

WHARTON PLANNING BOARD
REGULARLY SCHEDULED MEETING
August 13, 2019

The regularly scheduled meeting of the Wharton Planning Board was called to order with Chairman Ken Loury reading the Open Meeting Statement as required by law as well as the Judicial Proceeding Statement.

ROLL CALL was taken and the following members were present: Chairman Ken Loury, Ms. Charlotte Kelly, Mr. Roger Steele, Mr. Mark Harris, Mr. Peter Rathjens, Mr. Brian Bosworth and Mr. Christopher Fleischman. Also, present were Attorney William Mennen, Planner Jessica Caldwell, Engineer Christopher Borinski and Secretary Patricia Craven. Excused were Mayor William J. Chegwiddden, Councilman Thomas Yeager and Mr. Patrick O'Brien.

The Pledge Allegiance to the Flag was next.

An announcement was made by Chairman Loury that the DePiano application that had been carried to this meeting was not on the agenda because they are still incomplete. Also, the Equinet denial Resolution would not be read at this meeting but would be read at the next meeting.

The reading of the bills was next. A Motion was made by Charlotte Kelly and Seconded by Christopher Fleischman to approve the bills as read. YEA – 7 NAY – 0

The Minutes of the June 11, 2019 Planning Board Meeting was next. On Page 4, the name of the Planner should be Dave and not Dan. A Motion was made by Brian Bosworth and Seconded by Mark Harris to approve the Minutes as corrected. YEA - 7 NAY- 0

Next, was the Minutes of the July 31, 2019 Special Meeting. A Motion was made by Roger Steele and Seconded by Brian Bosworth to approve the Minutes.
YEA – 5 NAY -0 ABST – 2 (Kelly & Harris)

Next on the agenda was the discussion of the Port Oram landscaping. Christopher Borinski stated that the developer of Port Oram has made a request to change the landscaping at the front of the building along Main Street. The lighting and landscaping plan that Mr. Mosco is giving to the Board are the same plans that were with the original application. Chet Mosco from Port Oram addressed the Board. He stated that the front of the building gets no sun light and with all the salt from the snow plowing the plantings that the Board required will not grow but die and continually have to be replaced. The sidewalk along there is 6 ft sidewalk. He spoke with Jon Rheinhardt and Mayor Chegwiddden who would like to see the 2 ft ribbon of pavers, that is throughout the downtown, continue along the front of their property. This would reduce the sidewalk to 4 ft. They are proposing either concrete to the building or pavers from the sidewalk to the building. They had proposed trees further down on the property closer to Washington Street, not in front of the building. The Chairman recalled trees all along the frontage. Engineer Borinski stated that he did not think trees were approved in front of the building. He stated that the sidewalk in front of other businesses in town is less than 6 ft. There are plantings in front of these businesses but many have been replaced a few times. Roger Steele asked about other

plantings that may be salt resistant. They would like to see plantings along the front of the building. Planner Caldwell suggested planters along the front and propose additional landscaping elsewhere on the site. Mr. Mosco stated that, what they do not do out front they can do in the back of the building. Mr. Steele stated that they would like to see plantings along Main Street to make Main Street more attractive with the greenery.

Attorney Mennen stated that this sound like an informal presentation seeking input from the Board. Is this a field change or do they need an amended site plan? If they are going to change from plantings to concrete or impervious coverage the public should be noticed. If they are changing from one species of plant to another, that would be a field change.

Chairman Loury stated that there was 100% conversation about having Cherry Trees, proportionately spaced along the entire length of the property along Main Street.

Peter Rathjens stated that #3 on the plans they handed out states that there is landscaping between the sidewalk and building, along Main Street and Kossuth St.

Brian Bosworth stated that there is less space in front of other businesses along Main St. and they have landscaping.

Mr. Mosco stated that what he is hearing is that the Board would prefer landscaping along the front of the building so that is what he will do. He will make a presentation to Ms. Caldwell of his plan.

Mr. Steele state that he would like to see permanent plantings.

Planner Caldwell also suggested planters that can be planted with seasonal plantings.

The Board will rely on the experts.

Mr. Mosco also brought up the park at the intersection of Main Street and Washington St. They have the high-pressure gas vault at that corner. What they had proposed for that area was a concrete walkway with a retaining wall. The gas company will not allow them to dig footings in that area. When he spoke to Jon, the Mayor and Scott Hutchins they would like to see a paver patio there with some benches. He will continue the white vinyl fencing along that area. Roger Steele recalled that the discussion about this area was that it was the entrance to Wharton. It included a sign and some type of monument. Chairman Loury spoke for the Board that they would like, at a minimum, pavers, patio and seating. Something that is very welcoming to the town. They will rely on our professionals.

Engineer Christopher Borinski reported on Wharton Industrial. The rock crushing equipment has been broken down for over a month and will hopefully be fixed this week. They will resume in 2 weeks and will be finished in about 3-4 weeks. The rock piles and crushed rock will be moved. The west driveway is complete. Building E is powered but Building F is not. They are working on the east driveway which goes in front of Building G and are doing some test pit excavation. They have to redesigning the location of the storm sewer that goes through that area. For

Buildings E & F they have ordered and will be installing the signs for those building in the next couple weeks as well as directional and wall mounted signs. JCP&L is replacing the utility poles in the easement to N. Main St., the driveway is not permanent and will be replaced with grass when they are done.

Chairman Loury stated that you can see the mess from Route 80 and that they need to move the rocks out of there. He feels their progress has slowed down. Roger Steele asked how long it takes to put up signs. He would like to have them come in and give an update to the Board. Engineer Borinski will let them know tomorrow.

Attorney David Panella representing Green Homes Investors addressed the Board. Jorge Quintero who is married to the principal of the LLC and is a representative of the LLC, was sworn in. This project started about 3 years ago. They are the purchase under contract with the property owner Mr. Seretis, to subdivide the property. They are Garden State Construction and presented evidence of homes they have rehabbed. He passed them out to the Board members. A-1 8-13-19, shows homes located in Wharton and were abandoned. They would find investors, do the restoring and then either sell or rent them. Mr. Quintero took the pictures himself. Their original proposal was for 8 lots then 7 lots and finally 6 lots. Mr. Panella stated that the applicants have a stake in Wharton and have done good things in Wharton. When they first started thinking about this sub-division, they met with the tenancy review board with the same plan that they are proposing tonight.

A-2, 8-13-19 was presented into evidence. It is a conceptual house plan of about 2200 to 2500 sq. ft.

Mr. Quintero stated that they rebuild for other investors, he is the contractor. They find houses, show the investors who buy the houses and then they do the rebuild. Almost all were abandoned houses. They were inspected as a rebuild.

Ms. Ortiz, principal and sole owner of the LLC, was sworn in. They described to the Board some of the projects they had rehabbed. Ms. Ortiz is familiar to the town and like working in the town. They do not live in town. Jorge lived here when he first came from Colombia. They have been in business for 13 years. The last 6 years, 80% of their work has been in Wharton.

The meeting was open to the public.

Shirley Smith asked if they have built a house from scratch. Mr. Quintero stated that they have built about 10 from scratch, in Dover, Randolph, Morristown and Frelinghuysen.

Mike Bezney, 1 Bartek Lane asked if they have run into any problems when they were excavating for any of their other projects. Mr. Quintero stated that they did in Dover. The home was built on piers. The inspectors did not know how to deal with this problem so Mr. Quintero got information from building inspectors at the shore area who deal with piers. They were inspected by the DEP as well as the state. They are planning on being the general contractor for the 6 homes depending on who buys the homes. They have sub-contractors whom they have worked with for 10 years.

Shirley Smith asked if 3 people buy these lots can they each get their own builders. The applicant stated that they can get their own builder but would have to follow what was approved.

Planner Caldwell stated that given the size of the lot and all the intricacies that we are going to get into with this subdivision and tying in architectural plans to the site, it wouldn't matter who built it. Proposing the subdivision of the 6 lots all at once is a good idea. As long as the subdivision is perfected, they don't have to build on a lot, it can remain empty. The Board can request architectural drawings and if they are changed the owner would have to come back to the Board.

Attorney Mennen stated that when you create new lots you have the ability, by virtue of the resolution, to put conditions of approval within the resolution. They can also take it one step further by putting recitals in the deed. Council can give different suggestion to protect the town with regard to the uniformity and making sure that the parcel is treated as one whole for certain things such as drainage, architectural, etc. but does not restrict their ability to transfer parcels as a partner business plan.

Attorney Panella stated that this Board has to approve the entire application. The applicant also has to comply with all the professional's comments and not until this is accomplished that they can have a deed subdivided off. So, everything will be done and everything has to be locked in.

There were many questions from the public that will be addressed by our Engineer.

Chairman Loury asked why 6 homes. Mr. Quintero stated that they originally proposed 8 then 7 then 6 homes. One of the issues they had was the mine shaft on lot 8 at the top of the hill. Ms. Ortiz stated that they are in the R-40 zone but everyone around them is the R-75 which would allow 6 homes and would fit in with the neighborhood. Chairman Loury stated that yes, it is an established community but it is also an established zone.

Mark Nowak asked in the R-40 zone, how many houses can they put on a lot. 2 houses on 2 lots and they are proposing 6 houses.

Mr. Besney asked how much land do they have and what is the zoning. Planner Caldwell stated that a R-40 zone is 40,000 sq. ft minimum which is a little less than an acre. They have a total of 2.3 acres, 2 building lots for 2 homes.

The meeting was now closed to the public.

Adnan Khan was sworn in and qualified as an expert in the field of professional engineering. He described the project. The property is a little less than 2.3 acres consisting of 2 lots, lot 8 and 8.01. It is in the R-40 zone, low-density single-family zone. The applicant is planning on subdividing this property into 6 lots. They are looking for variances for lot width, depth and side yard. Based on lots in the neighborhood and based on and comparing them to the R-75 requirements all bulk requirements are met.

Looking at C-02 – overview of lots

1. All lots have frontage on Mill St.
2. Lot 8 which is the largest lot in the subdivision and is 2700 sq. ft
3. All others are 1500 sq. ft.
4. Lot 8 is larger based on the mining investigation done by the mining engineer. The report determined that this area is a sand quarry and that the mine shaft is located at the North West side of the property. They could not verify where the shaft is, they did test pits and excavated 20 -30 ft and could not find the shaft. Based on the recommendation of the mining engineer it is safer to stay away from that area.

The footprints for each house will be identical. Each home will have a 2-car garage. Mr. Bosworth stated that the plans only show 1 car garage. Ms. Ortiz stated that the plans are just giving you an idea of the homes. Mr. Khan agreed that this plan shows a more conservative plan for the homes. If you compare all of these house setbacks with the R-75 they all comply with the R-75 setbacks. With R-40 they can comply with all the setbacks except lot width and lot depth.

C-03 grading and utility plan.

This shows the steep slope, there is a 75 ft drop from the west to the east on the property. Lot 8 is much higher in elevation than existing Lot 8.01. Their goal is for a balanced site, whatever they cut from the top of the site they will fill in at the bottom. There will be no import or export of fill. Each home will have its own underground utilities.

C-04 storm water plan.

They are proposing an infiltration basin for each house. Under DEP regulations whatever flows from the site for the 2 yr., 10 yr. and 100 yr. storms they have to reduce the flow by a certain percent. 2 yr is 50%, 10 yr. is 25% and 100 yr. is 20%. Right now, there is no stormwater management on site, everything flows down the hill. Some goes towards Mill Street; some goes toward the back of the property; there is no control. They are proposing for each lot individual systems. They calculated the existing runoff and the proposed runoff for determining the size of the systems. They will be exceeding the DEP targets for the reducing of the flow. Over 60,000 gallons of water will be contained and infiltrated on site. Any water coming from this site will be reduced and infiltrated on site. They did 7 test pits throughout the property. They found that the type of soil is K-3, which is very highly permeable, sandy soil. They went down 12 to 14 feet deep in different locations and the consistency is the same.

Mr. Khan stated that this lot has been sitting for over 60 years and if there were any voids or sink hole they would have appeared by now because of the type of soil. They do not want to overbuild. He supported the decision to reduce the amount of lots. It takes 2 – 3 years for the runoff to reach the aquifer but it replenishes the aquifer. 100 % of the soil on the site will be disturbed and the soil underneath will be used for regrading the site. Based on the County soil information, the sand extends further down than 12 – 14 ft. They are proposing swales between each property and they will be tied into the stormwater retention. Roof leaders will be tied to the system. They are proposing a storm treatment filtration system at the end of each driveway which will treat the driveway runoff before it runs into the town sewer system. He explained the maintenance of the filtration systems which is mostly visual. The maintenance for the filter is every 18 to 24 months on the storm filtration system. The homeowner would be responsible for

this. This can be a condition of approval. The alternative to this system could be a swale or grass runoff before it hits the sewer system. The issue here is because of the grade. The mechanical system is only treating the driveway runoff. He described the swales which are about 2 – 2 ½ ft. and how they work. There is no swale on the lower lot because of the topography as well as the lot next to it not being a part of this application. The swales on the other properties will catch the runoff on its way down to the lower lot. The only water that will be on that lower lot will be the water that falls on it. Each lot meets the DEP reduction for runoff. The benefit to the adjacent properties is that there will be a 90-95% improvement with the runoff because they are taking care of all the water runoff from the other lots. The sandy soil helps the filtration into the ground. 51% of the rain that falls on this lot is runoff and 49% is absorbed into the ground. The swales are the key requirement for the runoff. The grading and storm water systems on all lots has to be a coordinated event.

Mr. Steele asked if they reduced it to 5 lots how would it effect the design. Mr. Khan stated it would be larger lots and the system would be bigger. They would still need a variance for side yard.

Engineer Khan stated that they are adding 2 more inlets on Mills Street. There are 2 there now. Any overflow will not inundate the Borough system, the Borough system has enough capacity for the overflow. The systems are designed for the 100- year storm. The side yard will flow toward the street.

Attorney Panella stated that they will address the July 3, 2019 Engineer's report.

Exhibit A-3 8-13-19 Right of Way Dedication Exhibit Revised 8-12-19 was marked into evidence.

The Engineers report stated that per Borough ordinance the minimum right of way is 50 ft. He stated that the right of way width varies along Mill Street. The shaded strip on the exhibit shows the area that would comply to the 25 ft right of way on their side of Mill Street and how it will impact their site. Compared to R-75 they would comply with all the widths, depths, setbacks and lot coverage. As it relates to the R-40 they would still need 3 variances for lot width, front yard setback and side yard setback.

In the engineer's report, he was concerned about soil erosion during construction. Mr. Khan stated that this project is under the jurisdiction of the Morris County Soil Conservation. They will have to apply to Morris County Soil and comply with all the regulations.

The driveways on the plans are 21ft. wide but will be reduced to 20 ft. to comply with the Borough ordinance. They will also verify and provide the grade for the sidewalks. Because of the steep slopes on Mill Street they cannot make the sidewalk handicap accessible.

C-05 – lighting plan –

The Borough would like them to use the same light fixtures as Wharton Woods and they will comply. They are proposing 6 light poles along Mill Street. They will be removing all the trees from the site. Mr. Khan has designed the same systems for water retention, that they are proposing in this plan, many of which are over 10 years old and still working fine. Mr. Khan had

prepared a stormwater management plan and maintenance manual, which have been included with the application.

Attorney Panella stated that there are items in the Engineer's July 3rd memo that they cannot comply with. He would like a revised review letter from Engineer Borinski before the Board takes any action on the application.

Mark Harris was concerned about contamination on the property. Is the environmental testing a Phase 2. Engineer Borinski stated that the Phase 1 report did mention that, based on the aerial photos it looked like there was vehicle storage but that is all it went into. The Phase 1 was prepared but met the minimum requirement for the Phase 1. It did indicate that there might be something in the buildings but that will be taken care of when they are demolished. If something is found during the development it will have to be dealt with. Mr. Harris doesn't want to see them taking contaminated soil and distributing it throughout the site.

Roger Steele asked about the existing and any proposed fire hydrants. Mr. Khan stated that they are not proposing any more hydrants. He could not find one on the plans.

Peter Rathjens asked if there is a distinction between manmade and natural steep slopes. Engineer Borinski stated that is not covered in our ordinance, there is no distinction.

Roger Steele did not want to see the site cleared, like Wharton Woods, and then it just sits dormant.

Some discussion followed about the right of way and what was in the Resolution for Wharton Woods as far as any damage done to the roadway.

A 10- minute recess was requested.

ROLL CALL was taken and the following members were present: Chairman Ken Loury, Ms. Charlotte Kelly, Mr. Roger Steele, Mr. Mark Harris, Mr. Peter Rathjens, Mr. Brian Bosworth and Mr. Christopher Fleischman. Also, present were Attorney Alan William Mennen, Planner Jessica Caldwell, Engineer Christopher Borinski and Secretary Patricia Craven.

Gary Gartenberg, who was retained to assist the Municipal Engineer in the review of specific mining aspects relating to this application, was sworn in and qualified as an expert in mining. He is here to question and or make a presentation on the findings of Mr. Blethen's report. His report recommended that they not build on the northern most Lot 8 and Mr. Gartenberg agreed because it represents an unsafe condition. He asked then why are they still building on that lot.

Attorney Panella stated that they originally had an 8-lot subdivision. They revised the plan and combined 2 lots to make Lot 8. Based on the Engineering report they will put a deed restriction on the lot and fence around the shaft area. They are in agreement with Mr. Gartenberg's report and recommendation. Lot 8 is 2 lots combined and is shown outlined in red on the plans that Mr. Gartenberg is submitting as PB-1- dated 8/13/19 – Exhibit #1 from Mr. Gartenberg's report dated 7-3-19. It is an enlarged map of site that was part of the application. Attorney Panella

affirmed that the applicant has agreed to put a fence around the shaft area. The property owner will be responsible for maintaining this area. Mr. Gartenberg stated that in 2001 there was ground penetrating radar done by French and Perilla and they did not locate the shaft, then the applicant did some digging and didn't find the shaft either. It is possible that the shaft could be located 20 ft from this point on the map. The concern is not just for the house on the property but the homeowner now has a shaft that could potentially collapse on their property. He stated an example of a collapse is in Mine Hill on Xenia Ct. which shows that they can collapse at any time which is part of the issue. He disagrees with the statement that you would see signs over the years of a potential collapse. You don't always have signs. The Xenia Ct. development was built over 60 years ago. Looking at PB-1 – he is ok with the location of the house on Lot 8 but how big do they make the fence. Mr. Gartenberg will review what the applicant comes up with in terms of how large of an area should be fenced in around the mine shaft, what type of fencing and the height. Attorney Panella stated that between now and the next meeting they will communicate with Mr. Gartenberg about this issue. Peter Rathjens would also like to see how this area is going to be maintained.

Engineer Borinski asked if their overall stormwater analysis takes into account the existing grading. Some of the existing runoff flows off site to the north, some to the south to Mill St. and to the east towards Mill St. Does your analysis reflect those conditions? Mr. Khan stated that it does. The drainage area maps show existing and proposed conditions. The existing is based on each individual lot. The summation show how they are compliant with the DEP requirements. which is also by lot. Engineer Borinski stated that if you are looking at a point of analysis on Mill St. and some of the flow goes north toward the adjacent properties, it is not going to Mill St. So, the existing runoff to Mill St., the allowable flow with the reduction, would be higher if you are accounting for the overall property down to Mill St. Mr. Khan stated that they are capturing about 95% from each lot. Mr. Borinski did not get that calculation from the report. They have to put on the plans the point of analysis, existing and proposed. They cannot include the flows going north in their analysis of runoff to Mill St. because the allowable flow will be higher. They cannot just look at each lot because the area is more diverse. Mr. Khan will create a model with the overall of existing and proposed. The system size will remain the same but the point of analysis will be different. Mr. Borinski stated that it is an overly complex model and with an overall model they will understand what is going on. It would also be helpful if the drainage area maps were full size.

Engineer Borinski stated that the grading as presented, you're not going to get the runoff into the drainage structures. On lot 8.05 there is no swale and all of the runoff is going off site. A lot of the areas front and side yards are bypassing the trench drains in the driveway and in the corners. That runoff is going directly to Mill Street. That is based on perpendicular flow between the contour lines. Engineer Khan stated that they cannot provide a swale on this property but can provide a trench along the perimeter. Mr. Borinski stated that based on how it is drawn on the plans it is not getting there; the trench draining will not work. The grading plan has to be revised not just on that property but along the entire frontage on Mill Street. Most of the areas in the yards are bypassing the trench drain and going right towards Mill Street. The system is not working. The plan is not indicative of what is happening in the model. Mr. Khan stated that they will look at it and adjust it accordingly.

Mr. Borinski stated that maintenance #38 in his memo, is an issue. He read from the storm water management rules, which is in his report, that the individual homeowners are not responsible for the maintenance of the systems. Attorney Panella stated that if the individual homeowners cannot be responsible then they will have to establish a HOA.

Mr. Borinski stated that the whole underground basin is dependent on the swales and is there anything to prevent future homeowners from filling in the swales. Can they put an easement or restriction on it so they can't be filled in. Chairman Loury stated that that and the maintenance can be a deed restriction. They would like to see what happens if the swales get clogged, what plan do they have.

Mr. Khan explained the drainage systems at the front of the driveways and what it entails to maintain them. Mr. Borinski asked if they have to be 7 ft. deep and have they looked at any other systems that are less intrusive and less costly. Mr. Khan stated that they did look at other systems but the problem was the grade. It was difficult, because of the grading, to capture everything from the driveways. 7 ft. is needed because of the grade. The back is higher and they need gravity. They will have to move the sewer because it cannot go through the trench drains as shown on the plans.

Mr. Borinski stated that they have to fix the grading on the sidewalk, the cross slope. Mr. Khan stated that they can adjust that.

Mr. Borinski stated that the revision to the grading and modeling should account for a lot of the other comments in his report.

Chairman Loury listed the items that the applicant has to get back to the Engineer and Board with:

1. Visual layout of the drainage
2. Revised grading to match what is proposed in the stormwater management report
3. Special attention to the Runoff to Mill St.
4. Emergency spillway, what happens if the swale is clogged.
5. Grading on the proposed Lot 8.05
6. Drainage areas matching existing to proposed points of analysis.

Engineer Khan stated that they can provide under drains underneath the swale systems to be used if the swale is clogged. Engineer Borinski stated those drains would bypass the system.

The meeting was now open to the public.

Michael Bezney of 1 Bartek Lane asked about drains and curbing being put in before the bend. Right now, the runoff from Wharton Woods comes down Old Irondale, onto the applicant's property and then runs down onto Kice Ave. Even if Wharton Woods fixes their problems, they will still have a lot of runoff onto their property. Mr. Khan stated that they are proposing curbing up Mill St. to Old Irondale They are not proposing curbing or drainage on Old Irondale Rd.

Mr. Borinski stated that based on the conditions out there, drainage and curbing might be necessary in this area. It would be very beneficial. Wharton Woods is still under construction. Their stormwater system is not functioning the way it was designed to yet but once it is the runoff from their site should be contained on site. When Wharton Woods is operating, as it was designed, there will be a lot less runoff on Old Irondale Rd. Mr. Borinski will look at this next time he is in the area.

John Reagan who is a Planner and Engineer representing the Rodkewitz family asked the Board for the courtesy to communicate with the professionals to keep up to date with the changes and be prepared for the next hearing. Attorney Mennen did not see it as an unreasonable request. Everything is available for public review. Attorney Panella had no objection.

Mark Nowak, 17 Robert St., asked what happens if the business that made and maintains the catch basin system goes out of business. Mr. Khan stated that they have been in business for 15 – 20 years and if they do go out of business there are other systems and services companies available. The filtration system is the only manufactured item which has a filter in the front. It has to be kept clean in order for the filtration to work properly. If there is an HOA they would be responsible for maintaining the systems. Chairman Loury is in favor of an HOA.

Mark Nowak asked if the streets and sewers can handle the runoff from 6 more houses. Mr. Khan stated that they are reducing the flow. Runoff is an area wide problem and this development is not going to exacerbate that condition. Chairman Loury stated that our experts are not in agreement with that and are requesting more information and detail.

Mark Nowak asked if Phase I is good enough or are they asking for a Phase II. Mark Harris recommended that they ask the environmental consultant that performed the Phase I to provide an assessment as to whether or not they believe a Phase II is warranted. Engineer Borinski agreed.

Brandon Rodkewitz, 45 Robert Street asked if the filtration system for the trench drain across the driveway are separate from the outlet control structure for the underground systems. Does the outlet control structure require maintenance? Mr. Khan stated yes and that it requires quarterly inspections.

Fran Schurgot, 46 Robert Street asked about the process of regrading on the site. Engineer Khan stated that there are soil erosion requirements that they have to follow. He also explained that the swales are built with HDP pipes and covered with dirt. They cannot collapse just because of the soil on top of them. Mr. Khan pointed out the filters on the plans to Ms. Schurgot.

Mr. Bezney asked the mining engineer if it is possible that the mine shaft on the plans PB-, could be off by 50, 40 or 25 ft. Mr. Gartenberg said yes they could be. Mr. Bezney asked why sonar testing wasn't done to find the exact location of the mine hole. He asked the Board if they thought it would be a good idea to do sonar testing to find the mine hole. Mr. Khan stated that he did not have the answer to that question. Mr. Gartenberg stated that the standard practice to locate a shaft would be to use micro gravity that covers a larger area. Mr. Bezney asked if he would recommend them testing a larger area. Mr. Gartenberg stated that it is a monetary issue.

If you want to find out where the mine hole is, they are going to have to spend the money to do the explorations.

It was agreed that the applicant and our professionals will get the information requested to each other by September 4, 2019

The application will be carried to the September 10th, 2019 meeting.

A Motion was made by Roger Steele and Seconded by Mark Harris to adjourn.

YEA – 7 NAY – 0

Meeting adjourned at 10:58 p.m.

Patricia M. Craven Secretary

Ken Loury Chairman