READINGTON TOWNSHIP PLANNING BOARD
MINUTES
May 14, 2012

A. Chairman Flynn called the meeting to order at 7:30 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

B. Attendance:

Mrs. Allen	present
Mr. Cook	present
Mrs. Duffy	present
Mrs. Filler	present
Mrs. Flynn	present
Mr. Gatti	absent
Mr. Klotz	present
Mr. Monaco	present
Mr. Smith	absent

Valerie Kimson, Esq., Mason, Griffin & Pierson
Michael Sullivan – Clark Caton & Hintz
John Hansen, Ferriero Engineering, Inc.
Steve Souza, Princeton Hydro

C. APPROVAL OF MINUTES:

1. April 23, 2012 – Jerry Cook made a motion to approve the minutes. John Klotz seconded the motion. All in favor, no nays recorded.

D. CORRESPONDENCE:

There were no comments from the board.

E. RESOLUTIONS:

1. Ridge Road Realty, LLC
B. 38, L. 54.11, 54.12 & 54.02
(formerly lots 54, 74 & 75)
11 Pearl Street

Cheryl Filler recommended a grammatical change to the document. The board agreed to the change.

Cheryl Filler made a motion to approve the resolution with the amendment. Ronald Monaco seconded the motion.

Roll call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Duffy	aye

Mrs. Filler aye
Mr. Klotz aye
Chairman Flynnaye

F. TECHNICAL REVIEW COMMITTEE:

None

G. OTHER BUSINESS:

1. Voucher Approval – Cheryl Filler made a motion to approve the vouchers as submitted. Mr. Monaco seconded the motion. All in favor, no Nays recorded.

2. Professional Services Contract – carried to the end of the meeting.
Nomination of Traffic Engineer

3. Sewer Service Area – Cheryl Filler made a motion to write a letter to the Hunterdon County Planning Board to indicate that the board is not in favor of expanding the sewer service area to the properties identified by the planner. Ronald Monaco seconded the motion. All in favor, no Nays recorded.

H. PUBLIC HEARING:

1. Fallone Properties, LLC
B. 31, L. 37
19 Whitehouse Ave.
Preliminary Major Subdivision
Action date: May 14, 2012

Guliet Hirsch, Esq., stated that she is an attorney from the firm of Archer and Greiner and is substituting for Attorney Lloyd Tubman. She stated that they have provided an Affidavit of Service to the board's secretary. The alternate plans were delivered to the Planning Board within 10 days of the meeting, pursuant to the rules of the MLUL. Ms. Hirsch acknowledged that the escrow account is exceedingly deficient, but the applicant was unable to produce a check at this time. Therefore, the applicant is seeking permission to proceed with the application and assures the board that they will pay the amount of escrow that is due in the near future.

Ms. Hirsch stated that this is a continuation of a hearing. Previously the applicant gave testimony regarding a 7 lot subdivision. The layout that was submitted on May 4, 2012, which shows 2 flag shaped lots and 2 lots with conforming frontage and 2 open space lots one of which would accommodate a bio retention basin.

All professionals remained under oath.

Exhibit A- 3 Photos on a board of proposed home styles.
Exhibit A-4 – Framed photo of proposed home style

Mr. John Fallone addressed the board that the exhibits are pictures of homes that they have built in other areas. He wanted to show the board a sample of this work.

PUBLIC QUESTION:

Bernard A. Soley, Jr. asked if the proposed homes would have basements. Mr. Fallone answered yes.

END OF PUBLIC COMMENT

Attorney Hirsh stated that the applicant is showing 2 subdivision plans. The first plan is still pending before the board if the board would prefer this subdivision.

Exhibit A-5 Plan sheets 1 of 12 entitled preliminary major subdivision plan dated 5/4/12
Exhibit A-6 Preliminary major subdivision plan for B. 31 Lot 37 sheet one of 5 dated revised 5/2/12.

Mr. Mantz stated that this plan consists of 4 residential lots and 2 open space lots. He is proposing to develop two 20,000 square foot lots which would have frontage on Somerset Avenue. Between propose lot 37.05 and existing lot 35 they are creating 2 flag strip lots. One lot would be located behind Lot 37.05 the other lot would be located behind Lot 35 and Lot 33. The proposed lots including the flag strips will be one acre in size. Lots in the area range from 100 feet wide and some are 50 feet wide. There is a combination of lots sizes along Whitehouse Avenue. The lot widths for Lots 37.04 and 37.05 conform to the zoning requirements. The two lots 37.06 and 37.07 are shown with a 100 foot lot circle and cannot be located 150 feet closer to Whitehouse Avenue. The open space lot area is located to the west of the subdivision and conforms to the ordinance requirements. The riparian buffer and the open space/detention basin easement and the open space to the east of proposed lot 37.07 are a 1.88 acre tract of land which will remain undeveloped.

Mr. Sullivan stated that in the VR regulations the 150 foot maximum off set for lots of this size over 5 acres is not required. Mr. Sullivan didn't see it as non-conformity because they are adjacent to the paper street, Somerset Street. For the purpose of the hearing, it should be treated as a design exception.

Mrs. Hirsch went through the criteria for approving a design exception. Mr. Mantz stated that there are peculiar aspects to this application. There is a riparian buffer, wetlands, etc. He tried to minimize the impact of the rear yards of the existing homes. The application requires variance relief from the Township's landform protection standards. The application exceeds topographic changes as much as 4 feet. Mr. Mantz created a mathematical model which gave him the area where the proposed grade exceeded the existing grade of 3 to 4 feet.

Exhibit A-7 Plan of detention basin berm

Regarding the positive criteria for the variances, Mr. Mantz stated that referring to A-7 grading plan; he created a detention basin and wrapped it around trees. He tried to not cut and fill in around the trees. To get the necessary volume he increased the berm to 3 to 4 feet in height so that it would be a fair trade off to save the trees, minimize the disturbance around the areas of the trees in favor of the higher berm. There is no detrimental impact with the smaller basin. This would be a positive impact. This would not negatively impact on the neighboring homes. The closest home is 140 feet from the proposed detention basin. The homeowner would not recognize the increase in the height of the berm. He tried to create that the stormwater runoff from the proposed construction to travel in the natural low spot. Swales will be created to take the runoff.

It is possible to create a catch basin so the small areas can have the runoff directed to the detention basin. He can only remove 84% of the suspended solids. This occurs because of the disconnection of the impervious surfaces and the extensive use of swales and the lack of any piped discharges to the basin. The swales will enhance some of the water quality.

Regarding Michael Sullivan's report dated May 14, 2012, Mr. Mantz addressed number 5.2 on page 4. Mr. Mantz stated that only one lot would not have direct access to open space. There are no plans for a formalized access to the open space. Mrs. Filler recommended that the driveways should not be 50 feet wide which would enable access to the open space. Mr. Mantz answered that the width of the driveway is set by the ordinance to be 50 feet. He is trying to save a significant amount of trees. The lots would have to be reconfigured. Mr. Sullivan informed the board that the primary concern is access to the open space for maintenance, etc. Attorney Hirsch stated that the open space lot is not intended to have any recreation or public use on the property. The other lot has the basin on it. Regarding 5.4 signage, fencing or monumentation – Mr. Mantz stated that he purposely did not include this information on the plan. He is not proposing to install a fence, but attach signs on the existing trees. The board informed the applicant that they would require a fence to delineate the open space. However, the applicant should take into account not to remove trees to install a fence. Mr. Mantz suggested that a split rail fence would be installed along the southwesterly corner of existing Lot 31 and extending easterly along the rear of the lots up to and including Lot 26 and a portion of Lot 14 which is parallel with Whitehouse Avenue. In addition they would extend the fence along the westerly side of proposed Lot 37.08 without disturbing the trees.

Regarding 6.3 of the planner's report the homes on the proposed flag lots 37.06 and 37.07 are suggested to be repositioned. Mr. Mantz stated that they will turn the location of the houses at a 45 degree angle. Regarding 6.6 of Mr. Sullivan's report, the applicant stated that the homeowners association will own both open space lots, will maintain the basin and they will delineate a conservation easement to the township. Mr. Mantz suggested the homeowners association have a blanket easement created to indicate that the swales shown on the grading plan will be their responsibility. The homeowners cannot fill these areas. Mr. Sullivan suggested that a delineated easement must be shown on the survey and indicated in the deed. Mr. Hansen informed the board that the applicant is admirable about saving trees. But are the trees worthwhile saving? The lots are going to be here forever. Dr. Souza stated this is the type of a design that he has been looking for. This design is a lesser linear feature and more of a natural stage. But homeowners will be probably violating the swales. The applicant agreed to revise the conservation easement on Lots 37.03 and 37.04 to eliminate the various angles. The applicant is requesting not to install sidewalks on the northerly side of Whitehouse Avenue. To save the existing trees, the applicant has been asked to create an easement approximately 30 feet in width to encompass the existing trees and other plantings along Whitehouse Avenue.

The Board took a 5 minutes break.

The applicant will propose to keep 2-3 trees on Lot. 37.04 and Lot 37.05. The applicant will agree to retain as many trees as possible. The applicant agreed to buffer the northern property lines of proposed Lots 37.06 and 37.07 with 15 evergreen trees to eliminate front yard and rear yard conflicts and increase privacy for the homes.

PUBLIC QUESTIONS:

There were no questions from the public.

Dr. Souza stated that according to his report dated May 14, 2012, he wanted to make sure that it would read on page 3, last paragraph, " that the meadow mix be mowed only annually and to NO lower than 8"-10-: in height". He recommended a sand layer in the planting bed as opposed to a stone layer and to eliminate the filter fabric. Mr. Mantz agreed to revise the plans according to Dr. Souza's May 14' 2012 report.

Regarding John Hansen's report dated May 11, 2012, Mr. Mantz stated that page 3, under Key Issues, #3 – shared driveway, he would not agree to have a shared driveway. Key Issue #5 Mr. Mantz requested not to install the bioretention basin prior to the issuance of a CO. He requested to install the basin after the structures are built. Mr. Hansen stated that was acceptable. The protection fence will be installed along the limit of disturbance to prevent wetland encroachment. The board recommended that the application should be amended to reflect that the subdivision is a 4 lot subdivision with 2 open space lots. The Environmental Impact Statement should be amended to reflect the change as well.

PUBLIC QUESTIONS:

There were no questions from the public.

Attorney Hirsch stated that the applicant agrees to set the COAH obligation as to what is required at the date of approval. Attorney Kimson stated that the board requires that the applicant comply with any applicable statutory requirements.

PUBLIC COMMENTS:

Bernard Soley, Jr., stated that the construction of the new homes should strike a balance between construction of the new homes and maintaining the natural beauty of the township.

Wayne Doren, B. 31, L. 31 – Informed the board that there are footpaths on the open space lots. The homeowners association will have to be proactive. He encroaches on Mr. Fallone's property already. There is a fence that was constructed before he purchased his property. He will correct the fence.

END OF PUBLIC COMMENT:

Attorney Kimson read the conditions into the record. The conservation areas will be deed restricted as conservation areas and will be held by the homeowners association, the applicant will install fencing to delineate the conservation area and avoid removal of trees; the fencing will be installed along lot 31 through lot 26 and a portion of lot 14 and along the westerly line of 37.08 the applicant shall conform to Michael Sullivan's suggestion to the orientation of the homes on lot 37.06 and 37.07; the applicant shall place an easement on the lots 10 foot on either side of the swale to protect the integrity of the swale; no sidewalks are proposed or required; the applicant will maintain 2-3 trees per lot along Whitehouse Avenue to the satisfaction of township planner; the applicant shall plant additional plants in the front of the flag lot to the satisfaction of the board planner; no more than 15 evergreen trees; the applicant shall comply with letter Dr. Souza dated May 14, 2012; and revise the plans pursuant to that report; the applicant shall comply with all of the conditions report in John Hanson's report dated May 11, 2012 with the exception of items 3, 4, under KEY ISSUES and items 7, 8 under MISCELLANEOUS.

Mrs. Duffy made a motion to approve the 4 lot plan with the flag lots as shown, however, she wanted to state for the record that this board has denied applications for flag lots when the only variance requested was a variance from the requirement of the lot circle distance from the street, the reason that she is moving to approve this application with flag lots is because the applicant demonstrated that they could have a 5 lot conforming subdivision and they amended this plan to make it more environmentally friendly and to fit into the neighborhood and an open space grouping. This is why their application is different. Mr. Monaco agreed and it is a tradeoff that the board has considered and seconded the motion. Mr. Cook echoed the same comments. This is a better plan.

Roll Call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mrs. Filler	aye
Mr. Klotz	aye
Mr. Monaco	aye
Madam Chair	aye

I. PROFESSIONAL SERVICES AGREEMENT:
TRAFFIC ENGINEER APPOINTMENT

Cheryl Filler made a motion to appoint Harold Maltz of Hamal Associates, Inc., as the primary choice. Eric Keller of Omland Engineering Associates, Inc. as secondary choice. Mrs. Duffy seconded the motion.

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mrs. Filler	aye
Mr. Klotz	aye
Mr. Monaco	aye
Madam Chair	aye

J. ADJOURNMENT

Mr. Cook made a motion to adjourn at 10:15 p.m. Mrs. Filler seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz