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**PLANNING BOARD
REGULAR MEETING MINUTES
FEBRUARY 23, 2022 - 7:30 P.M.**

- 1. **CALL MEETING TO ORDER/SUNSHINE STATEMENT** – Planning Board Chair called the meeting to order at 7:30pm and read the Sunshine Statement:

“This meeting is being held in accordance with the Open Public Meetings Act, also known as the Sunshine Law, N.J.S.A. 10:4-6. Notice of the meeting was sent to the Daily Record and the Citizen on January 13, 2022 and published on January 19, 2022. Notice was also posted on the Bulletin Board of the Municipal Building and on the Town of Boonton website.”

- 2. **PLEDGE OF ALLEGIANCE** – Planning Board Chair led those in attendance in the Pledge of Allegiance to the Flag.

- 3. **ROLL CALL** – Planning Board Clerk conducted Roll Call:

NAME	PRESENT	ABSENT	EXCUSED
Ms. DeVenezia	X		
Mayor Corcoran	X		
Mr. Brewer	X		
Mr. Khokhar	X		
Mr. Orlusky	X		
Mr. Phelps	X		
Mr. Schnitzler	X		
Mr. Venturini	X		
Mr. Weisman	X		
Mr. Wrobel	X		
Mr. Vasa	X		

The following were also present:

- Mr. Scott Carlson, Board Attorney
- Mr. Andrew Holt, Board Engineer
- Mr. Graham Petto, Board Planner

- 4. **APPOINTMENT OF PLANNING BOARD ATTORNEY**

- a. Resolution amending the appointment of the Planning Board Attorney

RESOLUTION FOR THE PLANNING BOARD ATTORNEY

WHEREAS, the Planning Board’s attorney, Scott. L. Carlson, has withdrawn from Weiner Law Group LLC and has relocated his legal practice to Carlson Law LLC; and

WHEREAS, in its 2022 Annual Resolution, The Planning Board indicated that Mr. Carlson was of the Weiner Law Group, which is no longer correct.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Town of Boonton amends the 2022 Annual Resolution to reflect that Scott L. Carlson is no longer of the Weiner Law Group and is now of Carlson Law LLC.

BE IT FURTHER RESOLVED that the Chairman and the Secretary of the Board are hereby authorized to affix their signatures to this Resolution.

A motion was made by Mr. Brewer to approve the resolution, which was seconded by Mr. Weisman.

NAME	YES	NO	ABSTAIN
Mr. Brewer	X		
Mr. Khokhar	X		
Mr. Orlusky	X		
Mr. Vasa	X		
Mr. Venturini	X		
Mr. Weisman	X		
Mr. Wrobel	X		
Ms. DeVenezia	X		
Mayor Corcoran	X		
Mr. Phelps	X		

The motion passed on a vote 9 YES, 0 NO.

5. PAYMENT OF THE BILLS

- a. The Planning Board Clerk announced that the bills are in order to be paid. A motion was made by Mr. Brewer, and seconded by Mr. Orlusky, to pay the bills as submitted. All were in favor, and the motion carried.

6. APPROVAL OF MINUTES

- a. Minutes of the regular Planning Board meeting of February 9, 2022 were accepted as presented.

7. CORRESPONDENCE

- a. No correspondence was received.

8. RESOLUTIONS

- a. **NON-CONDEMNATION RE-DEVELOPMENT AREA STUDY**
Plane Street – Block 34, Lot 1.01, 1.02

RESOLUTION RECOMMENDING THAT BLOCK 34, LOTS 1.01 AND 1.02 OF THE TAX MAP OF THE TOWN OF BOONTON BE DESIGNATED AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

BOARD APPROVAL: February 9, 2022
RESOLUTION: February 23, 2022

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land within the municipality constitute an area in need of redevelopment, as described in Section 5 of the Redevelopment Law; and

WHEREAS, the Township Council has directed the Town of Boonton Planning Board (the “Board”) to undertake a preliminary investigation pursuant to the Redevelopment Law to determine whether a certain parcel of property designated as Block 34, Lots 1.01 and 1.02 as shown on tax map of the Town of Boonton (the “Study Area”), constitutes a non-condemnation area in need of redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:2A-5; and

WHEREAS, the Board authorized the undertaking of an investigation into whether the Study Area, or any portion thereof, constitutes a non-condemnation area in need of redevelopment in accordance with the Redevelopment Law, and authorized its professional planners, Topology, to prepare a preliminary investigation report (the “Study”) of the Study Area; and

WHEREAS, Topology completed that study and a map identifying the area studied and placed them on file with the Board’s Clerk at least 10 days in advance of the public hearing on the matter; and

WHEREAS, the Board held a public hearing on the matter on February 9, 2022, and Chris Colley, P.P. from Topology presented the Study, reviewed the requirements of the Redevelopment Law, and provided his conclusions that the Block 34, Lot 1.01 satisfies criteria “a”, “b”, and “d” of the Redevelopment Law, and that Block 34, Lot 1.02 satisfies criteria “d” and “Section 3” (N.J.S.A. 40A:12A-3) of the Redevelopment Law; and

WHEREAS, members of the public were given an opportunity to be heard on the matter; and

WHEREAS, based upon the written report provided by Topology dated January 19, 2022, as well as Mr. Colley’s comments at hearing of February 9, 2022, the Board at that hearing voted unanimously to recommend to the Governing Body that the Study Area be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, this Resolution constitutes a memorialization of that action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Town of Boonton recommends to the Governing Body of the Town of Boonton that the property comprising the Study Area, as specifically identified in the Topology January 19, 2022 report, be designated a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law, for all the reasons set forth in that report.

BE IT FURTHER RESOLVED that the Chairman and the Secretary of the Board are hereby authorized to affix their signatures to this Resolution and the Secretary is authorized to transmit certified copies of this Resolution to the Township Council and the Township Zoning Office.

A motion was made by Mr. Brewer to approve the resolution, which was seconded by Mayor Corcoran.

NAME	YES	NO	ABSTAIN
Mr. Brewer	X		
Mr. Khokhar	X		
Mr. Orlusky	X		
Mr. Vasa	X		
Mr. Venturini	X		
Mr. Weisman	X		
Mr. Wrobel	X		
Ms. DeVenezia	X		
Mayor Corcoran	X		
Mr. Phelps	X		

The motion passed on a vote 9 YES, 0 NO.

9. PUBLIC HEARINGS

a. APPLICATION 2016-8 PARK WOODS ASSOCIATES, LLC Park Woods at the Boulevard Ely Place and Fanny Road – Block 113, Lot 10 Site Plan w/ Bulk Variances

The Planning Board Chair read a prepared statement, for the benefit of the public, regarding the history of the Park Woods application, the court order, and remand.

Mr. Bryan Plocker of Hutt & Shimanowitz introduced himself, stated his appreciation of the new members of the Board, and gave a brief introduction of the application including the history of the application and the rezoning of the parcel. Mr. Plocker asked the public if any attorneys were present, and Mr. Robert Simon come forward.

Mr. Simon introduced himself as a member from Herold Law and stated that he represented Ms. Hermann, who initiated and executed a settlement agreement with the applicant during Park Woods' initial hearings. Mr. Simon asked Mr. Plocker if the agreement would still be honored, to which Mr. Plocker, upon consent of the applicant, affirmed. The settlement agreement dated August 2017 was presented as exhibit R-1.

Mr. Plocker introduced Mr. Eric Keller, the engineer for the project. Mr. Carlson, the Board Attorney, stated that since Mr. Keller was already sworn in regarding this matter, that Mr. Keller could, for the benefit of the Board, simply affirm that his license is in good standing. Mr. Keller stated that his licenses are in good standing, and that he is the Vice President of Bowman Consulting Group. Mr. Keller presented exhibit R-2, a site plan, and R-3 a site plan rendering. Mr. Keller described the site as proposed. Mr. Keller stated that the applicant is requesting four (4) design waivers, as follows;

1. minimum parking setback to building, 10 feet are required, where 5 feet are requested, which was done in order to minimize the disturbance to steep slopes;
2. intersection of Road-A is not offset from a road intersection by 50 feet, arguing that it is not truly an intersection, but a "third leg" of Ely Road;
3. not proposing to include any sidewalks throughout the development, which is an RSIS de minimis exception due to the development being a small community;
4. ground signs, instead of installing a sign two to four feet above the ground, the applicant is proposing a sign to be mounted on a pillar.

Mr. Keller made the following comments:

- Presented exhibit R-4, a fire truck template, showing that a firetruck can enter, travel through, turn around in the cul-de-sac, and head out of the site.
- Presented exhibit R-5, a garbage template, showing that a garbage truck can enter, travel through, turn around in the cul-de-sac, and head out of the site.
- Stated that the townhomes will have garages, and garbage cans will be stored in garages.
- Mentioned that an enclosed area will accommodate outside garbage storage for the affordable units since they will not have garages.
- Showed on exhibit R-4 and R-5 how vehicular traffic and services can circulate appropriate through the site.
- Referred to exhibit R-3, specifically discussing how the retaining wall height is proposed to be 8-10 feet along the length of Fanny Road, to terminate around the southeast area of wall. Small sections of the wall will be 14-16 feet in height to preserve the buffer area of the corner property, as well as minimize disturbance of the steep slopes.

- Noted that scattered, smaller walls are proposed along the rear of buildings 1 and 4 that will be generally 5-6 feet in height. At the Northeast corner of building 1 the wall gets up to 9 feet tall. The walls on the backside of the buildings will not be visible to existing homes, but will be visible to owners of this community.
- Presented R-6, a slope map revised site plan, originally dated 9/30/16, revised 8/30/18, stating that his testimony is the same as it was 3 years ago. The white area depicted is an area less than 15% slope, which is unregulated under the town code. Yellow area is 15-20%, salmon area is 20-25%, deep pink area is 25-30%, and deepest pink is 30%+.
 - In the yellow area of 15-20% slope, they are proposing to disturb 14,025 square feet, or 48.9% of that slope category. Town code states that 40% disturbance is permitted, or 1,500 square feet.
 - In the salmon area of 20-25% slope, they are proposing to disturb 20,186 square feet, or 55.8% of the slope category. Town code states that 20% disturbance is permitted or 1,000 square feet.
 - In the deep pink area of 25-30% slope, they are proposing to disturb 9,994 square feet, or 48.9% of the slope category. Town code states that 0% disturbance is permitted, or 500 square feet.
 - In the deepest pink area of 30+% slope, they are proposing to disturb 10,514 square feet, or 35.7% of the slope category. Town code states that 0% disturbance is permitted, or 250 square feet.
- Stated that the purpose and function from an engineering perspective is to control and minimize erosion, especially along Fanny Road and the existing office building where steep slopes are proposed to be removed.
- Mentioned that storm water management is designed to control runoff and direct water into inlets and pipes to discharge through the existing storm water system in Fanny Road. Soil erosion measures will have to be implemented with approval from Morris County Soil Conservation District. A silt fence, tracking pads, inlet filters and many various layers of control will be present to address the impact of disturbing steep slope.
- The proposed plan will not create a condition that will impact a homeowner that is downhill of this site, and the retaining wall proposed along Fanny Road will control storm water.
- The Northeast and Southeast corners will be preserved in their natural condition. The rest of the site will be stabilized, temporarily during construction and ultimately a landscape plan will be implemented.
- Stated that considering the disturbance to the steep slopes, in his professional opinion, there are a series of steps that will be implemented throughout construction that ultimately will address disturbance of steep slopes.
- Referred back to exhibit R-3 to talk about storm water. Reminded that this application is legally subject to the storm water rules that were in effect in 2016, and the application is not required to comply with new storm water rules. Stated that this application complies with local ordinance and state regulations. Explained that the proposed plan is providing reductions in rate of runoff from the site, and this is being accomplished by a series of inlets and pipes that pickup all of the runoff from the uphill portions of site. The water will then be carried through pipes to a storm water underground storage facility located in the area of the cul-de-sac, which is then discharged into the existing storm sewer in Fanny Road. With regards to the site today, all of the storm water ends up in Fanny Road.
- The portion of the site that slopes from East to West deposits a lot of water into the existing office building property. All of that storm water will be cutoff by the roadway and inlets. The Southeast portion of the site currently flows overland into Fanny Road directly. The existing Southwest inlet of Fanny Road is located on east side, or the Mountain Lakes side of the road. The proposal is to manage and control the storm water through pipe into Fanny Road storm water system.

- Mentioned two other components; water quality, and ground water recharge. Regarding quality, the site will be using a manufactured treatment device before discharging the water into the underground system. All floatables and total suspended solids will be treated. This design meets state regulations, and is fully compliant. Roof leaders on buildings 1 through 3 will tie leaders into the storm water tank. Due to the grading around building 4, the roof leaders will discharge into the drainage system after the storm tank, which is factored into the design.
- Considering the utilities, they are proposing to extend water main into site from Ely place, and placing a fire hydrant at the end of the cul-de-sac, which is compliant with RSIS for 20 units to be at the dead end of a water main. There is an existing fire hydrant at the Northwest corner of Ely Road. The site slopes down from Ely Place to a low point in front of building 3 and back up toward cul-de-sac, and would therefore require a pump system. The nearest sanitary line is in Ely Road, located North of Ely Place, and runs down to Fairview Avenue. Looking at impact of this project on the capacity of the pipes, using DEP rates, it is proposed to generate 5,700 gallons per day. An 8-inch line laid at the minimum slope of 0.3% is rated for a daily capacity of 556,000 gallons. The proposed additional flow to the existing sewer line is 1% of the capacity of that pipe. The updated water demanded under RSIS is an expected 3,800 gallons of water per day. Noted that the applicant will work with town engineer for appropriate the water meter chamber, and then install a master meter before running service into each building.
- All other utilities such as gas, electric, telephone, and internet will be installed underground.
- Commented on the landscaping, as depicted on exhibit R-3 is extensive, with a mix of shade and ornamental trees, deciduous and evergreen shrubs, and they are proposing to maintain as much natural vegetation as possible on the East perimeter along the existing homes, thus providing a buffer between the project and adjacent properties. Stated that in his professional opinion, the submitted landscape plan meets the requirements set forth in steep slope section of ordinance, and, as indicated, it meets requirements of R-4 zone.
- With regards to lighting, because this is a residential development, the engineer does not want to over illuminate. It was designed to make sure that there is enough illumination at the parking spaces, and there will be building mounted lighting installed as required by code. Noted to the proposed five (5) streetlights, all LED fixtures, on 14 foot poles which will be shielded where necessary.
- This application will also need approval from the Town Water Department, Morris County Planning Board, Morris County Soil Conservation District, DEP, and RVRSA.

The Board Chair opened the hearing at this time for Board comment.

Mr. Brewer, thanked Mr. Keller for his testimony. Mr. Brewer recalled that during the testimony given that there was an attempt to decrease the impact on steep slopes, specifically in the means of a parking design waiver, and distance of the rear yards for the affordable units. Mr. Brewer asked if there was any consideration to number of units, or size of the units to decrease impact on steep slopes. Mr. Keller stated that 20 units are permitted in the zone, and the townhouse units are quite compact as will be testified by architect. Mr. Keller continued that the townhouse units of building 1 through 3 realistically cannot be made smaller, and building 4 is appropriately sized and would not have material impact on slope disturbance. The fact that the garage is located under the units above will help decrease the impact on the grade. Mr. Brewer asked if there were less units and less construction would there be less disturbance on steep slopes. Mr. Keller responded yes, but as seen on exhibit R-6 the majority of steep slopes to be disturbed are located along the perimeter of the proposed project, and the steep slopes in the middle would have to be disturbed regardless.

Mayor Corcoran asked if there is a capability to reduce the size of the first 3 buildings, or would that not be as significant as a reduction in the fourth building. Mr. Keller stated to refer that question for the architect, and continued to state that these units are as tight as you can get.

Mr. Wrobel asked with regard to emergency vehicle access, would the vehicles have to back out once they enter or can the vehicles turn around in cul-de-sac. Mr. Keller referred to exhibit R-4, which shows the

cul-de-sac at the end for fire truck turnaround that is RSIS complaint, and stated that the DCA will not grant de minimus exception to exceed that standard. Mr. Wrobel asked why the project does not need sidewalks. Mr. Keller stated that the proposed development is fairly compact with no immediate walking destinations, and no recreation facilities within project. In his professional opinion, Mr. Keller did not think sidewalks are necessary to get from the parking spaces to the units, stating further that there are no sidewalks in the immediate area of the project. Mr. Keller said that if you add sidewalks, the units would have to be pushed back which would increase the steep slope disturbance.

Ms. DeVenezia asked if Mr. Keller would display the slope map next to site map for better sense of an overlay, and to address which of these buildings is going to be the biggest impact on slope. Mr. Keller stated that buildings 1 and 2 are in white area of 15% or less slope, building 3 is in the salmon area of 20-25% slope, and that building 4 is in the dark pink area of 25-30% slope.

Mr. Weisman asked if there was an analysis on the current sewage piping. Mr. Keller responded that no sewer mapping was done yet.

Mr. Vasa asked regarding sidewalks if there was any consideration of the popular walking path across the street from this development. Further, he asked if residents were encouraged to walk to the walking path, or strip mall, or if they were expected to get in a car and drive. Mr. Keller stated that there are no sidewalks once you get to Ely Place. Mr. Keller asked what is the greater benefit; to provide sidewalks within a community that don't connect to anything, or not to have sidewalks and provide less disturbance of steep slopes and removal of trees.

Mr. Khokhar asked if there was any consideration for controls such as speed bumps, or speed limits, or other traffic safety devices to slow traffic for pedestrians walking in the street. Mr. Keller responded that the street is not that long, and the length of the street does not meet criteria to install speed control devices.

Mayor Corcoran asked for the purpose of illustrating where a sidewalk would be in this project if it was required to approve this project. Mr. Keller stated that the logical place would be along the front of the buildings and around toward building 4, and that all of the buildings would need to move 4-5 feet back into the slope. Another option would be to have sidewalks on the far side of Road A, but then no plantings would be on top or bottom of the wall. Mayor Corcoran asked for confirmation that if the sidewalk was across street that it would not impact steep slopes, to which Mr. Keller stated that the lowest impact to steep slopes would be to move the retaining wall closer to property line and remove landscaping.

The Board Chair opened the hearing at this time for the Board's professionals comment.

Mr. Petto thanked Mr. Keller for his testimony. Mr. Petto referred to the section of code that includes the provision that plantings be 8 feet in height at time of planting, and asked Mr. Keller to review the plantings. Mr. Keller referred to exhibit R-1 as the part of site plan set. Mr. Petto asked where the garbage cans were proposed to be stored for the affordable units. Mr. Keller responded to refer to architect. Mr. Petto asked if the lights were proposed to be dark sky compliant. Mr. Keller referred to sheet 10 of site plan set as a lighting detail. Mr. Petto referred to the testimony of surplus parking and asked if there was sufficient lighting in the parking area. Mr. Keller stated that there is no true surplus in parking because of the doublewide driveways. The 10 surface parking spaces are to meet the visitor parking requirement, and this includes parking for the affordable units.

Mr. Brewer asked the applicant to provide information as to who would be responsible for the maintenance and operation of the underground storm water management system. Mr. Keller stated the responsibility would be of the HOA to perform the required inspections and maintenance.

Ms. DeVenezia asked who is responsible for maintaining the state of the water treatment device. Mr. Keller stated that the maintenance remains with property owner, and state law require quarterly inspections. Ms. DeVenezia asked when the device becomes clogged with debris what happens to the water that goes into the underground basin. Mr. Keller stated that the underground basin will never be clogged.

Mr. Holt asked sidewalks can be provided in the rear yards. Mr. Keller responded that the steep slope is too much. Mr. Holt asked if each unit had a dedicated rear yard. Mr. Keller said yes, and homeowners would be unhappy because "people are in my backyard". Mr. Holt asked if the driveway

side could be considered the rear yard, and the proposed rear yard could be the front yard. Mr. Keller said that the site not does contend to this configuration. Mr. Holt stated that during his testimony he referred to fee simple, HOA, and rental apartments and that those terms do not mix in a complex like this. Mr. Keller said to refer to the architect. Mr. Holt asked that the conservation easement proposed be language approved by the Board or municipal attorney, and Mr. Plocker approved. Mr. Holt, asked for clarification if all of the proposed work is in within the Town of Boonton referring to the storm water piped into Fanny Road infrastructure being depicted as Mountain Lakes. Mr. Keller stated that the municipal boundary is on the opposite side of Fanny Road, and the entire right-of-way is all in Boonton. Mr. Holt asked about the use of post and rail fence with wire for fall protection, and asked how high the proposed fence is. Mr. Keller responded the height of the fence would be 4 feet. Mr. Holt asked if Mr. Keller felt that was adequate fall protection. Mr. Keller stated that it meets code. Mr. Holt asked if the firetruck turning template was based on Boonton apparatus or the RSIS? Mr. Keller did not recall, but stated that the size of trucks are relatively standard. Mr. Holt requested that a condition of the approval be to seek approval from a fire code official. Mr. Holt asked if any geotechnical investigation was performed. Mr. Keller stated that he had not fully gone through files to see a cut and fill analysis, but he did do soil testing for storm water facilities for permeability for the basis of infiltration rates, but he was not sure if other geotechnical studies were done considering building construction. Mr. Holt requested to make that information available pending approval. Mr. Holt asked what type of retraining walls were proposed. Mr. Keller stated they would probably use modular block designed by an engineer, or possibly big block. Mr. Holt asked if the reinforcement and tieback under the road could create a conflict with wall, to which Mr. Keller responded no. Mr. Holt asked about the capacity of the sanitary sewer from the point of generation and discharge into the RVRSA line, and requested an additional capacity study. Mr. Keller stated they don't have a complete picture of downstream system. Mr. Holt asked if there would be a generator on site for the sewage pump Mr. Keller said yes, and it will be a 9 or 10 kilowatt generator similar to a whole house generator, and an acoustical enclosure will be provided. Mr. Holt asked about parking spaces near the intersection, stating that it doesn't comply with state statute. Mr. Keller stated that they proposed to provide on-street parallel parking, and that perpendicular parking is on private property. Mr. Holt also expressed concern with vehicular movement backing out of parking spaces into an intersection. Mr. Holt asked if Mr. Keller felt it was a safe design. Mr. Keller stated that he looked at this like a parking lot, and the corner of the parking space is about 5 feet from the property line. Mr. Holt expressed concern describing a scenario where a vehicle would cut across the Ely Road right-of-way to pull into community, and asked with regards to the three way intersection how is it proposed to control access. Mr. Keller responded that as a function of property configuration the installation of stop signs on public street is governing body decision.

Mr. Brewer asked if there were less market rate units would there be greater space to relocate the affordable units. Mr. Keller responded yes, but stating that the zone permits 20 units.

Mr. Holt asked how the landscape plan addresses what is required in the town code §300-94.1, does the plan identify existing vegetation types, how much is proposed to be cleared or relocated. Mr. Keller said that they are going to try to minimize the area of disturbance. Mr. Holt stated that it is important for the Board to understand what landscaping is being proposed versus what is existing, considering the concept is to protect and preserve, but the expectation is that the enhanced landscape plan is to help mitigate the steep slope. Mr. Keller referred to his testimony that the mitigation is preserving the natural wooded area along the adjacent single family, the plan proposes to keep the limited disturbance minimal and to not remove any more vegetation than necessary. Mr. Keller said that he would note on the plans to plant additional evergreens, and or shrubs, along the existing wooded lot line as field conditions permit. Mr. Holt referred to the base of the wall along Fanny Road being located at the property line saying that a buffer is non-existent. Asked if it would be possible to grab the entire plan layout and slide it to the East. Mr. Keller stated that it was his testimony that the proposed plan is the optimal placement of the development. Mr. Holt asked with respect to the storm water analysis if a greater volume is proposed to be released to Fanny Road as is imposed to today. Mr. Keller said absolutely, and the system does comply with state regulations. Furthermore, it is not required to reduce the volume if the project meets the runoff reduction requirements.

Mr. Petto asked the required testing of the generator. Mr. Keller stated that the testing period is 10-20 minutes in length, and will be weekday, midday. Mr. Petto asked with regard to the height of the retaining wall ranging from 8 to 16.3 feet, was there any consideration to terracing or offset retaining walls particularly to mitigate the visual impact. Mr. Keller stated that the wall runs along site triangle and creating a tiered wall would further impact the disturbance of steep slopes, and the existing vegetation would be undisturbed between Building 4 and the wall along Fanny Road. Creating a tiered wall would make the wall closer to Fanny Road, and would thus remove the vegetation they are trying to preserve.

Having no further questions, the Board Chair opened the hearing at this time for public questioning of this witness.

Mr. Bruce Rockwell of 15 Hapgood Court asked a series of questions about sidewalks, and why there were none proposed in the development. Mr. Keller stated that sidewalks would further disturb the steep slopes. Mr. Rockwell asked if the fire truck turn-around was based on Boonton apparatus, and Mr. Keller referred to the site plan line items of the Boonton apparatus longest vehicle of 43 feet, which is standard for an aerial truck. Mr. Rockwell asked how many design waivers were being requested. Mr. Keller stated that there were three requested. Mr. Rockwell asked how many variances are being requested, and Mr. Keller stated that there are six definite and one possible depending upon how the Board rules the minimum landscape buffer to non-residential use.

Ms. Marianne McGlone Belardinelli of 120 Ely Road asked where the low-income units were proposed. Mr. Keller answered that there are three affordable units in the North end of building 1. Ms. Belardinelli asked how much grass was proposed between the building and the roadway in front of buildings. Mr. Keller answered 5 feet of grass. Ms. Belardinelli asked how the community proposes to stop people from parking in this development. Mr. Keller testified that the development is over-parked by RSIS requirements, and it would not be logical to park opposite someone's driveway due to the road width. Furthermore, if the board professionals preferred, a sign could be installed to designate no on-street parking. Ms. Belardinelli asked if one building were removed from the plan would it have a better impact to community site wise. Mr. Keller stated that the zone permits 20 units with a density of six units to acre. Ms. Belardinelli asked where the garbage was going to be stored. Mr. Keller stated that it would be stored in garages and carried out on collection day. Ms. Belardinelli asked if they had taken into consideration the ground water. Mr. Keller responded that the soil testing in the basin area found no ground water. Ms. Belardinelli asked how they propose to stabilize the site while building. Mr. Keller said that temporary stabilization would be used as necessary to manage the disturbed area of site.

Ms. Elizabeth Feehan of 500 Essex Avenue state that she was pleased to hear that the wiring is underground. She continued to say that Boonton has suffered electrical outages, and asked about the installation of residential generators. Mr. Keller said that only one generator would be installed for the pump station as required by DEP. Ms. Feehan recalled that Boonton has had a recent history of large storms concerning storm water management. Mr. Keller said that the change in rainfall patterns have not changed in storm water management.

Mr. George Chadwick of 160 Ridgeview Place asked out of the 3.25 acres, how much is forestry? Mr. Keller responded pretty much all of it, and the only part of the site that is not wooded is the area near the end of Hapgood. Mr. Chadwick asked how many acres are going to be developed. Mr. Keller stated that they are proposing to disturb approximately 1.89 acres of the site. Mr. Chadwick asked how much of the site is affected by steep slopes. Mr. Keller responded a good portion, but that he did not calculate how much. Mr. Chadwick asked how many and what type of trees are being removed. Mr. Keller did not know. Mr. Chadwick asked if Mr. Keller was confident that the site will be developed as per the plans, and it will not affect neighbor's houses. Mr. Keller responded yes, and that he was confident.

Mr. Josh Gruman of 3 Hanover Road had a question for the applicant's planner, which will be asked, following his testimony.

Mr. Bruce Rockwell of 15 Hapgood Court asked if the storm water management system was adequate for the 5, 10, and 100 year storm. Mr. Keller said yes. Mr. Rockwell asked a series of questions about the generator for the sewer pump. Mr. Rockwell asked if the impervious coverage

calculation considered the pads for utilities, generator, underground tank, and other things such as guardrails, fences, and other impacts on impervious coverage to effect percolation. Mr. Keller responded yes.

Hearing no further questions from the public for Mr. Keller, the Board thanked Mr. Keller for his testimony. The Board Chair stated that the Board policy is not to accept any new testimony after 10:00pm, and a motion was made by Mr. Brewer, seconded by Ms. DeVenezia, to carry all further testimony for this application to the next regularly scheduled Board meeting on March 9th 2022 with no further notice to the public. All were in favor on a voice vote, and the motion passed.

10. INVITATION FOR PUBLIC COMMENT OF NON-AGENDA MATTERS

- a. Mr. Bruce Rockwell of 15 Hapgood Court stated that the snow plows are plowing in a manner that is inhibiting emergency vehicle access, and in Fanny Road there is an underground water condition that is undermining the corner of Fanny and the Boulevard. The Board Chair suggested that Mr. Rockwell take his comments to the property code official.

11. BOARD DISCUSSION ITEMS

- a. No discussion items were heard.

12. NEW BUSINESS

- a. No new business was discussed.

13. ADJOURNMENT

There being no further business to come before the Board, a motion was made by Mr. Brewer, and seconded by Ms. DeVenezia, to adjourn. All were in favor on a voice vote. The motion carried, and the meeting was adjourned at 10:30 PM.

Respectfully submitted,

Steven Willenborg

Steven Willenborg
Planning Board Clerk.