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CONSTRUCTION DEPARTMENT

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**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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Construction Official

The Manasquan Planning Board held a Special Meeting on July 25, 2017 at 7PM in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Neil Hamilton told everyone this is a continuance but this application has been re-noticed again. Chairman Neil Hamilton asked everyone pre sent to please stand and salute the Flag.

**ROLL CALL:**

**Board Members Present:**

John Muly, Robert Young, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin, Leonard Sullivan, Kevin Thompson, John Burke and Neil Hamilton.

**Board Members Absent:**

Mayor Ed Donovan, Councilman Jim Walsh, and Barbara Ilaria (Mayor's Alternate)

**Professionals Present:**

Al Yodakis – BORO Engineering – Planning Board Engineer

Geoffrey S. Cramer – Attorney to the Board

Geoff read the Sunshine Law, rules of the meeting.

**APPLICATION #30-2016 – RALCO, LLC- OCLAR PROPERTIES, ATLANTIC VIEW CEMETERY – 49 FOREST AVENUE – BLOCK: 29 – LOT: 1 – ZONE: R-2**

Neil addressed the audience stating that we still have an objector attorney. He said Mr. Cramer we have had six or seven meetings on this and we are kind of like starting over, I don't know if we have to get a recap or set an agenda of how we are going to put this in place to try to get a resolve with this. We have a Use Variance before us, certainly we need to get the Use Variance up front and get that cleared up so we can move on. Mr. Cramer can you address Mr. Starkey and tell him how we are going to proceed here. Geoff said the notice that was published is a notice that Mr. Starkey, Mr. Middleton and I collaborated on, it incorporates all the concerns that I have with respect to the original proposed notice of the meeting, so he is satisfied with the notice. Obviously, there is before the Board our Engineer's written report, and his report clearly indicates that there is a need for several Use Variances. He asked Al to address the Use Variances as identified in your report. Mr. Yodakis said there are several Use Variances associated with the application. This is just for the expansion of the cemetery not considering the major subdivision portion of the application. As indicated in my report, only one single family residential dwelling is permitted whereas a commercial office and grounds keeper living quarters and associated site improvements are proposed. That's an expansion of the existing non-conforming Use of the cemetery. Also, also one principal building per lot is permitted. Two buildings exist the mausoleum and the garage building and are also proposed. The mausoleum and the grounds keeper's quarters. Then for the reduction of the size of the lot which is created by the five residential lots. So we are now making an existing non conforming use smaller thus intensifying it. Neil then told Mr. Starkey to proceed with the Use Variance, address the issues and see what the Board's feelings are so we can move on. Mark Apostolou asked if Mr. Middleton and Mr. Starkey would stipulate that the notice as filed was in total compliance. Mr. Middleton said on the record that the notice is proper and they can

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proceed. Mr. Starkey was in agreement. Mr. Starkey stated this is not the typical situation where the Use Variance can be segregated from the subdivision application. The subdivision property is what requires the Use Variance. He doesn't believe this blends itself to be heard that way, he wants his engineer to testify because about 90% of what we need to cover will simply come through him. If need be he has Mr. Larry Nikola present who is principal in the cemetery to testify. He is not sure if the residential developer, the principal of OCLAR Properties will be needed to testify but he is here. Mr. Starkey's hope is that Mr. Carpenter can provide testimony as needed in both the Use Variance and Subdivision in his testimony. Neil Hamilton said Mr. Cramer and Mr. Yodakis advised him they want to get this Use out of the way first. Do you want to proceed on or do you disagree. Mr. Starkey said as with the Use Variance he can present by the subdivision you are increasing the density of the non-conforming use which is the cemetery use. That's fairly straight forward, I can present that. If you prefer me to do it that way I could I will have Mr. Carpenter address those first and the subdivision second. Al Yodakis said there is going to be some overlap as the subdivision is a big part of the Use Variance here. Are we going to gloss over some of the technical issues first and do the Use, we are not going to dig into Storm water and those types of things in the beginning, we can deal with those later if the Board approves the Use. Neil Hamilton said in his thinking and we've heard so much on this, if we go back to the main structure and the addition in there, the caretakers facility. It could be too large for what the use is going to be, maybe that is too large in our mind. The buffer for the mausoleum so much of that is going to be removed, the vegetation is going to be removed, his thinking is if we decide ok the structure for the cemetery is too large and you agree we can get rid of that, we can provide buffer to the mausoleum so when the subdivision takes place still the folks of the new properties and those on Forest and Gardner are not going to look at the back of a building. We can get rid of these items that now we are just basically down dealing with a subdivision and the drainage and parking, road width, etc. That becomes a part of the subdivision. Let's try to move this in some organized fashion. Mr. Starkey said I think what you are saying the technicalities of the subdivision, drainage, turn around, etc. we can leave that until the end and address the other issues up front. Mr. Hamilton said you have about a two hour time frame to try to see where we can go with this and we also have an objector attorney. Let's proceed on. Mr. Middleton said in terms of trying to bifurcate the application, the use variance and the subdivision, his only comment would be his client's point of view Mr. Deacon, the drainage and the buffer issues which are part of the subdivision are central to his objection. Neil said we understand that. Mr. Starkey called Mr. Carpenter, Mr. Cramer swore everyone in. Mr. Starkey said for clarity the Board has two applications in front of it tonight. They are separate applications, they are consolidated for hearing purposes, but there is an application presented by the Atlantic View Cemetery Board, Site Plan and a separate application for OCLAR Properties, LLC for subdivision. A lot of this does appear to be overlapping but he wants to make it clear that they are separate applications. He asked Mr. Carpenter to give his name and credentials. The Board accepted his credentials. Mr. Carpenter gave an overview to the Board what is proposed for the cemetery portion of the application including the use variances. He said the principal use on this property is a cemetery, not an office. We need an office and garage to maintain the cemetery. He asks the office building be determined as an accessory structure. If we can agree to that then that variance goes away. Because we only have one principal structure on the property and

then we can hear where the reduction in the size of the property due to the subdivision. The entire site is being used for cemetery purposes at this time. The cemetery has been there for over 100 years, prior to the zoning changes so it would be a pre existing non-conforming use. Ray Carpenter said it's now zoned Residential, R-2, the cemetery I guess you could say is a commercial use in a residential zone. We need to clear up the garage and office as accessory use. Geoff said isn't the office also a caretakers residence. Ray said at that this time that is what their intent is. The garage and the office are strictly on the site to facilitate the cemetery. The idea of having a caretaker within this building is first of all to provide security for the site; second it's easier to have somebody on site for maintenance. Mr. Starkey said currently there is a structure on that site that provides for an office. Ray said there is a temporary trailer that provides for an office and there is an existing garage on site that provides cover for the equipment used to maintain the cemetery. Mark Apostolou asked questions of Ray Carpenter. Al said he doesn't think that's a vote we can take at this point to just say yes this is an accessory structure. I understand where you're going but the Board can't vote on it. Ray said we need someplace on site to store the equipment. We need an office to run the business, we need a place to keep records, a place for people to come in and make their arrangements. Obviously it would be a good idea to have somebody living on the premises, quite a few of these storage facilities have somebody living on the site for security. It's a non conforming use, we are trying to make it a functional use, the garage is already there, and the accessory office is already there, the only additional use would be for a caretaker. Geoff said so your testimony is that the purpose of the building is to combine a number of different functions which are now dispersed in these two other buildings on this site. Those two buildings are going to come off the site. Geoff said his only concern is what was testified previously by Mr. Nikola that he does operate and manage other cemeteries, so I assume you are going to have Mr. Nikola verify that whatever function this office serves is strictly and solely with respect to Atlantic View Cemetery. Mr. Starkey said certainly. Al Yodakis asked if this is a permitted use in Wall Township. He asked if there was any opportunity to do any type of expansion or construction in Wall Township. Mr. Carpenter said there are not any large areas sufficient enough for this building. Mr. Starkey said just so the record is cleared up, you said those other two structures there, the office and garage will be removed. Ray Carpenter said that is correct. Mr. Starkey said one of those was the subject of prior Resolution of the Planning Board. Neil said the way you read the Resolution of four or five years ago regarding the trailer, it was kind of vague waiting for them to come back for an additional application which they didn't do. In this application now, should it go forward we are going to be specific as to the removal of that trailer and demo that garage. Kevin Thompson said he could see possibly giving them a garage and an office but he doesn't think they should have living quarters on there, he is against that. Neil said duly noted and he feels the Board is well aware of that, he is making a notation to come back to that issue. Ray Carpenter said the second issue relative to the Site Plan is taking a portion of the land and separating it from the cemetery use for another use. In doing so, technically you have a use and you are reducing the lot size so therefore you are intensifying the use on the property. Taking that land away from the cemetery you are reducing the number of graves in the cemetery, so on one hand you are theoretically intensifying the use for the remainder of the site but you are also removing a good number of potential burial sites and Mr. Nikola could tell you how many graves he could fit into that site. The upside of this

development where he sees it is a couple of things. One, you are getting rid of the trailer and the garage which you have been wanting to do for a long time, we are providing a drainage system that is going to essentially eliminate runoff from the cemetery onto Forest Avenue. We are providing a landscape buffer along the rear of the lot that we are subdividing to screen it from the Mausoleum. We are converting a piece of property that is non-conforming to conforming. That's pretty much it as far as the Site Plan, there are obviously things associated with the subdivision that's going to be a plus to the Community also. We are providing new sewer and water to a good portion of Forest Avenue. Geoff said so you are saying the special reasons include but not limited to all these different new improvements, the new sewer line, new water line, perhaps a road widening that takes place on the client's side of the property to extend it all the way to Church Street. Ray Carpenter said no, we are only proposing it down to Garner he believes. Mr. Starkey said closer down on Forest toward Church Street there are grave sites within five-feet of the road. Neil asked if graves would be behind the Mausoleum and the proposed new structures. Ray said we are not proposing that at this time, there is always a possibility that they may put graves there. That is not part of our application. Mr. Starkey said cemetery land will be reserved for cemetery use it's not the subject of the Site Plan. Neil asked if there are currently any grave sites south of the Mausoleum that would be pretty much up to the rear yard of the first two homes from Gardner. Mr. Starkey said Mr. Nikola would address that. Ray said as part of this application we are only proposing to clear enough land to establish the drainage system, and the buffer and the lots. Neil said when he sees that property it's pretty thick, so I'm trying to comprehend when you clear this to get these conforming lots, what kind of vegetation, tall trees, mature trees, whatever is going to be left to provide a substantial buffer to the Forest Avenue and Gardner Lane people. Ray said there are not a lot of trees in there, maybe 25 trees, the rest is undergrowth. Kevin Thompson asked Ray if he did see his report about the trees, anything over 6-inches must be identified by size and species and the reason for removal shall be detailed. The Shade Tree Chapter must be complied with. Ray said they are proposing a buffer, the berm on the buffer is 2-feet high and they are proposing 6-foot high evergreens on top of the berm. Al said he believes there was testimony at any point the cemetery could come in and clear any of that and put graves in those areas. Mr. Starkey said he believes the testimony was that the cemetery could at any point remove those trees and put graves on the site. Kevin Thompson said so in theory you could clear what you are doing for now, if this goes through houses would go on there and then a year later you could come back and take all the other trees down for graves. Ray Carpenter said it wouldn't be us it would be the cemetery. Kevin said correct but it could happen. Ray said it could happen; they could go out there tomorrow and clear all those trees. Mr. Cramer asked if there was plat of this cemetery filed with the Cemetery Association in Trenton that shows the entire area of this cemetery including the area of this section we are talking about between the Mausoleum and the back of the Mausoleum on Forest. Mr. Starkey said he would call Mr. Nikola to testify to that. John Burke asked if putting a residence in the building for the overseer to live in is that a common practice. Mr. Carpenter said Mr. Nikola will address that but there are three storage facilities on Route #34 that have living facilities. Mr. Middleton asked about drainage details, he is not going to touch upon the buffer or the drainage now. He asked Mr. Carpenter you testified that one of the positives here would be instead of having graves in the area where the homes are proposed it is better to have

the homes. Ray said it would be a permitted use instead of a non conforming use. Mr. Middleton said in regard to Mr. Cramer's question, have you reviewed any maps of the cemetery. Ray said he has seen an old survey of the property that denotes what was there prior to 15 years ago that outlines where the graves, streets are and the Mausoleum. Mr. Middleton said when I told you that the map itself shows no graves here whatsoever, this is the official map will that impact your decision or your opinion as to whether or not the subject plan promotes the purpose of the Zone. Neil said let's just get through quickly on the map and wait until Mr. Nikola comes up. Geoff marked the map of the cemetery as Exhibit O-1, it's a map of the cemetery he requested this through an OPRA from the Cemetery Board, they directed him to contact Troy Nikola directly, which he did about 6 weeks ago and he provided this to him. This is the official cemetery map, he notes for the public and the Board members the market area in orange is the Mausoleum. Mr. Starkey said Mr. Middleton seems to be providing testimony about expert cemetery maps, he thinks if he had Mr. Nikola testify first subject to the cross examination it might be a lot more efficient. This is the first time Mr. Carpenter has seen this map, he didn't even know it existed. Mr. Middleton said Mr. Carpenter testified as a Planner that this plan promotes the purpose of the zoning because instead of gravesites at the subject area we will have houses. My point is there are still graves on the map. Neil said that's on record let's proceed on. Tim Middleton asked Ray Carpenter what information he relied on to conclude that there be graves in the area where the homes would go. Mr. Carpenter said it is owned by the Atlantic View Cemetery and in being used as a cemetery they have the right to use their land as they wish as a cemetery. I might point out there was no objection when the Mausoleum was built and that's not shown on this plan. Tim Middleton continued to cross examine Ray Carpenter, Neil stopped him and said to stay on track with the cemetery itself. When we get into the subdivision you will have plenty of questions, the road and drainage, etc. Mr. Middleton asked Mr. Carpenter the size of the caretakers living quarters. Ray answered it's in the file. Mr. Cramer addressing Mr. Starkey said the Affordable Housing contribution will be 20% on the six (6). Mr. Starkey said he doesn't think that is true. Geoff said he just wanted to bring it to his attention. Mr. Starkey said he would like to have Mr. Nikola testify. Al said he had another question, he said you testified you were making the property more conforming by proposing this residential use, however now we are putting a conforming residential use directly next to what's an existing non-conforming use at the cemetery, do you see any problems with that, not providing a roadway buffer as well as this additional buffer, we will have a buffer of what 10-feet. Ray said we will have 35-feet and approximately another 5-feet for us to establish the drainage system, so we have about 50-feet from the structure to the nearest gravesite. Mark Apostolou asked if there is a height restriction as to the monuments in your cemetery. Ray said he is not familiar with that. Mr. Starkey said that would be for the cemetery Board. Next Mr. Nikola was sworn in, he gave his general background. He has been in the cemetery industry for 43 years; he owns and operates 20 plus cemeteries across three different States, four funeral homes out of State. Mr. Starkey asked him if he was familiar with the Statutes in New Jersey and the regulations pertaining to cemeteries. He answered yes. Mr. Starkey asked Mr. Nikola what is the purpose of the Atlantic View Cemetery in entering into this transaction for the sale of this property which is pre-existing non-conforming for a residential subdivision. What was your intention? Mr. Nikola said they were able to receive a lump sum of money to beautify the cemetery, we were going to build

a new office building, possibly living quarters for a caretaker which is normal in the cemetery business, in New Jersey and throughout the United States. Build a garage that would house a lot of our equipment. Pave all the roads, generally beautify the cemetery. Mr. Starkey said as part of this process you made an application to the NJ Cemetery Board for an approval of the sale of that property. Mr. Nikola said yes. Mr. Starkey said did the Cemetery Board approve that sale? Mr. Nikola said yes they did. Mr. Starkey said as part of that application was a determination made that no part of this property is being currently used for graves. Mr. Nikola said again that's very common in the cemetery business, it's undeveloped land, we have the right I can put that land into graves, I can put that land into an above ground Mausoleum, I don't need a Township's approval to make graves, I can take down any tree that I need to take down in order to do an interment. The cemeteries have the right to build above ground Mausoleums. Mr. Cramer asked Mr. Nikola if behind the existing Mausoleum, between the back of the Mausoleum and Forest Avenue are there any grave sites at all? Mr. Nikola said no sir. We have the right to but we haven't done any as of yet. This is undeveloped land. Al asked if they have sold any gravesites there, he answered no. He said they would not be putting a caretaker on the property for maybe 50 years; it makes perfectly common sense for us as a cemetery to have a caretaker to control his costs. Mr. Starkey said the property that is the subject of the subdivision is roughly 25000-square feet, do you know approximately how many graves could be placed on that site. Mr. Nikola said a little more than 500 graves, double depth would give you 1,000 internments. Mr. Starkey said Mr. Middleton has marked a map he has blown up, are you familiar with that map. Mr. Nikola said yes, this is a map that was given to us when we acquired the cemetery. Mr. Starkey said there is also a question raised about whether the office will be limited to serve the needs of just Atlantic View Cemetery business. Mr. Nikola said yes. Mr. Starkey said and there will be a ten-foot buffer around the perimeter of the property to be subdivided, is that correct. Mr. Nikola said yes. Mr. Cramer asked Mr. Nikola if the area behind the rear of the existing Mausoleum out toward Forest the vegetation will be removed and there will be an in ground sub-surface drainage system installed closer to the Mausoleum than to Forest. Mr. Nikola said it's going to be behind the homes. Mr. Cramer said between the proposed homes and the Mausoleum. Mr. Cramer asked is there any room left in that area to the rear of the Mausoleum to the road that could be used for internments. Mr. Nikola said yes sir. Mr. Cramer said if the subdivision is approved how much remaining landsaid how much land could be used for internments. Mr. Nikola said all of it. Mr. Cramer said if the subdivision is approved how much remaining land you would have for internments. Mark Apostolou asked if there is any area governed by the Cemetery Act for drainage that can't be used for interment. Al said he doesn't want to comment about the Cemetery Board, he is not familiar with their standard but yes anything that is being used for drainage control for what's being proposed can't very well be used for internments. Kevin Thompson said you said one of the reasons that you were selling off was to make the improvements. Then you said some of these improvements may not happen right away. Mr. Nikola said I didn't say that. He said he said the caretakers quarters may not happen right away. Right now that's an attic above the office. We are not going to get this improvement and then in a week or a year put a caretaker in there. Kevin said but your improvements include a new garage and a new office. Mr. Nikola said it's all going to be in one building. Kevin said if this goes through and a lot of vegetation comes out over the years you could expand on your side

putting graves in that you are allowed to do so in essence you are making very little vegetation there in the future. Mr. Nikola said that would be correct but if this doesn't go through I can still put graves where I want to put them or I would be allowed to put them and then in that half an acre which would be those homes. Again, I want to be a good neighbor and I see these homes as being very, very pretty and give more of a buffer to the families that have homes in there. Kevin said so in theory what you are saying if this doesn't go through, you could take the trees down. Mr. Nikola said we are allowed to do that. Kevin said I'm just asking for clarification. Mr. Cramer asked Mr. Nikola if in a 5-mile radius of Atlantic View Cemetery are there other cemeteries that you are involved in managing. Mr. Nikola said Manchester, Whiting, Holmdel, Matawan, Short Hills, White Cedars. Mark Apostolou asked if it was stipulated that the 10-foot buffer will remain a buffer, it cannot be used in any other form whatsoever other than buffering and drainage but cannot be used for cemetery, it will be an allocated deed restrictive. Mr. Starkey said yes it will be deed restrictive. Neil said if this application is approved he hopes that certainly those that are going to buy these homes in the neighborhood of 6 to \$700, 00 eventually they can look out their rear window and they are going to see graves within 10-feet of their property line because obviously there is going to be a fence and planting arborvitaes or whatever on the other side of the fence on the cemetery property in my estimation doesn't provide much of a buffer it's just a planting of some sort. He doesn't know if it's really going to shield those residential properties from the rear of the Mausoleum or the grave sites down the road. I hope that if this application goes through that the purchasers are fully advised of what they could possibly face down the road. We have been through buffering as the Judge said and things die and are not replaced and you are fighting an uphill battle trying to get a Site Plan maintained all the time. Just my comment for the record. Mr. Starkey said this is different from a gas station or a 7-11. Neil said I understand that but still if I bought a home there I would certainly look out today and see maybe some lush trees and some grass growing there and 5 years down the road now I'm seeing on Saturday afternoon we got a digger back there and all of a sudden this property becomes consumed with graves. Mr. Nikola said there are houses up on Church Street and the cemetery has been there, cemeteries have been maybe 5-feet from the road, they are not complaining. Greg Love said they have the road, they have 30-feet plus the 5-foot. Mr. Nikola said he has cemeteries in Holmdel which is a lovely area there are six million dollar homes there right next to the cemetery. Short Hills is the same thing, it's not uncommon. Many cemeteries are pre-existing non-conforming uses. Bob Young said he thinks it's also fair to say the back of the Mausoleum today is not the most attractive structure in the world. Mr. Nikola said that's a temporary wall, you are absolutely correct. Tim Middleton on cross asked about the map that he has and the location of graves and possibly future graves. He had a letter from the Cemetery Board offered as Exhibit O-2. Mr. Starkey stated that according to the Cemetery Act in order to sell land the cemetery has to certify that there are no graves on the land, and that the land is not needed for cemetery purposes. That certification is what has been marked as Exhibit O-2. Mr. Middleton continued to cross examine Mr. Nikola. He asked about the number of graves in the cemetery, the proposed beautification of the cemetery. He asked about the entrance ways. Mr. Middleton asked about the contract between OCLAR and the Atlantic View Cemetery which he had Geoff mark as Exhibit O-3. He asked what the sale price is which Mr. Nikola answered one million, one hundred and twenty five thousand dollars,



subject to approval of the Planning Board, 15% of the contract price has to be allocated towards capital improvements. The same goes into the preservation and maintenance budget. The remaining money goes into a general fund. Neil said we need to get back to the Use Variance or where we are going, I don't really care what he paid for the property. He's going to do the improvements, he made a deal, so if we get through the whole project how he spends his money is up to him. Mr. Middleton said he understands but he believes that underlying facts concerning the transaction are relevant. No further questions. Mr. Starkey said that's what we have on the Use Variance. Geoff Cramer asked Mr. Middleton if he was presenting the Planner he has on engagement. Will he be presenting on this part of the application Mr. Middleton said yes. Mark Apostolou made a motion to open the meeting to the public, seconded by John Burke, all in favor none opposed.

**Audience Members coming forward:**

**Patrick Accisano – 18 Gardners Lane** – He had a question for the Board, is the Board going to be voting on the Use Variance and then proceed to the drainage issues because his understanding from Mr. Middleton is the drainage issues are entwined. It is his understanding the applicant has to satisfy negative criteria and he believes there is going to be testimony with regard to the drainage. His point is if the Board grants a Use Variance without hearing drainage testimony it would be an incomplete consideration by the Board. He hopes the Board withholds a vote on both these Variances and the subdivision, the Site Plan until they have heard all of the testimony.

Mr. Starkey responded in that they have presented testimony on drainage, he thinks it's relative to the Use Variance, what he thinks Mr. Yodakis referred to is the technical aspects of the drainage which we will get into when we hear the subdivision application. Neil asked Geoff Cramer if we grant the Use that they are at least able to move these properties for consideration for subdivision and they don't meet the criteria for the subdivision that's going to entail all the drainage and buffering and Street widening and parking and those issues, then the Use could pass but the subdivision could fail.

Mr. Cramer said he thinks Mr. Accisano is obviously expressing his concern that there is a drainage issue that the Board should consider. Mr. Accisano said that's correct, he knows that the applicant is talking about how they can put graves and there is no question that under Section 27 of the Cemetery Act that they can do that. That's not what's being proposed. What's being proposed is an office and a garage, etc. and these residences while they comply with the R-2 Zone are intensification because it's a mixed use and we are talking about traffic issues, etc. and his understanding is Mr. Middleton is going to be providing some information and the residents are to with regard to traffic, the water situation. The Environmental Commission has concerns with regard to the location of the wetlands. Mark Apostolou said you are asking the Board respectfully to consider drainage prior to its granting of any Use Variances. Mr. Accisano said yes. Geoff Cramer said Mr. Accisano raises an important issue; there is an existing drainage plan for this portion of the applicant's property previously approved by this Board. Mark said we are aware of it. Mr. Starkey said its part of our Site Plan application. We acknowledge we have to comply with the drainage requirement. That is not the Use Variance part. It's a planning part of the application. I understood you wanted to hear the Use part of the application. Mr. Accisano said he doesn't believe the Board can make a determination with regard to the negative criteria until it hears everything on the drainage, he knows the applicant has provided testimony and plans with regard to it but Mr. Middleton and also members of the

public has comments and are going to want to talk about this. Some of the conditions that they may raise could impact the negative criteria and even if it doesn't result in a denial, one of the things that conditions an approval does is it lessens the impact, lessens the negative impact so I don't think this Board can make a finding until it hears everything. Mr. Middleton agreed. These applications are married; the subdivision application is really driving the bus here. Mark Apostolou interrupted stating under due process the language that we have had, with the issues of the notices even though it was stipulated now that this is arisen, just to appease any appellate level issues we should deal with the drainage as part of the application. Mr. Starkey said all of our drainage testimony is in the record. It has to be. Neil said from what he understands between Mr. Yodakis and Mr. Carpenter and Mr. Middleton may even have been in the loop that hopefully we have this drainage issue resolved that we can get this out of the way. This Board and I've said this from the get go, we have a lot of faith in our Engineer's expertise once Mr. Yodakis says that he is satisfied that this drainage is satisfied and it's a go, this Board needs to move on. We need to get this done, let's get this drainage out of the way and if there is an objector to it then we are going to have to move on. Mr. Starkey said once the drainage comes in we are no longer doing the Use Variance. Geoff Cramer said the first issue the Board is going to review with the testimony received this evening is whether or not Use Variance relief should be accorded to your client with respect to the application before the Board. Because I don't see this Board going any further, we have to spend time to determine whether or not the Use Variance relief is approvable. There was a lot of heated discussion as to how the applications should move forward in being heard. Mr. Cramer said we take the drainage issue first, we'll have the engineer comment on the Golub drainage plan for the Mausoleum, let Mr. Carpenter respond to that, and then after hearing that testimony we will allow Mr. Middleton to put his expert witness on, and then at the end of the portion of that testimony we will ask for comments from the audience, members of the public to make their remarks and then we will move to a consideration of the Use Variance. Geoff asked Al to speak with respect to the drainage plan to the Mausoleum. Al said he didn't want to provide testimony for the applicant. Mr. Starkey said Mr. Carpenter would testify to the drainage. Mr. Carpenter gave his testimony. Al said the Performance Guarantee Bond was posted for the Mausoleum, the improvements were accepted and it was then released. He did not have inspection reports from back then and it was not a firm he worked with. Mr. Cramer asked what system was approved back then. Mr. Carpenter said it was a re-charge system basically made up of cells like a honeycomb effect, all roof drains are internal to the building from what he understands there are no exterior gutters or leaders, the roof is pitched to the center there are roof drains in the center and they drain down to the re-charge system. Mark Apostolou asked if anyone has found a re-charge system underneath the building. Ray said according to the calculations they are somewhere in the area between the Mausoleum and the driveway in front of the building. The problem with these types of systems is if you dig down to find them you might cause them to fail. Al said he agrees with Mr. Carpenter that the plan and the drainage report shows that they are located in the front of the Mausoleum in between the driveway and the entrance to the Mausoleum. Mark Apostolou asked if they could possibly use sonar or some way to ensure the system is definitely there. Both Al and Ray said they have been there during rain and there doesn't seem to be any evidence of the system not working. Geoff asked Mr. Carpenter if there was another drainage system behind the Mausoleum. Mr. Carpenter

said on one of the drawings it showed pipes leading out to that area but they did some exploration in that area and couldn't find anything. Al asked if the rear of the Mausoleum could be tied into the proposed system and Ray said very easily. Mark Apostolou had many other questions regarding drainage for Mr. Carpenter. Kevin asked the owner of the property Mr. Nikola if he would certify that the system was put in. Mr. Nikola said it was 17 years ago and he didn't remember. Mr. Starkey asked him if he ever had any drainage problems and he answered no. Kevin asked if it is fair to say that years ago it was costly to put the re-charge system in and Mr. Carpenter said yes he would think so, a Bond was posted, and there must have been some drawings of some kind of the specifications. Mr. Carpenter said the site generally flows in a West to East direction, he showed the site on his Site Plan, we designed the water from the site to flow over off the roof of the office building, off the roadway off the sidewalks and the possibility of it flowing off the top of the building and flowing overland down to the berm that we had earlier spoke about which was going to be about 2-feet high and underneath the berm we were going to place a 2 rows of 250-foot 36-inch perforated pipe surrounded with stone. We are also going to construct two inlets behind the berm. The way we designed it we felt that we would overdesign the plan so that virtually a 100-year storm based on our calculations there is no runoff from the cemetery at all. Kevin asked if the maintenance of the system would be controlled by the owner and Mr. Carpenter said that is correct. There would be a maintenance plan prepared given to Mr. Yodakis that we will have to abide by the maintenance plan. In some Towns they require a Bond for the drainage so if it wasn't maintained money would be taken out of the Bond. Al Yodakis said you said there would be no runoff from the cemetery he doesn't believe that's an accurate statement, he believes what he meant would there would be no runoff in the 100-year storm in this area contributing to Forest Avenue. In those calculations you took into account the area behind there but all drains there as well. Greg Love had questions regarding the area where the woods are now which will be grass. Other Board members asking questions were Mark Apostolou, Mark Larkin, and Al Yodakis had many other questions regarding the drainage and the proposed new houses. The proposed new houses will have basements. Ray Carpenter said the water table is low enough there that there wouldn't be a problem with water in the basements. Ray addressed the rest of Al's report. They are proposing Leyland Cypress on the berm. Mark Apostolou asked if they could possibly make the buffer an additional 5-feet. Al said the limits of clearing must be shown on the plan. The increased clearing may also require a modification of the applicant's NJDEP permit for the area. Mr. Carpenter said they would revise the footprint of disturbance revised and send them a new map. Al said we are close to wetlands and the head waters of Judas Creek so you need to do that, the applicant stipulated they would do that. Al asked if in a large storm the pipe completely fails what's going to happen to the water. Mr. Carpenter said the water would flow along the berm and flow out toward Judas Creek. Al said it would start piling up behind the berm for a foot or two, again I'm talking about a serious storm. Mr. Carpenter said this is designed to accommodate a 100-year storm. Al said we are proposing porous pavement for the entrance drive in front of the Mausoleum, that was incorporated as part of the drainage calculation, what are we proposing there, porous pavers, porous pavement. Ray Carpenter said the pavers would be sand base and porous pavement, these are actually porous pavers approved by the DEP manual. Mr. Carpenter had the drainage plan which he had Geoff

enter as Exhibit A-1. Mr. Hamilton said before you go into that the Board is requesting a 5-minute break.

**Roll Call Following Recess:**

**Board Members Present:**

John Muly, Robert Young, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin, Leonard Sullivan, Kevin Thompson, John Burke and Neil Hamilton.

Mr. Hamilton explained to Mr. Starkey that they will finish up with the drainage exhibit and that will be the end of this evening. This will be digested by Al Yodakis, Tim Middleton and Ray Carpenter. The next available meeting to carry this to will be August 15, 2017 at 7PM. This date was advertised for 4PM so Geoff will prepare a Resolution changing the time which will have to be published.

Mr. Starkey asked if there will be a fee for a Special Meeting and Neil said we are waiving the fee.

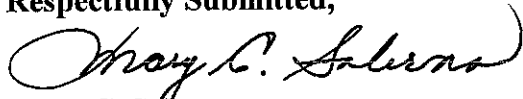
Ray Carpenter then addressed the Drainage Map, he explained that the report is in the Board Secretary's file. It's in the Storm water management Report, he explained the map to the board members. Board members asking questions were John Burke, Greg Love, Lenny Sullivan, Mark Apostolou, Geoff Cramer and Al Yodakis. Al explained to the Board that there would be two 250-foot long for a total of 500-foot 36-inch pipes, a massive underground storage system that is what will reduce the runoff not the pipe under the Street. The berm isn't catching water, the berm is stopping it. The pipe under the Street is a benefit to our Public Works guys so that they won't be hitting this ductile iron pipe and we have somewhat of a safety issue with these open holes just going into this pipe. Mr. Starkey had questions for Ray Carpenter. He stated this would advance the public good if this application is approved. Neil Hamilton addressed the audience and told them they would not be re-notice and there will not be a re-publication, the application will be carried to 7PM on Tuesday, August 15, 2017. Mark Apostolou made a motion to amend the time of the Special Meeting seconded by John Burke, all in favor none opposed.

Mr. Starkey said his clients have tried to meet with neighbors and if anyone wishes to speak to them they can contact either him or Ray Carpenter.

John Burke made a motion to adjourn the meeting, seconded by Mark Apostolou, all in favor none opposed.

**MEETING ADJOURNED AT 9:33PM**

Respectfully Submitted,



Mary C. Salerno  
Planning Board Secretary