

**BOROUGH OF SPOTSWOOD**  
**77 Summerhill Road**  
**Spotswood, New Jersey**

**Planning Board**  
**December 5, 2017**  
**7:30 PM**

The regular meeting of the Planning Board of the Borough of Spotswood was called to order by Charles McCook at the Spotswood Municipal Building, 77 Summerhill Road, Spotswood, NJ.

The notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given in the new schedule of meetings of the Spotswood Planning Board on December 30, 2016. The new schedule was transmitted to The Home News Tribune and the East Brunswick Sentinel; it was filed with the Clerk of the Borough of Spotswood and posted in the Spotswood Municipal Building, 77 Summerhill Road, Spotswood, NJ.

**The following Planning Board Members and Professionals were present at the meeting:**

Mayor Edward Seely, Councilman Curtis Stollen, Charles McCook, Vincent Davis, Mark Koppel, Daniel Auciello, Bruce M. Koch, P.P., P.E, C.M.E., and James Kinneally, Esq. Andrew Mashanski, Zoning Officer, was also present.

**The following Planning Board Members and Professionals were absent from the meeting:**

Business Administrator Dawn McDonald, Larry Kraemer, James Farley, and Richard Williamson

**Note:** There are three alternate positions (#2, #3 & #4) vacant on the Board roster.

**APPLICATIONS** –

**Suchcicki, Wojciech (Tom)**  
**176 Brooklyn Avenue**  
**Block 86.6, Lot 6**  
**Block 68, Lot 27**

**Preliminary Major subdivision**

The above applicant was represented by Joseph Schiappa, Esq. The purpose of this application was to obtain a Preliminary Major Subdivision to consolidate two (2) lots into a single parcel and re-subdivide them into four (4) lots with a central cul-de-sac, for the construction of four (4) single-family homes. One (1) lot may require a variance with regard to side yard and depth. The property consists of just over 1.5 acres (1.51 acres) and is located in a R-10 Single Family Zone.

Mr. Schiappa informed the Board, with regard to one particular note on the plan, there was a typographical error. The plans showed the height requirements of the Borough of Spotswood being 30', when the ordinance actually calls for 35'. By amending that as one of the many changes that were going to have to be made to the site plan, there is no variance as his clients are well within the 35'; most of the houses will be 30' or in that vicinity.

Mr. Wayne Ingram, P.E., P.L.S., P.P., (Engineering & Land Planning Associates, Inc), 140 West Main Street, High Bridge, NJ 08829, was sworn in, accepted as an expert, and gave testimony. Mr. Ingram briefly described the project as it conforms with the bulk requirements and plans for the development. A colorized rendering of Sheet No. S-3 from the plans was marked into the record as A-1; and a colorized rendering of Sheet No. 4 was marked as A-2. Mr. McCook advised the audience that they could move to better position themselves to see the charts Mr. Ingram would be referring to. Two members of the audience advised they could not hear Mr. Schiappa when he speaks and requested that he speak louder. Mr. McCook advised Mr. Schiappa to move the microphone closer.

Mr. Ingram gave a description of the property and described the plans. The current lots front on Brooklyn Avenue, and his clients are proposing a new road, a cul-de-sac, entering in to the center of the site. Mr. Ingram advised the proposed four (4) lots will vary in size from about 2,500 to over 14,000; well in excess of the minimum size requirements for the zone. Mr. Ingram next described an area on the north-western corner of the plans, a hatched area, which represents the area where a management basin will be placed that will handle the run-off from the properties and the roadway, to meet storm water requirements.

Mr. Ingram explains the minor bulk variances required for Lot 6.01; per the last review letter received from the Planning Consultant, the lot depth was 91', which is deficient of the 100' depth, and the frontage on the cul-de-sac lots is slightly below the 75' requirement. Discussion continued regarding the square footage requirements, the area being allocated to the basin area, and the need for variances vs. straighter property lines.

