

HILLSBOROUGH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

October 04, 2012

Vice Chairman Cohen opened the Planning Board meeting of October 04, 2012, calling it to order at 7:30 p.m. All stood for the Pledge of Allegiance. The meeting took place in the courtroom of the Municipal Complex.

Vice Chairman Cohen announced that 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

Deputy Mayor Gloria McCauley - Present
Greg Burchette – Absent
Committeeman Frank DelCore - Absent
Steve Cohen, Vice Chairman - Present
Tod Mershon, *Secretary*- Present
Neil Julian - Present

Sam Conard - Present
Steven Sireci, Jr., Chairman – Arrived 7:35
Marian Fenwick - Present
Daniel Marulli (Alt. #1) - Present
Robert Peason (Alt. #2) - Present

Also present were David Kois, Zoning Officer/Assistant Township Planner; Eric M. Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); William H.R. White, III, P.E., P.P., C.M.E., Board Engineer (Maser Consulting, P.A.); and Lucille Grozinski, C.C.R.

ACCEPTANCE OF MINUTES

September 13, 2012

A motion to approve was made by Mr. Mershon, seconded by Deputy Mayor McCauley.

Roll Call: Mr. Julian – yes; Mr. Conard – yes; Mr. Peason – yes; Mr. Mershon – yes; Deputy Mayor McCauley – yes. Motion carries.

ACCEPTANCE OF RESOLUTIONS

None

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

2012-25 – An Ordinance to Amend the Number of Alternate Seats on the Zoning Board of Adjustment Increasing the Number of Alternate Members From Two to Four Alternate Members

David Kois, Zoning Officer/Assistant Planner clarified this change will allow the Ordinance to be consistent with what our current practice is.

A motion to recommend Ordinance 2012-25 to the Township Committee for adoption was made by Mr. Conard, seconded by Deputy Mayor McCauley.

Roll Call: Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Conard – yes; Dr. Marulli – yes; Mr. Peason – yes; Deputy Mayor McCauley – yes; Vice Chairman Cohen – yes. Motion carries.

PLANNING BOARD BUSINESS

Extension Request – RFDC Realty, LLC (DeCanto) 12-PB-09-MRV

A motion to accept the extension request was made by Mr. Conard, seconded by Deputy Mayor McCauley.

Roll Call: Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Conard – yes; Dr. Marulli – yes; Mr. Peason – yes; Deputy Mayor McCauley – yes; Vice Chairman Cohen – yes; Chairman Sireci - yes. Motion carries.

CONSIDERATION OF ORDINANCES - Continued

2012-27 – An Ordinance to Revise Subsection 188-99.3 J in Order to Clarify the Agricultural Deed Restriction

Vice Chairman Cohen read the summary provided to the Board.

Mr. Kois noted the only change to this Ordinance is that the word "chapter" is going to be revised to "subsection". The Board of Adjustment attorney believes this makes the legality of the Ordinance stronger.

A motion to recommend Ordinance 2012-27 to the Township Committee for adoption was made by Ms. Fenwick, seconded by Dr. Marulli.

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Roll Call: Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Conard – yes; Dr. Marulli – yes; Mr. Peason – yes; Vice Chairman Cohen – yes; Deputy Mayor McCauley – yes; Chairman Sireci – yes. Motion carries.

2012-29 – An Ordinance to Permit Single Family Residential Lots with Multiple Frontage on Public Streets to Install Accessory uses

Vice Chairman Cohen read the summary provided to the Board.

Mr. Kois added, this does not affect corner lots; this affects through lots where a house has a neighbor on both sides but technically does not have a backyard because their backyard is actually fronting a street. According to the Ordinance now they would not have the ability to put anything in their backyard. The thought with this Ordinance is that people will be able to have a backyard and put things in it without having to go to the Board. The provision in the Ordinance that speaks to corner lots will stay the same and not conflict with this revision.

A motion to recommend Ordinance 2012-29 to the Township Committee for adoption was made by Dr. Marulli, seconded by Mr. Peason.

Roll Call: Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Conard – yes; Dr. Marulli – yes; Mr. Peason – yes; Vice Chairman Cohen – yes; Deputy Mayor McCauley – yes; Chairman Sireci - yes. Motion carries.

Vice Chairman Cohen turned the meeting over to Chairman Sireci.

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

McNally / Ramadan – File #12-PB-06-MRV – Block 204, Lot 43 and Block 204, Lot 44.14 – Lanning Way.

Lynn Blessing McDougall, Esq., representing the applicants, introduced the application as a minor subdivision. The intention is to subdivide a portion of each parcel and transfer that portion to each other. It is an exchange of the parcels and a lot line adjustment that will require a 'c' bulk variance for lot width for Lot 43 which is slightly deficient for the street frontage and lot width but the size of the lot is substantially larger than the 97+ ft. that will appear on Lanning Way.

The applicant's engineer, Robert Templin, P.E.; property owner of Lot 43, Brian McNally; and property owner of Lot 44.14, Abdelhamid Ramadan were sworn in. Testimony began with Mr. McDougall.

Exhibit A-1 – Colored Display of Subdivision Plan

Robert Templin, P.E. was qualified by the Board and gave the following testimony:

Lot 43 shown on the display, does not have frontage on Lanning Way but has an access strip with a driveway. Lot 44.14, shown in purple, has frontage along Lanning Way. We are looking to add a portion of Lot 43 to Lot 44.14 and a portion of Lot 44.14 to Lot 43. In doing so, Lot 43 will have direct access to Lanning Way with a 97 ft. wide strip; Lot 44.14 will retain access to Lanning Way with a frontage of 328 ft. Lot 44.14 will be totally conforming to the Zoning Ordinance in the RA Zone. We meet the criteria for a flag lot for Lot 43 in every way except lot width.

Open to the Public

No questions/comments

Mr. Bernstein requested that the applicant agree to meet all the requirements from the Planning Department and the Engineer.

The applicants and their professionals agreed.

Close Public

A motion to approve application 12-PB-06-MRV was made by Vice Chairman Cohen, seconded by Mr. Conard.

Roll Call: Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Conard – yes; Dr. Marulli – yes; Mr. Peason – yes; Vice Chairman Cohen – yes; Deputy Mayor McCauley – yes; Chairman Sireci - yes. Motion carries.

HARDING CORONA, LLC – File #12-PB-05-SR – Block 182, Lot 37 – 351 Route 206.

Jessica Sweet, Esq., representing the applicant, stated we are seeking preliminary and final site plan approval with waivers for the construction of a 56-bed residential rehabilitation facility. Tonight we will provide testimony from our site engineer, architect, licensing consultant, and if necessary traffic engineer.

Exhibit A-1 – Existing Conditions Plan

Exhibit A-2 – Color Exhibit Site Plan w/Existing Conditions on Route 206

Exhibit A-3 – Color Exhibit Site Plan w/Proposed Conditions on Route 206

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Exhibit A-4 – Proposed Rendering of Buildings

Exhibit A-5 – Color Rendering – Dining/Activities Bldg. and Activities Bldg.

Exhibit A-6 – Color Rendering – Residence Bldg. 1/Admin Bldg./ Residence Bldg. 2

Michael Ford, P.E., of Van Cleef Engineering was sworn in and gave the following testimony in response to questions asked by Ms. Sweet:

This property is just under 9 acres, located off of Route 206 in the HS Zone. Doctors Way is south, Old Somerville Road is north of the bordering property and there is an existing residential area to the south of the site. The site is traversed by the tributary Royce Brook. There is currently a single family dwelling with a detached garage and driveway to Route 206 on the site. At one time the existing dwelling was serviced by an on-site septic system and private well. Currently sanitary sewer service connected from Route 206 now services the property. All of the existing structures would be removed as part of this application. The new driveway for the site is in about the same location as the existing driveway.

The lot is 8.9 acres where a minimum of 5 acres is required for the proposed conditional use of an extended care facility. No variances are being requested. There is a stream on the northern section of the property. The associated flood plain and wetlands have been mapped on the site plans. A sanitary sewer trunk line runs down through the property adjacent to that stream. The southern portion of the property historically had been used as a Christmas tree farm. Part of this application is to respect those constraints with no development being proposed on the northerly side of the stream. All of the development has been pulled to the southerly portion of the property, with the exception of a portion of the detention basin which is within the township stream corridor from wetlands that have been verified with the NJDEP. The discharge from the detention basin to connect to the stream is permitted. No wetlands or wetland buffers are disturbed by the placement of the outlet of the detention basin.

The existing structures currently are located within the wetlands areas and buffers as well as the riparian zone. The existing garage and driveway are right up against the stream. The existing non-compliant conditions encroaching on the stream corridor will all be eliminated.

Mr. Julian asked for more information on a proposed rain garden.

Mr. Ford said a rain garden is being proposed as part of the stormwater management facilities. There is an existing infiltration basin at the rear of the site next to the parking area. A small rain garden is being proposed to control the runoff from the paved areas to provide for water quality treatment as well as quantity and recharge for groundwater. Traditional detention basins are somewhat a thing of the past now. The new stormwater regulations not only look at quantity but quality control, enhancing the water quality that is being discharged from the basin. Infiltration basins are vegetated to promote recharge into the ground, infiltration of stormwater to limit the amount that runs off.

Ms. Sweet said currently, the residential properties as well as the medical offices to the south drain onto this property due to the natural slope of the land.

Mr. Ford agreed. The stormwater collection system collects the water runoff that comes onto our site from our neighbors as well as the runoff that is generated from the impervious surfaces as part of the site improvements. That runoff is collected and routed to the infiltration detention basin which is released at a controlled rate and discharged into the stream. In addition to this Board, there are a multitude of other agencies that will be reviewing this project.

I mentioned earlier the property is now serviced by sanitary sewer. That will be connected for servicing the 5 buildings. Public water will also be provided to the site. The driveway access will remain basically in the same location and will wrap around to the south of the building where the parking lot will be located. We were before the Planning Board for a concept plan for the identical use with a medical office component as well. We are now before the Board with a much smaller version of that use, just over 34,000 sf. of building which is broken up into 5 buildings. The parking facility has been reduced to 42 spaces, as warranted. All of the buildings center on a courtyard pedestrian mall. We have provided for emergency access all around the building and through the courtyard. Two residential buildings are positioned towards the front of the property, surrounded by an activities building, a dining/recreation building, and administrative building.

We have the requirement to provide a 75 ft. buffer. There are some trees existing immediately adjacent to our neighbors. We are providing an enhanced landscape buffer. The substantial evergreen buffer that exists would be maintained. The existing open area would be filled in with a substantial landscape buffer. As part of that landscaping we are going to fill in the disturbed areas within the stream corridor where the existing buildings are. We will be taking down the buildings, removing the parking and try to restore that area as a working stream corridor with a forested area.

We have provided documentation to Mr. Ringelheim that we will comply with the Tree Mitigation Ordinance. As for the impervious coverage, we are at 20% where 60% is allowed so we are well under the allowable for a site of this size. Part of the stream corridor and buffering requirement is that almost 6 acres of the 8.9 acres will be place into a conservation easement after the construction has been completed. That area would be protected in perpetuity.

We are proposing to put a 5 ft. high vinyl fence along the entire southerly property line adjacent to the residential zone to the south and a portion of the easterly property line which abuts the residential neighborhood. We will be following the

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tree line on our property where there is no existing vegetation. We will not be taking down trees in order to put up a fence. A portion of the fence beyond the front of the buildings extends into the front yard setback which would require a technical waiver from the Board. Should the Board or the adjacent neighbors not want the fence in front, we can remove it. We are not required to have the fence but feel it is an enhanced feature of the plan.

One of the other waivers provided in your packets is for the on-site lighting proposed at a mounting height of 15 ft. where 12 ft. is allowed. We will be revising the plan in order to comply with the ordinance and will not be seeking this waiver. There is a section in the Ordinance that requires that a certain number of parking spaces be broken up by a parking aisle. We have provided a landscaped aisle longitudinally along the parking spaces for a planting area and larger aisles at the ends. We can reconfigure the parking if there are objections to it but we feel the parking lot is better laid out with the waiver.

One of the outside agencies we are required to gain approval from is NJDOT. The light green area on the display represents a portion of the land already taken by NJDOT for their planning of the Bypass. Exhibit A-3 shows the proposed Route 206 with a median down the middle, two lanes of traffic north and southbound and other improvements. We placed the driveway where DOT planned it to be placed, within the stream corridor, which will require a waiver. Once the Bypass is constructed, a concrete median will divide the highway limiting the site to right turns in/right turns out.

There is a requirement of a minimum setback from the right-of-way of 40 ft. but there is also a setback in the Overlay Zone of a maximum setback of 75 ft. for any residential zone for the building. We have provided for the 75 ft. setback which with the driveway puts us at 114 ft. so we are requesting a waiver. We do not show a bike rack on the plan but will provide it by the Administrative building if the Board suggests so as not to seek the waiver. The Ordinance requires sidewalks along the frontage of any developed property. We are at a restricted area and do not anticipate people walking to and from this site. That coupled with the future Bypass, realignment of Route 206 and environmental restraints might not make it logical to place a sidewalk here so we are requesting a waiver.

There is existing vegetation along the frontage of the property. If the Board would like the street trees, they would need to be set back more in the woods, more in front of the buildings since the front of the property is owned by DOT. I believe I have addressed all of the comments in Mr. Ringelheim's report.

The Maser Report dated September 26, 2012 outlines a number of comments and suggestion from Mr. White. We will comply with each and every one to Mr. White's satisfaction. The October 02, 2012 Fire Marshal Report makes several comments. We will comply with each and every comment as well to Mr. Weniger's satisfaction.

Ms. Sweet said I have an environmental consultant who can respond to the Environmental Commission's Report dated October 01, 2012, if necessary. She asked Mr. Ford to address the concerns for the removal of the tanks.

Mr. Ford said there is a November 02, 2011 letter from NJDEP known as a 'no further action letter' regarding the tank removal. With regards to the existing septic system and well, both will be sealed up and abandoned in accordance with the requirements of your Health Department and State requirements. As with any applications, any condition of approval would be subject to us satisfying all of the outside agencies. We will comply with any requirements as well.

Mr. Conard asked how far down the sidewalks the properties to the north come down to this property line.

Mr. Ford answered the sidewalks come down to Doctors Way. This property as well had a taking from the State so the right-of-way is no longer in front, it is much further back and closer to the building.

Mr. Cohen asked if the applicant would have an objection if the Board requested the fence be made higher than 5 ft.

Mr. Ford said we would not object.

Mr. White asked if there will be basements in the buildings.

Mr. Ford said no.

Mr. White said the Board has the opportunity to ask for a contribution to the Sidewalk Fund in lieu of a sidewalk if the Board determines this is not an appropriate location for a sidewalk or they can require the applicant to put one in.

Ms. Sweet and Mr. Ford both agreed.

Mr. White said in reference to the stream corridor, once the site is built as proposed, what would the corridor width be where the house and garage where?

Mr. Ford said for the proposed, the building would be 180 ft. from the top of the bank. A "green" emergency access would circulate around the entire building. It is that emergency access as well as a small portion of the driveway and a small portion of the basin that require a waiver.

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Open to the Public

Brian Roake – Flanders Drive

Mr. Roake said a 5 ft. fence will not block the headlights on 4 of the neighboring houses. Is there a reason why the parking lot is in the back and not in the front of the building?

Mr. Ford said the location of the parking lot is by Ordinance requirement. The fence is not by Ordinance. We have supplemented the buffer with the fence. It is not only intended to screen the neighbors from the facility but screen traffic as well. The 5 ft. fence is not alone; there will be additional landscaping as well as the existing vegetation within the 75 ft. buffer. We can enhance the area behind these houses with a berm which would be reviewed and approved by the Board's engineer.

Mr. Roake asked how much of the 8.9 acres can be developed due to the environmental restraints?

Mr. Ford said the Ordinance goes by total lot size, requiring a minimum lot size of 5 acres for this type of use. We are preserving 5.7 acres with the conservation area; the building area is about 3 acres. The total disturbed area is about 3.5 acres which includes where the existing buildings are.

Mr. Roake asked for more details on the fencing.

Mr. Ford said the fence goes down the south side and across the east side to the detention basin where the residential area ends (pointing out the area on the display). There would be a berm between the fence and the driveway, where the parking lot is. We would handle the run-off on site.

Mr. Roake asked for consideration of an 8 ft. fence. We are also concerned that water will collect in the low lying areas of our backyards.

Mr. Ford said we are on the lower end. We will have to handle that as part of our stormwater management, collect that water as it enters our property, take it through our stormwater management system and onto the stream (pointing out the system on the display).

Mr. Julian asked if the stormwater management would provide a neutral effect or would it provide an improvement in the run-off from the adjacent properties.

Mr. Ford said we sit downstream of them so we cannot divert water away from them; it is all coming to us already. It will be neutral to the extent that an open field with no drainage improvements is going to now receive a stormwater collection system.

Joanne Dipietro – Flanders Drive

Ms. Dipietro said all of us who live in this area have their pumps running constantly, whether it rains or not. This property absorbs a lot of the run-off from our properties. How much less vegetation will there be? What happens if the drainage plans do not work? What protection do we have?

Mr. Ford said the water does not run up hill. The water from this property is not flowing onto your property now. This property would continue to accept the water it does today. If one of the pipes was clogged, the water would exceed that and run over into the stream. It would not flow to the south because it does not flow in that direction today. If the outlet to the structure were clogged, it would flow out over the emergency spillway.

Ms. Dipietro said my question was not technical, it was who do we call and what do we do?

Mr. White said you live higher than where the problem is.

Chairman Sireci said the laws of gravity pull the water away from you because you are uphill. Even if their system does not work, it still has to flow towards the stream. The relevant question is what happens to the stream in that circumstance. It would be the people downhill from the stream that would have a concern.

Mr. Ford said there is a maintenance manual that is part of the stormwater management system. There are also easements granted to the Delaware & Raritan Canal Commission that provides for them to fix something we have not after some occurrence.

Ms. Dipietro asked what happens with the temporary stockpile.

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Mr. Ford said that stripped topsoil will eventually be used for the lawn areas. The majority of that topsoil could be used for the berm.

Vice Chairman Cohen reiterated all of the agencies involved that review the stormwater management basin.

Ms. Dipietro said our neighborhood realizes we live right at the Bypass and will have to endure all of the construction for that. This site provides us with open space and quality of life. Why wasn't that property ever looked at for preservation since it looks to be surrounded by preserved property?

Chairman Sireci said the Bypass is a project 30 years in the making. As for this site, property along Route 206 is not typically the place where you do conservation efforts. Conservation is usually done in the periphery of the town in areas that are not built up. This is private property. The owner has the right to develop it under the law. This is not a residentially zoned property, it is in the Highway Service Zone.

Ms. Dipietro said apparently this has been being planned for a long time but our development only found out about it a week ago. We feel this is unfair and should have been given more time to understand the impact to the neighborhood.

Chairman Sireci said you were noticed according to the law.

Eric Bernstein, Esq. reviewed notice is the obligation of the Applicant, not that of the Board or Municipality, to give notice to those within 200 ft. The Applicant met the requirements set by law as per the Municipal Land Use Law.

Chairman Sireci added once the Applicant gives notice, the Board and Municipality cannot unreasonable put further delay outside of the law upon them. In such a case the Applicant would have the right to seek an immediate approval without anyone's comment, if the Township went beyond the law and imposed some extra burdens that the law does not require.

Ms. Dipietro asked if the neighbors have the right to request more time to understand what is happening.

Mr. Bernstein said Ms. Sweet would be the one to inquire with if the neighbors want to have a conversation with the Applicant.

Ms. Sweet said we are willing to answer any questions the neighbors may have. We would like to provide our presentation this evening and resolve whatever we can.

Ms. Dipietro asked where the dumpsters will go.

Mr. Ford said a small dumpster enclosure with a 6 ft. high fence will house the dumpsters and recycling at the most northerly edge of the parking lot.

Mr. Kois asked for the purposes of the record, will there be any adverse affect to the residents next to the stockpile?

Mr. Ford answered the stockpile is down slope of them so there will be no drainage impact. It would not act like a dam. It is a considerable distance from the property line. Silt fence will be put up and dug into the ground to preclude soil from washing down slope. This is temporary only during construction. The soil will be stabile once vegetation is growing on it.

Mr. Kois asked what is the estimated time from for construction.

Mr. Ford said the parking area would only take a few months but the buildings will take longer. The Architect will be able to address that time frame.

Michele Conklin – Aldrin Court

Ms. Conklin explained Aldrin Court is the small circle off of Flanders Drive. What is the height of the buildings?

Mr. Ford stated 2 of the buildings are 1 story, the Administration building and 2 resident buildings are 2 stories but under the 35 ft. maximum height permitted.

Ms. Conklin said the access looks to be off of Route 206. However, there is an empty lot that belongs to the Township that could potentially be used as an access where a street can be built. Can you offer us any assurance that this is not part of some future plan?

Mr. Ford said there is no proposal or contemplation by the Applicant to seek another access point. If the area you are referring to is part of the registered open space, that would preclude it from being developed.

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Mr. White said it would also require approval.

Chairman Sireci said the Township Committee would have to establish that road in order to pay for it to be built. There is no reason to do that. The proposed access to this site seems limited but it is a right in/right out on a State highway so it is an appropriate access. The Applicant has no control over Township owned property.

Break

Vice Chairman Cohen suggested the Applicant arrange a meeting with its professionals and the neighbors to review the application.

Ms. Sweet stated we are absolutely willing to meet with the neighbors.

Ms. Sweet called the Environmental Consultant to address some of the issues raised at the Environmental Meeting.

Vatsal Shah, P.E. was sworn in, reviewed his qualifications, was accepted by the Board and offered the following testimony in response to questions asked by Ms. Sweet:

A&S Consultants was retained by the client in November 2011 to assist with some environmental remediation work. We helped retain an NFA for the project site and were later retained to perform an Environmental Impact Assessment which was provided with the application.

Historically the site was previously used as a tree farm. In 2004 the owner attempted to sell the property at which time the bank requested the owner to perform a Phase I Environmental Assessment which is basically a review of documentation to see if the property has contamination. The Assessment located some potential areas of concern: the garage, tree farm area and house. The areas of concern were tested for pesticides, oils, fuels or any other compounds. The tree farm area was tested for PCVs and PHs; nothing was found. The garage area and 1,000 gallon heating oil tank area was tested as well.

I reviewed the March 2011 second Phase I report prepared by EcolSciences which reviewed the previous investigation and located the new areas of concern as being the storage tank next to the house. That storage tank was removed in April, 2011. At that time a small pinhole was found in the tank. As required by NJDEP regulations, a test for contamination was done. They found some soil that was above the residential remediation requirements. That soil was then removed and imported clean soil was put back in its place. Samples were later collected and determined to be clean.

Once the tank was removed and the soil contamination was found, NJDEP was notified and we obtained a case number. We followed up with the removal of the contaminated soil, replacement with new clean soil and testing where no contamination was found. A request was sent over in October, a response for *No Further Action* was obtained and the case was closed.

Mr. Julian said the Applicant and professional met with the Environmental Commission September 24th. Since that time we have been provided with more on the remediation with the oil tank. I have reviewed the reports and agree that the test results were in line with NJDEP standards. The No Further Action letter is in compliance. Several members of the Environmental Commission walked the site as well for a visual inspection. No contamination was visually evident. We did have a chance to confirm what Mr. Shah has said.

Art Barkman – Flanders Drive

Mr. Barkman said right now we enjoy quiet from the noise on Route 206 largely because of the existing vegetation. That will not be the case during construction and after construction. The study addresses the noise created on the site, not the noise that will be transferred through the site to our neighborhood. Has anything been studied related to the barrier that is going to be removed between Flanders Drive and Route 206?

Mr. Shah said no study has been done regarding that. It is hard to quantify how much noise will be taken in from the vegetation. A 12 ft. fence, berm and additional vegetation should dissipate the noise although I cannot give you a guarantee.

Mr. Barkman said when they were building the new housing development on Hamilton, they removed all of the vegetation and put up a bunch of buildings. As a result of that the noise from the train has increased rather substantially to about 10 decibels. I have been involved in noise control for a number of years.

Mr. Barkman was sworn in so that he could provide testimony. He said I have an MBA and have been involved in the field of acoustics since 1970. My company, which resides in Hillsborough, provides unsolicited consulting services for large companies such as CVS, Merck and Rutgers.

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Mr. Cohen said the report provided by ANA notes a noise level of 55 to 60 decibels. What does that mean to the normal person in terms of noise?

Mr. Barkman said 65 decibels is the noise level of an average conversation at about 3 ft. Every time you go up 10 decibels perceptively it gets twice as loud; going down 10 decibels perceptively it gets half as loud.

Chairman Sireci said the buildings themselves should obstruct sound as well as the tree plantings. He asked Shah to give some comparisons for noise levels.

Mr. Shah said a non-developed site like the current site right now generally hovers around 55 to 60 decibels; a developed site such as this will probably have around 60 decibels. The buildings and trees help to deaden the sound.

Mr. Barkman said I do not see the sound being generated from the site being an issue so much as the sound generated from Route 206 which now is able to move and flow through the vegetated area.

Brian Roake – Flanders Drive

Mr. Roake asked if any mold or asbestos studies were done for the existing house.

Mr. Shah said there was no mold study taken of the house. An asbestos study was done on the pipes and nothing was found.

Michael Iannuccilli - Flanders Drive

Mr. Iannuccilli said the Environmental Impact Study provided seems to state there is no negative environmental impact to knocking down 5 acres of land. Will an Environmental Impact Study be done by any other body or agency?

Mr. Shah said on page 2 we say there will be impacts but they will be mitigated through the construction and design of the property. We are not required by the DEP to perform a public Environmental Impact since this is not a public project. We are required by Hillsborough Township to provide an EIS. We were contracted through the owner of the property.

Mr. Iannuccilli then looked to the Board for the answer.

Chairman Sireci said having an independent study done is not part of the process. There would have to be a provision in the law to require developers to pay for an independent study. Having the government pay for it means it would come from tax payer dollars for all projects, not just this one. The guarantee here is that this witness is testifying under oath so if his testimony turns out to be false, perjury can be charge of him and his company. Additionally, the report is reviewed by a number of competent bodies.

Jeannette Giuliano - Flanders Drive

Ms. Giuliano asked about the frequency and noise from ambulances.

Mr. Shah said as for the noise, an ambulance provides a temporary source of noise. Another witness will provide testimony on the operations.

John Jesurajan – Flanders Drive

Mr. Jesurajan asked what happens to the deer, turkeys and wildlife.

Mr. Shah said my investigation involved a 6-hour stakeout at the project site. I did not notice a large population of any group of wildlife that habituated the site. I observed the site on a Saturday morning which is one of the most tranquil times to observe wildlife.

Mr. Jesurajan said the fence will keep them out of this area which means there will be a higher concentration of these animals in our neighborhood.

Mr. Shah said the fence bifurcates this property from the adjacent properties, ending up in the corner. There is still an area allowing the animals to come through to this property. The fence is more of a noise barrier and visual for the neighbors, not to keep the animals out. If you extended the fence to the stream you would be separating the site from everything around it which would bring the deer and wildlife to the neighboring back yards.

Mr. Jesurajan said from a safety perspective, there is no point in having a fence if you are going to have an opening.

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Emanuel Obiora, R.A. of Eco Architects, LLC was sworn in and gave the following testimony in response to questions asked by Ms. Sweet:

The site consists of 5 buildings on slabs, 1 and 2 stories in height ranging from 27 ft. to 32 ft. We chose this layout to help minimize the impact to the site and relate to the residences around it. We tried to create a small campus or village effect. Exhibits A-4, A-5 and A-6 were described. The renderings do not show it because it would block the buildings but from Route 206 you will see trees and landscaping. The buildings will be behind so that from the street there will be low impact buildings. The site is designed so that when you park in the back you will go to the Administration building to get checked in. From there they will move to either a resident building or to the facilities building. Someone else will testify as to the operations. Next to that is a Dining/Recreation area. The Administration building contains some examination rooms, doctors' offices, and therapist and group meeting rooms. Next to that is a Dining/Recreation building which contains a reception area, offices, gym, kitchen, and a dining room that seats about 56 people. The first resident building has about 16 bedrooms, each with 3 beds totaling 33 beds. The residents building is a 2-story building, approximately 32 ft. high. Next to that is a smaller building with 12 bedrooms, 2 beds to a room for a total of 24 beds. There will be a total of 56 beds all together. In between the second residents building and the Dining building is an Activities building which will have 6 areas for therapeutic activities.

All of the buildings will be made out of cultured stone and stucco; the roofs will have asphalt shingles.

Mr. Cohen asked if they will be LEED certified.

Mr. Obiora said the buildings will be energy efficient. We will try to use sustainable materials as much as we can.

Mr. Ford offered, we will be landscaping the stream corridor area. The bike rack, if desired by the Board, would go toward a LEED point total.

Mr. Obiora said taking into consideration weather and inspections schedules, I feel these buildings can be completed within 18 to 24 months.

Lisa Szeto – Flanders Drive

Ms. Szeto asked why was a campus design selected. It does not allow a way of securing the residents. Why did you not select having one building that could house everything and would use a smaller footprint? It could have been placed farther away from the residences.

Mr. Obiora said from my standpoint, the client was looking for a serene setting, something like an old English village that would provide a relaxing environment rather than having a standard commercial building.

Ms. Szeto said the buildings have been designed for certain things at this point but isn't it possible at a future date, at the discretion of the owners, to expand it so that beds are placed in various buildings not now designated so that this facility can house far more people than it is proposing today.

Mr. Obiora said in order to do that they would have to rip apart most of the other buildings. They would have to rip up the slabs to be able to get to the plumbing and move structural walls. You would have to do a lot of things that do not make any sense; you may as well tear the building down.

Mr. Bernstein stated this is for a 56 bed facility. It is well within the Board's purview to put restrictions in relative to the application of any further development.

Chairman Sireci said the approval can be structured to specify the size of the intended service.

Chairman Sireci called for a hearing continuation date and extension date.

Ms. Sweet selected December 6th as the next hearing date and granted an extension through the end of the year.

A motion to continue the hearing on December 6th without further notice was made by Vice Chairman Cohen, seconded by Mr. Conard. All in favor – aye; opposed - none. Motion carries.

Mr. Bernstein clarified for the residents that no further notice will be provided from the Applicant or from the Municipality advising you that the next hearing date for this application will be December 06, 2012. This date can only change by request of the Applicant or by the Board.

A member of the public questioned whether notice would be given if the meeting was canceled.

PLANNING BOARD MEETING MINUTES

October 04, 2012

Chairman Sireci stated we just voted to make the next hearing date December 6th so we would have to come back to the courtroom to make it some other time. Meeting schedules and agendas are posted on the Township's website so I encourage you to use that as a source of information as well.

The next Planning Board meeting will be held October 11, 2012.

ADJOURNMENT

The meeting adjourned at 10:03 p.m.

Submitted by:
Debra Padgett
Planning Board Clerk

Approved