

MINUTES
MT. EPHRAIM LAND USE BOARD REORGANIZATION MEETING

Monday, May 10, 2021, 7:30pm

Public Meeting Being Held by Zoom Video and /or Teleconference only

The meeting was called to order. The meeting opened with the Pledge of Allegiance to the flag and stated the meeting was advertised and notices posted in accordance with the "Open Public Records Act."

Roll Call – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Popelak, Carmine Rampolla, present. Charles Alexander, Gary Prinski, Nick Smaritto, absent.

Swearing in of New Appointees: Kimberly Beebe (Class II), all sworn in by Joe Nardi.

New Business – Hearing on Major Sub-division and Site Plan Rodderow LLC, Rudderow Avenue – Application is for the approval of 6 lots to be sub-divided and build single family homes.

Joe Nardi – explains in the event of public comment and any comments from the members of the board if this matter were to proceed to a vote this evening, since this is a joint land use board there will be 9 voting members. We currently have present 10 voting members. So, it appears one of our regular members is not present, so if nothing changes 8 or the 9 regular members will vote and the first alternate which is Mr. Popelak, so they will all be voting. If Mr. Alexander would appear and is here for a sufficient period that may change, but I wanted everyone to know, and Mr. Rampolla is present, he is the third alternate he can of course participate but if things remain the same the voting will take place with the members I just identified. I just wanted everyone clear on how we would be voting for tonight.

Don Cofsky – let me introduce myself, I am the attorney for the applicant before you tonight. We are here this evening for a major sub-division and I call it a by rights sub-division, what I mean by that is since all of the dimensional requirements under the zoning ordinance have been met or will be met and complied with, there is a right to have this sub-division but its not simply that we take a map and draw some lines on it and say hey we meet everything now give us our sub-division. There is a lot more we have to do with this, a lot more which is involved, there are requirements that go more towards the infrastructure and like a site plan and that's why the plan that was submitted is about 10 pages long with various detail from landscaping to drainage, to run-off, utilities, all these which are required. I am just going to give you the quick summary, we are looking to create 6 buildable lots, all of which will be much larger then the minimum required under the zoning ordinance and seventh lot which is at the end, then there is a remaining portion of this land that they have but we don't know what will be happening with that yet, if anything. It could be an additional sub-division with a few more houses, or maybe not. A lot will depend ultimately when we see the results of the wetlands delineation, but right now we are talking about the 6 new houses that are being planned. A little bit of history on this lot, it's a little unusual because we have called it block 120.02, lot 1.01 and yet on

the tax map the block is correct but on the tax map the lots say 8 thru 22. So we started to dig into this and what we found out was that almost 20 years ago or actual 19 years ago there was a preliminary and final sub-division granted by this board that created the large sub-division with two phases, phase one which included lots on easy street, it includes a large wetlands compensation lot that is further to the right of all the ones that we are talking about, that was filed and perfected by map filing in Camden County which is what you are required to do, however between the title companies and Marty Irving's company that is our professional, between Mark DeFeo that is the principal of the applicant and myself we could not find any filing that perfected the sub-division. I have a hard copy of the sub-division that was signed and approved in April of 2002, signed off by everyone, signed off by the county, signed off by the municipality., by everyone, but apparently it appears as though it was never filed. So, we are assuming somehow one if these copies made its way to the tax office and then the lots were then shown on the tax map, and this is how then be shown for years, but really, technically, and legally speaking they probably do not even exist. For our purposes this evening, it really will not make much of a difference because we are going in as if we have a blank slate, as if we have just one big lot, but even if this was perfected, we would be coming in, saying well now we are going to consolidate these lots so we have one big lot and then we will sub-divide them again. So, our presentation and our filings are identical either way you look at it, but I think its better as saying its just one big lot right now. So, that is pretty much the history of this piece of land. The purposely itself, and you will hear from Marty Irving and his staff Rich Oberman, who is a professional engineer, that when this was decided what they should do, they looked at the lot and what would be the best way to design this. He noted and we noted that the original sub-division that was granted would of allowed a total of 15 residencies to be constructed, that is not what we are proposing, we are proposing 6, which represents 60% of that lot, the remaining 40% which is like 1.7 acres that is what we do not know what will be done with that at this time, if anything it could be a few more houses or not. Also, Marty who is a professional planner will be telling you in his analysis, he wanted to do whatever is possible to preserve as much of this wooded area as he could, he also will show the lot clearance area, we also turned in just a sample of the house which is anticipated to be built there, and you see and hear the property being describe and it will be individualized. The review letter from Key Engineer, Mr. Fusco as usual I have seen several his and they are quite thorough with it being 6 pages long with about 29 items on there. I can tell you after looking at it in detail and discussing with my client and Mr. Irving, that much of this will be agreed to, much of it is nothing more then making some minor corrections or changes for consistency, there are some modifications requested and there are a few items that overall though should be brought to the attention of the board and discussed and that involves primarily, reassuring everyone with regard to run-off and drainage and wetlands issues, there is one question that came up recently about something with the utilities but we get into that. The overall looking at this we really don't think that there is anything substantially here in that report that cannot be complied with we know that there will be conditions that will go with any type of approval, and we believe that those conditions can all be satisfied.

Joe Nardi – swears in Marty Irving, Professional Planner and then he swears in the applicant Mark DeFeo.

Marty Irving – Mr. Nardi would you like to swear in my Professional Engineer Mr. Oberman in as well.

Greg Fusco – while we are at it should I be sworn in as well.

Joe Nardi – swears in Mr. Oberman and swears in the Land Use Board Engineer.

Marty Irving – I am a licensed landscape architect; I am also a licensed professional planner in NJ.

Don Cofsky – let me ask you a question have you ever testified in front of the board, either zoning or planning, and now joint board in Mt. Ephraim?

Marty Irving – yes, I have been before Mt. Ephraim board at least 2-3 times, and I have been all over the state for the last 20 something years.

Don Cofsky – have each of those boards qualified you as an expert in your area?

Marty Irving – yes, they have.

Don Cofsky – so with that I would tender him as a qualified expert in these areas.

Joe Nardi – ok you may proceed.

Don Cofsky – ok, so Marty I have referenced the fact about that we investigated this land and whether we have 15 lots or just 1 lot, you have also investigated this as well.

Marty Irving – yes, we did a considerable amount of deep research in the beginning of the project and came to the realization and fact finding both through my efforts and through the title company that was involved, that what was phase two of bell courts, that was the name of the prior sub-division approved. Phase two which represents the land, which is before you tonight, was not filed, I also spoke to the boards former engineer Federici & Akin, Mr. Doug Akin, he helped me out a lot with that and agreed and came to the realization that a portion of their former project had never been filed, so if you were to go to the court house today you cannot find a map.

Don Cofsky – nor can you find a deed, correct.

Marty Irving – correct, you cannot find a deed individually for lots 8 thru 22, because they don't exist, and the state GIS is one more piece of evidence this parcel is depicted as one big parcel.

Don Cofsky – you heard me say regardless of if we had 15 lots or 1 lot, with what we are applying for today, it would not make a difference.

Marty Irving – yes, we have redesigned what that sub-division was regardless.

Don Cofsky – speaking of that sub-division, how does what we are planning differ from what was originally approved.

Marty Irving – So our portion that we are seeking approval for development tonight, is only going to be 6 homes whereas the land area in the former sub-division, where our 6 homes lie would have included a cul-de-sac development and additional roadway development and would have yielded 9 homes.

Don Cofsky – shows on the screen the difference between the two different drawings. After he gets the documents on the screen, he asks Marty if the first plan that he is showing is the original one.

Marty Irving – yes that is the original phase 1 and phase 2 plan.

Don Cofsky – now on this plan there are a bunch of pink dots and yellow dots, what do those dots represent.

Marty Irving – the yellow dots represent what was called phase 1 of the original plan, that plan was filed and perfected, that is owned by other folks, not by Mr. DeFeo except for lot 6.

Don Cofsky – lot 6 is not part of this phase 1, lot 6 is part of phase 2.

Marty Irving – that is correct. Lot 6 is not part of the application tonight. The pink dots represent the phase 2 of the development of the homes and the 2 cul-de-sacs that were previously approved. Our portion of the project tonight, which we have as 6 homes would be occupied by the area surrounding the cul-de-sac labeled Easy Court.

Don Cofsky – do you see the curser on the screen.

Marty Irving – yes.

Don Cofsky – ok, so if we start counting, he moves the curser over all the properties totaling 9 homes. In doing what we are doing with showing the previous plans, the area behind those bottom homes the whole back of them, you have walked that land.

Marty Irving – yes, I have walked back there.

Don Cofsky – what is there now.

Marty Irving – its wooded land, it is sloping significantly, relatively steeply, down to the 295 right of way.

Don Cofsky – before I switch the screen all the way to the right, there is another dot it says phase 1, that is lot 7 I believe.

Marty Irving – yes lot 7 is not owned by Mr. DeFeo.

Don Cofsky – correct, and I know it is hard to see but that is on the plan listed as a compensatory lot for wetlands, that was supposed to be transferred to the Borough, is that right.

Marty Irving – that is correct.

Don Cofsky – Have you seen anything to where it was transferred at all.

Marty Irving – no, when we did that search it was still owned by the former owner of the land.

Don Cofsky – puts up the new plan, which his applicant is proposing to do with the land. Marty what page would you like to go to, to start going over everything?

Marty Irving – page 2.

Don Cofsky – here is page 2, let us know what it's all about.

Marty Irving – this is our major sub-division, our plan of lots, which occupies that area which previously was shown with a cul-de-sac name Easy Court. He shows on the screen where Rudderow Avenue is, you see the heavy lines which is showing the right of ways which were perfected as the extension of Rudderow Avenue, part of it named Rudderow Court and Easy Street coming in as a T intersection to Rudderow Court, that part of the road was approved and perfected that road exist, so then you see perpendicular to that road our 6 new lots roughly speaking 50 feet wide varying in depth from 420 feet in depth to narrowing down to lot f being 280 foot depth and then the remnant parcel to the far right which is approximately 1.7 acres for potential future development.

Don Cofsky – so would it be safe to say that all bulk requirements for size and depth for these lots have been met.

Marty Irving – yes, they meet all the minimum requirements and exceed lot depth quite considerably and lot area quite considerably.

Don Cofsky – again on the screen he shows lines that are on the plans, do those lines since there are two do they differentiate between two zones?

Marty Irving – yes, the lines both are in the R-1 and the R-2 zone, however the bulk criteria for single family homes in those two zones are identical. So, it really doesn't make a difference that its in two zones because the criteria are the same.

Don Cofsky – that would be the 6000 square feet for minimum lot size, and ours goes from anywhere between 16,000 and 20,000 square feet for the 6 lots.

Marty Irving – yes, that is correct.

Don Cofsky – minimum width is 50 and most of ours are around 51 ½ width, something like that.

Marty Irving – correct, we have one 50-foot width lot and then the remainder ones are 51 ½ width, except for lot F which is 51.62 for width.

Don Cofsky – this is a major departure of change from what previously has been approved, had you come up with this, why has this one been recommended.

Marty Irving – there were a few considerations, when we dove into the project, one was the existing wooded nature of the lot, the second was the further away from Rudderow Court you get the more difficult the property would become to build on, it starts to slope off toward the 295 right of way at a significant cliff there, which would of course made earth work and building a road and building homes would of required quite a bit of earth work and fill and of course almost that entirety of depth would of needed to be cleared of trees, and then another consideration of course would be infrastructure improvements for that entire cul-de-sac, significant undertaking construction wise again, more clearing and building, etc.

Don Cofsky – how important from a planning point of view was it to preserve the wooded area?

Marty Irving – our client is the type of developer that does he very best to preserve trees and make his projects, well landscaped itself, so it was an important consideration with the environmental perspective, impact perspective to the community and to the area, as well as the construction aspect of it.

Don Cofsky – by maintaining it, does that serve as a further buffer between the residencies and 295.

Marty Irving – yes, these new homes will have over 100 feet of buffer from the highway itself.

Don Cofsky – since we are talking about the trees and what we were looking at, I believe its page 5 that would show pretty much what you have been talking about.

Marty Irving – yes, page 5 is our grading and drainage plan. You can see at the rear of the properties the loop line which represents the limit of the clearing that we would need to do to construct these homes. Since the lot depths vary, its not a consistent buffering our lot follows the root of 295 right of way, it's a huge arching up to the right, you can see the rear yards of undisturbed area.

Tara Weiss – hey Marty or Don can this be enlarged; I am just getting a comment that they can't really see anything.

Don Cofsky was able to enlarge the drawing on the screen.

Marty Irving – so the tree line which represents the maximum of what would need to be cleared from there to build the homes and grade the homes back to the existing grades.

Don Cofsky – so let's say right at the smack middle, what is the distance from the front property line down to the tree line.

Marty Irving – at its worst if you will or at its deepest point its 125 feet and you can see it kind of comes up at either end a little closer to Rudderow Court.

Don Cofsky – where that is at 125 feet, what is that lot depth there.

Marty Irving – that center line depth is 328 feet deep.

Don Cofsky – so we still have like 200 feet of tree still.

Marty Irving – yes.

Don Cofsky – although some of the lot depths vary, so does that tree line so we are talking anywhere from 100 something to 200 feet of trees still there.

Marty Irving – yes, that is correct.

Don Cofsky – while we are still on the same page, well maybe we should talk about the building envelope and the structures that are proposed. Which one would you like to show for that?

Marty Irving – page 4 is the site plan, that represents what you are referring to.

Don Cofsky – please explain what all this is, we are talking building envelopes and footprints.

Marty Irving – so the required setback lines are depicted with 8-foot side yards which is required, 25-foot front yards which is required, 20-foot rear yard which is required. Our proposed home is represented by....

Don Cofsky – that is the dashed lines, correct, the envelope?

Marty Irving – yes, they are dashed lines that run parallel with the lot lines.

Don Cofsky – ok, so that is your envelope, well in the envelope, what are you showing pretty much for house size.

Marty Irving – we have 4 bedrooms, 2 story dwelling, that measure roughly 31 feet wide by 46 foot deep, which will leave more then 8-foot side yards, and they meet the setbacks for everything else as well.

Don Cofsky – as far as the requirements for the building percent lot coverage as well as impervious coverage, all the setbacks you mentioned, building, height, all that floor ratio, do all the proposed homes meet all those requirements.

Marty Irving - yes.

Don Cofsky – so no variances would be required for any of them?

Marty Irving – correct.

Don Cofsky – he brings up to the screen of what one of the houses may look like. What will the overall square footage of these homes be.

Mr. Oberman – he just stepped away real quick Mr. Cofsky.

Don Cofsky- Marty, what is the approximate square foot of each home?

Marty Irving – the ground floor area is about 1200 square foot, the livable square footage I believe is 1800 square feet or so.

Don Cofsky – is that consistent with the neighborhood by the way.

Marty Irving – yes, similar homes are up and down the street.

Don Cofsky – so you're not planning on putting up McMansions, huh.

Marty Irving – no, they wont fit.

Don Cofsky – the one thing I wanted to point out, because I know you have discussed it and Mark has as well, the top left corner of the house there is a set of steps coming down, is that anticipated or planned for something with all these homes.

Marty Irving - no, we do not need that side entry on these homes, that was just something that this home model has, but with our side yard we would not be able to do that, and we also see no need for that.

Don Cofsky – this is just a black and white 3D of the house itself, but you said its 4 bedrooms, how many baths?

Marty Irving – I believe it was 3.

Don Cofsky – ok, and of course depending on who wants what to the rear, they could put a deck if they wish because that would be a non-issue.

Marty Irving – yes, there is adequate space and amply room in terms of coverage and so forth, if folks down the road wanted to seek permits for decks and patios and things like that.

Don Cofsky – now each of these homes has a one car garage.

Marty Irving – yes, correct.

Don Cofsky – there is a drive front?

Marty Irving – yes, so it would be 2 parking stalls, 2 car asphalt driveways and then the one car garage, so each home would have the ability for 3 parking spaces.

Don Cofsky – would that meet the requirements for the RSIS standards.

Marty Irving – yes, that exceeds the minimum requirement.

Don Cofsky – they bring up on the screen what the first floor looks like, with a family room, a kitchen, etc. and then they present what the upstairs would look like.

Marty Irving – correct.

Don Cofsky – most importantly, this is just a base model, meaning this is what they just start with, what have you recommended, what have you and Mark discussed to individualize these homes.

Marty Irving – they can be stylized with different siding type, they can have trim packages to pick from, they can also vary the roof lines.

Don Cofsky – what about porches.

Marty Irving – the house that is going to be built, all of them will have a front porch. So, it would just be basically the way the front porch roof line would vary.

Don Cofsky – so as far as not just from an engineering or zoning point of view, showing that it fits, overall, in your opinion as a planner does this type of home fit in the area and ecstatically does it fit in the area.

Marty Irving – yes.

Don Cofsky – the rest of the lot that 40%, that 1.7 acres, that has been where most of the questions have come up in, about whether there are any wetlands issues there, is that correct.

Marty Irving – yes.

Don Cofsky – the 6 that we are dealing with, from the trees that are there and where we are building, you have seen the delineation 20 years ago, does it appear to you, do you anticipate that being a problem for those 6 lots at all.

Marty Irving – well the delineation from 20 years ago did not indicate wetlands to be found behind our 6 lots, or on our 6 lots. Obviously that is a 20 year old delineation but we went working under that situation the bulk of the wetlands in this area is closer to the 295 right of way, so that is another 30 feet from our properties and then that wraps around the remnant parcel which is lit 7 on the tax map, and that entire parcel of ground which we are not involved with, that is completely off our site that is all wet and that was part of the dedication to the town as open space.

Don Cofsky – the trees that are being preserved, even if there were any wetlands at the bottom there, do you see that having any impact on this project.

Marty Irving – no, the houses are far enough away, that even the worst buffer criteria of 150 feet our homes and our yards would be far enough away.

Don Cofsky – lets get to Mr. Fusco the engineers review letter.

Marty Irving – yes.

Robert Carter – if I may before we get to Greg's review letter, has an application been made for an interpretation.

Marty Irving – no.

Don Cofsky – no, not yet.

Robert Carter – is an LOI being requested, and has the delineation been performed.

Don Cofsky – it has not been requested, we know it could take a good six months to get one, we don't see really where it impacts the 6 lots that we have, especially with the wooded area, but that is one of the conditions that Mr. Fusco has included on his review letter, and we are aware of that and will be doing that.

Robert Carter – ok, Greg, I will then turn it over to you, thank you.

Greg Fusco – Mr. Nardi, before we continue and we get into the engineer's review letter, I have questions and I am wondering if the board members have any questions currently.

Robert Carter - my first question is I saw your comment about Stormwater Design, is there a Stormwater Design, have we seen the Stormwater Management Report.

Greg Fusco – I can't see who is asking this and is this question directed to me.

Robert Carter – that is correct, I guess it just speaks to the completeness issue, two issues that I see are Stormwater Management Design and Environmental Impact Statement. Have either of those been submitted?

Greg Fusco – drainage calculations have been submitted, if you like me to review how they are proposing them to you I most certainly will, I believe the applicant should, but I would be more than happy to explain. The Environmental Impact Statement has not been submitted yet to the best of my knowledge, but before we even get into that, I really have some questions about the original approved sub-division that was never perfected or maybe was perfected in parts, and I don't know when I can ask that question. Mr. Chairman, I want to make sure I get through your question first, so let's have that taken care of, so Mr. Cofsky can you have Mr. Irving discuss how the drainage will be handled.

Don Cofsky – Marty, we know you have initially proposed drainage that you believe fully comply with the DEP Stormwater Management requirements is that correct.

Marty Irving – yes.

Don Cofsky – in that you had proposed, and I believe it even may show on the plan, drainage pits, or retention basins I guess, both front and rear of these properties, is that correct.

Marty Irving – we are proposing both front and rear stormwater recharge systems, adequately sized to handle the proposed development.

Don Cofsky – my understanding of what it requires from a layman's point of view, is that when you do a development like this you have raw land there, the idea is that the stormwater discharge, what is leaving the site should not increase.

Marty Irving – yes, that is correct.

Don Cofsky – so what you have done, have you designed it to make sure that the stormwater leaving that site once you build the houses, and have some impervious coverage would not increase what is there now.

Marty Irving – correct.

Don Cofsky – you are accomplishing this, how?

Marty Irving – we are utilizing recharge systems; each individual home would have a system in the back that is the roof runoff would be piped into the discharge system in the rear and in the front alongside of the driveway to capture the runoff from the driveway.

Don Cofsky – I don't want to get into Mr. Fusco's review letter, but there was a suggestion there about modifying the ones that are in the front, basically removing them and creating a different system of creating shallow basins in the street itself, is that right.

Marty Irving – yes, Mr. Fusco and I had a long conversation a couple of days ago and his suggestion that a temporary basin be built where we are extending Rudderow Court, which would make more sense to handle this stormwater and potential stormwater that would be generated by the remnant parcel, so the fact that he was willing to except the temporary basin is certainly palpable to us.

Greg Fusco – I just want to elaborate on that, members of the board, the regulations in the State of New Jersey since 2002 regarding Stormwater Management are rather intense for new development, and redevelopment for that matter, just recently the NJDEP has implemented revisions to the Stormwater Regulations and have made them a little bit more stringent for developers to comply with, and in this case, Mr. Irving has indicated that he was going to take the roof run off from each individual dwelling and infiltrated in the ground in the rear yards in some type of infiltration system, that is an acceptable plan and an encouraged practice by the NJDEP Stormwater Regulations and want the DEP calls there best practice manual, in the front of the dwelling, more specifically each two car driveway area that would be constructed of asphalt, Mr. Irving proposed a second sub-service infiltration system to collect that run-off, the problem with that, while that situation makes sense the problem with it is, the applicants creating new right of ways and a new cart way by extending Rudderow Avenue, there will be a 4 foot wide sidewalk extension and a 30 foot cart way extension and under the new stormwater regulations the runoff from that impervious surface must also be collected, treated and managed and in Mr. Irving's design that did not occur. So, I took a look at the plans, and I did notice based on the tax map information, there was some type of sub-division that has been approved for all this property back there and at the end of Rudderow as its being proposed now, there is a large piece of ground still developable, whether or not it get developed or not I have no idea, you have no idea, no one has any idea, but it is developable and it was my intent to discuss with the applicant to construct, there is this very strong possibility and I firmly believe it can happen to build a temporary basin that would be deed restricted which is required by the regulations and would be managed by either the owners of the 6 homes or Mr. DeFeo himself, it would be maintained every year and it would handle the runoff properly for the roadway and the driveways and the sidewalk. That is my recommendation for this development. There is one thins Mr. Cofsky, that I really need clarification on, you may not be able to give it to me this evening, I guess the question I have Mr. Cofsky is when you talk to Mr. Akin, did he have a copy of the approved sub-division plan?

Marty Irving – yes, he provided us, he had a hard copy of the files.

Greg Fusco – so when that sub-division was created, now I am realizing and this is new to me this evening that there was a phase 1 and a phase 2, phase 1 apparently has been filed, but phase 2 has not been filed, if someone where to come in a develop phase 1 right

now, they would have to pave Easy Street, and they would build the homes, according to the major sub-division where was the runoff supposed to go.

Marty Irving – according to that approved plan, lot 6 was designated for the retention basin.

Greg Fusco – so then he would collect runoff in the street via inlets and pipe it back to lot 6.

Marty Irving – yes, whoever ends up developing that needs to find a place, possibly on lot 6 or elsewhere.

Greg Fusco – in all fairness to the municipality and me I would need to see that to make sure legally there are no ties regarding stormwater from phase 1 to phase 2 which now isn't being developed, and if I must worry about phase 2 storing stormwater generated from phase 1 on the two streets, we will have to handle that now. I just need to be confident with that so I would need to see that information.

Don Cofsky – that can be handled, I believe Mr. Irving has PDS files that he can send over to you.

Marty Irving – yes, I can do that.

Greg Fusco – again I don't believe this is something that we can decide on this evening, its just legally we must make sure the two are not tied together, stormwater wise because the developer for phase 1 still has a stormwater obligation under the current regulations in my opinion. I just want to make sure Mr. DeFeo has no obligation to collect the stormwater for phase 1 as well.

Marty Irving – I don't see how he would have to; he is not developing that portion.

Greg Fusco – runoff from the impervious coverage, Easy Street, may be directed down towards the extension of Rudderow Court and ultimately was going to be stored in the basin at the end of the cul-de-sac. Mr. Chairman I have said a lot did you get your question answered.

Robert Carter – yes, I have one more question, the proposed lot, and the proposed basin that you are talking about, would the wetlands that are mapped from Geo Web, is there any potential conflict from wetlands and transition areas in the construction of a basin.

Greg Fusco – the rough numbers that I had come up with when I was reviewing the project, there would be a small basin approximately 35 feet by 35 feet or 40 feet by 40 feet approximately 2 feet deep at the end of Rudderow Avenue the extension they are proposing on each side of the crown of the road, so there would be two small basins, based on my review of the Geo Web information regarding wetlands and going out to the site and visual seeing everything, I don't not believe at all that those basins if constructed

would interfere with the wetland buffer. Unless, the DEP had reason to slap a 300-foot buffer on to those wetlands which is extremely rare.

Robert Carter – what about flood hazard issues?

Greg Fusco – based on my review of the flood hazard maps, the flood hazard area that I have asked them to sketch on the sub-division plan and on the survey runs parallel with the CCMUA easement at the base of the property which is like 20 feet difference in elevation. So, while there is flood plan all over the property it in no way effects Rudderow Avenue or the 6 homes that would be built, but again it is something that is a land use feature, and it needs to be on the survey and the sub-division plan and the plan to be filed.

Don Cofsky- we agreed that we would put all that on there.

Robert Carter – at this time I will open to the members of the board who have questions or comments.

Thomas Maxwell -I have a question, Easy Street, which is basically a paper street, we are talking about that being a water run off and such, its just a dirt road now, how, will this be addressed with putting a road continuation past it, they are talking about Easy Street now as if it were already asphalted. So, I am trying to figure out what water runoff would we really have to worry about at that point of Easy Street since there is no actual street, but my concern is that they have in the paperwork that there is to be a stop sign at the end of Easy Street intersecting with Rudderow Avenue, I mean how are we dealing with Easy Street with this project going forward. I live on Glover Avenue we are wider then Rudderow, I know that traffic is going to be coming up my way, I am just trying to figure out what is the deal...

Greg Fusco – Mr. Maxwell, Easy Street is known as a paper street on the tax maps, its dirt surface right now it is not proposed to be paved, its not part of this application, applicant is proposing with the extension of Rudderow Avenue to create the proper curb radii extension and that would go back into Easy Street, we encourage that so when Rudderow Avenue is built today and someone goes in to tie in Easy Street to Rudderow 20 years from now they don't damage the pavement of cross section of Rudderow Avenue, so for a distance of about 25 feet back there will be an asphalt stub up against the two curb radii that are going to be constructed that will blend into Easy Street, but Easy Street is not being paved at this time. My concern is when it does get paved according to the epigraphy area and I will even know better if I see those sub-division plans stormwater is going to run down Easy Street onto Rudderow Ave, and it is going to be intercepted by the curbing that will be proposed and it needs to be dealt with or provisions need to be dealt with now regarding the stormwater management.

Thomas Maxwell – who would then build on Easy Street at that point then.

Greg Fusco – whoever owns that phase 1 or whomever buys phase 1 from the owner. It may never get done, but apparently it has been filed and those tax map files exist.

Thomas Maxwell – I know that I was just figuring out about Easy Street, just to make sure that no one is using Easy Street as that access to the Rudderow Avenue properties is what I concerned about, because it is nothing but dirt, it will be a mud hole if everyone keeps driving up and down there.

Greg Fusco – this board has every right to impose conditions on the applications, and if the board feels that it's possible that Easy Street will begin to be used as a cut-through or begin to be used for whatever reason, other than the use it has now provisions could be made to prevent the use of Easy Street, that will need to be something discussed.

Marty Irving – if that is something that the board requires, me and Mr. DeFeo were just discussing our project with the six homes is to be served by Rudderow Avenue, Easy Street is going to be someone else's issue in the future, if and when those lots get sold off and Easy Street gets developed, we would have no problem providing some sort of barrier to block the return which we are more than obligated to build like Mr. Fusco started but in terms of controlling traffic we could put a bollard or two or whatever you guys think would be best. I am sure you are aware people use Easy Street now.

Thomas Maxwell – yes, and this now would be an influx of construction vehicles, tractor trailers coming up one street because Rudderow is not designed to take that load and Glover Avenue is basically, so I don't know if you would put a bond on the street, if it is going to be Easy Street that you are using, I would not like to see that used because in the summer that dust go all over someone else's house.

Marty Irving – yes, like I said our application and the applicant is willing to block access from these homes to Easy Street. Obviously, we would need some help with that it is the town's right of way, we don't own Easy Street or Rudderow Court.

Thomas Maxwell – right, like I was just saying there is no street there at all.

Marty Irving – I get it there is no pavement.

Michael Popelak – Mr. Irving, you're saying for these 6 homes that you expect everything to be serviced including construction, emergency vehicles through Rudderow?

Marty Irving – yes, that is the access point that exists. That is the open street if you will.

Michael Popelak – so you are saying you can literally, or we can block off Easy Street.

Marty Irving – Mr. Fusco you would be able to help with this, it's a right of way but it's unimproved so I believe the town you know can put a guardrail for example or what we are saying as part of our activity we can build that for the purpose that you have.

Greg Fusco – Mr. Popelak, it is something that I would have to discuss with the Governing Body, the Police Chief, and Emergency Management but the board can limit the use of Easy Street with this application.

Michael Popelak – ok because it's a little rough right now as far as potholes and dirt like Mr. Maxwell said it will be a mess in the summertime, plus I don't know how many people want to drive their trucks, emergency vehicles up the street.

Greg Fusco – I completely understand what you are saying, if everyone has taken a look at my review letter in the end I always ask for comments from police and fire, it's very important with major sub-divisions, you know safety and access is paramount so that is something that after tonight's meeting I would have to discuss with the Police and Fire Chief and come to a conclusion as to how we would address any of the wishes of the planning board members regarding this approval.

Anthony Stagliano – several things about the discussion on Rudderow and Easy Street, from an environmental standpoint as Mr. Maxwell pointed out the dust issue, I am not an expert at it but I believe the DEP requires that any construction vehicles leaving the site have to have a wash down area so debris cannot be taken onto the paved surfaces, if we are going to have construction equipment back and forth or even touching Easy Street that dirt or mud will make its way on to Rudderow Avenue and Glover Avenue and it will need to be addressed by the contractor. The next issue from an emergency response standpoint....

Robert Carter – hold on Anthony, I believe for your first comment, I would ask the applicant if we could, or you could make provisions in your soil erosion sediment control plan to be submitted to Camden County to address the dust concern from Rudderow Avenue.

Marty Irving - yes, all those items are on our soil erosion control plan, so we have the construction entrance heavy stone to knock dirt off the tires, etc., and of course soil conservation district will be approving, well they will be reviewing and hopefully approving our plans and they will follow the requirement, which include the dust that you are referring to.

Anthony Stagliano – from the emergency response standpoint, the last thing we would want to do is place a barricade anywhere on East Street, either towards Glover Avenue or Rudderow Avenue, everyone is familiar with how tight Rudderow Avenue is, it is extremely difficult to get one fire apparatus vehicle down there let alone two or three, so the next point of access would be to that end of Rudderow Avenue would be emergency response vehicles coming Glover Avenue off of Easy Street onto Rudderow. So putting a barricade there would hamper any type of emergency response, the other thing that we need to look at or consider is to my knowledge the hydrant at the end of Rudderow Avenue I believe is a 4-inch main that may be insufficient to provide adequate fire suppression activities to handle those homes that are going to be built, I know the last time that we had a significant fire at the end of Rudderow Avenue which was the old

kiker home we actually brought water in from Bell Road, so that is a significant or could be a significant delay in response for fire response apparatus activities for those homes. So, there are a couple of things that need to be addressed from the emergency response standpoint but simply saying we could put a barricade at Easy Street doesn't make any sense because it hinders emergency response. The other thing would be with Rudderow Avenue, as tight as Rudderow Avenue is we are probably going to have to deal with the situation that some of that construction equipment may not actually fit down Rudderow Avenue, it is extremely tight getting a trash truck down there, a piece of fire apparatus, you start putting an 18-wheeler truck on that street hauling construction equipment you will be damaging vehicles, additionally if we are coming off of Glover Avenue onto Easy Street with that equipment we will have similar problems and ultimately like Mr. Maxwell said are we going to put a bond on these streets if they are damaged by contractors, so I think there are a lot of unanswered questions that we need figured out before we approve anything to one appease the residents on Glover Avenue and address any concerns that they may have for property damage as well as having access to their homes during the construction period.

Robert Carter – any other members of the board, have any other questions or comments. At this time, I will open questions or comments to the public.

Joe Nardi – hey Bob, I am not sure if Mr. Cofsky was finished, I mean if members of the public are going to ask questions, or the board may have some other questions since there was a break and I believe we will be moving onto Mr. Fusco's letter, I am subject to anyone else's comments, I would suggest in order to give the public and other members of the board an opportunity to hear the full presentation and then perhaps open after that.

Greg Fusco – Mr. Nardi and Mr. Cofsky, do you mind if I go through my review letter, and you can respond to whether you will comply or not. I think that may be best at this point.

Don Cofsky – sure.

Greg Fusco – I did prepare a review letter dated May 6, 2021, regarding the project and the information that was submitted that I was able to review. Many of the comments I have are construction detail related that I don't necessarily have to review, there is about 10 or 15 comments that I think are very important to note and have the applicant reply on, I will touch upon those 10 or 15 comments first and then if anyone has any other questions about the other comments I did not address you are more than welcome to hit me with them.

- Page 2, item 2 – on the NJ State Geo Web system the property itself contains freshwater wetlands that are mapped on that system, in the State of NJ if you have freshwater wetlands on your property you are required to delineate those and the delineation must be at least 5 years old, if it is more than 5 years old it must be re-delineated and you have to have an updated LOI regarding the wetlands, the applicant is aware that there are wetlands on the property, my review of the

mapping and review of the site indicates that they are far removed from the 6 lot sub-division, however it is a requirement and I have to put it in my review letter and the applicant does have to get an LOI for those wetlands that exist.

- Page 2, item 3 – I also indicated that there a flood zone limit....

Don Cofsky – Mr. Fusco you said about if the applicant wants to address any of your comments as you go through them, can we do it that way.

Greg Fusco – that is fine.

Don Cofsky – my question is, we know we have to get an LOI, the only question with regard to that though and it goes right into your comment about the 6 lots being far removed from this, while we are getting the LOI assuming that everything else works out ok and everyone is agreeable to all of this would at least construction of those lots upfront there be held up while we are waiting for an LOI.

Greg Fusco - I would have to ask if we have the approved sub-division plan the wetlands would have had to be delineated and shown on that plan 20 years ago, so you should be able to get the line as it existed then and show it on the property on the map.

Marty Irving – I can plot their old line, yes.

Greg Fusco – I think the board would need to see that, I would need to see that and then we could make a judgement as to how far away they are from the development. I believe they are far removed but again picture is worth a thousand words.

- Page 2, item 3 – in my report, according to the current updated FEMA maps, there is a 100 year flood zone documented on the property along route 295, that is also far removed from any construction that is being done and I just request that the applicant, if there is a way that the applicant can interpret that flood plan map limit on the map and transpose it onto the sub-division plan and I believe that needs to be placed on the plan again for review and documentation.

Don Cofsky – we will do that.

- Page 2, item 4 – the property contains easements that the CCMUA has on the site there is a 50 foot wide easement that is parallel to the property line common with route 295 and there is also a 25 feet wide access easement down Rudderow Avenue and through lot 1.01 that intersects the easement I just referred to, this plan obviously has to be reviewed by the CCMUA and we have to make sure that they don't have any comments regarding the work that the applicant wants to do.

Marty Irving – we will submit to CCMUA.

- Page 2, items 6,7 and 8 – refer to the NJ Residential Site Improvement Standards, about 15 years ago maybe longer the developers of NJ got together and pretty much demanded that the Department of Community Affairs put together a minimum standard set of rules and regulations that developers have to comply with for each and every municipality throughout the state, what the developers were doing, they were getting fed up with going to one municipality and having to follow a certain criteria for the width of the roads, the slope of the roads, whether or not sidewalk was required, all those elements and then go to another municipality and have a completely different set of standards to follow. So, because of that the builders league winning their case a set of standards known as the Residential Site Improvement Standards were developed and Mt. Ephraim just like any other municipality in the State of NJ must make sure that at a minimum those standards are followed. It is very important for me as the reviewer that the developers engineer place those requirements on the plan, a lot of the actual features are on the plan but there are certain criteria you have to go through based on the number of trips that are generated that determines the type of intensity the street is, it established the right of way width, the cart way width, where parking goes and where sidewalk goes. It is important that, that information be put on the plan. As you know, you already heard some request tonight from members of the board that maybe the street is too narrow, maybe there should only be parking on one side, we don't dictate that anymore the Residential Site Improvement Standards do, and I need the applicant to go through that scenario and place it on the plan and for me to review and for me either to agree with it or disagree with it and adjust it accordingly.

Don Cofsky – we agree to all of that fully.

- Item 8c – in my report regarding the Residential Site Improvement Standards, Rudderow Avenue currently exist as a 45 foot right of way that is one of the reasons why the street is narrow and people are complaining about access and parking, for this particular project the minimum requirement for the right of way would have to be 50 feet with a 30 foot cart way, Rudderow Avenue is not permitted under the standards to dead end the way it does on the sub-division plan, it must dead end with some type of turn-around, the turn-around can be in the form of a permanent or temporary cul-de-sac a minimum of 40 feet in diameter and that 40 foot has been established for emergency vehicles and trash purposes. So, I will need this placed on the plan as well.

Don Cofsky – I discussed this with Marty, and this will be complied with.

- Item 8h – the applicant is in fact proposing a pavement cross section on Rudderow Avenue which consist of 2 inch thick surface coarse by 2 minute surface coarse over 2 inch thick hot mix asphalt base coarse over 5 inch thick dense graded aggregate, that is one of the pavement cross sections that is designated in the residential site improvement standard which the applicant has the right to use based on testing, what I would like to do here and I have done in

my review letter is to offer to the applicant that when we do roadway construction for the municipalities we provide 3 inches of stab base verses 2 inches of stab base because that is what works, so that is what our recommendation is to the applicant regarding that.

Marty Irving – we have no objection to that recommendation.

- Item 10 – when a person develops a home in New Jersey anymore the building requirements are that the basement be constructed at least 2 feet above the seasonal ground water table and the purpose for that is, in the past many developers have built homes in the middle of the summer or in the dead of winter when the ground water is at its lowest, obviously they build a basement they don't know where the basin fall out elevation is going and we end up with finding out in the spring time and in the fall when it rains and then everyone is pumping water out of their basement and into the street, that really is not permitted anymore in accordance with the building code, all basements must be constructed a minimum 2 feet above the seasonal high ground water table and the applicants required to do back up test pits for each particular property being developed for a residential home to determine where that seasonal high ground water table is, that has to be a requirement for this project and that information has to be placed on the plan and it would help again with Mr. Irving and I determining the grading on the site works properly.

Marty Irving – I have no objection with that.

Don Cofsky – what is the timing on that.

Greg Fusco – it really should be done now, because if it is done after the approval then the arguments with me and that is not right, I'm not the developer, it's the Borough and this boards right to see that information before time.

Don Cofsky – I would also assume that applies to item 11 as well.

Greg Fusco – yes it does, however I would further like to reiterate my concern about the stormwater management, again the chairman had questions and so did some of the other members, I just want to make sure that they understand where I am coming from with this, stormwater requirements in the State of New Jersey specifically stormwater management are mandated by the New Jersey Stormwater Regulations and I just want to make sure that the applicant agrees to the stormwater management basins and the testing associated with those basins. This information also needs to be put on the plan.

Marty Irving – yes, we agree.

Greg Fusco – once we have that information a stormwater operations maintenance manual log needs to be prepared, after the construction is completed, those basins need to be documented, in an as built configuration on an as built plan and deed restricted and

that information must go in the ONM manual has to be recorded, I must know that this will be complied with.

Don Cofsky – yes, we have done this in other municipalities, and we will do this.

- Item 12 - there was a comment that the water main at the end of Rudderow Avenue is 4 inches in diameter, the information in the plan indicates its 2 inches in diameter, the residential site improvement standards requires I believe at least 8 inches in diameter to service the homes, I need to know that this system is owned by NJ American Water, the applicant will have to get will serve letters from them, New Jersey will then make applications to the DEP for the water main extension if one is necessary and they will at least need to make it 6 inches in diameter to service the homes possible 8 and some type of blow off has to be provided at the end of the street as you know we already heard from Emergency Management that, that blow off really should be in the form of a hydrant and I tend to agree.

Marty Irving – we have an email from New Jersey American Water and according to their hydraulic engineer no main improvements need to be done, so we would like that on the record.

Greg Fusco – I need to talk to them, again only because of the residential improvement standards and for fire flow, they must tell me and emergency management that they can put a house fire out with a flow from a 2-inch pipe. I will have that conversation with them. I am not looking for your applicant to do anymore work then he must, but it just doesn't make sense to me that a 2-inch main in the dead of summertime is going to be able to service any kind of emergency.

- Item 15 – New Jersey American Water also now owns the sanitary sewer system in town, and we are going to need, will serve letters from them and make sure that they understand the proper lateral detail for sanitary sewer connection is shown on the plan. As mentioned previously I did recommend the stop be placed at Easy Street, I am new to the municipality and I do not know how Easy Street is used, and again it becomes a liability and a life safety issue and it's a necessity for me to require that stop sign. If the street is not going to be used and the Planning Board Members don't feel that the stop sign is necessary, then obviously you have that right to not require it.

Don Cofsky – we will do whatever decision is made from the board and all of you.

- Item 17 – depending on how the roadway is ended at the end of Rudderow Avenue, some type of advanced warning sign and some type of signage need to be placed at the end of the road and once we determine that I will discuss that with the applicant and provide it or make sure the applicant provides it.
- Item 18 – typically traffic street intersections are eliminated and there is a utility pole at the end of Rudderow Avenue right now with a streetlight, however we

need a streetlight at the intersection between East Street and Rudderow Avenue to illuminate the intersection.

Marty Irving – we agree to provide that.

- Item 19 and 20 – when the final stormwater practices are completed and constructed, they must be as built and then they must be shown on the plan for filing that is a requirement, and Mr. Cofsky I don't know how we are going to do this because you generally must record the plan first before anything first.

Marty Irving – I guess then we would have to come back and amend the plan.

Greg Fusco – yes, we will have to amend the plan. I can investigate that further but before you can start constructed anything the plans need to be recorded and then we will need to come back after and amend everything and document the drainage features to satisfy the DEP requirements.

Don Cofsky – I have dealt with that before, we made it work, I will just need to see how we did it.

Greg Fusco – the last few comments in my review letter strictly pertaining to outside agency and review and approvals in this case it would be soil conservation, you will just need to show Camden County Planning Board just so they know what is going on they will not need to approve since its not on a County Road, they will just provide a waiver letter, I would like to see a review letter from the police department if we can get one, also the Fire Marshall, and any comments that are generated from the board this evening we need to make note of. I have nothing else Mr. Chairman.

Robert Carter – I would like to open it back up to the members of the board, for any questions or comments, hearing none I will open it up to the members of the public.

Joe Nardi – ask the resident to state his name and address for the record.

Jacob Ladd – 150 Glover Avenue, Mt. Ephraim.

Joe Nardi – do you have a question or comment.

Jacob Ladd – there are a lot of comments being thrown back and forth about how Easy Street doesn't exist and its just a dirt road, but the fact of the matter is that the State of New Jersey every time they have some type of infrastructure plans that they have going on, on Bell Road which is often especially with the construction they have going on with the 295 project, any time they open that up that is the detour they use. So instead of re-routing traffic another way they go down Rudderow Avenue and then they go through Easy Street and up Glover Avenue to get back to Bell Road, so it's a major consideration on top of the increased traffic related to the construction project and the new housing development, what will they do with the temporary traffic as its re-routed through

especially during the construction. There are also quite a few people over here that have young children, so we would like to know what the public safety measures may be during the project. I know they already touched on emergency vehicles and how tight all that is, and I am also wondering about parking requirements on Rudderow or Glover Avenue, will all this change how you can park on those streets, during the construction and afterwards, will there be long term changes.

Joe Nardi – would anyone like to respond to this.

Marty Irving – the construction would occur on Rudderow Avenue because that is the open street, that we must utilize and as I said before a construction entrance will be constructed, sill fencing etc. Our project handles its parking on site as required. I know there is a lot of on street parking on those streets, but we are also providing driveways for these homes.

Don Cofsky – as far as construction goes, we are talking about a reasonable modest style homes Mr. DeFeo has been building these for 20-30 years we are not talking about the kind of construction vehicles and such that you see when putting up office buildings there is always some upheaval when you have construction going on, no one really likes to be around when that is going on.....

Audio gets cut off partially.

Greg Fusco – Mr. Cofsky, typically when a sub-division is developed the developer is required to put in the water and sewer connection, the gas line, and the construct the curb. Then construct the stone sub-base and the base paving, at that point the contractor may put in the driveway apron, or he may wait and before he puts in the apron soil conservation may require a small stone entrance to each developed lot, so then the contractor can build the home and park the cars without making a mess out there. That is the standard practice, is that what Mr. DeFeo will be doing when he goes to do this development.

Don Cofsky – Mark you are here isn't this what you always do when you are developing.

Mark DeFeo – yes.

Greg Fusco – the last thing that I need to confirm so everyone knows, the construction of the extension of Rudderow Avenue, includes water and sewer utility and it includes the curbing, the roadway construction and the paving and the sidewalks and the driveway aprons are all considered off-site improvements and in the State of New Jersey the law requires those off-site improvements be bonded and money be posted in escrow for the Borough Engineer to inspect them. That would be the process that the developer would need to follow, do you agree Mr. Cofsky.

Don Cofsky – yes and Mr. DeFeo has needed to do this before, so he is aware.

Greg Fusco – Mr. Chairman and members of the board I hoped I have explained everything well enough.

Robert Carter – any other member of the public has a comment.

Holly Marrone – I live at 136 Glover Avenue, Mt Ephraim. So I can assure you Mark that for the last year, there has been a house built on Rudderow and the construction vehicles can not access that house, my office sits on Glover Avenue and I have been working from home during the pandemic and not one construction vehicle has been able to get down Rudderow Avenue, so the construction access is going to need to be noted as Glover Avenue because you can not fit a tractor trailer truck or any other heavy duty equipment down Rudderow Avenue.

Robert Carter – thank you, any response to that comment.

Don Cofsky – Marty you are familiar with the site.

Marty Irving – yes, I mean construction projects like this occur, I realize its an inconvenience for the neighbors during all this, as you mentioned Mr. DeFeo has great deal of experience in these types of situations and building homes in neighborhoods, we really don't anticipate big problems during this development.

Don Cofsky – if I recall one of the lots, the one that is to the left front on Easy Street, that already fronts on Easy Street does it not.

Marty Irving – two of these lots have frontage on the existing tail end of Rudderow Avenue, the portion that is currently paved today, the remainder would be fronting on the new extended portion that will be newly constructed.

Don Cofsky – I would think that the builder could make sure that any subs, that any materials being delivered are not to use Glover Avenue.

Marty Irving – sure.

Don Cofsky – in addition if we are doing something with the road, creating that turn around at the end, one of the concerns may be if you have the larger vehicle coming, how does he come out if the street is narrow but now you have that turn around so now they can drive in and then turn and drive out as opposed to having to have to reverse in our out of the entire street.

Marty Irving – correct.

Greg Fusco – I am struggling, Mr. Cofsky, because I don't have the luxury of the sub-division plan for the entire sub-division as it originally existed. I am just struggling as to how the homes, there are two large homes on Glover Avenue that face Glover Avenue, also associated with Easy Street and they appear to be new, and then there appears to be a

new home at the intersection of Rudderow Avenue and Easy Street and again that house also is associated with Easy Street, so what I am seeing is a creeping sub-division before my eyes with no one being responsible to pave Easy Street and I don't understand why and I need to better see what's going on with the approved sub-division of 20 years ago, right now I cannot tell the board how someday Easy Street may be paved.

Don Cofsky – I know that our plan shows that Rudderow currently is 40 feet wide, the extension that we would be building with of course the cartway, Easy Street is designated on that original old sub-division as being 50 feet wide, also.

Greg Fusco – that would make sense, because Rudderow Avenue are a 40-foot right-of-way, it has to be maybe 24-feet wide now curb to curb, which in reality and in accordance with the Residential Site Plan Improvement Standards is only good for parking on one side of the street and based on the google earth image that I am looking at there is parking on both sides of that street. That cant be changed, if the street is grandfathered in then that is the way the street is, unless the Governing Body were to make it a one-way street, but to make it a one-way street they would need a viable Easy Street and I don't quite understand how that will happen.

Don Cofsky – of course if we were just building the two houses that already front on the existing 40-foot wide Rudderow, we would still have the same problem, except your just putting two instead of six homes.

Greg Fusco – I wish I had a better answer for the board, but I do not based on the information that was presented to me this evening.

Robert Carter – Hey Joe, what are our options in terms of paving Easy Street.

Joe Nardi – well I think that that is a very involved question, because what has been raised is ownership issues, it's been identified as a paper street, but has related to a previous application. I think it will need to be cleared up entirely if, it has never been dedicated, it has only been identified. I think that I think it's something worth exploring because it brings it to a head and will answer a lot of the questions if not all of them, and how that can be done. So, I believe that this is something which should be explored immediately.

Robert Carter – is it within our prevue to request that offsite improvements be made to Easy Street as part of the application.

Joe Nardi – I think it could be, you mean this application?

Robert Carter - yes.

Joe Nardi – I don't believe so that approval was granted to someone else and there will be an obligation there.

Robert Carter – weren't these two projects tied together at one point as a phase one and a phase two.

Greg Fusco – that is what I am trying to find out.

Robert Carter – I remember the original application was a phase one and a phase two with a subdivision that created Easy Street and I believe some of phase one was constructed and Easy Street never being paved, I just feel like this application, I just don't know how you develop these 6 lots without Easy Street.

Joe Nardi – I think it is something that can be explored, again if that is an obligation of someone else someone correct me if I am wrong, that part that remained undeveloped I think Mr. Irving testified to it earlier I believe its lots 7 that has not been purchased, correct.

Marty Irving – well to clarify lots 7 is not part of our project and is not owned by our developer/applicant.

Don Cofsky – that was part of phase one and it was supposed to be transferred to the Borough.

Marty Irving – correct.

Don Cofsky – we don't believe this was ever done.

Marty Irving – correct. It was the intention that was noted on that old set of plans, that it's to be dedicated to the Borough of Mt. Ephraim for open space. As far as Easy Street itself goes it is part of that perfected sub-division but whatever happened to that builder and that developer and why his bond was not exercised when he fell apart, that is when Easy Street could have been paved.

Greg Fusco – but there are 3 homes that were built, since.

Marty Irving – right individual lots have been purchased or sold off, I guess, and none of those quote developers had been asked to improve their frontage on Easy Street, which I think is part of our troubles here, but our application doesn't front Easy Street and we have Rudderow Avenue and what is the right-of-way of Rudderow Court in front of us, these are public roads, they are not only on the tax maps but they legally exist, so my clients frontage on Rudderow Court because he is developing that frontage of course he is obligated to build that extension but not anything else. If each one of what you show on your tax map got sold off one lot at a time to 15 different individual buyers you would have a much bigger problem, you would have lots with no roads and they could be sold off one at a time, obviously what we are trying to do here is build six homes on a legally existing right-of-way and improve that section of the right-of-way that serves these new homes. I hope that understanding helps a little bit, I realize there is a problem with an old,

orphaned portion of a project but that is not what we own, it is not part of our development.

Michael Popelak – I believe the three homes in question, two of them front Glover Avenue and one fronts Rudderow Avenue, so technically speaking none of them really front on Easy Street.

Greg Fusco – the side property line is associated with a paper street and part of an approved sub-division, so is there is question there Mr. Popelak.

Anthony Stagliano – aren't we still under public comment?

Tara Weiss – we still have three residents that have questions.

Cody Young – 166 Rudderow Avenue – my question is I was wondering if there has been any type of impact assessment performed on existing plumbing and sewage systems that are buried under Rudderow and Glover Avenue, I ask because we have had some blockages and road dig up problems over here and I didn't know if that would be something that would need to be enhanced to maintain the existing flow along with the 6-9 additional homes.

Marty Irving – the answer is no investigation has been done and our new homes would flow in the main sanitary sewer main, and now we are discussing the size of the water main.

Don Cofsky – this is a New Jersey American Water issue primarily.

Marty Irving – right.

Greg Fusco – the capacity of those mains both water and sewer and whether the applicant can connect is the sole responsibility of NJ American Water and that was why I asked for will served letters.

Don Cofsky – I agree Mr. Fusco.

Tara Weiss – it looks like it is Jacob again.

Jacob Ladd – good evening again, so there is a major difference putting up a single home and putting up 6-9 homes, so I am just curious about the timeline especially related to site work and prep work, laying utilities that need to be laid or amended, and I am also very curious about what your plans are in terms of amending with other projects in light of my other comment about the detour when you impact the traffic and there is also some sort of project with a pipe job going on Bell Road, how do you plan on dealing with that situation.

Marty Irving – I am afraid we can't speculate on anything like that, that is a cross the bridge when that comes situation.

Don Cofsky – first that it is only 6 houses not 9. Nine was the previous plan this is only 6 homes.

Marty Irving – we expect the construction of the homes to take place approximately 6 months to answer your question about how long it will take.

Don Cofsky – that would be for all 6, correct.

Marty Irving – yup.

Robert Carter – Jacob, am I understanding your comments correctly, that when there is construction on Bell Road, there public safety is diverting traffic down Glover to Easy Street around that pipe work?

Jacob Ladd – yes that is absolutely the case when there is some sort of an impact on Bell Road and they must work on the infrastructure or repave for some reason because they disturbed something, the plan is to send them down Rudderow or Glover Avenue and use Easy Street to detour that section of the road depending the length of the project that they are working on.

Robert Carter – wow, I mean I don't think we have any jurisdiction over that but that seems to be the wrong way to be detouring folks down an unpaved street.

Tara Weiss – apparently someone is stating that sewer pipes were also stored on Easy Street at one point.

Jacob Ladd – I can confirm that as well.

Tara Weiss – Bob, we also have Pat Blaylock wanted to ask a question.

Pat Blaylock – 172 Rudderow Avenue – just to go back over like what Jacob and some of the others were saying, so you are saying because you are at the end of Rudderow that will be the major construction route and I understand that but I don't understand where the 40-foot width came in or maybe I misunderstood, its 24-feet from one side of Rudderow to the other side of Rudderow. So if you put our cars out there because we have had construction vehicles down the street, you have two cars parked one on each side, even trying to get a trash truck or if you have a concrete truck coming down and bringing dirt out the other way we would have to go out and move our vehicles, 40 feet is not wide at all, I am not opposed to the houses being down at the end but to make our street the main street for the vehicles to go up and down will be a hard task. Jacob stated that they detour us to use Easy Street which is correct at times I had to use that to get out, then we have disabled residents on the street that sometimes have to park across Bell Road and walk to their homes which is not safe. Also, like Anthony said how would you

get emergency vehicles down the street to take care of someone if our street is blocked and we block off Easy Street how are we going to do that are we going to have to lose a life before we realize it was not the best alternative, I just don't understand and I know you are saying it will be hard on how we are going to pave Easy Street but it's a street, it may not be a paved street but it's a street that gets used, people go around it all the time because they get frustrated that they can't fit down Rudderow, or you get a construction vehicle a big dump truck backing up and then you hold your breath that you don't lose part of your car. I just think we need to put a little more thought into all of this.

Robert Carter – anymore comments from the public, hearing none and seeing none I will close the public portion. Joe, I will turn it over to you.

Joe Nardi – do we have anything else to add by anyone or questions from the board, or Mr. Cofsky do you or does your client have anything else to add.

Don Cofsky – no, but I would just like to have 2-3 minutes to summarize.

Joe Nardi – ok, I don't know where you are going with that, I don't know if you are calling for a vote, because if that were the case, if you are to do a closing or a summary and a vote I don't want to stop your progress but at the same time I think we heard enough with the questions that have been raised and details which need to be satisfied that were requested by members of the board, members of the public, and most importantly or should I say significantly points raised by the engineer. My suggestion is that should be addressed, to me the issue is about timing, how long will it take to satisfactorily address these issues, there are construction site issues, access issues, public safety issues, in addition to the requirements raised by Mr. Fusco, so to me that is really what we are dealing with at this point.

Don Cofsky – well on one hand many of the issues raised by Mr. Fusco that we have agreed to are dealt with between the engineers, some of it, if in fact they are looking for test pits and so forth to be done with a timing on that, there are several ways that can be handled, one way is that we move for a preliminary approval which of course would be subject to these various conditions and proofs if we can't, if it turns out that nothing drains what so ever on the site and nothing can be done, you will never get the final approval or you get your approvals with conditions being there but nothing gets signed off on until all those conditions have been met. Some of the other issues about access and construction, you have a 24-foot cartway on the existing part of Rudderow Avenue and while it seems to me that everyone some what agrees from what I am hearing is that Easy Street should be paved, which is not our responsibility in fact its an offsite improvement that you can't saddle someone with it when we don't even front on it. To say that well its tough therefore these lots are unbuildable that posses a real concern, it's almost like you have a taking on that affect, because you have a narrow street therefore you can't build, I am not sure while we can come up with plans, put together construction timing and so forth to minimize any issues I am not so sure that is something remained for a sub-division approval, if what you like, I can see Mr. Fusco's position here about looking at the original plan to come up with a little better of an idea on what was planned and who

is responsible for what I can see that and it seems to be and looks like why don't we get together and see what we can put together and then maybe we can have some better answers for next meeting, if that seems to be the consensus I won't oppose it, we waive the time for decision based upon that and yet I still come back to it's a by right sub-division. So, if your suggestion well let's investigate a few more things we will have some more answers we can do that to, unless Mark and Marty you have any feelings about that we haven't confirmed because we are not in the same room.

Marty Irving – just give us one second so I can speak with Mark.

Don Cofsky – ok.

Tara Weiss – while we are waiting, I am just going over the comments that residents are typing, they seem to be happy about this development they just want it to be done right and as safely as it can be and make the homes as valuable as possible.

Don Cofsky – is that on the chat line there.

Tara Weiss – yes. Someone else just said that they are not opposed to this, but Glover is the construction access, because I guess how wide it is compared to Rudderow Avenue, and then another resident said that the development is good for the town but let's do it right and be safe for the town. It's the how are we going to do it right that is making the residents unsure.

Marty Irving – hey Don I am back; I have spoken to Mark, and he would like the board to vote.

Don Cofsky – really, I am sort of surprised. Mark if there are some questions to be answered you may be able to do that and present a little clearer of a picture which might make is easier for the board. It would put you off a month, I ma mind reading here but I guess your assuming you don't want to go through all of this and accrue additional expense if somehow that means a no when you have a by right sub-division.

Mark DeFeo – that is exactly right.

Don Cofsky – if you had or requested instead a preliminary approval, which means we meet all the dimensional requirements and everything else, but we are still subject to all those conditions and questions that have been raised, would that be more palatable to you.

Mark DeFeo – I think a lot of those conditions that they raised were pretty good, I think on Easy Street there is a problem I am there a lot and they are right its very hard to get down Rudderow Avenue, they park on both sides, I think what they should do is during construction to be safe when you come down Glover Avenue we should put a construction entrance on Easy Street stone base for the first 25-30 feet this way when people come in it will retract all the dirt.

Don Cofsky – isn't this part of what they are asking to be proposed in a more formal manner.

Robert Carter – if I may, while I am concerned about the access on Easy Street, I still think we have significant issues with outside agency approvals that need to be addressed and I think the plan to go for preliminary site plan approval is a good one. I think there are significant issues that need to be resolved with specifically the stormwater management that I really don't even know how we right a resolution to address all the comments for a design that hasn't even been drawn up yet.

Marty Irving – our stormwater management is designed for this project; we have agreed to the modification based on Mr. Fusco's recommendations letter, our project stands alone I think part of the problem that is going on here is that problems that are occurring elsewhere offsite including the existing Rudderow Avenue which should probably be restricted parking, these are not this applicants' problems to solve.

Robert Carter – Marty I understand that that's not what I am talking about my issue is with the seasonal high-water table and the infiltration basin.

Marty Irving - I get that but those typical tests are typically following a sub-division approval and we are high and dry here.

Robert Carter - Marty I think that is what he is saying, with a preliminary you know that you have your sub-division concept approved...

Marty Irving – no, preliminary is almost meaningless...

Greg Fusco – not true Marty, don't say that.

Don Cofsky – not true, not true Marty.

Mark DeFeo – if there was a high-water table they would be built on slabs, that all gets tested, we have been around the block everyone has been around the block, you're doing perk test on sites before building any house.

Don Cofsky – correct, but you are hearing what Greg Fusco is saying that...

Mark DeFeo – Greg knows that as well before you build houses your perk testing each site to see where it's at.

Greg Fusco – absolutely, they are the rules.

Mark DeFeo – you need to have all this done before you even get a permit, I mean come on no one wants to build a house on water. If then we do a test and it comes back not good, then we don't build any of them with a basement they will all be slabbed.

Robert Carter – let me ask the question again, Greg does the stormwater design meet the stormwater management requirements.

Greg Fusco – at the current time no its doesn't, the street and the sidewalk is not being treated and it's a requirement to be treated.

Robert Carter – thank you.

Mark DeFeo- but Greg, based on your recommendation it does.

Marty Irving – it will, based on his recommendations.

Greg Fusco – no at the current time the applicant is addressing run-off on the individual properties only, the applicant is proposing to extend the street about 150 feet which is impervious, that impervious must be properly managed and treated for stormwater quality.

Marty Irving – correct and that is a condition of approval would be to work out that system with you.

Greg Fusco – yes, I agree, but also with that is all the testing which is another condition.

Marty Irving – right.

Don Cofsky – what I am trying to get across is Mark if you get a preliminary approval the things which you must do would be a condition even if you got final approval, you still need to do them one way or the other, at least you get some protection with a preliminary in that the sub-division itself is acceptable.

Mark DeFeo – we are putting 6 houses on 4 acres.

Don Cofsky – Mark its not going to do anything timing wise.

Mark DeFeo – no, I understand.

Don Cofsky – so, my recommendation is you ask the board for preliminary site plan approval subject to providing the additional information.

Mark Defeo – ok, fair enough.

Don Cofsky – so Joe and Mr. Chairman you got that all. We would request the vote on a preliminary approval.

Joe Nardi – so then there will need to be a motion made on approving the preliminary site plan application subject to all the conditions in question and comments.

Robert Carter made a motion to approve the preliminary site plan application subject to all the conditions, the motion was seconded by Commissioner Gies.

Roll Call: Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Popelak, all voting yes.

Tara Weiss – the next meeting will be held June 14th if they are prepared.

Don Cofsky – please list of for the June 14th meeting so we don't need to readvertise and if something comes up the public can be made aware.

Joe Nardi – ok.

Resolution on the Gush application for a sub-division, was actual the movement of a lot line heard on March 29, 2021, Michael Schiavo made a motion to approve, the motion was seconded by Commissioner Gies.

Roll Call: Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Michael Popelak, all voting yes. Anthony Stagliano abstained.

Joe Nardi – the next item is under the Municipal Land Use Law the local redevelopment housing law, the borough is identifying certain properties, I believe this is Scared Heart Church with a couple additional lots. So, the idea is that the Commissioners would like the Planning Board to undertake a study a preliminary investigation whether the area needs Redevelopment and it's in the best interest of the town, and I think Greg you and your firm are already participating or investigating at this time, is that correct.

Greg Fusco – yes, that is correct.

Joe Nardi – ok, so what we have here and I don't know what the timing is but this resolution is dated April 1st when it was passed by the Governing Body, there is a timing requirement but that doesn't necessarily mean that the Commissioners aren't looking for the input from the board, they really are looking for a study to be done and conducted and for us and the board to discuss it and to make a recommendation one way or the other to the Governing Body since you are the Land Use Board you have the authority and the knowledge and the experience with the assistance of our engineer to be able to provide a report whether you think this is a good idea of this property and it should be identified for redevelopment and then from that point perhaps redeveloped in some other purpose, depending on what may be considered, or who may have interest on the property, so what we are looking for is just input by the board following a report from the investigating side by the engineer.

Michael Schiavo – I have a question Joe, would there be a sub-committee?

Greg Fusco – no, I don't believe so. I also believe this was before the board previously, what had happened was there were some lots inadvertently left off the original approving resolution, so they have been added and another component which is included in this resolution that was not in the original resolution for redevelopment concept was the actual act of condemnation if it is necessary that has now been added. So, the report that we prepare will be very short because this is something that the Planning Board has already seen as explained to me, we will be just representing it to the Governing Body include the two lots that were inadvertently left off.

Joe Nardi – Greg, do you believe we should be able to handle this at the June meeting?

Greg Fusco- I just need to double check with the timing of that regarding the Borough's Solicitor and if it must be June, we will do everything we have to get this done.

Joe Nardi – ok.

Motion to adjourn the meeting.

All voting in favor.