

HILLSBOROUGH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

June 09, 2016

Chairman Shawn Lipani called the Planning Board Public Meeting of June 09, 2016 to order at 7:32 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Hillsborough Township Municipal Complex.

Chairman Lipani announced the meeting had been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law").

ROLL CALL

Mayor Frank DelCore – Present

Robert Wagner, Jr. - Present

Deputy Mayor Carl Suraci - Absent

Robert Peason – Present

Dr. Daniel Marulli, Vice Chairman - Present

Neil Julian, Secretary - Present

Sam Conard – Absent

Shawn Lipani, Chairman - Present

Kenneth Hesthag - Present

Sally Becorena (Alt. #1) – Present

Stephanie Forrest (Alt. #2) – Absent

Also present: David K. Maski, PP, AICP, Township Planning Director; John Kaplan, Esq, Board Attorney (Eric M. Bernstein, & Associates); William H.R. White, III, PE, CME, Board Engineer (Maser Consulting P.A.); Lucille Grozinski, CCR, Board Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

DISPOSITION OF MINUTES

■ **May 12, 2016**

A motion to approve was made by Mayor DelCore, seconded by Vice Chairman Dr. Marulli.

Roll Call: Mr. Wagner – yes; Mr. Hesthag – yes; Ms. Becorena – yes; Vice Chairman Dr. Marulli – yes; Chairman Lipani – yes. Motion carries.

■ **June 02, 2016**

A motion to approve was made by Vice Chairman Dr. Marulli, seconded by Mr. Wagner.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Hesthag – yes; Ms. Becorena – yes; Vice Chairman Dr. Marulli – yes; Chairman Lipani – yes. Motion carries.

DISPOSITION OF RESOLUTIONS

■ **Hillsborough Realty LLC (Reference: Wiseman Enterprises, LLC 04-PB-25-MJ) - File #16-PB-05-RES**

A motion to approve was made by Mr. Hesthag, seconded by Vice Chairman Dr. Marulli.

Roll Call: Mr. Wagner – yes; Mr. Hesthag – yes; Ms. Becorena – yes; Vice Chairman Dr. Marulli – yes; Chairman Lipani – yes. Motion carries.

PLANNING BOARD BUSINESS

None

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

None

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

- **GLEN GERY (GG RE Co.) – File 15-PB-04-MR** – Block 182, Lots 10, 11, 12, 45 & 46 – 95 Hamilton Road. Applicant seeking Minor Subdivision with Waivers to reconfigure lot lines by merging all five lots totaling 238.7 acres, then subdividing a lot in the southeasterly corner to create one lot consisting of approximately 25.494 acres (Proposed Lot 46), with the remaining lot (Proposed Lot 11) approximately 213.25 acres of remaining land, on property in the M, Mining Zoning District. (EC Review: 03-23-15). **ADJOURNMENT Requested to July 07, 2016.**

Legal counsel was not present. The request for adjournment was considered by the Board.

A motion to adjourn the application to July 07, 2016 without further notice was made by Vice Chairman Dr. Marulli, seconded by Mr. Peason.

Roll Call: Mr. Peason - yes; Mr. Julian – yes; Mr. Wagner – yes; Mr. Hesthag – yes; Ms. Becorena – yes; Vice Chairman Dr. Marulli – yes; Mayor DelCore – yes; Chairman Lipani – yes. Motion carries.

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- **Montgomery Development, LLC - File 05-PB-19-SR (2016 Extension Request)** (Ref: Montgomery Properties LLC 05-PB-19-SR / 04-PB-2-SRV) - Block 142.03, Lots 1 & 2 (formerly Block 142.B, Lots 1 & 2). Applicant seeking a one-year extension through June 30, 2017 for the Amended Preliminary and Final Major Site Plan Approval, Resolution date: 12-08-05; One-year Extension approval, Resolution date: 12-13-07 (Preliminary & Final Major Site Plan Approval granted under 04-PB-2-SRV, Resolution date: 02-03-05), to construct a child care facility, with improvements, on property in the I-1, Light Industrial Zoning District (follows I-2 standards – fronts on highway).

Francis P. Linnus, Esq., representing the owner of the property stated by law the Permit Extension Act extended approvals until June 30, 2016. The Applicant is seeking a one-year extension.

Mr. Linnus said the Planning Board approved and signed the final plan on November 01, 2007. A substantial investment was made by the Applicant to submit to the Board and comply with all conditions of the approval. Site grading and pad preparation; storm sewers; detention basin with vinyl liner and outlet structure; sanitary sewer; parking lot curbing; keystone retaining wall; and DGA base for the parking lot are all in place. Soil erosion and sediment control measures have been implemented as required. As with many developers, the economy and marketing of recent years have impacted development. The approval is for a child-care facility which has a restrictive covenant. Mr. Linnus said his client should be in a position within the next year to implement the approval in accordance with the approved plans.

Mr. Julian asked how long the silt fence will remain for the soil control.

Gregory Ploussas, PE, was sworn in and gave the following testimony in response to questions asked by Mr. Linnus.

Mr. Ploussas said he prepared the plans and has been working with the Applicant regarding compliance and further development of the property. He confirmed the silt fence is still up. A pad was created but the parking lot has not been paved.

Mr. Julian asked that the site be checked on periodically to assure the silt fence is still in place so that soil erosion has not given way.

Mr. Ploussas agreed.

No other questions or comments.

A motion to approve a one-year extension was made by Mayor DelCore, seconded by Vice Chairman Dr. Marulli.

Roll Call: Mr. Peason - yes; Mr. Julian – yes; Mr. Wagner – yes; Mr. Hesthag – yes; Ms. Becorena – yes; Vice Chairman Dr. Marulli – yes; Mayor DelCore – yes; Chairman Lipani – yes. Motion carries.

- **WSH Enterprises, Inc. – AMENDED Final – 08-PB-15-MJF (2016 Extension Request)** – Block 148, Lot 24 – Beekman Lane. Applicant seeking a one-year extension through June 30, 2017, for the Amended Final Major Subdivision Approval, Resolution date: 03-13-14, to subdivide 8.8244 property into eight for seven SFD lots and one detention basin lot, on property in the R, Residential Zoning District.

Francis P. Linnus, Esq., representing the property owner, stated the residential subdivision was approved by the Board on March 13, 2014. The approval extended through March 13, 2016 without the Permit Extension Act, further extended through June 30, 2016 with the Permit Extension Act.

Mr. Linnus said the request is for a one-year extension, even though all of that time may not be needed. There are no engineering conditions of approval. Some final plat signatures have already been secured and the Applicant is working on posting bonds. The plan still requires the HTMUA and Township Clerk's signatures on the plat before it can be recorded. The request is for a one-year extension through June 30, 2017.

Chairman Lipani asked when the applicant anticipated breaking ground once the plat has been recorded.

Mr. Linnus said the intention is to break ground shortly thereafter.

No other questions or comments.

A motion to approve a one-year extension was made by Vice Chairman Dr. Marulli, seconded by Mr. Peason.

Roll Call: Mr. Peason - yes; Mr. Julian – yes; Mr. Wagner – yes; Mr. Hesthag – yes; Ms. Becorena – yes; Vice Chairman Dr. Marulli – yes; Mayor DelCore – yes; Chairman Lipani – yes. Motion carries.

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- ***Terrace Industrial Park – File 08-PB-08-MJF (2016 Extension Request)*** – Block 185, Lot 1 – Weston Road. Applicant seeking a one-year extension for the Amended Final Major Subdivision Approval, Resolution dated 09-04-08, to subdivide 19,586 acres into ten lots for industrial park, including one stormwater lot, on property in the I-1 Light Industrial Zoning District.

Cory Kestner, Esq. of Mason, Griffin and Pierson, representing the Applicant, said the original application had been approved in 2004; the amended approval granted in 2008 due to a change with the stormwater. The property is currently being actively marketed with a commercial realtor. There has been some interest in the property.

Mr. Maski said the land behind this property is owned by the Township. That property abuts the railroad and was a former landfill. This subdivision required that the Township retain access to the Township owned lot.

Mr. Kestner confirmed an easement had been provided.

Chairman Lipani asked if a one-year extension was sufficient.

Mr. Kestner said the Applicant is hopeful and has already spoken with the Township Planner regarding potential development.

A motion to approve a one-year extension was made by Vice Chairman Dr. Marulli, seconded by Mr. Peason.

Roll Call: Mr. Peason - yes; Mr. Julian – yes; Mr. Wagner – yes; Mr. Hesthag – yes; Ms. Becorena – yes; Vice Chairman Dr. Marulli – yes; Mayor DelCore – yes; Chairman Lipani – yes. Motion carries.

- ***Dr. Kumar Ramaswamy (668 Route 206)*** – File 16-PB-04-SRV – Block 178, Lot 16 – 668 Route 206. Applicant seeking preliminary and final major site plan approval; bulk variances for relief from minimum lot width (existing condition); maximum front yard setback; minimum FAR; minimum buffer, and parking waivers, to demolish the existing structures and construct an 8,480 sf. one-story multi-tenant medical office building, with parking, lighting and stormwater improvements, for property located in the GA, Gateway A Zoning District, within the ASD Overlay District (EC Review: 05-23-16). ***Adjourned from June 02, 2016.***

David Singer, Esq. of Vella, Singer & Martinez, P.C., representing the Applicant, called Dr. Ramaswamy up for testimony.

Dr. Kumar Ramaswamy was sworn in and gave the following testimony:

Dr. Ramaswamy said he is an Internist practicing in Hillsborough. He said his intension is to build an office building of which he will occupy ¼ of the space, leasing out the remaining office space to other medical practitioners. This will allow for expanded business and help take care of the needs of the Township.

Chairman Lipani said the Board reserves the right to call him back up for testimony.

Wayne Ingram, PE, of Engineering & Land Planning Associates, Inc. was sworn in, reviewed his credentials, was accepted by the Board, and gave the following testimony:

Exhibit A-1 – Colorized Site Plan

Mr. Ingram reviewed the site plan exhibit. He said the building is 250 ft. long by 30 ft. wide, separated into 8 units, with 34 parking spaces on the property. The building will be placed back approximately 150 feet on the narrow lot. There will be a driveway from Route 206 and parking will be to the north of the building. One of the practical difficulties of the site is that there is a very steep drop-off between this property and the neighboring property to the south. To bring the building closer to the roadway would have created the need for a 12 of 14 ft. retaining wall in order to level out the building so that it is the same level as the driveway.

The building will remain outside of the wetland and stream corridor areas on the property. NJDEP applications are pending for permits which will essentially verify the limits. No disturbance to those areas is proposed. In fact, those areas are planned to be revegetated. The application is a minor project, proposing less than 1 acre of disturbance and ¼ acre of impervious. The application is exempt from DRCC review. A stormwater basin is proposed to be installed so that the run-off can be consistent with existing conditions.

Mr. Ingram said the Applicant is proposing tree compensation, the majority of which will be on-site, the balance of which will go to the tree fund, if preferred. The trash enclosure will be located at the northwestern corner of the parking lot. The intention is that trash pick-up would be during off-hours before the property was occupied.

There are practical difficulties in providing adequate access for the fire truck to be able to turn around completely in the

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facility due to the narrow width of the property. This is a difficulty similar to many neighboring properties. Other options were considered but the different scenarios led to reduced parking still without the ability to turn the firetruck around.

Mr. Ingram said the Applicant agrees to comply with all comments in the Fire Marshal's report; the exception being there could not be a turn-around for the firetruck. The firetruck would need to back out onto Route 206. Again, this is similar to many commercial lots in this area.

Mr. Ingram reviewed the following variances requested: lot width at setback - 200 ft. is required, 120 ft. provided (existing condition); maximum front yard setback - 20 ft. required, 150.1 ft. proposed; minimum FAR - the total is under the minimum as a result of the size of the building; and minimum buffer - 15 ft. is required, 15 ft. is proposed to the north but only 10 ft. to the southern side of the building. One design waiver requested is not to be required to have a 30 ft. drive aisle due to the narrowness of the lot. Any further reduction of the building will render the building too narrow to be functional. Additional plantings will help mitigate and dress up the building.

Mr. Ingram reviewed the design standards noted in the Planning review and any waivers requested:

Required - Minimum 40% of the front façade of any new building shall be located 10 ft. from the front property line; Proposed - Due to the narrowness of the lot and large depression in front of the building that it is impractical to construct in that area.

Required - Primary entrance shall accommodate pedestrian access from the street and parking lot; Proposed - an access is provided in the parking lot but not from Route 206. Mr. Ingram said that requirement is more suited to retail, not professional offices. If required, it is feasible to provide sidewalk to the north, but not to the south due to the 3:1 slopes. There is a very large bridge and crossing on the other side of the road due to those difficulties.

Required - Route 206 right-of-way shall be at least 97 ft.; Proposed - the Applicant agrees to do so.

Required - Minimum 5 ft. wide sidewalk and 10 ft. wide planting strip with street trees and curbing shall be provided along the Route 206 frontage; Proposed - there are substantial trees along the frontage that will remain, other than those to be removed for the driveway.

Required - Paving materials shall identify pedestrian pathways within parking lots. Pedestrian walkways at least 5 ft. in width shall be provided from public sidewalks adjoining the property to a principal public entrance; Proposed - the required width of the sidewalk will be provided but no walkways within the parking lot are proposed.

Required - Fencing greater than 50 ft. in length shall have a change in plane, height, material or material texture or significant landscape massing; Proposed - lattice work on alternating panels is proposed to give some character to the fencing.

Required - Where loading, outdoor storage and service areas face adjacent residential uses, an earthen berm, no less than 6 ft. in height, containing evergreen trees and shrubs shall be provided; Proposed - other than the trash enclosure, there is no outdoor storage area. The trash enclosure will be enclosed behind a substantial fence with landscaping.

Mr. Ingram reviewed the general design standards for the zone as noted in the Planning report. Information provided not already touched on is as follows:

The Applicant is not opposed to providing cross-access to the adjacent lots but two of the properties are residential. Should the lot to the north and lot to the south ever be developed, there may be an opportunity in the future to provide a turnaround for the fire truck if all three property owners work together on creating cross-access.

Mr. Maski asked if the Board requested, would the Applicant consider as a condition of approval that if the adjoining properties ever be developed commercially that the property owner would be willing to enter into a cross-access agreement.

Mr. Ingram agreed and stated it is important for the reasons mentioned.

Mr. Ingram said the Applicant is not opposed to locating the building further forward on the property but due to the sloping of the property, it is the practical difficulty of the site. Moving the building forward and creating parking in the rear would still not accommodate a fire truck and the lot width does not allow for substantially more parking. It seemed to create a lot of impervious for very little benefit.

All junction, accessory boxes and HVAC will be screened.

A one-story building which gives a two-story feel is proposed. A second story is not proposed because there is not enough room to accommodate it. He said they are not looking to encourage people to have to go up to a second floor to a doctor's

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office. The Applicant prefers the one-story because that is all the use requires. Given the residential uses on each side would seem overly large, given the reduced buffer. The design tries to respect the scale of the neighboring development. Mr. Ingram said there is no objection to adding some windows to the southern and eastern sides of the building. Landscaping will also be installed to make it visually appealing.

Mr. Maski asked Mr. Ingram to give more details as to the proposal as it relates to the neighboring property.

Mr. Ingram said they are proposing to put in some windows and architectural elements to break up the rear wall of the building. Substantial landscaping is proposed to help break up that side of the building. The landscaping plan has 5 trees around the frontage, a grouping of 3 larger shrubs or trees on the southern side, and smaller shrubs along the property line. The building was also positioned on a relatively flat area which does not require substantial relief in elevation that would be visible to the neighbor.

Mr. Maski said this property is at the border of the Town Center Zone. The Town Center Zone does not permit offices on the first floor. He asked that Mr. Ingram provide more on the one-story design.

Mr. Ingram said it is not that medical offices cannot be on a second floor; it is just that it further serves the patients to have the offices on the first floor.

Mr. Maski said then it is a preference.

Mr. Ingram agreed.

Mr. Ingram said all rooftop equipment will be screened. The only thing visible within the property is the satellite dishes which need a line of sight. Trees and other landscaping are proposed to screen it from the public view.

Mr. Ingram said the comment on entrances might not apply since this is for a medical office.

Mr. Maski said the intent is for medical offices but the design of the building is physically suited for retail use, which is permitted in the zone.

Mr. Ingram reiterated the use is only for medical offices, not medical offices and/or retail.

Mr. Ingram said the Applicant has agreed to dress up the building and install features around to make the building more attractive. Paint and trim colors will be complied with as required. Trims can be provided as requested. Other architectural features will be provided in a uniform fashion, as requested. EIFS material will be limited to the maximum 30% of the façade, providing materials, as requested.

Mayor DelCore asked Mr. Ingram to expand on only the comments that will not be complied with.

Mr. Ingram said the applicant will comply with comments E8, E9, E10, E12, E13, and E15 of the Planning report.

Mr. Ingram moved on to the comments on arcades, awnings and porches. He said the proposed 5 ft. arcade is due to lot width. To make it wider would encroach upon the buffer to the north. The total width with the overhang will be 6.7 ft. which is just shy of the requirement.

Vice Chairman Dr. Marulli commented that there are other alternatives. He recommended a two-story building which is more in keeping with the Gateway Zones.

Mr. Ingram said another layout was considered as previously mentioned but it just seemed to add impervious coverage without any improvement to the parking. He said the goal was to keep the lot as lean as possible with impervious surface and comply with as many standards as possible, given the narrow lot width.

Mr. Maski suggested the proposal is too much for the site.

Vice Chairman Dr. Marulli agreed suggesting the same square footage could be achieved by a two-story building with a smaller footprint and realigned driveway and parking. Elevators would then be required, which is an added expense. Dr. Marulli said the proposal does not seem to fit the spirit of the area. He noted that part of the difficulty for compliance is due to the way the building is laid out, not that it is impossible to achieve.

Mr. Ingram stated they are open to listening to the Township to try to come up with a plan everyone is happy with. The intent was not to have an overly tall building next to residential structures.

Mr. Maski pointed out the center of the building is already at 35 ft.

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Mr. Ingram said having one section at that height is different than having an entire structure at that height. He said the 35 ft. section in the middle was to create some character to the building.

Mr. Ingram continued going over the Planning comments. Street lights are not proposed, only internal lighting to the site. A more decorative fixture could be provided, if preferred. He said they are trying to put in as few lights as possible while providing adequate lighting. The proposal is to have G5 LED lights at a height of 15 ft. The Applicant will comply with items G6 and G7.

Mr. Ingram said the parking areas are being screened so that there will not be spillover of headlights onto adjacent properties. There will be a fence along the parking lot to the north. The dumpsters will have secured lids and the area will be fenced with compliant gates. The screen walls will be 6 ft. The number of spaces is compliant with the ordinance. Signage will comply.

Mr. Ingram said they agree to the remaining comments in the Planning review.

Mr. Ingram went over the Maser Engineering review. He said in general, most comments will be agreed to with few exceptions. The issue of cross-access was discussed. The Applicant would agree to do it in the future, as feasible. There is no basement proposed. The required handicap parking area has is designed and the appropriate signage will be provided. A 25 ft. drive aisle is proposed without a 1 ft. sidewalk. The use does not necessitate deliveries by vehicles larger than those able to park in the parking stalls.

Mr. Ingram said based on the hours of pick-up, there will not be a conflict for the turnaround of a garbage truck. The truck will have to go into parking stalls to accomplish this but based on the hours, it will not be an issue.

Mr. Maski asked Mr. Ingram if he could guarantee there will never be a car parked blocking the gate.

Mr. Ingram said it could never be guaranteed however, given the length of the parking lot, there would be room for maneuvering around the site, especially given the hours proposed. The Applicant will propose a sidewalk to the north side of the access driveway but will contribute to the sidewalk fund for the absence of sidewalk to the south.

Mr. Ingram said as for grading, guiderail will be provided as necessary to protect against the drop offs. All other grading comments will be complied with.

Mr. Ingram said they will comply with all stormwater comments, with the exception of #6. Due to the slope of the site, roof leaders will be directed to drastically reduce the run-off to the south that currently go to that depression, because the driveway will be cutting off the off-site stormwater that will be heading that way. That run-off will be picked up in inlets directed to the system within the State highway. This should improve the drainage in the area.

Mr. White said so then the detention basin will not be discharging the matter; it will be piped down to the inlet.

Mr. Ingram agreed.

Mr. Ingram continued. He said the site will comply with all lighting comments. The proposed height of the light the light poles are 15 ft. The requested data will be provided.

Mr. Ingram said ten of the trees will be provided off-site through donation to the tree fund. There is a concern about placing any trees in the depression since there is no outlet. The wetland buffer will be revegetated where there currently is not a buffer but spaced at a distance that will allow the trees to thrive, but there is still a deficiency.

Mr. Ingram said the Applicant will comply with all other comments, the exception being that trees and vegetation will only be placed to the north, not the south.

Mr. Ingram discussed outside agency approvals. He said they have approvals from the SCPB, exempt from DRCC; and applications are pending with NJDEP and NJDOT. As stated earlier, the Applicant will comply with all comments from the Fire Marshal, with the exception of the turnaround for the firetruck, regardless of the configuration. The information requested by the Environmental Commission is available on the site plan.

Mr. Maski said there are two other comments noted in the report from the Environmental Commission. They note a bald eagle foraging habitat and a wood turtle habitat on the site.

Mr. Ingram said the buffers shown from the wetlands are at the maximum 150 ft. buffer, which is as conservative a buffer as is required. The area within that stretch is already primarily disturbed. It is a lawn area, not wooded. The proposed landscaping revegetates and reforests this environmentally sensitive area.

Mr. Julian said it is important to have the LOI.

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Mr. Ingram said they have already talked with the reviewer who has been to the site. They have not heard of any objection to the rear wetland. The only area being discussed is the front of the property. NJDEP believes there is a small wetland area in that depression but based on its size, if it were found to be present, it would not require a buffer. Regardless, it goes further to the point not to disturb the front area. The LOI will be provided as a condition of approval.

Chairman Lipani asked if there was any consideration given to putting the parking under the building.

Mr. Ingram said from a cost perspective it would be very prohibitive. The Applicant is trying to develop the site somewhat close to what the Township would request where the other properties are not conforming either, but it has to be viable for the client.

Chairman Lipani asked if there was consideration to buying more land from an adjacent property.

Mr. Ingram said he was not aware of it but that Dr. Ramaswamy could testify to that.

Chairman Lipani said snow removal is very difficult with this site plan. There is nowhere to push the snow other than into the stormwater basin. That snow will likely have chemicals and snow-melt mixed in. Anywhere else on the site could potentially cause a slip and fall hazard with melting and freezing snow. Chairman Lipani noted his experience proves this type of design to be potentially hazardous and very expensive to snow plow since the snow will need to be trucked off-site. He suggested thinking ahead to create areas where the snow can be piled.

Mr. Ingram asked if inlets are satisfactory.

Chairman Lipani concurred.

Mr. Ingram said there would be no objection to adding inlets to the parking area.

Mayor DelCore said given there are some environmental restraints on the property, the way in which the site is proposed to be developed with the one-story building; it seems to be deviating fairly significantly from what is envisioned for this area in the Gateway Zone which borders the Town Center. Mayor DelCore suggested considering another design that brings it closer to what has been envisioned and does not create the view for some of the adjacent properties and allows access to some of the sides of the property that currently does not exist. It seems as though the impact of the constraints have been maximized.

Mr. Singer requested a break to discuss the matter with his client.

Break 8:48 – 8:56

Mr. Singer said during the recess they were able to discuss the comments of the Board. Mr. Ingram was given the floor to explain what was discussed.

Mr. Ingram said they will take a look at making revisions to the plan. Essentially what will be proposed is to cut the building in half but slightly wider, adding a second story and possibly reconfigure the parking so that the majority of the parking is hidden behind the building. A front door and sidewalk may also be able to be added.

Chairman Lipani noted the Board's appreciation for looking to provide an alternate plan. The Board will be able to comment further once the revised plans are provided.

Chairman Lipani asked Dr. Ramaswamy to testify as to whether or not adjacent property is being pursued in order to make this lot less restrained.

Dr. Kumar Ramaswamy said they had looked into it but the adjacent properties were not for sale.

Open to the public.

Lazlo Herman – Route 206

- Mr. Herman said he owns the adjacent property to the south. He spoke of issues he has experienced with flooding since 1978.
- Mr. Herman provided copies of documentation and photos to further support his statement. **Exhibit O-1** was marked into evidence. Mr. Herman elaborated on the wetlands, flooding, insects, downed trees, and wildlife.

Mr. Singer said Exhibit O-1 is for property other than the subject site, and mostly deals with issue for NJDOT and Route 206. Illegal dumping was noted but not for Lot 16. As for flood concerns, Mr. Ingram already testified that this development would actually be improving the conditions as they currently exist.

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Mr. Ingram reiterated that NJDEP was looking into a small wetland in front of the property. It would have to be isolated because it is in a hole. The only work being done in that area is for a driveway. By putting in the driveway, upstream water is being prevented to continue to go into this bowl. Water will be directed directly into the NJDOT system so it will no longer pond in that area and should be substantially reduced.

Mr. Ingram explained the area in the rear of the site is currently lawn. The proposal is to revegetate that area so if nothing else, the habitat areas for the animals are being improved upon. The improvement to the woods is further reducing run-off.

Mr. Maski agreed that most of the documents submitted as O-1 had to do with illegal fill in the brook related to the Claremont Development. There are also some letters about clearing the drainage on Route 206.

- Mr. Herman continued with comments related to flooding on his property. He asked how the noise from the Applicant's site will be handled.

Mr. Ingram said they are trying to minimize the noise from the trash truck but it cannot be eliminated since the truck cannot turn around on site; back-up noise will be heard. Vehicles are exempt from State noise code. The normal office hours are those typical of doctor's offices, 8-6 with some evenings perhaps. The ground-mount AC and HVAC systems will be placed behind the building, and will comply with the State noise code. They will be property screened and buffered to reduce noise from those structures, as required.

Vice Chairman Dr. Marulli asked for clarification on the water. He said he read the down spouts from the roof will be piped from the detention basin. Then all of the drainage will be going into the detention basin on the north side of the driveway and parking lot.

Mr. Ingram stated except for the rear roof leaders. That is substantially less than goes there now. The changes proposed to make the building half the size in footprint means the roof will be half the size and further reduce the amount of water going to that area.

- Mr. Herman asked the detention basin is about 3 ft. higher than his property. He asked if the water will be pumped.

Mr. Ingram said they will be able to make the water go in that direction. The grade of the property will be altered and curbs and walls will be installed. Because there are curbs and walls on all of the upstream properties, the subject site will end up picking up all of the water and sending it to the street before it ever gets to your property.

Additional questions were asked about drainage.

Mr. Ingram stated there are many upstream properties draining in this direction. All of those will be cut off by this development and sent to that State system, rather than draining to the pit that exists between the properties. Nothing being proposed is near an actual flood zone.

- Mr. Herman again asked how the water will get to the detention basin.

Mr. Ingram stated the water from the front roof leaders will go into the parking lot and towards the basin. The back of the building may have a roof leader that continues to go south but will be substantially less than goes there now. Right now all runoff goes to a shared low point in front between these two lots.

- Mr. Herman did not agree and spoke of various problems he has been having with flooding since 1978.

Chairman Lipani said the Applicant will be coming back before the Board with a revised plan. He suggested Mr. Herman attend that meeting.

Vice Chairman Dr. Marulli said to say there is going to be a further flooding problem and that nothing can be done about it is not accurate. The Applicant's Engineer stated on the record there will be less of a water problem because the water will be interrupted before it reaches his property. It is not that the problem impact of the water will get worse.

- Mr. Herman said the water problem has only gotten worse over the years, not better.

Vice Chairman Dr. Marulli spoke of water issues he had had on his property and how it was remedied. He said if the water impact is worsening, any neighboring property owner has every right to request a modification to the drainage system. However, it does not appear to be the case here. It is important to note that this development cannot remedy the problem on your property, only that they cannot cause further impact from their property to your property.

- Mr. Herman said he has been promised an improvement many times. He said the water problems have continued to worsen with every new development and new detention basin. When the Manor was approved, there was no room for a detention basin.

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Vice Chairman Dr. Marulli told Mr. Herman the Board hears what you are saying and accept it is your opinion that the water issue will only worsen with this development. The Board relies on its experts to tell the Board whether or not the water will be increased or decreased. The Applicant's expert has testified that the water will not worsen.

Mayor DelCore concurred and said that a development like this has to abide by NJDEP requirements to lessen the stormwater flow. If you only have the original photos you may want to have copies made and drop them off with our Planner to be distributed to the Board.

- Mr. Herman said he does not want to have more water on his property. He again spoke of the ditch between the two properties.

Mr. White said the analysis performed was site specific. The Board can ask for an analysis of that low area to demonstrate there is no impact or if no impact, if there is a positive reduction.

Mr. Ingram said they have no objection to that.

Chairman Lipani explained to Mr. Herman that if an approval of the application is given, the Applicant's engineer will do an analysis now, before development, and after the property is developed, to provide whether there will be an increase, decrease or no change for runoff to your property, based on the engineering of the plan. A professional engineering staff will test the site to prove what they are testifying to is true. If there is an issue, the Applicant would need to correct it.

- Mr. Herman asked how the existing trees will be handled.

Mr. Ingram said they are not looking to remove any trees they do not have to. Tree replacement calculations have been done. The Applicant is establishing many more trees than removing and revegetating a constrained area in the back, subject to NJDEP.

- Mr. Herman asked about the traffic for the site.

Mr. Ingram said the traffic for the site is regulated by the State because it is off of a State highway. NJDOT approval would be contingent on the Applicant satisfying them with regard to that.

- Mr. Herman said it takes about 20 minutes for him to get out of his driveway when making a left out; about half that time when making a right. The traffic has gotten worse with every development. Mr. Herman asked how all of the noise and traffic will be reduced.

Mr. Ingram said the Applicant is proposing a use on this property which the Township has deemed an appropriate use. The Township does not want residential in this area. There are many non-confirming properties, this Applicant just happens to be the first to come in to try to build to what the Township requests. Traffic will inevitably be created. He said they are working with the Township in making changes to the orientation of the building, adding buffers and doing what they can to mitigate that.

- Mr. Herman said his house is now nonconforming because the zoning was changed but it was conforming when he filed his permit to build his house. He elaborated on how he believes the value of his house will be diminished by this development.

Chairman Lipani said the Applicant is within the ordinance to construct that type of use on the property as per the current Gateway zoning. The design of the building is up for review. The Board has yet to determine that in this case. This Applicant will be coming back with an alternate proposal. Chairman Lipani suggested Mr. Herman attend that meeting or send a proxy if unavailable.

- Mr. Herman asked if DEP was informed that the wall will be moved.

Mr. Ingram said NJDEP is not reviewing the plan at this time. They are reviewing what have been identified as the restrained areas. If they agree, there is no reason to get a permit; if they disagree, they may need to make changes or submit for an additional permit. The driveway and ditch approvals spoken of are not subject to NJDEP approval at this point. Once the LOI is in, any appropriate changes will be made to the plans or additional permits will be applied for.

A carry date was discussed.

Mr. Singer stated they would not be reviewing all of the testimony provided, only the revisions to the plans submitted.

Close Public

A motion to carry the application to July 7th, without further notice, was made by Vice Chairman Dr. Marulli, seconded by

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Mr. Peason. All were in favor. Motion carries.

Mr. Maski informed the Board there was no business scheduled to the business meeting.

A motion to cancel the June 23rd meeting was made by Vice Chairman Dr. Marulli, seconded by Mayor DelCore. All were in favor. Motion carries.

Attendance was discussed for the July 7th meeting.

ADJOURNMENT

A motion to adjourn was made and seconded. All were in favor. Motion carries.

The meeting adjourned at 9:36 p.m.

Submitted by:
Debora Padgett
Administrative Assistant / Planning Board Clerk

Approved