

September 1, 2009

The regular meeting of the Andover Township Land Use Board was called to order at 7:30 p.m. on Tuesday, September 1, 2009 by the Chairman, Stan Christodlous.

Present: Members     Suzanne Howell  
                                  Gerald Huelbig  
                                  Lois deVries, Class II  
                                  Diana Boyce  
                                  Stan Christodlous, Chairman  
                                  Rourke Day, Alternate  
                                  Ellsworth Bensley

Absent:                     CeCe Pattison

Recused:                 Bob Smith, Class I  
                                  Gail Phoebus, Class III

Secretary:               T. Linda Paolucci

Professional:           Joseph Golden, P.E.  
                                  Russell Stern, P.P.  
                                  Thomas Germinario, Esq.

**FLAG SALUTE - RULES - OPEN PUBLIC MEETINGS ACT**

**OATH OF OFFICE** – Thomas Germinario, Esq. administered the Oath of Office to the newly appointed Alternate Member No. 1 of the Land Use Board, Rourke Day.

Germinario addressed the public to inform them that the application to be heard this evening is considered a “d” use variance and, therefore, this Land Use Board is constituted this evening as an equivalent of a Zoning Board of Adjustment. He went on to explain the reason why a committee member and the mayor are not permitted to sit on the application before the Board this evening and is the reason for their absence.

**OPEN TO THE PUBLIC** – The Chairman opened the meeting to the public and read the rules of the act. No one stepped forward from the public.

**OATH OF OFFICE** – Thomas Germinario, Esq. administered the Oath of Office to the newly appointed Class IV member of the Land Use Board, Ellsworth Bensley.

**RANNOU – Block 145, Lot 3, Block 146, Lots 2, 3 & 7, Stickles Pond Road – Preliminary Major Subdivision and Site Plan – Westview Housing –**

Thomas M. Brady, Jr., Esq. of Succasunna, NJ stated that he represents the applicants, Chris and Krista Rannou. He stated that the applicant seeks major preliminary major subdivision and site plan approval to take four of the lots, subdivide and merge them and eventually have it configured as a five lot subdivision. This five lot subdivision will eventually provide the area for seven buildings to be built, all of which will be devoted to COAH affordable housing, multi-family and four of the buildings will have eighteen affordable age restricted units and three of the buildings will contain fifteen affordable family units. The proposed buildings, he continued, are

a combination of one and one-half story and the applicant is seeking a use variance for the purpose of constructing these multi-family dwellings in a R-0.5 single family residential/airport district. In addition to several variances regarding front set backs, part of this application is asking that the governing body vacate .263 acres of Westview Terrace in order for that to become part of the new right-of-way for this development.

Germinario advised Brady that he is in receipt of a letter from an attorney representing an objector, the attorney's name is Kevin Kelly, Esq. Germinario stated that the attorney, in his letter has claimed that the notice for the application is defective. Germinario stated that he has reviewed the notice and finds the notice to be sufficient under the Municipal Land Use Law and the case law interpretation is that it sufficiently informs the public of the nature of the use proposed and the variances required for that use to the extent that it allows the public to make an informed decision as to whether to object to this application and/or seek further information regarding the application. He continued that the ordinances that are cited in Kelly's letter that he believes should have been listed as variances are either redundant of the ordinances that Brady cites in his notice, or in his opinion, not applicable to this application. Germinario stated that this is the why he is prepared to rule on this tonight and asked Brady if he had any comments he wished to make. Brady said "no sir". Germinario stated that Kelly is not present this evening but if his client, Mr. Testa is present and whether or not he wishes to be heard tonight solely on the issue of the notice he can step forward. No one stepped forward and Germinario told Brady to proceed. Brady called upon the engineer for the applicant, Ken Dykstra of Dykstra Walker Design Group of Lake Hopatcong, NJ who was sworn in by Germinario.

Dykstra stated that the project involves two parts, first part is to subdivide the property and create five lots the second part is site plan approval for the five. Dykstra pointed to a colored map marked as *Exhibit A-1 Preliminary Plat dated August 3, 2009*, stating that the property currently involves four tax lots with a total of 10.8 acres and the proposal is to construct a 1000 foot cul-de-sac roadway and to reconfigure the four lots into five new lots. Proposed Lot 3 would be the first lot on the west wing of the project which is a 1.75 acre lot, proposed Lot 3.02 is the opposite corner lot which is a 2.34 acre lot and proposed Lot 3.03 which is a 2.6 acre lot, proposed Lot 3.04 which is 1.256 acres and proposed Lot 3.05 which is a 1.355 acre lot. All of these lots in bulk conform to the ordinance requirements. The roadway is proposed to be a cul-de-sac roadway as described and the right-of-way width is 44 feet with a cul-de-sac. The proposed pavement for the road will be a full 28 foot wide curved roadway. In addition to the road there are two other things proposed, one is two stormwater management basins, one which is purely a detention basin located on proposed Lot 3 and the other is an infiltration basin also on Lot 3 at the intersection with Stickles Pond Road. The proposed roadway intersection is located approximately 250 feet to the east of the Bernard Drive intersection and there is adequate site distance in both directions.

Dykstra made statements with regard to the site plans which were marked as *Exhibit A-2* which called the Site Layout Exhibit dated August 3, 2009. Dykstra stated that each of the lots will support affordable housing multi-unit buildings. He stated that proposed Lot 3 is the first lot as you come into the road on the right which will support a proposed five unit age restricted building and that building will be a one story building and will contain five units and will have thirteen parking spaces perpendicular to the roadway. He continued that proposed Lot 3.02 will also support a five unit multi-family building which will also have thirteen parking spaces adjacent to the roadway. Proposed Lot 3.03, Dykstra stated, contains two buildings, one building with five units and the second building with four units which this is an age restricted building and there is a total of 20 parking spaces being provided for those nine units. The next lot as you come around the cul-de-sac is Lot 3.04 and on this lot is proposed a five unit building and a proposed four unit building which is also age restricted units with a total of 22 parking

spaces. The last lot, Lot 3.05 is a five unit affordable housing building with 13 parking spaces, Dykstra stated. Dykstra continued to discuss the Residential Site Improvement Standards and stated that he is requesting a de minimus exception to provide a sidewalk on one side of the road only, however, we are providing a cross walk at appropriate locations so there will be a continuous sidewalk all the way out to the intersection on Stickles Pond Road. We also are requiring a waiver, he stated, as our parking spaces are located with zero set back to the right-of-way line to proposed road and the township's ordinance requires a ten foot set back to the right-of-way for parking. However, he stated, this is logical in this case because the parking is perpendicular to the travel way of the road and pushing back an additional ten feet would only create more impervious surface with no benefit. Therefore, the applicant needs to request each of these waivers in each of these lots, Dykstra stated. Dykstra went over the variances that are being requested for this application. He began with the front yard set-back and stated that this zone is designed for single family housing and the front yard set back requirement is 50 feet, however, this project is a multi-family development and, therefore, we have the buildings closer to the street than you would normally provide for single family homes. Therefore, he stated, each of these lots would require a front yard set-back variance and the exact dimensions are listed on the plans. Dykstra explained that the request is appropriate in this case as it provides the relationship of the buildings closer to the parking spaces for these units and also shifting the buildings back would disturb more of the property, with greater space for the adjoining lots, providing more buffer area. A variance is also needed from the township's slope ordinance, referring to a sheet marked *Exhibit A-3 – Environmental Constraints –dated August 3, 2009*. Dykstra described the markings on the plan and how it effectively delineates the slopes on the property with various shades and explained that the slopes on the property is undulating and is not a continuously sloped property. He explained that basically there is some outcrop areas where the slopes are steep and between those areas are a lot of level areas and in order to develop the property they will need to disturb some of the sloped categories and the plans depict the extent of variances necessary from the various categories.

Dykstra continued that in order to develop the property they have kept the buildings as close to the road as reasonable, have placed the road to an area where the slopes are relatively minimal and will need to lower the grade and level it in one rock crop area and, therefore, will not be any negative impact in terms of run-off from the site. As far as stormwater management system, he stated, this project will actually reduce run-off rates, which is a requirement of the state standards.

Dykstra stated that they did apply for a use variance as this site is zoned for single family housing and the project is requiring multi-family housing project. However, he continued, it is an entirely affordable housing constructed by a private developer, which is an inheriting beneficial use which promotes the general welfare of the community and the public good because it is affordable housing.

Dykstra stated that adjacent to the property is a one-half acre zoned area where a lot of houses are on a one-half acre average. This development, he continued, does propose a slighter higher density than that, however, it is in an area where there already is relatively high density for Andover Township. The access will not be from any of the neighboring streets but will be from Stickles Pond Road and all of the immediate neighbors will be buffered adequately. Across the street from the project is an airport of which the project will have not effect, he stated, and will be applying for approval from the NJDOT. Germinario interrupted Dykstra to mention that this is one of the issues raised in Kelly's letter which stated that this Board lacks the jurisdiction to allow a prohibited use in an airport safety zone. Germinario stated that he looked at the NJDOT regulations and §16:62-6.2a actually requires that the developer first come to the municipal development board for a development approval before going to the NJDOT for permission for a permit. Therefore, he continued, not only do we have this jurisdiction, but we

have to exercise this jurisdiction before such a permit can be issued, which is my response to that point in the letter. Tom Testa of 9 Bernard Drive of Andover, NJ wanted to know whether or not Kelly's letter was given to all of the Board members. Germinario stated that he could distribute a copy to the members if he wished [copies were distributed].

Dykstra continued, and stated that he was not in objection to the comments in the Township Engineer's report other than some things such as the ownership of the road that should be a subject of a Developer's Agreement and would like to work out that issue with the governing body. Dykstra stated that they propose a public road and public maintenance of detention basins.

Golden stated that he believes that what the applicant is requesting as part of the affordable housing application is the township to assume the maintenance responsibilities for the basin. It is not uncommon for the township to assume certain responsibilities, the least of which is maintenance of the stormwater features and it is up to the Board as to whether or not they want to accept that, he stated. Golden stated that he does not have an objection to the township maintaining the basins, but it is up to the Board members whether or not to accept the request.

DeVries had a question regarding the acceptance of the maintenance of the basins and there was further discussion with comments from Golden and Germinario as to the fact that it is an affordable housing project. Germinario stated that he spoke with the township attorney and he agrees that this should be a matter for the governing body.

DeVries asked Golden if he would look at her report of the Environmental Commission on *Page 2* with regard to detention basins and her remarks about how little depression areas from the road and their read of the current existing conditions there looks like it was always a low area that was filled in order to create Stickles Pond Road and asked if he was satisfied that the detention basins as shown in the application are adequate to deal with the new run-off and the existing run-off. Golden stated that he reviewed the report and that there is a stormwater report associated with the application as part of his engineering review and it appears from the calculations that were shown that the application and the method of stormwater management does need to require reductions and stormwater management parameters. Golden stated that he would prefer that the applicant explain how the stormwater is being accommodated, what stormwater is being picked up off-site, on-site, and what reductions and/or improvements can be expected from the stormwater.

Dykstra responded to Golden's comments and stated that this site primarily drains from Stickles Pond Road in a couple of direction. There is one location to the north of the side of the property where most of the run-off currently flows to that low area adjacent to Stickle Pond Road that is part on the applicant's property and also on adjacent Lot 4. He continued that there is a drainage system in there in an inlet near the Bernard Drive intersection that picks up the overflow and pipes it across the road to the airport property. Therefore, one improvement of the proposal is that they will take the stormwater and basically keep it going effectively in the same direction, except they are now going to install two basins, one basin will be an upstream basin located near the intersection of Irving Place and Bernard Drive on the applicant's property which right now water comes offsite, flows across the property and then down into the corner of the property and ultimately across Stickles Pond Road. He stated that this basin will hold back that water and some of the property's own water and detain that water temporarily, and then release it slowly. He continued that the second basin at the bottom will actually be a combination of providing detention and infiltration and then with the overflow going in the same place as it goes today, which is ultimately across to the airport property where effectively it infiltrates also. Therefore, he continued, in the offsite drainage they are actually proposing improvements to the Irving Place/Bernard Drive intersection, these were suggestions made during a concept discussion recently with Golden. Presently, he continued, at that intersection when rain falls there are a number of ponding conditions and the applicant is proposing a

number of inlets which will be piped into the first basin and ultimately down to the second basin and finally down to the Stickle Pond Road's drainage system. DeVries questioned the township engineer whether or not this is the same piping beneath the road that was a problem from Krista's property in the past? To which Golden answered "no, it is not".

Golden went over the minor modifications recommended in his report and stated that one is for the basins, one is to create some additional swales to direct water that comes off of Stickle Pond Road away from Lot No. 4 and also to modify the overflow direction of the basins to make sure that it does not flow onto the resident properties. There were additional items discussed in connection with Golden's report such as, recommendation that the right-of-way width be increased or to provide a 6 ft. easement. Dykstra commented that they would like to provide a 6 ft. easement on one side as they want to keep all of the parking spaces on the lots and not on the right of way. Golden also recommended that they revise the trash removal plan and layout of which Dykstra stated that they are willing to work out the issue and the snow removal issue. There was additional discussion regarding assigned parking spaces. Golden brought up the issue of parking on one side of the road for access for emergency vehicles. Golden questioned roof drainage and Dykstra responded that the roof drainage is connected to the storm drainage system. Golden's additional comments had to do with fire protection measures to be added in accordance with the township ordinance and to provide runaway location on the plans.

Dykstra commented on Stern's report and said that they are not in disagreement with adding a more detailed landscape plan and will be willing to work out the buffering issues for the adjoining neighbors with both Stern and Golden. Stern stated that the area of the highest concern for the plan is to the westerly side of the tract and the recommendation there also includes fencing as well as landscaping to help buffer the area. Dykstra agreed. Stern stated that the applicant has agreed to landscape according as outlined in *Items 1.3 and 1.4* in his report. Germinario pointed out that the agreement on the part of the applicant to Stern's comments fits in with the four part test for "d" variance under the inherently beneficial use category that the Board looks to see where imposing reasonable conditions can reduce the adverse detrimental effects of the non-conformance with the zoning and Stern's comments of the landscaping and fencing will help with the mitigating of that.

Dykstra stated that they are requesting a waiver from wetlands as they have evaluated the site and surrounding area and their opinion is that there are no wetlands on the site or within 150 ft. of the site and they have certified that. Stern commented that it has been standard to go to the NJDEP for confirmation of "no wetlands". DeVries stated that the Environmental Commission concurs that they have always requested confirmation from the NJDEP. Golden commented that he does not believe that a Presence/Absence L.O.I. would work here as they have more than two acres of disturbance. Dykstra stated that they would apply for the Presence/Absence relative to the existing conditions. Therefore, the applicant could apply for Presence/Absence that there is not wetlands on the site more than 150 ft. Germinario stated that if there is an approval then it could be done as a "condition of approval" and if any wetlands are found that have an impact on the development, the applicant will have to come back before the Board before there is any site disturbance.

Stern and DeVries asked that the applicant's engineer to identify the two waivers that they are requesting as to the identification of other wells within 500 ft. and for the well testing itself. Dykstra stated that the plans indicate that they would provide an aquifer test and will be willing to drill the wells for the units to prove that there is adequate water supply before constructing the project. DeVries commented that this is not what the ordinance requires, the ordinance requires that the well testing be done in a very specific manner. Dykstra stated that the area is in a limestone area and the geology indicates that they will have very good water yields in this area, and did research on it, but agrees that they will drill the wells and perform an

up-pump testing and even check neighbors wells if they are willing to have them do a drawn down. DeVries and Dykstra had further conversation regarding the well testing and Dykstra agreed to have the township's Hydrogeologist provide his recommendations. Christodlous asked the applicant if he agrees with having Dykstra and Golden meet with the Hydrogeologist and that he will abide by whatever plan will come out of that; Dykstra agreed.

Golden pointed out that he has a copy of some of the requirements for affordable housing special studies escrow accounts §N.J.A.C. 5:97-10.4 entitled "Special Studies Escrow Accounts" and it does call for the Board can appoint, or make recommendation, for a Hydrogeologist on the Board's behalf that can assist and conduct the testing and this is specifically made so that the applicant is not paying a separate escrow to review a report from their Hydrogeologist. Therefore, Golden stated, his recommendation would be to provide six names from which the applicant can chose and if the applicant is agreeable to Mat Mulhall that can be one of the six people the Board will recommend which is consistent with the statute for affordable housing. Christodlous stated that if the applicant agrees the Board is familiar with Mulhall's work and would feel comfortable with his recommendations. The applicant's professionals agreed to Mulhall producing a report.

DeVries discussed steep slopes, storage area and outcroppings and posed a question of a "walk-out" storage area for one of the buildings. Dykstra referred to the Grading and Utility Plan *Exhibit A-4* dated August 3, 2009 and answered that he would prefer that all of the buildings be the same. Stern agreed that the buildings as they are presented are quite nice.

DeVries had further comments with regard to threatened and endangered species and feels that the Presence/Absence L.O.I. is a glaring omission.

Stern went over some of the items outlined in his report and stated that in *Item 3.18* of his report he mentions that there is a 50 foot wide use easement on proposed Lot 3.05 for the benefit of a single family lot dwelling on Lot 4 and asked the applicant if he considered a subdivision and merger to that adjoining parcel as opposed to an easement. Dykstra answered that on Lot 4, they are providing them with a 50 foot use easement but has no problem with moving the lot line with a lot line adjustment in concurrence with the property owner; to which Germinario stated could be a condition of approval that after the major subdivision plat is filed they can apply for a lot line adjustment if acceptable to the adjoining property owner.

There was further discussion regarding possible easements, emergency access drive and light fixtures. DeVries questioned the type of water supply to which Golden answered that his understanding is that there will be one well for each individual lot and the threshold will be to obtain a State permit for the well drilling which testing will have to meet the State's standards.

Michael Byrne, Architect located at 10 Main Street, Chester, NJ. was sworn in and gave his qualifications to the Board. Byrne stated that he was retained to design a number of units, COAH units as well as age-restricted units for the complex. The complex consists of seven building ranging from four units per building up to the maximum of five units per building. The age-restricted buildings are limited to one and two bedroom units, the one bedroom units are 714 sq. feet per unit and the two bedroom units are 893 sq. ft. per unit. He continued to explain that the standard COAH non-age restricted units consists of a combination of one, two and three bedroom units. Per the COAH standards the applicant is providing for 20% of the affordable housing units will be one bedroom units, 60% of them will be two bedroom units and 20% will be three bedroom units. The one and two bedroom units in the standard straight COAH units will be consistent in the same size – 714 sq. ft. for the one bedroom – 892 sq. ft. for the two bedroom and – 1350 sq. ft. for the three bedroom units, Byrne stated. For an overall character standpoint, Byrne said that he did a typical rendering which was marked *Exhibit A-5* architectural rendering of a typical age-restricted unit. He stated that the age-restricted units will be a one-story unit, the standard COAH units of one and two bedroom units, will be one story units and the three bedroom units will be a story and a half, with one of the bedrooms located on

the second floor of the unit. All of the units are designed as townhouse units will have individual entrances both front and back and the buildings will be a combination of brick veneer as accent points on the structures as well as standard vinyl siding. There are laundry facilities provided within each of the individual units and also they have provided additional 45 sq. ft of on-grade storage for each of the age-restricted as well as COAH units in accordance with the Board's request. Byrne went on to discuss sprinkler systems within each unit and stated the State of New Jersey will be adopting a regulation which will be putting off the requirement for buildings done under the International Residential Code (IRC) that will not be required for sprinklers systems to be put in until January 1<sup>st</sup>, 2012. Therefore, one, two-family structures or townhouse units built between now and January 1<sup>st</sup>, 2012 will not be required to have sprinkler systems. In accordance, he stated, at this point it is not the intention of the applicant to provide sprinkler systems for the structure.

Byrne pointed out that they are attempting to provide a nice covered on-grade entrance to each of the buildings, as well as some rear private patio, or covered deck areas at the rear of each of the units, which will keep a relatively rural residential scale to each of the structures as well as a nice character to the overall unit. All of the units within the complex will all be handicapped adaptable. DeVries asked Byrne to explain the differences between handicap "adaptable" and "accessible". Byrne explained that how the word "adaptable" applies to such items as the sink, cabinets and counters being able to be dropped in order to accommodate a handicapped person.

Christodlous and Germinario went over the rules and regulations before opening up this portion of the meeting to the public. Michael Reed, 2 Howard Drive, Andover, NJ was the first person from the public to speak. Reed discussed his concerns with regard to the density of low income housing in his neighborhood. Reed questioned what has the township done so far with regard to trying to provide affordable housing to which Golden replied of the various types of considerations over the years before the Board. Germinario explained that there have been more stringent standards put in place by the Council of Affordable Housing than in the past. Stern answered Reed's questions with regard to the total number requirement of the units that needs to be provided to COAH which is 192 units and that this application will be providing 33 of those units.

Reed questioned what are some of the "detrimental effects" that are mentioned in Stern's report. Germinario stated that this might be that without adequate screening and landscaping there could be detrimental effects in terms of impact on neighboring properties and the applicant is attempting to address that. He commented that in Stern's report he also states that the identification of detrimental effects goes along with the next step which is the use of mitigation measures to reduce the detrimental effects by imposing reasonable conditions on the use. Germinario said that if Reed has identification of other detrimental effects or if he has suggestions on how to mitigate some of those he may bring it up. Reed spoke of the housing market values, aquifer testing, septic system sizing and the possibility of nitrate loading into the outcroppings. Christodlous stated that all of the water quality issues will be raised by Golden and Mulhall. Germinario commented further that there are State regulations and local regulations regarding the separation between the septic and wells in answer to Reed's questions. Golden stated that the requirement for well separation is 50 feet and the requirement for well-mapping is relative to the testing once they do drill the wells and they do some draw-down to see what the effect is, therefore, these are all part of the testing protocol and is not relative to the proximity of the septic systems verse the wells, which has already been looked at and the criteria has been satisfied by the applicant. The issue of nitrates is not up to the jurisdiction of this Board to make a determination if the septic systems are designed with the adequate nitrate dilution, Golden stated that there are quite stringent regulations which will be incumbent upon the applicant to make the application to the County and if the County is not satisfied with the

information or the method of their sewage disposal it will be deferred to the State, which meeting the requirements is always a condition of approval. Reed had concerns with possible blasting to which Dykstra stated that you can't blast for a septic system. Golden further explained the requirements of the County for the testing of septic systems. There was further discussion regarding the test holes testing.

Residents from the public had further questions with regard to handicap accessibility, water detention basins, septic systems, emergency access roads, ownership of lots and well testing.

Paul Mosner of 16 Bernard Drive, Andover, NJ had questions with regard to water testing, maintenance of roads, and whether or not the fire requirements are being met.

Various members of the public expressed concerns with character of neighborhood, density, the number of variances being requested, sufficient water supply, complying with the Township's Wastewater Management Plan and reiterated some of the questions previously stated.

Tom Testa, 9 Bernard Drive, Andover, NJ, stated that his property is 40 feet away from the proposed five units and expressed his opinion with regard to the changing of the zoning to accommodate the project that is in close proximity to his residence.

There were further comments from the public with concerns for their wells running dry, well testing, notice to the public, jurisdictions of the State, and questioned regarding what other sites are being considered for COAH development.

Vic Capo of 23 Victoria Pines Lane, Andover, NJ spoke and urged the Board to hold any applicant, COAH or not, to the rigors and to be conservative to make sure that whatever gets built as in any application, will be durable, safe, habitable, will not cause harm to the residents, etc. He stated that he just heard something over the week-end that the state now has the jurisdiction to override the municipality when it comes to zoning, therefore, they can decide on how many units and where they will go, therefore, it is important to exercise the controls that the Board may have now to come up with palatable applications and results that work for everyone and also to help us relieve the requirements that the State is putting on us.

Greg Metzger of 201 Stickles Pond Road, Andover, NJ expressed his opinion that Rannou will leave as soon as the project is done, make a million dollars and will be out of the area. Rannou answered that this is not the case, he will not be making a million dollars, it is not a quick fix where he can walk away with billions of dollars, he tried to design the project with most as one story buildings and is trying to make it as blend-in-able as possible for this area. Rannou continued that the building structures are similar to those in Knoll Heights in Sparta and are very nice units.

There were further questions and comments from the public with regard to run-off water, infiltration, impervious surface and who will be maintaining the property.

With no further questions from the public the Chairman closed this portion of the hearing to the public and asked if there were any questions from the members of the Board.

Some of the Board members made comments to inform the public on how they have been addressing the issues in the past and how they need to address the merits of applications.

Christodlous suggested taking a poll of the Board members to see whether not they were prepared to vote tonight on the application or if they need more information. He stated that DeVries summarized the three areas of concerns in her comments, drainage, water and septic. Golden commented that in his discussion with Mulhall he would strongly recommend against a waiver, whether it be a condition of approval, he believes that the applicant will have to do an extensive well testing.

Christodlous requested that in polling the Board members on whether or not they wish to wait to take a vote tonight, they make a statement on why they chose to wait. Bensley stated that he wished to wait in order to satisfy the concerns of the public as to the water, drainage and



septic so that there can be a report from the professionals addressing the issue; Boyce stated that she would have to abstain as she is not sure if she could vote on this right now because of concerns with regard to the water; Howell stated that if she were to vote tonight she would have to vote with the condition that there would be no waiving for the well testing; Huelbig stated that he would feel more comfortable with getting the answers with regard to the water testing situation, therefore, would not want to vote on it tonight; Christodlous stated that he is satisfied with two of the three issues, but is not satisfied with the water issue. Christodlous asked Golden for his input as to his recommendation. Golden recommended that Dykstra meet with Mullhall, who is the township's representative and he will dictate what he protocol will be and the applicant will have to execute it. Golden said that he would also meet with Dykstra and Mulhall as requested by Christodlous.

Germinario stated that this is a continuing hearing and wanted clarification of what to expect from Mulhall in his report at this time. Golden stated that his recommendation is in accordance with the regulations that are clear that the Board should do everything they can to minimize the expense, not increase the expense, Mulhall in *Phase I* of our ordinance will have to prepare a testing protocol in a preliminary recommendation. He continued, that when Mulhall has that protocol in place, the Board will know exactly what will have to be done and he went on to explain the next necessary steps. Golden stated that it is his recommendation to get Mulhall's report on the initial testing and to evaluate his testimony and to decide whether or not the Board will be willing to have the remainder of the test to be a condition of approval. The applicant agreed to have Mulhall be the professional to give testimony and provide his report.

The Board and the applicant agreed to adjourn the meeting until October 6<sup>th</sup>, 2009. Germinario stated that the meeting is adjourned to October 6<sup>th</sup>, 2009 with no further notice.

**OLD BUSINESS/NEW BUSINESS** - Christodlous polled the Board members to have Chuck McGroarty of Banisch & Associates present the Master Plan on October 15, 2009. In favor: Bensley, DeVries, Howell, Huelbig, Christodlous. Abstained: Boyce. Approved.

**VOUCHERS** – Motion was made to approve the vouchers by Howell, second by DeVries. All in favor. Opposed: None. Motion carried.

**ADJOURNMENT** – Christodlous asked for a motion to adjourn. Motion was made to adjourn the meeting by Howell, second by Boyce. In favor: all. Opposed: None. Meeting was adjourned at 11:30 p.m.

Respectfully submitted,

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Sue Howell, Vice-Chairperson

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T. Linda Paolucci, Secretary