

MINUTES
MT. EPHRAIM LAND USE BOARD MEETING
Borough Hall Court Office
121 S Black Horse Pike, Mt. Ephraim, NJ 08031
Wednesday, July 10, 2024, 7:00pm

1. **CALL TO ORDER.** Robert Carter called the meeting to order and stated the meeting was advertised and notices posted in accordance with the “Open Public Records Act.”
2. **PLEDGE OF ALLEGIANCE.** All persons present, stood for the pledge of allegiance.
3. **ROLL CALL:** Mayor Carney, Kim Beebe, Michael Schiavo, Steve Eggert, Tiffany Ferrara, Robert Carter, Douglas Morgan, Michael Rossano, Rocco Vespe, John Saban, present. Commissioner Marrone, Thomas Maxwell, Anthony Stagliano, absent.
4. **CALENDAR OF OLD BUSINESS**
 - **Oath of Offices – Michael Rossano – Alternate #2**
 - **June 12th minutes, motion to approve, Mayor Carney, the motion was seconded by Steve Eggert.**

Roll Call: Mayor Carney, Michael Schiavo, Steve Eggert, Tiffany Ferrara, Michael Rossano, all voting yes.

5. **CALENDAR OF NEW BUSINESS**
 - **Application for minor subdivision – Stephen Rizzo, Inc. (827 Station Avenue)**

Peter Rhoades applicant’s attorney, we are here tonight seeking approval for a minor sub-division for property located at 827 Station Avenue, Mt. Ephraim. The property is currently one large over-sized lot that has an existing structure located to its right side if you are facing the property, we are proposing to basically divide the front in half, creating two lots and because the property is very deep a third lot to the rear of that property, the reason, we are also asking for a variance because our designer designed that third lot in the rear property is to have a 20ft wide driveway to go back to that property and be part of that lot, you have an ordinance that states lot width needs to be 50ft and the driveway is only 20ft., so in terms of lot width the driveway does not meet code. If you go to the back lot itself it is substantially large, it is approximately between 115 and 119 ft in depth, and the width is approximately 135 ft. back where the actual lot would exist. We could do this subdivision without the variance with the lot width by taking the driveway off that lot and granting easements on the two front lots of the same dimension but the lot itself then would conform that is in the ordinance. It’s preferably to have

the driveway part of that rear lot in terms of ownership, I think it is better for the municipality, its better for the lot owner to own themselves, it would be easier for enforcement of Borough regulations if it was owned by that rear lot, but it is not critically necessary for the sub-division. So, in essence what we are asking for is the granting of the minor sub-division into three lots, we prefer to have the driveway be part of that rear lot which would require a variance for the lot width, that in summary is the application.

Joe Nardi – just for purpose and order, Tara you received all notices and publications and proof of service to the residents.

Tara Weiss – yes.

Joe Nardi – So let the record reflect that notice has been served to everyone and proof of publication and service has been provided to the Land Use Board Secretary. The other question, Mr. Rhoades, is that I assumed you received a copy of the Engineer's letter of July 8th, 2024.

Peter Rhoades – I have received it; I got a copy today; I spoke to Mr. Fusco in the morning and went over his comments and if it's ok with the board we will address that as soon as Mr. Rizzo gets sworn in.

Joe Nardi – swears in Steve Rizzo – 79 E. Lake Drive, Audubon, NJ 08106.

Peter Rhoades – Mr. Rizzo, you are the sole principle of this property.

Steve Rizzo – yes, that is correct.

Peter Rhoades – by profession you are in the construction trade.

Steve Rizzo – correct.

Peter Rhoades – you build single family homes.

Steve Rizzo – yes.

Peter Rhoades – if this application were granted, you would maintain the existing house that is on this property now and renovate and improve it and then build on the other two lots.

Steve Rizzo – that is correct, we are going to renovate the existing house, my son will be moving into that house.

Peter Rhoades – it is your preference that, that 20ft wide driveway be part of the back property, is that correct.

Steve Rizzo – yes.

Peter Rhoades – is there any reason in your mind that it is better.

Steve Rizzo – do you mean better to access it from the front that way.

Peter Rhoades – no, is it better to have it part of the rear lot, opposed to an easement.

Steve Rizzo – yes, we have done many easements over the years to access properties and anytime when you can get away from an easement and have the owner of the lot own the property, its maintenance issues, it eliminates a lot of problems we feel for the potential owner of that property.

Peter Rhoades – have you looked at the Engineer’s review letter.

Steve Rizzo – yes.

Peter Rhoades – without going through item by item, you would agree with all the recommendations that the engineer has put forth in the letter.

Steve Rizzo – yes.

Peter Rhoades – that would include repairing and installing certain underground retention of stormwater runoff from the new structures that would be built on the two new lots.

Steve Rizzo – yes, we have done that with many projects in the past and it’s very effective.

Peter Rhoades – do you have any idea about the size of the home.

Steve Rizzo – we generally build a starter home anywhere between 1600-1900 square feet in that range, first time homebuyers are usually our target clients.

Peter Rhoades – you read the comments concerning access to that rear lot for fire and emergency services.

Steve Rizzo – yes.

Peter Rhoades - you would agree to design that property to ensure that there is adequate turn-around capability and access for the fire engines, ambulances and all that.

Steve Rizzo – yes, and as a matter of fact I don’t believe the board has seen a copy, the original plan that we had with the easement drawn on it, but we did

another drawing and put a turn-around on there. So, the turn-around driveway is not only for access for emergency vehicles, but for everyday use as well for the potential buyer.

Mayor Carney – questions where the turn is around on the survey that was just handed out.

Steve Rizzo – explains its to the right of the structure on the rear property.

Peter Rhoades – so what you are looking at is Exhibit A is a sub-division plan that does not require the variance for lot width because it is showing an easement across the two front lots, so essentially it is the same plan just drawn a little differently to eliminate any variance, but again we think the variance would be appropriate because it is better all around, the turn-around would be the same whether it's an easement or not and of course if the fire official has some comments to alter the turn-around to make it more accessible we are open to do whatever is required. The agreement to install underground retention of stormwater will help, I know your community as well as every community in this area is experiencing more and more stormwater. The ordinance doesn't require us to do that, but we are willing to do so.

Rocco Vespe – I have not been back there but what is back there now, besides the 1 ½ story frame dwelling, is that the house that you are going to renovate.

Steve Rizzo – yes, that will be the house that gets renovated.

Rocco Vespe – what is behind the house in the back.

Steve Rizzo – all vacant ground.

Rocco Vespe – is it wooded, is it....

Steve Rizzo – no not really, it is open, there are some perimeter trees in the back and along the left-hand side as well as the right-hand side.

Rocco Vespe – is there flooding now.

Steve Rizzo – yes it does, with a heavy rain it floods, and when I bought this thing, it was a concern of mine as well, so that is part of this subdivision, the more property that I am able to develop so to speak with that third home helps me alleviate a lot of that.

Rocco Vespe – well it helps offset the cost.

Steve Rizzo – well it does help offset the cost, I mean if I only came in for a two-lot subdivision and only build one house to the left, I pretty much wouldn't have

to touch anything and that is where some of the problem is now and some of the neighbors are dumping their water back there as well.

Rocco Vespe – Mr. Fusco has made a bunch of comments related to drainage and run-off and so on and a lot of those require investigation and then some type of solution you will need to submit for approval, are you ready to do all that.

Steve Rizzo – yes.

Rocco Vespe – it may be significant in terms of what it may need to resolve that drainage problem, this place floods out and its been a problem for the town, so I guess my question to you is, I know that you read this but it may take another step here in terms of the results in some of these investigations and you needing to make some adjustments.

Steve Rizzo – absolutely. I have investigated this and spoken to my engineer and have spoken to Mr. Fusco in his office and have worked with him plenty of times in the past without any problems.

Rocco Vespe – are you going to hire them.

Steve Rizzo – no.

Rocco Vespe – I didn't think so.

Steve Rizzo – you already hired them.

Rocco Vespe – so do you already have an engineer in mind, did he already look at this.

Steve Rizzo – yes, he has.

Rocco Vespe – ok, has he looked at Mr. Fusco's letter I know this just came out.

Steve Rizzo – yes, he did.

Rocco Vespe – ok good, because there is a lot in this letter.

Steve Rizzo – we knew this letter was going to come out like this, we saw the problems coming.

Rocco Vespe – ok.

Peter Rhoades – Mr. Rizzo has some experience with underground retention in other properties that he has developed, so he is familiar with what's involved with getting the test done to determine percolation, the test pits, the trenching.

Mayor Carney – I happen to have a house down the shore, they are building houses on top of houses and because of that there is nothing but stormwater run-off problems, it's not the ocean coming in or the bay, it's stormwater run-off, and I know sometimes developers are trying to make a buck, I get that but sometimes you are trying to fit 15lbs of sugar in a 5lb bag. While I appreciate that you want to renovate a home, and then help with the ratables, I also have to be concerned about the neighbors, all seven of them that are around this property and when you say you are going to take care of the stormwater are you talking about just the properties that you are on or are we talking about making sure that it does not go into the neighbors properties.

Steve Rizzo – well I think...

Shawn Seroka (LUB Engineer) – If I may Greg Fusco did say that a grading plan will be required along with extra topography shots in that lot and in the surrounding lots as well to evaluate the situation which would cover all the comments that we have heard so far.

Rocco Vespe – well that will be in the investigation of information.

Shawn Seroka – yes.

Rocco Vespe – well I am more concerned about the solution.

Shawn Seroka – well that is up to the engineer.

Mayor Carney – well once we see the topography and the investigation, we can determine an appropriate solution or see if there is no solution. So, I will now move on to my next question, as I see one of these is a flag lot.

Steve Eggert – yes, he then shows the mayor on the plan which one is the flag lot.

Mayor Carney – what is the lot next to lot 3.02, on the left-hand side.

Peter Rhoades – lot 3.02 is not owned by us.

Mayor Carney – no I understand that but area that is 135.42 to the left, what is that.

Peter Rhoades – that is the distance from the street to the back lot.

Mayor Carney – so how long is this driveway that you are talking about, and as you are calling it a driveway not an easement accessing just one the lot.

Steve Rizzo – yes, this is just for the property in the back.

Mayor Carney – then where is the driveway for the second lot.

Steve Rizzo – that is drawn on the survey, that will come straight onto the property, that may change a little bit as well.

Mayor Carney – so we have 169 feet to get to the back lot, and that driveway is going to be 12 feet of driveway on a 19 ft wide, well that's the whole frontage.

Steve Rizzo – what we did ma'am was if you drive down that street its on an angle, so all the houses are positioned that way, so we could have pulled that house much closer to the road.

Mayor Carney – well let me share with you another analogy, it has nothing to do with this but its an analogy, we have property over at Davis Avenue with row homes, we have issues with them parking in the back, so we thought about putting more parking on the other side of the street on Davis, the street is only 29 feet, cars are now parked on one side of the street, so maybe 5 ft of car or whatever and then possible 5 foot on the other side so that brings me down to about 19 feet which is what you are talking about, my fire chief and my police chief had a hissy fit because they couldn't get the arial fire trucks down there because its to narrow, now we are talking the same width and I have talked to the fire chief about this and its an issue, turn-around or no turn-around he is not going to be able to get an apparatus with a ladder down there to save a life or the property, that is an issue.

Steve Rizzo – are you talking about the 12 ft width.

Mayor Carney – 19ft width, I am just doing the comparison of what I had left on Davis Avenue, and I am looking at the same thing here, 19ft of frontage and you are supposed to have 50ft, not for fire trucks but we have a narrow width that is going a very long length to get to with a fire truck. Chief Frankowski could not be here today, so it was a concern I needed to raise based on what we recently told with going down that street is why we were told we couldn't have parking on the other side of the street, and now I have a situation here around these homes that's a concern.

Steve Rizzo – I don't know the exact situation with the cars parking on both sides of the road....

Mayor Carney – I am just trying to say with that issue it reduces the road width down to 19ft and then I am looking at 19 ft here which is the same footage and the same fire truck and if they can't get down Davis Avenue, then he can't get down this driveway and he specifically said he cannot get down there with an apparatus, I am just stating what the chief told me, he couldn't be here today and we didn't get this letter until Monday, so he really was not prepared to be here.

Peter Rhoades – well again as I said, we are willing to embrace the engineers' comments and accept them, one of them is also making the fire chief happy with the fact that he needs access. I don't know how that is accomplished without a report from him or speaking to him.

Mayor Carney – I am sure we can make that happen, again giving the short notice on seeing the comments we just didn't have enough time, now let me ask you this I get it you want two houses, you put two houses back there you can make more money, I get that, you have a nice piece of change back there a very nice lot, you have a house that is going to be nicely renovated, why two houses and not just one additional house.

Steve Rizzo – it helps with the whole project.

Mayor Carney – helps with the project.

Steve Rizzo – it does because for me to go in there and renovate and build the two houses, I am going to be putting about a million dollars into this.

Mayor Carney – so it helps the wallet with the project. I mean let's just be straight.

Steve Rizzo – obviously down the road yes it does help, but if I only build two that reduces it down to about \$600,000.00 in an investment for me, which means I don't have all that extra money to help improve the drainage problem on the whole property, so it's actually a win, win for all the neighbors if I get the back as well, then I can correct most of those problems back there. I can't correct all the problems I don't believe back there because a lot of the neighboring properties are draining right on to me, I mean I don't go onto their properties and correct all their drainage issues.

Mayor Carney – you recently bought the property in March, right.

Steve Rizzo – yes.

Mayor Carney – knowing the issues of the property, ok, fair enough.

Steve Rizzo – the other thing is when you were talking about the Fire Chief, that front lot is 67 feet wide, we can reduce that down to make it narrower if he would like and make that access larger.

Mayor Carney – I think we are talking about the stretch, but again I am not in my area of expertise, I got as much information as I could from Chief Frankowski before the meeting.

Steve Rizzo – I mean I can reduce that down to make it a 50 ft wide conforming lot, or 55 ft wide, whatever he says he may need.

Mayor Carney – proposed lot 2.05 will be flagged configured with a lot-width of 19 feet, which does not meet the minimum lot width of 50 feet, that is what I am reading in this paper, Mr. Fusco's report.

Peter Rhoades – yes, because that back lot is going with the width of the driveway, if we remove that then the lot conforms.

Douglas Morgan – so basically you can do this anyway, you just want to make it easier and what way makes more sense with that lot, but if that doesn't go then you can still do what you want to do.

Steve Rizzo – correct.

Douglas Morgan – I am not trying to be, but at the end of the day this can still happen.

Steve Rizzo – at the end of the day this way that we are proposing is better all together.

Douglas Morgan – correct, so then you can figure out the drainage and make it better if you get the approval.

Steve Rizzo – correct, but back to what we were talking about before we got into the 19 ft width access, we positioned this house further back, where we could have pulled it further up, but we positioned it, so it follows parallel with the street. When you ride down that street you see everything parallel to the road, so if we pulled it up to a 20 or 25 ft setback which we are allowed to do then it would of looked a little out of place, so we pushed it further back which again that cost me more money, I'm not trying to save pennies here I am trying to make the whole thing nice.

Mayor Carney – I am not concerned about your wallet; I am concerned about the residents.

Steve Rizzo – no I know, I am trying to make the development here, which I am considering this a small development, I am trying to make it work for everybody and make it attractive.

Mayor Carney – I do have one other question, because it just seems odd to me, and I can only think of two possible places in the entire town where we are going to have houses forward facing into other people's backyards.

Rocco Vespe – won't the houses be facing that access road.

Steve Rizzo – they will be the only one that will be facing that is the rear one. I mean when they look out their front door yes, they will see the construction of the new house and the existing house, but the second house faces the road.

Rocco Vespe – that road, you are going to rely on the owner of the rear property to maintain that road.

Steve Rizzo – yes.

Rocco Vespe – ok, this road will have to be a road with drainage and underground lines.

Steve Rizzo – yes, we checked the sewer lines and everything and once we raise the house back there will be gravity fed sewer and everything so it will be good.

Rocco Vespe – where does the water run now.

Steve Rizzo – where the stormwater is now.

Rocco Vespe – yeah, the stormwater runoff.

Steve Rizzo – yeah, it's all the way around on the property, that is what we are trying to eliminate. I talked to my engineer about raising it up the whole grade possibly, we can get most of it out to the street if the town would allow it, but that is up to the town, or we can maintain it somehow on our property.

Douglas Morgan – how big is the house you are building.

Steve Rizzo – 1600 to 1900 square foot, some type of 2 story or bi-level.

Douglas Morgan – ok.

Anthony Stagliano – Rocco you referred to it as an access road, are you referring to the driveway for that property.

Steve Rizzo – yes, it's a driveway.

Anthony Stagliano – so it will be a driveway for that rear property you are building.

Steve Rizzo – yes.

Anthony Stagliano – so then that homeowner will have to maintain it.

Steve Rizzo – exactly.

Joe Nardi – can we hold on for a second, a board member Anthony Stagliano has just arrived at 7:31 pm, I would like to let the record reflect that, that was his voice asking those questions, he is permitted to participate and ask questions but since you missed the beginning...

Anthony Stagliano – I was at a fire call.

Joe Nardi – I understand, and I know that it is an emergency, and we appreciate the fact that you showed up even mid-stream because they are having some discussion about the width of the driveway for fire apparatus but if we proceeded to a vote this evening you would need to abstain from the vote.

Anthony Stagliano – yes, I understand.

Joe Nardi – you can still participate and based on what you hear from this point forward.

Rocco Vespe – do you have any type of timeline for this project.

Steve Rizzo – within the next two to three months.

Rocco Vespe – sounds aggressive.

Steve Rizzo – we have a lot of homes, and my engineer will get right on top of this, within 3 to 4 weeks he will have everything back to the town's engineer.

Mayor Carney – Mr. Rizzo you said first time home buyer, to me that sounds like low end cost.

Steve Rizzo - \$400,000.00, that is what a first-time home buyer is these days.

Mayor Carney – I just don't want another soap box.

Steve Rizzo – no we just finished a house on 210 Centre Avenue, not sure if you are familiar with that.

Mayor Carney – I am very familiar with that.

Douglas Morgan – next to the bank.

Steve Rizzo – yes, next to the bank. We have built several other homes in Mt. Ephraim.

Mayor Carney – I mean I know your home; you live around the corner from me, you have two lovely homes that you built that go around the lake, but that is not

what's going to be built over there. So, I am asking what I am getting for 1600 square foot.

Steve Rizzo – yeah, first-time home buyer.

Mayor Carney – what am I getting though for a first-time home buyer.

Steve Rizzo – not a piece of junk.

Steve Eggert – will the house be like the one next to the bank.

Steve Rizzo – yes it will be like that.

Steve Eggert – how many square feet is that house.

Steve Rizzo- that is 1620 square feet. I mean we follow the market as to what people want, from the style of the home, the size of the home, that is what we do. If I was to do something different then that I would be stupid, we must follow what people buy. This is what first time home buyers want, it's like the houses being built on Rudderow Avenue.

Robert Carter – any other members of the board have any questions.

Anthony Stagliano – Mr. Nardi brought up the issue about access with fire apparatus, that is going to be extremely tight to get a fire apparatus, I mean we could get one engine back there but we are going to have a difficult time getting an arial device back there if you have to hit the structure with both lights when one radiates off the other, it will be extremely tight getting two apparatuses back there, basically they are going to be bumper to bumper. I don't know if there is a way of widening the driveway in one area so you can create a turn-around or a pad because at 19 ft, trucks are 8ft wide and then with the apartment doors opening up that first engine is taking up that entire driveway, that arial device coming in will not even make that fire, it will be really tight to get apparatus back there.

Mayor Carney – Anthony just so you know I had reached out to Chief Frankowski and of course he couldn't be here, and I didn't know if you would be here or not and I just basically shared the same thing although I was, it's not my wheelhouse I appreciate you reiterating what Chief Frankowski was saying virtually impossible to get an arial device back there.

Anthony Stagliano – we do take our water supply for that dead end of Station Avenue off of Northmont Avenue, so it comes off the intersection, it is a very low pressure hydrant, the only other concern I have is knowing how that property holds water, is where is the water going to go, because you have neighbors on the one side that abut that house, since I have been on Northmont Avenue there has

been always water on that property. That is going to be the question is to where is that water going to go. Also, the width of the driveway will just make it difficult if we have burn victims as well, it's just another emergency vehicle that needs to get back there that will not.

Joe Nardi – Mr. Rizzo and Mr. Rhoades I am not sure that you are aware of or familiar with Mr. Stagliano's experience, he is a long-time member of the fire company, a former chief and I still believe a member now.

Peter Rhoades – sounds like he knows what he is talking about.

Joe Nardi – we are not offering as an expert, but he does come with those talents and knowledge.

Peter Rhoades – it's a shame that Mr. Stagliano you weren't here earlier but to reiterate some of the concessions that Mr. Rizzo is willing to make is attempting to solve the surface water that sits at that property by installing sub-terrarium basins that will catch the stormwater run-off for the house that is there, he will be modifying the grades so that the water flows instead of sitting, so he is well aware of the issue on the property.

Steve Rizzo – one other thing was, I wasn't sure if you were here or not but we talked about that lot to the left is 63 or 67 feet wide, 67 feet wide we can reduce that down based on any recommendations, we just tried to make it a wider lot and nicer that's all but we can reduce that down if you require more than 19ft.

Steve Eggert – what would be the minimum requirement, Anthony.

Anthony Stagliano – if you remember we had the same issue when Taco Bell was trying to make a double drive-thru and I do believe that engineer had a drawing that they dropped in some triangles to basically represent a scaled down fire truck to basically show us that at least one apparatus would be able to make that turn, because that was tight back there and our concern was the same thing getting an arial device back there and getting them out of there if they needed to get out of there, with this situation once we are in there we are in there. Getting down the 19 ft is fine it's just a matter of that proximity off the street we are basically going to be bumper to bumper, its going to be tough for a fire fighter, if the driveway can be wider or an offshoot be created that would be even better.

Mayor Carney – I don't want to put my firefighters in a situation where it is riskier.

Steve Rizzo – absolutely.

Mayor Carney – and I am not going to do that.

Steve Rizzo – understand.

Mayor Carney – there are back flow test pits on page 3(c), so Mr. Fusco is recommending certain test being done prior to and I think until or at least where I am positioned, until those are accomplished, obviously I still want to hear from the public, but I feel as though we shouldn't go beyond anything until we see what those results will be.

Peter Rhoades – Madam Mayor as I said we embrace all those comments, if you are saying that you don't want to approve anything until we do all that testing, we are spending a ton of money without the insurance of approval.

Mayor Carney – well you know I heard a lot of promises that have not been made.

Peter Rhoades – what can be done is conditional approval for us, where we will still need to me everything.

Douglas Morgan – they can get a conditional approval and then if things are not satisfied then the approval gets taken away.

Peter Rhoades – so if you approved it, it would be subject to meeting all the conditions from the engineer's letter and any other conditions set forth, I think that works for all of us, we get the confidence that if we meet these conditions, we can have the subdivision and then that in turn allows Mr. Rizzo to get things moving.

Rocco Vespe – there is a risk that he is taken.

Peter Rhoades – there is always a risk.

Rocco Vespe – ok and his risk is that he is going to be able to address all of these conditions.

Peter Rhoades – correct.

Rocco Vespe – my point is that some of these things will not be that simple to address and I believe my question to you earlier was are you ready for all that, because it may get to the point where there isn't a workable solution and certainly you have to invest money one way or another, so you have to take that risk and if you are willing to do that I think then the conditional use is normally what we would do but the conditional approval means just that.

Mayor Carney – well I still want to hear from the public.

Rocco Vespe – I think that is where we are here at this point, this is at the edge of being able to be considered a minor sub-division when you consider all the civil, and drainage and all that stuff being involved.

Steve Rizzo – this is all standard practice when it comes to a sub-division.

Rocco Vespe – I am a civil engineer and I been in construction 50 years, projects don't always go as easy as expected.

Steve Rizzo – I know I understand, believe me. A lot of towns have ordinances where we must maintain our own roof drains and all, so we have been doing this for years. I never did something like this in Mt. Ephraim before though.

Shawn Seroka – is your intent for the construction to be slab on grade or crawl space or basement.

Steve Rizzo – I would like to put a basement, but I am not sure at this point, we will have to see what that seasonal high is.

Shawn Seroka – that was another one of Mr. Fusco's concerns, was that if you are going to do anything even a crawl space might be up in the air, but if you do your test or the seasonal high you may find out, but he just asks that you have 2-foot separation.

Steve Rizzo – I know the house next door, they put a sump pump in and honestly, I have never seen water like that. We also have had the electric cut off to it now for about a month and a half and no water in that basement, but I understand that house is raised up a bit, so that was our intent from the beginning to raise these homes up and change that whole grade to get that water out.

Shawn Seroka – if you have that two-foot separation that is all Greg Fusco is worried about.

Robert Carter – any other board members have comments or questions, hearing none we will open it up to the public.

Kathleen Devine – 235 Northmont Avenue – my first question is what this little circle on the plan is, on the back lot 4.02, is that supposed to be trees or something.

Steve Rizzo – that is an existing tree.

Kathleen Devine – one tree is that correct.

Steve Rizzo – its existing.

Kathleen Devine – ok, I didn't know what that was. I have a lot of questions of course, my neighbor Ann Martin who passed away told me, she has lived there 70 years and there was an underground stream and that is why all the land there is flooded out and there is nothing anyone was able to do about it ever. I was wondering if anyone know anything about this.

Shawn Seroka – I have heard similar cases like that, especially in this area.

Kathleen Devine – does anyone know anything about that.

Mayor Carney – I heard about the underwater stream by Harding Avenue that causes issues over there, but I am not sure about over this way.

Kathleen Devine – from December until April we have water, so I don't think you know what you are getting yourself into.

Steve Eggert – in the back of that property it looks like there is a little stone gully.

Steve Rizzo – I did notice that and I think that maybe somebody dug that in there to try and get the water to lay in there as opposed to laying on the property, probably in like a light or normal rain that would work but in a heave rain that will not, its almost like its little own retention pond back there.

Kathleen Devine – it's just so many properties there that have this problem, so I was just wondering what you will do to cure that, and if it's just for your property how will it impact our property.

Steve Rizzo – I think the engineer can answer this one, but we are not allowed to dump our water into someone else's property.

Kathleen Devine – but if you are changing the grade and making your land higher that will make our properties lower.

Shawn Seroka – the grading plan that they would have to submit would prevent that from occurring. They would have to submit a grading plan, like he said water from their site can not go onto the neighbors' properties, people would get sued.

Kathleen Devine – I mean we have had sump pumps, all of us and still it doesn't go away, I don't know if it is the soil, or if there is a stream.

Shawn Seroka – there is a lot of clay layers in Mt. Ephraim however in some places there is better soil underneath, I don't know if that is the case here, but their engineer would have to determine that with the test, if they were to get an approval, they would have to go forward with the test.

Kathleen Devine – of course I am not crazy about seeing a driveway through my backyard, that was one of the best things about my backyard seeing tons of trees.

Mayor Carney – which lot are you.

Kathleen Devine – I am lot 4.01.

Mayor Carney – ok, thank you.

Kathleen Devine – so now I will see the driveway from my yard and part of the house.

Douglas Morgan – is there any way you could potentially put any type of landscaping to help the views for the neighbors.

Kathleen Devine – well that was part of the good part, not only my yard but I could see all the yards there and they were all trees.

Steve Rizzo – I thought there was still a clump of trees there now, behind your house or is that someone else's yard.

Kathleen Devine – no that is on your side. I just have the chain link fence.

Steve Rizzo – ok.

Mayor Carney – are we allowed to require buffers.

Joe Nardi – it can be requested because of the concerns for the neighbors but this is not a site plan application, it's a sub-division application, but that is certainly something that could be considered.

Douglas Morgan – can it be a condition of a conditional approval.

Joe Nardi – I don't think it can be made a condition for a sub-division.

Douglas Morgan – ok.

Mayor Carney – if it even could be could we make the owner of the property keep them in there.

Joe Nardi – oh that is the property you are talking about, the property that is being sold, I don't believe so.

Kathleen Devine – so what I was asking is do you have a cure for this, can you share it with us, because I would like to have it done. How is this going to effect

the other yards, I love also seeing all the animals, I know this is not a wildlife refuge there but it sure seems like it.

Peter Rhoades – so if your question is about the stormwater runoff, he is not going to do anything to have more stormwater come onto your property from his property, he is also going to prevent the ponding that keeps happening on his property as well, he is going to take the stormwater that is generated and retain it underground.

Mayor Carney – because he cannot push it out onto the street either.

Ralph Ferrick – 39 Lincoln Avenue- my brother lives in my moms house on 231 Northmont Avenue, he couldn't be here tonight due to surgery, since I am still part owner of the property, there has always been water, there is underground water that you can not clean up, years ago the town came in and dug trenches on everyone's properties to help the water runoff, I used to be able to ice skate in my backyard, we had ducks in the backyard because the water never dried up, Kathleen has the worst of it, so I understand what you are saying about retention ponds, I worked for American Asphalt for 22 years, I know about highways, roadways and construction, I did construction and Rocco knows me, I worked for the town for 13 years, you got your hands full, that area never dries up, you could go two shovel full down and hit water on the driest summer day of your life.

Robert Carter – any other members of the public have questions or comments.

Ralph Ferrick – if you are going to raise that property up you are going to push water on everyone's property., even with the basins, unless you run that out to Station Avenue and if you did that you have no inlets until you get down to the corner of Northmont Avenue, there are no inlets on Station Avenue.

Robert Carter – any other members of the public have questions or comments.

Andrew Gilmore – 411 Reading Avenue – as far as the water problem, that is a main problem, so I believe whatever you chose to do it will somewhat help that situation because if you leave it the way that it is now they will always have the water, you should look a little deeper then that and maybe there is something that, the original run goes down to the lake that sits off of Park Blvd. in Gloucester, that is the way it used to run years ago but it doesn't anymore because of all the new construction over there, but I believe if you do your due diligence you should be able to take care of that problem, I think if your water goes down then their water will go down.

Steve Rizzo – I totally agree with you.

Andrew Gilmore – I think that will maybe help the problem. I didn't get the letter in the mail because of the United States Postal Service, which is not your fault,

they let the card in my mailbox with nothing on it. I said many times to Bernie if I were to buy that house I would sub-divide that and put another house up, so someone jumped on that, I didn't expect to see two houses back there but one is good. If you can make two houses great, but I think as you may have to appease people which I think you should be able to take care of that.

Rocco Vespe – does anyone live in that house now.

Steve Rizzo – no it is vacant; my son will be moving into it.

Steve Eggert – I think if you dig through the clay, to the good stuff it may all work.

Mayor Carney – may I ask a question if its proper or not, can I ask the neighbors a couple questions, because I am not clear on where they are standing on this.

Joe Nardi – well I think maybe they could comment on that, if they would like. I mean the comments have been neutral.

Mayor Carney – it seems to me that, just hearing concerns about the water and if the water issue can be abated...

Joe Nardi – I think its fair that if anyone from the public as they have to this point can express what they consider to be concerns about the project, how it may or may not affect the neighborhood or how problems could be alleviated in some fashion, but in terms of polling...

Mayor Carney – I wasn't looking for a vote, I was just looking for a little clarity because when we came in, we didn't look to happy, and I still am not quite sure as if it's just the water issue and you don't mind two houses in the backyard.

Joe Nardi – well I would think if anyone objected, they would have voiced that, if I may it sounds like the problem is what happens to the water, will this change anything and main concern is will it worsen for anyone, I don't know if that has entirely been addressed, there is risk there as Mr. Vespe has said, the other concern of course is access to the back property with emergency vehicles, also that seems like something that can be addressed and it sounds like the applicant and the attorney has heard that loud and clear, there has been some buffering questions that have been raised for the longtime residents who have seen pastoral settings back there and maybe they will lose that, that is entirely up to the applicant but in terms of any other concerns I think we are still open to the public if there are any comments pro or con, people are still welcome to make there points now.

John McLaughlin – 807 Station Avenue – I live right next door, we get a lot of water, I wouldn't mind the two houses as long as the grading plan and civil plan

once it's done, I can see it. It would be nice to see what you're going to be doing but I can't say I'm for it until I see that.

Andrew Gilmore – have you taken steps on your behalf to put some stone in or to help with the water.

John McLaughlin – I have tried, but its so flat there, my garage is the same elevation as the street, water runoff ejector pumps I feel are the only thing that will work or get rid of the house in the back and put a retention pond deep enough that could take all that water.

Mayor Carney – and still save the ducks.

Douglas Morgan – legally you can't make the water situation worse for the residents.

Steve Rizzo – correct.

Douglas Morgan – so worst-case scenario is, the water situation is the same as it is today or you are responsible to fix it legally, correct.

Peter Rhoades – we can't allow run-off from our property onto the neighbor's property, by us altering the ground, if it naturally flows that is not our responsibility.

Douglas Morgan – ok.

Mayor Carney – sounds like a legal battle.

Peter Rhoades – what's that.

Mayor Carney – I am saying I don't want this to turn into a legal battle for the residents, I want a commitment that if they are saying hey, I have an issue you will fix it, and they won't have to go spend their life savings on an attorney because you have more money than them and you are going to fight them. I must worry about the residents, it may not be a requirement, but I want to know that they are all concerned about the water run-off, your attorney is saying you can't make it worse but if it does turn out to be worse are they going to have to sue you to fix it, that is what I am asking.

Steve Rizzo – I spoke to John a month or so ago back casually we met at the property, I was at the property one time when it poured rain and I saw water four inches up his garage, that all didn't come from this property.

Mayor Carney – I understand that, but the key word is worse. It's a simple yes or no Steve.

Steve Rizzo – I am not going to make it worse, my feeling through this whole thing is that I am going to make this 80% better, the engineer is going to be on top of this as well. My engineer is going to design it and push it to the town engineer, they will hash back and forth and approve something.

Shawn Seroka – that is correct.

Steve Rizzo – I have done this many, many times on a much larger scale than this.

Mayor Carney – listen, I know you from high school, I know the houses you built, everything is cool there, I am saying I have only been here six months and the two properties that I have seen go up with a lot of promises and contingencies got there CO's, guess what it has turned into my nightmare because they are not doing what they said they would do, so I am just making sure based on Mr. Fusco's letter we are going to follow this and I am not putting our firefighters and our rescuers at risk.

Steve Rizzo – agreed.

Mayor Carney – nor do I want a negative impact on our residents, I understand that you want to put your son there, I wish him the best, I hope he is a lovely neighbor and the whole nine yards. As far as the other two houses, eh.

Peter Rhoades – they will be lovely neighbors as well.

Michael Rossano – I do have one question, with my whole one-hour experience on the board, so let's just say if I were to have bought this property as is and moved in, I wouldn't have to be legally required to do anything with the rainwater as it is.

Steve Rizzo – you are correct.

Michael Rossano – you are buying it and going to improve it, I know that property does seem lower than some of the other properties, so you most likely are getting rainwater coming to you, from other properties as well, so I mean unless you are concreting the whole property, I can't see it getting worse.

Mayor Carney – come down to Ocean City.

Steve Rizzo – I believe I will make it better.

Rocco Vespe - here is the concern I have, what does it mean when we say contingent conditional approval. Exactly.

Joe Nardi – it would be subject to conditions such as satisfaction by the fire company as to egress and ingress in emergency situations, and that would be limited to the fire and ambulance squad.

Rocco Vespe – ok but as a body when we indicated conditional approvals to this man, does that mean that we are representing that the project can go or not.

Joe Nardi – subject to conditions.

Rocco Vespe – now some of these conditions that Mr. Fusco is requiring information on, I feel are pivotal not only to us but you Steve, I am sure you would like to know more about where we are heading for the water drainage control issue, whatever you want to call it, would it be appropriate to require some additional information before we actually issue a conditional approval.

Joe Nardi – that is the board's prerogative. You have two options, and its not uncommon and it has been done here in the past, which is approval subject to certain conditions being satisfied or being considered satisfactory to entities, Camden County Planning Board, Camden County Soil Conservation, Department of Transportation, Borough Fire Chief, Borough Engineer, all of them would weigh in and if the conditions are not met project may not move forward depending on what the timing is for those conditions, if the project does move forward then building commences and things are not completed there would be stop work orders, their could be other action taken.

Rocco Vespe – we don't want to take that route.

Joe Nardi – I know you don't, but I am telling you is...

Rocco Vespe – we don't want to go that route; we want to help him and the residents and see this get....

Robert Carter – let Joe finish Rocco.

Joe Nardi – that was just examples of instances of what has happened here and what actions followed that. You can also do exactly what you suggested I need more information, I want to hear more, I like to know what the actual plan is and have the engineers review it because we don't have that right now, I like to have the additional information from the fire chief, I would like to know what is going to be done to address that specifically and is the fire chief happy with that and does it protect the first responders when they are called, so you can do that as well and if anyone wanted to make a motion to adjourn the meeting subject to additional information to be brought back in August, then I think it's important for people who heard this part of the presentation would be present so that it would be appropriate for a vote at that time. So, you have either option you can choose.

Rocco Vespe – it just seems to me that the fire issue we kind of know what's that about, but there are just too many unknowns regarding the water runoff and the soil condition and Mr. Fusco's letter request that certain tests be done, and if we just give this man the conditional approval, I don't want to give it to him with the implication or indication that it's a go project. I think that there might be some more information that may even be important to him in terms of whether or not he really wants to do all this.

Joe Nardi – your position is a little different because you have experience with this, the rest of us don't with the exception of Shawn, so either way the borough engineer and his engineer are going to weigh in and the question is, but they don't have the detail that you described and whether or not that could be done between now and August I don't know, maybe there could be more information that is satisfactory that at least gets it to a point where it still can get a conditional approval but you are satisfied with what you heard.

Rocco Vespe -well with all due respect, with our relationship with you how do you feel about that.

Steve Rizzo – well I mean from our standpoint; I don't want to go spend \$20,000.00 between now and August and you come back and say well we weren't going to approve this anyway.

Rocco Vespe – that is not where we are headed.

Anthony Stagliano – but that is a real concern.

Steve Rizzo – that's why we don't do grading plans at this point of the game on any sub-division.

Rocco Vespe – well this one is a little different.

Steve Rizzo – yes, I mean because we walk in there, I authorize my engineer to spend \$5-\$7-\$8,000.00 or \$10,000.00 more to get me to the meeting and then you all shoot me down, it's all a waste of money. It is always all conditioned on specific things.

Rocco Vespe – I know that, but this is a little different, we have water issues, you have 7 abutting properties here, this is much more complex than I feel a normal project in my eyes. So, there are some unknowns here that Mr. Fusco has identified that I think are important to us and you and it may be worthwhile to investigate getting some of those unknowns answered, which you are going to have to do one way or the other, when you are talking about 1 million dollars, the \$20,000.00 shouldn't really matter, and then we can have a little better idea of where you are going and we would be with you in the project sort of together in

terms of we agree that's its doable as long as you do the things that we got on our list. I mean that is just my idea.

Douglas Morgan – that is what conditional approval does though.

Rocco Vespe – I have been involved with projects that you gave us conditional approval which means the job can go.

Joe Nardi – not unless the conditions of the approval are satisfied.

Rocco Vespe – well there are satisfactions needed to the conditions that may be dicey.

Joe Nardi – well that is up to the engineer.

Rocco Vespe – you represent the engineer's office, what do you think?

Shawn Seroka – I cant give you that opinion, it will heavily depend on the testing that gets done, however typically a conditional approval would be given and they would provide the information to our office and we would make the decision on whether it is sufficient or not for the project to move forward, they cant move forward or break ground...

Rocco Vespe – I know that.

Shawn Seroka – they cannot move forward until the engineer approves it.

Mayor Carney – at any point can we say listen, like how long do we drag this on, if they are not meeting the conditions even though we gave them conditional approval, and I am still not happy with the 19ft frontage, how long can this drag on for.

Joe Nardi – well, I think that could be imposed by the board. We certainly know the applicant wants to move forward as soon as possible, I would not think that, that is the issue, if someone decides they don't want to continue with the project for whatever reason, but otherwise the engineers are the ones that are going to review and make sure that its satisfactory for this particular property and this particular condition, we don't know what that is yet because they don't have all the information, I think there is a basic understanding as to how they would address a situation like this because of their experience, but the actual plan itself is still to be determined. If you wanted to set a time frame you could certainly do that and if the engineers cant agree, because maybe they don't agree, and what the borough engineer suggests is cost prohibited for the applicant, he may say that is enough I can't, that is much more required then what this job requires then the applicant may not want to proceed, so it really comes down to can that condition be met by the applicant to the satisfaction here.

Rocco Vespe – this is more than just an engineer that needs stuff addressed. It is safety issues that need to be addressed for emergency crews as well.

Mayor Carney – let me say this I came in here, I am going to be honest, I came in here not a happy camper, I thought it looked really ugly on paper Steve, and I am really sorry, I thought you were shoving 15lbs of sugar in a 5lb bag, I am concerned about my seven residents and as I said at the end of the day developers are looking to make money, I mean worst case scenario, your son has a lovely new home he can live in, if you cannot meet the conditions.

Steve Eggert – or he can do this by just adding one house and not having to worry about any of this.

Mayor Carney – right, I am just saying worst case scenario, so we do a conditional use approval, but I want to make sure that the conditions of Mr. Fusco in this 4-page document are all met and that the fire chief and the police chief are satisfied with and the mayor is satisfied with the safety of her rescuers.

Anthony Stagliano – can't we basically just adjourn and bring this back in August, I know Steve would like to get moving on this project but bring this back in August with the information we are requesting to better address the concerns of the board and the residents and see what exactly is going to take place as far as the water situation, I mean we can keep going round and round with this, but we have a lot of concerns and I don't think its fair to say to Steve hey we are going to give you a conditional and then in August say, you know what this is really not going to work.

Mayor Carney – are you then making a motion?

Anthony Stagliano – I cannot make a motion.

Mayor Carney – I can.

Michael Schiavo – I have a question, knowing the fact that you purchased this property and your intentions on what you want to do, when you spoke to your engineer did, he advised you to have a percolation test.

Steve Rizzo – well we talked about how the water was laying on the property and his suggestion was to raise the grade considerably and move the water around.

Michael Schiavo – well the percolation test will show you that and what is under the ground.

Mayor Carney – and those tests are not as expensive as the other tests.

Steve Rizzo – I am just thinking if we just do a perc test, I am just trying to see where that leads me next.

Shawn Seroka – for the B&P’s management practices filtration devices you need a full depth pit test to complete and if you just do a perc test, like you are suggesting on the surface that does not give you all the information, you will need to do the full test.

Mayor Carney made a motion to adjourn the meeting until August 14th, Rocco Vespe seconded the motion.

Roll Call: Mayor Carney, Kim Beebe, Michael Schiavo, Steve Eggert, Tiffany Ferrara, Robert Carter, Michael Rossano, Rocco Vespe, all voting yes. Anthony Stagliano needed to abstain, he arrived late. Douglas Morgan voting no.

The applicant will not need to notify the residents again.

6. Professionals Comments –

Shawn Seroka – explained that the New Jersey Department of Environmental Protection sent out a requirement that all municipalities in New Jersey have to adopt a revised Stormwater Management Control Ordinance, however the majority of this is existing and in the existing Borough Code there is only about 5% which has been revised it is strictly related to the amount of rain fall that is considered in the stormwater events for designing stormwater systems for engineering, there are some minor definition changes but that is a majority of what was included was called current and future stormwater events they had put into the ordinance that projects now have to include the projected stormwater events for 100 years down the road because the DEP saw a need that the size of the storm systems are being designed properly, so they foresaw that they are going to make the systems now meet requirements for the future. That is most of this ordinance.

Mayor Carney – so everyone is clear this is not the language we created this is language which came down from NJDEP.

Shawn Seroka – yes that is correct.

Douglas Morgan – so this is just here you need to do this.

Shawn Seroka - yes that is correct.

Anthony Stagliano made a motion to adopt the recommendation of the amendment for the Stormwater Management Control, Douglas Morgan seconded the motion.

Roll Call: Mayor Carney, Kim Beebe, Michael Schiavo, Steve Eggert, Tiffany Ferrara, Robert Carter, Anthony Stagliano, Douglas Morgan, Michael Rossano, Rocco Vespe, all voting yes.

7. **Board Comments – N/A**

8. **Public Comment – N/A**

9. **MOTION TO ADJOURN THE MEETING, ALL VOTING IN FAVOR.**