

September 15, 2011

A regular meeting of the Allendale Planning Board was held in the Municipal Building on September 15, 2011. The meeting was called to order at 8 p.m. by Mr. Quinn, Chairman, who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The following members answered roll call: Mr. Quinn, Mr. Barra, Mr. Fliegel, Mr. Sirico, Ms. Sheehan, Mr. Zambrotta, Mr. Walters, Mr. Sasso and Ms. McSwiggan. Mr. Strauch was absent. Donna Tamayne was present as Board Attorney in Mr. Dunn's absence.

On a motion by Mr. Sirico, seconded by Mr. Walters, the minutes of the meeting of July 18, 2011 were approved as amended.

Continuation of Calvary Lutheran Church Application

Bruce Whitaker was present as attorney for applicant. He submitted an exhibit list listing exhibits A-1 through A-32 and asked that they be moved into evidence. As promised on Monday he has provided a letter confirming the testimony previously provided by members of the Calvary Lutheran Church as it pertains to the number of parishioners on an average Sunday, the number of parking spaces on site and the seating capacity of the church. Also submitted is a letter from Carl Glaeser confirming the testimony given previously. In that letter there is reference to 73 parking spaces and seating for 231 parishioners. The ordinance requires 1 for 3 so that would be 77. The number of parishioners that now come on an average basis is shown as 52. The final exhibit presented this evening was prepared by Mr. Latincics and is a follow-up in written form to the testimony he gave on Monday.

Mr. Quinn said this evening the Board will hear from its professionals who have submitted written reports. There will be questions from Board members and the public. At some point he will open the meeting to the public for general comments so they can state their views on this application.

Mr. Yakimik said he will be referencing his report dated September 15, 2011. He said a correction was made on page 6, item No. 8. 9540 gallons a minute should be changed to 9540 gallons an hour.

Mr. Yakimik said he reviewed the items as listed on the first page of the report which was received this past Monday. He conferred with various specialists and professionals in his office with regard to these items. He received a copy of the Flood Hazard Area Jurisdictional Determination from NJ DEP which basically says that NJ DEP feels they have no jurisdiction with regard to the flood hazard area permit. However, there are other permits that need to be acquired by the DEP, one of which would be a wetlands permit. The reason why they feel a flood hazard area permit is not required is because the drainage area for the site is below their threshold. He said he also received a memo dated September 14 from Burgis Associates which he did not have time to review because of its length.

Mr. Quinn asked if it is the applicant's responsibility to get permits from NJ DEP. Mr. Yakimik said if approved by the Board, the applicant still has to go to the DEP to get a wetlands permit but not a flood hazard area permit.

With regard to Item VI in his letter concerning storm water management, Mr. Yakimik said he is still seeking additional information and the information that the applicant provided on Monday and supplemented today by the September 15 letter in his mind still falls short of providing an adequate conclusive recommendation for the Board.

With regard to ground water, Mr. Yakimik said the applicant's engineer did provide a supplemental soils report on Monday and soils information with an opinion and various options regarding ground water infiltration. The soil information consisted of a permeability report previously submitted dated January 20, 2011 and also various reports such as the Rutgers soils survey and a Bergen County soils survey. There was no real definitive specialist opinion of ground water with regard to the site. His intent was to get an opinion from a specialist such as a hydro-geologist on the effects that the ground water would have on adjacent structures that were below the surface of the ground. One such analysis that he was hoping for and requesting is called a mounding analysis.

Mr. Yakimik said page 3 of the site plan shows a cross section which goes through the proposed detention basin and then goes through Ivers Rd. The dashed line represents the existing ground. The existing ground drops down considerably on the other side of Ivers Rd. where there are some structures and some of the houses have basements. Based on the results received from a very wet year, the ground water is running roughly about 3 ft. below the existing grade at the site based on the ground water readings that have been received. He said mounding occurs when a constructed wetland or a detention basin is built and as a result the ground water elevation tends to mound up under the detention basin. The question is how far is that mounding occurring, Is it occurring just local to the detention basin or is it occurring over a much wider expanse of land and in order to determine that a hydro-geologist is needed. He said it is a very long and expensive analysis where the hydro-geologist takes into consideration the soil characteristics, the flow of water and the quantity of water and determines what this arc is and if a rise in the ground water as a result of this detention basin would affect or create an additional rise in the ground water that would affect a structure on the other side of Ivers Rd. He has been told by his experts that it is quite expensive and it might take 4-5 days for an engineer to study this and do the calculations but it is more detailed information to determine if this application is negatively affecting the structures across the street.

Mr. Sirico asked if this could adversely affect the road causing a potential collapse. Mr. Yakimik said he does not know about a collapse but it could cause an increase in ground water for the sub-base under the road which could have negative affects and cause accelerated deterioration of the road.

Mr. Yakimik said mounding occurs when you put in a basin which is filled with water. There will be a tendency for the existing ground water to mound up directly below the basin and as a result it would make the ground water slightly higher but it would be less as you move away from the basin. He said the question is will the mounding be very short so that the effects would

occur within 20-30 ft. of the basin or would they be longer at 50 -100 ft. from the basin. He said he cannot answer that question this evening and it would require a specialist with an extensive analysis to determine this. He added that a mounding analysis is a consideration but it is quite expensive. The Board could ask that it be done or there is another avenue that could be pursued. He said this could become a complex application. We want to get enough water in the basin so that the wetlands survive and we want to make sure that we do not put too much in so that it is going to infiltrate too quickly into the ground and adversely affect the basements across the street. He said we have to be reasonably assured that the detention basin and the wetlands are going to thrive with varying degrees of permeability and at the same time make sure that the houses across the street are not adversely affected by this ground water. One of the latest proposals of the applicant is to make half of the detention basin impervious – to put an impervious liner in and that is required in order for him to create wetlands. The applicant has come forward and said he can make the entire basin impervious and in that case that mounding goes away. At the same time, he does not know by doing that if that will affect his quantity calculations.

Mr. Yakimik said another important issue with regard to this is the Rockland Electric right of way embankment. That embankment causes surface water to be trapped upstream of that embankment and that has a significant affect on the ground water between Ivers Rd. and the embankment. If that is removed in combination with his other suggestion we might not need this mounding analysis and in combination with those two items being done he can feel confident in going to the Board and saying that this proposal by the applicant would adequately address storm water quantity, storm water ground water and storm water quality issues, but unfortunately we are not there yet.

Mayor Barra asked if the closer the basin is to those homes the more the mounding might affect them. Mr. Yakimik replied affirmatively. Mayor Barra said, “If you moved the detention basin all of the way to the north would you be reducing this mounding affect?” Mr. Yakimik said that is one solution; however, that might trigger another set of problems because you would have to destroy other wetlands upstream.

Mayor Barra commented that Ivers Road has deteriorated more quickly than any other road in Allendale. He asked if this is the type of condition that would result from ground water in that area. Mr. Yakimik said from what he has seen of Ivers Rd. he would suspect that high ground water elevation is the cause of the problems. Mayor Barra asked if the possibility of the mounding is going to even further accelerate the problems. Mr. Yakimik said it could and because Ivers Rd. is closer to the detention pond he would say more likely Ivers Rd. than the housing across the street.

Mayor Barra asked why seepage pits can't be used with the proposed homes. Mr. Yakimik said one of the new proposals of the applicant's engineer is to incorporate more seepage pits that would be further away from the detention basin. He said seepage pits would get us away from a lot of problems revolving around the constructed wetland. Mayor Barra asked if we can do seepage pits for the three homes that are being proposed. Mr. Yakimik said it would be a combination of seepage pits and seepage from pipe infiltration and that was what was used on Nadler Court. Mr. Yakimik said you still have to deal with the impervious area of the road

which would equate to a very large system that could be constructed underground. The maintenance responsibility for that depending on where it is placed would fall on the Borough or the church. It is probably more difficult to maintain something that is underground than something you can readily see. Seepage pits solve some of the problems but he is not sure you could wipe out the detention basin completely.

Mayor Barra asked if there could be a shared driveway instead of a full blown street which would reduce impervious surface. Mr. Yakimik said in that case you could probably just rely on seepage. Mayor Barra asked if the cost to the applicant or developer would be significantly less to put in a shared driveway than putting in a full blown cul-de-sac road with drainage and full height granite block curb. Mr. Yakimik said it would be significantly lower.

Mr. Fliegel said it was indicated that the repair of the Rockland Electric line would take away a lot of the ground water that sits on the other side of Ivers and that might change the ground level. He said there was testimony on Monday about water bubbling up out of the system on Talman but had heard previously that the Talman system was working properly and that water was not coming up out of the system. He said it sounds like that may not be the case. He asked if correcting the problem under Rockland Electric's line would not exacerbate the problem. Mr. Yakimik said not if the pipe is positioned and sized properly and put back in its pre-existing condition to what it was 10-20 years ago. He added that essentially the area north of the Rockland Electric embankment acts as a detention basin in itself and we do not want that to drain quickly and free flow entirely. We want it to drain the way it drained for most of its life, 15-20 years ago. He added that he has seen the area of inundation this past spring and it is 2-3 times larger than what he would expect it to be in previous episodes. He said we have to be very careful replacing that pipe. We cannot allow a free flow of that water to go into that drainage system because that would cause the people downstream to get more flow than previously. He added that we have to be very careful how we set our inverts and slopes of the pipe. This area has essentially acted as a detention basin for many years prior and we simply want to get it into the position it was in for those many years. He said it is Rockland Electric's property and he believes the Borough is working with PSE&G to study the problem and look into it but we need their permission and blessing.

Mr. Walters asked if Mr. Yakimik sees the amount of water we are getting as the new normal going forward. Mr. Yakimik said he believes so. He said we are getting rainfall amounts that are historic and it is the new normal. We are getting the 100 year storm every couple of years.

Mr. Walters asked if the water from basements with pumps is not exiting into the storm drain system. Mr. Yakimik said it varies from house to house. They are not allowed by Borough code to discharge into the street so they discharge in various locations. He said he has noted that developers are building their homes higher than what they show on their plans because when they start digging they find 3 ft. of water so they are building the foundations 3 ft. higher. He suspects if this application is approved the builders will raise the foundations. If they do that there is less pumping because they are higher than the ground water elevation and that is what we want to do. We want to try to cut down on the amount of ground water that is going into the storm water system.

Mr. Yakimik said in some respects it is ridiculous for us to sit here and try to determine what ground water is going to do since we can only guess. But with regard to the mounding analysis he feels more comfortable when items such as detention basins and seepage pits are further away from structures. He could then go out on a limb and make a recommendation to the Board that has some teeth to it and be confident that it won't fail in the future or won't affect subsurface structures in the future. Mr. Zambrotta said in other words you do not have enough information to make an intelligent decision. Mr. Yakimik said that is correct. His report contains a litany of requests with regard to the created wetlands. He did not get the specific information he had asked for and it is important because he needs to know how much water needs to be provided in these created wetlands for the wetlands plants to survive. He needs specific calculations to determine that. He said he could go into detail on every item he is requesting but it is essentially the same items he had asked for in his previous report. Mr. Quinn suggested that the items be highlighted and we will ask the applicant to respond.

Mr. Yakimik said the report received today dated September 15 requires some further clarification but it does provide some worthwhile suggestions. The current proposal to make the upper section of the basin impervious cuts down on the amount of seepage coming out of the detention basin. Mr. Quinn said the Board has heard testimony for months that the preferred methodology is to let it percolate in. Mr. Yakimik said that is the preferred methodology. Mr. Quinn continued that now applicant is coming up with a counterproposal and the first he has heard of it is tonight. Mr. Yakimik said in all due fairness, the Borough ordinance is a model ordinance from DEP and we were told by DEP that we have to adopt this storm water management ordinance. There are conflicting items in the ordinance that make it very difficult for the applicant and the Board to come to grips with. In one aspect it is promoting ground water infiltration. It talks extensively about promoting ground water infiltration except when it negatively affects existing structures such as basements, etc. At the same time he has to compliment the applicant for attempting to create wetlands on the site. He believes it is a noble gesture for a proposal to create an actual environment within the Borough and not just a bowl-shaped detention basin. He is confident that he can come to a solution if the applicant's engineer will answer his questions.

Mr. Yakimik said his letter talks about the blocked overland flow with regard to Rockland Electric. He believes an improvement to that will help tremendously to cut down on ground water elevations between Ivers Rd. and the embankment. Mr. Fliegel asked if that will cause problems downstream. Mr. Yakimik said he does not believe it is going to cause problems downstream. Mayor Barra asked when we would be able to see the affects and whether it will have the kind of results that are anticipated.

Mr. Yakimik said if we have another wet year it could be over the springtime because that is the time when ground water levels are high right after the snowfall, so it might take a while – 9 months, to determine if this is successful or not.

Mr. Fliegel asked if there are any other options to take the water that is coming off the proposed site and send it to a different route. Mr. Yakimik said there is a system on W. Crescent Ave. but it is overtaxed already because of Brookside School and the frequent flooding under the train trestle. Mr. Fliegel asked where the water would go if it went the other way to Franklin Tpk.

Mr. Yakimik said the Franklin Tpk. system empties into the Celery Farm causing another problem.

