

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
JUNE 15, 2020**

Mr. Travisano called the Regular Meeting of the Planning Board to order at 7:31 P.M.

Adequate notice of the meetings of the Planning Board of the Township of Chatham was given as required by the Open Public Meetings Act as follows: Notice in the form of a Resolution setting forth the schedule of meetings for the year 2020, and January, 2021 was published in the *Chatham Courier* and the *Morris County Daily Record*, a copy was filed with the Municipal Clerk and a copy was placed on the bulletin board in the main hallway of the Municipal Building.

Answering present to the roll call were Mr. Travisano, Mr. Franko, Mrs. Ozdemir, Mrs. Ewald, Ms. Hagner, Mr. Hoffmann, Mr. Kelly, Mr. Nelson, Mr. Sheth and Mr. Coviello.

Mr. Tarasca was absent.

Also present were Township Planner Frank Banisch, Engineer John Ruschke and Board Attorney Steve Warner.

Approval of Minutes

Mr. Franko moved to approve the minutes of the June 1, 2020 meeting. Mr. Nelson seconded the motion.

Master Plan Consistency Review – Ordinance 2020-11

Mr. Warner provided the procedural background on the Master Plan Consistency Review for Ordinance 2020-11. He said that the Board had previously reviewed Ordinance 2020-11 and deemed it inconsistent with the Master Plan. Mr. Warner also reported that the Township Committee has amended Ordinance 2020-11, which is why it is again before the Planning Board for an additional Consistency Review.

Mr. Ruschke and Mr. Banisch were sworn in to give testimony.

Mr. Banisch reviewed with the Board the findings memorandum he prepared regarding Ordinance 2020-11. He stated that Ordinance 2020-11 will rezone Block 67 Lots 17 and 17.01 to allow for a subdivision of 5 lots, each of which exceeds the width requirements of the R-3 Zone. Mr. Banisch said that one of the lots would be for a Group Home, which would serve as a credit toward the Township's Third Round Affordable Housing Obligation. A development fee would need to be paid for the remaining four market-rate lots. Mr. Banisch said that the Ordinance's deviation from the current R-3 regulations makes it inconsistent with the Master Plan. Mr. Banisch also addressed the aspects of the ordinance that protect steep slopes, and the conservation easement that the ordinance will require. Mr. Banisch further stated that Ordinance 2020-11 will help advance the Affordable Housing goals of the Master Plan, and advised that the

Board should recommend that the Ordinance should be adopted despite being inconsistent with the Master Plan.

Mr. Travisano said that although Ordinance 2020-11 is inconsistent with the Master Plan, the Group Home for Affordable Housing Credit is the main reason why the Planning Board previously recommended to the Township Committee that the Ordinance be adopted. He also asked for clarification of the amendment to the Ordinance and if the amendment is only to add the Conservation Easement language. Mr. Banisch clarified the footnote that was changed in the Ordinance. He also said that all of the steepest slopes will be protected, and more than an acre of the site will be protected.

Ms. Hagner said that the Ordinance is clearly inconsistent with the Master Plan, and there are options other than a Group Home for the Township to meet the Affordable Housing Obligation without violating the Master Plan to such a degree.

Mrs. Ewald asked if the Board should request that the language require a minimum of 1.5 acres for the Conservation Easement. Mr. Banisch said that keeping the language broader is more advantageous. Mrs. Ewald asked if phasing in the Group Home lot preparation would take place at this time or at a later stage. Mr. Banisch said that would be handled when the subdivision application is heard. Mr. Travisano said that the Planning Board is reviewing the Ordinance as introduced by the Township Committee, however recommendations can be made.

Mr. Kelly said that the goals of the Master Plan being advanced are of value to the Township. He said that the Group Home will help the Township meet the Affordable Housing obligation, He also stated that the Conservation Easement requirement is an expanded protection for the trees and steep slopes, which was a concern raised by residents. Mr. Kelly also noted the change in the setbacks to help protect the steep slopes, and said that the slopes are being protected more than would usually have been done. Ms. Hagner opined that the Township can find lots for Group Homes without rezoning areas or violating the Master Plan. Ms. Hagner pointed out that the site is currently zoned for two lots, and she disagreed that a Group Home makes the rezoning acceptable. Mr. Kelly said that the Group Home is only one objective, and the steep slope protection in the current draft is stronger than the previous draft.

Mr. Travisano opened the floor to the public.

1. Vince Ferrito, 449 River Road, said that he is confused by the standard under which the Ordinance is being evaluated. He said that it sounded like Mr. Kelly had suggested that an ordinance that violates the Master Plan can be recommended for adoption if it advances other goals of the Master Plan. Mr. Warner addressed the legal standards and language of the standards for evaluation. He said that there can be dueling objectives of the Master Plan, and the consistencies and inconsistencies of an ordinance can be weighed for a determination. Mr. Warner said that the Governing Body would need to adopt a reasons resolution if an ordinance is adopted despite a Master Plan Inconsistency Finding. Mr. Ferrito asked if there was another solution that was more consistent with the Master Plan, would that solution be considered. Mr. Warner said that the Board needs to evaluate an ordinance as it is presented by the Governing Body.

2. Tom Tether, 115 Huron Drive, said he does not understand how the Planning Board can find Ordinance 2020-11 to be substantially consistent with the Master Plan. He pointed out that the only change from a previous request from the Developer is that the Township will receive a lot for a Group Home, and the Developer still gets to have four market-rate lots.

Seeing no further public comment, Mr. Trivisano closed the public comment session.

Mrs. Ewald said she wants to be sure that the amended language is consistent with the prior recommendations of the Planning Board. Mr. Warner said that the Planning Board has the authority to make additional recommendations. Mrs. Ewald said she wants to be sure that the developer does not dig further into the hill than needed, and said that the slopes greater than 15% could be included in the Conservation Easement. Mr. Ruschke said that the Ordinance has been developed based on a concept plan, and the concept plan calls for disturbance of steep slopes to a point at which a variance would be required. Mr. Ruschke said that during the application deliberations, the Board will have latitude to work to minimize the steep slope disturbance. He also said that maintenance on any retaining walls will need to be allowed, and the Board can require an additional Conservation Easement when the application is deliberated upon. Mr. Ruschke also opined that the Ordinance gives the Board appropriate latitude for when the application is heard, and additional conditions can be set in an approval resolution. Mr. Ruschke also said that if the Ordinance is amended further, it will come back to the Planning Board for additional Master Plan Consistency Reviews. Ms. Hagner said that sometimes applications are submitted to the Board during which applicants testify that they are consistent with the Township's ordinances, and said that the Planning Board can suggest additional protections for inclusion in Ordinance 2020-11 to make sure the Ordinance is serving the intended purpose. Mr. Ruschke noted that the application when submitted will include steep slope variance requests. He also said that the Conservation Easement will be in addition to other restrictions on further development of the site.

Mrs. Ewald asked about the phasing of the Group Home site. Mr. Ruschke said that phasing could be a condition of approval. Mr. Warner said that there are legal formulas for phasing of market and affordable units. Mr. Banisch said that the condition of approval could be for two market units can be built before the Group Home site is prepared, and that the Group Home site be graded before Certificates of Occupancy are issued. Mr. Ruschke said that he could abstain from issuing a building permit for any of the four market-rate lots before the Group Home site is prepared, and he said he can take that position under the Ordinance as written.

Mr. Franko moved that the Board adopt the memorandum prepared by Mr. Banisch and that the report be submitted to the Township Committee. Mr. Kelly seconded the motion.

Roll Call: Mr. Trivisano, Aye; Mr. Franko, Aye; Mrs. Ozdemir, Aye; Mrs. Ewald, Aye; Ms. Hagner, Nay; Mr. Hoffmann, Aye; Mr. Kelly, Aye; Mr. Nelson, Aye; Mr. Sheth, Aye; Mr. Coviello, Abstain; Mr. Tarasca, Absent.

Public Hearing - Adoption of the Housing Element and Fair Share Plan

Mr. Warner said that Ms. Hagner is recused from participating in this discussion as a member of the Planning Board, but can still attend the meeting and participate as a member of the public.

