

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
August 25, 2020**

Roll Call:

Present:

Mayor Matthew Anesh
Councilman Derryck White
Jerry Butrico, Alt 1
Brian Bythell
Paul Grzenda
Suzanne Lepore
John Mocharski (arrived 7:10 pm)
Jack Pedersen
Michael Pellegrino
Richard Houghton, Vice Chairman
Bob Ackerman; Chairman

Absent:

Also Present: Alex Fisher, Esq., Bob Bucco, PE, CME, CPWM, Stan Slachetka, PP

Chairman Ackerman opened the meeting at 7:00 pm stating that this meeting is being held in accordance with the Open Public Meetings Act, by posting a notice to The Observer, The Courier News and The Star Ledger and providing the same to the Borough Clerk. (WebEx Meeting).

It is the policy of the Borough of South Plainfield's Planning Board not to hear any new cases after 10:00 pm and no new witnesses after 10:30 pm.

Minutes:

February 25, 2020

Chairman Ackerman called for a motion of **approval** for the above listed minutes. Councilman White made motioned, seconded by Mr. Pedersen. Those in favor: Mayor Anesh; Councilman White; Mr. Butrico; Mr. Bythell; Mr. Grzenda; Ms. Lepore; Mr. Pedersen; Vice Chairman Houghton and Chairman Ackerman. Those oppose: None.

July 25, 2020

Chairman Ackerman called for a motion of **approval** for the above listed Minutes. Councilman White made motioned, seconded by Mr. Pedersen. Those in favor: Mayor Anesh; Councilman White; Mr. Butrico; Mr. Bythell; Mr. Grzenda; Ms. Lepore; Mr. Pedersen; Vice Chairman Houghton and Chairman Ackerman. Those oppose: None.

Chairman Ackerman announced that Mr. Mocharski has logged on at 7:10 pm.

Resolutions:

- A. Case #20-03 - Lorraine Beyer**
Block 391; Lot 5.01; R-10 Zone
116 Smith Street

The applicant had requested a *Minor Subdivision*.

Chairman Ackerman called for a motion of **approval** for the above listed resolution. Vice Chairman Houghton made motioned, seconded by Mr. Mocharski. Those in favor: Mayor Anesh; Councilman White; Mr. Butrico; Mr. Bythell; Mr. Grzenda; Ms. Lepore; Mr. Mocharski; Mr. Pedersen; Vice Chairman Houghton and Chairman Ackerman. Those oppose: None.

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
August 25, 2020**

Current Files: None.

Informal Hearings: None.

Public Hearings:

A. Case #20-01 - Nuno & Melissa Castainca
Block 207; Lot 7; R-10 Zone
277 South Plainfield Avenue

The applicant is requesting a *Minor Subdivision*.

Robert Levinson, Esq. – Levinson Law, LLC, 133 South Plainfield Avenue, Second Floor, South Plainfield, New Jersey – Attorney for the Applicant, addressed the Board Members.

- Requesting a subdivision of 277 South Plainfield Avenue, South Plainfield, New Jersey.
- Lot 7, Block 207.
- R-10 zone.
- Create two (2) separate lots for a single family on each lot.
- Currently sixty-three thousand five hundred thirty-six (63,536) square feet.
 - Proposed Lot 7.01 – thirty-five thousand four hundred sixteen (35,416) square feet.
 - Proposed Lot 7.02 – may require variance.

Thomas J. Quinn – EKA Associates, PA, 328 Park Avenue, PO Box 208, Scotch Plains, New Jersey – is sworn in and accepted as a Professional Engineer.

Mr. Fisher requested that all persons logged into the meeting to remain muted until called up. Lots of interference.

Mr. Quinn addressed the Board. Using the provided plans dated April 9, 2020, also shared on the computer screens:

- Overview of the site – Lot 7.
- 1.5 acres.
- Frontage on South Plainfield Avenue to the south.
- Minford Avenue terminates on the westerly side. Will provide frontage.
- Existing Conditions Plans:
 - Existing view of the property.
 - Circular driveway.
 - Driveway apron into the garage.
 - Pool and shed.
 - Grading – drains toward South Plainfield Avenue.
 - Rear area – drains in the rear.
 - Drain in the rear – twelve inch (12”) RCP – drains to South Plainfield Avenue.
 - Clogged.
 - Will utilize.
 - Sanitary sewer – along easterly side of property. Ties into South Plainfield Avenue.
 - No easement found for drain and sewer.
 - Paper street that Minford Avenue went through the rear part of property.
- Subdivision:
 - Front lot contains all existing improvements. All within setbacks.
 - Adding utility easement for sanitary and storm sewer that currently exists.
 - Driveway will be in-line with Minford Avenue.
 - Front lot – thirty-six thousand (36,000) square feet... three and a half (3.5) times the minimum lot size.
 - Rear lot – twenty-seven thousand (27,000) square feet... three (3) times the minimum lot size.
 - Largest lot in the surrendering area.
- Sheet 3:

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
August 25, 2020**

- Footprint of proposed dwelling.
- Long driveway due to entry of Minford.
- Driveway will drain to inlet by Minford.
- Yard and dwelling will drain into a one thousand three hundred (1,300) cubic foot drainage area south section of the lot.
 - Discharge into the existing twelve inch (12") pipe.
- Will relocate existing shed to remove any variances.

Chairman Ackerman questioned the underground drainage system on the southern side. Ground inlet along the driveway and another in the rear of the yard. All house drainage is tied into the drainage basin. Per Mr. Quinn, correct. Chairman Ackerman asked if the existing twelve inch (12") to South Plainfield is sufficient to handle the runoff. Mr. Quinn stated yes. The twelve inch (12") pipe has more than the capacity to handle the runoff. Will supply calculations. Chairman Ackerman would like the Board Engineer to review the calculations to make sure it can handle the runoff.

Mr. Quinn continued... displayed soil retention and proposed underground basin.

Mr. Bucco stated will work with Mr. Quinn. Reviewed the application as a minor subdivision and did not get into details of the drainage and drainage calculations. Was brought to his attention that the drainage is a concern. Had drainage expert review plans and will work with Mr. Quinn. Has concern of the existing twelve inch (12") pipe and its capacity. Will work with Mr. Quinn to resolve the situation.

Chairman Ackerman stated that the end of Minford floods. The storm drains are probably two hundred feet (200') to two hundred fifty (250') at the other end. Has been advised that the Borough is frequently cleaning them. Has seen pictures and heard concerns that this end of Minford floods when it rains. Believes there is a rise in the road. Mr. Bucco stated that is correct. Also concerned with the flooding downstream. Asked Mr. Quinn to look into this... north on Minford. If drainage from the site has any contributions after the high point. Mr. Quinn stated is taking some of the runoff in from the high point. Mr. Bucco stated would like to look further down the street.

Chairman Ackerman asked if a storm drain can be put on Minford to drain into the twelve inch (12") pipe. Mr. Bucco stated that is one of the items that would be discussed. To analyze all options to help alleviate the majority of the flooding.

Mayor Anesh stated has concerns of giving an approval until the calculations for the drainage and all options are realized. Chairman Ackerman agreed.

Mr. Quinn reviewed Najarian Associates – Bob Bucco's review letter dated July 15, 2020. Starting on page 2:

- Variance / Design Waiver:
 - Item 3 – Provided a storm drainage system that will provide re-charge.
 - Soils classified Group A – most variable.
 - Believes flooding on Minford is due to poor grading.
 - Chairman Ackerman stated would like to return to this item with the Environmental report and the Borough's Environmental Commission report. Mr. Quinn agreed.
 - Page 3 – Item D:
 - Item 3 – Proposed sanitary easement. Will provide.
 - Item 4 – Did not see a report from Fire Marshall regarding fire hydrant.
 - Chairman Ackerman stated has had a conversation with the Fire Department. Two (2) members on the Board are familiar with the Fire Department... former Chief and firefighter – Mr. Mocharski and Fire Inspector – Michael Pellegrino. Would like to propose a fire hydrant on the applicant's property. There are no fire hydrants on Minford currently. Mr. Quinn agreed. Many homes in need. Applicant does not want to be responsible for the cost of the fire hydrant. Chairman Ackerman asked Mr. Fisher his opinion. Per Mr. Fisher, if it is an off-site improvement, the Applicant can be asked for his pro-rata share of the improvement. Councilman White stated that the proposed home will be the largest on the block. Chairman Ackerman stated since the proposed home will be the largest, he will have the largest pro-rata rate. Will have more discussion with the Borough on the handling of fire

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
August 25, 2020**

hydrant. Mr. Fisher stated there have been cases where the Applicant has provided for off-site improvements. Chairman Ackerman stated this will need to be examined and discussed further.

- Mr. Quinn continued:
 - Item E 1 – will find out the size.
 - Item E 3 – survey stated with the deed... a deed survey.
 - Item F a1 – addressed.
 - Item F b1-4 – addressed.
 - Item F c1 – none required.
 - Item F c3 – will provide.
 - Item F c4 – address.
 - Item F c5 – will work through.
 - Item F c6-8 – addressed.
 - Item F d 1 – will correct.
 - Item F d2 – will continue to discuss – fire hydrant.
 - Item F d3 – will provide.
 - Item F d4 – addressed.
 - Item F e-g – addressed.
 - Item F g 1-13 – will work with Board Engineer. Mr. Bucco stated if the Board is comfortable with him working with Mr. Quinn. Chairman Ackerman agreed.
- Mr. Bucco stated he is satisfied with Mr. Quinn's statements. However, has concerns regarding wetland issued.

Mr. Levinson stated that Peter White is the Environmental Engineer.

Mayor Anesh suggested that if letters are being reviewed, they should be posted on the screen for people to follow along. Per Board Secretary, the items are posted on the Borough website for all Public to follow along.

Chairman Ackerman asked Mr. Levinson if Mr. White is able to put his letter onto the screen.

Mr. Slachetka asked if Mr. Quinn would be addressing the fence. Mr. Quinn asked if that is Item 4 on page 4 of his report. Mr. Slachetka stated yes. Mr. Quinn continued... it is in need of repair. Does not believe it will be an issue to remove. Chairman Ackerman asked if there will be any type of fencing. Mr. Quinn stated it was not discussed but can be done. Currently, the existing fence is to remain... not called out to be removed. Does not believe the Applicant would mind putting a new fence up. Mr. Quinn stated that is fair. Chairman Ackerman reiterated that the Applicant is willing to provide a new fence. Per the Applicant, yes.

Mr. Mocharski asked regarding the driveway, there will be headlights going into the houses including lights on the house. Will there be anything done. Mr. Quinn stated there is a three-foot (3') part of the driveway that can have plantings or fencing. Will do... fencing.

Mr. Slachetka stated his report has the same concern. It is important to make sure there is no impact to the neighbors regarding lights... headlights. Mr. Slachetka stated including the rear area where there is turning involved. Mr. Quinn demonstrated the area where the fence will be. Mr. Bucco would like the fence carried to Minford. Mr. Quinn stated does not believe that is a problem. Also agreed with Mr. Slachetka that the entire property should be screened... fence. Mr. Quinn stated ok. Chairman Ackerman reiterated the entire property. Both Mr. Bucco and Mr. Slachetka agreed. Mr. Quinn lost connection. Mr. Castainca, the Applicant, agreed to the fence.

Ray Hinkle - AECOM, 1255 Board Street, Suite 201, Clifton, New Jersey - Accepted as an Environmentalist for the Applicant and is sworn in. Mr. Hinkle addressed the Board Members. Made aware of wetlands occurrence. Existing mapping shows tree cover indicative to wetlands. John Rollino, a botanist and himself visited the site to assess for a freshwater wetland. Categorized vegetation and soil. Viewed hydrology. Found some vegetation indicative to wetlands... swamp white oak. Also discovered white oak... not wetlands tree. Hydrology showed that the soil drains quickly. No stream or wetland present. Potential ponding runoff from adjacent properties. Ponding is in the depressed area in the rear of the property. During heavy rainfall did pond to about an inch. After several hours, the water disappeared. When checked after twenty-four (24) hours and did soil borings, the water had

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
August 25, 2020**

completely disappeared from the ground... fully drained. Concluded that under current conditions, there is by definition no jurisdiction wetlands.... 1989 Federal Manual for delineating of wetlands.

Councilman White asked if Mr. Hinkle's report was to Mr. Bucco's satisfaction. Mr. Bucco stated that the conclusion is that the report is from a very reputable company and what was presented there is some evidence that it does not need to go to DEP. However, DEP is the ultimate determinator of wetlands... past or present. Per email received from Dr. Tempel, she has concerns that it should go to DEP for a LOI present or absence determination. Chairman Ackerman stated that he too had a discussion with Dr. Tempel and that AECOM did use the factors that DEP uses. Her opinion is to have it go to DEP and let the LOI determine. Mr. Levinson asked if Dr. Tempel had received the information the Applicant provided. Per Chairman Ackerman, she did. He had a meeting with Dr. Tempel to discuss the report in order to have a better understanding of the report. Did receive an email from Dr. Tempel that was forwarded to himself, Mayor Anesh, Mr. Bucco and Councilman White. The email stated would like the LOI and let the State decide if it is wetlands. Mr. Levinson stated it has been his understanding that no one has believed that it is or was wetlands. With the present use of the property there is no use afforded to a wetland's property. The way the property was marketed, it was not marketed as so. That would result with NJ DEP due to the COVID virus can be more then retired by the time a response is received.

Mr. Hinkle stated that soil type that is on the property is also categorized by the US Department of Agriculture mapped as non-hydric. The land would have to have all three (3) characters... wetland soil, wetland hydrology and wetland plants. Does not meet the criteria. Chairman Ackerman stated he will forward the email received from Dr. Tempel to both Mr. Levinson and Mr. Hinkle. After reviewing the email, it is suggested that they contact Dr. Tempel to discuss further. Mr. Levinson stated he is willing to discuss with Dr. Tempel. Chairman Ackerman stated there are a lot of rumors about the property... That it was filled in many years ago and that there was a stream in the rear. Hopefully, this issue can be resolved with a discussion with Dr. Tempel. Chairman Ackerman stated he will forward the information to Mr. Levinson. He will also contact Dr. Tempel informing her that she will be contacted by Mr. Levinson and Mr. Hinkle to discuss.