Mr. Yakimik said he has received new ground water readings and it has been established that ground water elevations in the very wet year that we had are approximately 3 ft. below the existing surface. He added that he was disappointed with the information received from the applicant's engineer on Monday. He said his office called DEP and checked with two officials at DEP that review various CSW's or various permits throughout the state and they could not come up with a successful CSW (constructed storm water wetland) that is occurring in northern New Jersey. He added that the applicant's engineer pointed out to him that he had designed one on Boroline Rd. in Saddle River. He viewed that CSW this morning. It did look like a very natural setting but it was over grown. It had trees growing in it but it appeared to be operating correctly. He said he is still concerned about survival of plantings and if approved is still recommending a 5 year monitoring period for which a maintenance guarantee would be posted. It would be in an amount that could reach over \$10,000 to reconstruct a failed CSW and the question would be for how many episodes.

Mr. Yakimik said the amount of ground water and water going into the CSW is important for its survival. Normally with a CSW there is a brook or stream nearby in constant flow. The basin which is flowing into this CSW appears to not be able to provide enough water to keep the basin flowing but he does not know for certain until he gets some of the items requested in his letter such as computations with regard to how much water is being supplied to the CSW. He said that essentially he wants the applicant's engineer to answer those questions in detail and get those computations to him so he can provide a more succinct and conclusive recommendation to the Board.

Mr. Whitaker said page 4 of Mr. Yakimik's letter of September 15 indicates that the Board should consider requesting an analysis of the mounding or implementing of some of the suggestions. He asked what those suggestions are. Mr. Yakimik said the suggestions come from the Conklin report with the same date in conjunction with the correction of the Rockland Electric embankment. Getting this requested information may help him in being more confident in a recommendation to the Board that a mounding analysis is not required.

Mr. Whitaker requested a recess to review this with his client and engineer before responding. Following the recess Mr. Whitaker suggested that they proceed by further exploring the impervious retention concept. He said Mr. Yakimik has requested additional information that he would need to evaluate including the flows that would exist. On that basis, if we see this as a sufficient facility that is going to accommodate the overall drainage which is what everyone is attempting to accomplish, then on that basis the applicant would not go ahead with a further analysis on the recharge system or the mounding issue. He said that pursuant to the ordinance and the Storm Water Management Director that requires a waiver from the Board. If the Board says that the impervious basin will function and accomplish the goals and the recharge basin may or may not, that would be the applicant's reasoning and position for grant of the waiver.

Mr. Whitaker suggested that Mr. Snieckus present his testimony and at that point end the meeting. He will have Mr. Latincsis come back with testimony as to the alternate system at the October 17 meeting followed by the Thursday meeting.

Mr. Yakimik asked if it would be acceptable for him to meet with the applicant's engineer and his experts to discuss this before the next meeting. Mr. Quinn said that would be acceptable. Mr. Whitaker commented for the benefit of the public that the engineers are not decision makers. They are basically going to be on the same page as to the type of analysis they want and the data they need to supply it so they are both using the same concept and criteria in the evaluation.

Mayor Barra said he is concerned about the process. He appreciates what the applicant is trying to do and what the Board is trying to do but it seems as though we are in a rush to get to the point where we have to make a decision. He does not like getting reports at a Monday meeting and then having to vote on Thursday. He suggested that in fairness to the Board and the public that the Board be given sufficient time so they do not have to read the material as they sit here and then have to make a decision. At the last meeting it was suggested that the Board might be forced to make a vote tonight; however, thankfully they are not being forced to do that. He said he would simply suggest without binding the applicant, that we have two meetings and he does not mean Monday and Thursday, because that is not fair to the Board or the public. He suggested that the Board receive a commitment from the applicant that the Board is not stuck to a deadline at the October meeting and that the deadline be the November meeting if it is necessary.

Mr. Whitaker said he spoke to the Board's attorney prior to the meeting and told her he was going to grant the extension through the October 20 meeting. He wants to see what the two engineers come back with and it should be submitted 10 days in advance. He is hopeful that on the basis of their confirming and agreeing to what data has to be supplied that they will have the 17<sup>th</sup> to present it and have comments on it and then vote on the 20<sup>th</sup>.

Mayor Barra said he knows that the residents have an expert and if we are going to have our expert issue a report based upon the report of applicant's expert, he has to have sufficient time to respond. He said this is a complex issue and we have to be fair to everybody. He said the residents and our experts deserve to have the ability to review this material and prepare for their response. Mr. Whitaker said applicant will grant an extension of time until November 15.

Mr. Quinn said he will cut off testimony on the water management issues tonight. Opening the meeting to the public at this point does not make sense because we do not have a lot of answers at the moment. He said if the Board is in agreement we will move on to the variance analysis and testimony by the Borough's planner on the bulk variances that are part of this application. The meeting will then be opened to the public for comments on his testimony.

Edward Snieckus with the firm of Burgis Associates, Borough Planning Consultant was sworn. He said his report dated September 14, 2011 was submitted to the Board this afternoon. On page two he provides a summary of the proposed development. With regard to the minimum building area variance that is being requested, a minimum building rectangular area of 50 x 50 ft is required in the A residential district. Proposed lot 2.02 extends beyond these requirements into

the building setback line and a variance is requested for this condition by the applicant. The applicant's planner had provided testimony at an earlier meeting regarding this and provided an outline relative to the testimony before the Board. That outline states that the benefits of the overall site design by allowing five lots to be created as opposed to others although conforming are likely to have a greater negative impact on the public good. It is a general statement regarding this variance and he notes that this argument puts forth that the subdivision allows the church to remain viable at the site due to their economic needs while preserving the scale of the church and establishing the residential development of the adjacent single family residential lots. Mr. Snieckus noted for the Board's information that the economic needs of a particular church or a property owner is somewhat self serving due to the fact that even though the Board may look favorably on the application they could eventually move and sell the property. Therefore, the Board should review the proposal without the economic benefit to the church as a primary factor and weigh on balance if the proposed development would further the public good.

Mr. Snieckus said the proposed variance relief for the 50 x 50 minimum buildable area is approximately 7.4% less than what is required although it is noted that it will comply with the minimum lot area requirement and other bulk requirements of the zone. He said the test in this instance is does the lot configuration substantially impair the intent of the requirement for this minimum building rectangular area. He noted that residential subdivision development, especially in the lands remaining to be developed in the Borough often contain obstructions resulting in lots with an atypical configuration or lots that may not meet all of the requirements of the zone and he is sure that is why the Municipal Land Use Law permits deviations from those requirements. He said the plan proposes the removal of some of the buffer area requiring a buffer/transition area permit and a permit from NJ DEP. The proposal includes a compensatory buffer area which also encumbers the northerly section. This buffer area while necessary to preserve the viability of the adjacent wetlands will require a conservation easement on that lot to limit future disturbances and coverage thereby limiting the area of the property to be used by the future homeowner and that is something to be weighed in looking at the variance request. The buffer area in addition to the wetlands themselves will be encumbered by a conservation area which means there can not be any disturbance within that area. On the plan that is proposed, that delineation is rather irregular in its configuration. In some instances that he has been involved with in the past, a fence line was asked to be erected to delineate that area so the property owner understands that they cannot remove vegetation or cause other impervious surfaces such as a patio or walkway to be constructed without a permit from NJ DEP.

It was noted that due to the proximity of the adjacent wetlands area and the high ground water conditions on the site there is a question of the viability of constructing basements on the lots. In the Board's review of this there should be a limitation placed on the property and he would defer to the Board's engineer with regard to this. He also noted there potentially may be a need for seepage pits or sump pumps and there are cases where the Board can make it a condition that there are no basements.

Mr. Snieckus said the applicant has requested front yard setback relief from the requirement of 35 feet from the proposed roadway to the existing parsonage lot 17.03 as 15.5 feet is proposed. Being a corner lot it requires a front yard setback from both Ivers Rd. as well as proposed Couch Court. He noted that the applicant's planner testified that the benefits of granting this variance

are interrelated with the development of the overall tract, which would permit the existing church facility to stay at its current location. In addition, the point was made that the proposal would permit the church to remain at its current scale thereby minimizing future impacts to the existing neighborhood should such facility be occupied by a more intensive use or expand. He feels that the containment of the church on the smaller lot will logically limit the future expansion potential. He added that the applicant's planner noted that the current side yard of the parsonage residence is similar to the proposed front yard and will continue to act as a yard to the side of the house as viewed from the existing neighborhood. Mr. Snieckus concluded that the orientation of the home to Ivers Road and the proposal to add a landscape buffer in this area provides some mitigating factors which could be weighed by the Board to offset the relief requested.

Mr. Snieckus said the proposal calls for evergreen hedge plantings along Couch Court and what is being provided is a planted buffer. In this case the home is too close to the road for privacy so therefore the private space is towards the rear of the development. It is normally maintained by proper setbacks from the roadways but in this case it is 15.5 ft. which is closer than required by the ordinance so what is proposed is an evergreen buffer for screening. Mr. Quinn asked if there is enough room at 15.5 ft. Mr. Snieckus said he believes in that front yard area where they are proposing the plantings there would be enough room as long as there is the proper plant design. What is proposed is that the evergreen buffer would not go beyond the side of the house. He has provided recommendations for the grading plan for the applicant to consider in order to preserve the trees on that corner.

Mr. Whitaker said the landscaping suggestion and the suggestion for the preservation of trees are accepted by the applicant.

Mr. Snieckus noted that the lot that the church facility is on consists of 2.1 acres. He said Borough regulations do not have a requirement for religious institutions on the total impervious coverage area which would include the driveway, sidewalks, etc. As a result of the reduction in lot area the impervious coverage is increasing from 28.2% to 49.6%. He noted that if the lot was developed with a residential dwelling the maximum impervious coverage by ordinance is 27.6%. He noted that although there is not a requirement for maximum impervious coverage, because the applicant is requesting a reduced area of less than 3 acres, that the Board consider and review whether or not there can be imposed any conditions on the subject property to limit the amount of impervious coverage because the intent is to try to maintain green space as an offset and mitigating factor to the level of development permitted on that property. Mr. Quinn asked if the intent is to put on a condition that they cannot expand. Mr. Snieckus said right now they are at 49.6%. The Board may consider a percentage from there of what might be reasonable.

Mr. Snieckus said the applicant did discuss a parking calculation this evening. It was noted that they are about 4 spaces short from our ordinance standards. If they were to sell or not occupy this building in the future, the Board needs to be comfortable with the parking standards. He cautioned the Board that this is something that needs to be addressed. Mr. Quinn asked if that is something that stays with the property forever if it is conditioned. Mr. Snieckus said it would have to be brought back to the proper forum.

Mr. Snieckus said the applicant provided testimony with regard to the C variance balancing test wherein the benefits outweigh the detriments of what is being proposed. He said what was provided is that the church will not be any closer to any of the neighbors. The church will not experience an intensification of use. The three new homes on the three lots will serve to buffer the activities of the church. By virtue of the subdivision the current problematic drainage of storm water will not only be corrected but the rate of flow off the site will be substantially improved. The church provides a venue for a number of non-church related community activities and while the drainage improvements remain a debated concern, the proposed church activities are not expanding. He said an issue that remains to be addressed concerning the reduced area of the church is parking on site. Will it be sufficient should a religious institution of greater intensity occupy this facility? There are 231 seats in accordance with the letter of September 15 from Calvary Lutheran Church. With 231 seats divided by 3 there are 77 parking spaces required. While the testimony indicated that the current facility will not intensify, should a more active institution occupy this facility in the future, that expansion could occur creating issues for the neighborhood. He noted that the residential subdivision placing single family adjacent to some of the existing adjacent single family lots will provide an improved relationship to the church property. Some lots but not all of the lots, particularly to the north and south of the tract, will not be buffered and will have their current relationships to the existing church. It is not improving all of the conditions surrounding the property.

With regard to the detriments, there will be some loss of open space. The development lot size and setback requirements will not be consistent with the zone plan. Traffic will increase marginally due to the improvements proposed. The church property will be reduced because it is not at the 3 acre requirement and the environmental restrictions on lot 2.02 will limit the usability of the lot.

Mr. Snieckus said the review of the drainage design alternatives and decisions regarding the permission of basements in the proposed development could have a detrimental impact on the surface or subsurface drainage in the area if not properly designed and this is subject to further review by the Borough Engineer.

Mr. Snieckus said the planner for the applicant also noted that the requirement of 3 acres for religious institutions is a somewhat arbitrary number. In the analysis provided by the Planner he indicates that the three acre requirement is not inconsistent with the churches in the Borough. Of the four lots identified, three of them comply with the three acre requirement and while there is some deviation on properties that have less area there are lots that have more area than required. He added that the minimum area of 3 acres along with full compliance of the single family lots resulting in fewer lots would reduce the potential impact to environmental and drainage conditions on the subject site. Mr. Quinn noted that he assumes he means a 2 home development rather than 3.

Mr. Quinn said the church lot size as stated in the master plan has been historically viewed as sufficient. Mr. Snieckus said it is noted in the master plan that a more definitive criteria for those institutions should be established.

Mr. Fliegel said in discussions about the front yard set back variance some suggestions were made with regard to screening and saving of trees and he thinks what Mr. Snieckus is suggesting is that the minimum lot size may or may not be significant but what is significant is the impervious coverage number. If this was a residential lot the impervious coverage would be limited by code. He asked if the applicant would be willing to limit the impervious coverage to 49.6%. Mr. Whitaker said that is something the applicant would have to explore. Mr. Whitaker asked if under the current ordinances is there any limitation on the amount of impervious coverage that can be on that entire tract. Mr. Snieckus said no, there is not.

Mr. Whitaker asked if Mr. Snieckus is familiar with a number of decisions regarding churches in residential areas and he said that he is. Mr. Whitaker asked if some of the most controversial matters he has handled revolve around churches proposed to be placed in residential zones. Mr. Snieckus said yes but he also dealt with a case in Rockaway Township where there was what may be characterized as a mega church being proposed on a non-residential property and the associated intensification.

Mr. Whitaker asked if he is familiar with an application made in the Borough of HoHoKus for a church in a residential zone. Mr. Snieckus said he is. Mr. Whitaker asked if it would be possible to create ordinances that would govern the size of the lot that a church would need based upon the use of that church and being a small church vs. a mega church. Mr. Snieckus said he believes that could be done. Mr. Whitaker asked if from a planning perspective you could govern where a church is located based upon a parking ordinance or based upon impervious coverage. Mr. Snieckus said yes. Mr. Whitaker asked if a municipality could have some flexibility based upon the type of church that is making an application. Mr. Snieckus said yes. Mr. Whitaker asked could there be a type of ordinance that would recognize the difference between a mega church and a small church. Mr. Snieckus said yes. Mr. Whitaker asked him what he would look upon as being a mega church. Mr. Snieckus said he believes it has to do with a church that has municipal activities that occur in such a large quantity that it is much more than a sanctuary that people would frequent on a periodic basis. It could also have a catering hall, facilities for weddings including catering and have both indoor and outdoor events, day care centers and other types of facilities for the congregation and members of the public. Mr. Whitaker asked if he is familiar with churches that exist on less than 3 acres. Mr. Snieckus said he believes there are some and there is one in Allendale at about ½ acre.

Mr. Whitaker asked if he believes a church could operate and function properly on the size of this lot that is proposed. Mr. Snieckus said he believes it could but it depends upon its intensity within the facility but what needs to be weighed is the potential spectrum of activities within the church even as it exists today.

Mr. Whitaker asked if having 73 vs. 77 parking spaces would be considered a de minimus deviation. Mr. Snieckus said it would depend on the activities occurring at the church. The ordinance in his opinion is silent on multiple activities or other activities that could occur. With an operating school within the facility and if the church had services during the week there might be an over use or excessive use of the parking available on the property. He added that the federal law has to be considered in any of the regulations relating to religious institutions.

With regard to lot 2.02 that does not have the 50 x 50 buildable area, Mr. Whitaker said Mr. Snieckus commented that the home would not be rectangular. He asked if from a planning standpoint is there any necessity for a home to be rectangular. Mr. Snieckus said no. Mr. Whitaker asked if it is appropriate to have different styles of homes in a neighborhood and Mr. Snieckus said yes.

Mr. Whitaker said Mr. Snieckus talked about loss of open space or loss of vegetation in weighing this C-2 variance. He asked if that would apply to any application for this proposed development and Mr. Snieckus said that is correct but it would depend upon the severity. The same would apply to traffic and it would depend on the magnitude. Mr. Snieckus said in his understanding of the number of trips per day as established by RSIS standards, there probably would not be a substantial increase. Mr. Whitaker asked about the variance for the 6 ft. fence. Mr. Snieckus said it is a 6 ft. high opaque style fence providing screening of the adjacent parking.

Mr. Quinn asked his opinion about the lot size. Mr. Snieckus said the lot size deviation has to be weighed on whether or not the remaining area provides sufficient requirements in accordance with the master plan which is the light, air and open space pattern of development within the community. The proposal is not to expand the church and it does not provide any further impacts to adjacent property owners. The impact will be if in fact the church activity increases in the future and can the lot size accommodate that intensification. He noted that there is a deviation in the amount of parking spaces although 4 is not a substantial amount, but there really isn't any additional area to expand the parking if the Board looks favorably on this application. The wetlands are limiting on the northern side. They would need a permit from NJDEP in order to expand that area and there probably could not be any further expansion without further variances. He said it seems that the existing development is somewhat hemmed in as proposed so therefore he can't see it expanding much more than where it is unless there is a demolition of the building and re-delineation of the property. He sees that there is an inter-relationship between the minimum lot area as it is provided in this site plan and lot 2.02 and the limitations on lot 2.02 because of the limits of where the parking area currently exists which somewhat defines where lot 2.02 can be configured. In addition to that the wetlands adjacent to the two properties also defines 2.02 and its usability, so he thinks the two need to be looked at together as a unit and not just lot 2.01 which is the church lot. Mr. Quinn suggested that the Board might want to consider limiting any further expansions. Mr. Whitaker said he will review that with his client but there is not much left for expansion from a construction standpoint.

Mr. Whitaker asked if other than the buildable area, lot 2.02 meets all of the bulk requirements. Mr. Snieckus said that is correct.

Mayor Barra asked how much of a problem is lot 2.02 with its wetlands areas going to be from a planning perspective. Mr. Snieckus said it is his understanding that the wetlands area is being filled. According to Exhibit A-1, sheet 5 what is shown on lot 2.02 is a transition area or buffer from the wetlands that is being asked to be disturbed and that is something that will require a NJDEP permit. What is being proposed is two separate expansion areas. He is not a wetlands expert but it is his professional understanding of the law that the wetlands buffer has to be in the same area or within the same context of the same wetlands on the property so it has to be contiguous with that same buffer and it is creating a somewhat irregular area remaining in the

rear yard of the property. Mayor Barra asked what responsibility the Borough has to make sure that this configuration is adhered to. Mr. Snieckus said the obligation will come when someone is seeking a permit from the building Department. On the survey they submit will be a conservation easement and they will have to make sure that whatever is being proposed is in compliance.

Referring to the landscaping design, Mr. Snieckus commented that the applicant has changed the buffer plantings to Cyprus as requested but he feels there are additional specifications needed for that planting in order to safeguard its proper installation. In addition, he is recommending that an easement be provided on lot 2.02 encompassing the plantings to make sure that the maintenance guarantee for those plantings is adhered to. He also requested additional specifications for the buffer on the parsonage lot so that landscaping is properly specified. The Board had requested his input into some landscaping along the frontage of the proposed basin area. He does offer a few plants for the applicant to consider and utilize in the layout. He noted that the shade trees are provided on the plan in accordance with the Shade Tree Commission requirements. He finds that satisfactory although he would recommend that as part of any resolution the Shade Tree Commission be incorporated in the review of the final choice of trees and location. He said at the end of the report is a request that the storm water basin possibly be a little less rectilinear and a little more curvilinear by allowing a portion of the basin to curve towards the parking area for the church however he leaves that up to further discussion. With regard to pedestrian circulation he noted that the Board is favorable to not having a sidewalk on Couch Court. He asked if the sidewalk should then continue on Ivers Road up to the intersection of Couch Court or also continue further towards the east on Ivers Rd. beyond Couch Court. Mr. Quinn said it is his understanding that it was to be up to Couch Court which would be his preference but he doesn't know if others have a different view.

Mr. Yakimik said one of the comments in his report is that we cannot lead a pedestrian up to an unsafe situation. In his opinion an acceptable scenario is that at the end of the sidewalk, whether it goes across Couch Court or stops at that location, there has to be some sort of delineated shoulder so a pedestrian can walk safely to continue towards Franklin Turnpike and vice versa. He believes the Mayor said he was going to go to the Safety Committee to see if it was feasible to stripe Ivers Rd. for such a configuration. He said he would like to get as much sidewalk as possible and have it continue to the extent of the site in question – i.e. to cross Couch Court and continue in front of lot 17.03. He said to bear in mind that there are some trees in front of lot 17.03 within the right of way that would have to be removed and if there is any removal of those shade trees they would have to be replaced in accordance with the Code. He said he prefers as much sidewalk to be constructed as possible and if there is a way to construct it to the end of 17.03 and mitigate the removal of those trees that would be his recommendation.

Mr. Quinn opened the meeting to the public for comments with regard to the planner's testimony this evening.

Jim Wright, 498 Franklin Turnpike asked how much of the church property would be consumed by the detention basin. Mr. Latinsics said it would be 8800 sq. ft. or two-tenths of an acre. Mr. Wright said the size of the church is actually 1.9 acres which is further out of compliance. Mr. Whitaker said it is still the church's property. Mr. Wright said the detention basin is actually

serving the three lots being created and not necessarily the church. He is not sure why the detention basin is on the church property and not on the homeowners' property. Mr. Snieckus said it is more desirable to put it on a lot where it is someone's responsibility. The church being the applicant in this situation would be the vehicle to maintain and insure its future use. In his opinion it is the appropriate lot to be on.

Mr. Latincsics said this detention basin serves more than the development and more than just the church lot. It serves the entire watershed leading to it. If they were building a detention basin just for the proposed development it would be half the size.

There being no further comments the meeting was closed to the public.

Mr. Quinn said there will potentially be three more meetings which takes us into the first meeting in November. The engineers will get together in the intervening period and provide a report 10 days before the October meeting. If there are major changes as a result of the engineers' comments, the Planner will also have an opportunity to look at those changes and comment accordingly.

Mr. Wright asked if PDF's of the plans could be provided in the future. Mr. Latincsics said his firm does not release such plans.

On a motion by Mr. Walters, seconded by Mr. Sasso, the meeting adjourned at 11:15 p.m.

Respectfully submitted,

Barbara Knapp