

READINGTON TOWNSHIP PLANNING BOARD
MINUTES
April 8, 2013

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:

Julia Allen	present
Jerry Cook	present
Elizabeth Duffy	absent
Cheryl Filler	present
Marygrace Flynn	present
Betty Ann Fort	present
John Klotz	present
Ronald Monaco	absent
Ben Smith	present

Trishka Waterbury Cecil, Esq., Mason, Griffin & Pierson
Elizabeth McManus – Clark Caton & Hintz
John Hansen – Ferriero Engineering
Clay Emerson – Princeton Hydro

C. Minutes:

1. February 25, 2013 – Julia Allen made a motion to approve the minutes. Betty Ann Fort seconded the motion. All in favor, no Nays recorded.

D. OTHER BUSINESS:

Voucher Approval – Jerry Cook made a motion to approve the vouchers. Julia Allen seconded the motion. All in favor, no Nays recorded.

E. PUBLIC HEARINGS:

1. Rocco Paternostro
Block 36, L. 7
Preliminary Major Subdivision

Jerry Cook stated that he is recused from participating in this hearing and stepped down from the dais.

Lawrence Fox, Esq., informed the board that he is the attorney for the applicant.

Trishka Waterbury Cecil swore in all of the following witnesses: Robert Zederbaum, Elizabeth McManus, John Hansen, and Clay Emerson.

Mr. Zederbaum stated that he was not planning to go over all of the changes to the entire plan this evening since he met prior to the meeting with the board's professionals. The changes that were made were technical in nature. There are reports from the professionals with minor comments.

John Hansen confirmed that he met earlier in the month with Mr. Zederbaum. They discussed the required changes that needed to be made to the plan. Currently the changes were not made to the plans, but they could also be conditions of approval in the resolution. The conditions are framed in Mr. Hansen's January 24, 2013 report. Mr. Hansen suggested that the list of variances and waivers be placed on the record. The one item in his letter that he wanted to bring to the board's attention was that the applicant is proposing a temporary generator as a backup power system to the sanitary pumping station. He felt that this was not reliable. He suggested that they install a permanent gas fired generator.

Mr. Zederbaum stated that once they get approval, the pump station and sanitary sewer system would have to be reviewed and approved by NJDEP. It has been his experience that the temporary generator works well. There is a good chance that NJDEP might also make the determination that they want a permanent generator.

Madam Chair informed the applicant that she was not comfortable to have a temporary generator.

Attorney Cecil was concerned about the Freshwater Wetlands Permit that expired last year. She stated that the applicant was going to try to get an extension to this permit. She asked the applicant if that occurred. Mr. Zederbaum answered that they are still in the process of obtaining that extension. Mr. Hansen wanted to know if the applicant was going to obtain the sight triangle easement or were they requesting a waiver. Mr. Fox stated that they would need to obtain a design waiver. Mr. Hansen felt that the applicant might possibly obtain approval and the remaining outstanding issues could be conditions of approval.

Beth McManus stated that the applicant is seeking relief for minimum area lot size and minimum contiguous usable land. In accordance with §148-16 E (2), a 50 foot wide buffer should be established between any residential use and land utilized for agricultural purposes. The buffer should be deed restricted from development and contain a double row staggered evergreen plantings at a 5 foot planting height. The applicant should indicate whether the adjacent properties are utilized for agricultural purposes and if they are then compliance is required or the applicant should request a variance. There appears to be existing vegetation along the eastern property boundary. If Block 36, Lot 8 is utilized for agricultural purposes then a modified buffer should be provided that supplements the existing vegetated buffer in the areas where existing vegetation does not currently exist.

Regarding the open space: pursuant to §148-16F (1.a), the applicant should designate the entity that will own and maintain the open space. The applicant indicated a homeowners association will own and maintain the open space. The applicant should provide all necessary documentation pursuant to §148-59 in establishing and governing the homeowners association.

Ms. McManus stated that in accordance with §148-16F (1.d), proposed lots adjacent to the open space should be configured to front on the open space. Although side yards may face the open space, rear yards should not face the open space. Proposed Lot 7.02 rear yard faces the open space. Therefore a variance is required.

In addition, pursuant to §148-16F (1.e), if a side yard faces the open space, the side yard should be considered a front yard and the front yard setback requirement is applicable. Proposed Lots 7.02 and 7.03 have side yards that front on the open space. The plans should be revised to depict a 60 foot setback requirement or the applicant should request a variance.

Regarding street setback, pursuant to §148-16H, new streets should be located no closer than 50 feet from the original tract boundary. The new street does not meet this requirement. A variance is required.

Regarding the Cul-de-Sac Length, pursuant to §148-76A (9), the cul-de-sac should not be more than 500 feet in length. The proposed cul-de-sac is approximately 650 feet in length. An exception is required. The applicant has requested an exception.

Regarding curbing, in accordance with §148-76B, curbing is required on both sides of the street. Curbing is not proposed. The applicant is providing swales on either side of the roadway for stormwater management purposes. Curbing would impede the proposed stormwater runoff. An exception is required. The applicant has requested an exception.

In accordance with §148-60.1A, there should not be a change in elevation between the existing grade and the proposed grade greater than two vertical feet. A map detailing the change in grade is required. A variance is required if the applicant does not conform to this requirement.

Pursuant to §148-60.1B, the applicant should verify that no more than 35% of the tract will realize topographic changes. If the applicant is not compliant, a variance is required. Ms. McManus stated that this item was partially satisfied. The applicant indicates a topographic change of 33% and a variance is not required. Mr. Zederbaum questioned this matter. Ms. McManus stated that they needed further verification and she is content with having this a condition of approval.

The Soil Erosion and Sediment Control Plan provide a limit of disturbance line marked by a proposed silt fence. A walkway is delineated for access to the open space land but it is not within the limit of disturbance. The silt fence should be relocated to include the proposed walkway. The walkway material should be provided and a detail included. The silt fence was not relocated.

Regarding the tract buffer, pursuant to §148-59A (6), a 50 foot buffer along the tract boundary of common open space should be established and planted with an evergreen screen. The proposed open space land is mostly comprised of wetlands and wetland buffer and heavily wooded. A buffer planting may not be necessary. An exception is required. The applicant requested an exception.

Ms. McManus stated that the following is an open item: The applicant indicated a homeowners association will own and maintain the open space. The applicant should provide all necessary documents pursuant to §148-59 in establishing and governing the homeowners association. Additional documentation must be provided to prove that this item has been met.

Ms. McManus stated that the applicant indicated that curbing would impede the proposed stormwater runoff. An exception is required. However, Clay Emerson of Princeton Hydro testified that this is a part of the stormwater management and should not be waived.

The applicant is proposing a gravel driveway for the servicing of the proposed pump station. A detail should be provided that depicts the seam between the proposed asphalt road and gravel driveway. A construction detail should be provided. A detail of the treatment of the connection between the gravel driveway and asphalt road is not provided. This could also be a condition of approval and added to the plans.

Mrs. Allen asked about the open space. Mr. Zederbaum stated that if the township would assume the open space, they would dedicate it to the township.

Clay Emerson referred to his report dated January 23, 2013, wherein he writes that the tree removal mitigation or impacts have not been provided. The Applicant prepared and included in the stormwater report the GSR-32 post-development recharge spreadsheet which confirms that the project will result in a net deficit. The results of this analysis conclude with the statement that the post-development recharge requirement of the Township's stormwater ordinance and the State's stormwater rule cannot be satisfied. The Applicant will therefore need to obtain a variance.

However, it should be noted that the stormwater management system will make extensive use of vegetated swales and no curbing has been proposed along the proposed roadway. Although not directly quantified, these measures may result in an appreciable amount of groundwater recharge. An effort also appears to have been made to limit the amount of impervious coverage as illustrated in the construction of the cul-de-sac, which includes an unpaved center. The Applicant prepared and included in the stormwater report the GSR-32 post-development recharge spreadsheet which confirms that the project will result in a net deficit. The results of this analysis conclude with the statement that the post-development recharge requirement of the Township's stormwater ordinance and the State's stormwater rule cannot be satisfied. The Applicant will therefore need to obtain a variance. Mr. Emerson thought that this could be accomplished. The GSR-32 does take this into account. In this location it does have a number of wetlands. There should be specifications of the soils that are proposed in the bottom of the basin. The calculations for the swale should be provided. The Applicant's engineer should clarify how the overall stormwater management system's design accounts for off-site drainage areas. This affects primarily the drainage coming across Lots 7.04 and 7.05 from adjacent Lots 6, 13, and 14, and also affects the functionality of the proposed wetland basin.

Mr. Emerson continued his testimony indicating that the Applicant's engineer must provide comments on the inability to meet the recharge requirements of the State rule and Township ordinance and the need for the noted variance.

The detailed planting plan for the proposed basin provided on Sheet 7 includes proposed plug plantings for the "marsh" section of the basin. The plant selection appears to be appropriate for the basin.

The plan is not clear whether or not erosion control fabric will be installed on the basin bottom. One of the notes suggests that it will be used but no further information is provided regarding the specifications of the fabric or its installation. The Applicant's engineer needs to clarify this matter.

The more substantial items are TP1 and TP2 were conducted in the vicinity of the proposed basin. Although the location of these test pits is provided on a map included with the Stormwater Report, none of the plan sheets show the location of these test pits. As such it is not possible with a high degree of accuracy to determine the location of these test pits in reference to the proposed wetland basin. The test pit locations should be shown on the plan. The Stormwater Management Report includes a summary of the basin flood tests; however the actual soil log for TP1 and TP2 are not provided. This is an important consideration as the soil and groundwater data in the area of the proposed wetland basin is critical to the expected performance of the basin. The Applicant's engineer should provide the noted soil test pit logs. The construction of the wetland basin will entail an excavation as great as five feet in depth. Based on the locations and elevations of downstream wetland areas; depth to groundwater may be problematic; especially if the elevation of the basin's low flow orifice is lower than the seasonal high groundwater table. The soil log data noted above (3.14) would help document that the elevation of the basin's primary orifice is higher than the elevation of the groundwater table.

The Applicant's engineer should clarify how the overall stormwater management system's design accounts for off-site drainage areas. This affects primarily the drainage coming across Lots 7.04 and 7.05 from adjacent Lots 6, 13, and 14, and also affects the functionality of the proposed wetland basin.

PUBLIC QUESTIONS:

Robert Smith was sworn by the attorney. Mr. Smith stated that he is concerned about the open ended issues. He stated that his property would be affected by the stormwater. He resides of B. 36, L. 6.

Jerry Cook, Evergreen, B. 36 L. 9 and Lot 27. Mr. Cook testified that if you look at the topographic map, the land is shaped like a funnel. The neck of the funnel is located on his property. The applicant's property is very wet. He requested that the board make sure the stormwater management is the best that can be engineered.

Attorney Cecil was concerned about the off site stormwater management and the status of the LOI Freshwater Wetlands Permit.

Mr. Fox recapped for the board that the outstanding issues that must be provided to the board's professionals. They are as follows: the soil logs of the test pits results verifying that the seasonal high water table is below the proposed detention basin; provide data and revised plans to indicate that the off-site water runoff will be captured by the stormwater management plan. This affects primarily the drainage coming across Lots 7.04 and 7.05 from adjacent Lots 6, 13, and 14, and also affects the functionality of the proposed wetland basin.

This matter will be carried without further notice to the public to May 13, 2013.

F. ADJOURNMENT:

Julia Allen made a motion to adjourn. John Klotz seconded the motion. All in favor, No Nays recorded.

Respectfully submitted,

Linda Jacukowicz