Peter White - ND5 Engineering Firm - is sworn in. Mr. White addressed the Board Members. This property collects runoff from existing properties around it. Per his initial observation, there is no indication it is wetland. It is a property that is inundated with water, but does not meet the criteria of Federal Wetlands property. The property is inundated with flood water from the results from the lack of the Municipality from the roadway it should have been... Through Minford Avenue to the opposite side.

Mr. Levinson stated Mr. Quinn has returned to the meeting. Suggested to finish up with Mr. Quinn. Chairman Ackerman asked if any Board Members had any questions for Mr. Quinn. No further comments or questions from the Board Members.

James Watson - EKA Associates, PA - 328 Park Avenue, PO Box 208, Scotch Plains, New Jersey - Land Surveyor and Planner... is sworn in. Mr. Watson addressed the Board Members. Only variance is a lot width per the Borough's definition which is not his definition. Due to the irregular shape of the property, it is eighty-seven feet (87')... required one hundred feet (100'). True definition of a hardship per MLUL. Unique situation. Mr. Watson reviewed T&M Associates review letter:

- Project description was covered by Mr. Quinn.
- Waivers and Zoning and Bulk Requirements:
 - As requested, modified new lot line between the two (2) parcels to eliminate the rear setback.
- Lot Width variance remains.
- Page 3 – Item D:
 - Item 1 – OK
 - Item 2 – Meet all setbacks. Does not anticipate any new or unusual in the zone.
 - In the zone, expect residents to be next to residents.
 - Don't need buffering between like uses.
 - Item 3 – Part of revision
 - Item 4 – Fencing. Mr. Quinn answered. Can be a condition of approval.
 - Item 5 – Will comply. RSIS maximum is four (4). Do have.
 - Item 6 – Will file by deed.

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
August 25, 2020**

- Item 7 – Language of easements. Will work according to Borough. Assumes that the Borough will want rights to the easements... pipes and structures.
- Item 8 – Engineering question. At a high point. All drains to the west.
- Item 9 – Will comply.
- Item 10 – Will comply.

Chairman Ackerman asked if the storm sewers on Minford go into the twelve inch (12") pipe. Mr. Watson stated it is a sanitary sewer that comes in from Minford. Easement will be for the storm sewer and sanitary sewer connections. Chairman Ackerman confirmed that the storm sewer will go to South Plainfield Avenue. Mr. Slachetka stated that he believes he is addressing item 8. Mr. Slachetka stated that comment refers to the right-a-way. It is a proposed easement not a current easement. Western side of Minford.... 'Stormwater easement per tax map'.

Mr. Slachetka asked if the Applicant address specifically, Item 2 on his report.

Lost connection with all connected to the hearing.

Return of connection.

Mr. Slachetka continued.... Requesting the Applicant to address the scale of the proposed home to the neighborhood. Mr. Watson stated looked at the zoning requirement. The front setback is thirty feet (30')... providing seventy-five feet (75'). Rear setback is twenty feet (20')... providing sixty feet (60'). Side yard setback is eight feet (8')... providing forty-two feet (42'). Buffering by distance. Meet all requirements including lot coverage.

Chairman Ackerman reiterated that Mr. Slachetka was asking for the square footage of the proposed home. Mr. Watson stated did study the homes in the area. The proposed home would be three thousand nine hundred (3,900) square feet footprint with a three (3) car garage. Bigger than the homes to the east but in proportion to the homes in the neighborhood. Due to scale and placement, sees no issue.

Chairman Ackerman reiterates three thousand nine hundred (3,900) square foot footprint. Chairman Ackerman asked for the size of the entire house. Mr. Watson does not have that information. The Architect can answer.

Mr. Watson stated does not believe needs to go into the C2 criteria. All information is provided.

Chairman Ackerman asked the Board Members if they have any questions. No questions.

Chairman Ackerman asked if the Architect is available.

Paulo Dantas – Dantas Architecture – is accepted as Professional Architect and is sworn in.

Chairman Ackerman asked Mr. Dantas, what is the square footage of the new home. Mr. Dantas stated that the FAR of the new home is five thousand (5,000) square feet. Mr. Dantas projected the plans onto the screen for all to review.

- Located at 277 South Plainfield Avenue.
- Full unfinished basement.
- Superior Wall construction.
 - Has not done any verifying of foundation or water.
- First floor: Formal foyer, formal living room, formal dining room, guest suite with private bath and walk in closet to be used by in-laws when older, family room, kitchen with island and eating area, pantry, mudroom with small bath next to the three (3) car garage. Livable area the thousand eight hundred (2,800) square feet.
- Second floor: four (4) bedrooms, three (3) full bathrooms and laundry room. Master will have bathroom and two (2) walk-in closets, princess suite with private bath and walk-in closet, two (2) bedrooms will have closet, two (2) story foyer and two (2) story family room. Livable area – two thousand four hundred (2,400) square feet.
- Elevation – material cement board siding, veneer and stucco.
- Provides vertical and horizontal movement.

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
August 25, 2020**

- Canopies and roof elements.

Chairman Ackerman asked the Board Members if they have any questions. No questions.

Mr. Levinson stated that 277 South Plainfield Avenue is four thousand four hundred sixteen (4,416) square feet. Asked if the Board Members would like to hear from the owner. Chairman Ackerman stated yes.

Nuno Castainca – 16 Universal Avenue, South Plainfield, New Jersey – Applicant, is sworn in. Addressed the Boards. Has been living in town for over six (6) years. Would like to stay in town. Been searching for a lot for three (3) years. Would like to build a larger home for his family. As the family gets older, would like to build a home that his elderly parents can live in... children live-in.... have guests. Parents are taking care of their elderly parents. Would like to do the same for their parents. His wife has a mother living and he has both parents still living. Building a bigger home then need today for future of taking care of their parents. Has been in the process of this home for over a year.

Chairman Ackerman called for a recess and advises all that upon return will open to the public.

Chairman Ackerman opens the discussion to the public. There is a member in the court room who was addressed first. All others are on WebEx.

Mr. Peterson – 284 Ada Place, South Plainfield, New Jersey – was sworn in and addressed the Board Members. Looked over the information of the proposed building including the land. Noticed in the Environmental Impact that there is a discussion of the amount of water in a one inch (1") summer rain storm is twelve thousand five hundred (12,500) gallons of rain water that would end up on the subject property. Does not include the rain water that falls on the property itself. On July 22, 2020 had one inch (1") of rain. Submitted O1 – photographs of the standing water on the property. Concerned that the grading will be one and a half feet (1.5') to two feet (2') more than currently. His property is adjacent to the subject property and is one (1) of the lowest graded properties. During one of the previous hurricanes, a few neighbors and himself put sandbags along their property line and the subject property to keep the water from flooding their property. They had water six feet (6') short of their property. Previously, an application was submitted to have two (2) homes built on the subject property. However, was withdrawn due to the amount of Engineering that would have to be done in order to control the flooding. The water flows west to southwest.... A small lake for two (2) days. The wells being proposed is only seven thousand (7,000) gallons of water. Chairman Ackerman stated that the gutters and leaders are being directed into a collection system that would go to the draining system that is proposed on the property. Mr. Peterson doesn't believe the twelve inch (12") drain will hold all this water. Chairman Ackerman asked Mr. Levinson to have one (1) of the Professionals to address. Mr. Hinkle asked what he would like to respond to. Mr. Peterson asked what is anticipated and designed for in 100-year rain. One inch (1") of rain will bring twelve thousand (12,000) gallons of water onto the property. The same one-inch (1") rain will accumulate two thousand five hundred (2,500) gallons of additional water. Wants to know what the plans are for the one hundred (100) year storm. Mr. Hinkle stated he is not a hydrologist and does not know the answer. Given a heavy rainfall, runoff has percolated into the soil very quickly. Even the next day, no water in an eighteen inch (18") of soil when a bore hole was made. It was a half inch (½") rain fall in a short period of time. Mr. Peterson stated does not believe the proposed detention or retention will be sufficient. Mr. Levinson stated that Mr. Quinn may be able to answer. Mr. Quinn asked which lot Mr. Peterson is located. Mr. Peterson stated lot 37. Mr. Quinn asked if Mr. Peterson's lot is lower than lot 38. Mr. Peterson stated yes. Mr. Quinn stated that he is the lowest. On the grading plan sheet 3, shows inlets along the lawn by lots 38 and 37. This will collect all the water. Should not see tremendous amounts of water coming off the property. The detention pit is closer to ten thousand (10,000) gallon capacity. Designed the system for the 100-year storm. Approximately 8.9" of rain. Mr. Peterson stated he understands. Questioned the inlets location and where they get directed. Per Mr. Quinn, they get directed to the retention basin. Chairman Ackerman asked where the ground inlets in the rear towards Mr. Peterson's property, should collect water that would flow towards his property. Mr. Quinn stated that is the intent. Mr. Peterson stated he still believes there will be ponding. Mr. Quinn stated tried to address the matter the best they can. Mr. Peterson stated that he and his neighbors would be very happy if this is the case. Mr. Quinn stated all runoff goes to South Plainfield Avenue. Chairman Ackerman stated south of Mr. Peterson's lot, there are no additional yard inlets... is it needed. Mr. Quinn stated following the drain pattern, want to maintain the same drainage pattern. Chairman Ackerman asked how does it drain. Mr. Quinn stated it drains to the west. No additional water discharge to the west.

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
August 25, 2020**

James Bishop – 280 Minford Avenue, South Plainfield, New Jersey – was sworn in and addressed the Board Members. Has no concern about building the home or even the size of the home. Is concerned about the water problem that has gotten continually worse. Would like an impartial party to look into this matter... NJDEP. Understands there is nothing on record, but the current owner brought in twenty (20) to thirty (30) truckloads of dirt in May 2002. Completely graded the property. Had the sewer cap raised on the property. Back filled dirt about a foot. Want to make sure that the soil on top has nothing to do with the soil that was there twenty (20) years ago. What is seen now, is the soil that was trucked in. The water problem has gotten worse. Has pictures of the trucks dumping dirt. Did inform the Borough of this at that time. CME Engineering looked at it and stated they do not have permits but were 'retroactively' going to get permits. Therefore, there should be records. Would submit the pictures. Only concerned that the water issue gets resolved. Would like the elevations reviewed so the water from South Plainfield Avenue does not back up into the area. Chairman Ackerman stated that the Borough Engineer is concerned about the twelve inch (12") pipe. If it is adequate to handle the water from Minford detention basin to South Plainfield Avenue. Mr. Bishop stated he is concerned that the water will 'come back' from South Plainfield Avenue... 'elevation wise'. Concerned that the new home will have a foundation that is two feet (2') high and can back fill at a higher elevation leaving the water running elsewhere. Concerned that two (2) years from this point, the water situation is worse. Chairman Ackerman stated that is the Borough's concern as well. Need to resolve the water problems that is current and to avoid any future water problems. Mr. Bishop stated that the Borough raised the sewer cap when the trucks of dirt were dumped and created a water problem. Chairman Ackerman stated that they did not go before the Planning Board at that time, any application that comes before the Board, water issues are addressed. Never heard of the dirt being added to the property until recently. When heard about it, immediately went to the property and even spoke to some of the neighbors. If it would have gone before the Planning Board, 'this would have never happened'. Mr. Bishop stated that CME Engineer came out... possibly a junior engineer... looked at it, stated needed permits, would get permits retroactively and with no follow up. Wants to make sure someone is looking out for the interest of the neighbors. Property is lower than all the neighbors, has 'lakes' in the backyard every time it rains. Chairman Ackerman advised the homeowner to bring in the pictures to Borough Hall and give them to the Board Secretary who will log them in. The Planning Board has the interest of the people of South Plainfield and will not let anything 'slip by'. Was not aware of the filling in until recently. It took place well before this Board and this administration.

Bill Tzvikis – 291 Minford Avenue, South Plainfield, New Jersey – was sworn in and addressed the Board Members. Looked at the site plan. The driveway is setback three feet (3') from the curb. Using eCode360, Ordinance section 540-7 states that driveway shall be placed no closer than five feet (5') to the side or rear property line of any residential property. Wants to know why proposing three feet (3') not five feet (5'). Mr. Bucco stated that is how it was designed and will need a variance. Would also defer to Mr. Slachetka. However, that is correct... If it is less than five feet (5'), it will need a variance. Mr. Tzvikis stated that there seems to be no consideration to the neighbor having this driveway so close to the property. Even with the six foot (6') fence, there will be light going into these homes as they navigate their driveway. Instead of having a wraparound driveway, a straight on driveway may be more appropriate which will allow more yard space. Understands Mr. Bucco will review the underground retention basin and the grading will direct to the basin, there is an elaborate design. There has not been ground water testing. Put in a fence and hit ground water at 2.5'. The subject property is lower than his. Sheet 6 of the detail showing the underground basin needs to be two feet (2') above ground water. They would have to raise the detention basin up. The slopes in the northwest quarter of the property have stated it is 0.4% slope, if you take the invert the first inlet goes down to 90.75 with a 184' run, the is actually 0.3%... not 0.4% as stated on the plans. If the basin has to be raised a half a foot off of ground elevation, the whole design fails. It is an elaborate closed system. Did not see a maintenance schedule. Asked if there is a maintenance scheduled and if the property owner can maintain the system. Chairman Ackerman stated what is on the property is the responsibility of the property owner... not the Borough's. Mr. Tzvikis stated if it is not maintained, 'it goes out the window'. Mr. Bucco stated if that does happen, sure that the residents will inform the Borough it is not operating properly and Property Maintenance will remedy it. Part of his meeting with Mr. Quinn will be what has been mentioned and has notes from his Drainage Engineer. And it is correct, that a Maintenance Schedule is to be accomplice the final design. Mr. Tzvikis questioned the driveway variance. Mr. Bucco stated that a fence will be up. Mr. Tzvikis questioned that it is not on the plans. Mr. Bucco stated that happened during testimony that the applicant has agreed to put up a fence as a buffer. If the concern is the five feet (5') it will be up to the Board to allow it. Mr. Fisher asked for Mr. Tzvikis to repeat the location of the Ordinance. Mr. Tzvikis stated on eCodes 540-47. Mr. Fisher stated that is for affordable housing. Mr. Slachetka advised that the referenced section is 540-27... driveways in residential zones. 'Driveways in the R-15, R-10 and R-7.5 residential zones shall be placed no closer than five feet (5') to the side or rear boundary line of a residential property.' A portion is along the front yard... only a portion goes along the side yard.

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
August 25, 2020**

Believes a variance will be required. Has not objection from a Planning prospectus. There is a sufficient space for landscaping and fence. If the Board does not grant the variance, advised that the five feet (5') be maintained for the entire driveway. Mr. Tzvikis stated there is no basement elevation. Concerned about the water. If a nine foot (9') basement with a sump pump, will all the water go into the collection system. It will be picking up ground water and pumping into the collection system. On the plans, the building height is 27.65'... looking at architectural plans A6 has an elevation of 28.6' and this is not to the highest point of the roof. If basement needs to be raised to expose more block, do not know what the correct elevation will be. Maximum building height is 35'. Concerned no ground water testing and inconsistent building height. There may not be able to have a basement. There are no basements on Minford. Chairman Ackerman questioned that no home on Minford have basements. Mr. Tzvikis stated no one has a basement. A neighbor has a pool and had to raise it up by four feet (4'). The neighbor on the corner had to raise the inground pool because they were pumping out ground water. After 2.5' digging for a fence post, filled it with concrete because it kept filling up with ground water. Questions again the elevations of the house since it is not listed to the peak. Mayor Anesh and Chairman Ackerman agreed, there is nothing listed on the plans as to the actual height of the home to the peak. Chairman Ackerman asked Mr. Tzvikis again, that all the homes on Minford are on slabs. Mr. Tzvikis answered, yes. Chairman Ackerman stated he asked again because he got a call from a resident on Minford stating that his sump pump never stops running. Mr. Tzvikis stated that there are two (2) homes that had additions. They have a two (2) foot crawl space. These houses were never designed with basement. Mr. Mocharski stated that he is on Leonard. The area is a mess. The water company shut down the pumping station on Maple Avenue. Since then, the whole area has a high-water table. When you start digging, you hit water.

Paul Soisson – 287 Minford Avenue, South Plainfield, New Jersey – is sworn in and addressed the Planning Board. Lives next door to Mr. Tzvikis. Did an additional several years ago and has a sunken porch behind his home below the level of his slab. It flooded the first month it was completed. Dug a three-foot (3') hole for a sump pump. The sump pump runs constantly. Has a sump pump off his slab, it runs constantly. It drains to the front. The road floods. Showed a picture on the computer screen of the flooding. Submitted a petition from neighbors on Minford, Vail court, Ten Eyck and South Plainfield signed that no one needs more water in the area. Chairman Ackerman stated that the petition did come in but cannot accept it as how it came in. Chairman Ackerman asked Mr. Soisson if he is submitting the pictures and the petition as evidence. Mr. Soisson stated yes. Mr. Soisson continued... that there is a lot of water concerns. He is below Ten Eyck. Water from Ten Eyck runs into his back yard and puddles. Sewer in front of his home is 13" deep and not maintained. He has pulled the cover off and cleaned it. Believes the proposed drywell / catch basin should be examined by a water test. The gentlemen that are subdividing the property has a basement. A gentleman on Ten Eyck has a basement and a sump pump that runs constantly.

Mr. Levinson asked Mr. Soisson that he has a water problem now. Mr. Soisson stated yes. Mr. Levinson continued... that if the applicant cannot develop and work through items with Mr. Bucco, there is no prospect to have his problem elevated. Mr. Soisson stated no.... the prospect is it will get worse. Mr. Levinson asked if Mr. Soisson has any evidence on an engineering level to establish that this will get worse. Mr. Soisson stated no. Mr. Soisson asked Mr. Levinson the number of trees that will be removed to build a five thousand (5,000) square foot home on this property and how much water those trees absorb on a daily basis. Mr. Levinson asked Mr. Soisson if he had any engineering evidence that trees will be removed. Mr. Soisson stated it is on the site plan on the number of trees to be removed. Mr. Soisson stated he has researched how much water a one hundred foot (100') tree will absorb. Has several on his property and knows if he removes them, his back yard will be a lake. Does not have engineering or environmental back ground but anyone can google how much a one hundred foot (100') tree absorbs water.

Melissa Luks – 279 Minford Avenue, South Plainfield, New Jersey – is sworn in and addressed the Board Members. Is concerned about the applicant's driveway. They will be 'blocked in'. Trucks U-turn at her driveway. Current neighbor has removed trees and flooding in the backyard has gotten worse. This week a new tree down. Slowly removing trees and slowly getting more flooding. This property does affect her property. When it was down pouring, people who were looking at the property left in the middle never watching what occurs on Minford or on Ada. The swing set gets flooded. Her house is two thousand (2,000) square feet. The proposed house will be 'towering over her house'. Against the variance. Want a variance for a unique situation. The unique situation is the size of the home. Does not match the neighborhood. Will be part of Minford not South Plainfield Avenue. Would prefer size of a home of the homes on Minford. Less trees will come down. Chairman Ackerman stated it is a dead-end street. If they do not build it will still have the same situation. Ms. Luks stated there will be six (6) cars coming down the block. Yes, the issue cannot be resolved because of how the houses were built but now adding six (6) more cars. Chairman Ackerman stated he has been on the block on numerous occasions. Mayor Anesh stated the

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
August 25, 2020**

same. Does not disagree with what the residents are stating. Ms. Luks stated that the Board Members were not present when the trucks of dirt were brought in that caused flooding. Mayor Anesh stated he has serious concerns regarding the flooding. Believes the Board Members have a lot to think about. Do share the concerns of the neighbors.

Scott Luks – 279 Minford Avenue, South Plainfield, New Jersey – is sworn in and addressed the Board Members. Would like the Planning Board to understand their concern. Has no issue of people wanting to move into town. Moved into town because heard nothing but good things about South Plainfield. Previously lived in Edison. Edison would do these things over and over. Houses where they do not fit, eye sores. Asking for variances that can be addressed by design. The house is larger than any houses in the neighborhood. Not the right design for the property. Has difficulty getting out of his driveway. The current owner allows the Borough to pile snow onto his property during snowstorms. Where will snow be removed. Has a plow and snowblower. Has difficulty getting out of his driveway. Is a Police Officer and must go to work. Doubts the owner will allow the Borough to leave all the snow on their driveway.

Gary Rosen – 283 Minford Avenue, South Plainfield, New Jersey – is sworn in and addressed the Board Members. Neighbors have discussed most items. His property does flood as well. Asked if a cul-de-sac be produced at the end of the street so vehicles including emergency vehicles can turn around. Chairman Ackerman stated that in discussion, has asked the Borough Engineer to look into doing so. Mr. Rosen stated the curbs are in disrepair on the street and the sewers hold no water. Chairman Ackerman asked which sewer... storm sewer. Mr. Rosen stated in front of Paul's house. Chairman Ackerman stated when he was at the site, the catch basin for the storm sewer is two (2) to two and a half (2.5) properties up from the subject property... in the middle of the block. Spoke with DPW and was told they have been called out several times to clear the drains. Mr. Rosin stated is not against a house being built. However, the house is much too large for the neighborhood. The impact will be Minford Avenue and not South Plainfield Avenue. Chairman Ackerman stated the concern of the Planning Board is community. Understand that all the comments and concerns are not going 'on deaf ears' but there are laws and ordinances that the Board must follow. Not an excuse. Has concerns about the water and drainage. No decision will be made today. A lot of work needs to be done.

Eleanor Soisson - 287 Minford Avenue, South Plainfield, New Jersey – is sworn in and addressed the Planning Board. Stated another developer tried to develop the property. Prior to that, Vail was developed on the other side of South Plainfield Avenue. Came to the Board with concerns regarding the water. People from Vail supported the cause and had the same issues when Vail was developed. When all was built and the first rains came, everyone had flooded basements. A lot of promises in the past... but did not happen that way. Asked that the solutions are well thought out. Mr. Soisson asked the Applicants after hearing what was stated, it is still an area that they would like to build a house.

Chairman Ackerman closed the public discussion.

Chairman Ackerman stated there are a numerous item that need to be reviewed. Does not know how long these issues will take to get resolved. Calendar is booked up on our regular nights. Asked if both parties get through their respective items and if need be, can schedule a separate night... special meeting. Mr. Levinson asked if this will be virtually done. Chairman Ackerman is hoping it will be in-person the next time.

Mr. Fisher stated that if there is no new date, the Applicant would have to re-notice.

Councilman White agreed with Chairman Ackerman's suggestion. Have both parties meet and once items are addressed have a special meeting. Chairman Ackerman asked Mr. Levinson if re-noticing would be an issue. Mr. Levinson stated would have to discuss with the Applicant.

Mr. Slachetka asked if all the variances were eliminated, are notices required for a subdivision. There is a lot of neighborhood interest and believes noticing is worth it. Mr. Levinson agreed. Mr. Castainca stated he is willing to re-notice. Glad neighbors came to the hearing. Proud to be part of the neighborhood of people who care. Hopefully, can come to a resolution to help with the drainage, not worse. Chairman Ackerman stated since the Applicant agrees to re-noticing and would prefer not to push off the next meeting for several months, once items are addressed will hold a special meeting. Mr. Levinson stated agreeable.

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
August 25, 2020**

Mr. Pedersen asked if a special meeting target date can be established. Chairman Ackerman stated not sure we can do to all the items to be resolved. Also, there is an issue with scheduling the court room. Chairman Ackerman stated he would like to wait until the Professionals have worked out some of the issues.

Old Business: None

Committee Reports:

- A. **Street Naming Committee** – Bob Ackerman – report progress.
- B. **Environmental Committee** – Rich Houghton & Bryan Bythell – report progress.
- C. **Council Reports** – Councilman White – report progress.
- D. **Mayoral Updates** - Mayor Anesh – report progress.

Minor Site Plan: None

New Business: None

Correspondence: None

Audience Comments: None

Executive Session: None

Adjournment: 10:30 pm.

Respectfully Submitted,
Joanne Broderick
Planning Board Secretary