



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

PLANNING & ZONING
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**DECEMBER 13, 2022
PLANNING BOARD
MINUTES**

The meeting was called to order by Bob Preston at 7:00 p.m.

Flag Salute

Notification of Meeting

ROLL CALL

PRESENT: Aleli, Gersh, Horton, Howell, Kirk, Reilly, Thompson, Strugala, Tiberio, Preston

ABSENT: Clinkscale

ALSO PRESENT: Joe McGroarty, attorney, Chris Dochney, Board Planner and Michael Roberts from CME Engineers (filling in for Andy Previti)

NEW BUSINESS:

APPL. #6-2022 for the City of Absecon for Major Subdivision Approval for New York Avenue - Block 39 – Lots 1-3; Block 40 – Lots 1-2; Block 41 – Lot 1; Block 42 – Lot 2 and Block 52 – Lot 2.02

Jessica Thompson, Mayor Kim Horton and Council President, Betty Howell recused themselves.

Frank Guaracini, attorney in for City Solicitor, Bill Blaney appeared and City Engineer, Ed Dennis and Jessica Thompson, City Administrator who were both sworn in.

Frank – gave a quick synopsis of the application that is to be a 15-lot subdivision on New York Avenue, which will need two variances for lot size of the two basins and several waivers that were itemized in the application.

Jessica – explained how this subdivision came about. It has been in discussions for about 20 years and in the mid 2,000's the project stalled due to an impasse with a utility easement. The recession then occurred and the city didn't proceed with it. This current project has been redesigned to subdivide into 15 lots as an extension of New York Ave with a new design to allow for 3 homes on a cul de sac off of Highland Blvd and 12 homes along New York Ave. with another cul de sac off of 15th

street. The lot sizes are oversized to allow for homes to be built similar to the ones already built in that area. The city has received a good deal interest from the public to move forward with most of the interest coming from current residents. The area is appealing to develop and new lots are expected to sell at high market value. It will benefit the people who want to build homes and give the city the opportunity to realize land sale revenue as well as future property tax revenue on previously untaxed property. This will allow the city to minimize tax rate increases for recurring inflationary budgetary items in the long-term fashion. A committee was formed in 2021 to discuss potential design for the project as well as controls that homes built would be consistent with the surrounding neighborhood. The city engineer has met with area residents who have expressed interest in the project and has taken their comments and suggestions into consideration as part of the design. The committee discussed minimal home sizes requirements as well as requirements to start building in a timely fashion to encourage actual construction rather than lots sitting vacant while other homes are being built. The focus tonight is the subdivision application and compliance with zoning, planning and engineering standards. Building controls will be done by City Council at the appropriate time pending approval of this subdivision.

Eddie – he gave a history of this project from the Master Plan stand point as well as the actual process of the subdivision. It's pretty straightforward as to the design and layout. We do require a variance for the two basin lots and we will go over that. We received review comments from the board professionals that we have addressed and will address tonight. **Exhibit A1**, an aerial overview of the site was explained. The project is located between 15th and Highland Blvd. south of the Pitney Park recreation complex. He went over the developmental patterns that have taken place over the last 50 years. By early 2000's NY Avenue was fully constructed from Iroquois and 15th Street, with some vacant lots still being developed. In 2002, the area known as Katie Court was developed. Around 2007, the newer part of Pitney Park was completed, so this part of town has been filling in slowly as residential. With regards to the Master Plan, we found in the 1999 re-examination that document specifically references this development. Going to our current version of 2016, this area is still mentioned as possible development with even more lots. In 2002, engineering was started coming up with several versions that were bounced around. Then in the mid 2,000's the city arrived at an impasse on a utility easement that would be required to move forward with the project. In 2007 and 2008 the recession hit and the project was stalled. In April 2021, we were authorized to move forward with engineering and re-design. There was an ad hoc committee created to give guidance on the design and layout of the lots. It included some council members, the administrator, representation from public works, the Planning Board chairman and police department. It was discussed at public meetings where some residents voiced their concerns and questions. He met with some of them to go over their concerns and we did modify the design a little based on some of the input. We did have to pause to deal with an easement issue required for drainage purposes, which we were able to secure in September and the other was two out parcels that we didn't own and had to retain ownership of, which was finalized in October 2022. The application was filed with the Planning Board and the County and received a notice of favorable review from the County.

Exhibit A2, a colorized version of the site plan showing the 15 lots. He gave an overall layout of the project. Lots are oversized compared to the minimum lot area required and the intention is to permit them in size with existing lots in this neighborhood, which will allow for home types consistent with the character of homes in this neighborhood. The original concept had a straight cut through from 15th Street to Highland Blvd, with additional lots, but after the meetings and concerns about NY Ave. being a through street, the city decided to come up with the plan we have tonight. 12 lots will be on the NY Ave. side and 3 lots off of Highland Blvd. to finish that street off. There will be a 20 ft. wide path to connect the cul de sacs for pedestrians, bicyclists etc. and it will allow emergency vehicles to get in and out of the subdivision from either side if they need to. Bollards with break-away locks will be at

the end of the path to prevent regular vehicles from driving through there. It will be similar to what we have at the paths on NY Ave. and the park. There will be two storm water management areas behind the lots. A larger basin on the south side, that includes 3 separate basins. Rules have been changing a lot in the past 5 years, so you can't have one large single basin. Another one will be on the northern side between the homes and Pitney Park.

Exhibit A3, site plan sheet 5 of 18 that was submitted with the application. This shows more detail of the curb and sidewalk and the conservation area that will be preserved between the cul de sacs. Everyone will be on public sewer, as well as NJ American Water and SJ Gas and they are working with us. The two basin areas are separate areas and they require variances because they are oddly shaped. All of the lots will have a 10 ft. wide utility easement along the road in the front of their lots in order to allow for future installation of lighting, electric facilities, cable, fiber, etc. With the public input, there will be a multi-way stop at 15th St. and NY Ave. intersections. There is an existing path for Pitney Park there and you will have to stop in all 4 directions.

Exhibit A4, the landscaping and lighting plan – AC Electric will provide electric for this project through the municipal lease lighting program, which means they install the lights and we pay them a monthly fee. All utilities will be underground and 2 street trees will be provided for each lot, which is a requirement in the ordinance. As far as landscaping and buffers, they are proposing some buffering around the basins and in the professional's reports they mentioned some additional buffering and he will amend the plan.

Frank – he questioned Ed regarding his expertise and credentials

Eddie - we require variance relief for the two basin lots and explained locations and the size and shape of them. The variances would be for Lot 10, needing a lot depth and it needs a lot width variance at the street line. He argued that the bulk standards in this zone are intended to apply to a buildable, residential lots and these lots are not meant to be building, by applying the standards it will create an undo hardship on this project. We are required to demonstrate that we meet the positive and negative criteria and one way to meet the positive criteria is that you advance any one of the purposes of zoning in the ordinance. He argued that this advances several purposes: Purpose A, promoting the general welfare and appropriate use of this land. Purpose B is to ensure safety from fire and flood and other natural man-made disasters. He argued that they are providing emergency access with the pass connecting the cul de sacs, as well as purpose C to provide adequate light, air and open space and these lots are oversized to create more open space. Purpose G, the location of land types and this is located in a residential area and next to a recreational park, which is a good combination of uses, as well as the path that runs throughout the park. Purpose I, to promote a desirable visual environment. Again, the lots are larger to maintain the character of this existing neighborhood. The benefit of granting the variances, outweigh the detriment of the public good and variance approval would not impair the intent and purposes of the city's zoning plan.

Bob P. – asked if police and fire have reviewed this

Eddie – we have letters from each and they had no objections

Bob P. – asked if there was an engineering cost estimate done or even for the site work portion

Eddie – no, we don't have that prepared. The private utility companies need to be included too

Bob - Where will the funding come from to execute this project?

Eddie – I understand the nature of your question, and to be transparent, it is the city's intention to construct the infrastructure and sell off the lots directly, but that decision hasn't been finalized. So I can't comment on that part of the project.

Lou – asked if the basins were to be modified not to require a variance, what would happen
Eddie – you would have to comply with the lot width, so you would end up with an enormous unusable area just to comply

Chris Dochney, board planner – asked if the houses shown on the plan were just conceptual and if the city sells the lots individually, then the new owners would then build. The driveways shown then are just for this application and not definite. Will the city own and maintain the basins? Answer was yes. He stated some of his comments from his report and the R2 district is the zone and the lots conform. He thinks it's a design waiver, but the cul de sacs turning radius are supposed to be 50 ft. wide and they are at 40 ft.

Eddie – the city's ordinance does require 50 ft. width, but the Residential Site Improvements Standards actually permits 40 ft. and the state supersedes the city's ordinance. The closest one in proximity would be Katie Court where it was done.

Chris – he has no problem with it, as long as emergency vehicles and school buses can turn around. Has a tree survey been done to see how many specimen trees are out there or to preserve existing ones besides the ones around the basin?

Eddie – we would like to save as much vegetation as we can. The challenge is the topography of the site and the requirements for storm water management require pretty comprehensive grading of the site, which limits the ability to preserve any of the existing vegetation. With this layout, we are able to preserve the wooded area on the southern portion of the site.

Chris - he'd like to see some buffering landscaping around the basin on Block 41, Lot 7. Is there any possibility to give more space for additional buffering if you shift the basin further north and east just a little bit?

Eddie – that space is pretty tight, but we will do what we can. We agree to add buffering to the extent possible.

Chris – is it the city's intent to plant the two street trees or the individual property owners?

Eddie – the property owners will

Mike Roberts, board engineer – most of the responses are acceptable and no real concerns. He asked for more clarification on what actual infrastructure is going to be constructed at this time? Will it be all utilities, roadway, curb, driveway aprons, sidewalk?

Eddie – we don't have a definitive plan on how this will proceed as to timing and the plan. It was envisioned for the city to build the infrastructure and then install the utilities and sub surface ones and install the curbing, but not the sidewalk and driveways. That will wait until the home is built, that way the construction activity won't disturb them. The road will be based paved to allow for construction vehicles without damaging the street. An official decision has not been made on how and when it will happen.

Mike – he discussed the slide slopes of the basin, which is 5 to 1, which is good. The northern basin will be hard for the maintenance due to the nature of the shape. With the southern one, it would be better to slide it if you can and to provide screening rather than a larger width for maintenance access.

Eddie – we try to steer clear of the 3 to 1 slope, which is the maximum, but it's difficult. We will look at the buffering and see if there is anything we can do and instead of boring the public, he is happy to work with him on the basins together.

Bob P. – asked Mike if he is familiar with the NJ storm water best management practices manual and would you say the design of these basins, specifically the landscaping, conform to Chapter 7?

Mike – yes, the one item that is hard for a new development is the minimization of preserving vegetation. It's hard to say it meets it, if the wooded area is getting clear cut. In terms of development, you are going to have to do that.

Bob – just wants to treat the basins as more of rain guards as opposed to turf areas.

Mike – these would be infiltration basins, so they will have a sand bottom. Another alternative could be a buyer retention basin, that would be more planting media with some sort of high grass situation and would function similar to these. It would be more of a green bottom as opposed to sand.

Aesthetically, the green bottom would be more attractive.

Eddie – the preference is to buffer the area, but we could take a look at it. We just don't want to end up with a larger footprint. He will work with the engineer on it.

Bob – this is a heavily wooded site and looking at the proposed infrastructure improvements, he doesn't feel it's realistic that there will be any trees left.

Eddie – you're right. It's the nature of developing this property in compliance with current engineering standards and requirements. Making sure the grading works the way it's supposed to, etc. It all comes down to regrading the site. The existing topography is not shaped the way it needs to. Like most developments, this project will require extensive clearing and will work with the board wherever we can.

Bob - he estimated 400 sq. ft. per tree at 20 ft. on center. At that point, you are looking at 10 acres of area, that's over 1,000 trees as a guess. He understands and realizes the trees have to go, and even if you are able to save a few, because they are sheltered, once exposed they won't live. You will end up losing them anyway. The reality is that this is a project that can proceed by right, so the trees can be removed by right. Is it unreasonable to expect that maybe we could provide 10% of that number elsewhere in the city that we could look at 100 trees to be planted in areas where they're needed or to supplement our parks to mitigate in a small way the loss of this wooded area?

Jessica – she agreed with planting trees in other areas of the town and it can be discussed.

Mike – in his town they have a tree bank that allows a homeowner who desires to have a tree in front of their property installed by the town, they can. You'd have an application by the resident and it could be an alternative.

John – with regards to the chairman's suggestion, could it be a condition or a recommendation?

Joe – it can be a recommendation not a condition

PUBLIC PORTION

Matt Custer – 812 Chelsea Rd – his major concern is the trees. There has been a lot of discussion on the Master Plan, but he feels it predates any concern about global-warming, climate change, carbon footprint, all being current day concerns and the removal of 1,000 trees is not really doing a whole lot for our carbon footprint. He doesn't think you'd find enough land in Absecon for 1,000 trees. Some municipalities, such as Hamilton Township, has an ordinance that requires mitigation in kind. The tree bank is a nice idea, but it might not go far enough. There are places in NJ that could use trees and therefore requiring like for like mitigation, is the only thing that makes any sense. He questioned the landscaping and the requirement of two trees per property doesn't really do anything. He is also concerned about traffic, but that is going to happen if it goes through. It will change the nature of the neighborhood, but that's the price you pay.

Paul DiBlasio – 817 New York Ave. – the city doesn't know what it is putting out for this? He did thank them for making it a cul de sac development. We have a major issue now at the soccer field basin

that is not maintained and it doesn't drain. It has mold and fungus and insects are attracted there. We are trying to shrink the area for drainage for this development, so what are we doing to ensure we don't have the same situation there? Has there been any endangered species study or any mapping of what is there in the woods?

Eddie – he is aware of the basin that needs maintenance and public works has it on its schedule. To prevent that, it's a matter of maintenance. As far as the species, we did review available NJDEP GIS data. The area is mapped at a rank 5 habitat, which is the lowest ranked habitat and there are no developmental restrictions. He can't answer some of the questions, since council is the one to answer them. It is the city's intent to sell of the lots individually and put in the infrastructure and not have "cookie cutter" homes built. Home size restrictions is one idea, but decisions have not been made yet.

Alex Clark – 819 NY Ave. – he moved here because it is quiet and peaceful. Many people walk the paths and the kids play in the woods. Do we need more homes in Absecon right now? To build a comparable house to his now, will cost a lot of money. It's ironic that we are bringing this back up in a recession time again. Maybe it's not meant to happen. Interest rates are high again and construction loans are difficult to get. He feels it more than 1,000 trees that will need to get cleared. He would hate to lose the ambiance of hiding the fields. Right now, when games are played, the traffic on NY Avenue is bad and cars are parked there and kids riding bikes. He'd like to know the break even amount for this project and how long it will take to recoup the money and is it really worth it now? We could be spending money elsewhere in town.

Larry Pacentrilli – 880 Chelse Rd. – he agrees with everything Alex said previously. He is Block 52, Lot 4 and the basin will be right behind his property. He has beautiful woods behind him now and there are forts for the kids and he walks the trails too and feels it is more than 1,000 trees. You never can make up for that. He asked why NY Ave. isn't just cut through; it makes more sense. Chelsea Road's traffic is just going to get worse.

John Douris – Galloway Township – we left Absecon about 14 months ago and it's a nice place, but we miss Absecon. At the end of NY Avenue, the house on the corner is set diagonally because it was always set up to be a street there with homes. He believes the lots should go for \$100,000 each and the taxes for about \$10-12,000 each; that's \$1.4 million and \$140-168,000 additional taxes. He was told the homes have to be about 2,500 sq. ft. and one house per family and ownership must be maintained for about 2 years. He knows of four other people who would like to buy as well. If he is able to build, his will be just as nice as the current ones on NY Ave and he won't have a problem getting a construction loan. Will the lots be auctioned off or sold directly to someone?

Eddie - public land needs to be auctioned, whether the city auctions it off all at once or each lot separately and typically a minimum bid.

Gina DiLorenzo – 818 NY Ave. – she was one of the first purchasers of the lots on NY Avenue and she loves her house and the area. It faces the walkway area and she did think the street would go through. She doesn't like the cul de sac and feels it won't look good. She feels there are too many lots and if less, it might look better. All the homes in this area are very nice. On her side, they all have the woods and it's beautiful. She'd hate to see all the trees cut. Is there way to rethink it over and consider a different? There are some drainage issues now on NY Ave. and flooding issues could be a problem.

Ira Fonorow – 805 Chelsea Rd. – if cutting down this many trees should ever happen again, but it probably won't, maybe the city should include the public. He never heard of it until he saw it in the paper two weeks ago. There was nothing in the city's newsletter or legion sign and no participation of the general public. The meetings held were probably with immediate neighbors. He is not in favor of this development, but if it does happen, he hopes the city would have some vehicular relief on Chelsea Rd. Right now, it's the only through street from Highland Blvd and Mill Road. NY Ave. could take some traffic off of Chelsea Road and this doesn't do that. He does not like the design and it was done to satisfy a few people on NY Ave. that would be more impacted by being a through street. The official map has always had NY Ave. as a paper street and it should continue. It would be safer for kids and a better design.

Alex Perri – 620 Yarmouth Ave. – he tried to increase awareness about this project and people couldn't just make it tonight. There has been kind of a lack of transparency about this plan. He would have liked to have had more public involvement because maybe the design plan would have been more appealing to more people. This design doesn't really benefit enough people. We are looking at 15 houses. If the city was concerned about providing housing for people who want to live in Absecon, why not build townhouses? Is the most opportune time to sell this land? It's an asset that is valuable and will only increase. We don't even know what the infrastructure costs will be; the cost of additional students and teachers etc. We have the benefit of having a park that attracts parks and spending time in Absecon, which could be an economic benefit. Someone mentioned grants for the infrastructure, but if not, how much are the costs for us? We might not be required to, but maybe we should do an environmental study just for good faith? Send someone out to see what is happening out there and make sure there are no specimen plants or endangered species. It's one of the largest sections of woods and to fracture it up, it won't be good. The trees that might be kept, will probably just die and then it will be expensive to take them down. It seems impossible to keep any of them anyway. Maybe go back to the drawing board on this one, because we don't have a clear idea of the impact; we don't have a mitigation strategy and we are looking at a large area of woods.

Jill Tracy – 709 15th St. – she grew up on Ambassador Drive long before any of that was developed. NY Ave. was a dirt road; Iroquis and 15th St. weren't there no other streets were cut through. It was her playground with her family. As a taxpayer, she'd hate to see the costs of this project put back on the taxpayers. She is an amateur photographer and since 2005 she has seen a number of threatened species on her property and in the woods. She mentioned that she has photos of all the birds, owls, hawks then come back each year to their nests in the trees behind her; the threatened eastern box turtle that comes into her yard and even mates there; southern grey tree frog and the eastern state toad. Unfortunately, she has lost some of her trees in storms. The desirableness characteristics of this neighborhood is not big fancy homes, it's the natural environment that exists there. The wonderful environment for all the wildlife. She can go out there whatever day and see 5-10 deer running around the yards and red foxes as well. If we have not yet gotten an endangered species survey done, that is something that needs to be taken care of. We aren't just removing trees, but all kinds of other living organisms. This project was started about 20 years, so think about everything that has changed in our world since then? We need to do something. It doesn't even sound like we know the economics of this project and if we can't show it will be beneficial, we need to put the brakes on and take a second look at this.

Mike Reilly – 444 4th Street – it seems most of the comments are the typical, "not in my backyard". There is concern about how many trees, costs of engineering and other fees. The taxes that would come in are substantial. Trees are being taken down all the time. When the complex was built, how many were cut down then? He also grew up in Absecon and he would have loved for it not to have

changed, but it's progress and things change. He would like to see something added to the tax base. We all pay a lot and anything to help out, should be welcome.

Michelle Ahmeed (Jill's sister) – she grew up as was mentioned. When they moved to Ambassador Drive, they'd see many species of birds and they are gone now once development was done. She hears the frogs when she visits her family. Ten acres of oak pine forest houses a lot of oak trees and our birds need those trees in order to feed their young. There are butterflies and moths that lay their eggs on oak trees, so these trees are essential to the bird population in this area. We will be losing land that the bees need and that are disappearing too. We really need to see how this gets done, if it gets done. She recommends a species study if we don't have one.

Reed Moscatello – 4 Stoneybrook Drive – has been a long time South Jersey resident, but more recent Absecon resident. Many of the places he has lived have just disappeared. He moved here because of the location and he loves the park and walks it a lot. You hardly see homes from it and you don't really want to. Feels you can attract people to Absecon in other ways. If this has to happen, money from it should go to maintenance of the park.

John Gorman – 1 Hammel Lane – he addressed the maintenance of the basin and generally what happens to them. Also wanted to know the width of area for trucks to access that area.

Eddie – over time bottoms of them become compacted, which impairs the water from draining. The city would go in and remove material that is on the bottom of the basin, aerate it and possibly add new sand so it can infiltrate properly. It's probably 20 ft. and we will try to maintain as many trees as we can. Eddie went over some other questions regarding the clearing needed and access points for drainage.

John – there are flooding issues now on NY Ave. and on Chelsea Road, so grading should be done so water from this project go there and not down the street. One mature leafy tree provides enough oxygen for ten people and we are talking at least 1,000 trees here and that's huge.

Bob Wenz – 711 15th St. – he is on the corner of the proposed development and he has been on top of this more about 18 months and has given his opinion about the project. They have changed some of the plans, but he is still against it. He doesn't think the land should be developed. He loves the trees and neighborhood and agrees with what everyone has said about the wildlife, but we haven't addressed the main concern. He has invited the mayor and council to sit on his porch to watch the kids on bikes come down his street to get to the park and when leaving. The kids won't stop at the stop signs. The grade is probably 3-4 ft. and anything on wheels comes tailing down that path and through the grace of God, no one has been injured yet. If that street gets developed, it won't be if a child gets hit, it's when. He agrees with what was said tonight, especially about having a budget first to see what it's going to cost. We missed our window with how our economy is moving towards now, but we don't have a crystal ball for anyone to know that. It's all about the safety.

Andy Previti – 839 Plaza Place – he is also the planning board engineer and their property is adjacent to this development and we will be behind basin #4. On the plans, they look small, but it is actually 475 ft. from basin 4 berm to the one behind the Pugh and Tracy property on 15th St. A football field is 100 ft. wide and a football field is 360 ft. long and 160 ft. wide. These will be 4-5 ft. deep and his concern is to mitigate the impact of having something so large behind all the properties involved, besides the problem of removing all the trees and homes for the wildlife. The issue of water quality mentioned in the CME report is a real one. He will be meeting with Eddie this week to review some of the technical issues and go to council to speak about some of the economic and foot print of this development. He feels there could be some modifications to it to make it more appealing. This large hole in the

ground, needs to be addressed. He gave some suggestions on buffering the basins and the shape and placement of them, instead of in a straight line and a special retention system that would help the water quality issue and also help with the aesthetics of them. He understands the people's concerns of the pathway and he was involved in that design, which he came up with while walking through the woods and setting the paths in areas that would involve the removal of the least possible number of trees. It's been in place for many years and it does need some maintenance. If we don't maintain that, how can we maintain the new basins. It's going to take time and we don't have a large public works department. They work hard now and they do a great job, but the more work there is, it's harder to keep up with. These basins require supervision and be inspected 4 times a year; rainwater is supposed to dissipate after 72 hours and if it doesn't happen, conditions get bad. Maintenance will be critical and it will involve work and money. He's not sure if all this was considered, but he hopes to find out. He thanked Eddie for giving him as much information he has.

Michael Combs – 808 New York Ave. – he moved there around 1986 and NY Ave. dead ended at Iroquis Ave. He was upset when they cut through to 15th St., but it worked out. He asked if anyone on the board walks the path back there to see all the animals that are there and it's a nice place for the kids to play. If this project happens, he thinks the minimum price of the lot helps with the type of house that would be built. Is the right time to sell the lots even?

Greg Seher – 625 Yarmouth Ave. – the comments tonight were all helpful tonight. When the last Master Plan was done, clear cutting was not the intention for development. He has a comment regarding the planning aspect of the project. Cul de sacs are not endorsed anymore and this plan has two. He understands the traffic concerns, but feels this is bad planning. He grew up on Chelsea Road and is frequently in the area in question walking his dog. He likes the new stop sign at NY and Elberon Ave and the stop sign to go up at NY and 15th St. There are other planning methods that could be done instead of having cul de sacs. The comments made tonight need to be made to Council, not the Planning Board.

Public Portion Closed – a 5-minute break was held

Bob – thanked everyone for their comments and concerns. It's an important issue to the community

Eddie – he knows they have been evasive regarding the economic questions and budgetary questions tonight, but it's not an indication that the city is not aware of what those costs may be. They will vary depending on how they approach this project and if they build the infrastructure, build some of it or sell the project off. It's a moving number and it won't be productive to go down that road tonight. It will take away from the application being heard tonight, which is for a 15-lot subdivision. The trees are a reasonable concern and understandable, but for context, this project does not need NJDEP approval and NJ is the highest regulated environmental state in the country. We actually could have proposed 9 more lots on this site and still not require a review by them. The city administrator said they are amenable to looking into a mitigation plan on the trees being cleared. He cleared up that they are not clearing the park area and that this is not part of Pitney Park; this is residential area. Obviously, safety is paramount and he clarified the three-way stop at the intersection. He explained that cul de sacs are permitted in the RSIS as part of new developments. He believes this design enhances the safety at the intersection.

Chris – he usually is not in favor of cul de sacs, but he appreciates the pedestrian connection to go through. It will be safer most likely. It's disappointing in the number of trees to be cleared, but if it's the only way to grade the property, then not much can be done. The city, in good faith, could look into

do everything they can to plant trees elsewhere. It's not common to see a municipal entity acting as a developer in this capacity or be the applicant.

Board questions

John – asked Chris if there was anything in the presentation that you think is deficient for either the subdivision or variances? He understands all the residents concerns, but we have to judge the application before us tonight. We don't function as a check on city council as to the economics of it or viable or whatever. We judge the applications that are put in front of us to see if they comply.

Chris – with the city being the applicant, generally speaking for any municipal projects, the city is not subject to their own laws and the variances being asked for are for the drainage basins. The building lots comply with the R2 zone and it's as close as you can get to a "by right" subdivision.

Debbie – she sat here tonight knowing it met everything that it needed to meet. She is sad over all the comments made tonight, but it's our job to see if a viable decision can be made.

Lou – echoed John's comments. We are in a difficult position because the public comment was heartfelt and valid. We can't change the law though. He then asked if any survey was done of the residents as to whether they wanted the cul de sac vs. the cut through.

Eddie – no there was not

Lou – is it possible to require 5 trees per lot vs. 2?

Eddie – the ordinance requires 2 per lot, but the testimony is that the city will do what it can to mitigate the trees being cleared.

Joe McGroarty – he too has been impressed with the public comments, although knowing that the issue to be decided is very limited today. There is a real question in NJ as to whether the municipality would need to appear before the board and seek approval. The only issue to ask is if this application complies with the municipal land use law and is it consistent with the Master Plan. The professionals have said that and all the comments made are heartfelt, but policy issues and it's not the board decision.

Motion to approve the major subdivision and the two variances for the drainage basins – John Aleli – second – Lou Strugala

Bob – thanked the public for coming out tonight and he understands what you are trying to convey to us. He has faith that the city is willing and able to follow through with their commitments in terms of mitigating factors to what extent they can do about the trees. He appreciates the job that Eddie did and our board professionals.

ROLL CALL: Aleli, yes; Gersh, yes; Kirk, yes; Reilly, yes; Strugala, yes; Tiberio, yes; Preston, yes
Vote passes 7-0 in favor.

OLD BUSINESS:

Vote: Minutes of November 30, 2022 meeting
Motion to approve – Nick Tiberio – second – Deb Reilly
All were in favor.

APPROVAL OF BILLS

CME Associates - Chris Dochney - \$252.00 and \$1,844.00 for major subdivision;
\$294 for Yousif application (old city hall)

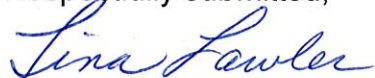
Joe McGroarty - \$221.00 for Yousif application (old city hall)

Motion to approve – Jessica Thompson – second – Betty Howell
All were in favor

ADJOURNMENT

Motion to adjourn – Nick Tiberio – second – Betty Howell
All were in favor.

Respectfully submitted,



Tina Lawler, Secretary

Approved: 11/11/23