

PLANNING BOARD MINUTES  
**SPECIAL PUBLIC MEETING**  
AUGUST 25, 2022- 7:00 P.M.  
HELD AT THE OAKLAND SENIOR CENTER  
20 Lawlor Drive, Oakland, NJ  
[www.oakland-nj.org](http://www.oakland-nj.org)

Pursuant to Chapter 231, Public Law 1975 (Open Public Meetings Act) adequate notice of this meeting has been provided by:

- ❑ Adoption of an annual schedule of meetings
- ❑ Posting a copy of same at Borough Hall and the Borough's website
- ❑ Advertised in The Record more than 48 hours in advance of the meeting
- ❑ Mailing a copy to any person requesting same

\*\* MEETINGS CONCLUDE AT 10:30 P.M., THEREFORE, NO TESTIMONY WILL BE TAKEN AFTER 10:00 P.M.

PLANNING BOARD MEMBERS:

Sarah Michel, Andrea Levy, Gregory Liss, Joseph Marscovetra, Michael Rose, Thomas Connolly, Lee Haymon, John Morris, Councilman Pignatelli, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:05 P.M., ROLL CALL:

Present Members: Mmes. Michel and Levy, Messrs. Liss, Rose, Marscovetra, Connolly, Haymon, Councilman Pignatelli, Mayor Schwager and Chairman Potash.  
Absent Members: Mr. Morris

EXCUSE ABSENCES:

Motioned by Mayor Schwager and seconded by Councilman, to excuse the absence of Mr. Morris was voted unanimously by the Board.

Mr. Joseph Russo, Esq., Board Attorney and Mr. Steve Lydon, Board Planner were in attendance.

BOARD PROFESSIONALS SWORN IN:

Mr. Yakimik and Mr. Lydon were sworn in.

OPEN MEETING TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA.

Motioned by Mr. Rose and seconded by Mayor Schwager, to open the meeting to the public was voted unanimously by the Board.

No comments.

CLOSE MEETING TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA.

Motioned by Mr. Connolly and seconded by Mr. Haymon, to close the meeting to the public was voted unanimously by the Board.

Ms. Levy will be sitting in for Mr. Morris.

PUBLIC HEARING:

1. K Hovnanian – McCoy Road, Block 4202, Lots 1, 2 & 3. Continued public hearing for a Preliminary Site plan and Major Subdivision.

Chairman Potash informed the Board that at the last public hearing on August 11th, the Board heard testimony from John Caniglia, Area Counselor for the K. Hovnanian project, Geoffrey Long, Development Principal with Ingerman, dealing with the affordable development and Mr. John Cote, with Langan Engineering. At the last meeting the Board decided to end with the last of Mr. Conte's testimony and allow Board members to ask questions at the next meeting. Mr. Meese requested to address the Board and the public.

Mr. Greg Meese, Esq. with Price, Meese, Shulman & D'Arminio, reminded the Board and informed the public that this application is in compliance with the Supreme Court's ruling with regard to the Borough's affordable housing compliance plan. This plan resulted in a settlement agreement between the Estate of Salvatore J. Fanale and the Borough of Oakland. The Borough has agreed to include the subject property in the RA-2AH Affordable Housing Zone allowing development of 200 residential units to help satisfy Oakland's affordable housing obligation. He reminded the Board that the applicant is requesting a variance for access of the property. He explained that Mr. Cote will be appearing by virtual conference and will be available to answer the Board's questions.

Chairman Potash requested comments from Mr. Yakimik. Mr. Yakimik requested to refrain from questioning Mr. Cote at this time. Chairman Potash asked for questions from the Board.

Mr. Connolly commented on the size of the property and questioned if development will envelop 60 percent of that property. He requested an explanation of the mechanics for the 3 retention basins. Mr. Cote referred to exhibit A-2, Existing Area Overlay Plan, which shows the existing conditions and surrounding area and exhibit A-13, The Master Grading Plan, which shows the overall site with 3 infiltration basins and 2 detention basins. He explained the capturing mechanics, routing and discharge points of runoff for the site. With the construction

improvements being proposed, the developer meets the Borough and state's requirements for decreasing the rate of runoff from the site. All of the basins on site are designed for a 100-year storm event. Mr. Rose questioned the water quality device and the velocity of flow. Mr. Cote explained the mechanics of water quality device, which is required by the state, and informed Mr. Rose the flow rates out of the infiltration and detention basins are for a 100-year storm event. These flow rates in their Stormwater Report are within the state standards and meet the current standards to avoid erosion. All the pipes are sized for the capacity of these lines. Mr. Meese entered an exhibit.

Exhibit A-21, Stormwater Report prepared by Langan Engineering dated February 25, 2022.

Mr. Cote explained a series of tables in the report identifying various flow rates from the site and how flow is captured by the different basins and routed. Also in the report, shows the water quality infiltration basin calculations. These calculations are reviewed by the NJDEP on a routine basis. He explained the different infiltration basins and their locations. Mr. Rose questioned if there is a maintenance program for the basins. Mr. Cote responded that the HOA is responsible and required to follow an Operation and Maintenance manual which is to be submitted to the Borough along with the NJDEP.

Mr. Rose questioned the wetlands disturbance for sidewalks along McCoy Road. Mr. Cote pointed out the location of the wetlands transition area which has a 50-foot buffer and highlighted the buffer area that runs along the majority of McCoy Road. He explained the NJDEP standards for wetlands transition area and the maximum encroachment for impervious surface. Any sidewalks installed would trigger the utility lines to be pushed further into the buffer causing bigger impact on the wetlands. Mr. Rose expressed his opinions further encouraging sidewalks.

Mr. Lydon questioned the procedure of marking up an exhibit that the Board does not have and using it during virtual testimony. Mr. Cote responded that his assistant, Michael Cotello, has the exhibit with him and can mark it the same way. Mr. Lydon suggested that the exhibit be marked and submit to the Board after the meeting. Mr. Meese labeled the exhibit A-13A and agreed to have it submit it to the Board.

Exhibit A-13A, Marked -up version of exhibit A-13 showing highlighting sidewalks.

Mr. Rose questioned the square footage of sidewalks it would take to run it along McCoy Road. Mr. Cote responded that approximately 2,240 square feet at 4-feet wide. Mr. Rose expressed that he would like to see sidewalks to ensure safety and suggested that the utilities be placed underground. Mr. Cote did not agree with Mr. Rose's suggestion because sidewalks would stop abruptly at the end of their property making pedestrians' return to the street causing a safety issue. He mentioned a special needs project up the road that does not have sidewalks and no sidewalks on adjacent roads. Mr. Cote also informed Mr. Rose that putting utilities underground would be very costly and require further investigation. Mr. Lydon questioned the possibility of sidewalks being placed further back onto the property instead of relocating the utilities. Mr. Cote responded that would have a greater impact on the transitional buffer.

Mayor Schwager requested clarification on the function of the 3 basins and how they collect water going the same direction having less of an impact. She is aware of all the necessary permits needed from the state but questioned if the state is aware that the flow from this project will be sent downstream to Allerman Brook causing an already big problem. Mr. Cote responded that the state does look at where the water discharge begins and follows. The water will discharge along the same path as it currently does and the developer is required to decrease the flow. Therefore, the new development will reduce the rate that goes downstream.

The developer has to follow NJDEP's rigorous standards throughout this design. NJDEP will look at the overall impact on site to confirm that the developer's design meets all the standards. He confirmed that Mr. Yakimik will be reviewing this design as well and have his input. Mayor Schwager inquired if the state is aware that the end result of the runoff will be going to Allerman Brook. Mr. Cote responded that the NJDEP is aware that the discharge from the site will be reduced compared to the existing conditions as it is today. The regulations put in place are to avoid downhill impacts and the site design he is engineering will have no off-sight impact.

Mr. Connolly verified the rate of water leaving the property once it is built will be less than the existing condition today. Mr. Cote responded that this is the premise of the design and standards that the developer has to meet according to NJDEP and the Borough's ordinance. Mr. Connolly expressed that he will have confidence once he knows that the Borough engineer has reviewed the drainage plan and the people downstream will not be impacted by more water flow. Mr. Yakimik responded that the Board will receive his Stormwater Manage report with their findings before the next meeting.

Councilman Pignatelli commented that the site currently contains more absorption area with trees and vegetation, once this is replaced by buildings, roads and sidewalks, he does not see how this will reduce runoff. Mr. Cote responded that the infiltration basins are required because the state wants recharge ground water. These basins have output control structures which restrict the flow going off site. Currently, the rate of water going off site is greater than what is being proposed. Councilman Pignatelli explained that during a heavy rain event, the flow of Allerman Brook increases creating erosion along the banks and people's property. His concern is if the volume of flow increases during a storm event. Mr. Cote explained that he cannot speak for downstream because he only has control of the site he is engineering but the change in the rate of flow will decrease from the development site and will decrease the flow leaving the site. Mr. Meese questioned Mr. Cote if part of the NJDEP review was making sure the design is in compliance with the Flood Hazard Act. Mr. Cote responded yes, and the applicant is required to meet the standards of the recharge requirements and reductions as well. The town has no means of controlling the site today but the new development will be designed to decrease the flow leaving the site in any storm event.

Mr. Yakimik questioned the existing condition for runoff of the site and what is the point of concern for where you measured the existing runoff from the site. Mr. Cote responded that the analysis of the existing flow from the site routes across the site along the railroad tracks and makes

its way to the northeasterly corner where it travels under the railroad tracks into a watercourse. This will be the same route after development. The Flood Hazard component requires the developer to do an analysis and show that they do not impact that flood hazard area. The point of existing discharge is common and the same as what is being proposed.

Mr. Yakimik questioned what the existing CFS. Mr. Cote referred to a table in the Stormwater Report which gave allowable discharge rates of the 2, 10 and 100 year storm of existing conditions. For the development, runoff rates need to be reduced by 50 percent for a 2-year storm, 75 percent for a 10-year storm and 80 percent for a 100-year storm event. Existing flow rates are looked at individually and compare to the proposed flow rates which have to meet these rate reductions. The design of the infiltration and detention basins provide that reduction. He referred to the table under the 100-year storm category and gave rates for the proposed system. Mr. Yakimik responded that he added all 4 of those CFS calculations to get 24.36 percent leaving the site for a 100-year storm and commented his concern. Mr. Cote referred to another table showing the existing CFS at 48.13, allowable CFS at 43.57 and the proposed CFS at 41.52 which is reduced below the allowable CFS. Mr. Yakimik questioned the inches of rainfall per hour for a 100-year storm. Mr. Cote responded that within a 24 hours period, a 100-year storm event has a rainfall rate of 8.63 inches per hour.

Mr. Yakimik questioned if the NJDEP will be changing those regulations any time soon. Mr. Cote responded that the NJDEP is looking at options to regulate the flood hazard elevations and rates but it has not been adopted yet. Mr. Yakimik questioned what will happen when the DEP changes those regulations and there is more climate change runoff. Mr. Cote responded that their design standards are more conservative than the current regulations.

Mr. Meese expressed that a lot of time is being spent on the technical component of drainage and the majority are not experts. Experts have reviewed this report such as the Board experts and the NJDEP. The developer has his permits and has followed the standards set by the NJDEP and Mr. Cote has testified that these standards have been met. It would be preferred to let the experts do their thing and move on to other site plan topics. Mr. Cote added that he will address any comments from Mr. Yakimik's technical review and work to comply with any changes brought forward to meet the requirements of the ordinance which parallel with the DEP standards. Mr. Yakimik expressed concern with the DEP standards and how they become more stringent as time goes on. Their design is compliant with the standards in place currently but with climate change, storms are becoming more and more intense.

Mayor Schwager expressed concern for Allerman Brook residents. Mr. Meese responded that Mr. Cote has gone into detail how the proposed development's drainage has been designed and that DEP has issued the permits. Mr. Cote expressed that he will meet the requirements of the Borough's ordinance and has already met the requirements of the state agencies. He cannot predict future regulations but they have done everything they can by meeting and exceeding those standards relative to the numbers he reported earlier.

Mayor Schwager questioned if reducing the rate was the same as volume. Mr. Cote responded that reduction in rate is not a reduction in volume. The rate is how fast water travels downstream not how much water ends up downstream. He assured the Board that the design of their system will improve that by slowing down the water, it will help downstream. Mayor Schwager questioned if rate would be considered speed. Mr. Cote responded no. The rate is a stable flow of water, requiring the developer not to cause erosion which is an obligation they meet with the NJ Soil Conservation District.

Mr. Haymon questioned the maintenance schedule for the infiltration basin and who makes sure it gets done. Mr. Cote responded that there is an operation and maintenance manual to be followed with inspections and periodic cleaning out of debris. The HOA is obligated to follow up by permit and by the stormwater regulations in place. Mr. Hayman questioned the compliance sampling for the water discharge. Mr. Cote responded that it is part of the requirements of the Operation and Maintenance manual and by permit. Mr. Hayman questioned if there are analytical standards. Mr. Cote responded that analytic standards are required for an industrial site.

Mr. Marscovetra questioned the storm basins capacity at the start of a storm. Mr. Cote responded that the basins are designed for 100-year storms and are to be totally evacuated within 72 hours before and after the storm never exceeding the 80-percent rate of leaving the basin. Mr. Marscovetra questioned if the basins were larger, would the rate be less. Mr. Cote responded yes but the proposed basin designs are oversized of what the standards required.

Mr. Connolly questioned if the basin could hold 2 to 3 inches of water during a severe storm within a 1 or 2 hour period and control it to keep the rate of flow at 80 percent. Mr. Cote responded yes. The basins can hold 8.63 inches of rain for a 24-hour storm.

Mr. Lydon expressed concern with the rip-rap apron close to the RI-Arm farm and questioned what the proposed grading at that discharge point is because it looks like it discharges out to a 40 percent slope which could cause soil erosion. He would like to see that eliminated or tied into another discharge point onto a more level surface. Mr. Cote responded that they cannot eliminate that drainage point but can change the grade of the elevation making it a flatter condition. That will be addressed in the upcoming revisions.

Mr. Lydon questioned the maintenance access drive to basin 1 and 2 and questioned the height of the maintenance access to basin 2. He has concerns with a vehicle driving off down into the basin and recommended a barrier or guardrail to avoid any accidents. Mr. Cote referred to exhibit A-11. He responded that these access points are for construction vehicles not passenger vehicles. They provide fall protection fencing for pedestrians but we will take Mr. Lydon's suggestion into consideration.

Mr. Rose questioned if they plan to remove snow by dumping it into the basin. Mr. Cote responded that they are permitted to put snow in the basins and the basins can handle this or the private hauler will find another location on site or remove snow from the site.

Chairman Potash expressed that he is fine with the engineering testimony and that Boswell is handling that detail but has concerns with the maintenance. He realizes that the HOA will be responsible but if maintenance lags and the infiltration systems malfunction, it is the people downstream that will be impacted. He expressed that he would like to see some sort of safeguard, perhaps having the Borough conduct inspections as well. Mr. Meese explained that there is a requirement under the DEP permit that the basins and infiltration systems must be maintained and there is enforcement if they are not maintained.

Mr. Rose questioned Mr. Meese if the Borough could maintain the detention and infiltration basins if the HOA does not. Chairman Potash responded that there needs to be more discussion concerning this matter to ensure this does not happen.

Meeting recessed 8:42 p.m.

Meeting resumed 8:56 p.m.

Chairman Potash called the meeting back to order. He requested a roll call.

Present Members: Mmes. Michel and Levy, Messrs. Liss, Rose, Marscovetra, Connolly,  
Haymon, Councilman Pignatelli, Mayor Schwager and Chairman Potash.

Absent Members: Mr. Morris

Chairman Potash announced to the audience to refrain from talking allowed during the meeting because it is hard for the stenographer to do her recording.

Mr. Connolly questioned the height of the retaining walls. Mr. Cote responded the Borough's ordinance allows a maximum of 15-feet in height and the developer is not going beyond the 15-feet. Mr. Connolly had questioned the life span of the retaining wall materials. His concerns are that the Borough could eventually assume responsibility with servicing the roads, the detention and infiltration basins, retaining walls, snow removal etc. He questioned if there was some type of an agreement to protect and exclude the Borough from having to service the entire property. He assumes that the Borough will have to plow their roads or pay the HOA the expenses to plow the road. In addition, he believes that a second egress to the site should be proposed for safety purposes. Mr. Cote explained that a durable block will be used to construct the retaining wall which has a life span of 75 years. The roads will be private, not public. The application does not indicate that the Borough will have any responsibility for the roads. It will be the HOA's responsibility for snow removal, road repair and garbage collection. Mr. Meese explained that when Mr. Russo is preparing the resolution, it should be included that the HOA is tied to that obligation. Mr. Russo responded that there may be a misunderstanding because during the testimony whether the Kelly Bill will be enacted. Under the Kelly Bill, the Borough or the HOA would provide the services and then look for a reimbursement agreement with the Borough. He confirmed that Mr. Cote's testimony indicates that the roads will be private and will not trigger the Kelly Bill. If the roads are public and the Kelly Bill is triggered, the municipality has to provide services for removal of snow, obstructions on roads, lighting of the roadways, collection of the leaves, recyclables and garbage. Mr. Meese clarified the road will be private. He explained that

everything within the site has been proposed as private and remain that way. The confusion may be coming from a discussion of a Board member whose development went from private to public. Mr. Russo confirmed with Mr. Meese that if the application is approved, it will be stipulated in the resolution that the Kelly Bill is not applicable and that the roadways will be maintained as private roads by the HOA.

A discussion ensued concerning a gate at the entrance. Mr. Meese does not think the gate is not necessary because it blocks access, it has to be manned and it deters package deliveries. Mr. Russo explained that the Borough will not take part in dedicating the names of the roadways this will help insure that the roadways are private.

Councilman Pignatelli expressed concern with the single egress when it comes to a disaster or a tree falling across the roadway. Mr. Meese explained that the ingress/egress is considered a boulevard where the lanes can be used for both in and out in the event of an emergency. Mr. Cote referred to exhibit A-4. He explained that the standard for the boulevard entrance is that if one side is blocked, the other side can be accessed both for ingress and egress. This is the intent of the RSIS standards to provide a dual mechanism component for the ingress and egress. Mr. Cote introduced an exhibit.

Exhibit A-22, Conceptual Road Site Plan, Road A Boulevard Extension, dated August 25, 2022.

Mr. Cote explained that the boulevard entrance has been extended so the townhouse and condo units both have immediate access to it. Mr. Lydon questioned if the change includes widening Road A and is the median going to be landscaped. Mr. Cote responded that the center median will be landscaped the length of the entire boulevard. He confirmed that the boulevard is widened all the way up to the pump station. Mr. Lydon questioned if there will be a drip irrigation system on the median to prevent dryness. Mr. Meese responded that the applicant has proposed to use a 2 year maintenance of the plantings rather than install an irrigation system to make sure the plantings take. Either or was recommended by Shade Tree.

Councilman Pignatelli confirmed that the applicant will not be proposing another point of ingress/egress. Mr. Cote responded that the boulevard acts as a dual entrance which is supported by the RSIS standard. Councilman Pignatelli commented that he did not think this will satisfy the Police and the Fire Department. He believes that both Fire and Police will recommend an emergency access.

Chairman Potash questioned if the applicant has approached the RI-Arm Farms owners to establish access. Mr. Meese explained that once he received the Police comments, he reached out to the adjacent property owners but has not heard back yet. Chairman Potash explained that the Fire Chief has the same concerns and questioned the type of fire truck used in the calculations. Mr. Cote responded that they used the bucket over-head truck as the model and was able to maneuver this truck through the affordable housing portion without compromising any parking spaces. Councilman Pignatelli pointed out that the Fire Chief commented that they would not be able to access the rear building in the affordable housing section. Mr. Cote responded that the

applicant is required to provide access up to 150-feet of a building from the roadway which we meet that requirement. In addition, they have doubled up on the number of fire hydrants. He will reply to the comments from the Traffic Officer and Fire Chief.

Mayor Schwager questioned how the residents will exit and the emergency services access the property if there was an incident in that development. Mr. Cote referred to details on exhibit A-22 where it shows the boulevard used during an emergency.

Mr. Lydon suggested that Mr. Cote prepare an exhibit showing requirements and obligation for RSIS standards and how each of the roads meet the standards. Mr. Cote responded that exhibit A-22 does refer to that information he provided. Mr. Meese expressed that the only RSIS matter not covered was for cul-de-sac streets. Mr. Cote responded that as per RSIS standards, if a street is less than 300-feet, it does not have to provide a turn around. He explained a way for people to be able to turn around. Chairman Potash informed Mr. Cote that the Fire Departments comments referred to the cul-de-sac roadways and falling short of access around the entire buildings. Mr. Cote offered to create a diagram showing the truck length and compliance detail. More detail on this matter will be addressed during the Architect's testimony.

Mr. Rose questioned if the units in the development have fire sprinkler systems. Mr. Cote responded that only the affordable units have fire sprinkler systems and the townhouses do not. That will be addressed during the Architect's testimony.

Chairman Potash confirmed that there will be Title 39 enforcement on site, as requested by the Traffic Officer. Mr. Cote responded that there will be no "on street" parking except for the parking spaces. Title 39 allows the police to enforce parking and traffic signage.

Mr. Marscovetra questioned if the developer contacted IHHS about a second access since road H backs up to their parking lot near a small road. Mr. Cote responded that he does not believe that IHHS was been contacted but it would be difficult to create an access since a slope embankment separates the property. The applicant proposes retaining walls and buffer along the border. Mr. Cote referred to exhibit A-2 that shows the border of the property.

Mr. Haymon questioned if during the development there will be monitoring or any disturbance to the wetlands. Mr. Cote responded that the DEP permit requires that a silt fence barrier be marked out and placed to avoid soil erosion and protect the wetlands.

Mr. Lydon questioned the subdivision map and having trouble understanding how the affordable housing buildings on the 1.3 acre fits on the parcel. Mr. Cote referred to an overlay of the subdivision plan and entered an exhibit.

Exhibit A-23, Subdivision Overlay, February 25, 2022 revised June 16, 2022.

Mr. Cote explained that the purpose of the subdivision line which separates the different components of the affordable housing combining both the buildings, adjacent sidewalks, EV

station, trash enclosure and the 80 parking spaces dedicated to their use. He explained the perimeter of the affordable housing portion.

Mr. Lydon informed Mr. Cote that the Borough has an ordinance to protect pedestrians on walkways by adding bollards. He suggested that bollards be added in front of the recreation building where there is a line parking spaces. Mr. Cote responded that this is addressed by the RSIS standards by providing 6-foot wide sidewalks. Mr. Lydon expressed that this is a safety mechanism adopted by the Borough and does not believe RSIS controls this. Mr. Meese responded that he believes that the 6-foot sidewalks are the standard for RSIS and that RSIS governs. Chairman Potash questioned if protection bollards apply to commercial buildings rather than residential. Mr. Lydon responded that he believes bollards apply to both commercial and residential where there is a pedestrian walkway adjacent to parking. Mr. Yakimik expressed that the ordinance is written as to what the Board feels reasonable. Mr. Cote responded that they provide bollards at the EV charging stations and at the ADA lots. Mr. Liss expressed that knowing the purpose of the bollards are to protect the pedestrian, maybe alternatives can be recommended that would reasonably accomplish the same goal of protecting the pedestrians without 4-foot bollards. Mr. Lydon responded that there are sections in the ordinance that offer flexibility. Mr. Liss expressed that maybe there can be some consideration of protecting the pedestrian while maintaining some esthetics.

Mayor Schwager questioned if there will be ramps proposed for the sidewalks for disabled or handicapped residents. Mr. Cote responded that the affordable housing component requires ADA ramps and ramps leading to the trash enclosure are being provided. ADA ramps are provided between buildings as well.

Mr. Lydon questioned the overall lot size. Mr. Cote responded the overall lot size is a 39.96 acres. Mr. Lydon requested to see further detail on water and sewer infrastructures. Mr. Cote responded that the developer has been having discussions with Veolia for the connection of water. This will be by a new main which will service the site and installed along McCoy Road. The proposed connection will connect and follow all the way down Colonial Road. The pump for the sanitary sewer station will be a forced main. This main will lead out onto McCoy Road, run north on Colonial Road and up to Sunset Terrace to a gravity feed that feeds into the Franklin Lakes system which leads to North Bergen Utility Authority. Those are the offsite improvements and the developer is still awaiting response from DEP on the water quality plan amendment, the addition of the sanitary sewer and Veolia is preparing applications to go to the BPU for their franchise expansion. Mr. Lydon questioned when the Board will see those drawings. Mr. Cote responded once Veolia gets their plan together and files with the BPU, they can start sharing information with the town.

It was confirmed that the application is a preliminary site plan application, not a final. Mr. Russo responded that this was set forth in Mr. Meese's opening comments. Mr. Meese added that the reason is that the development's water and sewer arrangements will take time while working towards the regulatory phase.

A discussion ensued concerning parking in the cul-e-sac and a need for a barrier free section. Mr. Cote responded that they will provide the signage and this is addressed in affordable housing component.

Exhibit A-24, Partial Site Plan last revised February 25, 2022.

Mr. Lydon suggested that the gates for infiltration basin 1 and 2 should swing inside and not swing out towards the road. Mr. Cote responded as long as they don't impede on an access into the facility. We will look at each gate to see what we can flip. Mr. Lydon questioned who controls the gate locks. Mr. Cote responded that this is Leone's property and they control the easement.

No more questions. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mayor Schwager and seconded by Mr. Rose, to open the meeting to the public was voted unanimously by the Board.

Ms. Kerri Sirneives, 41 Suiox Avenue, questioned if impact to the schools has been considered. She expressed safety concerns with an access from the development to the high school fields. Mr. Cote responded that the development is set down from the school property. He explained that this is a residential use which is compatible and very common. There is an existing buffer of trees which will be added to for privacy. Retaining walls and fencing on top for safety purposes are being proposed. Chairman Potash responded to Ms. Sirneive's first question. He explained that the Board is governed to review an application based on the Borough's zoning ordinance which allows this development and the Board's job is to make sure it conforms to that ordinance. He expressed that this may be a concern, but the Board does not consider the impact the development will have on school enrollment. Mr. Russo referred to the Ramapo River Reserve development where 445 units were approved and the same questions were asked. However, this never came to fruition, schools never became over-crowded and it was never an issue. We are governed by a certain ordinance and the assumption is, all of this was taken into consideration when the ordinance was drafted.

Jerri Angermueller, 26 Lakeview Terrace, questioned the function of the infiltration and detention basin when dealing with ground water. Mr. Cote responded that ground water is calculated in during the design of the infiltration and detention basins meet the standards required by the DEP.

A discussion ensued concerning the Shade Tree Commission. Chairman Potash questioned if Mr. Clark was in contact with the applicant and suggested that a meeting with the engineer will be the most efficient way to make suggestions. Mr. Cote responded they reached out but have not heard back. DEP has certain standards with landscaping.

Mr. Edward Clark, Shade Tree Committee, had concerns with the stormwater component as well as most of the public present which has been hard to follow for the average person. He suggested that it be explained to the public in layman's term, how the system works and the volume of water they are talking about. K Hovnanian should be concerned with what happens downstream and try

to design something better. We are having 20-year storms more often. A discussion ensued about a 100-year storm event and the percentage of rainfall leaving the site. Mr. Cote responded that he never said the applicant meets the minimum standards, he said the applicant is compliant and has met all the standards and exceeds those standards. He made clear that he is obligated with all the regulations out there to design a compliant plan and he is not skirting any issue. Mr. Clark suggested that Mr. Cote can provide, to the public, the percentage the applicant is exceeding as far as compliance. He requested if rain gardens can be installed between the units and the detention basins can go underground beneath the parking lots to avoid taking down trees. Mr. Clark questioned how much of the 38+ acres, will be cleared. Mr. Cote responded approximately 24.46 acres. Mr. Clark responded in accordance to the Shade Tree ordinance, this will require the replacement of 2250 shade trees where the applicant is proposing 250 trees. He suggested if the applicant cannot comply with the ordinance, that they bank the difference to be used elsewhere in the Borough.

Ms. Judy Piretra, 44 Nikomos Avenue, informed the Board that she lives on Crystal Lake and described her experiences with heavy rain events. She questioned if there has been a site visit made by the applicant of the Allerman Brook because any additional runoff will be devastating. In addition, she questioned if there has been any consideration for the homes downstream. Mr. Cote responded that their goal for the development of this site is to reduce the runoff as it exists and explained that their system will be able to reduce the impact as to what exists. Their infrastructure being proposed will hold back storm event runoff as well as slow water down, as per the regulations of the town and the NJDEP, more than exists today. Ms. Piretra commented that she has fear and a lack of trust that this development will not impact the stream below.

Mr. Adam Alkin, 147 Lakeview Terrace, commented that he is hearing a lot of trust, confidence and fears issues. He informed the Board that the same discussions have taken place with a developers for a number of projects located in Franklin Lakes on McCoy and Colonial Road. They heard the same thing from their professionals and the flow of runoff has gotten worse with each development. These extreme rain events come more often and with them leaves a tremendous amount of damage. The damage does not get repaired or cleaned up and the detention basins on these property are not cleaned out. The Borough should be concerned with the proposed and have the developer exceed the minimum requirements.

Joanne Ashkenazi, Director of RML and Co-Chair of the Ecology and Environmental Committee for RML. She explained Allerman Brook is a major concern that all the runoff that comes down Allerman and flows directly into Crystal Lake. There is a very high nutrient level in Crystal Lake. She questioned how much green area needs to be landscaped and treated. Mr. Cote responded that there are 10 acres of wetlands which is a non-disturbance area. Her concern is that runoff includes more fertilizer, weed killer, salt from roadways. She would like to see less lawn area and more native species being planted.

Mr. Bentz, 15 Spear Street, requested that the applicant do a little more. He commented that currently, the wooded area does not have a development with cars parked on site and questioned if they can require a filter of some sort, used on runways, to be included to separate the oil from

flowing into the stream. Mr. Cote responded that the NJDEP prefers green infrastructure and prefer infiltration basins. Infiltration basins are an effective tool for purifying runoff from parking and landscaped areas. Infiltration basins provide filtering of ground water recharge and nothing will leave the new development site untreated. Mr. Bentz questioned if there could be an incentive by having the developer help repair the already damaged stream. Mr. Yakimik responded that he would look into this.

Kerri Thornes, 136 Nikomos Avenue, shared pictures from her phone of the damage and erosion behind a home on Allerman Brook.

Mr. Delia, 7 Fordham Road, informed the Board that he is a member of the fire department and commented that the 1 point of access and egress is being taken too lightly.

Mr. Josh Lynes, 89 Lakeshore Drive, questioned where the fresh water is being supplied from for the new development. Chairman Potash responded through Veolia.

Councilman Eric Kulmala, 41 Page Drive, expanded on the sidewalk discussion referring to the topic as problematic especially on the main thoroughfares. He informed the public that the Borough has a Safe Routes to School program that they are implementing. They have been able to install sidewalks at Valley Middle School and Dogwood School. He requests that the developer reconsider and include the sidewalks along McCoy Road to Yawpo for the school children and maybe on top of that, the Safe Routes to School program will make this a safer community. Also, he wanted to support what the residents had to say tonight who are impacted by Allerman Brook. This topic is very problematic and the developer should keep this in mind. Chairman Potash informed the public that the sidewalks go from the development up to Franklin Lakes. It will not service any Oakland residents walking to school. Councilman Kulmala clarified where the sidewalks were going. Mr. Cote responded that the property going towards Oakland is private property.

Chairman Potash asked if there were any more questions. See known, he entertained a motion to close the meeting to the public.

Motioned by Mr. Rose and seconded by Councilman Pignatelli, to close the meeting to the public was voted unanimously by the Board.

Mr. Yakimik questioned if a Phase I Environmental Study was done. Mr. Cote responded that the developer has not yet had the study conducted. Ms. Michel questioned if the Environmental Commission has commented on the application. Mr. Hayman, Environmental Commission member, responded that his Board is still reviewing it.

Chairman Potash informed the Board that at the next meeting, they will continue with questioning Mr. Cote on engineering. This meeting has been carried to the September 8, 2022 public hearing at 7:00 p.m. in the Senior Center with no further notice.

PUBLIC MEETING ADJOURNED AT 11:02 P.M.

Motioned by Mr. Liss and seconded by Mr. Rose, to adjourn the meeting by a unanimous vote by the Board.

Respectfully Submitted by,

Kathlyn Gurney, Administrative Assistant

\*Next meeting on September 8, 2022