

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
September 01, 2016

Chairman Shawn Lipani called the Planning Board Public Meeting of September 01, 2016 to order at 7:34 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 – Absent

Robert Wagner, Jr. - Present

Deputy Mayor Carl Suraci – Present

Robert Peason - Present

Dr. Daniel Marulli, *Vice Chairman – Resigned*

Neil Julian, *Secretary* - Present

Sam Conard – Present

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; Eric M. Bernstein, Esq., Board Attorney (Eric M. Bernstein, & Associates); William H.R. White, III, PE, CME, Board Engineer (Maser Consulting P.A.); Brian Boccanfuso, PE, CME, Alternate Board Engineer (CME Associates) (for Meadow Brook at Hillsborough application) ; Michael Lombardozzi, CCR, covering Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

Board Attorney, Eric Bernstein, Esq., recommended that the Board suspend the order of business and first address the resignation of Dr. Marulli and all matters related.

A motion to suspend the order of business was made by Mr. Conard, seconded by Mr. Wagner. All were in favor, none opposed. Motion carries.

Chairman Lipani announced the resignation of Dr. Daniel Marulli and read Dr. Marulli's notice of resignation. Chairman Lipani expressed his gratitude to Dr. Marulli for his guidance and recognized his service to various boards and committees over the years.

With the acceptance of Dr. Marulli's resignation, Chairman Lipani called for a nomination to replace Dr. Marulli as Vice Chairman.

A motion to nominate Neil Julian to the office of Vice Chairman, was made by Mr. Wagner, seconded by Mr. Conard. No other nominations.

A motion to close nominations was made and seconded. All were in favor.

Roll Call to elect Mr. Julian, Planning Board Vice Chairman: Mr. Peason – yes; Mr. Julian – yes; Mr. Conard – yes; Deputy Mayor Suraci – yes; Ms. Becorena – yes; Mr. Hesthag – yes; Mr. Wagner – yes; Chairman Lipani – yes. Motion carries.

Mr. Bernstein noted Committeeman Burchette was present for the swearing in. Mr. Bernstein pointed out that the Office of Secretary now needed to be filled, since it was previously held by Mr. Julian.

Chairman Lipani called for a nomination for the Office of Secretary.

A motion to nominate Kenneth Hesthag was made by Mr. Wagner, seconded by Mr. Conard. No other nominations.

A motion to close nominations was made and seconded. All were in favor.

Roll Call to elect Mr. Hesthag, Planning Board Secretary: Mr. Peason – yes; Mr. Julian – yes; Mr. Conard – yes; Deputy Mayor Suraci – yes; Ms. Becorena – yes; Mr. Hesthag – yes; Mr. Wagner – yes; Chairman Lipani – yes. Motion carries.

Committeeman Burchette administered the Oath of Office to newly elected officers, Neil Julian and Kenneth Hesthag.

A motion to return to the order of business was made and seconded. All were in favor. Motion carries.

DISPOSITION OF MINUTES

☛ June 09, 2016

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

Roll Call: Mr. Peason – yes; Mr. Julian – yes; Mr. Hesthag - yes; Ms. Becorena – yes; Chairman Lipani – yes; (*Mr. Wagner not called*) Motion carries.

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■ July 07, 2016

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

Roll Call: Deputy Mayor Suraci – yes; Mr. Peason – yes; Mr. Julian – yes; Mr. Conard – yes; Ms. Becorena – yes; (*Mr. Wagner not called*). Motion carries.

■ July 14, 2016

A motion to approve was made by Mr. Wagner, seconded by Deputy Mayor Suraci.

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

DISPOSITION OF RESOLUTIONS

■ **Dr. Kumar Ramaswamy (668 Route 206)** – File 16-PB-04-SRV

A motion to approve was made by Mr. Conard, seconded by Deputy Mayor Suraci.

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

■ **RETS Partners, LLC (2016 Variances)** – File 16-PB-06-SRV

A motion to approve was made by Mr. Peason, seconded by Deputy Mayor Suraci.

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

■ **RB Manufacturing, LLC** – File 16-PB-09-MSR

A motion to approve was made by Mr. Peason, seconded by Deputy Mayor Suraci.

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

PLANNING BOARD BUSINESS

■ **Krismic Assoc., Inc.** – File 14-PB-21-MSR – Extension for Time of Decision through December 8, 2016 requested.

A motion to accept was made by Mr. Wagner, seconded by Mr. Conard.

Roll Call: Mr. Peason – yes; Mr. Julian - yes; Mr. Conard – yes; Deputy Mayor Suraci – yes; Mr. Wagner – Mr. Hesthag – yes; Ms. Becorena – yes; Chairman Lipani - yes. Motion carries.

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

None

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

■ ***Meadow Brook at Hillsborough*** – File 16-PB-02-MJSR – Block 163.05, Lot 101.02 (*formerly known as: Block 163.05, Lots 101, 102, 103, 104 & 105*) – Amwell Road. Applicant seeking preliminary and final major subdivision approval; preliminary and final major site plan approval; relief from maximum tract area for single-family dwellings; ‘c’(2) variance for sign height; and Hardship Waiver from the Tree Preservation Ordinance, to subdivide 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 improvements, on property in the New Amwell Redevelopment Plan Zoning District (*formerly in the ARW Zoning District*). **Revised Plans submitted 06-22-16.** (EC Reviews: 04-25-16; 05-23-16; and 06-27-16). **Continued from July 14, 2016 without further notice.**

Board Attorney, Eric Bernstein, Esq. stated for the record that Board members Secretary Hesthag and Mr. Conard submitted a signed eligibility form for the file that each had reviewed the video from the July 14th meeting and are now eligible to vote.

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Francis P. Linnus, Esq., representing the Applicant, K.Hovnanian stated this was the third hearing for the application, the first two were held on May 12th and July 14th. All but the traffic presentations have been made. A few of the professionals have been brought back for limited questions as well.

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
- A-13 - Monument Sign Sketch

Exhibits – September 01, 2016 hearing:

- A-14** – Revised Project Area Plan
- A-15** – Preliminary Homeowners & Condo. Assoc. Responsibilities letter, dated August 2016

Raymond Papa, PE, of Najarian Associates, still under Oath, gave the following testimony in response to questions asked by Mr. Linnus.

Mr. Papa said he moved the subdivision line to the curb line for the townhouse area. The lot will now be 2.32 acres for the townhomes; single family homes remain on 6.0 acres; the right-of-way area is 2.73 acres; and the remainder of the open space is over 6 acres. All are in compliance with the redevelopment plan.

Mr. Boccanfuso said ideally he would prefer to see the lot lines entirely outside of the right-of-way along the curb line, but the revised location is a vast improvement from the previous proposal. Mr. Boccanfuso said easements will still be required along the private right-of-way along the southerly side of the townhouse lot.

Mr. Papa said they will provide that.

Mr. Boccanfuso asked if easements will be required for the sidewalks and/or parking spaces in that private lot.

The answer will be addressed during Mr. Fisher’s testimony.

Open to the public.

No questions.

Richard Reading of Richard B. Reading Associates, still under Oath, gave the following testimony in response to questions asked by Mr. Linnus.

Mr. Reading said he provided his testimony at the May meeting.

Mr. Linnus asked that he address revenue projections and average sale prices of the units.

Deputy Mayor Suraci asked if there was a spreadsheet available which lays out what is expected to be sold for each lot.

Mr. Reading said he had not, but K.Hovnanian had prepared a market and absorption analysis, which was the basis for the anticipated base sales price on page 20 of the Community Impact Statement. It is typical for K.Hovnanian prior to getting involved in a venture such as this, to look at the market comps to establish the likely sales prices before going further.

As stated on page 20, the average sales price for the single family homes should be \$530,444; increasing to an average of \$580,400 with options and upgrades. The average base price for the townhomes should be \$340,900; increasing to an average of \$364,900 with options, upgrades and locations. The comps for the area take into consideration Country Classics home sales, selling from \$716,000 to \$971,000.

Deputy Mayor Suraci said that was an unusual comp considering the size of the lots.

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Mr. Reading said Summerfields in Franklin Township is almost identical in terms of lot size and product. Those sales prices which are current and ongoing are \$539,900.

Deputy Mayor Suraci said he did not believe the Hillsborough Township Tax Assessor would use comps from Franklin Township. He asked if there was something similar in Hillsborough.

Mr. Reading said there is nothing brand new. The resale market considered included Heritage Greens, Courtland, Majestic Knolls, Parkside at Mountainview, Pike Run, Heritage Estates, and Woods Edge. All but one are located in Hillsborough. Prices range from \$423,000 to \$708,000 and the higher end homes from \$525,000 to \$712,000. Mr. Reading said this project seems to fit in the middle range of the homes studied.

Deputy Mayor Suraci said since these are smaller lots, he expected to see something more on the lines of which model would be sold on each lot, with some additional options.

Mr. Reading said the larger lots would command a premium. He spoke of a development in Montgomery clustered down to a ¼ acre per lot or 10,000 sf.

Deputy Mayor Suraci pointed out most of the single-family lots for this project are less than 6,000 sf.

Mr. Reading said there is not a proportionate reduction in price as the lot sizes go down. He said most of the single-family lots in Hillsborough are much larger, but also have a much higher entry level price.

Mr. Linnus asked if the lot sizes are consistent with the redevelopment plan.

Mr. Reading said that was his understanding.

David Fisher, PP, Vice President of K.Hovnanian Homes in New Jersey, still under Oath, came up to address the questions raised.

Mr. Fisher said the best comparable is new construction. When similar development is not available, they then look at resale. Extensive data is compiled and analyzed further but the initial graph is just a comparison of raw data. Mr. Fisher said they feel comfortable with the projected sales prices. There is not much like-product in Hillsborough, but there is some in the area.

Deputy Mayor Suraci asked if the comparable data can be added to the CIS as an appendix.

Mr. Fisher said he did not see why not but would first need to check with the company to make sure there is not any proprietary information included.

No questions from the Public.

Mr. Fisher then addressed the issues with the bus stop. He reminded the Board that their talks with the School District resulted in a proposed bus stop at the end of the main intersection between the two front buildings on Amwell Road, due to the issue of private streets.

Mr. Fisher said he believed there was a meeting or conversation between the Administrator and the School Board, asking them to reconsider the location, and discuss with K.Hovnanian and RPM specifications as to how their snow removal contractors could perform in such a way that would satisfy the School Board that the streets would be adequately maintained during winter weather conditions. He said they then proposed language in their public offering statement and the declaration that goes along with the Homeowners' Association documents, and some contractor specifications, that would obligate a snow removal contractor to perform a certain way during snow events. For instance, once two inches of snow has fallen, snow removal was necessary.

Mr. Fisher said they recently received a proposal from the Board of Education agreeing to certain requirements in consideration for allowing internal bus pick-up. He said they met with RPM on the matter, since both parties would need to agree. Mr. Fisher said he will be speaking with the BOE Administrator to work out some minor tweaks which will allow this agreement to go forward and satisfy the BOE that they will do a proper job of maintaining the streets so that the school buses can access the development.

Mr. Linnus asked if the Planning Board were to approve the application, K.Hovnanian would accept the condition subject to the location of the bus stop, subject to the location of the Board of Education.

Mr. Fisher said they would.

Planning Director, David Maski, PP, AICP, reviewed the letter submitted to the Board of Education from K.Hovnanian, with

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the following bullet points: The BOE requires “An assurance that all roads are fully paved and no construction vehicles will prohibit our bus from being able to maneuver through the roadways.”

Mr. Maski asked if that would be an issue.
Mr. Fisher said they would comply.

Mr. Maski continued with the second bullet: “The roads are properly salted the night before an impending storm.”

Mr. Fisher said they had discussed this with Mr. Mammood and may wish to modify the language slightly. He said it is not normally a practice to put rock salt or liquid brine down in every snow event the night before. Sometimes it is down just before you plow. He said he had talked with the Township’s Public Works Department further on it. Mr. Fisher said he believes they can come to an agreement with the BOE on it.

Mr. Maski said the last requirement is that “Snow removal begins no later than 5:00 a.m. since buses are already on the road at 6:00 a.m.”

Mr. Fisher said they can agree to that as well.

Chairman Lipani asked where the bus stop will be relocated.

Mr. Fisher replied that the BOE was not absolutely clear on the location. Originally, the BOE proposed the bus stop at the main entrance off of Amwell Road. He said they suggested it be at the first intersection once they enter the development. Mr. Fisher said they assumed the BOE would not want more than one bus stop. According to the Business Administrator, they may want to add one additional stop. The stop is far off of Amwell Road.

Vice Chairman Julian asked if the bus stop was sufficient to handle both the RPM and Meadow Brook projects.

Mr. Fisher said the bus stop is at the edge of their property so RPM has no issue with the bus stop location.

Mr. Boccanfuso asked if the BOE decides to have the bus travel throughout the entire development, have the roadways been analyzed to make sure the buses can get through.

Mr. Papa answered, saying that analysis had already been done for the turning radius of the firetruck so therefore, a school bus can also make the turns.

Mr. Fisher said they will accommodate the request to have easements on the private roadway for access and for the parking spaces.

Mr. Maski asked Mr. Fisher to review the list of items submitted to be covered or maintained by the Homeowners’ Association.

Mr. Fisher said this Association will likely be responsible for maintaining more than usual, given the private roadways. He reviewed the items listed in the August 2016 letter. He said there will be two associations; one Condominium Association for the townhouse / condominium units, the other a Home Owners’ Association for the single-family homes. There will also be some shared expenses, for which there are two categories, those responsibilities of the Association vs. those of a utility such as the HTMUA or American Water Co. who will want to maintain their utilities even though in a private street.

Mr. Fisher said the HTMUA requires an easement for the sewer mains in the streets. The Association of the Homeowners would be responsible for the laterals and clean-out for each house.

The document “Preliminary - Homeowners & Condominium Association Responsibilities – Meadow Brook at Hillsborough, dated August 2016” was marked as Exhibit A-15 at Mr. Linnus’ request.

Mr. Maski asked if there are any other facilities where the Township will be responsible, other than the HTMUA.

Mr. Fisher said there are not any other public improvements which are part of this project that the Township would need to maintain.

Deputy Mayor Suraci said he did not see sidewalk for the single-family homes listed in the document, only for the condominiums.

Mr. Fisher said individual homeowners would be responsible to shovel their driveways and sidewalks. The owners of the condominium units cannot be made to be responsible for the same. It would be covered by the Association.

Mr. Peason asked who will maintain the detention area.

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Mr. Fisher said those not in front of a building lot would be maintained by the Association and are listed as a shared expense.

No questions from the Public.

Gary Dean, PE, PP of Dolan & Dean Consulting Engineers, LLC, 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. Dean stated he prepared the Traffic Impact Assessment, dated February 2, 2016. He said his firm's predecessor firm prepared the traffic analysis for the development for the front property in 2005, now being developed by RPM. He stated he has been involved with traffic counts for this property for eleven years.

Mr. Dean said his firm supplemented the original work with a projection of the additional traffic associated with the Meadow Brook development. New traffic counts were taken about eleven months ago. Mr. Dean said the peak hour traffic conditions along Amwell Road, Pleasantview Road, and at the Courtyard at Amwell driveway, were monitored. These access points run along a County roadway so the County will also need to provide review and approval.

Mr. Dean said this is an interesting development of land use, in that no new driveways are proposed. The only means of access to the rear or northerly portion of development is through the central driveway through the RPM project, which bisects and goes between the two buildings, as well as an interconnection to the adjacent Courtyard.

Mr. Dean said the original proposal in 2005 called for a connection to Merritt Drive which would eventually lead to the driveway at the Courtyard at Amwell professional offices. This connection would have allowed for access to multiple roadways but for whatever the reason, the connection was abandoned a decade ago.

Mr. Dean said the traffic study included a projection of the traffic from the single-family homes and townhouses. The analysis counts about 55 total vehicle movements in the morning peak hour, and 72 in the evening, which is a little less and a little more than one car per minute throughout the peak hour. By contrast, the traffic volume on Amwell Road ranges between roughly 1,400 and 1,800 vehicles per hour.

Mr. Dean explained the level of service is determined by the relative ease by which a motorist can turn from or onto Amwell Road during the peak hours. Ultimately, comparative tests evaluate the traffic that would leave the shared driveway on the RPM site and the Courtyard site, as if this project were never built. He said they then forecast additional movements that may occur on Amwell Road, irrespective of the development of the Meadow Brook site, and then evaluate how those two driveways would operate. Mr. Dean said they look at it with and without the project which gives the best measure as to the impacts of a particular site.

Mr. Dean explained, under a "no build" condition, projected two years out, the RPM site would be a level of service "C", which is average, "A" being the best, "F" being the worst. The wait time in the morning is roughly 15 – 20 seconds on average. Obviously someone turning left to go towards Amwell Road waits longer than someone who turns right, continuing west on Amwell Road. The level of service during peak evening hours under a "no build" is level of service "E" for the RPM site, and at a level of service "D" for the Courtyard driveway. The level of wait time for the "E" level of service is about 32 seconds. After development, the level of service at the RPM driveway remains the same. However, there is a change in projection at the Courtyard driveway, to an "E" level of service. The level of wait time from level "D" to level "E" is 35 seconds. Without the project, the Courtyard driveway goes from a wait time of 32.8 seconds; with it it goes to 39 seconds. He said the delay is acceptable.

Mr. Dean said when they studied the RPM site for gaps, 72 breaks in traffic were identified during the evening peak hour for which one could make a successful left-hand turn. He said they are projecting 14 left-hand turns at Courtyard and 18 at RPM. The traffic signals in close proximity to the site create breaks in traffic. Mr. Dean said in his opinion, that driveway will continue to operate safely and efficiently. He said there will be additional traffic but it is not at a volume that would unduly aggravate operations at either location.

Mr. Dean said the last element of his report reviews the internal circulation and parking for conformance with the *Residential Site Improvement Standards*. Mr. Dean said in his opinion, all of the street widths, and number of on-street and off-street parking spaces, pedestrian accessibility, signage, and crosswalks fully comply.

Mr. Dean said there was a correction to note. The closest signal identified in the report is not at Marshall Drive but on Beekman Lane.

Conflict Engineer, Brian Boccanfuso, PE, CME, asked Mr. Dean if he could share more data on the delay times for the RPM driveway, showing no change from service level "E".

Mr. Dean said the delay time changes from 43.7 seconds under "no build" at a level of service "E" to 46.8 seconds.

Mr. Boccanfuso asked Mr. Dean to explain how a "gap" is measured.

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Mr. Dean stated that traffic is dynamic. On the main road, which is Amwell Road in this case, static traffic waits to make a turn. A gap is nothing more than a measurement of a break in traffic. To turn right, a motorist needs only a break in the westbound direction. The metered breaks on Raider Blvd. allow the breaks in traffic. A motorist turning left requires a break in both the eastbound and westbound directions. More importantly, it requires a break in the two westbound lanes on Amwell Road, and generally just a curb length in the eastbound direction. The two-way gaps necessary to make left-hand turns were measured for this study. Mr. Dean said their study showed a capacity of 72 breaks but only a demand of 15, which is roughly 20%.

Mr. Wagner asked what time frame the gap represents.

Mr. Dean explained it is approximately 7.1 seconds for someone to turn left. Sometimes the car behind will shadow the first, as long as there is visibility, shortening the time needed to 3.5 seconds to make the turn. The measurement of 72 gaps was based on 7.1 seconds or greater.

Vice Chairman Julian asked about information on the anticipated stacking. He also asked the relevance of the level of service and what, if anything, could be done if the level of service turns out to be a level "F."

Mr. Dean said "delay" is calculated and easy to measure by doing a count. The "level of service" is qualitative. How rigid that standard is depends on the board one appears before. The answer really relies on engineering judgement. A delay of 300 seconds indicates a congestion problem. A delay of 51 seconds, which is technically level of service "F" vs. 49.8 seconds, which is technically an "E". In this instance it is hard to tell the difference. Mr. Dean said the level of service is a tool for guidance, but is not a rigid criteria. Level "F" provides an indication to the engineer to look further to see whether or not there is a real problem or just a technical boundary.

Vice Chairman Julian said if he were the ninth car stacked to exit, it would be frustrating.

Mr. Dean answered by saying residents who live in the development learn to adapt quickly. If the traffic gets heavy at 7:45 because of the high school, they will leave earlier, perhaps at 7:30 a.m. Mr. Dean said a lot of analysis goes into the study. Even though the time is identified as the peak "hour", that time always takes into consideration the worst 15 minutes of traffic within that hour. The calculations are then done as if the traffic is as heavy at that time throughout the study. Mr. Dean said he has not seen anything to suggest there will be 10 cars stacked to exit, only 2 or 3.

Chairman Lipani asked for explanation of how the numbers in the chart were derived.

Mr. Dean said traffic consultants have collected traffic data over the past 40 years for various applications of land use. All of that data is sent to the ITE, Institute of Traffic Engineers. Statistically in the peak 60-minute period, 44 single-family homes generate 10 trips into the site in the morning, and 30 trips out. In Somerset County, the peak hour spreads out to a peak two-hour period but the data was not tempered. The study only reflects standard ITE data. Mr. Dean explained there are generally fewer residents with townhouses and certainly not as many school-aged children and therefore, not as much traffic.

Chairman Lipani asked if there is room in the que for right turns only.

Mr. Dean said there is not, and that is by design. There is no shoulder on Amwell Road. A driver cannot see around a vehicle turning left at a driveway or intersection that does not have a signal. The driver making a right would need to inch up to see past the car making the left, thereby blocking the view of the driver looking to turn left. The single lane is not a convenience but is a safer design.

Mr. Boccanfuso asked why the distributions for traffic were analyzed with a 50-50 distribution for the Courtyard driveway and the main driveway.

Mr. Dean said it is 50-50 for the left turn but not for the right. The trips going west are 100% out of the RPM driveway. In terms of predicting, the townhouse residents are closest to the Courtyard driveway. Mr. Dean said when the counts were done in the morning, there was zero traffic. There will be less competition, if you will, to exit out of the Courtyard driveway during the morning peak. Essentially, it is a "best guess." The site is not at a condition where one more vehicle disrupts the level of service. The residents will likely figure out which driveway makes the most sense for them.

Mr. Boccanfuso questioned if the distribution was adjusted, if it would have an impact on the levels of service analysis.

Mr. Dean said it would not have an impact or effect on the levels of service; the volumes are simply too low.

Mr. Boccanfuso referenced the SCPB letter dated August 30, 2016. The County called for investigation of the operations at the shared driveway in an effort to provide a better level of service than level "E". Mr. Boccanfuso asked how the concerns of the SCPB will be satisfied.

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Mr. Dean said he had spoken with Kelly Mager, PE, Engineer to the County Planning Board about the comment. He said the County agreed that level of service "E" is not difficult. He said the County is looking to see if anything can be done to improve that level of service. Mr. Dean said the County is concerned with having as few driveways on the County roads as possible which allows for less conflicts and better mobility. Mr. Dean said the ironic thing is that adding another driveway fully mitigates that level of service. The matter will be left to the County to either accept or reject.

Mr. Hesthag asked if the close proximity of the two driveways increases the risk of safety issues, being that there is no signal.

Mr. Dean said the driveways are roughly 440 ft. away from each other, which is greater than a football field in length away. He said there is nothing inherently unsafe about the spacing of those driveways, which are both there anyway. The Meadow Brook project does not change the two driveways that have been approved.

Mr. Hesthag asked if a vehicle exiting one driveway would be visible to the other.

Mr. Dean said it would, unquestionably. The distance is about 60 feet per second at 40 m.p.h. That would leave 7 to 8 seconds of decision time off the public street to make a decision as to when to turn. Mr. Dean said there is abundant visibility for a driver turning right out of the Courtyard to see the person turning left out of RPM. He added that NJDOT allows for successive driveways every 24 ft. apart on the State highway.

Referencing the County's letter, Mr. Hesthag asked if there are any other options that could or should be considered to improve the level of service.

Mr. Dean said the left-turn movement is what creates the longer delay. Artificially, the way to increase the level of service is to prohibit left-hand turns. The problem is that people want to go east which would impact traffic and turn arounds on Pleasantview.

Mr. Hesthag asked if the driveway could be widened.

Mr. Dean stated making the driveway wider would not improve the level of services and in fact, may increase the time required to make a left.

Other options were briefly discussed.

Mr. Dean said a third point of access, although it would mitigate the level of service, would require an amended application by RPM and would likely not be approved by the County.

Vice Chairman Julian asked if there are any safety concerns in having a thoroughfare between the two RPM buildings, given the special needs considerations.

Mr. Dean said there are crosswalks on the site. He said if there is some additional treatment, they will work with the Board's Engineer to provide high visibility cross-walks and give greater awareness to the exiting traffic. Anyone traveling south will be decelerating since they need to stop at Amwell Road.

Vice Chairman Julian asked that the Applicant pursue conversation with RPM regarding any potential safety issues and requirements regarding the special needs units.

Mr. Dean said that is worth exploring.

Mr. Fisher said they had had a number of meetings and conversations with RPM, principally about a shared access easement along their entrance and with the Meadow Brook roadway. He said RPM has not raised the safety issue with the crosswalks.

Mr. Peason asked about a traffic signal.

Mr. Dean said there are certain warrants to determine whether or not a signal is needed. This development would not warrant a light. The County does not like to have them because they have to be maintained, and they disrupt the east-west traffic flow.

Mr. Peason asked if there was any data on turning left into the site.

Mr. Dean said that level of service is "B" and is identical to the traffic turning left onto Pleasantview Road.

No questions from the public.

Mr. Linnus introduced exhibits A-1 through A-15 used throughout the presentation into evidence. Mr. Linnus concluded the testimonial presentation.

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No comments from the Public.

Close Public

Mr. Maski reviewed the relief requested from the redevelopment plan as: (1) to exceed the maximum permitted acreage dedicated to single-family dwellings; (2) to exceed the height of the sign pier (7.5 ft. vs. 6 ft.); and (3) a tree preservation hardship so that it does not exceed 1.5% of the project cost. A condition would be that an appropriate arrangement be made with the Board of Education to grant access to the school buses.

Mr. Boccanfuso added that the Applicant and their team agreed to all technical comments and discussion items relative to the CME report. The exception being a comment relative to open space improvements along the walking path within the townhome development. The testimony provided was that in an effort to maintain the privacy of the townhome residents, the Applicant would prefer not to install such improvements. Mr. Boccanfuso said he would leave that to the discretion of the Board. He added that is a fair request to make in an effort to provide privacy.

Mr. Boccanfuso said testimony provided at the last meeting was that the Applicant would provide repair and restoration to the Courtyard at Amwell driveway. A note on the plan that any damage to the driveway during construction will be repaired to the satisfaction of the Township Engineer. Mr. Boccanfuso said he would not have an issue if that note were added to the site plan. It is unknown at this time how much damage, if any will be caused by construction.

Mr. Maski reiterated that the Applicant has entered into a Redevelopment Agreement with the Township which lays out very specific responsibilities by K.Hovnanian.

Chairman Lipani asked if repairs to the Courtyard driveway due to wear and tear over time by shared use would be a consideration, the cost of which to be shared by the Courtyard and Home Owners Association.

Mr. Fisher said the easement, recorded May 2005, obligates the Courtyard to continue ongoing maintenance of their driveway beyond the completion of this project.

Mr. Bernstein asked Mr. Linnus to have a copy of the easement provided to the Planning Department for the file.

Mr. Maski added a conservation easement will be required.

Mr. Fisher stated one will be provided for the stream corridor buffer.

Mr. Conard asked if signage would be required in the buffer.

Mr. Maski confirmed it would.

Mr. Fisher noted signage would also be required by the NJDEP because it is coincidental with the riparian buffer from the flood hazard line.

Chairman Lipani thanked the Applicant and professionals for the accommodations made. He said although it is a clean project, he still had concerns with the traffic.

Mr. Hesthag concurred.

Chairman Lipani asked what the total amount of the hardship waiver will be for the tree mitigation.

Mr. Linnus said according to their calculations, the total contribution will be \$188,000. The calculations were provided to the Planning Office.

Chairman Lipani called for a motion to approve with the stipulation that all of the Board's professionals comments are met, and conditioned on an acceptable location for the bus stop.

A motion to move the Meadow Brook at Hillsborough application, File 16-PB-02-MJSR with all conditions, was made by Mr. Peason, seconded by Mr. Conard.

Roll Call: Mr. Peason - yes; Vice Chairman Julian - yes; Mr. Conard - yes; Deputy Mayor Suraci - yes; Ms. Becorena - yes; Mr. Hesthag - yes; Mr. Wagner - yes; Chairman Lipani - yes. Motion carries.

- **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

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property in the M, Mining Zoning District. (*EC Review: 03-23-15*). **Revised Plans submitted 07-28-16. Carried application – previously adjourned from July 07, 2016 without notice.**

Mr. Bernstein informed the Board that Mr. Julian had reviewed the video of the meeting he had previously been absent for. Mr. Bernstein indicated the July meeting. (*The form correctly identified the April 7, 2016 meeting, signed by Mr. Julian*)

John Marmora, Esq. of K&L Gates LLP, representing the Applicant, stated the application had last been reviewed at length at the April 7th meeting. At that time, the Board indicated it was uncomfortable with the length of frontage for the smaller lot on Hamilton. At that point, it was approximately 150 ft. The Board also wanted to hear from the Environmental Consultants who had handled the remediation of the larger tract from the ISRA trigger from 2008 when Glen Gery ceased operations.

Mr. Marmora said the revised plans submitted increased the smaller Lot 46 from 25.49 acres to 29.14 acres, which is an increase of 3.65 acres, which was taken from the other parcel. The frontage of the smaller lot increased from 150 ft. to 596.43 ft., an increase of nearly 450 ft. He said Mr. Zederbaum will address the issue of the driveway.

Mr. Marmora said no improvements are proposed at this time. There are two levels of control the Township will have on the development of this property. He said at some point, the Township will have to change the zoning to accommodate the type of land use development it wants to see here. The property is currently in the M, Mining Zone, but has already been fully mined. Once the Township introduces a zoning ordinance amendment, a developer would then come before the Planning Board for site plan approval. This application is strictly a minor subdivision without variances.

Mr. Marmora referenced Mr. Maski's report, which identified that the revised plan would now also comply with industrial zoning as well. He said there are no deed restrictions on the property. The site has been cleaned up to "unrestricted standards". In short, testimony will be given which proves that the Township's hands have not been tied in any way by a deed restriction on the property relating to the level of remediation that was undertaken by Glen Gery, should the Township wish to re-zone the property.

Mr. Marmora said Mr. White raised in his report the matter of NJDEP permits for outfalls and temporary crossings in 2008. At the time, Glen Gery decided not to go forward with them so they were never constructed.

Mr. Marmora said the Board had asked if the frontage would meet requirements for traffic safety. He said they do not have a traffic report since there is no use, but a supplemental report, dated August 4, 2016 has been submitted.

Exhibit A-1 – Revised Subdivision Plan

Exhibit A-2 – Revised Subdivision Plan superimposed to Topographic Survey

Robert Zederbaum, PE, CME of RBZ Enterprises, Inc. still under Oath, provided the following testimony in response to questions asked by Mr. Marmora:

Mr. Zederbaum said the westerly lot line was moved on Lot 46 in a westerly direction. Upon site inspection, a previously used driveway was found. He said they wanted to incorporate that driveway, now bored out and grown over, in case anyone wanted to use it in the future. The sight line to that driveway is 459 ft. The sight distance for avoidance maneuver at a speed of 35 m.p.h., which is the speed currently posted for Hamilton Road, is 282.5 ft. The distance required traveling in a westerly direction increases to 367.25 ft., due to the downslope. The maximum effort for stopping distance under sight distance in wet conditions increases to 390 ft. The distance for the revised proposal exceeds those requirements.

Mr. Zederbaum said the increase of Lot 46 now decreases Lot 11 to 209.595 acres. Exhibit A-2 shows that there is a good access point to the property.

Chairman Lipani asked if the buildable use of the property is affected by the Roycebrook which runs through it.

Mr. Zederbaum said essentially it does not. The larger Lot 11 will be developed the same whether or not the lot line is moved.

Vice Chairman Julian asked the distances required for the wetlands and riparian buffers.

Mr. Zederbaum said it can be anywhere from 50 ft. to 300 ft. depending. That would all be part of site plan approval in the future.

Open to the Public.

No questions

Steve Posten, LSRP and Theodoros Toskos, LSRP both with AMEC Environment & Infrastructure, Inc., were sworn in, reviewed their credentials independently, and were accepted by the Board.

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Mr. Posten said he is the Senior LSRP with the firm, working more on the filing of the documents. Mr. Toskos is the Project Manager LSRP for the site and performed the study.

Mr. Toskos said the remediation study was filed November, 2014 along with the Response Action Outcome letter, in accordance with NJDEP rules and regulations.

Mr. Marmora said he represented to the Board that the property was remediated to unrestricted standards, meaning that the Township now has the ability to zone this property for whatever it wants since there are no deed restrictions, limiting against residential or any other use.

Mr. Toskos agreed.

Mr. White asked if DEP has accepted the report filed in 2014.

Mr. Toskos said as a matter of procedure, the NJDEP does not respond back unless there are questions as to the submittals. NJDEP has a service called the "Data Minor". He said when they checked on that service, the case showed as being "closed". NJDEP has therefore accepted the document without further questions.

Mr. White asked if the NJDEP can ever refer back to that document for questions in the future.

Mr. Toskos said NJDEP has looked at them, accepted them so they have become part of the record. There may be instances where there is a re-opener, if something new gets discovered or if there is a new activity. Typically once reviewed, it is then put away.

Mr. Posten stated there is a three year time period in which the agency can re-open a case.

Mr. Toskos said essentially, NJDEP gives itself three years in which to review an application.

Mr. White said part of the LSRP program was to have professionals handle DEP's workload.

Mr. Toskos said it is more that NJDEP is relying on the education, training and experience of the professionals to take the responsibility of making a statement with the understanding that the LSRP knows what they are certifying. The NJDEP still maintains the right and responsibility for review and oversight and represent the interests of the State.

Mr. White agreed.

Mr. White asked if there was any concern with the solid waste on part of the site.

Mr. Toskos said this is a common occurrence on industrial properties in New Jersey. The Industrial Site Recovery Act, ISRA, and the predecessor ECRA, recognize the fact and have the concept of the industrial establishment. It basically limits the application of the relevant rules and regulations to what is the proper industrial operation, so as not do anything else that was not related to that. There have been wells that have been installed at the site around the former landfill. The data collected does not show impacts and indications of migration. The presence of the former landfill is not a regulatory trigger from a technical standpoint. It does not appear that the landfill would present a potential concern for the property.

Mr. White said some landfills have methane gas problems. He asked what testing had been done to see if methane was coming out of the landfill. Mr. White said what was concluded is unrestricted use for the entire property. If you have a methane problem there, that cannot be for unrestricted use.

Mr. Toskos said the subdivision would be removing that part of the property from future use. Under the provisions of ISRA, it is recognized that the landfill is not part of the industrial establishment. Therefore, it is not being evaluated as part of the industrial establishment.

Mr. Posten said the unrestricted use is for the 200 acre parcel.

Mr. White said so there could still be problems with the smaller parcel.

Mr. Marmora said before ISRA, there was ECRA. Glen Gery bought the property from New Jersey Shale. That was the first ECRA trigger. At that point, the LSRP process had not been adopted so the NJDEP oversaw the remediation in 1988. NJDEP issued a 'Negative Declaration' July 17, 1990. In other words, the way it was handled by the LSRP was consistent with the way it was handled in 1990. The adjacent property was referred to in the report as the "closed Hillsborough landfill". The NJDEP asked for groundwater monitoring back in the 80's. At that point, the Township conveyed the property to PSE&G. The NJDEP ordered PSE&G and New Jersey Shale to monitor the groundwater. As Mr. Toskos indicated, the levels of contaminants did not require any further remediation. As part of the 1990 declaration, it stated that New Jersey Brick Manufacturing shall seal all monitoring wells installed for compliance with ECRA and submit well

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abandonment forms, etc. The groundwater was reviewed prior to the ECRA trigger. The matter was brought to closure with the 1990 document.

Mr. Marmora said the 1988 trigger was the purchase of the property. In 2008 Glen Gery ceased operations, which re-triggered the same Act. The "industrial establishment" was defined as the area in the site that was not where the landfill was, similar to 1990. In connection with that remediation, there are no legal restrictions on the use. As to the portion that was the former municipal landfill, there are no legal restrictions. Whether there are practical restrictions is a different question. Mr. Marmora said obviously there are. There is no load-bearing capacity; what you can do with it is probably a very passive type use or perhaps preserved as "green space". The adjacent PSE&G property only has utility structures on it. The property may have practical limitations, but not legal restrictions.

Mr. Posten stated the way the statute and rule works under the ISRA and ECRA program is a defined term of "industrial establishment". The industrial establishment is the area that the operations of the facility occurred on. Glen Gery's operations did not involve the area of the former landfill. The LSRP looks for areas that can be contaminated and samples the soil to determine whether contamination levels exceed the standards.

Mr. Toskos said there is a detailed and rigorous process where any areas of concern are sampled. Inspections and record checks are reviewed to make a determination. Based on that determination, you then see what the next steps are and end up with the final report explaining if there were areas of remediation and how the areas were remediated.

Mr. Toskos said the presence of the landfill is clearly identified in the RAO. The law and regulation that stems from it imparts an incredible amount of transparency. There is a paragraph in the RAO that explains that that area was not investigated because it is not part of the industrial establishment. It explains that it was known previously to the NJDEP. Mr. Toskos said under law and regulation, the LSRP is to provide copies to the municipality. Copies of the RAO had been transmitted to the Mayor and the Clerk at that time.

Mr. Bernstein asked if Glen Gery were to sell the property, if that would be another "trigger" for further review.

Mr. Marmora said it would not because the property is no longer an industrial establishment.

Vice Chairman asked for further explanation on the wells.

Mr. Marmora said the monitoring wells were requested by NJDEP in the 80's, prior to ISRA trigger.

Mr. Toskos stated NJPDES applies to former landfills. At that time it required that wells be installed around the former landfill. The Courts later struck down DEP's interpretation of the regulations. Therefore, the requirement was automatically rescinded. By that time, the wells had been sampled at least once and memorialized in the report.

Vice Chairman Julian asked where that date is.

Mr. Marmora said that report was part of the SES back in 1988. At the request of the Environmental Commission, that data was also submitted to the Township. The co-permittees were New Jersey Shale and PSE&G.

Vice Chairman Julian asked Mr. Toskos his professional opinion as a Geologist, what concerns he would have about a landfill.

Mr. Toskos said the fairest way to respond is that it depends what you are looking at. He said having talked with the operators, this area was used for mining shale to make bricks. In this case, mining did not occur below the water level. Some type of filling operation occurred above groundwater. Mr. Toskos said when he inspected the landfill area, it is covered or capped with some type of red soil material. This part of New Jersey can have silty clay, low permeability material. Leachate generation is probably not a large concern because at face value, the site area appears to be dry mound. The site is well-vegetated with mature trees on it. The well-vegetated cover generally means what is there has been naturally anchored and will not go anywhere. Observing what can be observed, it does not look as though there is an imminent threat.

Vice Chairman Julian said he believes it would be reasonable for someone to review that data. He said the question he has is why there needs to be a line if everything is okay.

Board members concurred.

Mr. Bernstein explained that the Applicant has the right to request a subdivision of its property. The Applicant has been above board for the past two years as to why they have chosen to subdivide the property, that being there is a "cleaner" portion of the property than there is. Mr. Bernstein explained for the sake of those members who were not on the Board at the time, that the original proposal was for the Applicant to keep the "clean" property and donate the "unclean" property to the Township, which did not go over well with the Board or the Township. A new application was later submitted with a revised proposal, new Attorney.

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Mr. Bernstein said there is nothing before the Board that indicates the line drawn is not in accordance with the Municipal Land Use Law. When and if Glen Gery gets out of the land business, and when and if the Township ever rezones this area to other than Mining, for which the Township is under no obligation to do. Anyone who buys the property will have to do so with the understanding it is zoned as Mining, with no guarantee it will ever be zoned differently. If the Township, by recommendation of this Board, were to change the zoning, and if the applicant chose to develop either or both sides of the property, at that point, this Board would be well within its jurisdiction to further require further review related to the environmental provisions to ensure that whatever is being built on the site is environmentally safe for those who plan to occupy the site. This application is simply about a subdivision line. What happens afterward is an entirely separate matter.

Vice Chairman Julian said the LSRP did not know the results of the test wells. He said he would feel more comfortable if Mr. White had an opportunity to review that data.

Chairman Lipani said all of the questions the Board is asking will become very apparent at the next phase, if and when this property is to be developed.

Mr. Bernstein said the time of decision runs through September 30th. It is well within the Board's right to condition any decision based on Mr. White's review of the material provided.

Mr. Marmora gave a summary of how the application before the Board came to be. He said Glen Gery was under the impression from informal conversations, that the Township would be interested in the landfill portion for passive use, such as a dog park or ballfields. That did not turn out to be the case. Whether or not this property can be developed remains to be seen.

Mr. Maski clarified that the property is zoned Mining. However, the default zone is General Industrial. A developer could come in today with an application for any number of industrial uses found in the GI Zone, no use variances required. It is totally incorrect to say this property can only be used for mining. The Board can consider this another general industrial zone, such as the one on Valley Road. The Township is under no obligation to re-zone this property.

Mr. Marmora agreed and said this property does meet all of the criteria for the GI Zone, without variances. Mr. Marmora said the goal of Glen Gery is continue to be a good neighbor in this Township.

Mr. Marmora said the former PSE&G property is difficult to deal with. He said Glen Gery feels the best way to deal with it is to separate it out to allow for some type of development on the larger tract. Whatever can happen on the smaller tract will obviously be a much less intensive use.

Vice Chairman Julian reiterated his request to have the analysis report of the landfill reviewed by Maser Consulting for this application.

Chairman Lipani asked to continue with review of comments in the engineering report.

Mr. White asked if the subdivision would be filed by deed or by plat.

Mr. Marmora said it would likely be filed by deed.

Mr. White said everything else has been addressed.

Mr. White was asked how long it would take to review the report.

Mr. White said the report is from 1988. It is uncertain how relevant it will be to today.

The report in question was confirmed. The report and letter referenced were marked into evidence.

Exhibit A-3 – NJDEP Negative Declaration, dated 07-17-90

Exhibit A-4 – “Environmental Cleanup Responsibility Act Initial Notice Site Evaluation Submission (SES), dated 05-16-88

Vice Chairman Julian said the Environmental Commission will be meeting prior to the next hearing. He asked if the matter could be discussed and a memo issued.

Mr. Bernstein said it could, as long as the memo is provided prior to the next Board meeting.

Mr. Bernstein reviewed the action required by the Board: to carry the application to October 06, 2016 without notice; accept the extension of time of decision until October 31, 2016; and to have the Board Engineer review the environmental report in question from 1988. The Maser review will then be provided to the Environmental Commission for review.

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A motion was made by Vice Chairman Julian, seconded by Mr. Wagner. All were in favor. Motion carries.

CORRESPONDENCE

- SCPB – letter dated August 12, 2016
- SCPB – Planning Partners Forum

Chairman Lipani referenced the correspondence in the meeting packets.

ADJOURNMENT

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

The meeting adjourned at 10:08 p.m.

Submitted by:
Debra Padgett
Administrative Assistant / Planning Board Clerk

Approved