

CHATHAM BOROUGH PLANNING BOARD

August 8, 2007

7:30 p.m.

Chairman H.H. Montague called the Chatham Borough Planning Board meeting of August 8, 2007 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mr. Montague announced that all legal notices have been posted for this meeting.

Members Present: Chairman H.H. Montague, David Gerridge, John Hague, Alison Pignatello, Bill Jankowski, Thomas Sennett, Alan Pfeil, Councilman Bruce Harris\*.  
\*arrived at 7:45 p.m.

Charles W. Foster, Esq., attorney for the Board, was present.

Members Absent: James Mitchell, Mayor Richard Plambeck

This meeting was televised live on Channel 21.

Approval of Minutes

The meeting minutes of May 2, 2007 were approved as amended.

Ogden Memorial Church – Memorialization on Jurisdiction of Application

Mr. Sennett recused himself because of a conflict of interest.

Mr. Foster noted that after he had sent out the version of the draft of the resolution, Mr. Knoll, attorney for Ogden Church, contacted him and asked if clarifying language could be inserted at the very beginning of the resolution. Mr. Knoll wanted to make sure that Ogden Memorial Church is designated as the applicant, not the Montessori School. Mr. Foster said he fulfilled that request in the opening sentence.

Mr. Foster said that all Board members should have copies of the memorialization of what was decided at last week's meeting. The only members who can vote on this memorialization tonight are the ones who voted favorably at last week's meeting.

A roll call vote was taken:

Mr. Gerridge	-	yes
Mrs. Pignatello	-	yes

The memorialization was approved.

Ogden Memorial Presbyterian Church Application – 285 Main Street

Mark Knoll, Esq., attorney for Ogden Memorial Church, was present.

Mr. Montague noted that the church has new proposed plans. The method of construction has now changed. Board members have received tonight a document, dated 8/7/07 from the church's engineer, Robert Moschello.

Mr. Knoll informed the Board that Mr. Moschello was present tonight, as well as Paul Drake, who is also with Gladstone Design. These gentlemen will be able to walk the Board through the new submission. This new submission has taken into consideration the questions raised by Mr. DeNave, the Borough Engineer, and the concerns voiced by the Historic Preservation Commission (HPC). Mr. Moschello and Mr. Drake remained under oath from the previous meeting.

Mr. Foster reviewed which exhibits had been submitted at the June 13<sup>th</sup> meeting:

Exhibit A-1: aerial view dated 6/6/07

Exhibit A-2: existing site rendering, Sheet 1 of 1

Exhibit A-3: Site Plan, Phase One

Exhibit A-4: Completed Phase Two

Mr. Knoll gave a thumbnail sketch of the revised plans. The final size of the Main Street parking lot has been reduced. The HPC voiced concerns about constructing on the Main Street side of the church property. The HPC wanted as much of the front lawn of the church property to be preserved as possible. Mr. Knoll said that the proposed plans have been adjusted accordingly. This particular adjustment is the major revision which will be presented in tonight's meeting. Mr. Knoll stated that revision negates the need to perform the construction in phases. The proposed construction will be done all at once.

Mr. Moschello testified that there had been revised plans, dated June 28<sup>th</sup>, submitted to the Board to address the comments stated in the Borough Engineer's first review letter of June 5<sup>th</sup> and the comments made at the June 6<sup>th</sup> Planning Board meeting. After that re-submission, the applicant had met with the HPC on July 17, 2007 to show them the revised plans. At that time, the HPC gave their ideas about the 16-stall front parking lot with a new access along Main St. The HPC asked that the size of the parking lot be reduced to save two existing trees on the front lawn. The applicant made revisions on their plans on the northwest side of the church property. Four regular parking spaces and one handicap space will be placed on the northwest side of the driveway. These parking spaces will be at 60 degree angles, measuring 9 feet by 18 feet wide.

Mr. Moschello stated that because of the reconfiguration of parking the paver exit-way will be changed from the bell tower to the parking area. A series of bollards and chains will be installed to prevent vehicles from entering the bell tower driveway from the other direction. The bell tower driveway will only be used on special occasions.

Mr. Moschello testified that the number of spaces on these revised plans is now 33 spaces.

Mr. Foster asked if the 3 parking spaces in the alley between the church sanctuary and Sunday School building would be for “pull-ins”. Mr. Moschello answered yes, the church employees would use these spots to pull in and park their vehicles nose first.

Mr. Moschello pointed out that unlike the original plan, the construction project will be done all at once. There will be no first or second phase of construction.

Mr. Moschello noted that the Police Chief had commented about the exit onto Main Street being for right turns only. That item is still shown on the plans. Mrs. Pignatello suggested a notation be made on that right turn only situation for a statute for the police to enforce.

Mr. Montague confirmed with Mr. Moschello that the driveway will be striped to show it is for one-way only.

Mr. Foster asked Mr. Moschello if the 22 parking spaces from a previous plan had been moved.

Mr. Moschello answered that these spaces were adjusted slightly and were moved five feet to the south. The Borough Engineer had expressed concern about the safety of vehicles backing out of the two most northern spaces on the previous plan.

Mr. Moschello spoke briefly about the zoning conformance. He reminded the Board that the proposed project is in the R-1 zone. The plans now have all the setback lines and all the dimensions for the building setbacks. Also, the setback dimensions for the parking spaces correlate with the setbacks on the cover sheet of the requested variances. Mr. Knoll pointed out on the plans on the easel the different locations on the church property where the four variances are being sought.

Mr. Montague confirmed with Mr. Knoll that a variance is needed for the number of parking spaces. Mr. Moschello noted that the **LDO** requires 48 parking spaces for the church. The church is proposing 33 spaces. Testimony will be given on this situation.

Mr. Moschello testified that no major modifications were made on drainage and grading plans originally submitted. Drywells will still be installed on the Elmwood Ave. lot. Mr. Moschello recalled that there had been questions concerning the roof leader situation. When the parking lot is constructed, the roof leaders on the east side will be tied into the new storm sewer that will go to the dry wells. Some impervious coverage has been reduced because the number of parking spaces has been reduced.

Mr. Montague felt that more testimony was needed on the drainage. He would like Mr. Moschello to talk about the rainfall and how the proposed system will deal with it. If an over-flow should occur, how will it go into the street? Mr. Montague believed there was currently no sewer to handle the flow.

Mr. Moschello indicated he will provide that particular testimony later in the hearing.

Mr. Moschello stated that the landscaping along the Elmwood Ave. parking lot is still being proposed. Since the parking lot along Main Street is being re-configured, the proposed screening will be shifted. There will be some smaller evergreen plantings along the western side of the parking lot.

Mr. Moschello noted that he and the applicant have received the review letter from the Borough Engineer dated Aug. 7, 2007. Mr. Foster confirmed with Mr. Moschello that Mr. DeNave had written this letter after he had reviewed the church's latest plans dated July 27, 2007. Mr. Moschello briefly reviewed some of the comments made in the letter.

Among the points made in Mr. DeNave's letter, Mr. Moschello informed the Board that a minor access permit from the DOT is no longer needed for the driveway. Also, the applicant has submitted revised plans to the Morris County Soil District and is waiting for certification. Once the certification is obtained, Mr. Moschello will submit a copy to the Board and the Borough Engineer.

Mr. Moschello offered to give testimony on the stormwater report.

Mr. Moschello referred the Board to Sheet 4 of 7 of the Grading & Drainage Plan in the site plan set. He testified that a series of drywells will be installed at the eastern portion of the site along Elmwood Ave. These drywells will be located underneath the proposed new parking area. Those drywells will pick up run off from the two inlets which are located on both sides of the new driveway and new parking area. The four drywells will discharge into the Borough's proposed stormwater system once it is constructed on Elmwood Avenue.

Regarding the stormwater calculations, Mr. Moschello discussed two maps, DA-1 and DA-2. He testified that he and the applicant had looked at three sub-drainage areas of the church property to see where the run-off goes under existing conditions. A three-point analysis was used to compare where the proposed run-off would be going once the proposed construction takes place. Mr. Montague confirmed with Mr. Moschello that the run-off "sheets off" the front portion of the property, over the grass and sidewalk, towards Main Street.

Mr. Montague and Mr. Moschello discussed the drainage on the sides of the property. Mr. Moschello confirmed for Mr. Montague that existing Drainage Area 3 goes to Point C. Also, the drainage from the driveway, which slopes, goes down towards the garage at the rear of the property. Mr. Foster confirmed with Mr. Moschello that at least part of the current or existing surface water run-off is from the roofs of the buildings. On the Elmwood Ave. portion of the building, there are a series of roof leaders that come down. The water from these leaders is collected into an existing manhole and then discharged to an existing pipe that drains out onto Elmwood Ave. When the parking lot is constructed, that pipe will be tied into the proposed drywell system. A portion of the water will be collected and discharged into the drywell system. Mr. Moschello stated that the entire

run-off cannot be picked up because there are roof leaders that come off the west side of the building that cannot be picked up because of the grade.

Mr. Moschello submitted Sheet DA-2, the proposed drainage area map. This map showed the configuration of the property after development and how the 3 drainage areas have been modified to pick up a large portion of the runoff from the new parking area on Elmwood Ave. and put it into the existing drywell system.

Mr. Moschello stated that proposed Drainage Area 1 still drains towards Main Street and the western property line. There would be a minor increase of impervious surface for the five parking spaces. Using charts from his stormwater report, Mr. Moschello explained where the increase will be coming from. He also reviewed the CFS numbers of Drainage Areas 1, 2, and 3.

Mr. Montague brought up the new proposed flow number for Drainage Area 3. He confirmed with Mr. Moschello that this proposed number was for the overflow going from the drywells into the street sewer. Mr. Moschello noted that until the new sewer is built, that overflow will go onto the street and continue to flow down the street until the existing municipal system picks it up. Mr. Gerridge pointed out that currently the flow backs up in a ditch that is silted over. The neighborhood refers to that backed-up water as "Loch Lehman" because it's in front of Les Lehman's house at 37 Elmwood Ave. Mr. Gerridge suggested Mr. Moschello put in perspective what the increase would be of 2 cubic feet per second.

Mr. Gerridge was concerned that these proposed plans will be putting 900 gallons of water a minute down a street (Elmwood Ave.) that's not ready for it.

Mr. Moschello stated that the intention is to tie the entire system into the Borough system which he understood would be constructed at about the same time the new parking area, if approved, will go in. Mr. Moschello believed that the Borough Engineer will tell the Board next month what work will be done on Elmwood Ave. Mr. Montague assumed that these drainage plans will produce a significant increase of water flow. Mr. Moschello admitted that there will be a significant increase beyond the existing flow; however, this flow is meant to go into the Borough system so no impact will hit the street.

Councilman Harris pointed out that the flow amount is more than double the amount for the 10 and 100 year storm. Mr. Moschello admitted that the drywells are designed to mitigate the smaller storm events. The drywells will not be able to mitigate a 100-year storm event. They will mitigate the water quality storms and the typical 2-year storm.

Councilman Harris asked if it would be possible to add more drywells to contain more of that water.

Mr. Moschello answered that a double amount of drywells would have to be added to the site to contain the water.

Councilman Harris and Mr. Montague indicated that they would like to know the number of drywells it would take to achieve this containment.

Mr. Montague asked which leaders from the roof will be covered by the drywells in these plans. Which leaders will not be covered?

Mr. Moschello referred Mr. Montague to Drainage Area (D-A2). He pointed out the eastern portion of the church. He believed one-third of the run-off from the building will be collected by the drywells, which wasn't being collected before. Mr. Montague confirmed with Mr. Moschello that the whole north side was not being collected. Mr. Moschello stated that based upon the grading and where the pipes are located, that area is lower than where the drywells are located.

Mr. Montague and Mr. Moschello discussed the roof leaders which come off the masonry building. Mr. Moschello stated that these leaders are probably 2 feet in the ground. To get a pipe back there to reach that corner of the building would be difficult. That is the reason why the eastern portion of the building is being picked further up the site. Mr. Montague reminded Mr. Moschello that sidewalks and grading work is being proposed as well as the new parking area. Mr. Montague asked Mr. Moschello to look at possible alternatives to putting all of the water down the driveway and into the back.

Mr. Foster referred Mr. Moschello to DA-2, regarding the northwest corner of the property. Mr. Foster felt that even with having leaders on the northern part of the building and the western parts of the building, even if the leaders ran to the surface, the drainage in DA-2 is going to be reduced over what it is now. Mr. Moschello agreed. He stated that for all three storm events, it is being reduced.

Mr. Foster asked Mr. Moschello if he was required to take the drainage from the roofs of the Montessori building at the north end of the property and redirect it towards the drywells, then the drywells will fill up that much faster. Mr. Moschello agreed. He also felt that more drywells would be needed to mitigate that run-off.

The leaders on the masonry building on the Coleman Ave. side were discussed. Mr. Knoll said if those leaders were left alone they would reduce the amount of run-off coming to the D-A 3 area into the drywells. Mr. Knoll pointed out that the Borough has made it very clear to the church that they are re-doing the drainage and sloping on Elmwood Ave. Mr. Knoll believed that the church's drainage plans and the Borough's plans were to work in tandem.

Councilman Harris indicated that the Borough Council hasn't seen the plans yet. He was concerned that the flow will be doubled onto Drainage Area 3 onto Elmwood Avenue.

Mr. Knoll clarified that the church will be redirecting flows into a stormwater system that they believe will be constructed as told to them by the Borough Engineer. He stressed

that the applicant is not trying to direct more water off the Ogden property down Elmwood Avenue.

Councilman Harris suggested the Borough Engineer should give his input to the Board.

Mr. Montague said he was just asking if, on the north corner, there could be leaders at that location to carry the water in the drywells and reduce even more of the flow that goes down Drainage Area 2.

Mr. Moschello said if a roof leader exists at this location and can reach inlet 1-2, it could be installed.

The Board and Mr. Moschello discussed the document entitled “Event 100 Year – Proposed Additions”. This document contained a chart showing the flow to go into the Drywell #1 and “out pond”. Mr. Moschello explained how a volume reduction was made on the flow because of the existence of the drywell.

Mrs. Pignatello asked if the volume reduction would be noticeable to the residents of Elmwood Avenue who have experienced run-off problems.

Mr. Moschello answered that there will be a **slightly** shorter duration of runoff. The peak is still going to be there; however, there will be less amount of water over a period of time.

Mr. Knoll asked Mr. Moschello if he had spoken with the Borough Engineer, Mr. DeNave, about the stormwater plan for the proposed construction.

Mr. Moschello answered yes. Mr. DeNave had requested notes on the plans concerning infiltration testing to make sure the drywells operate properly. He also asked for additional inverts on the plans connecting from one drywell to another.

Mr. Knoll asked if Mr. DeNave had requested that additional drywells be constructed.

Mr. Moschello answered no.

Mr. Montague was concerned about flow coming down the driveway. Mr. Moschello answered that the flow was “less than a CSF” based on the amount of pavement at that location.

Mr. Pfeil felt this flow situation could be mitigated if a trench drain was installed to connect the two inlets.

Mr. Moschello said that could be done; however, the calculations of the 100-year storm show that the flow would go into the drywell and then come back out. More water would be released on Elmwood Ave. Mr. Moschello said that with the 3-point analysis, he tried to spread the water out and reduce it wherever possible and tie some of the water into the

Borough system. This method would prevent more water from going onto the adjoining property.

Councilman Harris suggested that Mr. DeNave have a look at this analysis and advise the Board if there would be any impact on Elmwood Ave., especially with the Borough's planned improvements for that street.

Mr. Moschello noted that per the Borough ordinance, the way the site is designed under the proposed conditions is under the threshold requirements for disturbance of impervious coverage; therefore, the applicant does not have to provide any stormwater management on the site. Mr. Gerridge reminded him that doesn't hold true for the ordinance that prevents someone from directing water to neighboring properties.

Mr. Moschello said that the Borough Engineer's letter had no additional comments on the design or where the water was being redirected. Also, there were no additional requirements other than what Mr. DeNave had requested be put on the plans.

Mr. Knoll stated that when the initial plans were presented to the Planning Board, about three or four years ago, stormwater management was a key concern of the Planning Board. The church at that time did not have stormwater runoff estimates or plans to present to the Board. The church has now considered stormwater runoff very carefully with these plans. They have worked closely with the Borough Engineer to get his input. The church recognizes that there exists a stormwater problem on Elmwood Ave. They also recognize that anything they do to the Elmwood Ave. side of the property is going to have an impact on the street.

Mr. Knoll noted that these plans have been designed specifically with those concerns in mind. They have been working with the Borough Engineer since the plans were re-initiated a year ago. Mr. Knoll felt that the church's proposed stormwater plan will be an effective one.

At 9:25 p.m. a break was taken in the meeting.

At 9:35 p.m. the meeting resumed.

Mr. Montague introduced the Janet Siegel, Co-Chair of Historic Preservation Commission (HPC). He stated that Mrs. Siegel will present the Commission's report on these proposed plans.

Mrs. Siegel reported that the Historic Preservation Commission (HPC) had met with Ogden Church on two different occasions. The HPC had looked at the Preliminary Site Plans dated 6/28/07. They were very concerned about preserving the church's front lawn and saving as many trees as possible. Mrs. Siegel stated that Ogden Church is one of the contributing buildings noted when the historic analysis was done on Main Street. The church's front lawn and distinctive bell tower were contributing factors.

Mrs. Siegel noted that a precedent has been set for no parking in front of new buildings in Chatham's downtown.

Mrs. Siegel reviewed the points the HPC would like addressed on this application:

- 1) Maintain the current curb cut on Main Street
- 2) Allow only right turns onto Main Street
- 3) Preserve the two existing trees to the left of the driveway exit
- 4) Minimize the parking at the front

Mrs. Siegel said that the HPC asked that an investigation be done on eliminating the proposed east side parking. Also, they would like the **existing** driveways on the slope going down be kept. The HPC felt this arrangement would have less of an impact on the topography. A cut-in for a large square parking lot should also be avoided.

Mrs. Siegel reported that the HPC had discussed the sidewalk location. The sidewalk could be changed to align with the bell tower. This arrangement could eliminate the stairs on the current Main Street sidewalk. Mrs. Siegel submitted a written report giving the HPC's comments from their July 17, 2007 meeting.

Mr. Gerridge noted that the entire church was in the Historic District, not just the front yard. He pointed out that there are three large trees on the property. He felt that one of the trees that is being saved is dying. A second tree may be impacted by loss of root cover in the side yard. Mr. Gerridge asked Mrs. Siegel if any thought had been given to this situation.

Mrs. Siegel said that the HPC had discussed the "incredible balance" of the church's need for parking and issues on drop-off/pick-up of children. The HPC tried to think of the least amount of impact on the visual and the best way to address the church's issues. The HPC felt that Elmwood Ave., not Main Street, seemed to be the better location for the proposed parking. Mrs. Siegel and Mr. Gerridge briefly touched on the tree situation. Mrs. Siegel pointed out that she wasn't a tree expert.

Councilman Harris asked if the proposed parking lot would detract from the appearance of the Historic District.

Mrs. Siegel answered no. The HPC advised that the existing driveway remain the same, also the proposed parking will be on a higher grade.

Councilman Harris brought up the question of whether the church having any parking at all on Main Street would detract from the Historic District.

Mrs. Siegel felt that the topography works in the church's favor of having the parking on a higher level and out of walking sight.

Mr. Gerridge pointed out when some events take place at the church; vehicles have used the bell tower driveway. That driveway has occasionally served as “a parking valve” for the church.

Mrs. Siegel noted that the large cedar tree at the driveway will be removed. She pointed out the tree on the site plan.

Mr. Montague asked the public if they had questions for Mrs. Siegel.

Chris Weiss, 70 Elmwood Ave., asked how the analysis of the whole property would impact the church’s surrounding properties and residences.

Mrs. Siegel explained that basically the HPC does not approve any parking; however, they were requested by the Board to comment on the proposed parking and make any suggestions. The HPC had to take into consideration the direction of Main Street. In its review with the applicant, the HPC had questioned why those particular numbers of parking spaces were needed. The applicant had explained this need. Mrs. Siegel clarified that the HPC offers comments and suggestions. They cannot give a binding ruling. The HPC advised that the church’s front lawn and Main Street section as pristine as possible. The church then took the HPC’s suggestion and had reduced their proposals for the Main Street section of their property.

Bob Leverich, 43 Elmwood Ave., interpreted Mrs. Siegel’s answer to mean that basically the HPC’s perspective was focused on the view of Main Street, irrespective of anything else. He asked how were the recommendations of the HPC weighed with the concerns of the Elmwood Ave. residents.

Mr. Montague stated that the Elmwood Ave. residents will be given time to express their views. He said that by ordinance the HPC must give advice on plans such as these being presented tonight. The HPC’s advice is not binding.

Mr. Leverich reported that the residents have been making their case for the last two years. He claimed that that no compromise or action was taken by Ogden in consideration of the residents’ position. He pointed out that Ogden Church made an immediate response to the HPC’s recommendations. Mr. Leverich questioned why the church responded so quickly to the HPC’s input and not to the Elmwood Ave. residents. Mr. Leverich was concerned that in their deliberations, the HPC hadn’t taken into account what impact the parking would have on the Elmwood Ave. residents.

Mr. Montague assured Mr. Leverich that he and the residents will have opportunities to question the witnesses and a time to give their opinions.

The Board thanked Mrs. Siegel for her presentation.

Mr. Knoll indicated that he has parking calculations to enter into the record.

Mr. Montague stated that he would instead like to continue with the stormwater testimony. He asked that the parking calculations be given at a later time. This would give the residents tonight a chance to ask questions of Mr. Moschello.

Mr. Moschello noted that the Board had asked what would be the additional number of drywells that would be required to mitigate up to the largest storm events. He approximated a total of 10 drywells were originally proposed. He believed at least an additional 6 drywells will be needed on the church property to mitigate that runoff. That installation would be an added cost of approximately \$75,000 to the church.

Mr. Knoll pointed out that the church could construct drywells that could handle all of the run-off for the proposed project and not rely on any improvements planned by the Borough. He stated that the church does not believe that it should spend money on 6 additional drywells if they are not needed as a result of the Borough's improvements to Elmwood Ave. The church does not want to do any work that will have to be ripped out or that will be redundant in the face of the town's improvements to the street.

Mr. Moschello indicated that his testimony is finished.

Mr. Montague asked the public if they had questions for Mr. Moschello.

Martha May, 20 Kimball St., felt it was obvious that a drywell could be added in the church's front yard near the Main Street parking spaces and one behind the garage near the playground to take run-off from the northwest leaders on the church building. She believed these two drywells would prevent almost a complete net run-off to adjacent streets like Coleman Ave.

Mr. Moschello said that arrangement could be looked at. He felt the overall design of the project, with the run-off being put in the Borough system, and keeping the flows the same to the other two points of analysis, would then not force the applicant to provide any additional treatment. Mr. Moschello noted that under the proposed conditions the area behind the garage and the area up to Main Street will have equal or reduced amounts.

Mrs. Pignatello asked if there was a concern with the timing of the Borough's improvements and the construction of this proposed parking for the church. Would it be possible to put in 6 additional drywells that would be a temporary solution to the run-off created by the drywells in the event that the sewer system is not simultaneous with the project?

Mr. Moschello answered that without the Borough system going in; it would be difficult to do any off-site improvements to get the water into a stabilized channel somewhere down to the drainage ditch on Elmwood Ave. That ditch is badly silted.

Mr. Montague asked if there was any public drainage on Main Street.

Mr. Moschello said maybe. He'll check on that. Main Street has a DOT drainage system. Permits would be needed to connect into that system.

Mr. Montague felt it would be helpful to know the locations of the public drainage on Main Street and Elmwood Ave. The Borough Engineer would probably know these locations.

Mr. Knoll believed that intentionally diverting more run-off towards a state controlled sewer system raises all sorts of issues; however, that possibility can be discussed with Mr. DeNave.

Mr. Moschello believed that grade-wise the northern portion of the site can't be put back towards Main Street. The grade levels off as it progresses up Elmwood Avenue.

Bob Leverich, 43 Elmwood Ave., asked whether under the 100-year storm scenario, when the drywells are ultimately tied into the new Elmwood drainage system, will there be an increase or decrease **in** the run-off compared to current conditions.

Mr. Moschello answered that when the Elmwood Ave. drainage system is constructed, an inlet will be installed here (Mr. Moschello pointed out the Elmwood Ave. location on the plans). Mr. Moschello stated that the church's drywell system will tie into that inlet. Once this connection is made, the run-off from the church's storm system, when the drywells fill up, will drain directly into that inlet and into the Borough's piping system. Mr. Moschello said that the Borough Engineer will design this system to handle that run-off and take it into a pipe running down Elmwood Ave.

Summing up, Mr. Montague asked Mr. Moschello if he could look into these possibilities:

- 1) Hooking up more roof leaders
- 2) Looking into the merits of installing a drywell on the west side of the proposed five parking spaces in the front portion

Regarding #2, Mr. Knoll noted that this installation may reduce the run-off flow; however, the cost would be \$14,000. He felt the present plans as designed will reduce the flow off the Main Street side or keep it equal. Mr. Knoll didn't see a need for this drywell to be included in the plans.

Mr. Montague asked Mr. Moschello and Mr. Knoll if they would consider a trench drain to minimize the impact on the Coleman Ave. side of the property. Mr. Knoll noted that installation would produce even more soil disturbance plus another significant cost to the church.

Councilman Harris suggested that the Borough Engineer, Mr. DeNave, look at all of these options. He understood that Mr. DeNave will be describing the Borough's drainage plan for Elmwood Ave. at Monday's Council Meeting.

Mr. Knoll noted that he and Mr. Moschello have worked closely with Mr. DeNave to make these plans work. They realize the Board probably has questions for Mr. DeNave.

Mr. Knoll stipulated that the application will be carried at least until the next meeting, September 5<sup>th</sup>.

Councilman Harris suggested obtaining a report from the Shade Tree Commission on this application.

Mr. Foster asked if the Borough Fire Marshall had submitted a report.

Mr. Montague answered that he would check to see if these reports have been submitted.

Mr. Knoll said he would bring additional copies of the Police Chief's report to the next meeting.

Resolution – Side Yard Setback Ordinance B-2 and B-3 Districts

Mr. Foster distributed copies of the proposed resolution giving the Board's recommended amendments to the side yard setback ordinance for the B-2 and B-3 Districts as discussed at the last meeting. He read the resolution aloud.

A roll call vote was taken of those Board members who voted in the affirmative to this amendment at the July 18<sup>th</sup> meeting.

Mr. Gerridge	-	yes
Mrs. Pignatello	-	yes
Councilman Harris	-	yes
Chrmn. Montague	-	yes

The memorialization was approved.

Old Business

Shailja litigation

Mr. Foster read aloud a letter he had received today from Alan A. Siegel, Esq. Mr. Siegel's letter informed the Board that the plaintiffs have advised the court that they do not oppose the Borough's motion for summary judgment. The plaintiffs also advise the court that they will not seek additional discovery. Accordingly, the conference scheduled for Aug. 3, 2007 was cancelled and a pre-trial order was entered.

Mr. Foster noted that the law suit was originally against the Borough as well as the Planning Board and Shailja, LLC. The people who instigated the law suit have decided to drop the suit against the Borough. There will be no further proceedings against the Borough. Shailja, LLC and the Planning Board are still being sued. Mr. Foster reviewed what transcripts and exhibits will be needed for the November 9<sup>th</sup> trial.

On another matter, Mr. Montague reported that he has received comments on the Applicant Checklist, Attachment A from Mr. Foster, Mr. Mitchell, and Mayor Plambeck. Mr. Montague reviewed some revisions he had made to Attachment A. A final decision will be made on the waiver situation. Mr. Montague will make copies of the latest draft of Attachment A for Board members and Mr. Foster.

At 10:25 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary