

Borough of Clementon

Planning/Zoning Board

November 18, 2021 Meeting

The November 18, 2021 meeting of the Clementon Planning/Zoning Board was called to order by Chairman Feldman. It was announced that the meeting has been properly advertised and posted Pursuant to N.J.S.A. 10:4-6, The Open Public Meetings Act. The meeting was then opened with a salute to the flag and called to order at 1900hrs by Chairman Feldman.

Roll Call: Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Member Armbruster, Member Lofland, Member Saunders, Member Taylor, Solicitor Rhodes, Engineer Steve Bach; Present, Mayor Weaver, Member Kuns, Member Shover; Absent

Chairman Feldman: We have 6 zoning members 7 planning members to hear everything on the agenda for this evening. I assume that everyone read the Septembers meeting minutes? Are there any corrections or comments? Hearing none can I get a motion for their approval?

Vice Chairman Kunkel motioned to approve 2nd by Member Armbruster, and motion was carried upon roll; Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Member Armbruster, Member Lofland, Member Saunders, Member Taylor; Ayes

Chairman Feldman: We have old business 168 WHP for the amended site plan for the basin, we will hold of on that and hear the rest on the agenda. We have an application for a mercantile license for NK Staffing anyone here for that? Tell us your name and address please

My name is Kania Blackston 929 Woodland Ave Camden NJ 08104

Chairman Feldman: Tell us what you have in mind for this business

Kania Blackston: It is a staffing agency we place RN's, LPN's and CNA's into nursing facilities.

Chairman Feldman: Do you have a lot of people coming into your place a lot of traffic?

Kania Blackston: It is not open to the public, no foot traffic, only if nurses have to stop by to drop off work related documents, or pick up pay checks.

Chairman Feldman: Can you tell us exactly where this is located

Kania Blackston: It is across the street next to the Domino's unit 4 1 Berlin Rd

Chairman Feldman: How many employees do you plan to have? You realize there is not a lot of parking there how do you plan to handle that? Is there a lot of trash involved?

Kania Blackston: I plan to have 4 employees at the same time, Since, they are family members and don't drive there will not be a parking issue. I will not be accumulating trash, what I would have is recycled paperwork, all other documents will be kept on location in files.

Chairman Feldman: Are you planning on having signage out front? Are you aware that the façade sign can only be 40 sq. feet? Did you contact a sign company yet?

Kania Blackston: Yes, I am planning on a sign was not aware of the requirements, and have not contacted a sign company yet.

Chairman Feldman: Anyone else have any questions?

Vice Chairman Kunkel: Are you aware of the fire violations? Are you going to be taken care of that?

Kania Blackston: Yes, I am aware my father is electrician he will be installing emergency exits signs and flood lights out front

Chairman Feldman: Anybody else have any questions? Ok what I am going to do is ask for a motion to send this on to council, Council makes final approval we just make sure you comply with the zoning requirements which you do, so can I have a motion to approve?

Member Saunders motioned to approve 2nd by Vice Chairman Kunkel and roll was called upon; Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Member Armbruster, Member Lofland, Member Saunders, Member Taylor; Ayes

Chairman Feldman: Next is credit card motors anybody here for this application?

Hi my name is Jake Woolman attorney and it is Credit Car Motors no D. 138 White Horse Pike applicant George Tsurtsunia

Chairman Feldman: What can we do for you guys today?

Jake Woolman: George could you tell the Board what yu plan to do at the business 138 White Horse Pike

George Tsurtsunia: It will be a used car dealership

Chairman Feldman: It is an existing used car dealership now.

Jake Woolman: They have no affiliation with the business that is there now, he is purchasing the property

Chairman Feldman: So, he is just purchasing the property the business is not included in the settlement?

George Tsurtsunia: I have another business in Trenton NJ

Chairman Feldman: How many employees do you plan to have? Will they be there all at the same time?

George Tsurtsunia: There will be 4 of us, yes, all at the same time

Chairman Feldman: You are not planning any mechanical work, body work, oil changes, washing of vehicles?

George Tsurtsunia: No, none of that

Chairman Feldman: Sales, solely and only, what about the sign? Are you going to keep it and just change the verbiage? How about trash pick-up, will you have trash?

George Tsurtsunia: I am going to keep the sign change the lettering, I will not have any trash

Chairman Feldman: Well if you have any you will have to take home with you and dispose of it, is that clear? Ok anything else from the Board?

Vice Chairman Kunkel: Ok on the tax collectors signature page there are delinquent taxes

Chairman Feldman: We have a notice from the tax collector that there is \$6,100 due

Jake Woolman: They are going to settlement around the 30th of November, and will be resolved at closing

Chairman Feldman: I presume you have the appropriate licensing?

Jake Woolman: He can't get it for this location until this is all done.

Vice Chairman Kunkel: Is there someone at that location now?

Chairman Feldman: Yes, there is a dealership there now, it was the old soft ice-cream place. Ok Fire Marshall Zuggi has a comment here can anyone understand what it says?

Member Saunders: He has to submit paperwork for annual fire alarm system, certification

Chairman Feldman: Everyone else approved it, no reason for us to restrict it can I have a motion to approve?

Member Saunders motioned to approve 2nd by Vice Chairman Kunkel and roll call was called upon; Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Member Armbruster, Member Lofland, Member Saunders, Member Taylor; Ayes

Chairman Feldman: Next on the agenda is Cletus and Sons towing mercantile, what do you plan to do at your business?

Cletus Kahn: (Very hard to understand dialect) I have a tow truck I bought in 2019 I keep it 342 White Horse Pike, so I had an officer come and ask me for a business license and that is why I am here.

Chairman Feldman: Here is the problem, you live in a residential district and you are not allowed to run a business out of that zone without a variance, so right now we can not approve that mercantile license or send it on to council, you can come back and apply an application for a use variance, to see if that will be granted.

Vice Chairman Kunkel: You live in Silver Lake Manor? You know that you need a licensing for towing also, you can't just go around towing cars. Do you have commercial tags on the vehicle?

Cletus Kahn: Yeah, I didn't know, yes, commercial tags on vehicle.

Vice Chairman Kunkel: You have several things that you will have to take care of before you come back

To sum up this application that is not being approved, the applicant needs to come back before the Board for a variance since he wants to operate in a residential zone. The applicant has his tow truck stored on Cross Keys Rd in Berlin. It was suggested to him by the Board to try and get the owner of the business where he stores his tow truck to let him apply for a license there. The applicant was denied by our Police Department regarding Civil suits against the applicant. So, at this point until he clears up his

issues and comes back or go to another town and apply for the license, this application is denied. Solicitor Rhodes explained to the applicant.

Steve Bach also advised the applicant that he would have to get a use variance which are hard to get and have an attorney represent him, because he is an LLC.

Chairman Feldman: Next on the agenda is Seed Auto LLC, anyone here regarding that application?

I am here to help translate I am his wife, his name is Souende Idohou

Chairman Feldman: Please tell me what we can do for you this evening?

Souende Idohou: I am applying for a license for a used car dealership

Chairman Feldman: Is that the vacant lot next to the Rite Aid?

Souende Idohou: Yes

Chairman Feldman: The problem is that place has not been used for some time, which you are aware of in the interim it has lost its grandfathered allowance to be a used car lot, because there is another within the allowed requirements or the Borough. So, in order for you to reestablish as a different used car lot you will have to come before this board again with a use variance application. We can not approve this application the way it is tonight, without the use application being approved beforehand.

Souende Idohou: Yes, the owner was aware of that we thought we would just have to come tonight before we sign a lease.

Member Armbruster: I checked up on it, it was last used as a used car dealership February 2019 so 2 ½ years its been closed and the State came in and shut them down for fraud. NU2U was the last car dealership operation there. The owner of the property should be aware of the rules in town. That if a business is closed down and vacated or so long that he would have to apply for a use variance.

Solicitor Rhodes: Just to make you aware since you are an LLC, the law states that you cannot represent yourself in front of the Board so you will have to hire an attorney to assist you. In this circumstance it would be smart to do so, so they can properly council you on the expense involved, and what you have to show in order to get the approval

Chairman Feldman: The other option would be having the owner of the property fill out the application on your behalf, he can do that and save you all the troubles, at his expense.

Member Armbruster: I would put it on him to do that property isn't that valuable without that variance in place.

Steve Bach: So, to make this is clear without a mercantile you cannot operate at this premise

Member Lofland: It also states here that the taxes are delinquent

Solicitor Rhodes: The owner will have to pay delinquent taxes about \$25,000 he will have to make them current. Even if we were to proceed we couldn't until those taxes were made current

The applicant was dismissed from the meeting apologizing that we could not help him at this time till the matters of Taxes and use variance were cleared up.

Chairman Feldman: Ok next old business 168 White Horse Pike

Good evening my name is Marsh Moore Post, Pollack associates on behalf of the applicant.

Solicitor Rhodes: Proceed

Marsha Moore: About 2 years ago we were in front of the Board for a preliminary final site plan approval. During the construction there was a basin fail. I am seeking amended site plan approval but for a limited purpose to address the change in the Stormwater Management System, infiltration system to a bioretention system. The previous approvals we received for C variances for impervious coverage as well as the sidewalk in the right of way, we are asking for those to be retained. I do have the engineer tonight John Ferrante will be addressing proposed amendment to the Stormwater Management System. I am also in receipt of a memorandum from Bach engineers, which we will address, we have no objections to the conditions of approval however, ref to memorandum dated November 2021 on page 4 of 6 item number 2 Mr. Ferrante will be addressing, in reference to ground water recharge. There is also a number of punch list items to be addressed with the site improvement, just so we have background one of the buildings is already constructed, this happened in July that there was a failure with the basin, so again the building is up, there are some walk through items my client indicated that most of the items have been completed however we will be addressing those items as a condition of approval reference to punch list that is in Mr. Bach's report.

Chairman Feldman: Steve should we go over the items one by one?

Steve Bach: I think we should listen to Mr. Ferrante and see what he has to say regarding those approvals. We will go over those items and also any reliefs or changes to the original site plan.

Solicitor Rhodes swore John Ferrante in and asked if he is qualified and yes, he is and license is valid

John Ferrante: Good evening we are back here, as the attorney explained we are here because of a basin failure after construction. We believe the failure was due to the berm, with that not being compacted properly, so the first rainstorm it had a breach. In the interim we did additional soil investigation what were the causes. The primary reason why we are here in addition to the berm failure is that the water, well initially was designed to infiltrate water into the sub surface into the water table it's obvious that soil is not draining so we are taking steps to correct that. In addition to correcting the infiltration of the water we are also correcting something in retrospect we shouldn't have had the outflow overflowing onto the street, I know at one of the sites visits the neighbors were not happy about that. So, we are correcting that as well. It is an important aspect, we spoke to the property owner we are correcting that and basically the overflow will now be conveyed via pipe underground pipe through a manhole down the street on Trout Ave to an existing catch basin near the bridge where the stream crosses. That issue of overflowing onto the street especially with the winter situation will be alleviated. We believe what we have here tonight is a better design overall. I think the Board will appreciate and I can describe what the new plan is. The basin size doesn't change geometrically area wise will be the same in essence to give you a quick overview what an under-drain system is. It is basically for water quality under the new Storm water rules you have to remove first 2 years contaminants from the parking lot will be drained out through the under-drain system. Then above that there will be roughly 2 feet of soil and plantings that help remove water from the soil. It will basically function in the same fashion other than the water will no longer retain there. We will be removing about 2 feet of soil which is mostly silty and clay, may be

reason why it's not draining. We did evaluate the area and found good sand with a k3 and k4 permeability, and no water table in the area, it should have functioned as designed, doing further soil investigation the base of the basin has these soils preventing it from draining. We are going to address that with the new redesign. More importantly in addition to the new design the basin is the fact that we are conveying the overflow down the street to the existing catch basin. Over all I think the Board will be happy with the new design, I think the neighbors also will be happy.

Chairman Feldman: Did we receive all the green cards back?

Member Saunders: Stated no

Adrienne Guernon: Yes, the receipts were all received.

Chairman Feldman: Going back to this impervious soil, was there an area at the basin? Was testing done prior to construction? You didn't see the ground water at 74?

John Ferrante: We did 3 permeability tests on site prior to construction, the ground water is lower, what you see there is not ground water its actual rain water that's not infiltrating.

Member Armbruster: The water table in that area fluctuates that time of the year.

Steve Bach: The original application we did not review it, but we did review it, the original application submitted to this Board relied on as part of your approval, did have a seasonal high ground water, it showed that it was going to percolate and shows that the basin bottom was above line. In reality during construction as evidence here now is that was not the case when building the basin. Apparently, they have a new soil analysis that they have submitted which shows the basin does not percolate by itself. So, they are taking advantage of the NJDEP Storm water regulations. If you can not physically recharge on a site they you are able to do other methods of storm water management. The other method here being displayed they are going to be doing an under-drain system after they dig out the three feet or so they will be using a series of pipes underneath that will drain to the outlet control structure. The outlet control structure will lead pipe underground all the way down to the culvert. So, 100-year storm, no longer will you have an overflow. That is permitted and that takes care of the water quality pollutant, filters through the bio retention layer and the water gets to the under-drain system. No longer relying on infiltration on the underlying soils.

John Ferrante: We are monitoring ground water at this time, I am referring to our drawings October 25, 2021, revision I SP-114 which provides cross section of the bioretention with the underdrain. In essence the ground water table indicated is roughly 2 feet below the basin. Based on the soil below the bottom of basin it is a good draining soil. We have to maintain 2 feet bottom of basin and ground water table. We did a mounding analysis and over time infiltrating additional water we would have had an issue with the mounding, so we decided to convey the water away from the site. I think overall is a better design.

Steve Bach: Right now, as proposed based on all the application materials that were submitted, this basin would comply with NJDEP Stormwater requirements, and also for the bioretention system, not the current stormwater regulations if it was a new development, just wanted to clarify that. For the bioretention system design because it does not drain, and they can prove it, and we need that proof that it cannot drain and it will take care of that condition. I know it doesn't so, the underdrain system

will always take and dewater tis within 72 hours, which is the requirement. Seventy-two hours before mosquitos can be bred. Our Ordinance for DEP has to be dry within seventy-two (72) hours.

Member Armbruster: So, it sounds that this system will need a little more maintenance then a typically basin.

Steve Bach: So, specifically included on page 5 of 6 item # 12 It will be deed recorded, all those requirements are specifically spelled out by DEP.

Chairman Feldman: There is a 4-inch pipe explain that, is that a perforated pipe?

John Ferrante: Yes,

Chairman Feldman: There's a problem I have with the elevation the right-hand side, left-hand side at the end of the pipe. It doesn't quite comply with the line. The invert you have it above 76 graphically say 75 65, so which is correct? And I don't see the clean out on the plans.

John Ferrante: It should be 76.65 typo, SP 104, they are the dots at the beginning of all the pipes, they will be coming out of the ground so you will be able to clean the perforated pipes through there.

Chairman Feldman: They are not designated

John Ferrante: I apologize we will make that correction, there are several at each leg.

Chairman Feldman: On your cross sectioning again, you show a planning figure for the bioretention facility but yet on your detail on this example you showed trees on the bank, on 105 I think you showed lawn, on the bank opposite Ohio Ave, but the detail on 114, you show trees.

John Ferrante: This comes from BMP It is a generic detail that shows how from the low zone, we don't have that kind of room because of basin to have that kind of room to create what this planting detail is, what we created is planting on side. The BMP manual tell you what kind of plants to be planted in this type of bioretention, and they provided that.

Steve Bach: I would eliminate that BMP detail it's confusing, so they used it for illustration purposes.

Chairman Feldman: The 3-1 slope there wouldn't it be hard to maintain?

John Ferrante: It is being maintained as of right now.

Steve Bach: That is the maximum slope for a grass berm. One of our conditions is a soil conservation report from the County so we are going to wait on that for final review, that is maintained by the property owner. There is going to be a lot more requirements to be submitted then what is presented here.

Chairman Feldman asked Joe Ferrante to explain how the system will work, he showed on the drawing and explained how it will work

Member Saunders: With the underground filtration will that be pulling in silt? Will the clean outs be taking care of that?

John Ferrante: The cleanouts are there for that purpose the water that enters the underdrain system are from the 2 outlets, they are wrapped with fabric for that reason.

Member Armbruster: Steve is there a current pipe going down Brand Ave, and be tied in at the end of Trout Ave. Will that have to be inspected by County?

Steve Bach: No, they are installing this, just prior to the 2 inlets that are already existing, at the culvert not dumping into culvert just inlet prior to inlet. No, it is just before on a municipal Road

Member Armbruster: And that can handle it?

Steve Bach: Yes, that is where the water goes right now. It was demonstrated where the water goes on previous approvals, and also this approval, difference is it is underground going to that same discharge point.

John Ferrante: There were two items brought up about the sidewalks if I can discuss them?

Steve Bach: We included that under page 5 and 6 we will return to my letter afterward the sidewalk to the south easterly side of the 4500 square feet which are shown on the approved plans to be 5 foot in width, the sidewalk was installed at 4 feet. Mr. Ferrante could you point that out to the Board?

John Ferrante: I am referring to SP103 the annex commercial building this is the main building to orient the Board, the smaller building off to the top left the sidewalk that is here on the east side of the building we expected out at 5 feet, but was actual constructed at 4 feet. We would ask the Board to accept that it is 4 feet and still ADA compliant. The second item was the sidewalk along Trout Ave we expected 4-foot sidewalk and 4-foot sidewalk was constructed. The only problem was that the grass strip between the sidewalk and the curb, originally the sidewalk there was 3 ½ feet, and the distance between the sidewalk and the curb was originally 4.5 feet our drawing scales to be about 6feet strip it was constructed so that 6 feet strip is 3 ft 10in. I still maintain it is an acceptable sidewalk, and we would like the Board respectfully to approve those two changes in the sidewalk.

Chairman Feldman: The problem is it is not an acceptable planting strip, so I don't know how you do that without re-pouring the sidewalk.

John Ferrante: Does the Township have a standard for the strip?

Steve Bach: Just to bring this up in the previous approvals there were no street trees in that curb strip, all the trees are on the other side of the sidewalk. Those trees must be maintained as part of the approvals.

Chairman Feldman: Stated that he was disappointed that it didn't occur (the sizing of the sidewalks and curb stripping) There are a few other issues regarding trees now that we are talking about trees. There have been a lot of trees removed, then were originally planned to be removed. SP102, the intersection of Trout/Ohio Ave were preexisting trees there that have been removed for no particular reason. Not only were they removed but the stumps remain. Why were the trees removed?

John Ferrante: There are 2 stumps that remain, they should be removed, I agree with that. The reasoning, the original design had the outlet structure located roughly in this location between the trees now it was relocated, so constructing the berm, the trees were removed for that reason.

Steve Bach: So, John the five trees that were shown to remain along Trout, so if they are not there now they have to be replaced to be compliant with the original approvals

John Ferrante: Even though we planted new trees there?

Steve Bach: You planted in addition to other than the existing trees you showed to be maintained.

John Ferrante: Understood, I am sure Mr. Negri will not object to that stipulation

Chairman Feldman: The size and variety of tree you have in mind if I may? They were Linden trees if I may suggest 2-inch Linden at the minimum. Five (5) of them replaced along Trout Ave.

John Ferrante: Good suggestion

Chairman Feldman: I am in full agreement of the basin design and the vegetation inside

Steve Bach: What about the sidewalk situation the one adjacent to the taller of the buildings. What about the curb strip along Trout?

Chairman Feldman: Five (5) feet doesn't bother me at all does it you? Here's my reasoning regarding curb strip, it's there much to my dismay, I realize the incredible environmental impact that making concrete has on the environment, so under that basis that basis alone we'll leave it there. The Board will have to vote on it.

Steve Bach: If I may we issued our November 12th review item #2 on page 4 of 6 Marsha Moore was concerned, we need that for compliance.

John Ferrante: We have that data looked it up and Urban redevelopment area projects do not have to comply with the infiltration requirements with the ground water recharge. Clementon is within the Planning/Zoning area so it would qualify under that exception.

Steve Bach: Not the recharge you still have to do the water quality, So what NJAC7:8 requires you will comply?

John Ferrante: That is correct

Steve Bach: So, it is my understanding that you agree with all the other recommendations and conditions of this review

John Ferrante: Agree

Steve Bach: One of which was already stipulated which was the Storm Water management facilities operation maintenance plan which will be recorded in the Camden County Clerk's office, if you can note in the Resolution we reserve the right to comment and also have the Solicitor review it prior to recording.

John Ferrante: Understood

Steve Bach: Last one this is not a condition because it is already stipulated as part of any planning board approval. State statute requires performance guarantees and maintenance guarantees for any site improvements. These new improvements require to have a separate performance guarantee maintenance guarantee, whatever is prescribed by state statute, independent of original approval. That is nonnegotiable we can't change state statute.

Steve Bach: The Original Bonding once the project is completed and all is compliant those bonds will get released under course of action and request. That can only take place when everything that is required for the site is completed. That is all I have except one thing it was already put on the record by Ms. Moore the punch list items will be completed as part of this. I would suggest again that maybe we have a site meeting with the applicant Mr. Ferrante myself, and maybe the Chairman to go through and get an understanding of what we believe is complete and maybe the applicant believes is complete and to what standards we are implying, so there is no questions we would everything to move forward if approved tonight one unified effort so they aren't waiting of a sub-contractor saying its done and its not match up to the approved plans.

Chairman Feldman: I have another question why is there a fence around the basin? What is the purpose?

John Ferrante: The fence is there because of the type of basin and infiltration because there will be water there. In the current design the fence is not required. I think it is a good idea we don't want people to go in there and throw garbage.

Member Armbruster: While there is water there it is a good idea you don't want the liability if a kid gets hurt Steve when the water leaves their property and goes under the street and the drainage that will be put in there that then becomes property of he Borough I would believe have we checked with Public Works for their review make sure there are no issues with maintaining that?

Steve Bach: We did talk to Kevin. He has been involved in this. He is aware that it is going to be under drained and pipe done. One of my conditions here was the restoration of the pipe that is going to be minimum of 20-foot-wide so it's not going to be a 4-foot trench and hey already agreed to that.

Christopher Taylor: When it drains underneath is it going to drain into the lake or below the dam?

Steve Bach: It is going to actually into an inlet it's piped to go directly into the culvert of the dam.

Member Armbruster: And they will restore the asphalt back to the condition that it is in, because we just repaved that last year

Steve Bach: Yes, it is all stipulated in the restoration process.

Chairman Feldman: Any other questions by the Board members?

Marsha Moore: Chair I do have a couple questions regarding completeness we did ask for a number of waivers the Mr. Bach referenced that he would waiver recommended the waivers that were referenced in my report were items we submitted during our initial application but for purposes of this amendment we ask those waivers

Steve Bach: Solicitor we will reference in our resolution that we recommended on page 3 of 6 those checklist items be waived.

Chairman Feldman: Any other questions from the Board? Hearing none anyone from the public regarding this application. Step forward and give us your name and address

My name is Bonita Allen 123 Trout Ave

Ms. Allen went on to talk about her concerns regarding the construction and sink holes that had developed on a property on the corner. She is asking if that property is going to be looked at and be restored? The Center for family services.

Steve Bach: I am not aware of any of this

Ms. Allen: Went on to show on the drawings where the water traveled prior to construction, and the cause of these sink holes.

After a while of discussion with Mr. Ferrante explaining on the drawings the direction of the water from the parking lot that doesn't go into the basin is a very short amount of area. He explained that he found it hard to believe as an engineer that the flow could impact across the street in the area that she was concerned about. She also went on to talk about how the lake turned yellow from the waste coming of the site. After Steve and Mr. Ferrante explained what was happening and what happened with the lake discussion ended. You have not

Steve Bach: Ms. Allen if there is any sediment at the end of Trout Ave that will be part of our review and our inspections and will be noted in the resolution.

Chairman Feldman: On the punch list Mr. Ferrante there is a 36inch maple tree that was left the side of the basin that has to be welled immediately if it's not it will die. As soon as possible. Ok any other comments from the public? Hearing none I will bring it back to the Board

Steve Bach: Mr. Rhodes and I will work on our part of the resolution together.

Marsha Moore: I have one more question we have a client that is trying to get a mercantile license is that something this Board addresses.

Chairman Feldman: Yes, that it is this Board is reluctant to submit any mercantile licenses until the check list is complete to our satisfaction

Steve Bach: I have to bring this up because Mr. Ferrante brought this up in recent workshops, if the perfected application materials if they are successful here tonight are completed they receive the recertification from Camden County Soil Conservation they have the appropriate manuals and all that stuff in place and recorded with the county and they have all the guarantees in place would you consider a mercantile license at that point? Or do you want all the improvements completed?

Chairman Feldman: The punch list is not so difficult

Steve Bach: Say on the mercantile application if they perfect all the application materials from this evening and complete all the outstanding punch list items here obtain soil conservation recertification of the basin design and post their guarantees, then you would consider a mercantile license. You can't really build the basin improvements until the Spring at this point.

Chairman Feldman: Yes

Overhearing Mr. Negri in the audience

Member Armbruster: I will state this, you have not been the best in following through with things. There certain things we need in place, I don't think we are going to any more then what was stated. WE have

bent over backwards to get the Dollar Tree in there went way against what we should have, please don't ask for more.

Solicitor Rhodes: Short answer Marsha, if you get the estimates o Mr. Bach he will review them immediately and get back to you so that issue is resolved, the rest is up to you in terms of getting the revisions to plan, the punch list items taking care of, your manuals prepared to Mr. Bach and myself for approval and recording as fast as you can work.

Steve Bach explained that we are on a time limit that is appropriate. The materials that still need to be taken care of, we need a date of when they will be completed. Not a year not 18 months, in appropriate amount of time.

Chairman Feldman asked for a motion to approve; Member Armbruster made a motion to approve the revision of the basin as stipulated 2nd by Chairman Feldman and roll call was called upon; Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Member Armbruster, Member Lofland, Member Saunders, Member Taylor: Ayes

A discussion ensued regarding no lights in common area or Street lights in Leewood development. We will be checking into that.

Steve Bach discussed the 2021 Master Plan reexamination and the 2021 Open Space and Recreation Plan reexamination, gave copies to Board members to review and hopefully have it finalized by the end of the year.

Chairman Feldman asked for a motion to dismiss all in favor

Adrienne Guernon