Mr. Schiappa questioned Mr. Ingram if he prepared an Environmental Impact Statement, to which Mr. Ingram responded that he did. The Environmental Impact statement was marked as A-3. Mr. Ingram described the preparation of the Environmental Impact Statement, indicating there are a couple of minor environmental concerns, mostly along the eastern property line. Mr. Ingram indicated there are some flood hazard areas, and some wet lands as well, none of which are being impacted with the development. He also indicated the project is outside of the flood plain limits; there is no disturbance proposed. Mr. Ingram spoke about the need to regrade the property; the major concern being drainage on to the neighbors. Testimony continued regarding directing the runoff to the front of the property and not on to any adjacent neighbors; and putting it in to a sizeable basin to mitigate any runoff impacts and have as minimal an impact on the neighborhood as possible.

Mr. Schiappa questioned Mr. Ingram about the length of the cul-de-sac. Mr. Ingram testified that the roadway will be 185' in length and will be dedicated to the Borough of Spotswood as a public road.

Mr. Schiappa questioned Mr. Ingram about R-10 zoning, if in the requirements for height where you have maximum building height it shows thirty feet and its actually thirty-five? Mr. Ingram indicated that it does, and that will be shown on the revised plans. Mr. Ingram's testimony continued regarding Mr. Koch's review letter dated June 13, 2017. Mr. Ingram testified that he discussed the review letter with Mr. Suchcicki & Mrs. (Marta) Suchcicka, and his clients have no objection to the comments in the letter.

Mr. Koch's June 13, 2017 report was discussed.

Mr. Koch questioned if the cul-de-sac meets the RSIS requirements? Mr. Ingram testified that he believed it does; there is a 40' center radius, and 50' is required. He continued his testimony that it could be done within the limits or increased to a larger bulb, and he believed there was still ample area to do that. Mr. Koch questioned Mr. Ingram if they were agreeing to make the cul-de-sac RSIS compliant, to which Mr. Ingram responded yes.

Regarding sidewalks in and around the cul-de-sac, and out; that would also have to include along the roadway frontage. Mr. Koch indicated there is a catch basin which doesn't show on the plan, and described transitioning the catch basin in. Mr. Koch questioned Mr. Ingram if they were in agreement, to which Mr. Ingram responded yes.

Regarding height requirements, Mr. Schiappa had Mr. Koch explain how the height is determined.

Wojciech (Tom) Suchcicki – 7 Potter Place, Milltown, NJ 08850, sworn in and gives testimony to his background, experience, type of training and schooling. Mr. Suchcicki is one of the owners of the property; he testified that he is currently preparing to take the architectural exam and has spent a good amount of time working on these houses.

With regard to the elevations submitted with the application packet, Mr. Suchcicki testified that he is prepared to make any changes or amendments to the elevations to comply with the 35' height requirement. Mr. Suchcicki testified that he drew the elevations himself and is prepared to see that they comply with the requirements as outlined by Mr. Koch.

Regarding Mr. Koch's June 13, 2017 review letter, Mr. Suchcicki testified that he had given his consent and agreed to the various proposals and changes as reflected in the review letter, and to the verbal changes to be discussed on the record. (*see attached report; CME Associates dated June 13, 2017*)

Mr. Ingram testified that the basin was designed for the size homes provided, which are well below the maximum size home that could be permitted. Testimony continued regarding square foot footprints, impervious coverage, storm water runoff and drainage calculations for the project. The proposed development complies with the impervious coverage limits in this zone; if the aggregate footprint of the four homes to be built exceeds the proposed footprint contained in the plans before the Planning Board, the Applicant shall submit revised storm water runoff calculations to the Planning Board Engineer for review and approval to determine if the runoff will negatively affect any neighboring property owner.

Regarding general site improvements; the Applicant shall provide a letter signed and sealed by a New Jersey licensed professional engineer indicating that the project has been designed in accordance with the Residential Site Improvement Standards, listing all exceptions, waivers, and agreements to exceed. The subdivision complies with the Residential Site Improvement Standards and no waivers were requested or granted.

Regarding any adjustments that may be needed to the cul-de-sac, Mr. Koch was concerned about emergency vehicles and refuse trucks being able to properly navigate around the cul-de-sac when there are vehicles on the roadway.

Regarding Item #5, the applicant agreed to the requirement for sidewalks in the project, and the requirement to show on the plans the curbing, the modifications to the storm sewer inlet head, as well as the limits of the new pavement and then any other pavement repair necessary by extension of the utilities to tie into those in Brooklyn Avenue.

The applicant agreed that site triangle easements shown on Sheet S-4 shall be revised to include meets and bounds square footage and shall be shown on the plan; on the site plan we know that site triangles can be adjusted for the stop control intersection.

Regarding utility and grading, the applicant agreed that notes 6 and 8 shall reference the Borough of Spotswood's specifications; notes 9 & 10 shall be clarified; notes 12 and 18 shall be revised for consistency; and note 22 shall be revised. The applicant also agreed that any spot grading shall be provided.

Mr. Suchcicki agreed to the specifications for the fill dirt to be brought on to the site; all fill dirt shall be certified clean, properly compacted, and reviewed by a geotechnical engineer hired by the applicant. Discussion ensued, and Mr. Suchcicki agreed to lower the pitch on the fill dirt from 1.0% to 0.75% to reduce the amount of fill required for the project.

Regarding the two bulk variances, the applicant did not want to move the lines and preferred to ask the Board for the bulk variances.

Regarding potable water and sanitary sewer, in accordance with Borough ordinance requirements, the applicant agreed to provide a sanitary sewer design report, including project sewage flow calculations conforming to the RSIS requirements, and pipe capacity calculations for the proposed sewer collection system. The report should also include pipe capacity calculations that demonstrate the exiting downstream collection system can handle the additional flows.

In accordance with Borough ordinance requirements, the applicant also agreed to provide a water system design report which includes projected domestic flow demands in accordance with RSIS requirements, and the needed fire flow (NFF) calculations for the proposed single family dwelling units. The NFF calculations should conform to the Insurance Services Office (ISO) method as referenced in the RSIS.

The applicant also agreed to do a hydrant flow test in the area adjacent to the subject site to verify that the existing water distribution system will supply the required demand (fire flow and domestic flow) at a minimum of 20 psig residual pressure.

The applicant agreed to include a note on the plans indicating that all sanitary sewer clean outs and water curb boxes are to be installed one (1') foot behind the proposed curb and all attempts should be made so that they are not installed within any sidewalk, apron or driveway.

The applicant agreed to include a note on the plans indicating that all water services are to be installed a minimum distance of ten (10') feet horizontally or eighteen (18') inches above the sanitary service.

With regard to the proposed sanitary manhole located at the connection to the existing eight (8') inch diameter sanitary sewer should be revised to indicate a doghouse, the applicant agreed to the doghouse manhole detail being provided on the plans.

Regarding landscape and lighting, in accordance with Borough ordinance lighting requirements, a minimum lighting intensity of 0.5-foot candles shall be provided at street intersections. The applicant agreed to have their lighting consultant revise the proposed lighting plan to indicate point-to-point lighting intensity values to demonstrate compliance with the aforementioned ordinance requirements, and to provide a table outlining compliance.

Under storm water management, Mr. Koch advised the applicant to go through the CME Associates report, dated June 13, 2017, in detail and to amend their report to reflect the requirements.

Discussion ensued regarding storm water management, item #18. Applicant's Engineer indicated that a decision has not been made which route they will go out of the two but agreed that the storm water management will not be the Borough's responsibility. Discussion continues regarding Deed Restrictions. Applicant's engineer stated they understand. Mr. Schiappa asked Mr. Suchcicki if he understand also, to which Mr. Suchcicki acknowledged that he understood.

Discussion continued, and applicant's engineer agreed to provide soil logs, permeability tests, and basin calculations. Applicant also agreed to assess the ground impacted by the basin and provide documentation; if mitigation is required they agreed to provide that as well.

Discussion ensued regarding fencing around the basin; based on the depth and the amount of water that will be in there fencing will be required. The Applicant's engineer states understood and agreed.

Mr. Koch advises the storm water report should be revised to comply with the ground water recharge standards in accordance with the RSIS. The Applicant's engineer states that they will comply.

Mr. Koch advised the drainage report should be revised to include calculations to size the emergency spillway; it should provide passage for the hundred-year storm assuming the principal outflow devices are disabled. The Applicant's engineer states that they will comply.

Discussion ensued regarding individual dry wells; shall be revised to show a 12" perforated PVC pipe per the grading and drainage plan. The Applicant's engineer stated they have no objection.

With regard to item #26, the proposed infiltration basin bottom elevation should be located at least two feet above the estimated seasonal high water table, as determined by observed soil mottling and/or seepage. The Applicant's engineer agreed to provide soil logs, permeability tests and establishments of seasonal highs.

With regard to #27 and likewise, the basement elevation should be above the seasonally high water table as well. Discussion ensued with regard to waterproofing, and installation of a sump pit. Mr. Ingram stated that the Applicant will comply.

With regard to #29, construction detail for the drain overflow should be provided per the Borough Ordinance. Mr. Ingram stated that the Applicant agrees.

Regarding item #30 & #31, the Applicant's engineer stated they agree, and will comply with all notes and details.

Regarding item #32, the pavement section detail should be revised to comply with the appropriate RSIS (pavement section detail based on the proposed street classification and subgrade conditions. A "poor" subgrade condition shall be considered appropriate unless proven otherwise by soil testing of the subgrade.)

Regarding item #33, the Applicant's engineer agreed to obtaining all permits or letters of no interest. Mr. Ingram had a question about the flood hazard area since the project is staying outside of the limits and will not be in the buffer. Mr. Koch requested documentation be provided for the file stating there is no impact, and that the project is outside of the limits. Mr. Ingram stated his client agreed and they will comply.

Mr. Koch requested that the Applicant submit plans to the Chief of Police, Fire Chief, and Fire Marshall for review and comments as well. Mr. Ingram stated that the Applicant will comply.

Mr. Koch stated he has nothing further and thanked the Board for their time.

Mr. McCook thanked Mr. Koch, and asked if anyone else on the Board had any questions for the applicant or the applicant's expert?

Mr. Koppel asked what is the height elevation from the ground where this basin is to Vliet? Discussion ensued regarding the elevation. Discussion continued regarding water drainage, soil drainage, and bypass areas. Mr. Ingram stated they are required to meet all state and storm water requirements and will meet them.

Mr. Koch requested the Applicant submit a specific design for a retaining wall, signed and sealed by a PE for that wall. Mr. Ingram stated it was intended to be under 4', but they will still provide it. Mr. Ingram stated he thought some of it had to do with how the property ultimately ended up graded out. Mr. Koch stated if it is over 48", a safety rail will be required; the 42" safety rail.

Mr. Auciello questioned if there was any concern about drainage from side to side, or north to south, as the plan is designed? From a drainage perspective, everything is coming sloping from the front to the back, but there are people living on either side. How is that addressed? Mr. Ingram explained the areas that aren't collected still go to the rear; they've designed a swale system along the property line so that it does go to the back. Mr. Ingram further explained the water goes to the exact same place it was going before, so residents on the side shouldn't see any runoff from the property.

Mr. Stollen questioned the dry wells. There are two dry wells, one on each side, shared by residences but on one person's property line. Mr. Ingram stated that is being amended by Mr. Koch's comment, about splitting the dry wells. Everyone will have their own individual. Mr. Koppel questioned if there will be two (2) dry wells per lot. Mr. Ingram stated each lot has their own; each property has two (2) dry wells. Discussion continued regarding the dry wells.

Discussion ensued regarding drainage on Brooklyn Avenue, and the need for a detention basin.

**Richard Wiecek – 192 Brooklyn Avenue** – Member of audience, would like to discuss the detention basin. Advised to wait until the public portion of the meeting is opened.

Regarding the need for a variance to keep the property lines where they are, versus asking the applicant to move the line; Mr. McCook questioned the Board and discussion ensued. The Board felt it was inconsequential.

Mr. Koch asked the Chairman to instruct the Applicant to provide a quick presentation of the negative and positive criteria for moving the lot lines.

Mr. Ingram gave a brief description of the benefits vs. detriments of moving the property line.

Mr. Schiappa stated he had nothing further, unless the Board had any specific questions for the applicant.

Mr. McCook expressed his concern that regardless of what design the house takes, the square footage it occupies must remain the same. Mr. Schiappa stated that the Applicant as well as Mr. Ingram have expressed agreement to that.

Mr. McCook asked Mr. Kinneally to explain for the members of the audience that want to come forward, in terms of what it is that the Board can and can't do in terms of this application.

Mr. Kinneally explained to the members of the audience that this is the time for the members of the public to come up and give their opinions for or against this application. Mr. Kinneally advised the audience members they will get to come up one at a time, when they do approach, he will swear them in the same as the witnesses for the applicant. And then they will be able to provide the Board with their opinion on the application.

Mr. Stollen made a motion to open the meeting to the public, which was seconded by Mr. McCook. All present were in favor, and the public portion of the meeting was opened.

**Richard Wiecek – 192 Brooklyn Avenue – sworn in by Attorney Kinneally.**

Owner of the property next to the proposed basin/retention pond. Mr. Wiecek studied the plans at Borough Hall, and questioned why this project needs a 90'x40'x5' retention basin at the highest elevation on the parcel? Mr. Wiecek continued; he made a statement regarding storm drains on Brooklyn Avenue to direct the street runoff from Marta Place; he described another development in the Borough that did not require a retention basin, and he described the basin located next to the community bank. Mr. Wiecek questioned why Mr. Suchcicki would not run the water out to the road, and if Mr. Suchcicki has a retention pond next to his home.

Mr. McCook and Mr. Kinneally reminded Mr. Wiecek to direct all questions to the Board.

Mr. Wiecek questioned if the retention pond would have a fence, and if anyone could guarantee that he would not incur a huge water problem from the basin? Mr. Wiecek stated the project could affect property values all the way around but the one that's going to suffer the most is the one that's next to the retention basin.

Mr. Wiecek expressed concern about the projected truck traffic, the number of dry wells on each property, reforestation, the retention basin, possible contamination of the fill dirt, and the type of construction.

Mr. McCook thanked Mr. Wiecek and advised him some of the concerns he raised had already been discussed this evening.

Mr. Stollen questioned Mr. Wiecek if he has a basement in his home. Mr. Wiecek stated he does, and discussion continued regarding the location of his basement. Mr. Wiecek stated he has lived in his home for 51 years and has not had any water problems; he does not have a sump pump or anything else.

**Joseph Szymanski – 168 Vliet Street – sworn in by Attorney Kinneally.**

Have lived there for 50 years. Opposed to plans for subdivision due to drainage problem that already exists on Vliet Street. There are currently no catch basins from Hudson Avenue to the end of Vliet Street, which is the driveway to his home.

Brought five (5) photographs to share with the Board. Mr. Szymanski stated the photographs show the flooding caused every time there was a decent amount of rain.

Mr. Kinneally advised Mr. Szymanski to show the photographs to Mr. Schiappa first. Following no objection from Mr. Schiappa, the photographs were marked #01, as one batch.

Mr. Szymanski described each photograph which showed the flooding on Vliet Street, his property and driveway, the back of his property, and the football field directly behind his home. The photographs were taken on September 17, 2017.

Mr. Szymanski stated his family is concerned about the number of houses that are under proposal, and the backfilling of approximately twelve (12) feet of fill dirt. Mr. Szymanski stated he lives in a one-story home, if the proposal stands with the grading and 2-story house, his home would be even with the foundation of the proposed home. The top of the proposed houses would be well over the rooftop of his home. Mr. Szymanski is also concerned about the concrete wall and the berm; does not feel the berm will hold the water back sufficiently. Mr. Szymanski is also concerned about the maintenance of the berm; who will be responsible?

Mr. McCook questioned Mr. Koch about the retaining wall, which spans two properties; who would be responsible? Mr. Koch stated the homeowners would be responsible for the wall. Mr. McCook questioned who would be responsible for the back side of the drainage berm. Mr. Koch stated the homeowner would be responsible.

Mr. Schiappa questioned the Board if they would like the Applicant to respond now. Mr. McCook responded; the Applicant can respond at the end.

**Bernice Perrine – 170 Brooklyn Avenue – sworn in by Attorney Kinneally.**

Questioned who is responsible for fire hydrants? Between New York Avenue and Burlington Avenue, there are three fire hydrants. Between New York Avenue and Hudson Avenue, there are no fire hydrants. Concerned about the additional four houses without adding any fire hydrants. Concerned about the slope of the property behind her property; there will be a ditch between the properties.

**John Chludzinski – 140 Brooklyn Avenue – sworn in by Attorney Kinneally**

Had two concerns related to the construction and the impact on the neighborhood and the neighborhood street from the development. Brought photographs of Brooklyn Avenue (roadway) to show the Board; Mr. Schiappa had no objection. Photographs (13) marked as #02. Mr. Chludzinski provided fill dirt calculations. He is concerned about the truck traffic on Brooklyn Avenue which is already deteriorated and will need to be repaved. Mr. Chludzinski stated large trucks will not be able to access the roads, specifically during school hours. There will be an impact to other residents because of the truck vehicle traffic.

**Stanley Pepka – 21 Rainbow Lane – sworn in by Attorney Kinneally**

Thanked the other residents who spoke already. Questioned how far close to the property will trees be taken down? Mr. Ingram advised about the tree removal and tree replacement plans for the site. Discussion about tree removal on other properties. Concerned if the houses will be built as they are sold, or if they are built and not sold who will maintain the properties?

Mr. McCook reminded Mr. Pepka to direct his questions to the Board.

Mr. McCook requests a motion to close the public portion. A motion was made by Mr. Stollen, which was seconded by Mr. Koppel. All present were in favor, and the public portion of the meeting was closed.

Mr. Schiappa requested an opportunity for Mr. Ingram to address some of the questions / concerns raised by the public. Mr. McCook advised that he was going to request the same thing. Mr. Stollen requested Mr. Schiappa move the microphone closer to enable audience members to hear him better.

Mr. Schiappa and Mr. Ingram addressed the public's concerns.

With regard to Mr. Wiecek's concerns, a fence will be built. The property is designed with the retention basin. Mr. Ingram advised they are required to meet the requirements of the storm water management rules; and provided specifics. The requirements for the dry wells and fill dirt are explained; the applicant will comply with all. Mr. Schiappa and Mr. Ingram explained the landscaping plan.

With regard to Mr. Szymanski's concerns, Mr. Ingram described the flood area by the football field and explained the reason for the fill dirt. Mr. Ingram stated they have to show a net reduction in runoff, so there will be a decrease in the amount of water.

With regard to Ms. Perrine's concerns, a fire hydrant is being proposed at the rear of the cul-de-sac to service all of the homes in the development. Mr. Ingram addressed Ms. Perrine's other concern regarding fill at the back of the property.

With regard to Mr. Chludzinski's concerns, Mr. Ingram advised the roadway will be repaired in front of the property. The rest of the roadway will not be their responsibility.

With regard to Mr. Pepka's concerns, any disturbance caused by them would be remediated.

Mr. Koppel questioned the truck traffic on the roadway. Mr. Ingram provided response; other means of bringing supplies in.

Mr. McCook requested a motion to re-open the public portion. A motion was made by Mr. Koppel, which was seconded by Mr. Stollen. All present were in favor, and the public portion of the meeting was opened.

Mr. Kinneally advised the public that now is the time to give questions or comments based on the new information provided by Mr. Ingram only.

Members of the audience were reminded to direct their questions or comments to the Board.

**Richard Wiecek – 192 Brooklyn Avenue** – Made a statement regarding the retention pond.

**John Chludzinski – 140 Brooklyn Avenue** – Brought a letter from another homeowner to the Planning Board. Would the Board like him to read the letter? Mr. Kinneally advised that is not permitted, and the Board cannot accept the letter. Mr. Kinneally advised the audience that letters and lists of people's names are not subject to cross examination, so the law says they cannot consider them. Mr. Chludzinski will advise the resident.

Mr. McCook made a motion to close the public portion, which was seconded by Mr. Stollen. All present were in favor, and the public portion of the meeting was closed.

Mr. McCook asked Mr. Kinneally if, before a motion is made on the application, could he advise the Board and the public what it is they are allowed to do considering the fact that there are only the two (2) minor variances for Board consideration.

Mr. Kinneally advised that the applicant has to prove that the four (4) lot subdivision complies with the rules of the Borough of Spotswood, the New Jersey Department of Environmental Protection, and any other outside agencies. The applicant has submitted a lot of documentation, that has been reviewed by the Borough Engineer. They have agreed to submit additional information requested by the Borough Engineer; assuming all of that satisfies the Borough Ordinances, State, and County regulations, then the Applicant is entitled to a yes vote by this Board. Mr. Kinneally further explained, the Applicant is not requesting a Use Variance, this use is permitted in the zone, if the Applicant satisfies the subdivision ordinances, State, County and Local regulations then the law says they are entitled to an approval.

With regard to the issue of the basin, the Applicant is required to satisfy the Storm Water Management regulations. If they have done that, then the Applicant is entitled to an approval according to the laws of the State of New Jersey.

Mr. McCook questioned if the Applicant had not been seeking the two minor variances, all they would have been looking for would have been the approval for the subdivision? Mr. Kinneally advised, the Applicant stated they can comply with the requirements and not ask for the variances, but they feel it is a better planning option to go with the variances because the lot lines are square. Mr. Kinneally advised the Board, if you agree with that then you would say they have satisfied the requirements for de minimis variances.

Mr. Stollen stated there were a lot of additional calculations and items required by the Board's Engineer; asked Mr. Koch if he would like to have those facts and figures before the Board moves forward with the matter. Mr. Koch responded that it was at the Board's discretion. Mr. Stollen would like Mr. Koch to also look at the landscaping plan; the Applicant is mainly using

two types of trees instead of a mix of different species. Mr. Koch will submit to his landscape architect.

Mr. Schiappa made a statement regarding the review letter from the Board Engineer, which the Applicant will comply with.

Mr. McCook asked Mr. Koch if there was anything the Board needed to consider from an engineering standpoint when determining whether to vote on the application? Mr. Koch stated there was not; but if any significant change came up he would contact the Board via letter to check if he should handle it administratively or bring the matter back to the Board.

Discussion ensued regarding the requirements having been met. Mr. Koppel asked that the aesthetics of the neighborhood be considered, especially with the drainage pond,

Mr. McCook requested a motion from the Board on the application.

No motion was made by the Board.

Mr. Kinneally advised that if the Board is not satisfied the Engineer has enough information, then the Board can ask the Applicant to submit additional information to the Engineer for review prior to voting on the application.

Mr. McCook addressed Mr. Schiappa regarding the lack of motion from the Board.

Mr. Schiappa requested a moment to speak with the Applicant.

Mr. Schiappa stated that the Applicant has agreed to comply with every requirement and is requesting a vote from the Board tonight.

Mr. Kinneally made a statement to the Board before it voted. He wanted it noted that at the Planning Board meeting in October (*October 3, 2017*), the Applicant promised to meet with the Engineer. No meeting was ever arranged. The Applicant agreed to supply a new plan addressing the items of concern in Mr. Koch's June 13, 2017 report. No revised plan was filed. This Board is considering these items for the first time here tonight, without the benefit of having Mr. Koch reviewing a revised plan. If the Board feels that it or Mr. Koch does not have enough information to ensure that the Applicant can comply with all the points that they have agreed to comply with, the Board can take the position that it does not have enough information supplied by the Applicant.

Mr. Kinneally agreed with Mr. Schiappa, and the Applicant, that the Board should vote tonight, due to the age of the application. Mr. Kinneally advised the Board again, if it felt that it did not have enough information, or its Engineer did not have enough information, and that the Applicant did not supply sufficient information to the Engineer even though they promised to do so at the October meeting, then you would vote NO, and say the Applicant did not carry his burden of proof. Perhaps the Applicant can still prove it, but they have not done it yet. However, if you feel that the Applicant has satisfied their burden, then you would vote in the AFFIRMATIVE.

Mr. McCook questioned Mr. Schiappa if it was the Applicant's desire to come back, or did the Applicant insist upon a vote that evening.

Mr. Schiappa acknowledged that the Applicant did state in October he would meet with Mr. Koch. Mr. Schiappa also indicated his file showed attempts to arrange for a meeting with the Applicant, which never took place. Mr. Schiappa took the position that there were no changes to be made, and the Applicant has agreed to comply with all of the points and suggestions. Mr. Schiappa stated his client will withdraw the de minimis variances if needed, which will leave the subdivision application as the only matter.

Mr. McCook called for a motion from the Board, with regard to the application.

No motion was made by the Board.

As again, no motion was made by the Board, Mr. McCook states that when an Applicant comes forward and meets the criteria for the application, the Board is required under those circumstances to approve the application subject to the testimony that has been offered tonight, and any of the requirements from the Board Engineer that have been discussed.

Mr. McCook made a motion to approve the application, which was seconded by Mr. Auciello.

Mr. Kinneally requested the members voting yes or no, state their reasons why.

A roll call vote was taken, and so ordered by the following roll call vote.

	MOTION	SECOND	Y	N	ABSTAIN	ABSENT	REASON
Mr. McCook	X		X				Met all criteria requirements as required by law
Mr. Kraemer						X	
Mayor Seely					X		Abstain
Ms. McDonald						X	
Mr. Stollen			X				Met all criteria requirements as required by law
Mr. Auciello		X	X				Met all criteria requirements as required by law
Mr. Davis			X				Met all criteria requirements as required by law
Mr. Farley						X	
Mr. Koppel					X		Abstain
Mr. Williamson						X	

Mr. Kinneally advised that the application has been approved. The matter will be memorialized at the next Planning Board Meeting, and a copy of the Resolution will be mailed to them.

**MINUTES – October 3, 2017**

The draft minutes of October 3, 2017 were reviewed by the Board. A motion to adopt was made by Mr. Stollen and seconded by Mr. Koppel. All present voted in favor, and the above minutes from October 3, 2017 were approved without amendment.

**PAYMENT OF VOUCHERS**

Vouchers were circulated to the Board. Mr. Koppel moved that the vouchers be approved for payment. Mr. Auciello seconded the motion. All present were in favor, and the vouchers were approved for payment.

**MEMORIALIZATION**

None before the Board.

**CORRESPONDENCE**

Prior to the meeting, members received copies of correspondence for their review and comment. Some correspondence did not need acted on and was for informational purposes only.

Denial letter for a home on Kopak Way,  
Renewal letter for Clearwater Village license.  
Proposed 2018 Calendar of Meeting dates, Board approves – OK to publish.  
Kimm Zielinski has resigned as Board Secretary.

**PROFESSIONAL/BOARD COMMENTS** - *Other Business*

Board discusses need for additional Board members; there are 3 vacant alternate seats.

**ADJOURNMENT**

As there was no other business before the Board, Mr. Auciello moved that this meeting be adjourned. Mr. McCook seconded the motion. All present were in favor, and the meeting was adjourned at 9:45 PM.

**NEXT SCHEDULED MEETING**

Organization/Reorganization - Tuesday, January 16, 2018 at 7:30 P.M.  
Location: Court Room, 77 Summerhill Road, Spotswood, NJ

Respectfully submitted,

*Kimm Zielinski*

Kimm Zielinski  
Board Secretary

Approved at meeting held on:

June 19, 2018  

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