

HILLSBOROUGH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

October 12, 2017

Chairman Shawn Lipani called the Planning Board Public Meeting of October 12, 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 (left at 9:30)
Committeeman Frank DelCore - Arrived 7:35
Robert Peason - Absent
Stephanie Forrest - Present
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, Board Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

DISPOSITION OF MINUTES

None

DISPOSITION OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

None

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

None

PUBLIC HEARING - SUBDIVISION/SITE PLAN APPLICATIONS

- ***814 CRE, LLC / 814 Development (Veterinary Hospital) - File 17-PB-04-MSPV*** - (TOD: 11-14-17) - Block 142, Lot 33 - 212 Route 206. Applicant seeking Preliminary and Final Major Site Plan Approval; 'c' bulk variance for side yard setback; submission waivers from providing a CIS; and parking design waivers, to construct a new Veterinary Hospital with parking and stormwater improvements, on property in the I-1 Light Industrial Zoning District (Highway approaches must adhere to I-2 Zoning Ordinance standards) (*EC Review: 07-24-17*). ***REQUEST TO ADJOURN TO NOVEMBER 09, 2017 WITHOUT FURTHER NOTICE.***

Planning Director, David Maski, PP, AICP, reviewed for the Board that at the last hearing, it was decided that the applicant needs to also file an application for the temporary trailer and temporary parking lot to be provided during construction of a new building. The applicant will be coming in with a parallel application scheduled November 9th so that the Board can hear both applications in tandem.

Board Attorney, Eric Bernstein, Esq. clarified for the Board that although the original approval was granted by the Board of Adjustment, that approval has expired. The uses have changed in the zone so the application can now be heard by the Planning Board.

The matter before the Board is for adjournment without notice for the application that already was before the Board. The new application to address the trailer and parking will require notice.

A motion to continue application 17-PB-04-MSPV to November 9, 2017 without further notice was made by made and seconded.

Roll Call: Ms. Forrest - 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.

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Mr. Bernstein noted the arrival of Committeeman DelCore at 7:35pm.

- **Scott LUTZKY** - File 17-PB-10-MSV - (TOD: 01-17-18) - Block 152, Lots 4 & 4.01 - 472 & 466 Farm Road. Applicant seeking consolidation of existing lots, then P/F Major Subdivision Approval and 'c' bulk variance for relief from minimum side yard setback (Existing house on Proposed Lot 4.02 to remain); Hardship Waiver (Tree Mitigation); and Submission Waiver from submitting a Community Impact Statement; to subdivide 5.91 acres into five single-family dwelling lots, with improvements, on property in the R, Residential Zoning District. (EC Review: 09-25-17).

Peter Lanfrit, Esq., appearing on behalf of the applicant, said the subdivision application is to create four new single-family residential dwellings with a road to service those dwellings. There is only one variance for this application which is for the existing dwelling on one of those properties which violates the side yard setback. That variance is not being exacerbated or changed as a result of this application.

Michael K. Ford, PE, of Van Cleef Engineering, was sworn in, accepted by the Board, and gave the following testimony in response to questions asked by Mr. Lanfrit:

Exhibits:

- A-1** - Color rendering of Sheet 2 - Existing Conditions Plan
- A-2** - Color rendering of the proposed condition - Subdivision Plan
- A-3** - Concept Plan of an earlier design

Mr. Ford described the exhibits. Exhibit A-1 shows the subject property highlighted in color. He said the property fronts on Farm Road, directly across from Stoll Drive; is located in the R Zone; and is approximately six acres in size. There are two existing single-family homes on the property; one owned on Lot 4.01 owned by Ms. Morrison, and the larger Lot 4 owned by Mr. Lutzky which has a dwelling towards the center of that property with a driveway out to Farm Road and outbuildings. Both lots are currently serviced by septic systems. He said there is public water in the street on Farm Road. Ms. Morrison's property is serviced by public water but Mr. Lutzky's property is serviced by an on-site well. The surrounding properties are mostly residential.

Mr. Ford explained that the proposal is for a standard subdivision for four new homes serviced by a cul-de-sac. The cul-de-sac road is directly across from Stoll Drive's intersection with Farm Road, which is a desirable condition. Ms. Morrison's house is remaining on a corner lot of the cul-de-sac.

Mr. Ford said that at the onset of the application, the subdivision plan was designed solely for Mr. Lutzky's property so that it lined up with Stoll Drive, as it does now. In doing so, there was a sliver of land on Ms. Morrison's property that could potentially lead to issues between the property owners. Mr. Lutzky talked with Ms. Morrison and ended up bringing her property into the application so that there could be a trade in equal land to resolve the layout issues.

Mr. Ford said Ms. Morrison's existing house is set back from the side yard in nonconforming conditions. That is the only variance being requested. He said the only way to remedy that variance would be to remove the house.

Mr. Ford said Farm Road has public water in it. The water would be brought in with the main to service all (proposed) houses. The existing dwelling on Mr. Lutzky's lot would be demolished. Ms. Morrison's house is already connected. Mr. Ford said with regards to wastewater, there is an existing sanitary sewer in the development to the rear, which is east of the site. The HTMUA already has an easement to provide for an extension of sewer to service this property. The sewer would be extended into the site, servicing all four (new) homes and Ms. Morrison's home would be connected to public sewer. He said as the Board knows, any residential property not serviced by public water and sewer requires two acres by today's standards. Ms. Morrison's lot is therefore undersized as it exists. By virtue of bringing in the public sewer, that nonconformity is remedied. The subdivision plan shows a concept plan of a driveway for Ms. Morrison's property from the cul-de-sac.

Mr. Ford explained the stormwater for the project. He said the road has been designed in accordance with Township and Residential Site Improvement Standards (RSIS). There will be a series of catch-basins to collect and water draining to the cul-de-sac. There is also a proposed underground stormwater management system beneath the proposed road, which includes a series of pipes under a bed of stone. He said a portion of the property currently drains to Farm Road; a larger portion drains to the rear and to the north. The plans as submitted, include discharge to the underground stormwater basin to the low point on

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the site, which is adjacent to the northerly property line. Mr. White has expressed a concern in his report with the point of discharge. Mr. Ford stated that every such application needs to be submitted to the County, the DRCC, and the SUSCD for approval. Approval has been secured from the SUSCC for soil erosion. Mr. Ford said in the interest of addressing Mr. White's concerns, the discharge to the property to the north can be reconfigured to eliminate that stormwater discharge and connect to the existing system in Farm Road. That adjustment would be made subject to any approval the Board may grant. All but a portion of the rear yards discharge from the basin will be taken out to Farm Road.

Vice Chairman Julian said the County did not approve the design but referred it to the Township for approval since the stormwater is on a private property.

Mr. Ford clarified the approval he was referring to is from the Somerset-Union Soil Conservation District, which is concerned with stormwater and monitors erosion.

Mr. Ford addressed the matter of reforestation. Mr. Ford said as part of the stormwater management system, anytime a pervious surface is changed to become impervious, it results in additional runoff. He said as part of this management system, they will be taking some green areas, with meadows and grass, and change that area to woods, to reduce the runoff. This is being done in conjunction with the tree mitigation plan, and to provide a substantial buffer to the most immediate neighbors, although the buffer is residence to residence. The tree line will be preserved and the buffers will be increased at the rear of the proposed lots to provide the buffer; enhance the greenery; provide for the tree mitigation; and reduce runoff.

Mr. Ford agreed that all of the new lots will be at least one acre in size and in compliance with the ordinance. All of the houses that will be built will be in compliance with the ordinance.

Mr. Ford reviewed the comments from the professionals. He said the applicant will comply with all comments from the Fire Marshal's September 27, 2017 Memorandum. Chief Weniger has asked that once the house on Mr. Lutzky's property is ready to be demolished, that it be allowed to be used by the Fire Marshal for the purposes of training for the Fire Department. Mr. Ford said this is a standard request which has been done with other projects successfully.

Mr. Ford reviewed the comments from the Board Engineer's October 10, 2017 Maser Memorandum. Mr. Ford confirmed the applicant will preliminarily comply with all comments. He also confirmed that the applicant has agreed to put sidewalk in on the frontage of Farm Road and at least half of the interior roadway. He said after having discussion with Mr. White and Mr. Maski, they learned it is the desire of the Township not to have the new road as a public road, but rather a private road. The underground stormwater management system would be within the private road. The private road would be owned and maintained by a Homeowners' Association, which would include the five new lots. Mr. Ford stated that the alternative is to instead have the stormwater management system on one of the lots, rather than in the road, and to have a stormwater easement for that lot, so as to be able to allow the road to become a public road. This scenario was recently done for a small development on Shelbourne Road. However, the current proposal is to have the stormwater in the street and that that street be private.

Vice Chairman Julian asked Mr. White if having a HOA be responsible is the way to go.

Mr. White explained that it is not advised to saddle one homeowner with the responsibility of maintaining the basin. In this case there would be four lots responsible. The O&M Manual should be filed and attached to all of those lots. It will be discoverable to all subsequent property owners. There is maintenance involved so there will be fees to pay to the HOA.

Mr. Lanfrit added they will also be required to file a public offering statement with the DCA in Trenton so from the first owner on down, they will know beforehand what their rights and responsibilities will be.

Mr. Ford continued with review of Mr. Maski's September 28, 2017 report. He said there is a tree mitigation plan that has been submitted as part of the application. The trees to be removed have been identified. As previously reviewed, substantial landscaping is being proposed around the perimeter of the property, which is in compliance with the tree mitigation requirement, albeit with the application of the hardship waiver which limits the landscaping costs to 1.5% of the total project costs, which includes the cost of the dwellings and the road. Mr. Ford said as Mr. Maski pointed out in his report, there is a technical waiver regarding tree mitigation in that they have counted 51 trees needed to be removed for construction, with the exception of counting those trees within that 40 ft. around the dwellings. When counting that 40 ft., there are an additional 30 trees, bringing the total number of trees up to approximately 85 trees for

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removal, which is over the total number of trees on-site; a maximum of 55 trees. Mr. Ford agreed that the only trees that will be taken down are those needed for construction.

Mr. Maski said the calculation needs to be redone so as to include all of the trees to be removed, not just those in the critical areas. He said there is a waiver needed for all trees being removed outside of the critical footprint area, which is essentially the building envelope, and a variance is required for removing more than 20% of the trees on the entire site. He said a new formula needs to be submitted so to determine how many trees are involved.

Mr. Ford said with the rerouting of the stormwater, allowing for removal of approximately ten fewer trees, the total number of trees should be about 75, which is 27% of the total site. An update count will be submitted.

Mr. Ford said the alternate driveway access is essentially a courtesy to Ms. Morrison so that she has an access route to become part of community in that way as well.

Mr. Maski asked that the corresponding impervious coverage be provided; for one driveway or both.

Mr. Lanfrit agreed.

Mr. Ford said there are no issues with the sight triangles.

Mr. Maski said he had one more item that was not included in his memo, which is the affordable housing obligation. He said the formula will be worked out prior to compliance.

Mr. Lanfrit recognized the obligation requirement.

Mr. Ford said with reference to environmental issues, they are not disturbing any critical areas. He said the same presentation was made to the Environmental Commission. Their memo pointed out a typo on the plan which will be corrected.

Mr. White said he and Mr. Ford had spoken the other day about some issues. He said once the revision has been received, it will be looked over.

Chairman Lipani asked for further explanation of the underground stormwater system and what type of maintenance will be required.

Mr. Ford said the underground stormwater is becoming more the norm. This system will be a series of pipes laid in a bed of stone. The collection system for the road as well as runoff from the houses is directed to the underground basin. It provides for an area to store the stormwater temporarily and has an outlet structure that releases the stormwater from that basin at a controlled rate, such that the 2, 10, and 100 year storm peak-flows are reduced from the existing conditions. The detailed calculations are presented to Mr. White's office for review and approval.

Mr. Ford explained there are now new stormwater standards that not only address quantity, as just explained, but quality as well. He said there are manufactured treatment devices that take off impurities in the water runoff from surfaces like roads and driveways. With regards to maintenance, there is a maintenance manual in addition to the stormwater design report submitted that details out the maintenance requirements, sequence and timings of those reviews; and inspections and maintenance of the various aspects of the stormwater maintenance system. Mr. Ford said that report gets filed with the County Clerk's office, as well as a filing that there is identification of a stormwater management system through the DRCC.

Chairman Lipani asked if the record for maintenance is also filed with the County to prove it is being done.

Mr. White stated there is a requirement for annual reporting to the Township as part of our stormwater permit with NJDEP.

Mr. Ford agreed. He said the annual reports need to be prepared by a licensed professional engineer or stormwater inspector and submitted to the Township Engineering Department, starting October 2018, as per the new ordinance.

Vice Chairman Julian asked if this type of system has been installed in other developments in Hillsborough.

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Mr. Ford again referenced the development off of Shelbourne Place; the difference being the road was dedicated to the Township and the stormwater is located on a private lot. He said the proposal before the Board is probably more desirable. He said that project was successful in getting the engineering approved. Mr. Ford also offered that the former Stop and Shop parking lot has an underground basin located under the area of the new Starbucks. It has been there for years and you would never know it.

Committeeman DelCore asked why the reforestation does not extend to the end of the property.

Mr. Ford said the end of the property is where the sanitary sewer will come in. More trees can be added in that area if needed.

Open to the public.

Greg Thompson - 1 Stoll Drive

- Mr. Thompson said Ms. Morrison has been a very good neighbor over the past seventeen years.
- Mr. Thompson raised the issue of speeding on Farm Road and said the speed limit is not being well enforced. He questioned how adding more houses will impact that. He questioned if the private road will have the same rules / restrictions as a public road. He also questioned why there is not going to be a sidewalk.

Mr. Ford responded by saying the road design is not any different than a public road. The only difference with public vs. private is ownership and maintenance responsibilities. He said the applicant has agreed to put a sidewalk along the frontage of Farm Road and along one side of the cul-de-sac, unless the Board advises otherwise. Mr. Ford said having the road directly across from Stoll is the safest way to have a complete access so you do not have conflicting turn movements.

- Mr. Thompson spoke of proposed developments for surrounding properties he was aware of over the years. He questioned how the Board looks at undeveloped property overall, when considering development of any property.

Committeeman DelCore said the speed limit and how a road gets trafficked is not under the purview of this Board. He said the point was noted and would be looked at from a safety perspective with the Police Department. Committeeman DelCore said there should not be any material impact on the traffic flow from a four house development. He reiterated the point made about speeding will be looked at.

- Mr. Thompson spoke in favor of planning beyond one application at a time. He said he disagreed with making a road private saying if it fits the mold, it should be public.

Committeeman DelCore said this road would not be unique; there are a lot of private roads in town.

George Amariaz - 7 Hunt Club Road

- Mr. Amariaz asked if the forest would be owned by the two properties.

Mr. Ford said the trees would be on private land in an easement so that it would have to stay as a forest.

- Mr. Amariaz asked what mechanism would keep the owner from taking down the tree.

Mr. White explained the private owner would own the property but there would be a conservation easement on file to protect the forest. He said the Board would not handle enforcement; that would be handled by the Zoning Officer.

- Mr. Amariaz said he has reported infractions in the past, but nothing has been done.

Kate Hutchison - 35 Ditmars Circle

- Ms. Hutchison said her issues are with runoff and drainage. She pointed out her property on the display and said she is at a low spot with a 91 degree contour. Ms. Hutchinson said the plan does not show or account for the two large maple trees that went down during Sandy. She said they went down because it is swampy back there and the trees had nothing to grip into. She said the one tree is down but still alive, and took out part of her fence when it fell.

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- Ms. Hutchinson asked that the fallen tree be removed but cautioned about replacement saying the same will happen again should a large tree be put in its place. She said she is concerned that the plan does not show the fallen trees or what is to be done there.
- Ms. Hutchinson addressed her concerns with runoff. She said she does not have a basement and said her back yard is so swampy that she has standing water in her backyard during a severe storm. Ms. Hutchinson said she did not think the reforestation planned will address her issues during all of the seasons. She said it appears the grading has increased the contours from 92 to 96 degrees which will cause more runoff to her property. Ms. Hutchinson said ideally she would like to see a catch basin collect all of that runoff rather than direct it down to her property.

Mr. Ford said the dead and diseased trees can be reviewed at the time of the planting of the new trees. Any dead or diseased trees can be removed at that time.

- Ms. Hutchinson said the tree she spoke of is very much alive; just down.

Mr. Ford said a professional Arborist can address the condition of the tree at that time. He said some of the deciduous trees can be changed to Evergreen trees to provide a year-round buffer and perhaps assist with the water issue.

Mr. Ford said it is their intension to direct as much of the water at the rear of the property towards the front of the property. He said when you see a higher elevation at the house, part of that is to get the water to drain out to the new road.

- Ms. Hutchinson said when looking at the plan, the water is directed down towards her property.

Mr. Ford said there is a portion that will not drain to the front. He told Ms. Hutchinson they will work with Mr. White's office to direct as much as possible to the new road, to not only reduce the water from what it is today, but to reduce it even more to help alleviate the current condition.

Mr. Ford said all of the existing meadow should be improved with the reforestation area.

- Ms. Hutchinson asked when the reforestation will be planted, and how long construction will take.

Mr. Ford said approvals such as this, if approved, take some time to get through all of the conditions of approval. He said it may be ambitious to say, but construction could start this spring.

- Ms. Hutchinson said it would take years for the trees to be mature enough to be sucking up water.

Mr. Ford said they are substantial when planted but agreed they will take time to grow.

Ted Huesing - 39 Ditmars Circle

- Mr. Huesing said he had the same concerns as Kate (Hutchinson). He also said he had downed trees and drainage issues.

Mark Kot - Strawberry Lane

- Mr. Kot said he owns the property directly to the north of the subdivision. He asked how his property can also be connected to the subject property in order to connect to the sewer. He asked if the easement for the subdivision would allow him to connect to the sewer.

Mr. Ford said they did not look at that. He said he had reviewed the application for Mr. Kot's property in preparation for this application but the Kot application shows the sewer coming up Farm Road. He said they can look at it with the HTMUA. The MUA would ultimately own and operate the public sewer and there would be an easement through there.

- Mr. Kot said then it would not be a problem connecting.

Mr. Ford reiterated they did not do engineering for it. He said whatever they can do as they bring it into the Lutzky property for future connection at the direction of the MUA, can be done. Mr. Ford said he did not know if it would be a problem for Mr. Kot's property since he had not designed anything for Mr. Kot's property.

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- Mr. Kot again asked if the easement would allow the sewer to connect to his property.

Mr. White said the issues are whether or not you would have the right to connect, which would be up to the HTMUA; this Board cannot tell you that. Secondly, as Mr. Ford has tried to explain, elevation wise, he does not know if you can connect. If the property is higher or the sewer is not deep enough, you would not be able to connect.

- Mr. Kot said he spoke with Scott Lynn from the MUA earlier today. He said the sewer is about 8 ft. deep and there appears to be a connection area so it is possible. Mr. Kot asked if there can be an additional connection for his property.

Mr. Bernstein said connecting to Mr. Kot's property is not an issue before this Board. The application relates to the sewer connection related to the subject property. Any further connections off of a potential line, if approved by the HTMUA, will be by the HTMUA in conjunction with whatever easements exist with this property. He said the Board, the Applicant, and the HTMUA cannot make any promises at this point, other than that there may be potentially another avenue for Mr. Kot to connect his property to the sewer, other than going up Farm Road.

- Mr. Kot went on to repeat his request.

Mr. Bernstein told Mr. Kot the Board is not going to include Mr. Lynn's hearsay statements, and the matter is not before the Board. He said if the Board makes an approval for the Lutzky application with the sewer connection proposed, that would render Mr. Kot's property with a potential connection other than the one he currently has on his subdivision (Kot) plans.

- Mr. Kot asked if the Board could approve to provide a stub at the connection.

Mr. Bernstein said it was not within the purview of this Board. Nor would it be of the purview of the Township Committee. It would only be of the purview of the HTMUA. He said that conversation needs to be had with the Authority.

- Mr. Kot said to the north of the (subject) property, there is a fence. He said he had been approached by the previous owner, Mrs. Macaro. He said within the past few years, a new fence was installed. He said the fence looks like it is encroaching on his property. He asked that the fence be removed.

Mr. Lanfrit told Mr. Kot that if the fence in fact encroaches on his property; it would be removed.

- Mr. Kot pointed it out on the survey. He said he also has a concern about reforestation, saying there appears to be an imbalance.

Mr. Ford said the current plans, as proposed, has an underground stormwater management basin discharge system running along the property line. An easement would have precluded trees being planted there. Now that the discharge is being re-routed, the reforestation can be redistributed to provide trees along the buffer to that area as well. Mr. Ford said the buffering would be to trees though. He said the concentration of buffering was designed to be where existing residents are and/or in areas where the stormwater areas were not draining to the basin. Mr. Ford said he looked to implement the Best Management Practice of stormwater management by changing the land cover to forest. So the trees will not just be for buffering.

Mr. Ford said there is no ordinance that requires buffering from residential property to residential property. He said the buffering is an added benefit of the reforestation as part of the stormwater management. The Applicant also has a tree mitigation responsibility addressed with the plantings.

Mr. Maski confirmed there is no required buffer because it is residential. However, they do have a responsibility to replace a certain number of trees through the tree mitigation. The Landscaping Plan will need to be reviewed and approved by Mr. White's office in terms of suitability, species type, spacing and the sort. The reforestation is needed to mitigate other aspects of the project but is not there in the classic "buffer" sense.

- Mr. Kot asked that the trees be distributed more evenly.

Mr. Lanfrit said Mr. Ford is willing to redistribute so that will be addressed in the revised plan.

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Mr. Ford reiterated that there is not a physical entity that raised any concerns with buffering; there is a forest there. He said there is not a need to reforest that area for stormwater management. The reforestation is in the area that drains to the neighbors on Ditmar.

Mr. Ford told Mr. Kot, other than your desire to have wooded trees and buffering along your property, there is not a technical issue for stormwater management or tree mitigation that is required there. He said he can look at redistribution of trees that are no longer needed in certain areas. Mr. Ford said the plantings are targeted for certain needs.

- Mr. Kot spoke about how the water currently flows on the property.

Mr. Ford said by virtue of the cul-de-sac and houses, all of the water will be intercepted in the underground basin. That is the measure that takes care of the stormwater in that direction.

- Mr. Kot asked for percentages.

Mr. Ford said there is only one stormwater basin; the rest are discharge pipes. The stormwater will be relocated to discharge to Farm Road to collect all of the runoff from the road, driveways, and houses.

- Mr. Kot said there are multiple pins from various surveyors on the properties. He asked if the various markers will be settled.

Mr. Lanfrit said if there is a title issue or an issue of encroachment or overlap, Mr. Kot can have his attorney contact him so that if there is an issue, they can hopefully resolve it. He said he did not represent Mr. Lutzky at his closing. Mr. Lanfrit said if the fence is on Mr. Kot's property, it will be removed.

- Mr. Kot asked again about getting the stub for connection of his property to the sewer.

Mr. Lanfrit reiterated that it is not in the jurisdiction of this Board. He told Mr. Kot his project is separate from this project and therefore he will need to work that out with the Sewer Authority.

- Mr. Kot said his project has expired so it is no more at this time. He asked again about working something out for the sewer connection stub.

Chairman Lipani said it was not a matter for this Board.

Audrey Morrison

- Ms. Morrison said she wanted to clarify the area of the trees Mr. Kot was discussing. She said she is the person responsible for doing a lot of the planting on that property over the past fifteen years. She said there are Black Walnut, Maple, and a number of Evergreens in that area. Ms. Morrison said there is no shortage of something to take up water in that area, and nothing that will be of concern.

Ken Baker – 452 Farm Road

- Mr. Baker identified that his property is north of the subject property, on the other side of Mr. Kot's property. He said he is also concerned with runoff. He said his septic system is four years old; his property is one acre. Mr. Baker said everything drains downhill through his property. He said there used to be a stream that ran behind the properties but he has not noticed it recently.
- Mr. Baker asked that the runoff be brought out to the street rather than through the back yards.

Mr. Ford said that is what they will be doing. He explained the underground basin is under the new road. He said right now the plan shows it discharging to Lot 3. What has been explained is that the runoff will be redirected to the storm system in Farm Road. He told Mr. Baker that once it gets in the storm drainage pipes in Farm Road, it will not get onto your property. The runoff to the properties will be minimal.

- Mr. Baker said he was concerned with his septic system failing.

Mr. White asked Mr. Ford if the detention system will be sealed or will be perforated to allow water to go into the ground.

Mr. Ford said right now it is a sealed system because the on-site permeability is poor.

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Mr. White said therefore the water will be contained under the road and not affect Mr. Baker's septic system.

Mr. Ford agreed. He said it will not be adding to the groundwater.

Mayor Suraci asked where all the runoff that is now going through Farm Road, will end up.

Mr. Ford said he believe the water runs underground to the culvert in the road to the intersection of Valley and Farm Roads. He said the underground basin on the subject property will be substantial. There is a series of 3 ft. diameter pipes that allow the water to be detained under the road in that containment system, and released at a controlled rate, such that the peaks are reduced at the site. He said that is all proven out by the stormwater calculations reviewed by Mr. White.

Mayor Suraci asked if there will be a stream going down Farm Road.

Mr. Ford said it will all be done through underground pipes.

Mr. White asked about the existing large detention basin on Farm Road shown on the exhibit.

Mr. Ford said he believed that was constructed for the 16-lot development across the street, right next to Brentwood Hills Development. That development has its own stormwater development system.

Mr. White noted it discharges to the stream to the north.

Mr. Ford agreed.

Mayor Suraci asked if this will create any new issues down the road.

Mr. White said it may require that the system be oversized a little more because it is not the reductions Mr. Ford will have to design for, but for the capacity in Farm Road.

Mr. Ford agreed.

Mayor Suraci asked if it has been calculated.

Mr. White said this is all theory at this point since Mr. Ford will be redesigning. Mr. White said both he and the RVCC will also be reviewing the design.

Mr. Hesthag said he was in favor of the runoff going out to Farm Road. He asked for further explanation regarding the trees shown on the bottom right of the exhibit that the resident spoke about the downed tree. He asked if that water will be re-routed as well.

Mr. Ford said he did not believe they can catch all of the water on that property because probably elevation wise, it is too low. There is regrading to be done. He said whatever else they can push back out toward the road to even further limit the drainage to the rear can be done.

Mr. Ford said right now they have a complying design that discharges to where a substantial portion of the property drains to Mr. Kot's property. There was a concern about a point discharge to where most of the water goes today, and have instead offered to reroute it underground to Farm Road. Mr. Ford said they cannot take all of the water that currently drains to the rear and push it out to Farm Road.

Chairman Lipani said in looking at the original plan, it looks as though 90% of the existing lot grades back to the back of the property. He reviewed the numbers and said with the new plan, 75% of that property will now be draining away from the neighbor's house (Ditmar Circle), whereas previously, 75 -80% was draining towards her house. Chairman Lipani said the reason for the 96degree grading is to get the lot tilted away from the neighbor's properties.

Mr. Ford agreed and pointed out the areas on the display.

Committeeman DelCore said then the properties to the east should face materially less runoff. More will be captured and go into the stormwater basin rather than flowing to the north and the south.

Mr. Ford agreed.

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Chairman Lipani said there are species of trees that can be specified for the low lying areas that are very good at sucking up water, such as Willows. He said the professionals can put that in to help alleviate concerns about water and standing water.

Committeeman DelCore said in essence, the situation should be improved.

Mr. Kot

- Mr. Kot said even though he has concerns, it has more positives.

Victor Nekrasovas - 501, 503, 504 Farm Road

- Mr. Nekrasovas said there is a paper emergency road along Valley Road. He said it seems that all of the water will flood that emergency road.

Mr. Ford said that emergency access is just north of the subject property, next to Mr. Nekrasovas' property. He said at that point, the runoff from Farm Road is in catch basins and underground so it would not be above ground.

- Mr. Nekrasovas asked if the runoff from all of the roofs is included.

Mr. Ford said it was taken into consideration.

- Mr. Nekrasovas said the water goes downhill, and downhill is Farm Road.

Mr. Ford said it is released at a controlled rate so that it does not increase the peak. He said there is an outlet structure in the underground basin that has a series of hydraulic entities, orifices and weirs that do not allow the water to run out at the high rate, but at a reduced rate.

- Mr. Nekrasovas asked how the runoff and trees will affect his property.

Mr. Ford said they are not only putting in the trees but reducing the area from the site that drains to there now.

Chairman Lipani said the testimony given is that the grading will alleviate most of the water problems.

Mr. Ford said there are existing drainage problems. He said what they are doing will not guarantee the existing issues will go away, but it will improve the situation by reducing the runoff to those drainage areas.

- Mr. Nekrasovas raised his concerns about adding another road opening on Farm Road, given the speed at which traffic travels. He said there should have been a street investigation. He stated there is over building going on.

Mr. Lanfrit said they are not overbuilding but building what the ordinance has proposed. This application is not calling for any variances; four lots are allowed and four lots are proposed. He said as Mr. Ford testified to, there are adequate site distances so that a person existing this site has sufficient visibility in both directions. He said that has all been looked at.

- Mr. Nekrasovas disagreed saying he needs to go out four feet from his driveway to see over the hedges.

Mr. Lanfrit said there are sight triangles that will need to be complied with which allows a driver to be able to see left and right without being impeded by trees, bushes or hedges.

- Mr. Nekrasovas said the flooding here gets to be very bad. He said you will be taking down 100 year old trees to replace them with little trees that will take years to mature. He again said he is very concerned with the flooding. He asked if saplings will be planted.

Mr. Ford said there is a landscape plan that is reviewed and approved as part of the application. The trees will be substantial in caliper; 3-4 inch but will take time to grow.

- Mr. Nekrasovas said it sounds as if there are too many houses being built on the acreage.

Chairman Lipani said the number is fitting with the zone.

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- Mr. Nekrasovas speculated that there will be increased flooding.

Committeeman DelCore said if there is a problem today where the flow of the water is creating flooding on certain surrounding properties; the Applicant is not required to remediate those issues, they just need to ensure they are not making it worse. He said in many cases, they make it better.

- Mr. Nekrasovas said he experienced an issue in the past.

Chairman Lipani said the Board cannot take that into consideration. He asked for any more questions.

Greg Thompson

- Mr. Thompson again raised an issue with traffic.

Committeeman DelCore said the issue he raised is not under the jurisdiction of this Board. He said there is a process that has to be followed. Mr. Ford testified and now is the time to ask questions about that testimony. He reiterated that the Board cannot adjudicate the issue. Committeeman DelCore said he will, as a member of the Township Committee, talk with safety personnel at the Police Department to see if anything can be done. But it is not part of, nor can it be taken into account, for the decision as it relates to this application.

- Mr. Thompson spoke again about how he believed there were outstanding issues that need to be addressed before this Board should make a decision.

Committeeman DelCore disagreed. He said the Applicant has submitted a compliant application that this Board is legally required to hear based upon the facts of that issue. He said the matter (speeding) can be taken up, but not with this Board. The matter will be brought up with the Police Department.

- Mr. Thompson said he had letters with him.

Committeeman DelCore said the letters can be brought to the Administration Department but are not part of this application.

- Mr. Thompson stated the matter has not been addressed and the problems continue.

Mr. White asked Mr. Thompson if he is looking for the speed limit to be reduced.

- Mr. Thompson said he is looking for the process by which the matter is formally reviewed, gone through, submitted to, and testified to, just like tonight.

Mr. White said the Police Department normally does a speed study in which they do a statistical analysis to determine the speed. He said your wish to have the speed limit lowered is not the matter; it is how fast the road will allow people to travel safely. Speeding is an enforcement issue. Changing a sign from 35 to 30mph will not change that; people will continue to travel the same speed they do now.

Mr. White said this applicant has two houses on the property now. They are only adding three houses. Those three houses will produce a total of 30 trips a day. He said a traffic report was submitted and reviewed so some of the concerns raised were already reviewed. The Applicant's purview is not the speed limit. That is something the Township Committee and Township Engineer will look at.

- Mr. Thompson continued to express his dissatisfaction with the process but conceded that he agreed with everything else that had been said.

Mr. Bernstein said he would address the issue from a legal point of view. He said the Board is required to review among many things, traffic impacts. As Mr. White has indicated, it is not speed that is the issue but the impact of the trips coming off the development. The proposal is not going to dramatically change the situation on Farm Road one way or the other. As Committeeman DelCore and Mr. White have indicated, the process of how a speed limit is established is for the Police Department to re-review the situation at hand. Whether or not any other Developer proposes to develop property on Farm Road will be reviewed by the Board as it relates to additional traffic upon the road itself.

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Mr. Bernstein said if for the sake of this discussion, the speed limit is reviewed and reduced to 25mph, that will not, in and of itself, make traffic on Farm Road dramatically better if everyone continues to drive 40mph on a 25mph road. He said one of the many things that Government has no control over is individual behavior. What this Board can deal with is each applicant, as they come to this Board, as it relates to the impact of their application on the overall Master Plan situation. It all has to be looked at individually, as well as collectively.

Committeeman DelCore added that there is no formal meeting process where there is legal testimony about the issue referenced. However, if there is an issue that needs to be addressed, it should be brought to the Administration Staff and Police Department to discuss the matter with. He said we would then undertake a safety study and see if there is an issue there, but it is not something the Board can address.

Committeeman DelCore added that it is unfair to the Applicant to spend time at this hearing having a discussion about something we should not be having as part of this hearing.

Close Public

Mr. Lanfrit said the testimony mostly focused on stormwater. Based on the suggestions from Mr. White and the comments from the public, they may be able to make the situation even better than originally thought. He said the neighbors can rest assured that as a result of this development, they will comply with all requirements of the Township, DRCC, and handle the stormwater management. He said hopefully the situation of the surrounding area will be better than it is before. All of the existing issues will not be resolved but they will address what they can address. Mr. Lanfrit concluded by again stating the application has no variances, and requested the Board approve the subdivision application with all compliance matters.

Mr. Bernstein said he wanted to have a conversation with Mr. White but cautioned that any such approval would be conditioned on meeting the stormwater requirements to the satisfaction of Mr. White. If not, the Applicant will be back before the Board. He noted that no one has seen or had a chance to review the numbers.

Break 9:22pm - 9: 31pm

Chairman Lipani noted Mr. Wagner was not feeling well and left at 9:30pm.

Mr. Bernstein said after consultation with Mr. White and Mr. Lanfrit, the application will be continued to December 14th to allow time for the issues to be addressed and reviewed. At that point the Board can potentially take an action, which is within the time of decision.

Mr. Lanfrit said they have no issue; it is better to have the stormwater reviewed prior to a decision.

A motion to continue application 17-PB-10-MSV to December 14, 2017 without further notice was made by Ms. Forrest, seconded by Mayor Suraci.

Roll Call: Ms. Forrest - 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.

- **OM Realty, LLC** - File 17-PB-11-INF - Block 182, Lot 38.01 & 38.02 - 349 Route 206 (Lot 38.01) and 351 Doctors Way (Lot 38.02). Applicant requesting Informal Review regarding a major site plan proposal to construct a new +/- 26,000 sf. medical office building on vacant Lot 38.02 and relocate the existing tenants from Lot 38.01; and renovate or demolish and construct a new building to replace the existing buildings on Lot 38.01, on property in the HS, Highway Service Zone. (Highway approaches must adhere to I-2 Zoning Ordinance standards) (*EC Review: 07-24-17*).

Michael K. Ford, PE, of Van Cleef Engineering, representing the Applicant, said the application is for an informal review.

Exhibits

Exhibit 1 - Existing Conditions Map

Exhibit 2 - Proposed Conditions Map

Mr. Ford pointed out existing structures in the surrounding area on Exhibit 1. He said the subject property is just north of where Old Somerville Road intersects Route 206. He said they have been informed there is a contract out for the Bypass,

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accepting bids mid-November for the North and South sections. Part of the reconfiguration will end just at Doctor's Way. He said the understanding is that that improvement will turn Doctor's Way into a right-in / right-out only turn. The concrete median will extend just past Doctor's Way. Part of that will improve the jug handle to the North.

Mr. Ford said the Medicare property is not included in this application. The subject property is for the existing building, parking, a smaller existing building; and the vacant lot to the rear on the second of the two subject properties. The vacant lot to the rear would be developed with an approximately 27,000 sf. two-story medical office building, similar in architecture to the Medicare building. It would allow the owners of the property to take tenants from the existing medical facility and potentially relocate them in the new office, and then reconstruct and/or substantially renovate the front aging office building. Doctor's Way would stay the same, with no new access to Route 206. The existing parking lot with 65 parking spaces would stay the same. A new parking lot and stormwater management facility would be constructed to service the new office building. The property is in the HS, Highway Service Zone.

Mr. Ford said the existing building is on a 2.4 acre site; the proposed building is on a 3.3 acre site. He said there is a substantial portion of the vacant lot and of the developed lot that have environmental constraints such as stream corridors, wetlands, and DRCC buffers.

Chairman Lipani asked how they see the building being used.

Mr. Ford said right now there are small medical offices so at this time it would be more of the same. The Owner is a Doctor with partners, although not the same partners as with the Medicare property. The intent is to have something similar to the Courtyard property with a number of medical offices, perhaps even condos.

Mr. Ford said the Applicant is looking for direction from the Board to help them take the right path so they can move forward with a site plan application, which will include all of the detailed studies.

Mr. Ford said right now the wetlands are not the most restrictive. It looks to be the DRCC stream corridor buffer associated with the Royce Brook. There is public sewer that runs through the property. The existing building is serviced by a well. There was no public water when the building was built. The Medicare building brought the water down and across Route 206 to the hydrant. The water was further extended under the Royce Brook to the new Assisted Living Facility to bring water to that site. Both the existing and new building would be serviced by public water and sewer.

Chairman Lipani asked about variances.

Mr. Maski said there would be one for the maximum front yard and possibly for a parking deficiency.

Mr. Ford said the building would sit too far back and require a variance. The ordinance now requires usable area vs. gross floor area. It may not require a variance for parking but those details would be provided at the time of site plan application.

Open to the public.

Susan Gulliford - Hunt Club Road

- Ms. Gulliford asked if the Applicant has an idea yet on the size and square footage on the renovations to the existing building.

Mr. Ford showed a rendering of a proposed new building on the site. He said they are looking at about a 17,000 sf. two-story new building, reoriented parallel to Doctor's Way. The building is narrower because the DRCC allows a building in their stream corridor to be renovated / rehabilitated but if taken down, it cannot be rebuilt. It will be a business decision as to what the expenses will be as to which is the best course of action. The alternative would be to renovate the existing building to give it a face lift.

- Ms. Gulliford asked if the buildings would be part of the same development.

Mr. Ford said they are two separate lots.

Close public

The informal presentation concluded.

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CORRESPONDENCE

None

Chairman Lipani called for a motion to cancel the October 26th business meeting.

A motion was made and seconded; all were in favor; motion carries.

Chairman Lipani said the next meeting will be November 2nd.

Mr. Bernstein asked the Board advise the Planning & Zoning Department of any absences for the upcoming meetings.

ADJOURNMENT

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

The meeting was adjourned at 9:48 p.m.

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

APPROVED