

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
March 02, 2017

Chairman Sean Lipani called the Planning Board Regular Public Meeting of March 02, 2017 to order at 7:33 pm. 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 Carl Suraci - Present
Robert Wagner, Jr. – Present
Committeeman Frank DelCore –Present
Robert Peason – Present
Stephanie Forrest – Absent
Neil Julian, Vice Chairman - Present

Sally Becorena – Absent
Shawn Lipani, Chairman - Present
Kenneth Hesthag, Secretary – Present
Ron Skobo (Seat Alt. #1) – Present
Sam Weinstein (Seat Alt. #2) - Present

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

OATH OF OFFICE – Ron Skobo (Alt. #1)

Board Attorney, Eric Bernstein, Esq. administered the Oath of Office to Mr. Skobo.

DISPOSITION OF MINUTES

■ February 02, 2017

A motion to approve was made by Mr. Peason, seconded by Vice Chairman Julian.

Roll Call: Mr. Peason – yes; Mr. Hesthag – yes; Mr. Weinstein – yes; Vice Chairman Julian – yes; Committeeman DelCore – yes; Mayor Suraci – yes; Chairman Lipani – yes. Motion carries.

■ February 23, 2017

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

Roll Call: Mr. Peason – yes; Mr. Hesthag – yes; Mr. Wagner – yes; Mr. Weinstein – yes; Chairman Lipani – yes. Motion carries.

DISPOSITION OF RESOLUTIONS

■ Resolution of the Hillsborough Township Planning Board Recommending a 2017 Capital Budget to the Township Committee

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

Roll Call: Mr. Peason – yes; Mr. Hesthag – yes; Mr. Weinstein - yes; Chairman Lipani – yes. Motion carries.

PLANNING BOARD BUSINESS

None

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

■ ***Krismic Associates, Inc.*** – File 14-PB-21-MSR – (TOD: 03-31-17) - Block 152.06, Lot 30 (formerly known as Block 152, Lot 25) – 230 Route 206. Adjourned from December 08, 2016 with re-notice. **REQUESTING TO ADJOURN (EXTENSION FOR TIME OF DECISION).**

Michael O’Grodnick, Esq. of Savo, Schalk, Gillespie, O’Grodnick, Aquilio & Fisher, representing the Applicant briefly reviewed the delays associated with the application. Mr. O’Grodnick said they are aware that NJDOT was out surveying last week in support in what they anticipate to be a condemnation hearing to finally build the jug-handle in that area.

Mr. O’Grodnick said Bob Heibell, PE, spoke with NJDOT about the application. He was told NJDOT would not be reviewing this application until the jug-handle is condemned and built.

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The Applicant is requesting to extend this application for as much time as the Board will give. The Planning Director at the time, Bruce Rydel, PP noted in his review memo that the Board does not want to hear the application until NJDOT approves it.

The signalized intersection has been approved; the as-builts have been approved; and bonds have been released. Mr. O'Grodnick asked for as long an extension as the Board will allow, up to a year, if possible.

Mr. Bernstein suggested it would make more sense to withdraw the application and refile it once NJDOT approval has been granted.

Mr. O'Grodnick said they have no issue with withdrawing, or "staying" the application, but do not think it is appropriate to have to refile a new application with all of the associated fees and escrow, as they are following the instruction of the then Township Planner, Bruce Rydel, PP. NJDOT has no deadlines in which they have to make a decision. He said the Applicant can withdraw provided the fees are waived.

Mr. Bernstein reviewed for the Board the actions that can be taken: the Board can either waive the fees or grant Mr. O'Grodnick's extension through the end of the year, with the understanding that if it is no further along, the Applicant will need to refile with all new fees.

Mr. O'Grodnick said given those options, the Applicant would prefer to withdraw the application and have the new fees waived for the new application, whenever NJDOT makes a determination as to whether they are going to proceed with this application.

A motion to allow the application to withdraw the application, without prejudice, and waive the application fees for filing of a new application, as to a time when the Applicant is more able to come before the Board with a complete application.

Chairman Lipani said at that time, the Applicant would need to re-notice.

Mr. O'Grodnick agreed, saying "certainly."

Committeeman DelCore asked if there was anything else that would be impacted by the withdrawal.

Mr. Bernstein said he did not think so being that the application has not been heard.

Chairman Lipani asked for a motion to withdraw the application (*without prejudice*), until a more reasonable time, without fees. The application is to be noticed at that time, as requested.

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

Roll Call: Mr. Peason – yes; Mr. Wagner – yes; Mr. Hesthag – yes; Mr. Skobo – yes; Mr. Weinstein – yes; Vice Chairman Julian – yes; Committeeman DelCore – yes; Mayor Suraci – yes; Chairman Lipani – yes. Motion carries.

Mr. Bernstein said a resolution will be drafted.

- ***Danielle LEVATINO*** – File 16-PB-13-MRV – (TOD: 03-31-17) - Block 205.05, Lot 45 – 621 Hillsborough Road. Applicant seeking Minor Subdivision approval; and 'c' bulk variances for relief from minimum lot width at setback (2) for Proposed Lot A and Lot B, and minimum side yard setback (Proposed Lot B), to subdivide 2.63 acres into two lots: New Lot - Proposed Lot A (1.4 acres), and Remainder Lot B (1.2 acres to contain existing residential two-story dwelling and improvements), on property in the R, Residential Zoning District. (*EC Review: 09-26-16 / 02-27-17*) ***Adjourned from February 02, 2017 WITH re-notice.***

David Singer, Esq. of Vella, Singer & Associates, representing the Applicant, said the application was last heard by the Board on November 03, 2016. At that time, the Applicant's Engineer, Debbie D'Amico, PE, provided positive and negative criteria as to the 'c' variances, as it relates to the minor subdivision. During the course of that meeting, the Board inquired into a land disturbance violation. At that time, it was agreed that the land disturbance violations would be addressed before coming back before the Board, which has been done.

Mr. Singer said the professionals have been working in conjunction with the Township throughout the process, over the course of the last several months. A grading plan was submitted to the Assistant Township Engineer, Mr. Belanger. Revisions were made and resubmitted to Mr. Belanger, who said those plans are now acceptable.

Mr. Singer said the other main issue was with regards to the fill. In accordance with Township ordinance 188-52, the fill was required to be tested. The results tested were below the residential standards for "clean fill." by NJDEP standards, and therefore meet the requirements of the ordinance.

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Mr. Singer said they have the LSRP who will be closing out the case, in attendance, to review the soil testing, the data reviewed, and the results.

Mr. Bernstein stated for the record that the Board received statements of eligibility from absentee members at the 11-3-16 hearing for this application from: Committeeman DelCore and Mr. Weinstein.

Eric Raes, PE, PP, LSRP, was sworn in, reviewed his credentials, was accepted by the Board. Mr. Raes provided the following testimony, in response to questions asked by Mr. Singer:

Mr. Raes said in 2007, the State issued the Site Remediation Reform Act. In essence, it was the quasi-privatization of environmental compliance to help speed up the process with the NJDEP. At the time, professionals had to have twenty years of experience and take a test. There are roughly 600 LSRPs throughout the State. With the program came a myriad of guidance documents and revised regulations. The LSRP has to self-certify that the work is done in accordance with these regulations.

Mr. Raes said he reviewed the reports associated with the applicant's property. He said the findings used with State guidance documents and evaluating the background concentrations, the fill that was brought onto the site is in compliance with New Jersey regulations. Mr. Raes said they are in the process of preparing a "final closure report," which should be submitted within the next 30 days. The results will not change from what they are currently.

Mr. Raes explained the materials found in the soil. He said there were a number of naturally occurring metals, which is a common problem in New Jersey. The background levels throughout the State can be over the State remediation limits standards. At this site, there were four levels that came back above State standards. Two are secondary, aluminum and manganese, do not have remediation standards. Both are prevalent throughout the State. The other two were Beryllium and Vanadium. Again, both are naturally occurring metals. More harsh chemicals were also tested for but undetected. That supports the conclusion that industrial fill was not put in.

Mr. Raes said the Beryllium in the core soil tested higher than the fill so it is not an issue. The Vanadium was slightly higher in the fill. The process of "compliance averaging" was done, in accordance with State guidelines. The preliminary report has been provided. The formal report and supporting documents is in the process of being submitted within the next 30 days.

Mr. Raes said the case has been called into the department. The second step is filing a "confirmed discharge notification form" which has been submitted. It generally takes 3 – 5 days for NJDEP to issue a "program interest number," and another 7-10 days to be retained at one of these sites. The case # is 17-02-28-1011-10.

Mr. Raes said the soil meets the specifications of Township Ordinance 188-36. He said from the date reviewed, everything is in compliance. There is no basis not to be sworn to be in compliance with NJDEP standards. There is no risk to human health based on the results.

Township / Board Engineer, William H.R. White, III, PE, PP, CME, asked if the sampling of Vanadium and Beryllium were higher than the impacted groundwater standards.

Mr. Raes stated there is no impact to groundwater for Vanadium, it is a non-mobile compound. For Beryllium it was, but the level in the fill is lower than the natural levels at the site.

Mr. White asked if there were any tests done to be sure it will not impact groundwater.

Mr. Raes said no; it is below the background level.

Mr. White asked when the request was made for an NJDEP number.

Mr. Singer answered, it was the 28th (February). Once the results are in, NJDEP will be notified.

Mr. White pointed out Mr. Raes is not the LSRP of record yet for this case.

Vice Chairman Julian, also the Board Liaison for the Environmental Commission, asked Mr. Raes if he had a chance to review the EC's report, and if so, if he could provide more information on the depth of sampling.

Mr. Raes said he had read the report. He said the appropriate interval of testing was done. It is representative of the material that was there. Mr. Raes said he was not aware of the overall thickness but that the fill in the area referenced in the EC report was fairly shallow; they would be getting into the native soil. Mr. Raes said they are preparing the boring logs, which will be included in his final review.

Vice Chairman Julian said then whether or not the sampling was taken deep enough still needs review.

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Mr. Raes said he will have to evaluate everything with fine detail for certification.

Vice Chairman Julian requested the depth be looked into. He asked if there will be any investigation as to where the fill dirt came from.

Mr. Raes said he has enquired. He said he believed testimony had been offered.

Mr. Singer said a neighbor testified he had spoken with the person who put the fill on the property. Based on conversations he testified it may have come from somewhere in Bridgewater, but at this time it unknown.

Vice Chairman Julian said the professional who worked with the labs on the soil samples presented at the EC meeting on Monday, not the LSRP. He said any approval should be conditioned on the outcome of what the LSRP determines.

Mr. Singer said, as he mentioned to the Environmental Commission, the Applicant is fine with a condition of approval that the case be closed out with a response-action outcome within 30 days.

Mr. Raes said he has an obligation to investigate the origins of the soil, as best he can, but if he cannot prove where it came from, it is not a limitation in the process. He said he is still relying on the characteristics of the soil for the closeout.

Vice Chairman Julian said he wants to be sure all conditions are included for any approval.

Mr. Singer said they do not have any issues with that. They have been working with the Township to comply.

Mr. Peason asked for explanation of there being an August date in the report.

Mr. Raes said it would have to be a typo since they were not working on the sampling in August.

Vice Chairman Julian explained that there were samples taken that exceeded the limits. The State allows for "averaging" which then brings the numbers within acceptable range.

Chairman Lipani asked if the levels at issue are from metals, not from any contaminants that would impact groundwater discharge or migrate onto another's property.

Mr. Raes said that is correct. The initial samples taken were below the State levels for all of the constituents associated with industrial waste, and not naturally occur.

Open to the Public.

No questions.

Exhibits A-2 – Revised grading plan, dated November 23, 2016

Deborah D'Amico, PE, still under Oath from the November meeting, provided the following testimony in response to questions asked by Mr. Singer.

Ms. D'Amico said she prepared the grading plan to address the concerns of the Township. The grading plan display also shows satellite imagery taken from Google Earth prior to the removal of the foliage and placement of the fill. The other is taken from Terra Server, dated May 23, 2016, which shows the extent of the fill. This seems to be the best representation available in hindsight. The existing berm of the west side of the property between this site and the neighbor's property is also represented.

Ms. D'Amico said the grading is shown to extend the berm to just shy of the existing wood line, where the foliage ends now. The run-off would be to avoid the neighbor's property that would be coincidence with the neighbor's rear property line. The plan calls for downed trees and debris to be removed from the disturbance area. The plan has the berm 18 in. in height, 4 ft. wide at the top, with maximum side slopes of 3 on 1. It also calls for the gravel drive to be removed, as requested.

Vice Chairman Julian said at the last meeting, one of the neighbors was concerned with a swale.

Ms. D'Amico said there is a small depression on the subject side of the berm to carry the water. That takes care of that concern.

Chairman Lipani asked about the driveway.

Mr. Singer said the Applicant would submit a road opening permit for the driveway to be able to put a driveway back down.

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Questions from the Public.

John Bodnarchuk – Hillsborough Road

- Mr. Bodnarchuk said he is concerned about the timeline. He said in eight days it will be a year since the first letter went out. The water has been flowing from the pitched fill dirt and lack of berm onto his property. He asked that the Board consider a timeline to have the grading done so that the water stops flowing onto his property.

Mr. Singer said they are okay with extending the berm in once the weather permits, as a condition of approval.

- Mr. Bodnarchuk asked about the type of plantings planned for the top of the berm, to give the berm some integrity so it does not wash out.

Chairman Lipani said there would need to be some vegetation to stabilize and hold the soil together. At a minimum, it would need to be seeded so it did not erode.

- Mr. Bodnarchuk submitted photos of the subject property.

Exhibit B-1 – 7 pages: March 10, 2016 violation letter; 2 pgs. Drawings / 4 photos

Mr. Bernstein asked when the photos were taken.

- Mr. Bodnarchuk said he took the four photographs in November or December.

Chairman Lipani asked Mr. Bodnarchuk when the ponding occurs.

- Mr. Bodnarchuk said the ponding happens after a heavy rain. He said in the spring it takes about a week's time to dry up in good weather.

Chairman Lipani asked Mr. Bodnarchuk if he is asking to have the berm done first to alleviate the issues with the runoff.

- Mr. Bodnarchuk said yes. He said also that the fill dirt introduced has not been completed and is totally pitched towards his property.

Chairman Lipani said all of that will be addressed when they regrade the property.

No further questions.

Mr. Singer introduced the Applicant, **Danielle Levatino**. Ms. Levatino was sworn in and gave the following testimony, in response to questions asked by Mr. Singer:

Ms. Levatino said as soon as she received the letter back in March that she went to the Township and tried to follow the rules. She said the next letter she received was in November. Ms. Levatino said she has and will continue to take responsibility for correcting the issues. She said she plans to remain in the existing house.

Chairman Lipani said the Board is aware the work was done by her ex-husband.

Mr. Singer concluded by saying the Applicant is seeking a subdivision of the property into two building lots, seeking a variance for the minimum lot width at setback for each lot; the berm and the grading will be addressed first thing. The LSRP has his independent requirements, under State Law to fulfill.

Chairman Lipani said as a condition of approval, the LSRP would have to sign off on the case.

Mr. Singer said the reports, as submitted to the State, will be provided to the Environmental Commission.

Mr. White said as of this date, there has been no LSRP report to review. The Board will be looking for the Remedial Action Outcome Report.

Vice Chairman Julian agreed.

Mr. Maski pointed out there is also a pre-existing side yard variance to the east for the existing house, which should be reaffirmed. The understanding is that both one-plus acre lots, should the Board grant the subdivision, will be connected to public water and public sewer. The soils testing and LSRP report will be subject to review by Maser Consulting. The

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grading plan and stormwater measures will need to meet with Maser's approval. The debris in back of the house will be removed. The existing house will need to be hooked up to public water. The berm will be installed to the satisfaction of the Township Engineer.

Mr. Singer confirmed they are in receipt of a letter from American Public Water for connection for both the proposed new lot and the existing.

Mr. Maski said there are timing issues the Board may want to consider. The first is the time in which the installation of the berm takes place. The second is the timing for when the existing house is connected to the public water supply. The Board would not want the Applicant file a deed for what would be two substandard lots because the house does not have both public water and public sewer, without a variance.

Mr. Maski asked Mr. Singer if he could offer the Board a timeframe in which these two items can be addressed.

Mr. Singer directed the question to the Applicant's Engineer.

Ms. D'Amico said that work can be done as soon as the weather breaks, in about one month.

Mr. Maski asked if all of these conditions could be met before the deed is filed.

Mr. Singer said yes.

Close public.

A motion to approve application #16-PB-13-MRV, with all conditions, was made by Mr. Wagner, seconded by Mr. Peason. **Roll Call:** Mr. Peason – yes; Mr. Wagner – yes; Mr. Hesthag – yes; *Mr. Skobo – yes*; Mr. Weinstein – yes; Vice Chairman Julian – yes; Committeeman DelCore – yes; Mayor Suraci – yes; Chairman Lipani – yes. Motion carries.

Mr. Bernstein asked Mr. Skobo to withdraw his vote since he had not heard the entire hearing. So withdrawn.

Break 8:24 pm – 8:31 pm

- ***Christopher & Dr. Marion ROLLINGS*** – 16-PB-16-MSR – (TOD: 03-03-17) - Block 163.02, Lot 19.01 – 101 New Amwell Road. Applicant seeking waiver from site plan approval prior to a home-occupation / office use, to expand the existing parking area by two parking spaces, with design waivers. Applicant intends to convert the attached garage and a portion of the dwelling into an office and waiting room, on Property in the CR, Central Residential Zoning District (*EC Review: 01-23-17*). ***Rescheduled from February 09, 2017 meeting canceled due to snow. Application does not require notice.***

Dr. Marion Rollings was sworn in and gave the following testimony:

Dr. Rollings said she is looking to have a home office for her counseling and psychotherapy office, which is a permitted use. The variances requested are for the parking area. The Township requires seven spaces; the request is for five. Dr. Rollings said she does not need seven spaces since she sees one patient at a time, with no overlapping. At most two to three family members attend, arriving in one to two cars. Dr. Rollings said she does not have Staff so the only other cars will be their two cars which will be parked in two residential spaces.

Dr. Rollings said expanding the drive aisle will completely destroy the residential nature of the property. Given the limited use of one patient at a time, is not needed. Although 25% of floor area is allowed, they will only be using 10%. The Building Department would require significant changes be made to the house if exceeding the 10% so the impact has been kept to a minimum.

Dr. Rollings said they are still looking to maintain the residential quality of their home and minimize the impact to the home and surrounding area. Dr. Rollings said her waiting room as shown on the proposed plan has four seats. She said she has never needed more than her current waiting room furniture which consists of a couch and a chair.

Dr. Rollings said their Architect and Contractor are present to address any of the technical requirements. Dr. Rollings said she wants to be able to enjoy the same rights as anyone who has a home-occupation office. She said she does a lot of phone session each week; teletherapy is a rapidly growing area in counseling.

Dr. Rollings said they purchased their home twelve years ago because of the beautiful property and their desire to preserve it. Seven parking spaces and a huge driveway will take away from the natural beauty of the landscape. She said the waiver for the requirement of having a site plan should not be required. Dr. Rollings said they have an updated boundary and

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topographical survey. The plot plan contains basically the same information a survey would. Dr. Rollings said they were advised of the need to ask for a site plan waiver.

Dr. Rollings proceeded to address the comments raised in the professionals' reports. Dr. Rollings said the Planning report asks that she address her office hours. She said her anticipated hours are Monday through Friday, on a regular basis; weekend for the occasional sessions and emergencies. Dr. Rollings said she would like to be able to accommodate an emergency outside of her regular working hours.

Dr. Rollings said a boundary survey has been submitted to satisfy the Board Engineer. Dr. Rollings did not specify her office hours but stated she has a one-person private practice, by appointment only. She said she handles most emergencies by phone.

Dr. Rollings said there will be more than enough room to accommodate a van-handicap parking space. She stated the plants and shrubs were moved to another area on the property, as recommended by the Board Engineer.

Dr. Rollings informed the Board that she does not dispense medication so there will be no medication on the property. The business does not generate any deliveries so other than those for personal use, there will be no change.

Dr. Rollings concluded her summary by saying seven parking spaces and an expanded drive aisle will cause a significant loss of grass and shrubs. The changes will have a negative impact on the natural landscape. Dr. Rollings said their goal is to minimize the impact to their home and surrounding area.

Mr. White asked if the Architect would be testifying.

Dr. Rollings said he was sick and not able to attend.

Mr. White said the handicap space provided on the plan is not in compliance with the Federal requirements. He said legal action could be taken from someone who comes onto the property because the space is not wide enough.

Dr. Rollings said they will comply.

Mr. Maski clarified there are no variances associated with this application; they are waivers. The request is for a waiver for a site plan, and a waiver in the number of parking spaces, aisle width and size of the parking spaces.

Mr. Maski asked for further explanation of the parking design. He said there are currently two angled parking spaces on the property. If there are three cars parked in the other spaces, the angled spaces would be blocked.

Dr. Rollings said she did not know if the residential spaces would be blocked.

Mr. Maski explained that if the handicap space had a vehicle in it, it would extend beyond the angled spaces.

Dr. Rollings said she does not anticipate there being any issues. If she is home seeing patients, she would not need to leave.

Chairman Lipani asked if the large tree at the front of the property would need to come down.

Christopher Devos, Contractor, said they have a 50 ft. by 55 ft. area in which they can work with for the parking without having to take down the tree. A small wall may need to be constructed in front of the tree to protect it.

Chairman Lipani said the tree is not shown on the plan.

Dr. Rollings said her husband had appeared before the Environmental Commission. The Commission recommended a snow fence be put up around the tree so as not to lose the tree.

Mr. Devos said he recommends putting a pressure treated retaining wall up so as to avoid someone backing into the tree.

Chairman Lipani explained that all of the feeder roots extend beyond the canopy. If that area is going to be disturbed, it could jeopardize the tree, even though you may not be going near the trunk of the tree.

Mr. Devos said $\frac{3}{4}$ of the tree will still be exposed to the soil so that would not be an issue. The driveway will be graded up, not excavated down.

Chairman Lipani said a topography was not offered.

Vice Chairman Julian noted the Environmental Commission requested the snow fence only during construction to protect the tree.

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Mr. White said the snow fence should be placed at the drip line, at the edge of the canopy.

Mr. Devos agrees.

Vice Chairman Julian pointed out that the EC's report calls for the drip line to be indicated.

Dr. Rollings said she does not want to have the tree harmed either.

Chairman Lipani asked the Board's professionals how the number of parking spaces could affect a future owner.

Mr. Maski said waivers generally run with the property. If an identical use were to purchase the property, they could continue.

Mr. Bernstein said any future purchaser of the property would have to come back before the Board if taking any other action than what is there. The issue in granting the waivers is not for the current applicant but for a future purchaser that could have significantly more vehicles to the property.

Mr. Maski said that if the use was intensifying, they would need to come back before the Board.

Mr. White reiterated that the handicap parking space would need to be 8 ft. wide with an 8 ft. aisle, with proper signage.

Chairman Lipani said the (compliance) plan would need to be resubmitted to the satisfaction of the Board's Engineer.

Close public.

A motion to approve file #16-PB-16-MSR with all conditions, was made by Committeeman DelCore, seconded by Mr. Peason.

Roll Call: Mr. Peason – yes; Mr. Wagner – yes; Mr. Hesthag – yes; Mr. Skobo – abstain; Mr. Weinstein – yes; Vice Chairman Julian – yes; Committeeman DelCore – yes; Mayor Suraci – yes; Chairman Lipani – yes. Motion carries.

- **GROSSO HOMES, LLC** – 16-PB-18-INF – Block 204.04, Lot 25 (formerly Block 204, Lot 51) – 519 Hillsborough Road. Applicant seeking Informal Review for conceptual plans to subdivide 14.1570 acres into 11 lots: 10 single-family dwelling lots and 1 detention basin lot. Applicant has provided 3 plan options for review, for property in the R, Residential Zoning District. **Rescheduled from February 09, 2017 meeting canceled due to snow. Application does not require notice.**

Richard Schatzman, Esq. of Schatzman Baker, representing the Applicant, said the application is an informal for which Mr. Schmidt will show three alternative plans, two without variances; one with a variance. The Applicant is looking for guidance from the Board as to which plan they prefer before having all of the stormwater planned.

Mr. Schatzman called Mr. Schmidt to present to the Board.

Mr. Bernstein said he wanted to put the Applicant on notice that because the proposal is for a multi-lot subdivision, there will be an affordable housing obligation to satisfy. At least two affordable housing units will be required, either on-site or off-site associated with any approval of a formal application.

Displays:

Existing Conditions Plan of Survey
Conceptual Subdivision – Option #1
Conceptual Subdivision – Option #2
Conceptual Subdivision – Option #3

David Schmidt, PE of D.S. Engineering, P.C. reviewed the subject site. The property is located on the north side of Hillsborough Road. Above is the extension of Shelburne Place which is an approved subdivision, now under construction. The lot area is 14.157 acres; zoned "R" for a minimum lot size of 1 acre; the area has public water and public sewer. There are no critical areas, no flood hazard areas, no transition or wetlands areas. A NJDEP absence letter was issued March 30, 2016. There are no steep slopes; no streams; and the soil type is not critical. The property is pretty much clear of any environmental issues. The property slopes in all different directions and is mostly wooded.

Mr. Schmidt said they came up with two original designs. Design option #1 has a long 800 ft. proposed road off of Hillsborough Road; nine lots, a detention basin, and the last lot accessed off of Woods Road. Concept Plan #2 has a proposed road off of Woods Road off the extension of Shelburne Place, a 300 ft. proposed cul-de-sac, and three lots off of

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Woods Road. Both options are completely conforming, without variances. Mr. Schmidt said they will submit whichever plan the Board prefers; the Applicant prefers Option #1 of these two.

Mr. Schmidt said because the lot is mostly wooded, he looked at the option to cluster the dwellings. To do that requires twenty acres; the property has only fourteen acres. Mr. Schmidt said he used all of the cluster standards and applied them to this property to come up with a rough sketch. He said although the plan may not be exactly as he would design it; it could be designed so that every lot has a perimeter, the benefit of the cluster is that there is over 6 acres of open space. The plan shows eleven lots but the Applicant intended to have ten lots. The cluster design seems to be better for this community and has less impervious coverage surface. The size of the lots are 20,000 sf. He noted that there are some lots in that area that have only 18,000 sf. Mr. Schmidt said in clustering the homes, they are not looking to increase the density; they are still looking to only have ten lots. The remaining area would be preserved. There is an existing residence on the property that will be removed, regardless of the concept.

Mr. Schmidt said they will comply completely with stormwater management. The surrounding properties will be lessened by the impact of the subdivision due to the new stormwater management practices. The traffic is minimal, estimated at an increase of 100 trips per day. That would remain no matter the plan selected. The Applicant prefers the cluster option over all. The application would include a right-of-way dedication on Hillsborough Road and Woods Road. There would be fire hydrants at the site since public water is available. He said the costs associated for a stormwater detention basin runs about \$30,000 these days so the Applicant is looking for some direction by the Board before incurring that expense and submitting a formal application.

Chairman Lipani asked how much of a buffer there could be if the lots on the Shelburne side were moved down.

Mr. Schmidt said the buffer would be 70 ft. He said they would prefer not to have the extension at Shelburne.

Chairman Lipani asked if it would be needed as a second access and/or if the firetruck could maneuver that cul-de-sac.

Mr. Schmidt said there is enough circumference for the fire truck to get around. Per the RSIS, the cul-de-sac is based on the amount of units. He said the plan exceeds the circumference. You could remove the extension and leave the access or just remove both. That would eliminate roughly 200 ft. of roadway and impervious coverage.

Chairman Lipani asked if a second entrance is required.

Mr. Schmidt said it is not required by the Township Code or the RSIS.

Mr. White agreed. He said it would be the Fire Marshal's call as to whether or not it was needed.

Committeeman DelCore asked about the detention basin.

Mr. Schmidt pointed out the location on the plan. He said they would not be looking to dedicate the land to the Township but rather that it be maintained along with the basin by a home owners association (HOA).

Mr. Maski commented that the cluster development is a more efficient way to go. It would be better to take off the extension from Shelburne Place from a traffic standpoint and for impervious coverage. The cul-de-sac will need to be designed to meet the Fire Marshal's standards for the firetruck no matter what. The more open space that is preserved, the better.

Mr. Schmidt showed some ways in which the lots could be manipulated on the plan to create buffer areas for all lots. He said although this is not binding, the Applicant wanted to get your thoughts before proceeding.

Vice Chairman Julian asked what the historical use of the land was.

Mr. Schmidt said the owner, Mr. Brown, used to have it as a farm, then it went to a meadow, then the cedar trees came.

Committeeman DelCore asked if they anticipate to have basements.

Mr. Schmidt said they do. He said the next step is to schedule soil testing for the detention basin and basements. Sewer and water is available. Mr. Schmidt said he has already submitted to the HTMUA. All of the sign-offs will be acquired by the time of submission.

Mayor Suraci asked if the HOA will cover all of the costs associated with the detention basin and fire hydrants. He said there is an annual cost for each fire hydrant.

Mr. Schmidt agreed. He said there will be two fire hydrants spaced at 400 ft. apart.

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Mayor Suraci asked about snow plowing and road repairs.

Mr. Schmidt pointed out the roads would be public road. The detention basin needs to have an HOA but the roadways get accepted by the Township as a public improvement, just like any other subdivision.
Mayor Suraci said that was not necessarily the case.

Vice Chairman Julian asked if there were ever any environmental concerns from the farm. He said he was aware of some farms off of Woods Road that had environmental issues.

Mr. Schmidt said he will look to see if they have a Phase I on the property. He said he is aware of an LOI absence.

Public Comments.

Susan Gulliford – Hunt Club Road

- Ms. Gulliford asked to confirm that the remaining woods in the cluster plan would be HOA preserved and not taken over by the Township.

Mr. Schmidt said that is the intension.

- Ms. Gulliford asked if Shelburne would be a throughway to Woods Road for one of the concepts.

Mr. Schmidt said that is correct.

- Ms. Gulliford said she recalled the subdivision off of Shelburne required a specialized wastewater system that needed special maintenance. They had to form a HOA to do that. She asked if there were any such concerns here.

Mr. Schmidt said they have not gotten that far. He said the sewer is fairly deep so he is hoping to be able to get gravity for all.

- Ms. Gulliford asked if going with the cluster, if the same size house would be put on the smaller lots.

Mr. Schmidt said they will not exceed the percentage allowed. You cannot build as large of a house on a 1/2 acre lot as you can on a 1-acre lot.

- Ms. Gulliford asked where the firehouse was located in relation to the development.

Mr. Schmidt pointed it out on the plan.

- Ms. Gulliford said if approved, there is going to be a large cell tower on that (fire house) lot. She asked if that would have any effect on how to proceed.

Mr. Schmidt said they prefer the cluster development. He said they would need to notify potential purchasers of the cell tower.

- Ms. Gulliford asked if it would result in lower purchase prices.

Mr. Schmidt nodded no.

Chairman Lipani asked the estimated pricing being considered.

The Applicant, Mr. Grosso, said around \$750,000 regardless of the plan.

Mr. Maski said the only variance required for the cluster is the tract size.

Mr. Schatzman noted they would have a higher percentage of open space with the cluster.

Mr. Wagner commented that the distances between the road openings, be it public or private roads and driveways looks to be fairly close. He questioned whether the slight incline would have an impact on the sight visibility for another roadway off of Hillsborough Road. Mr. Wagner suggested the entrance be off of Woods Road since Hillsborough Road is so heavily traveled.

Mr. Schmidt said he will look at that but first needs to do the soil testing and look at the trees. He said once they locate the trees, they can see if there are any monstrous trees that may sway one option over the other for the location of the roadway.

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Mr. Wagner said he was not opposed to the clustering but was concerned with the short distances between the road stops. He said he would like to know the distances between Woods Road, Shelburne, and this new development road. Mr. Wagner said the speed limit on Hillsborough Road is 45 mph; Woods Road is probably 30-35 mph. Hillsborough Road is a straight run so people often do 50-55 mph.

Mr. Schmidt said this is only the beginning stage so there is still a lot to consider for the submission plan. He said he will come up with a revised concept plan and share it with Mr. Maski to get his comments.

Mr. Schmidt said again that he understands the comments made are not binding, but is satisfied to know the Board is leaning towards the clustering so he can move forward with designing the engineering.

The presentation concluded.

Chairman Lipani noted the next scheduled meeting will be March 9th.

ADJOURNMENT

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

The meeting was adjourned at 9:21 pm.

Submitted by:
Debra Padgett
Administrative Assistant / Planning Board Clerk

Approved