Mr. Warner provided the procedural background for this Public Hearing. He said that the Planning Board is the sole authority that can adopt a Master Plan and update elements thereof. Mr. Warner also said that revisions have been made to the draft, and the red-line version has been posted on the Township website along with the final draft.

Mr. Banisch reviewed the updates to the draft of the Housing Element and Fair Share Plan. He noted that the changes were reviewed by Special Master Brian Slauch.

Mr. Banisch discussed the Township's Affordable Housing Obligation, providing background on how the Obligation was calculated. He also discussed the measures that the Township is considering to meet the Affordable Housing obligation. Mr. Banisch discussed the site suitability of the proposed Group Home locations.

Also discussed was the suitability of the River Road site. The need to extend sewer lines was noted, and Mr. Banisch also addressed the steep slopes at the site.

Mr. Banisch also commented on Court monitoring of the Township's compliance with the Fair Share Plan.

Mr. Warner asked if Mr. Banisch's professional opinion as a licensed Public Planner is that the Housing Element and Fair Share Plan (HEFSP) to be not inconsistent with the goals and objectives of the Master Plan and that it guide the use of land in a way that protects health and safety and promotes the general welfare, all of which were confirmed by Mr. Banisch. Mr. Warner asked if the compliance mechanisms in the HEFSP will offer a realistic opportunity for the provision of the Township's fair share of Affordable Housing. Mr. Banisch confirmed that they will. Mr. Warner asked if the Housing Element and Fair Share Plan is designed to achieve access to Affordable Housing to meet the present and prospective needs of the Township. Mr. Banisch said that it is his professional opinion that it will.

Mr. Travisano opened the Public Hearing.

1. Tom Tether, 115 Huron Drive, asked what studies serve as the basis for Mr. Banisch's opinions regarding site suitability analysis for the River Road site. Mr. Banisch said that he has not personally conducted any studies. He said that he has had conversations with the Township Engineer and the proposed developer, both of whom have indicated to him that the RSIS standards and NJ Administrative Codes for deviations can be met at the site.
2. Dot Stillinger, 316 Noe Avenue, asked if the slopes were analyzed, and if it was noted that between Cardinal Hill and Fairmount Avenue there is not any development on any of the slopes above the 316-foot contour line. Mr. Banisch said that the slopes were not reviewed to that level of detail. Mrs. Stillinger asked Mr. Banisch would be involved in

delineating a Conservation Easement west of the Cardinal Hill Apartments. Mr. Banisch said he would look into the possibility. Mrs. Stillinger asked if it would be reasonable to consider a conservation overlay zone between Southern Boulevard and Fairmount Avenue. Mr. Banisch said that the Master Plan advocates for Mrs. Stillinger's suggestion. Mrs. Stillinger suggested that there be a wildlife corridor at the River Road site.

Mrs. Stillinger was sworn in for testimony that she may give or may have already given.

3. Nicole Hagner, 396 River Road, was sworn in to give testimony. Ms. Hagner asked what would happen with the HEFSP hearing procedurally, and if the Public Hearing will be carried to a future meeting. Mr. Travisano said that he does not expect final action at this meeting due to the amount of testimony that is expected. Ms. Hagner said that the Planning Board usually thoroughly discusses a Master Plan element before opening a public hearing. She also asked if the current amendment is to satisfy the Township's Settlement Agreement with the Fair Share Housing Center. Ms. Hagner also asked why projects that have not been fully vetted are being included in the Master Plan update. Mr. Warner asked Mr. Banisch to clarify what is meant by a prospective obligation. Mr. Banisch said that a prospective obligation is for the period from 1999 to 2025. He also said that the Township has a schedule with the Court in order to maintain Builder's Remedy Lawsuit Immunity. Ms. Hagner said that the proposed River Road project is not consistent with the Master Plan. Mr. Banisch said that over 300 municipalities have signed settlement agreements with the Fair Share Housing Center to meet their Affordable Housing obligations.
4. Heather Foran, 127 Huron Drive, asked if she can offer comment at a later time if she asks a question now. Mr. Travisano said he will not be limiting how long residents can speak so long as they stay on topic.

Mrs. Foran was sworn in to give testimony.

Mrs. Foran asked if there has been a sewer study or sewer survey conducted. Mr. Banisch said that he has not conducted any such study, and such studies are not something that he conducts. He also said that the site is within the Sewer Service Area, and Mr. Ruschke has indicated that sewer service can be extended to the site. Mrs. Foran said that the developer has indicated that there are wetlands on the site, and asked if Mr. Banisch has reviewed a wetlands survey for the site. Mr. Banisch said that he saw the presentation to which Mrs. Foran referred, but he has not reviewed any additional wetlands study for the site. Mrs. Foran said that environmental surveys and studies have not been conducted for the site, and Mr. Banisch pointed out that such studies would be done when an application is being prepared to submit to the Planning Board. Mrs. Foran asked how the process will move forward if the site proves to be unbuildable, to which Mr. Banisch said that the Township would need to find another site.

5. Joe Basralian, 24 Fairfax Terrace, said that he has never seen a proposal before the Planning Board that is such a violation of the Master Plan.

Mr. Basralian was sworn in to give testimony.

Mr. Basralian asked if Mr. Banisch has walked the site, and Mr. Banisch said that he has not. Mr. Basralian asked Mr. Banisch to describe what happens when water travels down a slope and hits a flat area, and Mr. Banisch said the question is an engineering question. Mr. Basralian said that on the flat sections of the property are spots where water tends to collect. Mr. Basralian asked who the Township's fiduciary officers are, and if they can vote their conscience as members of the Planning Board. Mr. Warner said that the Planning Board is statutorily comprised of a Class I member who must be the Mayor or Mayor's designee; a Class II member who is a municipal official; a Class III member who is also a member of the Governing Body other than the Mayor; and Class IV members who are residents who do not hold other municipal offices. Mr. Warner said that members of the Planning Board have the freedom to vote their conscience, and any member who has a Conflict of Interest will be disqualified from participating in deliberations. Mr. Warner said that he is not aware of the Class I, Class II and Class III members having a Conflict of Interest on the HEFSP deliberations. Mr. Basralian asked if the Planning Board members can vote based on what they feel is right. Mr. Warner said that the Board has the authority to adopt a Master Plan based on the legal standards.

6. Jacqui Ferrito, 449 River Road, was sworn in to give testimony. Mrs. Ferrito recounted items from the presentation made by the Walters Group to the Township Committee regarding the River Road site. She asked how the transportation needs for residents of the site and the transportation criteria for tax credits are being taken into consideration in Mr. Banisch's analysis whether the project is consistent with the Township's plan. Mr. Banisch said that the site suitability relies on access to a main public street. He stated that the Tax Credit implications of bus routes relate to the ability to have a higher score in the application process. Mr. Banisch said that supplemental service can satisfy the transportation need. He also said that residents of Affordable Housing developments routinely have cars. Mrs. Ferrito asked if there was analysis based on the Township's planning principles and if bus routes will be added to the area. Mr. Banisch said that he is not a traffic engineer and he did not perform a traffic study. Mrs. Ferrito asked if the Township's planning is disregarded with regards to Affordable Housing, and if the Planning Board has to approve what the Township Committee agreed to in the Settlement Agreement. Mr. Warner said that the standards require the Planning Board to determine the HEFSP's consistency with the Master Plan, and if the plan recommends land be used in a way that promotes the general welfare, health and safety of residents. Mr. Warner also said that Mr. Banisch has already opined that the HEFSP does so.
7. Pat Murray, 107 Huron Drive, thanked the Planning Board for listening to residents. Mr. Murray asked if Mr. Banisch can attest that the design for Affordable Housing for the River Road site will have a minimal impact on the character of the neighborhood. Mr. Banisch said that he has not made that claim, and while the relatively minimal suitability criteria in the COAH rules can be met, he cannot attest that the optimal outcome described by Mr. Murray would be met. Mr. Murray said that Ordinance 2020-11 calls for a minimal impact on the community.

8. Vince Ferrito, 449 River Road, was sworn in to give testimony. Mr. Ferrito said that he will introduce the experts he has retained to address the Housing Element and Fair Share Plan.
9. Michael Pessolano, PP, was sworn in to give testimony. Mr. Pessolano provided his qualifications, and was accepted as an expert in Public Planning. Mr. Pessolano gave a PowerPoint presentation, which was designated as Exhibit O-1. Mr. Pessolano said that the River Road site is in an environmentally sensitive area. He also addressed the steep slopes along River Road and talked about an ice age that formed the Watchung Mountains. Mr. Pessolano said that he walked the River Road site, and also observed the site from Huron Drive. He also discussed the Township's history of protecting steep slopes. Mr. Pessolano discussed planning and zoning in the State of New Jersey, as well as the Municipal Land Use Law. Mr. Pessolano raised a concern about trees falling across the driveway for the Affordable Housing site, as well as the potential for the driveway to become icy in the winter. He also said that he believes the proposed development on River Road will be detrimental to the Passaic River Watershed. Mr. Pessolano opined that the proposal is contrary to the State's environmental protection policies, claiming that the extension of the sewer service is outside of the area where growth is to be encouraged. He further addressed the distance of the site from local businesses and the lack of sidewalks. Mr. Pessolano also opined that the building will scar the visual qualities of the hillside. He said that the River Road site should be removed from the Housing Element and Fair Share Plan and replaced with a site near the Hickory Square Mall. Mr. Pessolano opined that the River Road proposal does not match with planning principles adhered to in other areas of the Township. He also said that the insertion of an intensive land use into an environmentally sensitive land formation and critical habitat will irrevocably degrade the ecosystem. He asked that the River Road site be removed from the HEFSP.

Mr. Warner asked Mr. Pessolano to confirm his opinion that the remaining sites in the HEFSP are substantially less impactful on the Master Plan and the Community. Mr. Pessolano confirmed that the other sites are less impactful. Mr. Warner asked Mr. Pessolano to confirm that he does not have any specific objection to any of the remaining sites. Mr. Pessolano said that his review of the HEFSP was limited to the River Road site, however he noticed that the other sites have less of an impact on his clients. Mr. Warner asked if Mr. Pessolano is not offering any objecting testimony to the other sites, and Mr. Pessolano confirmed that he does not have such testimony.

Mr. Pessolano addressed land use goals that are contravened by the proposed River Road development.

Mr. Kelly said that Mr. Pessolano testified that 3.5 acres would be disturbed, whereas the Walters Group presented that only a quarter of the site would be disturbed. Mr. Kelly asked if Mr. Pessolano saw the presentation by the Walters Group and if there is a contradictory assessment of the area to be disturbed. Mr. Pessolano said that he did not view the Walters Group's presentation, and he derived his testimony from screen

captures that were provided to him by a third party. Mr. Kelly said that Mr. Pessolano raised a concern about access to the Affordable Housing during inclement weather, and asked if Mr. Pessolano does not believe that providing Affordable Housing advances the general welfare. Mr. Pessolano said that he is a Public Planner and thinks it is appropriate and necessary to have Affordable Housing, however he does not believe that the River Road site is appropriate.

Mrs. Ewald said that the environmental sensitivity of the steep slopes is important to the Planning Board. She asked if switchbacks are not commonly used for development. Mr. Pessolano said that the potential for mishaps increases with switchbacks, which would have a negative impact for disabled residents who might have more of a need for emergency services. Mr. Pessolano also raised a concern about trees falling on houses.

Mr. Hoffmann asked if Mr. Pessolano would be available at the next meeting to answer additional questions. Mr. Pessolano said he will be available. Mr. Hoffmann asked if the design of the driveway at Cardinal Hill would be a better design than a switchback. Mr. Pessolano said that he cannot offer engineering testimony.

10. Susan Zwick, 417 River Road, commented on the need to account for water runoff on impervious surfaces, and asked if there is a formula to calculate how much acreage is needed to capture the runoff to prevent it from impacting neighboring properties. Mr. Pessolano said he would have to defer to an engineer to make those calculations. He also commented that the concept plan appeared to show a drainage basin. Mrs. Zwick asked if it is normal to have hydrogeology testimony on how the height and weight of a building would impact underground water flow. Mr. Pessolano said that would be part of the site plan review. Mrs. Zwick said that she lives across the street from the Cardinal Hill Apartments, and said that when the special drains do not work the stormwater runs across the roadway. She also complained about snow removal from Cardinal Hill. Mr. Pessolano said that the stakes are higher on the River Road site than they would be for a flat area.

Mr. Warner asked Mr. Banisch if his conclusions regarding the HEFDP have changed following the testimony of Mr. Pessolano. Mr. Banisch said that his opinions and conclusions have not changed.

11. Blaine Rothauser said that he is a professional in the fields of Threatened & Endangered Species Studies, Wetlands Science and Natural Resource Elements of Land Use. He also said he is a Land Use Compliance Specialist. Mr. Rothauser said he is employed by GZA GeoEnvironmental. Mr. Warner asked for clarification in which field Mr. Rothauser is requesting to be accepted as an expert. Mr. Rothauser said that his core areas are in Wetlands Science and as a Threatened & Endangered Species Specialist. He said that he has a degree from Kean University in Biology, and he listed his previous employers. Mr. Rothauser said he has been accepted as an expert before land use boards and the Superior Court. He also said he is an ecologist. Mr. Warner asked if Mr. Rothauser has any professional licenses. Mr. Rothauser said that his fields have certifications rather than

licenses, and he is a Certified Ecological Restoration Practitioner. He asked to be accepted as an expert in Threatened & Endangered Species Studies and Wetlands Science. Mr. Franko asked for clarification about Mr. Rothauser's qualifications, and asked him to explain the certification that he holds. Mr. Rothauser described the certification process to be a Certified Ecological Restoration Practitioner. Mr. Rothauser also discussed reports he has prepared that were accepted by the NJDEP. Mr. Rothauser said he will testify on the ecological integrity of the ridge along River Road and how that relates to the language in the Master Plan. He said that his testimony will be based upon field work he has performed. Mr. Rothauser was accepted as an expert.

Mr. Rothauser gave a PowerPoint presentation which was entered into the record as Exhibit O-2. Mr. Rothauser presented photographs of wildlife on the ridge. He also discussed the riparian zones on the ridge, and said that the development would set a terrible precedent.

Mr. Rothauser discussed his site visit to Mr. Boyd's property, which is adjacent to the River Road site. He said that a Letter of Interpretation from the NJDEP will be needed for the site, and the DEP would be responsible for assigning any buffer areas. Mr. Rothauser discussed the wildlife that he observed at the Ridge. He also discussed the forested interior of the Ridge. He noted a concern that residents will walk their dogs on trails on the Ridge, which will cause a sterilization in the area. Mr. Rothauser further said the conservation easements only work when there is enough ecological capital to support the easement. Mr. Rothauser said he visited the Cardinal Hill Apartments and observed invasive species. He also said that there were trails into the woods. Mr. Rothauser further discussed the impact of development on endangered species. He also described a project he is working on involving moths as a sign of ecological health. Mr. Rothauser opined that the Township has reduced its natural capital too much.

Mr. Warner asked Mr. Rothauser if he objects to any of the Affordable Housing other than the River Road site. Mr. Rothauser said that he was only retained to object to the River Road site, and he does not have an opinion on the other sites.

Mr. Hoffmann asked if Mr. Rothauser will be available at the next Planning Board meeting to answer further questions on his presentation. Mr. Rothauser said that will depend on his client's willingness to pay him. Mr. Ferrito said that he and the rest of the group who hired Mr. Rothauser will speak to see if they want to fund additional time.

Mr. Warner asked Mr. Banisch if his conclusions regarding the HEFSP have changed following Mr. Rothauser's testimony. Mr. Banisch said that his conclusions have not changed.

Mr. Ferrito thanked the Planning Board for listening to the testimony from Mr. Rothauser and Mr. Pessolano, and said he hopes the testimony was helpful. Mr. Warner asked if there was an additional professional retained by Mr. Ferrito to give testimony at this meeting, and Mr. Ferrito said that there is not.

Mr. Rothauser said that there is additional information regarding his qualifications in the presentation submitted to the Planning Board earlier in the day.

12. Joe Basralian gave a PowerPoint presentation, which was entered into the record as Exhibit O-3. Mr. Basralian said that he was appearing in his capacity as the Chairman of the Open Space Advisory Committee, and that his presentation has input from the other members of the Open Space Committee. Mr. Basralian said that the development of the River Road site will be an ecological disaster, and will make a mockery of the Master Plan. He discussed the need for forested land to purify water. Mr. Basralian also addressed the need to preserve the Township's greenway. He further discussed why the River Road site is better suited for conservation. Mr. Basralian also discussed the role of trees in improving air quality and water quality. He also addressed the wetlands at the site, noting that he observed duckweed which proves that there is water on the site 11 months out of the year. Mr. Basralian also discussed the presence of foxes in the area. He said that building Affordable Housing on flat land would avoid the problems associated with developing the River Road site. Mr. Basralian noted that this is the first time in the 10 years he has served as Open Space Committee Chairman that he has appeared before the Planning Board to oppose a development.

Mr. Warner asked if Mr. Basralian has any major objection to any of the sites in the HEFSP other than the River Road site. Mr. Basralian said that he does not have a major objection to the other sites, and he only has a major objection to the River Road site. Mr. Warner asked if Mr. Basralian's statement that he does not have a major objection to any other proposed site listed in the HEFSP is given both in a personal capacity and as Chairman of the Open Space Committee, which Mr. Basralian confirmed was correct.

Mrs. Ewald asked what the difference is between the environmental impact of the Dixiedale site and the River Road site. Mr. Basralian said that the Dixiedale site only as a 60-foot rise. He also said that the cost for preservation of the Dixiedale site was too expensive for the Township, and the window for preservation of Dixiedale was concurrent with the preservation of the Giralda Farms site. Mr. Basralian further noted that the Dixiedale site is not the property to use as a precedent for the River Road site. Mrs. Ewald clarified that her question was about environmental sensitivity. Mr. Basralian said that the River Road site is part of a corridor, and the Dixiedale site is the end of that corridor. He also said that the Dixiedale developer is not developing every sliver of steep slope. Mr. Basralian also said that he does not want to see the Master Plan ignored when development is considered.

Mr. Warner asked Mr. Banisch if his conclusions and opinions have changed following the testimony offered by Mr. Basralian. Mr. Banisch said that his conclusions and opinions have not changed. Mr. Basralian asked Mr. Banisch if the points he made were valid. Mr. Banisch said that there is a lot of validity to Mr. Basralian's testimony.

13. Susan Zwick said that in previous meetings, residents have asked about the formation of an Affordable Housing Committee, the formation of which could assist the Planning Board. She said that several residents are interesting in participating in such a committee,

and she has not seen any movement toward the creation thereof. Mr. Travisano said that the Township Committee would be the proper venue to discuss the creation of an advisory committee. Mr. Warner concurred that the Planning Board does not have the statutory authority to create an Affordable Housing Advisory Committee. Mrs. Zwick asked if an Affordable Housing Advisory Committee would work with a planning committee. Mr. Warner said that the Affordable Housing Advisory Committee would be responsible to the Township Committee rather than to the Planning Board.

14. Jennifer McNally, 19 Ferndale Road, said that there is a 2013 steep slope ordinance that is contradictory to the Master Plan, and said that the Master Plan has been ignored for years. Mr. Basralian said that the proposed development of the River Road site is a much greater deviation from the Master Plan than anything he has seen before. Mrs. McNally asked if the Master Plan is going to be updated. Mr. Warner said that under the MLUL the Planning Board is required to conduct a Master Plan Reexamination at least every 10 years. He said that the Planning Board has been working on updates to elements of the Master Plan since the 2017 Reexamination Report was presented.

The Hearing on the HEFSP was carried to the July 6, 2020 Planning Board meeting.

Mr. Hoffmann moved to adjourn at 12:25 AM. Mr. Travisano seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary