

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, May 5, 2022**

CALL TO ORDER

Chairman Shivas called the meeting to order at 7:30 p.m.

ROLL CALL

	Mayor Rubenstein	Chris Franco	Andrew McElroy	Lisa Shimamoto	Marie Raffay	John Morytko	Robert Chozick	Eric Serrilli	Greg Smith	Michael Walsh	George Shivas
Present		√	√	√	√	√	√		√	√	√
Absent											
Excused	√							√			
Late											

Also present: Attorney Alyse Hubbard, Esq.
 Engineer Cory Stoner, P.E. C.M.E.
 Planner Paul Gleitz, P.P. AICP
 Secretary Caitlin Phillips

OPENING STATEMENT

Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.

FLAG SALUTE led by Chairman Shivas

REORGANIZATION: Nomination of Attorney

Chairman Shivas noted Ms. Hubbard has switched firms. Mr. Morytko motioned to retain Ms. Hubbard as the Board attorney, seconded by Mr. Smith:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion						√					
Second									√		
Aye		√	√	√	√	√	√		√	√	√
Nay											
Abstain											
Absent	√							√			

Motion carried.

MEETING MINUTES

Approval of April 21, 2022 Meeting Minutes

Mr. McElroy motioned to approve the minutes, seconded by Mr. Chozick:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion			√								
Second							√				
Aye		√	√	√	√		√		√		√
Nay											
Abstain						√				√	
Absent	√							√			

Motion carried.

RESOLUTIONS

Z05-2022 Edward King, 16 Chestnut Street, Block 26 Lot 370.02, R-4 Zone

Approval for an AC unit and generator in the front yard.

Ms. Raffay motioned to approve the resolution, seconded by Mr. Chozick:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion					√						
Second							√				
Aye		√	√	√	√		√		√		√
Nay											
Abstain						√				√	
Absent	√							√			

Motion carried.

Z06-2022 Scott Pietschker, 28 Meteor Trail, Block 174 Lot 69, R-5 Zone
 Approval for a deck replacement with variances in the front and left yards.
 Mr. Smith motioned to approve the resolution, seconded by Mr. Chozick:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion									√		
Second							√				
Aye		√	√	√	√		√		√		√
Nay											
Abstain						√				√	
Absent	√							√			

Motion carried.

Z01-2021 Karen McDonald, 4 Roger Drive, Block 223 Lot 3, R-4 Zone
 Approval for extension for a covered porch.

Mr. Chozick motioned to approve the resolution, seconded by Mr. McElroy:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion							√				
Second			√								
Aye		√	√	√	√		√				√
Nay											
Abstain						√			√	√	
Absent	√							√			

Motion carried.

NEW BUSINESS

SP7-2021 Princeton Property Management, 86 Tamarack Road, Block 360 Lot 40, R3 Zone
 Conversion of a prior bed and breakfast to dormitory use.

Mr. Yi Qian of 14 Cold Spring Road, Syosset NY 11791 was sworn in. Mr. Bernd Hefele represented the applicant. The property is the old Colby Mansion, and was also a bed and breakfast. Elite Prep purchased this property to use as a dormitory for 23 international students. The school is in Hopatcong, and is the former Hudson Maxim school. There are no site plan amendments proposed. Ms. Franco stepped down at this time. Mr. Qian is the director and principle of Elite Prep Academy. They are a boarding and day school and offer programs to first through twelfth grade. Half the day is for academics and half a day on music; the dorms are used only for the international high school students. He will be the supervisor, and will living in the house next to the dorm. Elite Prep was established in 2005, located in Somerset. New management purchased the school in 2019, so they're moving the campus space to Hopatcong. There will be one supervisor living with the students in the dorm area and another supervisor outside the dorms to take students to various places. Students will be from 9-12th grade (14–18-year-olds). Because of the international component, the students need a place to live while studying here. Housing is available the day after labor day and ends during Christmas break, and then opens again January 2nd through the end of June, so the dorms follow the school calendar. Mr. Qian described a weekday schedule as follows: 7:00 wake-up, 7:30 breakfast, 8:15 school bus arrives, school day through 4:00. After that, there are activities including snacks, chess, drama, coding, movies, etc. Dinner is 6:30 and 10:30 is bed. On weekends and holidays, breakfast is at 8:30, dinner is at 6, and there are activities and games; 11:30 is bed. Mr. Hefele submitted **Exhibit A1**, the Dorm Policy, which must be signed by the parents and students.

Mr. Hefele went over the security for this use. Mr. Qian said there are cameras facing the gate to monitor traffic, and all doors and the common area have cameras. No cameras will be in the dorms. Students must stay in the dorm area outlined in the dorm map, and leaving the boundary is a violation. There are woods and a lake nearby and they don't want them wandering unsupervised. The food is catered for breakfast and dinner on weekdays, and on weekdays all three meals are catered. The kitchen on site is for snacks and cleanup. Laundry is by service, and will be picked up Friday and delivered Monday. The two supervisors are monitoring these operations and the students. In terms of healthcare, if a student is sick, they go to the school nurse the next morning. If it's during the night, there is a separation room, and then they would report to the nurse the next day. If they need to stay home, they get a note from the nurse. If it's a larger issue, they would call the emergency number and the emergency contacts/sponsors of the students. To get to school, they will be bused—they'll purchase a medium-sized bus that comes every morning. Mr. Qian noted he doesn't expect having the maximum number of 23 students right away.

Mr. Smith asked about traffic; there will be food catering as well as school buses. Mr. Qian said the two companies they're considering have different procedures; Catering Solutions leave breakfast and

dinner together in the morning; dinner will be reheated. Carsons' Foods delivers separately. Mr. Smith confirmed it's limited to a few vans twice a day. Ms. Hubbard confirmed the supervisors heat the food. Chairman Shivas asked if someone is sick, do they have to go see the school nurse? Mr. Hefele said it's not different than if your kid at home got sick—if it got that bad, they'd be taken to urgent care or the hospital. They also have the nurse at all times at the school. Mr. Qian said the nurse is available for emergencies and can be called for advice. The sponsors would be notified of the issue, but the call to go the hospital would be made by the supervisor. The sponsor is responsible for the students while they're in the country; if a student gets expelled, they go to them. The sponsors are selected through an agency or relative. They have to have a sponsor provided beforehand. Mr. McElroy asked about leaving the property. Mr. Qian said they need to fill out a form 2 days before to get permission, and typically if it's a friend or relative they need to be over 21. If it's overnight, they need approval of where they're staying. They can leave the property alone if they can verify the destination via phone call to the friend or relative. Ms. Raffay asked about the freedom they're given; there are hiking trails nearby they could use. Mr. Qian said they'd be supervised for that; it's a large property they can explore. They don't want the kids wandering around without supervision because of the lakes nearby. They have a breakfast sign-in area to make sure they're fed, but after a few semesters of following the rules, an honor system is developed. They can't go on the road because of traffic. None of them will have drivers' licenses, so there will be no vehicles from them. Ms. Hubbard asked about trips to stores to get products that may be needed. Mr. Qian said on the weekends trips are taken with the bus for shopping. There are also field trips to museums and cities. Mr. Gleitz asked about the summer activities. Mr. Qian said the dorms will be closed for regular students; there will be a 2-week camp with 20 students and 3 staff for music. There will be breakfast, a master class and rehearsals, and then field trips in the afternoon for hiking or various activities. At the end of the 2 weeks there will be a concert on the property. Those camp members would stay in the dorms. If there's a lot of interest, they'd like to do more than the two weeks. Mr. Gleitz noted under the previous approval there were restrictions on special events. Mr. Hefele noted that resolution limited guests to 60 people. Mr. Qian said he's aware of the capacity and won't exceed it. These camps will only happen in July and August. Mr. Hefele noted the most they could do would be 4 camps. Ms. Hubbard noted the resolution has 70 because of the 10 staff members plus the 60 guests. These events are open to local people. Mr. Qian said their goal is to accrue talented students who audition; they have scholarships available for local students. Mr. Gleitz asked what makes the site perfect for the use. Mr. Qian said it's beautiful and historical. As a musician and educator, he thinks it'll help the students appreciate their studies. They want them to respect the history and the site; their music is traditional and so is the building. Mr. Gleitz asked if there will be any tennis or badminton courts or recreation amenities. Mr. Qian said they'd like to; Mr. Hefele said they should set up the school first and get traction. Mr. Gleitz noted if they have plans for that, they need to come to the Board.

Chairman Shivas opened to the public. A member of the public asked if any students will go the parks nearby. Mr. Qian said they have to stay within the boundaries provided. The resident also asked about traffic, including laundry and trash services—how many vehicles are there in a week. Mr. Qian said the laundry will be once a week; he has to look into trash. Mike Finn, a resident, asked if they're aware it's a former superfund site. Mr. Hefele said they're aware and it's been addressed. It has gotten clearance for the well water. Mr. Finn also noted there's wildlife in the area to be aware of. Larry Rotter of 80 Tamarack Road confirmed the dorms will be used in the summer for the camp, and there will be supervision then as well. He confirmed there will be no alcohol or smoking, and that they'd need to come to the Board to dig up anything for site changes. Chairman Shivas closed to the public.

Mr. Kenneth Fox, 546 Route 10 in Ledgewood, was sworn in as the architect. He is licensed and has testified in front of numerous Boards including Sparta, Andover, and Newton, and his license is current. The single-family home will be for Mr. Qian and his family. There will be repair work but not much construction for the single-family home. The dorms will have 2-5 individuals per room. On the second level there are five rooms, and one dorm room on the first level. There is a kitchen that's off-limits to the students. Numbers provided are for fire protection occupancy. Other than damage/age repair there are no significant changes. They will have handicap accessibility in the rear to make it ADA complaint. Mr. Hefele confirmed they reviewed fire protection details; they have to be fully sprinklered. They had a fire company check to make sure it conforms. The fire department said the sprinklers also have to be inspected; Mr. Hefele said they will be doing that to comply. Chairman Shivas confirmed there is a generator on site, and they will have it operating and it can support the fire suppression system; all required alarms will be installed.

Ms. Shimamoto asked about supervision. All but one dorm is upstairs and the supervisor is downstairs. She noted it seems like a lot for one person. Ms. Hubbard asked about locks. Mr. Hefele said the supervisor is going to be amongst the students, and at night they'll walk the building to make sure everyone is in bed. Mr. Smith said there are some rooms with roof access. Mr. Hefele said all they can do is make sure there are policies in place. Mr. Fox said there are cameras around the area. Mr. Qian said the supervisor will be monitoring the cameras; they are motion-activated. The doors are locked at night for the bedroom and the building itself. Mr. Hefele said the applicant has also run a dorm in Somerset for 17 years so this isn't new for them. Mr. Morytko asked about how this place

compares to others that are similar. Mr. Hefele said it's not much different than Blair Academy. There was further discussion about boarding schools. Mr. Gleitz said because this building is older it doesn't have modern prevention of egress, and asked if they plan on anything to help mitigate that. Mr. Fox said no, and doesn't anticipate a need for it. Mr. Hefele said it will all be in compliance with the code. Chairman Shivas said they also need to meet the fire code, which will dictate exits. Mr. Gleitz asked about exterior changes; Mr. Fox said repairs and the colors will remain. Mr. Fox noted in terms of safety, there's a director's home there, the dorms are a small number, and it's in a remote area. Mr. McElroy noted the police report states they have no issues.

Chairman Shivas opened to the public, and no one spoke so Chairman Shivas closed to the public.

Alan Campbell of 9 Cook Road Branchville with Robert Campbell Associates NJ sworn in as the engineer. He has presented in front of Boards including Roxbury and Montague, and presented in Byram for the bed and breakfast application; his license is still current. Mr. Campbell submitted **Exhibit A2**, sheet 3 of 3 of the site plan colorized. He discussed the access drive; the entrance has good sight distance. There are numerous parking areas. He noted where there is vegetation, which buffers the property from the road. There are 19 available parking spaces that won't be interfered with, and there are 2-3 overflow areas. There are 16 or more light posts for ornamental lighting. He discussed the trash and septic; they've had septic inspections. The building A septic was designed by Mr. Campbell and was for 1290 gallons a day, which meets the needs of the dorm. They'll also employ an auto-dialer in the tank, so that if there are any issues, a contractor will have an emergency response. He discussed areas for open space, to play sports or do activities. The generator will help with the septic if the power goes out so there will be no backup issues. He evaluated the traffic on site, and on a high end there would be 10-12 vehicles in the course of a day. Ms. Hubbard confirmed that the capacity of students is driven by the septic. Chairman Shivas noted that the fire department won't like the garbage stored under the porch. Mr. Hefele said they will comply with what professionals suggest.

Mr. Gleitz confirmed there's landscaping already. Mr. Campbell said there is a courtyard and walkways. He confirmed the landscaping will be rehabilitated and cleaned up. Mr. Qian said the supervisor's car and his car would stay on site, as well as the buses. Mr. Hefele added the bus driver's car would be there. Mr. Gleitz confirmed the cars for the summer camp would be okay; Mr. Campbell said the bed and breakfast provided 40 parking spaces. Mr. Gleitz asked about moving days. Mr. Qian said because they're international students, they'll be on flights, transported to the airport. Ms. Raffay asked about the 50 foot right-of-way near the house. Mr. Campbell didn't know what it was, but it didn't interfere with the site before. Mr. Gleitz asked about signage. Mr. Qian said there would be a small discrete sign on the front entry door. They want to restore the gate as well. Mr. Gleitz said a detail on the plans should show the sign. Mr. Hefele confirmed it will be no more than 2 x 3. Mr. Stoner said a condition should be a night test, and a county health department approval.

Chairman Shivas opened to the public. Bryan Laverti asked about the drawdown levels on the well, because of the volume of people. Mr. Campbell said the septic is for 1290 a day, and is equivalent to two four-bedroom homes. It has been proved to be sufficient for the bed and breakfast. Well usage is relative to a septic calculation. Without well monitoring, there is the septic flow anticipation for supplying the liquid. He noted the density of the land and more space for the one property. With the additional four-bedroom home it would be around 1900/day. Mr. Stoner discussed calculations; he noted no laundry and food processing on site. Mr. Campbell noted the caterer will be taking the plates with them which decreases the water usage. Mike Finn of 22 Ghost Pony Road asked how old the septic is. Mr. Campbell said it's about 19 years old. Mr. Finn asked how long that should last. Mr. Campbell said it depends on the maintenance—he doesn't have the records. They will have the system upgraded and repaired, and a licensed contractor will be on the auto-dialer. They are not expanding the septic, but replacing it. Mr. Finn asked how many people he thinks are in a 4 bedroom home. Mr. Campbell said the State Code never specifies. In a home there's typically multiple uses with the kitchen and activities; he said these operations are out of the dorms and the students are gone most of the day. They don't have a shower count. Mr. Walsh confirmed that should the system be replaced with a new system, it won't impact the site plan. Chairman Shivas closed to the public.

Mr. John McDonough was sworn in as a Planner. His license is current and he was deemed an expert. **Exhibit A3** was submitted with photos of the property taken in January. The first page shows a view to the north of the building. He noted the property is 5 acres in a one acre zone. There is a lot of open space for isolation from other properties. He noted the Master Plan goals of environmental and neighborhood protection are met; there's no increase in disturbance and they're working with what's there. This will be a contained operation. There are structures in the back not on the property and seem to be in the open space area. He noted that one of the reasons the bed and breakfast was suitable to the area was because it brought people to Byram; this continues this social and cultural use. This also advances education, and uses land efficiently because it's reusing the property.

Chairman Shivas opened to the public. Dean Nicholls of 12 Old Indian Spring Road confirmed 87 Tamarack Road is not owned by 85 Tamarack. He asked if there's a guarantee that no one will build there. Mr. Hefele said whoever purchases the property will need to get the right permits and may need to come to the Board. They would maintain their security on 85 Tamarack. Mr. Finn asked if there will be a fence for security, to stop students from going in the area with the additional structures back there. Mr. Hefele said they can't put up anything on property they don't own, but they have cameras to monitor the area. Mr. Rotter asked if the variance is granted but the business doesn't do well, can other uses be allowed? Ms. Hubbard said they'd have to come back in to be evaluated for a change in use. Mr. Gleitz said the resolution would be structured to say it would be student dorms for off-site education; it will be specific to this use, crafted to the testimony. Chairman Shivas closed to the public.

Mr. Smith asked about an agency that oversees policies to make sure it's fit for children. Mr. Fox said it'd be through the County and the Department of Community Affairs. Mr. Smith confirmed they'll have to comply through the permit process. Ms. Hubbard asked how kids are accountable. Mr. Hefele said they're accountable to the school that accepted them. The school's board makes those decisions. Mr. McElroy asked how often policies change and if the Board needs to review those for compliance. Mr. Hefele said this is a fluid document so it may change. Mr. McElroy said the policies dictated a lot of the testimony, including security and rules on how to use the site. He doesn't want the policies to contradict the resolution. Mr. Qian said every two years they review the policies, so he doesn't see this changing soon. Mr. Hefele said they can agree to submit a copy to the Board and professionals for review, and can come to the Board if needed. Mr. Gleitz said if there's anything in the policies that the Board thinks is essential, it can be included in the resolution. There was further discussion on how to incorporate the policies.

Chairman Shivas opened to the public for comments. Joan Salvias said she has property at 25 Ghost Pony Road that has a pond; if a student gets in it and is hurt, is she liable? Ms. Hubbard said that's a trespassing issue. Ms. Salvias said her main issue is with ice. Chairman Shivas closed to the public.

Mr. Walsh motioned to approve the application as submitted with the conditions discussed. These include the fire department's approval, a landscape plan approved by the Planner, the Board of Health approval of the septic, a lighting inspection plan, and dumpster location approval. Mr. Smith added details for the sign. This was seconded by Mr. Chozick:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion										√	
Second							√				
Aye			√	√	√	√	√		√	√	√
Nay											
Abstain		√									
Absent	√							√			

Motion carried.

SP8-2021 Goksun Goksu, 12 Ghost Pony Road, Block 361 Lot 2.03, R-3 Zone
Expansion a 4-family dwelling to 6 family

Mr. Steven Schepis represented the applicant. Mr. Mark Mantyla of 139 West Mountain Road was sworn in as the engineer and land surveyor. He has testified in Mendham, Morristown, and Hanover, and was deemed an expert. He conducted a boundary and topographic survey. Chairman Shivas noted that due to the time, they'll hear this witness, but will need to end afterwards. Mr. Mantyla said the front yard is where the open lawn and septic is. The remainder of the lot is wooded and sloped. There's existing concrete walks between the building and parking. Each doorway has a covered entrance. The footprint is currently 1782 square feet, and the proposed is to add 900 square feet. **Exhibit A1** was submitted, detailing photos of the property. They're proposing a new parking lot because the current one is substandard and is partially in the right-of-way. The proposed will accommodate 12 spaces with a 24-foot-wide isle. There is no on-street parking. It will be paved and striped. Because of the sidewalks and parking, there is increased impervious coverage. They've proposed an infiltration system on either end of the building. There are landscaping improvements including buffer hedges around the parking. There are evergreens buffering the parking area. The trash enclosure is at the end of the existing parking lot, and is proposed to be along the sidewalk on the southwest end. It's difficult to put it in the back because of the grade change. They're not proposing a loading space, typically required, because he doesn't anticipate any large deliveries other than what's gets dropped off at a home. They're proposing a retaining wall near the parking area, because of the grade change. In order to have the standard parking lot they had to extend it back. The wall is under 4 feet. Because of topographic issues and the type of use, Mr. Mantyla doesn't think a loading space is needed. They're proposing 9x18 parking spaces because that's the residential standard. They're staying under the impervious coverage requirements. The building has a flood light on either end and wall scones at the doorways. They're proposing wall scones at the new doorways

and similar floodlights on either end of the building. They're also proposing three lamppost lights, one near the sidewalk, and two at the edge of the parking lot. These lights project about 20 feet, so it's not conforming to the commercial standards, but is similar to a residential driveway. The code requires one shade tree—they're willing to do that but none are proposed.

Ms. Raffay asked about the seepage pits and water collection. They're not collecting from the sidewalk or parking, but will catch the area off the roof. If they can't handle the capacity it will overflow. Ms. Raffay asked about concerns for this. Mr. Mantyla said each infiltration pit shows an inlet at the center, which is more of an inspection port—it's not expected to catch the water off the ground. Ms. Shimamoto asked if they're required to have handicap parking, because there are none proposed. Mr. Mantyla said they could make space #7 the designated spot, and use part of the excess 9 feet to make it conform. Ms. Shimamoto asked about electric charging stations. Mr. Schepis said they were made aware and they will agree to the two spaces. There was further discussion about the make-ready spots. Mr. Gleitz asked about species for the landscaping; nothing invasive can be planted. Mr. Gleitz asked about his suggestion for a picnic area. Mr. Mantyla said there's a space in the back; Mr. Schepis said it's a stone area. Mr. Gleitz said in front of the new units would be a good space for picnic tables, and a few trees in front to buffer. He suggests something evergreen to buffer year-round and cover more space. Mr. Schepis said they're ok with that. Ms. Hubbard asked about how trash is handled. Mr. Mantyla said right now it's at the end of the parking area; the residents take the garbage out of the enclosure on garbage day. Mr. Schepis submitted **Exhibit A2** to show the existing enclosure. Chairman Shivas asked about the existing shed; Mr. Schepis said it's a well house for the pump. The well is in front of it. Mr. Smith confirmed they're going to be adding one more garbage can similar to what's there. Mr. McElroy asked if the garbage stays in the enclosure; Mr. Schepis said they can get that answer from the property owner. Ms. Shimamoto asked about recycling, and Mr. Schepis said they'll have the owner address that as well.

Chairman Shivas opened to the public. Mike Finn asked if any calculations were done to handle the water with the drywell with all the rock. Mr. Mantyla said that's why they chose a stone pit rather than a concrete tank; they're shallower. If they encounter rock they'll adjust. The two locations they have are the less likely to encounter rock. Mr. Finn asked if they can guarantee it will take care of the water problem that exists now. Mr. Mantyla said they're guarantee that it will control the increase in stormwater off the new improvements; there will be runoff off the lot, but no increase in what exists now. Mr. Finn said the water has always been an issue. Ms. Hubbard swore Mr. Finn in to provide this testimony. Mr. Finn said this property was previously garages; the pump house was a dynamite magazine. There is rock everywhere and the ground can't sustain two more units. Water runs down the road; he looked into the septic system which has had problems, and there hasn't been anything since 2015. The town has been out there doing drainage work to alleviate the water. Adding more units will add more water to the septic, and expanding the parking will make it more of a problem. In the winter everything is ice. Mr. Finn said it looks like they did one test hole, got down six feet and hit a boulder. Mr. Mantyla said he's reviewing the soil analysis, and it notes that they encounter rock at 6 feet and above that the soil appears to have good permeability, and that's why they have a shallower tank. Mr. Stoner said a lot of water bleeds out of the slope into the roadway; they did some drainage work but they hit ledge and couldn't do much in the area. He noted that to Mr. Finn's point, the additional infiltration could saturate the area more. Ms. Raffay asked if instead of being sized for impervious coverage increase, to have it sized to collect the entire roof area. Mr. Mantyla said if that's what's required that's what they could do. They're looking to control the increase, not to fix an existing condition. Chairman Shivas said they're asking for something not allowed in town, so the applicant needs to figure out ways to fix some of the problems, because they're in a position to do that. Mr. Mantyla said he was explaining what's currently designed, but they can fix it to compensate for the entire roof area, which would be 2600 feet, rather than the 1200 designed. Mr. Stoner said the design now is smaller, and its more for 2-10 year storms. They're not triggering the major stormwater requirements for the town; they're maxing out what can be done. Mr. Mantyla said they could put another system behind the building depending on the rock. Mr. Stoner confirmed they're saying they'd double what's proposed. He asked what assurances they have that they won't just hit rock. Mr. Mantyla said they're have to find out by digging test holes and do a soil log. Chairman Shivas said the resolution would require reducing the amount of water on the road. Mr. Finn added that those units get flooded out; no water can go behind the building because it slopes to the back of the units. Everything goes towards that structure; the ground can't handle it. Ms. Hubbard said the applicant's engineer will need to revisit this. Ms. Joan Salvas was sworn in, and noted that as Mr. Finn explained, when the structure was originally built, there was no opposition because all the land was owned by CO Johnson, his son, or his brother. She stated that it floods every time it rains, and it goes into her pond and property. Her entire property is flooded, and in the winter you can't get up or down the road with the sheet of ice. Ms. Salvas noted that before it was mentioned that there is no on-street parking, and that doesn't seem to be the case. Ms. Hubbard noted that needs to be reported to the town. Mr. Schepis asked Ms. Salvas how long she's been at that property. Her parents bought the property in 1975; the subject property was approved as four-family house in 1975. Mr. Schepis confirmed as far as she knows it's been a four-family home and has been that way since. Douglas Ribot asked how the property is zoned, confirming it's residential. Ms. Hubbard noted this is a use variance—they can't

change the zone. Chairman Shivas noted that the meeting needs to come to a close, and this application needs to get carried. He suggested they look into the water issue and find solutions for the next hearing.

Mr. McElroy motioned to carry this application with no further notice to June 2nd, seconded by Mr. Smith:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion			√								
Second									√		
Aye			√	√	√	√	√		√	√	√
Nay											
Abstain		√									
Absent	√							√			

Motion carried. Ms. Franco rejoined the meeting at this time.

REPORTS FROM COMMITTEES

Architectural Review Committee: Mr. Morytko said there was no meeting.

Building Committee: Mr. Morytko said May 24th there’s a joint meeting with the Council to go over the plans for the building.

Environmental Commission: Ms. Shimamoto said there was a hike with the Recreation Committee. They’re planning on doing this again; there were probably 30 families there, and the trail was clean.

Open Space: Mr. Morytko said there is a meeting on Monday.

Township Council: Ms. Franco said they had a report presented to them, and they didn’t do the reading of the vacation for two roads, related to Raimo. They had the second reading for the cottage food ordinance.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public, and no one spoke so Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:48 by Mr. McElroy. The motion was seconded by Ms. Franco. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips