

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
September 08, 2016

Chairman Shawn Lipani called the Planning Board Public Meeting of September 08, 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 DeCore – Present
Robert Wagner, Jr. - Present
Deputy Mayor Carl Suraci – Present
Robert Peason - Present
Seat #5 – Vacant
Neil Julian, *Secretary* - Present

Sam Conard – Present
Shawn Lipani, Chairman – Present
Kenneth Hesthag – Present
Sally Becorena (Alt. #1) – Absent
Stephanie Forrest (Alt. #2) – Present

Also present: David K. Maski, PP, AICP, Township Planning Director; Eric M. Bernstein, Esq., Board Attorney (Eric M. Bernstein, & Associates); Lisa Di Franza, PE, Board Engineer (Maser Consulting P.A.); Lucille Grozinski, CCR, Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

DISPOSITION OF MINUTES

None

DISPOSITION OF RESOLUTIONS

- John Zamkotowicz – File 07-PB-26-MJ (2016 Extension)

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

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

PLANNING BOARD BUSINESS

None

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

None

Chairman Lipani called for a short break awaiting the arrival of the covering Board Engineer.

Break 7:37 – 7:42

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

- ***Mountainview Assoc., LLC / R. GROSSO*** – File 16-PB-07-SRV – Block 152.03, Lot 13 (formerly Block 152, Lot 35.01) – 284 Route 206. Applicant seeking Amended Preliminary and Final Major Site Plan Approval; 'c' bulk variances for relief from minimum front yard setback; minimum side yard setback; maximum impervious coverage; and application waivers from providing an Environmental Impact Statement, Community Impact Statement, and Traffic Impact Study (additional parking and buffer waivers identified); to renovate the existing 3,232 sf. building, construct a 1,565 sf. addition, and construct six new parking spaces, on property in the OLC, Office Light Commercial Zoning District. (*EC Review: 07-25-16*)

Richard Schatzman, Esq., of Schatzman Baker, representing the Applicant, said testimony will be provided by the Engineer and potential tenant. He said the application is for a small addition to an existing building in an existing shopping center which will have no impact on the community. Therefore a waiver has been requested from providing a Community Impact Statement. A waiver is also requested from providing an Environmental Impact Statement, and Traffic Impact Study.

David J. Schmidt, PE of D.S. Engineering, P.C., was sworn in, gave his qualifications, was accepted by the Board, and gave the following testimony in response to questions asked by Mr. Schatzman:

PLANNING BOARD MEETING MINUTES
September 08, 2016

Exhibits

A-1 – Revised Site Plan, dated 08-31-16

A-2 – Site Plan, dated 06-02-16

A-3 – Detailed Minor Site Plan & Construction Details, dated 06-02-16

A-4 – Color photos

Mr. Schmidt entered the exhibits into evidence. He said Exhibit A-1 was only recently e-mailed to the Planning Office but not submitted with the application. He said this plan addresses the comments received by the professionals. Exhibit A-2 is the plan submitted with the application. Exhibit A-3 is as described. Exhibit A-4 is color photos also submitted with the application packet.

Mr. Schmidt gave a brief overview of the application: the property is located on the southbound side of Route 206 and Triangle Road. The Applicant is proposing to convert the existing vacant bank into a general medical office building with a 1,565 sf. addition. The existing drive-up canopy will be enclosed and expanded slightly to square it off to meet the existing building. Six new parking spaces are proposed in place of the que lanes; three diagonal and three parallel. The total building will be 4,797 sf. The impervious surface will be reduced by 110 sf. In addition to the submission waivers, a waiver is being requested for off-street parking, and from buffers. There is currently no buffer existing and none is proposed.

Mr. Schmidt said the existing que lanes are about 2 or 3 ft. away from the property line of the adjacent lot, which is a pre-existing condition. There is vegetation as a buffer but it is not on the Applicant's property but on the adjacent lot. The requirement on ADA parking spaces has changed. The new requirement is to provide two 8 ft. but 20 ft. spaces with an additional 8 ft. aisle in between, for a total of 24 ft. x 20 ft. where the Township allows 12 ft. x 20 ft. In order to be able to accommodate the new handicap parking spaces and retain the same number of parking spaces, the parking area will need to be restriped for parking spaces that are 9 ft. in width, which are in accordance with RSIS standards, vs. the 10 ft. wide spaces required by the Township.

Mr. Maski raised the issue of residential vs. commercial uses.

Mr. Schmidt said RSIS standards are used for both.

Mr. Schmidt reviewed the three bulk variances requested. He said the minimum front yard setback (67 ft. proposed vs. 90 ft. required) seems greater due to the 17 ft. dedication to NJDOT made by the previous owner. The minimum side yard setback (22.88 ft. proposed vs. 50 ft. required) reduces the distance from the setback from 25.5 ft. to 22.88 ft. Lastly, the maximum impervious coverage (63% pre-existing condition vs. 45% permitted). Mr. Schmidt said the ordinance allowed for 65% back when the original approval was granted. The impervious coverage will be reduced by 110 sf. from the existing.

Mr. Schmidt said based on the addition alone, 5.2 parking spaces are required; six spaces are proposed. Based on the gross area of the building which comes to 4,797 sf., 1 space for every 300 sf. requires 16 parking spaces. There are currently 20 existing parking spaces allocated. An application has been made to NJDOT for a "letter of no interest" since no additional access point is proposed.

Mr. Schmidt addressed signage. He said two 8 ft. long by 2 ft. wide signs are proposed; one facing Route 206, the other facing Old Man Raffertys. The project requires no stormwater management. The water is American Water; gas and electric is PSE&G; sewer is HTMUA; phone is Century Link; cable is Comcast. Submissions were made to the SCPB, an exemption letter was issued; SUSCD should be exempt; a letter of no interest is pending with the NJDOT.

Mr. Schmidt discussed Exhibit A-1. He said changes were made as per the comments received. Parking spaces originally proposed at 9 ft. x 18 ft. have been revised to 10 ft. x 20 ft. The parallel spaces have been increased from 10 ft. x 20 ft. to 10 ft. x 22 ft. Curbing around the building was adjusted from 17 ft. to 18 ft. An 18 ft. aisle width will be maintained by keeping the existing curb. The existing trash enclosure is similar to the standards throughout the site. The 6 new parking spaces will be marked for "employee only parking". Two signs proposed in this area - "One Way" and "Employee Only Parking". A small concrete slab has been added to the two aisle ways connected, to allow for pedestrian traffic to walk over toward the building.

Mr. Schatzman said there are a few comments from the Maser report that the Applicant has agreed to comply with.

Mr. Schmidt said spot grades will be taken to prove the drainage is positive. He said the Applicant has agreed to do some foundation plantings around the building. Mr. Schmidt said the Applicant will comply with the comments of the Fire Marshal.

Mr. Schatzman reported the Environmental Commission had no issues with the application.

Vice Chairman Julian asked if the Applicant considered the request from the Commission to provide new trees and a grass area.

Mr. Schmidt said there is limited room due to the parking aisles. He said there was one aisle that would be able to

PLANNING BOARD MEETING MINUTES
September 08, 2016

accommodate a tree. The Applicant will comply.

Board Engineer, Lisa DiFranza, PE, inquired about the ADA parking spaces and accessible ramp.

Mr. Schmidt said the handicap parking and ramp will need to be as-built to comply with the ADA standards.

Ms. DiFranza asked whether or not any door opened to the south end drive aisle. She said the parking space size previously referenced as per the RSIS standards is used for residential, not commercial.

Planning Director, David Maski, PP, AICP, asked what type of landing there was for the parallel parking spaces.

Mr. Schmidt said it would be rocks.

Mr. Maski asked if the space would be appropriate, given the close proximity to the perpendicular spaces and the material one would be standing on.

Mr. Schmidt said concrete wheel stops could be placed for the parallel spaces.

Mr. Maski asked how much space one would have.

Mr. Schmidt said they would have 2 ft. but it increases as you go. He said a painted area could be provided to deter one from parking right next to the curb. He conceded that the first space is tight.

Mr. Maski pointed out the spaces have to be operational in order to count. If they do not, an additional variance may be required. He said stepping out into a rock bed does not sound like a good idea.

Mr. Schmidt said the intent was to meet the requirement of 20 spaces dedicated for the medical offices. Additional spaces are available within the shopping center, the closest being at Old Man Raffertys. The 20 dedicated spaces will likely be more than needed for the amount of patients to be seen per hour.

Chairman Lipani said those spaces intended for employee parking may be unusable when there is snow on the ground and may not be a safe place to park in the winter.

Mayor DelCore asked for clarification on the number of parking spaces required with the new square footage.

Mr. Schmidt said the regulations have completely changed since the time the shopping center was approved. Sixteen spaces are required as per the square footage. Mr. Schmidt said if the Board was willing to give additional relief, he could extend the curb more and give less impervious coverage.

Chairman Lipani asked if a 2-3 ft. wide sidewalk could be added between the two parking areas to allow those parked to access the building.

Mr. Schmidt said there are other options if the number of spaces can be reduced.

Mr. Maski asked about the degree of the angled parking.

Mr. Schmidt said he used RSIS standards.

Ms. Di Franza said RSIS standards could not be used. She instructed the standards of the ordinance be adhered to.

Mr. Maski asked the materials to be used in the 2 ft. separation area from the building.

Mr. Schmidt said it will be the same as shown in A-4.

Mr. Maski said the Landscape Engineer at Maser would need to advise on the species of plants to be used.

Mr. Maski said the existing trash enclosure is to the far west of the building. He asked if any other businesses use those trash bins.

Mr. Schmidt said he would defer to the owner of the property on that.

Vice Chairman Julian asked Mr. Schmidt to review the ingress / egress and traffic flow.

Mr. Schmidt the main entrance for this facility would be off of Route 206. There are three entrances: a que line entrance is a one-way; another entrance to the 20 spaces, and a third entrance by the dumpster area only for employees.

PLANNING BOARD MEETING MINUTES
September 08, 2016

Mr. Maski asked whether or not the employee parking would impact the general circulation for the site.

Mr. Schmidt said it would not.

Mr. Hesthag asked for clarification for the number of parking spaces required based on the square footage of the building.

Mr. Schmidt answered "16". Mr. Schmidt said he tried to utilize the que lanes by making them parking spaces.

Open to the Public.

No questions.

Mr. Schatzman called the next witness.

Christine Bogard, Executive Director of Hunterdon Medical Practices, was sworn in, reviewed her background and gave the following testimony in response to questions asked by Mr. Schatzman:

Ms. Bogard said Hunterdon Medical Practices plans to use the building for pediatric offices. She said the plan is to be open Monday - Friday, 8am – 6pm, and Saturdays 8am – 5pm. There will be 3 physicians home based out of the facility with approximately 6 Staff members, seeing approximately 80 patients at 4 per hour per provider.

Ms. Bogard said the Applicant looked at multiple facilities in this area to grow and expand their pediatric business. She said they liked this location the best and thought the parking was more than adequate. Ms. Bogard said they did not believe the traffic from the site would be problematic to the area.

Mr. Schatzman asked if the facility would be used as a medical office, not as a medical center.

Ms. Bogard said it will be used for a physician medical practice, not a medical center.

Mr. Hesthag asked for more information on the patient scheduling.

Ms. Bogard said the M – F appointments would start at 8am, the last would be scheduled at 5:30pm; Saturday patients would be scheduled 8am – 4:30pm.

Mayor DelCore asked Ms. Bogard to review the parking needs.

Ms. Bogard said they would require a minimum of 18 spaces; 12 parking spaces per hour for the patients and 6 parking spaces for the Staff.

Chairman Lipani asked that should there be a delay in the turnover of spaces in the event that appointments run long, if it would be a problem for the patients to overflow into the adjacent parking lot.

Ms. Bogard said she did not believe that to be problematic since the adjacent parking area was not far away.

Ms. Di Franza said she agreed that losing 1 or 2 spaces in that area is not critical to the site plan given the shared parking available, if the Board so wished.

Richard M. Grosso, Owner of the Property, was sworn in to address the matter of the garbage enclosure. He said the garbage disposal area has been in place since the shopping center was built. This area was just for the bank; everyone has their own.

No questions for the witness.

Mr. Schatzman concluded by asking for the waivers from submitting an Environmental Impact Statement; Community Impact Statement; and Traffic Study. He said the small detriment from the variances and waivers would not outweigh the benefits.

Chairman Lipani asked Mr. Maski to comment on the parking.

Mr. Maski said that the existing spaces would be restriped at 10 ft. x 20 ft. It appears the plan meets the requirement, as is without adding spaces but for this use, the more spaces the better. The only condition the Board may wish to place on the parking is that Mr. Schmidt reconfigure and restripe the new spaces as is appropriate to make sure they work. It would be good to have the additional parking but they must be operational.

Mr. Maski reviewed the variances required: front yard setback; side yard setback; exceeding the maximum impervious

PLANNING BOARD MEETING MINUTES
September 08, 2016

coverage; a buffer waiver; and a parking aisle width waiver.

Mayor DelCore asked if a waiver would be required if the parking were reduced by 1 or 2 spaces.

Mr. Maski said not for the use as a medical office. There is a requirement for a medical center, which would double the amount of spaces required. It is up to the Board to determine; based on the testimony provided, if this will be a medical office or medical center. The testimony provided was that this will be a medical office. A medical office of that size would require 16 parking spaces. There are 20 spaces attached to the adjacent building at this time, albeit somewhat shared parking.

Mayor DelCore said the proposal calls for 6 new spaces but perhaps only 4 spaces work better, if reconfigured.

Mr. Schmidt offered suggestions on how the 4 spaces could be configured.

Mr. Maski stated the spaces should be to the Township Code; 10 ft. x 20 ft. or 10 ft. by 22 ft. for parallel spaces.

Mr. Schmidt agreed.

Chairman Lipani called for a motion based on all conditions.

Mr. Maski added the condition of approval of the landscaping by Maser Consulting.

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

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

Chairman Lipani said he will be glad to see the building being utilized.

Mr. Schatzman said Hunterdon Healthcare is on a time schedule. He asked that the paperwork and plans could start being reviewed by the Building Department.

Mr. Schatzman was told to check with the Building Department since the Board had no say as to its procedures.

- **Dukes Parkway, LLC / LEVONAITIS** – File 16-PB-10-SRV – Block 58.03, Lot 1 (formerly known as Block 58, Lot 70) – 280 Dukes Parkway East. Applicant seeking Preliminary and Final Major Site Plan Approval; ‘c’ Bulk Variances for relief from minimum lot area; minimum lot width; minimum front yard setback for the existing building; minimum side yard setbacks for existing and proposed buildings; minimum buffers for the existing building and parking lot; parking waivers for parking stall size and parking aisle width; and application waivers from providing an Environmental Impact Study, Community Impact Study, and Traffic Impact Study; to renovate the existing 2,739 sf. building as an office and construct a 3,850 sf. pole barn in the rear of the property for storage, and construct ten parking spaces, on property in the I-2, Light Industrial Zoning District (EC Agenda: 07-25-16).

John Sullivan, Jr., Esq. of Vastola & Sullivan, representing the Applicant, said the Applicant is the owner of the property and Principal Applicant is also the Principal of a swimming pool and service construction company known as S&R Pool & Spa, LLC. This company is intended to occupy this property.

Mr. Sullivan said the existing one-story building is vacant and in somewhat poor condition, as is the case for existing site improvements. Both the proposed pole barn and existing building will be used by the swimming pool company. The existing building will be used for an office, storage of high-end weather-sensitive parts, and a work room for work on pumps and such. The rear building will be used solely for storage of pool building equipment. The Applicant is requesting preliminary and final major site plan approval with variances and waivers.

Mr. Sullivan said the plans, dated June 8, 2016, were prepared by D.S. Engineering. The witnesses will be Mr. Kevin Levonaitis, the Principal for the Applicant, and the Applicant’s Engineer, Mr. Schmidt.

Kevin Levonaitis, Principal of Dukes Parkway, LLC which owns the property, was sworn in and provided the following testimony in response to questions asked by Mr. Sullivan:

Mr. Levonaitis said his company has owned the property for approximately 1 year. The building, as it exists, is poorly maintained and dilapidated. The building has been vacant for about 4 years. The vegetation is all overgrown and in need of a landscaping clean-up.

Mr. Levonaitis said he plans to take out all of the overgrown vegetation; clean up the front of the building by pointing all of the bricks needing to be pointed; put an awning out; put up a sign as per the standards; and fix up the parking lot.

PLANNING BOARD MEETING MINUTES
September 08, 2016

Mr. Levonaitis said that he and his secretary would work inside the office area of the building. The back room would be for storage of expensive electronic parts that need to be housed. There will also be a small area for pump repair and automatic cleaning repair. The repairs will mostly be done with hand tools and electric drill. The new pole barn will be used for storage of piping, filters, and construction materials. Chemicals will not be stored inside; they are mostly stored on the trucks.

Mr. Levonaitis said S&R Pools builds, renovates and service swimming pools. We have 9 employees, 2 that work in the office and 7 that work in the field. Field employees will be at the site twice in a day, once in the morning to get their schedules and load up, and once at the end of their day to drop off the paperwork and then go home. The trucks get cleaned out in the morning. The field employees are on site for 7:30am to get their schedules and review the work, load up and go. The return times can vary from 3:30 – 4:00pm when not as busy, to 7 pm during busier times. Mr. Levonaitis said he is usually on-site at 6am and can be there until 9pm.

Mr. Levonaitis said they are busiest during April, May and June; July and August slow down a bit; September picks up; October and November slows off; and only in the office every other day during December, January and February.

Mr. Levonaitis said there will not be any other manufacturing or assembly done at the site so there will not be any noise issues. He said they have 4 Cube-vans, one dump truck and one pick-up truck. All but 1 cube-truck and the pick-up truck will remain on-site, either in front or in back of the building, as is permissible. The parking spaces provided are sufficient.

Mr. Levonaitis said there will not be a showroom in the building. He said they build pools so he goes out to the sites. Every now and again a customer will come to the site to pay a bill.

Mr. Maski asked Mr. Levonaitis questions regarding the proposed improvements.

Mr. Levonaitis said he will be power-washing the building, but not certain if it will need to be painted. Any broken windows or doors will be replaced. He said once all of the overgrown vegetation is removed, he will have a better assessment as to whether or not the asphalt needs to be replaced.

Mr. Maski asked about outside storage, noting that outside storage exists currently.

Mr. Levonaitis said the request for the warehouse (pole barn) is specifically for storage. There will not be any outside storage once the warehouse is constructed.

Mr. Maski asked about a conservation easement and about signage.

Mr. Levonaitis stated he is aware of the need for a conservation easement for the property in the rear. He said they have not discussed a sign yet but it will be in accordance with the ordinance.

Vice Chairman Julian asked how the facility is heated.

Mr. Levonaitis said the building has forced hot air and natural gas. There is not an oil tank.

Chairman Lipani commented on the size of the facility verses the uses proposed.

Mr. Levonaitis stated the existing building is larger than needed. The building had previously been used by an insurance company. The floorplan has a lunchroom, conference room, front offices, a larger room in back, kitchen, and 2 bathrooms. The rooms will remain as is; no walls will be taken out. Likely 1 large room will not be utilized.

Chairman Lipani asked if the pole barn will be heated.

Mr. Levonaitis said it will not. The pumps will be winterized.

Mr. Maski asked for more information about the business model.

Mr. Levonaitis said he has to go to the potential client; they do not come to him.

Open to the Public.

Stephen Zacharko – Gress Street, Manville

Mr. Zacharko asked to make a 15-minute statement at the end of the hearing.

Chairman Lipani acknowledged his request for later.

Olga Zacharko – Gress Street, Manville

PLANNING BOARD MEETING MINUTES
September 08, 2016

- Mrs. Zacharko asked what chemicals are being stored inside the blue buckets currently behind the building.

Mr. Levonaitis said there is no storage of chemicals; the chemicals are on the trucks. Some of the containers have some green paint in them used for tennis courts.

- Mrs. Zacharko asked again, if the area was to flood, what chemicals would be going into the water.

Mr. Levonaitis said there are no chemicals. He said he previously had his business in the Valley in Manville and endured Hurricane Floyd. He said he keeps all of the chemicals on the trucks; the pumps are on high ground.

- Mrs. Zacharko commented that this building is in direct line of the river.

Mr. Maski asked about the chemicals kept on the trucks.

Mr. Levonaitis said the chemicals are picked up from the supply house in Bound Brook. Each truck probably has 50 lbs. of chemicals such as SHOCK, sodium bicarbonate, and soda ash and calcium chloride. None of the trucks are used for extensive storage beyond about a 3-day supply.

David J. Schmidt, PE of D.S. Engineering, P.C., was called to testify and acknowledged he was still under oath, having been sworn in for the previous application.

Exhibits:

A-1 – “Site Plan, dated June 8, 2016”

A-2 – “Grading Plan, Landscape and Lighting Plan, dated June 8, 2016”

A-3 – Color photos of site / brochure cover of pole barn (mounted on display board)

A-4 – “Site Plan, dated June 8, 2016; last revised 8/31/16”

Mr. Schmidt explained the request and zoning of the property. He said the pole barn is essentially a “glorified shed.” He said there currently is no buffer from the residential properties and none is proposed. About 50% of the property is developed. The access ways are right along the property line so there is no room for a buffer. The Applicant is willing to put up a board-on-board fence. A waiver is requested from providing an off-street loading area. The ADA requirement of an 8 ft. wide space with an adjacent 8 ft. wide aisle will be provided. The ADA requirement is wider than the ordinance. The Applicant is seeking a design waiver for the remaining parking spaces size, each to be 9 ft. x 18 ft., as well as the aisle width of 24 ft. vs. the required 30 ft. width. Submission waivers from submitting an Environmental Impact Statement, Traffic Impact Study, and Community Impact Statement are requested. Mr. Schmidt said based on the testimony provided, the traffic will be low for an office use. He said there will be no need school impacts and no need for an EIS for such a small project.

Mr. Schmidt explained the 5 pre-existing nonconforming variances for the existing building: minimum lot size (2 acres required vs. .9 acres pre-existing); minimum lot width (300 ft. required vs. 100 ft. pre-existing); minimum front yard setback (75 ft. required vs. 74.1 ft. pre-existing); minimum side yard setback (50 ft. required vs. 15.1 ft. pre-existing); and minimum buffer (20 ft. required vs. 1 ft. pre-existing).

Mr. Schmidt reviewed the variances requested for the proposed pole barn: minimum side yard setback (x2) (50 ft. required vs. 20 ft. – to the East) and (50 ft. required vs. 25 ft. – to the West). The parking requirement was calculated based entirely on office use, which requires more parking. The existing building requires 9 spaces; the pole barn requires 1 space. Out of those 10 spaces, 1 needs to be a handicap space, which is proposed.

Mr. Schmidt said the entire existing 4 ft. wide sidewalk will need to be taken out and replaced to 6 ft., in accordance with ADA standards. Repairs will need to be made on the parking lot. The expectation is that those areas will be excavated and patched but if too many, the entire parking lot will be repaved prior to re-striping.

Mr. Schmidt said the lighting will be replaced with LED lighting; two in the front, one in the back. A wall mounted sign is proposed for the front of the building, in accordance with the ordinance. The net increase in impervious coverage will be 4,210 sf. Since it is under 5,000 sf., it is exempt from stormwater review. Mr. Schmidt noted the utilities to service the site.

Mr. Schmidt said an application has been submitted to the SCPB. Since the property is off of a County road, a 10 ft. wide road dedication along the frontage is required. The Applicant agreed to the dedication and the associated repaving. This application is exempt from DRCC review as per their letter of July 25, 2016. SUSCC approved the application as per their letter of July 29, 2016. A letter of interpretation for fresh water wetlands and fresh water buffers was submitted. The NJDEP approved the buffers and wetlands. To the rear of the property is a wetlands and 50 ft. transition area. The Applicant has agreed to put a conservation area around the wetlands. If the application is approved, an application for a flood hazard permit will be made since the proposed pole barn is in the flood plain. The flood line is located right behind the building. In order to get DEP approval, the building will need to be situated with flood vents.

Mr. Schmidt said he revised the plans in response to the comments made by the Board’s professionals. The plan dated June

PLANNING BOARD MEETING MINUTES
September 08, 2016

8, 2016, was last revised August 31, 2016, shown as Exhibit A-4. Because the Applicant will only be storing the recyclables in the pole barn, not the garbage, the pole barn was shifted back 15 ft. in order to accommodate a standard fenced trash enclosure with gated doors in front.

Mr. Schmidt said the Applicant has agreed to restrict the driveway movements to a counter-clockwise direction, with appropriate signage. The required SCPB roadway dedication will take away 1,000 sf., worst case scenario from the already undersized lot. If the Board agrees to the pole barn being moved back, the dedication and relocation would bring the total impervious to 49.6% where 60% is allowed. The relocation of the barn will bring it to 50-60 ft. away from the closest building on any neighboring lot.

Mr. Schmidt continued with outstanding items noted in the Maser Consulting letter. He said he will provide the requested spot elevations. The area is mostly flat and will meet the 2% or less requirement for being handicap accessible. Mr. Schmidt said the Fire Marshal was not concerned with the circulation around the building for the firetruck because the site is so tight, just that the aisle width be maintained to allow the firetruck to be able to be brought in and backed out.

Ms. Di Franza said that would be acceptable as long as it is in compliance with the Fire Marshal.

Mr. Schmidt reviewed the lighting and landscaping comments. He said there is sufficient lighting for the 5 parking spaces in the front and for the pole barn. The deficiency is for the remaining spaces in front that do not meet the foot-candle requirement on the side that is adjacent to residential property owners. Mr. Schmidt said the use is for a seasonal business but the Applicant can increase the lighting if the Board so wishes.

Chairman Lipani asked if the lighting will be on timers.

Mr. Schmidt said new lighting will be installed so timers can be used.

Mr. Maski said having lighting on timers would be an acceptable approach to resolving the lighting issue; motion detector lighting may be another option. The least amount of lighting to provide safety in the parking lot and security is preferable.

Ms. Di Franza agreed. She noted there is a utility pole in front. Ms. Di Franza asked what type of security lighting is proposed for the back.

Mr. Schmidt said the high end supplies to into the main building. One LED light is proposed for the pole barn. That light can be put on a timer. Additional lighting for the rear of the building has not been discussed.

Chairman Lipani suggested additional lighting be put on a timer.

Mr. Schmidt agreed.

Mr. Schmidt addressed the landscaping. He said no foundation plantings are proposed. The grading plan shows **Leland** and Scotch Pines staggered every 10 ft. around the building for the perimeter of the property.

Ms. Di Franza recommended some additional plantings along the front of Dukes Parkway East with some low-lying shrubs to dress the building up a bit. She said a denser buffer along Gress Street would be a good idea.

Mr. Schmidt agreed to work that out.

Options for the location of the dumpster area was discussed. Mr. Schmidt agreed to work with the Board's Engineer.

Board Attorney, Mr. Bernstein, Esq. stated it would be difficult for the Board to make a decision on the revised plan, given that no one has had an opportunity to review or comment on, prior to tonight's hearing, having it only been presented as "Exhibit A-4." Mr. Bernstein advised the Board to continue the hearing to another meeting and that the plan referenced as "Exhibit A-4" be provided to the Board and its professionals in a timely manner to allow for review.

Mr. Bernstein further noted that the revised plan is requesting approval to construct a building in a flood zone which has not been granted DEP approval. Any approval would be minimally conditioned on that.

Mr. Sullivan suggested the hearing continue in order to get some feedback from the Board and public, then continue the hearing to a future date.

Chairman Lipani said it is difficult to give feedback on a plan that may or may not be valid.

After some discussion, a decision was made that the application should be continued to a future meeting.

Mr. Bernstein asked Mr. Sullivan if a time of decision extension would be given by the Applicant to November 30, 2016.

PLANNING BOARD MEETING MINUTES
September 08, 2016

Mr. Sullivan agreed.

It was determined that the current time of decision runs through December 15, 2016 so an extension was not necessary.

Mayor DelCore suggested to continue with comments in order to address any issues in advance of the Applicant's Engineer providing revised plans for full review.

Mr. Maski continued with questions on the trash enclosure area. Mr. Maski asked if the refuse area would be in accordance with the ordinance.

Mr. Schmidt agreed.

Mr. Maski asked that the improvements to the existing building be done prior to or parallel with the construction of the pole barn to assure the existing building is renovated.

An acknowledgement was made.

Mr. Maski made a point to determine that trash would be stored in the dumpster and enclosed trash area. There would be no outside storage.

Mr. Schmidt agreed.

Mr. Maski asked that the repairs necessary be identified by the Board Engineer or Engineering Department rather than by the Applicant.

Mr. Levonaitis agreed.

Mr. Maski said the testimony provided was that there would be no storage of chemicals on-site in either building.

An acknowledgement was made.

Mr. Maski addressed the buffer. He said there are residential properties on the eastern boundary of the property. Increased buffering should be done to the satisfaction of Maser Consulting. Mr. Maski asked about fencing.

Mr. Schmidt said the one neighbor has a viewshed of the fields. A fence is not recommended for the first property. He suggested that each property owner should determine whether or not they want a board-on-board fence or leave it "as is." The Applicant would be willing to install fencing but it would not run the entire length of the property.

Mr. Maski said the matter may be discussed further by the neighbors present.

Mayor DelCore asked if the pole barn provided in the brochure is the exact barn or just a sample.

Mr. Levonaitis said the barn pictured is similar but shows the doors on the opposite side. The doors will be on the front.

Vice Chairman Julian (and Environmental Commission Liaison to the Planning Board), commented that the Environmental Commission asked to have the flood hazard boundaries identified on the plan.

Mr. Schmidt said it will be added.

Vice Chairman Julian said there was concern from the EC with putting trees in the wetland and buffer areas.

Mr. Schmidt said it is permitted; they are proposed for the buffer area. Being able to save the big tree allows those 6 trees to be removed out of the buffer area. If putting trees, a note would be put on the plan that no heavy mechanical equipment will be used for installation.

Chairman Lipani called for questions from the floor pertaining to the testimony given, further instructing that general comments would be heard at the time of the continuation of the hearing.

Stephen Zacharko – Gress Street, Manville

- Mr. Zacharko said his home is one of the four properties which abuts the Applicant's property to the East. He proceeded to provide comments not based on the testimony offered.

Mr. Bernstein instructed Mr. Zacharko that if his intension is to provide testimony verses questions of the witness, he would need to be sworn in.

PLANNING BOARD MEETING MINUTES
September 08, 2016

- Mr. Zacharko was sworn in and began to inform the Board of the historical uses for the subject property.

Chairman Lipani said the comments made could not be substantiated.

Mayor DelCore suggest the members of the public present take the opportunity to comment on any specific concerns they may have, so that the next time the Applicant comes back, some of the concerns may or may not be addressed.

- Mr. Zacharko expressed his dissatisfaction in the amount of time in which the public had to review and comment on the application.

Board members commented that the notice was provided in accordance with the law; the same as with any application.

- Mr. Zacharko said the Applicant submitted applications to the DRCC and SUSCC. He asked why the Applicant did not instead submit to the Raritan-Millstone Watershed Commission, which he said is more local and precise. Mr. Zacharko proceeded to ask what the conditions were at the time of the 12-16-15 wetlands inspection. He further said that the findings were false based on his observations.

Mr. Bernstein cautioned that testimony was being provided from a lay witness as to whether or not the floodplain area is in fact wet. He advised Mr. Zacharko to provide the Board with photos and/or documents to substantiate the claim for the Board's review. He informed Mr. Zacharko that testimony on the presence or absence of wetlands would be heard if he himself was a licensed wastewater, civil or environmental engineer.

Chairman Lipani informed Mr. Zacharko that whatever exhibits introduced would remain with the application and not be returned to him.

- Mr. Zacharko expressed his frustrations. He said the pole barn is being placed in a "buffer" area where it is wet all of the time. He said that even though the increase in impervious coverage was acceptable to the standards, it will increase potential flood event to the area.
- Mr. Zacharko claimed the Manville Sewer Utility was not notified. He further expressed his objections with the application.
- Mr. Zacharko asked the location of the dumpster.

Mayor DelCore said the location of the dumpster would be discussed at the next hearing once the revised plans were reviewed.

Chairman Lipani invited Mr. Zacharko to come up to look at the exhibit.

Olga Zacharko – Gress Street, Manville

- Mrs. Zacharko stated the flood line on the map was wrong. She stated the flood line does not start at the back of the building but starts in the front and includes her entire back yard. She provided the Board with her accounts of the flooding from Hurricane Floyd and said the Applicant's building will be under 3-4 ft. of water when flooding occurs. She said if the Applicant were to raise the grading, it would cause the neighbor to lose his home.
- Mrs. Zacharko said putting shrubbery in the area suggested would be detrimental to the surrounding neighbors because the water needs to be able to flow through there. She provided more accounts of her experiences during flooding conditions.

Tom Reilly – Gress Street, Manville

- Mr. Reilly asked for the rationale as to why an Environmental Impact Statement (EIS) is not necessary given that this property has environmentally sensitive areas.

Mr. Schmidt said an EIS is more detailed than just identifying wetlands, the details of which are outlined by ordinance. He said the floodplain line is the most recent identified as per the FEMA Floodplain Map for the 100-year storm event. There have been storms well beyond the 100-year storm in this area but the criteria one needs to evaluate is for the 100-year flood line. At the time of Hurricane Floyd, the 100-year storm event was considered 7.5 inches. Ten inches of rain was received.

Mr. Schmidt said he will go into detail as to why the Applicant believes an EIS is not necessary at the next meeting.

Close public.

A motion to continue this application to October 13, 2016 without further notice was made and seconded. All were in favor;

PLANNING BOARD MEETING MINUTES
September 08, 2016

motion carries.

CORRESPONDENCE

■ SCPB – Planning Partners Forum

Chairman Lipani referenced the correspondence in the meeting packets.

Mr. Maski noted there is no business scheduled to the next Business Meeting.

A motion to cancel the September 22nd meeting was made and seconded. All were in favor; motion carries.

Chairman Lipani reminded the Board the next meeting will be held on October 6th.

ADJOURNMENT

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

The meeting adjourned at 9:58 p.m.

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

Approved