no catch basins on that street anyhow there is nothing.

Mr. Boorady stated I still don't want water --

Mr. Fede testified oh yeah I'm just saying there is nothing on the street.

Mr. Boorady stated we are going to be paving soon.

Mr. Fede testified hopefully.

Mr. Boorady stated all right so you are going to provide something on stormwater management.

Mr. Mianecky testified yes. We can't adversely affect the neighbor so we'll do whatever makes you happy.

Mr. Boorady stated okay. Next is #11.

Mr. Schepis stated I have them here because I know how much Joan loves samples.

Ms. Ward mentioned little ones.

Mr. Fede testified I got you miniatures.

Mr. Boorady asked so that is complete now with the samples.

Mr. Schepis stated that's it.

Mr. Mianecky testified party plank that is pretty fancy.

Mr. Boorady stated all right just to sum up so everybody is on the same page, we are starting on page 74, Item 3 you will do. Items 4 and 5 are completeness waivers with the condition that they will provide some sort of EIS report to explain what permits are needed for wetlands and flood.

Mr. Mianecky testified those will also be added to the cover sheet on the plans.

Mr. Boorady stated yeah. Item #H you will provide the survey. Items M and N are partial waivers; Item S you'll provide; Item T and U are checklist waivers only and they will have to provide that subject to approval; Item X is a waiver, all the existing lighting will be removed; Item Z they will provide a survey so there is no waiver; Item FF is a partial waiver; Item 7 they will provide; and Item 11 is satisfied as of tonight so there is no waiver needed for Item 11. Is everybody on the same page as that?

Mr. Schepis stated we just ask that the corresponding checklist items for the other checklists; general, variance, preliminary and final major site plan that those waivers carry through because they are identical.

Chairman Byrne stated no problem. All right anything else?

Mr. Boorady stated so on the checklist for final major site plan and preliminary there is an Item #15, there is a requirement for an EIS for any project in the flood hazard area so I think they are going to provide that as well. There is no waiver from preliminary and final site plan checklist for just the environmental impact study which will be part of that.

Mr. Mianecky testified like a mini-impact study.

Mr. Boorady stated yeah it is like a mini-environmental impact and I don't think they need a waiver from the EIS if that helps they are going to provide.

Chairman Byrne stated okay. What checklist is that on?

Mr. Boorady stated that is the waiver on the final. Yeah basically 5 is the final.

Chairman Byrne asked anything else to add.

Mr. Schepis stated I think that covers it.

Chairman Byrne asked Tom are you good.

Mr. Boorady stated initially I had circled Item #4 under use variance, but I don't think you need that anymore because the watchman/caretaker's unit is approved in that zone and I wasn't

aware of that little piece of the code, so I would say that Item 4 under the variance checklist is not applicable that I had previously circled. That is it I just wanted to be thorough.

Chairman Byrne asked are you sure Columbo.

Mr. Boorady stated this is since February so I can't remember everything.

Mr. Mianeki testified it has been a while.

Chairman Byrne asked does anyone from the Board have any questions/comments. No? Does someone want to make a motion to approve as stated by Tom?

Mr. Zapf stated I will make the motion to approve as stated by Tom in going down the floodplain encroachment checklist and the items as noted.

Mr. Erickson seconds.

Roll call:

Yes: Zapf, Erickson, Byrne, Dubowsky, Kubisky, Wolfson and Zalewski (Alt. #1)

No: None

Abstain: None

Mr. Schepis stated thank you it was nice seeing you again.

Chairman Byrne asked is there any other business that we have to bring up.

Ms. Ward mentioned I just want to let everyone know, Bruce has been elevated to a regular member and Stephen to alternate 1. We have a vacancy for alternate 2.

Chairman Byrne stated we need a motion to close the meeting.

Mr. Zapf moved to close the meeting.

Mr. Erickson seconds.

Meeting adjourned 8:08 P.M.

Respectfully submitted:

Joan Ward, Secretary

Patrick Byrne, Chairman