

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
July 14, 2016

Chairman Shawn Lipani called the Planning Board Public Meeting of July 14, 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 – Arrived 7:40 pm

Robert Wagner, Jr. - Present

Deputy Mayor Carl Suraci – Present

Robert Peason - Present

Dr. Daniel Marulli, Vice Chairman - Absent

Neil Julian, Secretary - Present

Sam Conard – Absent

Shawn Lipani, Chairman – Present

Kenneth Hesthag - Absent

Sally Becorena (Alt. #1) – Arrived at 7:38 pm

Stephanie Forrest (Alt. #2) – Present

Also present: David K. Maski, PP, AICP, Township Planning Director; John Kaplan, Esq., Board Attorney (Eric M. Bernstein, & Associates); Brian Boccanfuso, PE, CME, Alternate Board Engineer (CME Associates); Lucille Grozinski, CCR, Board Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

DISPOSITION OF MINUTES

None

DISPOSITION OF RESOLUTIONS

■ **Country Classics – Phase 4A – File 07-PB-20-MJF (2016 Extension Request)**

A motion to approve was made by Mr. Peason, seconded by Mr. Wagner.

Roll Call: Mr. Peason – yes; Mr. Wagner - yes; Ms. Forrest – yes; Deputy Mayor Suraci – yes. Motion carries.

■ **SISSCO (Permadur Industries, Inc.) – File 16-PB-03-SRV**

A motion to approve was made by Mr. Wagner, seconded by Mr. Peason.

Roll Call: Mr. Peason – yes; Mr. Julian - yes; Mr. Wagner – yes; Ms. Forrest - 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

John ZAMKOTOWICZ – File 07-PB-26-MJ (2016 Extension Request) – Block 199, Lot 18 – Extension of Vroom Drive. Applicant seeking one-year extension for Preliminary and Final Major Subdivision approved 05-08-08, Resolution dated 09-04-08, to subdivide 6.724 acres into four residential lots; the Remainder Lot to contain approximately 2.80 acres and will contain the existing dwelling; Proposed Lot 18.02 will contain approximately 1.12 acres; Proposed Lot 18.03 will contain approximately 1.38 acres; and Proposed Lot 18.04 will contain approximately 1.29 acres, with improvements and conditions, on Property in the R, Residential Zoning District.

Richard Schatzman, Esq., representing the Applicant, gave a brief overview of the application. Mr. Schatzman said the delay for development was due to the downturn in the economy. The Applicant now has all outside agency approvals. Mr. Schatzman said the DRCC had the Applicant revise the plans to incorporate the new stormwater regulations. The revised plans have been reviewed by Mr. White. He said fees and bonds need to be posted, and the legal instruments need to be recorded.

Mr. Schatzman said the development is located on Vroom Drive, off of Hamilton Road. He stated the Residential Zone requirements have not changed since the time of approval.

Mr. Maski confirmed the zoning standard have remained the same.

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Open to the public.

No questions.

Close public.

Chairman Lipani noted the arrival of Ms. Becorena at 7:38 p.m.

A motion to approve a one-year extension was made by Mr. Peason, seconded by Ms. Forrest.

Roll Call: Mr. Peason – yes; Mr. Julian – yes; Mr. Wagner – yes; Ms. Forrest – yes; Deputy Mayor Suraci – yes; Chairman Lipani – yes. Motion carries.

- ***Meadow Brook at Hillsborough*** – File 16-PB-02-MJSR – Block 163.05, Lots 101, 102, 103, 104 & 105 (Proposed Lots 101.01 and 101.02 after subdivision – Proposed Lot 101.02 subject of application) – currently 495 Amwell Road (Lot 101); (Q Farm) Amwell Road (Lot 102); 503 Amwell Road (Lot 103); 505 Amwell Road (Lot 104); and 507 Amwell Road (Lot 105). ***Subdivision Deeds filed 04-18-16 for Lots 101.01 and 101.02.*** Applicant seeking preliminary and final major subdivision approval; preliminary and final major site plan approval; relief from maximum tract area for single-family dwellings (*identified*); and Hardship Waiver from the Tree Preservation Ordinance, to subdivide Proposed Lot 101.02 (17.166 acres) into 46 lots: 44 lots for single-family detached homes; 1 multi-family lot (2.49 acres) to construct 30 multi-family townhomes situated within three buildings; and 1 open space lot (6.06 acres) to contain the stormwater basin; and all necessary parking, roadways, utilities, and improvements, on property in the ARW, Amwell Road West Zoning District. This project is governed by the provisions of the *New Amwell Redevelopment Plan. Revised Plans submitted 04-15-16.* (EC Reviews: 04-25-16; 05-23-16; and 06-27-16) ***Revised Plans submitted 06-22-16. Continued from May 12, 2016 without further notice.***

Francis P. Linnus, Esq., representing the Applicant, K.Hovnanian, said the hearing for this application was opened on May 12, 2016, at which time a general overview of the application was given and the plans were presented. Based on the comments of the Board’s professionals, the plans have been revised, as presented.

Mr. Linnus stated the Township Committee designated K.Hovnanian as the Redeveloper of the property on June 28, 2016, and authorized the entry of a Redevelopment Agreement under the New Amwell Redevelopment Plan. Testimony will be given by David Fisher, Vice President of Governmental Affairs for K.Hovnanian. Mr. Fisher appeared three times before the Environmental Commission. Mr. Fisher will review the revisions to the plan and speak on any remaining issues.

Mr. Linnus said testimony will also be provided by Richard Reading on the Community Impact Statement; Raymond Papa on engineering; Blanche Eraillard on the landscape package; Thomas Decker, as Planner, will discuss tree mitigation, the ordinance and economic hardships of that ordinance, and variances; and Georgia Marino on the Environmental Impact Statement. Mr. Linnus said testimony will not be concluded at this meeting. The Traffic Engineer, Gary Dean, PE, will be available for testimony at the next hearing.

Chairman Lipani noted the arrival of Mayor DelCore at 7:40 pm.

Mr. Maski stated Mr. Peason, Mr. Julian and Mayor DelCore had all provided certification that they had watched the recording of the May 12, 2016 meeting and are thereby eligible to participate for this application.

David Fisher, PP, Vice President of K.Hovnanian Homes in New Jersey, was re-sworn and gave the following testimony in response to questions asked by Mr. Linnus.

Exhibits - May 12, 2016 hearing:

- A-1** – Meadow Brook – 11 x 17 Exhibit Handouts dated May 12, 2016
- A-2** - General Location Map
- A-3** –Subdivision and Site Plan Rendering
- A-4** - Rendering of Haddonfield SFD Model
- A-5** - Rendering of Brookdale SFD Model
- A-6** - Rendering of Townhomes

Exhibits - July 14, 2016 hearing:

- A-7** – Meadow Brook – 11 x 17 Exhibit Handouts dated July 14, 2016
- A-8** – Colorized General Location Map
- A-9** – Colorized Subdivision & Site Plan Rendering
- A-10** – Colorized Aerial Photo - 2015
- A-11** – Landscaping Plan
- A-12** – Landscaping Details

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A-13 - Monument Sign Sketch

Mr. Fisher said this handout is similar to that from the first hearing. The first two pages after the cover have been modified to reflect the new layout.

Mr. Fisher stated, as reviewed at the last hearing, the subject property was created as part of the minor subdivision as part of the RPM Development application. The subdivision created our Lot 101.02 which is a 17.17 acre lot. The deed was filed April 18, 2016, after this application was submitted. Mr. Fisher reminded the Board the front property is being developed for affordable housing units, developed by RPM Development.

Mr. Fisher said Exhibit A-8 is a colorized map which superimposed the rendering of the development onto the aerial photo, named the General Location Map. It is essentially identical to the A-2 exhibit but with the new layout. The property is vacant for the most part; a few existing residential structures will be demolished by RPM. The property is partially vacant and open. A good portion of the property is wooded, especially near the north end of the property where a tributary to the Royce Brook runs along the northern edge of the property.

Mr. Fisher explained the new layout is depicted on Exhibit A-9. The new layout moves the upper roadway down to the south away from the stream. A cul-de-sac has been eliminated which originally came off of that roadway. As a result of that modification, there is more open space and less disturbance to the stream corridor. There are still the same number of lots and townhomes. The lot remains to the west of the townhouse buildings. Both uses are consistent with the redevelopment plan, which established the zoning criteria for the property. Overall there is a density of about 4.3 homes per acre.

Mr. Fisher said the architectural plans were reviewed at the prior hearing. Two of the four single family dwelling models were illustrated. The single-family homes will range in size from 2,200 sf. to just shy of 3,000 sf. The 3-story stacked townhomes have two different model types within them; the smaller being a 1,600 2-bedroom townhome, the other option is a 3-bedroom 2,200 sf. townhome. All single-family homes will have 2-car garages and 2-car wide driveways. All of the townhomes will have a 1-car garage and 1-car wide driveway. Additional parking will be provided along the street near the townhomes, as per the requirements. There will be a mix of architectural styles in the classic Colonial style. The homes will be available in 3 elevations to make them look different, but will be consistent throughout the development.

Mr. Fisher said the open space has increased to about 6.5 acres. The revision provides about .5 acres more of open space and .3 acres less of impervious surface. The percentage of open space is now 38% of the property. More testimony will be given on the sign for the development which will be located at the first intersection as you enter the development through the affordable development. More details will be provided on the common areas: landscaping, lot, stormwater basin, wet pond, internal sidewalks, drainage, and exterior of the townhomes. All of which will be managed by a homeowners association.

Mr. Fisher said shortly after the last hearing, an alternate layout was provided to the Environmental Commission, which is the basis of the revised plans submitted. The alternate plan which reduces the disturbance to the stream corridor buffer, with some minor compensation as a result of some small disturbance to the stream corridor buffer, was reviewed with the Commission at the May meeting. Mr. Fisher said the Commission endorsed the tree mitigation plan as well as the buffer averaging proposed in the alternate layout. That review formed the basis for the plan revisions. A full set of subdivision and site plans consistent with those modifications were submitted on June 22nd. The Commission issued a report dated July 4th which essentially endorses the plan and includes some other conditions for permits from other agencies which need to be secured.

Mr. Fisher said a calculation for the site improvements on the property, as it relates to the hardship waiver under the tree ordinance was submitted on June 27th. He said they also met with Planning Director, David Maski, to review his comments raised in his May 3rd memo. Mr. Fisher said they are confident all issues have been addressed.

Mr. Fisher said K.Hovnanian contacted the Hillsborough School Transportation Supervisor, Marci Decker, at the request of Mr. Maski, to talk about where the school would prefer to pick up school-aged children. The school does not generally allow its buses to frequent private streets. It was decided that the location for the bus stop should be at the main intersection of Amwell Road and the entrance road between the two affordable housing buildings. An expanded bus pad is to be installed at the back of their sidewalk. Representatives from RPM have been in communication with Ms. Decker as well. Unless the school transportation changes its mind, that will be the location for the bus stop.

Mayor DelCore requested the stop not be on Amwell Road.

Mr. Fisher said Ms. Decker told him there are other stops made on Amwell Road already. Amwell Road is not a divided highway so traffic needs to stop in both directions. Mr. Fisher said Ms. Decker did not request that there be an off lane for the bus. He said he had tried to encourage Ms. Decker to have the bus stops circulate throughout the development but since the streets are private, school transportation will not do that.

Mr. Wagner said one of the concerns is that there are four different time frames for the various schools throughout the Township. The intersection to the east by the high school is jam packed with traffic between 7 am and 7:25 am for high

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school drop off. Mr. Wagner said he was concerned with the safety of the children and wanted to go on the record to say he did not think that may be the best choice.

Mr. Fisher said they are open to alternatives.

Mayor DelCore said he agreed with Mr. Wagner. Mayor DelCore said if there are other stops it is to pick up 1 or 2 children, not 30.

Mr. Wagner said you could technically be stopping traffic for up to 2 minutes. He encouraged Mr. Fisher to visit the intersection of Raider Boulevard once school begins. Mr. Wagner said the entire area gets backed up due to the high school. The safety of the children is paramount.

Mr. Linnus said the Applicant will continue discussions with the Board of Education in an attempt to persuade them.

Deputy Mayor Suraci agreed the Applicant would need to find a better solution.

Mr. Boccanfuso asked if there had been any conversations with RPM Developers. He said their approval was conditioned upon reviewing possible school bus pick-up with the Township and Board of Education.

Mr. Fisher said Ms. Decker noted that RPM had already been in contact with her on the same issue. There was a discussion after the BOE was provided with the plan. Mr. Fisher said he pointed out that their streets will be just as wide as the public streets and will have sidewalks. It was solely because these streets do not connect to a public right-of-way that the bus stop was determined. As previously discussed, we are not able to have public streets in the development because they do not connect to any public streets. The streets of this development connect to the access driveway to the office building and a private street to the affordable units. Mr. Fisher said he will go back to talk with the school board more. He said they would be happy to accept the assistance of the Board and the Township in this matter.

Mr. Fisher said the balance of applications to outside agencies is progressing. A recycling agreement has been worked out with the SCPB. The Homeowners Association will contract with a private carter for regular refuse pick-up.

Chairman Lipani asked if the lot sizes changed in order to accommodate the new configuration.

Mr. Fisher said the lot sizes in some instances only lost about 1 ft. The new design does not include another cul-de-sac and street so now that land can be devoted to the lots.

Mr. Fisher compared Exhibit A-3 from the previous hearing and Exhibit A-9.

Open to the Public.

Susan Gulliford – Hunt Club Road

- Ms. Gulliford said she used to live in the Manors development, which has 78 townhouses. She suggested looking into how pick-ups are handled being it is in a similar location with similar pick-ups. Ms. Gulliford said there may be additional buses going in and out for the affordable housing units since it has a set-aside component to it.

Mr. Fisher said he had not looked at the Manors since he understood Ms. Decker's comments to mean the buses did not pick-up on private streets. He said he will look into it and use the Manors as an example.

Close Public.

Richard Reading of Richard B. Reading Associates, was sworn in, reviewed his credentials regarding the economic and community impact of the development, was accepted by the Board and gave the following testimony in response to questions asked by Mr. Linnus:

Mr. Reading stated his firm prepared the "Community Impact Statement for Meadow Brook, A Proposed Residential Development, Dated December 30, 2015" for the application.

Mr. Reading gave an overview of the report. He said they used a standard in-put / out-put model as developed by the Center for Urban Policy Research at Rutgers. This model uses the Township's financial infrastructure as the base for calculating the impacts of development, in terms of the allocated costs and added revenues. The 44 single-family detached homes will have an average selling price of \$580,000; the 30 attached townhouse units an average selling price of \$365,000. The total completed value will be at about \$36,500,000. Using the demographic multipliers, they anticipate 230 residents, including 44 public school children. Based on that evaluation, the average revenues should be about \$830,000. The cost allocated for municipal school and county services will amount to about \$729,000, yielding an annual revenue surplus of about \$101,000 per year. The new development will be added on a per-capita basis, bringing a ratable of 1.27 times the average residential ratable, and a student ratable of 1.2 times the average. The average residential unit, with a sales price of \$493,000 is above

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the township's residential value of \$377,000. For that reason, a surplus would be anticipated. This project will be expected to generate .595 school-aged children per unit, slightly higher than the township's average of .55.

Mayor DelCore asked Mr. Reading to discuss the anticipated sales values.

Mr. Reading said the figures are for the estimated sales price, assuming the deed price would be the assessed value. Hillsborough has an annual revaluation of 100%. The sfd lot sizes are 5,000 – 6,000 sf.

Mayor DelCore asked how the number of school-aged children was calculated.

Mr. Reading said the Rutgers study was most recently updated in 2006. It provides the demographic multipliers used to calculate and are included at the end of the CIS. The homes being built are somewhat smaller than homes recently built in Hillsborough but the multiplier is somewhat higher than the township's average.

Mayor DelCore asked if the 2006 study is the most recent tool generally utilized. He asked for further explanation on the calculations.

Mr. Reading said it was. The last update previous to the 2006 study was done in 1993. It is a fairly broad based study, which is why it is widely used statewide. Mr. Reading said the multipliers used were for statewide market housing units for single-family homes and townhouses. There are separate multipliers for affordable housing and senior housing units.

Open to the Public.

Barbara Kulasinski – Somerset Park

- Ms. Kulasinski questioned why the housing prices exceed moderate to low income housing.

Members of the Board explained the project she was speaking of was for a different application, to be constructed on the front property closest to Amwell Road.

Mr. Fisher pointed out the project on the display. He said the only reason the outline is shown on their plan is because of the access road through that project.

Close Public.

Raymond Papa, PE, of Najarian Associates, testifying as Site Engineer for the project, was sworn in, reviewed his credentials, was accepted by the Board and gave the following testimony in response to questions asked by Mr. Linnus:

Mr. Papa confirmed his firm prepared the concept plan, engineering plans, subdivision plans, stormwater management report, and will be handling the environmental permitting for the project.

Mr. Papa reviewed Exhibit A-10. He said this development will be disturbing about 1,274 trees. The northern end of the site is a tributary to Royce Brook which puts several environmental constraints on the site: wetlands buffer; LOI interpretation; D&RCC buffer; NJDEP flood hazard line; the Township's 150 ft. stream corridor buffer; and NJDEP riparian buffer. Some buffer averaging was done over 3 lots with the endorsement of the Environmental Commission. The site could be designed without the buffer averaging but would require a retaining wall in the back yard, with restricted use for those lots. A conservation easement will be created using the most restrictive of all the lines to create the boundaries, and dedicated that area to the Township of Hillsborough, NJDEP and DRCC.

Mr. Papa said the roadway system meets RSIS. It has 2 accesses to Amwell Road, one of which will be through the office complex access easement. Their driveway will be restored after construction to the satisfaction of the Township Engineer. The 28 ft. roadways meet the RSIS' residential access. The curb returns will be 28 ft. curbing for the firetrucks. Mr. Papa confirmed he met with Fire Marshal Chief Weniger and reviewed the revised plans. His report dated June 28, 2016 noted all comments have been addressed. The 28 ft. roadways allow for parking on 1 side.

Mr. Papa said some of the single-family lots were reduced by 1/2 ft. Because of the reconfiguration, there are several lots that are restricted in that K.Hovnanian cannot sell their biggest house on those lots. The ordinance allows lots 30 ft. x 90 ft. The smallest lot proposed is 52.5 ft. wide x 100 ft. deep; the average lot is about 5,900 sf. The allowable impervious cover is 55%. Calculating the biggest house on the smallest lot, the impervious would be about 52.5% impervious, allowing an additional 150 ft. for an additional impervious. The townhomes are calculated at 54%, where 65% impervious is allowed. The density is allowed at 16 per acre, the proposed is at 12 per acre. The single-family lots total 6 acres; the right-of ways total 2.8 acres; townhomes section is 2.5 acres; and the open space lot with the detention basin is 6.5 acres. Mr. Papa stated he has been informed the property is now within the New Amwell Road Redevelopment Plan Zoning District. The plans note the former ARW Zoning District.

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Mr. Papa said each townhome will have a 1-car garage and a driveway, counting as 2 spaces. Each single-family home will have a 2-car garage and 20 ft. driveway counting as 3.5 spaces. There are 22 perpendicular spaces around the townhouse area and at least 20 perpendicular spaces along the roadway, which easily meets the RSIS standards.

Mr. Papa said the site was very challenging to grade. The site slopes towards the stream. The center and rear of the site needed to be elevated in order to have the sewer come out to Amwell Road. A retaining wall will run across some of the rear

yards, varying between 4 and 7 ft. The stormwater is being taken out to a detention basin near Royce Brook. In order to achieve this, they will be importing about 50,000 yards of fill. The added benefit of raising the site allows K.Hovnanian to sell basements. If the adequate separation is not there, K.Hovnanian will not sell a basement.

Chairman Lipani asked if the testing will be done after the grading.

Mr. Papa said after the grading, test pits will be dug.

Mayor DelCore asked if all the homes will have basements.

Mr. Papa said that is the hope.

Mr. Wagner asked what time of the year that testing will take place.

Mr. Papa said it depends on how the Building Department works but he would guess the testing information would be provided at the time of the building permit.

Mr. Papa said they will be measuring the seasonal high ground water not just actual ground water. That is done by looking at the mottling of the soils.

Mr. Wagner asked if the testimony was that it would not matter if the testing was done in August or December; the results should be the same.

Mr. Papa said it should be.

Mr. Julian asked if the retaining wall also protects the conservation area.

Mr. Papa said that is a side benefit of the retaining wall. It will keep homeowners from encroaching into the wetlands buffer. On top of the wall will be a 4 ft. fence with plastic coated mesh. He said the Township Engineer asked if that was safe. Mr. Papa said he has used it on almost every project they have designed and it seems to work well.

Mr. Papa explained that one of the other challenges was saving trees. He said once you raise the grade by 18 inches, you cannot save a tree, which is the reason they are cutting as many trees as they are. Extensive drainage systems have been put in the back yards of the single-family homes which will run through easements down rear property lines. All stormwater will go to a detention basin. A "wet basin" is proposed. The NJDEP Best Management Practices Manual recommends a 20 acre drainage area wet detention basin. The problem with the recommendation is that it does not relate the drainage area to the size of the basin. This site will have 13 acres of drainage going to a .35 acre basin. There are 5 acres of impervious surfaces directly connected to a pipe system. Mr. Papa said he estimated a 1/2 in. rainfall would supply 7 in. of depth to the detention basin.

Mr. Wagner asked how the water gets to the detention basin if it is not the lowest point on the property.

Mr. Papa said the basin is low enough so that all of the impervious can be collected and get to the site.

Mr. Wagner asked how deep the basin is.

Mr. Papa said the water surface will be 5.5 ft. with the proper safety ledges that the DEP recommends. Above the water surface are emergency spillways at Elevation 99.5. He said at the 100-year storm, they will be impounding 4 ft. of water. There are some walls around the detention basin with fences but they are not fencing the detention basin. Fencing requirements vary by town.

Mr. Wagner asked how the water would get to the upper right hand corner of the property.

Mr. Papa said they are raising the rear of the site, with the basin near the more natural contours, allowing the water at the low end of the site over to the basin.

Mr. Boccanfuso said that if the existing sewer infrastructure were in the stream corridor at that end of the site, it would have made it a lot easier to design. The tie-in to the sewer at Amwell Road is going against the natural grade of the property.

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Mayor DelCore asked Mr. Boccanfuso if he was concerned with the size of the basin, considering how the area is prone to flooding conditions.

Mr. Boccanfuso said he was not concerned with the size relative to the flooding. He said his about the size is that the basin does not necessarily conform to DEP regulations. Mr. Boccanfuso said with that said, there are smaller drainage areas being diverted to these wet ponds. As far as flooding concerns, there are emergency spillways built into the design. The design is required to comply with the DEP requirements for the reduction of peak rate of runoff, which impounds the runoff and

requires it to be discharged into the stream in a controlled manner through an outlet structure. While there is an increase in impervious associated with the development and the total runoff will increase, the rate of runoff will decrease in accordance with the DEP requirements. Mr. Boccanfuso said he had met with Mr. Fisher and Mr. Papa subsequent to the previous meeting and reviewed previous comments and the revisions made to the plans to address those comments.

Chairman Lipani asked if a post-and-rail fence should be considered around the detention pond.

Mr. Maski said some detention basins in town are fenced, some are open. This is no requirement on fencing so the matter would be best decided by Mr. Boccanfuso.

Mr. Boccanfuso said he also was not aware of any township ordinance for fencing. He said fencing varies by township and by detention or retention basin, mostly done for safety. Fencing brings about maintenance challenges for equipment. He said safety ledges are required both below and at the water surface and are included in this design. In this instance, the fencing is at the discretion of the Board. There are benefits both to having and not having a fence.

Mr. Papa continued his testimony. He said the basin will discharge to Royce Brook. The discharge point will be in the wetlands, which will require a general permit #11 from the DEP. It will also be in the flood hazard area which will require an individual permit from the DEP. There will be a maintenance drive from the cul-de-sac to the basin. A locking gate will be provided, as per the request of the Township Engineer.

Mr. Papa explained the lighting. He said there are 36 LED lights. An average 0.5 footcandles is maintained. The Township Engineer asked that they be shielded. Mr. Papa said LED lights are very directional. The Township Engineer will be provided with the cut-sheets showing the capabilities.

Mr. Papa said the Phasing Plan was designed to allow K.Hovnanian to be able to get building permits without having to do all of the roadway improvements for the entire site. Another benefit is for bonding purposes. There will be a raingarden behind the townhomes that meets the infiltration requirement. The site has "D" type soil so there is very little infiltration now. The rain garden deigned meets DEP requirements but the Township Engineer requested some additional perforated pipe, which the Applicant will comply with. The plan shows the width of the riverstone that will go around the water surface of the basin at 3 ft., however, Somerset Country requires 6 ft. All plans will be changed to reflect 6 ft. of riverstone around the basin.

Mr. Papa said the sight triangle will be added on the plan for the townhomes. The circulation plan provided to the Fire Marshal will be provided to the Township Engineer. The site will be completely ADA compliant. The Applicant will comply with all but one item as noted in the reports. He said the professionals asked to have a stone walking trail around the raingarden connected to the tot-lot and some benches. The reason the Applicant is not agreeable is that the area near the raingarden backs to the backyards of 15 of the townhomes. He said encouraging neighborhood gatherings would infringe on the privacy of the townhomes. The Applicant requests not to provide seating in that area.

Mr. Boccanfuso said as previously stated, the vast majority of comments in his previous report were able to be addressed in his meeting with Mr. Fisher and Mr. Papa, as noted in the updated report to the Board. Mr. Boccanfuso asked approximately how many of the proposed lots have basement floor elevations that would be above the existing elevation.

Mr. Papa said he did not do the analysis but estimated it to be about 1/3 of the lots.

Mr. Boccanfuso said he found approximately 1/2 of the lots eligible will be installed at or above the existing grade. The site would need to be filled in order to bring the basement floor and first floor elevation up to what you would see in a common home. Mr. Boccanfuso asked for additional testimony regarding those lots that may have some ground water issues from impacting the basements.

Mr. Papa said they would not build a basement on a lot that had ground water issues.

Mr. Fisher said one of the first things K.Hovnanian does when there is a property under contract is to do a geotechnical study. A fair amount of soils testing has already been done on this property for a variety of reasons. He said because of the raise in grade for the sanitary sewer work, they believed they could also provide basements for the vast majority of the homes. All lots have not yet been tested but the seasonal high groundwater table fluxuates on the property from 1 ft. deep to 3, 4 or 5 ft. deep, depending on where you are on the property. So if excavating 2 ft. and the seasonal high groundwater table is at 5 ft., there would not be an issue since the grade will be raised. He said when they go back and test each lot; they will make sure there is adequate separation of at least 1 foot and the seasonal high groundwater table. He said the last thing they

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want as home builders is problems with drainage in a basement. Mr. Fisher said despite that, they still build homes with basements above the seasonal high groundwater table with a foundation drain system and adequate drainage so that the conditions drain away from the home and it does not collect water. Basements will be dependent on the soils testing done prior to the sale of any house. Mr. Fisher said once the roadways are in place they will go in and test each lot in anticipation of sales, they will know if they will be building a house slab on- grade or with a basement.

Chairman Lipani asked if all of the drainage leaders will be piped out to the drainage system.

Mr. Fisher said they are going out to the lawns. There is additional drainage behind many of the homes with yard inlets picking up additional surface water to prevent ponding conditions on anyone's property.

Mr. Boccanfuso said the seasonal high groundwater table typically does not change over the course of the year. There are physical characteristics in the soil mottling that will be evident regardless of when the tests are performed. Mr. Boccanfuso said he had no objection to the development being phased as shown on the plan. He asked that the stormwater drainage inlets within the rear yards in the central portion of the site be included in Phase I. That area is currently along the phasing line. That would provide an added benefit to those residents for which runoff can flow.

Mr. Papa agreed.

Mr. Boccanfuso said as long as the perforated pipe meets DEP requirements for groundwater recharge, it is acceptable. Mr. Boccanfuso said the Applicant has agreed to have the retaining walls designed and certified by a licensed professional engineer. Prior to issuing a building permit, the Applicant would need to submit a full design of the retaining walls, which may or may not include collection pipes behind them. They have agreed to certify them post construction, prior to the issuance of a CO for the houses.

Mr. Boccanfuso asked if the changes to the existing topography have been minimized to the maximum extent practical.

Mr. Papa said they had. He noted trucking and fill are expensive.

Mr. Fisher said they tried to limit the amount of disturbance to meet the environmental limitations on the site, relative to the stream corridor and riparian buffers. The retaining walls were added so they could truncate the development as quickly as possible at the backs of those lots.

Mr. Boccanfuso asked about the status on the utility authority approvals.

Mr. Papa said plans have been submitted to the sewerage authority. They are waiting on a response. A meeting will be set up after they receive the revised plan. Mr. Papa said he has submitted a revised set of plans to Somerset County. DRCC provided comments on the first submission. Resubmission to the DRCC was delayed until the plan was reviewed by the Environmental Commission. Flood hazard certification has been submitted to NJDEP. Mr. Papa said once they know the lot layout and basins are as they are going to be, he will apply for the general permits for the wetlands with the NJDEP. Revised plans will also be submitted to the SUSCD.

Break 9:03 – 9:12

Mr. Boccanfuso asked for additional information on the wet pond.

Mr. Papa stated the wet pond will have a liner.

Mr. Boccanfuso asked if the comparison wet pond in Manalapan, previously referenced, was similarly designed.

Mr. Papa said it was lined as well.

Mr. Boccanfuso said the townhouse lot line is shown on the subdivision plan within the private right-of-way. The design is atypical and presents some problems with easements. If approved in that manor, there will be a portion of the townhouse lot that is within the roadway. A more common design is to have it along or within the curb line, so that the entire roadway can be within its own lot. Mr. Boccanfuso said he realized there was a challenge with meeting the minimum lot size requirement for the redevelopment plan, but recommended looking at ways in which to have the lot line coincide with the curb line instead of having it run down the center of the roadway.

Mr. Papa said the reason he designed it that way was because he needed to create a 2.5 acre lot to meet the zoning. He said he ran it down the center of the road so that a portion would be allotted to the townhouse, the other to the single family homes.

Mr. Maski pointed out the zoning allows a 2-acre lot, with a maximum of 2.5 acres.

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Mr. Papa said he would look into it.

Chairman Lipani said he agreed with Mr. Boccanfuso's recommendation.

Mr. Linnus said they will look into it but from a legal perspective, it can be handled by easements. He said there is no question that if the zoning allows it, the lot line will be revised.

Open to the Public.

No questions.

Georgia Marino, PE, of Najarian Associates was sworn in, provided her credentials, was accepted by the Board and gave the following testimony in response to questions asked by Mr. Linnus:

Ms. Marino acknowledged the Environmental Impact Study, dated January 2016 was prepared under her supervision, and that a new Figure 1 and new Figure 2 were submitted as part of that report.

Ms. Marino added to testimony previously offered by Mr. Papa. She said the primary critical area is along the stream corridor. The northern boundary of the site is a tributary to the Royce Brook, with associated wetlands and wetlands buffers.

Ms. Marino said a LOI had been issued by NJDEP and renewed at the beginning of 2016 for the parcel that includes the stream corridor. A LOI for the remaining lots is being renewed at NJDEP from 2010 and said to expire with the Permit Extension Act. The project design has avoided the stream corridor, associated wetlands and buffers, to the extent possible. There is minimal incursion into the stream corridor buffer of about 2,500 ft. that will be disturbed, which will be replaced with a new 9,500 ft. stream corridor buffer. This will allow averaging in accordance with the natural features ordinance. She said the Environmental Commission was happy with that.

Ms. Marino said FEMA has set the flood zone elevations along the corridor. Using those elevations, they set the flood hazard line. NJDEP requires a flood hazard area which requires 125% of that 100-year flood zone. An application to NJDEP has been made for acceptance of this analysis.

Ms. Marino said NJDEP also sets a riparian zone. In this case, there are no endangered species on this site however, within 1 mile downstream, there is finding of a wood turtle habitat. Some of the data dates back to the 80's. She said as part of the applications, an application has been made to NJDEP to look at that. If they find that habitat is still there, they will set a 150 ft. riparian zone which would coincide with Hillsborough's 150 ft. stream corridor buffer. In such case, that impact will be mitigated. Plantings are proposed to enhance that wooded area which will also serve as mitigation under NJDEP.

Ms. Marino said the only other area they are going into the critical area stream corridor is for the stormwater outfall which is required in order to bring the stormwater to a stable condition as per the soil erosion standards. A NJDEP general permit will be required for wetlands buffer and the riparian zone. There are no steep slopes on the site. There are no critical high water areas. Ms. Marino said the stormwater system has been designed according to DEP rules and will be reviewed by the NJDEP for permitting.

Ms. Marino said any construction will cause short term impacts. Typical mitigation measures have been employed.

Mr. Julian asked if the location of the endangered species would affect the buffer averaging if NJDEP finds a habitat.

Ms. Marino stated DEP does not allow riparian zone averaging, they require you to do planting. It is almost 1 mile downstream on the other side of the main road. The DEP rule is if it is within 1 mile upstream, the riparian zone is 150 ft. rather than 50 ft. NJDEP will allow up to 3,000 sf. of impact to the riparian zone as long as you mitigate it.

Mr. Boccanfuso said there are 2 flood lines shown; 1 is FEMA, the other is NJDEP which is essentially FEMA plus 1 ft. The DRCC buffer is measured from the FEMA line. He asked if they have inquired with DRCC if that is the correct way to measure.

Ms. Marino stated DRCC indicated to Mr. Papa that they measure from the 100-year flood line, not from the DEP flood hazard line. Ms. Marino confirmed that the Township 150 ft. buffer is more restrictive anyway.

Mr. Linnus added the plan was designed with the most conservative line, which was the Township stream corridor.

No questions from the public.

Blanche Erailard, LA, was sworn in, provided her credentials, was accepted by the Board and gave the following testimony in response to questions asked by Mr. Linnus.

Ms. Erailard described the landscaping plan by way of Exhibits 11 and 12.

Mr. Boccanfuso asked if the plans displayed are the same as those submitted in the landscape package.

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Ms. Eraillard confirmed they were. She stated the 93 street trees are sized at 4 to 4.5 in. caliper, the height at 16 to 18 ft. tall at planting, branched above 7 ft. The street trees are Green Mountain Sugar Maple, Red Oak, and Green Spire Little Leaf Linden. Typically at mature height these species would range between 40 to 60 ft. tall or more. The plantings throughout were selected for deer resistance.

Ms. Eraillard said the townhomes are planted with ornamental flowering trees, a variety of flowering shrubs and ground covers and perennials. There is some screening of adjacent parking with a row of evergreen Juniper, the size at planting would be 36 in. in height. The raingarden is planted with species that would do well in that wet soils condition. The subsurface of the raingarden is composed of a coarse granular material that will be topped with a course riverstone 8in.

thick. The shade trees in the raingarden will be River Birch, flowering trees such as the Sweet Bay Magnolia and Service Berry. Evergreens such as Berk Cedars will be planted along the edges of the raingarden, and between the townhouses and playground to provide seasonal interest and some wildlife habitat. Many of the tree species are natives.

Ms. Eraillard said existing trees to be retained are primarily along the eastern edges of the property, between the proposed townhomes and adjacent developments; the upper easterly area and also the corner area at the turning of the property, abutting the existing development. Ms. Eraillard pointed these areas out on Exhibit A-11. Other trees will also be retained in various areas of the site.

Ms. Eraillard reviewed Exhibit A-12. She showed the location of the 5 ft. wide concrete sidewalk. There is 4 ft. tall metal picket-type style fencing to either side but there is no gate as you approach the playground area. Two bike racks are located towards the exterior of the playground. These racks can hold up to 14 bicycles. The play area is composed of a play piece that has an accessible route of travel from the entry and around to the transfer platform. There are a series of decks up to a maximum height of 4 ft., and there is also a slide. There are also four swings in the playground area. Two benches are located along the entry area from the street side, along with a trash receptacle. The playground meets ADA standards, including the accessible route. The playground material is of a manufactured wood chip formulated for playgrounds, and will be installed with a necessary depth for fall attenuation.

Ms. Eraillard stated a drainage aggregate with perforated pipe with a liner to separate the wood chip area above, will be installed below the surface of the playground

Ms. Eraillard next addressed the riparian buffer plantings. She said the plans propose to add 30 trees in the riparian buffer, represented on Exhibit A-11 by 3 dark circles. These tree quantities will likely increase to 40 or more, subject to DEP review and approval. These trees will help to provide wildlife habitat. The species to be used are the Red Maple Tulip Tree, American Sycamore, Swamp White Oak, and Pin Oak.

Ms. Eraillard said the original site plan showed site clearing of over 1,300 existing trees. At the Township's request, the Applicant has revised the layout to remove 88 fewer trees for a total of 1,274. The revised plan has been reviewed with the Environmental Commission.

Mr. Linnus explained Ms. Eraillard is providing the Board the benefit of what exists on the plans. The next witness will be testifying as to the tree preservation and tree mitigation ordinance.

Ms. Eraillard continued. She said the Township Land Use and Development Ordinance requires that the developer plant replacement trees for any existing trees proposed for removal. Street trees are not permitted to count towards replacement trees. Trees added to common areas and in the stream corridor do count as replacement trees. There are 251 replacement trees in the project. These trees can be counted against the 1,274 trees proposed for removal, leaving a substantial tree deficit. To calculate the final tree deficit, the Township has a formula which takes into account the sizes of the trees involved. Based on that calculation, the deficit is 2,643 trees. The Township ordinance provides if it is not feasible for all these trees to be planted on the project site, an off-site contribution for the cash equivalent for the like number of trees can be made to the Township for a dedicated fund used for the planting and replacement of trees on public property.

Mr. Linnus said that is regulated by the Tree Preservation Ordinance and tree mitigation factors, and the economic hardship waiver requested. He said Mr. Decker will be testifying further to that.

Ms. Eraillard agreed.

Deputy Mayor Suraci asked if the trees to be planted in the area of the single-family homes will be able to avoid the sewer lines, given the size of the lots.

Ms. Eraillard said they took that into account and calculated a good 8 ft. away from the sewer lines for the placement of all the trees.

Deputy Mayor asked if that was also true for the sidewalks.

Chairman Lipani asked how far back from the curb will the tree plantings be for the front of the houses.

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Ms. Erailard said they are about 8 ft. behind the sidewalk.

Chairman Lipani asked about the bonding for the trees.

Mr. Linnus confirmed they would comply with the ordinance.

No questions from the public.

Thomas Decker, PE, PP, of Van Cleef Engineering was sworn in, provided his credentials, was accepted by the Board and gave the following testimony in response to questions asked by Mr. Linnus:

Mr. Decker stated he would be testifying as a professional Planner.

Mr. Linnus noted there are three matters which Mr. Decker will be testifying to: The Tree Preservation Ordinance; the tree mitigation; and the economic hardship waiver requested by the Applicant.

Mr. Decker said Ordinance 188-164(E) outlines the provision with regards to economic hardship for tree mitigation. The mitigation is limited to 1.5% of the total cost of the project. That total cost includes site improvements, building construction and so forth. Calculations were provided by K.Hovnanian in their letter dated June 27, 2016. The total site improvements including site and building construction is listed as \$12,597,856. Mr. Decker explained 1.5% of that figure totals \$188,968. A deficit of 2,064 trees at a "per tree" cost comes out to about \$500,000. of tree replacement fees, which exceeds the 1.5% limit provided in the ordinance.

Mr. Linnus said the ordinance is mandatory rather than permissive.

Mr. Decker agreed. He said the ordinance compels the Board to grant the waiver by stating that the Board "will grant" rather than "may grant" the economic hardship waiver. In this instance, K.Hovnanian would be required to pay the \$188,968 towards off-site tree mitigation.

Mr. Decker reviewed the height of the proposed sign. He noted the redevelopment plan permits a sign area to be a maximum of 40 sf., and a maximum height of 6 ft. Exhibit A-13 was entered into the record. Mr. Decker explained the proposed sign is 5 sf. which is 1/8 the maximum allowed. He said what is at question is the height. The sign will be mounted to a stone pillar. The base of the pillar is 2.5 sf.; the top of the pillar is 2 sf. The top of the pillar reaches a height of 7ft. 6in. The Applicant is seeking relief for the height of the pillar; the sign itself will be mounted at a height of 6 ft. to the top of the sign. Mr. Decker said it was his opinion that based on the significant reduction in the size of the 40 sf. sign allowed, which would essentially be a 5 ft. x 8 ft. sign, outweighs the minimal height deviation for a 2ft. x 2ft. section of the pillar. The sign will be placed at the entry of the development, just past the affordable housing development. The sign cannot be seen from Amwell Road. The sign basically delineates the second development from the first development.

Mr. Linnus stated the proof provided is for a 'c'(2) variance.

Mr. Decker agreed.

Mr. Maski asked if the sign will be lit.

Mr. Decker said the sign will have no lighting on it.

Chairman Lipani asked if the pillar will be made of actual stone or faux stone.

Mr. Fisher said the pillar will be block construction and stone faced. He said K.Hovnanian believe the proposed offers a more attractive sign monument for a street scape like this rather than the traditional development monument sign.

Mr. Maski asked if it would be outside the sight triangle.

Mr. Decker said it had been confirmed by the site engineer to be outside the sight triangle.

Mr. Peason asked about the area blacked out on the plan on the upper right-hand corner of the exhibit.

Mr. Fisher noted the logo for Melillo + Bauer does not copy well.

Mr. Decker continued. He confirmed he had read and is familiar with the redevelopment plan. Mr. Decker provided testimony regarding the minimum tract size. He said the redevelopment plan allows for a minimum tract area of 6 acres, a maximum of 6.5 acres. The single-family component of the development exceeds the maximum lot coverage once you factor in the roadways. He said the single-family lots by themselves comply with the 6.5 acre maximum. However, the area exceeds the maximum lot area by approximately 2 acres when you add in the roadways.

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Mr. Decker said the number of lots is consistent with previous concepts. The redevelopment plan allows for 45 sf lots, 44 are proposed for this development. He stated this plan remains within the spirit of the redevelopment plan, in proposing development for single-family and residential townhomes.

Mayor DelCore asked if roadways are normally considered in the calculation.

Mr. Decker said he was not sure. He said this is a mixed development where the features of the development not only benefit the single-family portion but also the townhouse section. There is also a maximum tract area vs. a minimum tract area. He pointed out the minimum and maximum tract leaves very little room to waiver.

Mayor DelCore asked if the 2 acre calculation is only for the roads that front the single-family lots or if it includes all roadways throughout the development.

Mr. Decker deferred to the Site Engineer who provided the calculations.

Mr. Papa confirmed the 2 acres represents the roads provided to the single-family only.

Mr. Maski asked if the 8.4 acres for the single-family lots takes any of the open space into consideration.

Mr. Decker said it did not, only the single-family lots and the streets identified.

No questions from the public.

Mr. Linnus said they will be providing testimony from the Traffic Consultant at the next meeting.

A carry date was discussed.

Mr. Linnus agreed to a September 1st continuation date.

Chairman Lipani announced this application will be carried to September 1, 2016 without further notice.

Mr. Linnus confirmed only the civil engineer will also be in attendance at the September meeting. Mr. Linnus agreed to an extension for the time of decision to September 30, 2016.

CORRESPONDENCE

None

The next meeting schedule was reviewed.

A motion to cancel the business meeting of July 28, 2016 was made and seconded. All were in favor, none were opposed. Motion carries.

Chairman Lipani announced the next meeting will be held on September 1st.

ADJOURNMENT

A motion to adjourn was made and seconded. All were in favor, none opposed. Motion carries.

The meeting adjourned at 10:00 p.m.

*Submitted by:
Debora Padgett
Administrative Assistant / Planning Board Clerk*