

READINGTON TOWNSHIP PLANNING BOARD

MINUTES

August 13, 2007

A. Chairman Flynn called the meeting to order at 7:09 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised. The Board saluted the flag.

B. Attendance:

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

In order to obtain a quorum, the following Board of Adjustment members attended the meeting:

Mr. Thompson	present
Mr. Denning	absent

**Michael Sullivan - Clarke – Caton & Hintz
Susan Lawless, Esq. Purcell, Ries, Shannon, Mulcahy & O’Neill
H. Clay McEldowney - Hatch, Mott & McDonald
Stephen Souza, Princeton Hydro**

C. APPROVAL OF MINUTES

- 1. July 23, 2007 – Mr. Smith made a motion to approve the minutes. Mrs. Filler seconded the motion. Mr. Cook abstained. Motion was carried with a vote of Ayes all, Nays none recorded.**
- 2. Executive Minutes July 23, 2007 – Mrs. Filler made a motion to approve the minutes. Mr. Smith seconded the motion. Mr. Cook abstained. Motion was carried with a vote of Ayes all, Nays none recorded.**

D. CORRESPONDENCE

There were no comments from the board.

E. RESOLUTIONS:

- 1. Heather Liardo
Minor Subdivision
92 Dreahook Rd.
Block 51, lot 25**

This matter has been carried to the next meeting.

F. TECHNICAL REVIEW COMMITTEE:

- 1. John Nichodemus
Lot Line Adjustment
45 Pleasant Run Rd.
Block 64, lot 36
Action date: August 25, 2007**

Mrs. Filler recommended that this matter be deemed complete, but reserving the right to request the information for the waivers sought by the applicant at the time of the hearing. Mr. Klotz seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

- 2. Rockaway Creek
Final Site Plan
Block 39, lot 57
Action date: August 27, 2007 –**

Mrs. Filler informed the board that the TRC determined that this matter remained incomplete.

G. OTHER BUSINESS:

- 1. Responsibilities of board members and policies - Madam Chair announced that this matter has been carried to the next meeting.**
- 2. Renaissance at Readington
Block 36, lot 49
Request for extension (2 year request)**

Attorney Lloyd Tubman stated that she is with the firm of Archer and Greiner and she represents the applicant. She informed the board that they received preliminary approval in August 2003 and received final approval on December 12, 2005. The request is for an additional 2 year extension of final subdivision and site plan approval.

Attorney Lawless swore in the witness John Fallone. He stated that he is the managing member of Renaissance at Readington. In the 2 years since they received preliminary approval the economics of the residential development have changed and that has made it more difficult to move forward. Ms. Tubman stated that the basis of the request is found at MLUL §40:55:D-52 which allows the board for a piece of property in excess of 50 acres to grant periods of extension which the board finds reasonable. Mr. Fallone is requesting a 2 year extension.

Mrs. Filler stated that the approval was granted under the old COAH commitment. She was wondering if Mr. Fallone would be willing to go with the latest requirements. Ms. Tubman stated that COAH's guide indicates that they are obligated to fulfill a COAH obligation in effect at the time of their preliminary approval and that is what the applicant intends to do.

Mr. Sullivan informed the board that according to Readington Township's affordable housing ordinance residential development is required to pay a developer fee of one percent. When this application was approved for preliminary it was one half percent of the value. The proposed new homes will be constructed in the 3rd round and would be generating an obligation within the 3rd. round. At this point they are only obligated to pay the one-half of percent fee which is from the second round rules.

Mrs. Allen stated that the board should consider the option of extending the approval only with the condition that the developer would agree to develop under the third round rules which would be the one percent contribution. Ms. Tubman stated that the third round rules are in the courts.

Ms. Tubman stated that Mr. Fallone objects to that condition. She stated that this is not a criterion for an extension nor is it a proper consideration.

Attorney Lawless stated that the statutory citation under which Ms. Tubman stated is discretionary. She stated that the board is not compelled to enter into an extension.

Mr. Monaco stated that the reason the opportunity is given to extend is that circumstances change. In this case the second round of COAH has changed. The township is now obligated to COAH based upon what this development generates. So it only seems fair that they share the burden of the third round obligation. Ms.

Tubman stated that the third round ordinance has a contribution rather than a construction obligation for residential development.

Mr. Fallone requested that this be carried to the next meeting to allow him an opportunity to discuss this matter. It was carried to August 27, 2007.

Madam Chair announced that this matter is carried to the next meeting.

H. PUBLIC HEARINGS:

- 1. Solberg Aviation Co.
Preliminary Major Subdivision
Block 40, lot 1
Signed extension and carried to August 13, 2007**

Madam Chair announced that Mr. Thompson from the Board of Adjustment will sit as an alternate for this hearing. Frank Gatti, Julia Allen, Ronald Monaco and Ben Smith recused themselves from hearing the application and left the courtroom.

Attorney Tubman stated that she is with the firm of Archer and Greiner and that she represents the applicant. The applicant is proposing a 6 lot major subdivision. At the last meeting, the review letters from the board's professionals' were addressed. The report from Clark, Caton and Hintz recommended a reconfiguration of the lots. Since the last hearing, the board performed a site visit. The applicant has revised the plans.

Ed Hermann of Van Cleef Associates stated that Grading Drainage and Permeability Test Location plan that is sheet 4 of 18 of the preliminary subdivision plan sets have been revised as of July 26, 2007. The plan was revised based upon the board's professionals and board comments. He described the changes to the board. Mr. Hermann stated that prior to the last public hearing, lot A had soil testing performed.

Ms. Tubman stated that in Dr. Souza's report and in Mr. Sullivan's report they indicate that there is some limited disturbance of steep slope for the driveways. Mr. Hermann indicated those locations on the map for the board.

A-4 Sheet 2 of 18 Detailed preliminary subdivision plan

The site is predominately forested with cedar trees, so they are trying to keep the building envelope as close to the road as possible. They are proposing to take roof runoff and direct it into the drywells. This unfortunately was not labeled on the plan properly. The final stormwater function, that is more difficult, is the water quality aspect. In that regard during a consultation with the board's professionals they came up with the idea of taking the driveways on the northern side which flow down to Magnolia Lane, placing French drains under the driveways, create a swale along

Magnolia Lane and then will deposit the stormwater into a manufactured treatment device. It will discharge into a grass swale and travel to the County Line storm system. On the southern end of the development, they are proposing to use grass vegetative filter strips. Dr. Souza has indicated in his report that he requires that the applicant show more details on the plan. Another comment was to push the houses closer to the setback lines. Mr. Hermann stated that the house locations at this point are conceptual. The applicant has requested a waiver from Readington Township's TSS removal standards.

Dr. Souza was sworn.

Dr. Souza stated that the board is in a quandary. They have a low impact subdivision on a large piece of property and they are looking at to try to maximize the amount of forest to remain. Doing additional clearing for the sake of trying to treat what now amounts to driveway and lawn runoff, in this case seems nonsensical. They need a solution that would meet 90% TSS requirements.

Mrs. Flynn stated that there must be proper maintenance of the system. Would there be a homeowner's association created? Mrs. Tubman answered yes.

Dr. Souza stated by rule you cannot subject an individual property owner to provide maintenance if the BMP is being used to satisfy a communal pollutant removal need. Additionally, regarding the infiltration devices he stated that he still needs the data that they will empty within 72 hours. Dr. Souza informed the board that he would be looking for guidance from the board's professionals. He is concerned because there is data that can be taken out of the septic logs that show that in some areas they are getting seepage relatively close to the surface. If they look at the dimensions of the infiltration structures they are starting to approach the depth that which seepage and modeling is being observed. Then you may have 2 things working against each other. Water would try to flow into the system when you want water to flow out of the system. Overall, he stated that it could be built in a piecemeal fashion. Mr. Sullivan asked if it would be appropriate to perform the testing between preliminary and final approval. Dr. Souza answered by not knowing where the houses would be built is a problem. Mr. McEldowney stated that on other occasions, he has seen that the testing be required prior to the issuance of a building permit and individual lot improvement plans, including final grading the actual footprint of the house on each lot, the final design of the BMP for the drywell, and other feature such as the well and septic system would all be shown as integrated plan.

Dr. Souza recommended that some type of mechanism must be in place so that they could check the numbers and then in turn report back to the planning board that this is being constructed correctly.

Mr. Thompson asked if you could conceivably have 6 different builders build these homes. Ms. Tubman answered yes.

Madam Chair stated what is the use of having the driveways shown if this is just conceptual?

Ms. Tubman stated that there is no applicant represented present this evening. She stated that she is willing to commit to the building envelopes, and if she is incorrect, she will come back to the board. They have redesigned to minimize their building envelopes. Ms. Tubman has agreed to commit to the building envelopes as shown.

Dr. Souza stated that he is basing a lot of his analysis on the limited area of clearance that is being shown.

Madam Chair indicated that if this would be approved, the limit of disturbance that is shown would be part of the approval, with a deed restriction and that any type of cutting, and/or further clearing would be prohibited. The stormwater management relies on this plan.

PUBLIC COMMENTS:

John Rinehart, 428 Azalea Terrace, he stated that he represents the Cedar Brook Board of Trustees. He was concerned about the drainage from the driveways and the construction of a swale on Magnolia Lane. He wanted everyone to know that half of Magnolia Lane drains towards County Line Road and the other half drains away from County Line Road towards the Cedar Brook condominiums. Mr. Hermann answered that he is aware of the drainage and they are directing the drainage accordingly.

Mr. Thompson asked that since there are communal aspects associated with this development; shouldn't they require that certain common elements must be built by one builder? Ms. Tubman answered because DEP requires that this is a homeowners' association responsibility, if one developer would build all 6 lots, there would be no issue.

Dr. Souza recommended that the stormwater drainage system along Magnolia Lane should be installed first.

Madam Chair stated that Ms. Tubman should go back to her client and his engineer and come up with a plan that will address all of the board's concerns instead of the board trying to throw out ideas.

Mr. Rinehart wanted to know if one person installs a drainage system and the others are not finished, how will it function. Mr. Hermann answered that there is a stone swale already existing on the site. Their design plan is to capture the driveway runoff at the end of the driveway and direct it.

Mr. Klotz wanted to know how close the driveways would be to each other and could the driveways be shared. Mr. Hermann stated that the driveways are separated by approximately 50 feet. Ms. Tubman informed the board that the applicant is not proposing a common driveway.

Jennifer Coghlan stated that she is here on behalf of the condominium association. She stated that the association is concerned with the maintenance of Magnolia Lane. Since this is going to be a part of the drainage system, will this be considered a common element that the association of the 6 homeowners will be responsible for the maintenance? Madam Chair stated that this is a subject that still has to be addressed.

Minnie Alboum, 1400 Magnolia Lane. She stated that she has witnessed the brook overflow. She wanted to make sure that they were including the additional drainage that will be created from the 6 new homes. Mr. Herrman answered that the onsite drainage from a quantity standpoint will remain on the site. The condition that you have today will be the condition that you will have in the future.

Dr. Souza stated that the calculations that were done on the infiltration system, post construction will be providing infiltration that will accommodate it. They have oversized the infiltration structures to account for the loss of impervious coverage. So they are recharging as much as what occurs presently, plus an additional to make up for the construction. This is why there is no net difference.

Ms. Alboum also wanted to know if the homes size would be restricted. Ms. Tubman answered no, the size is governed under the ordinance.

Ingelore M. Krug stated that she has seen this type of problem in other areas of the township.

Ted Peters, he stated that he owns the adjacent property. He will ask his questions at a later time.

In summary the board would like the following information provided at the next meeting: information on the stormwater improvements on Magnolia Lane regarding the construction, timing and maintenance; what is happening to those storm water facilities during construction; how the stormwater will be handled if the lots are sold individually; the limit of disturbance; house and driveway placements; disposition of Magnolia Lane and who is responsible for the future maintenance.

Ms. Tubman stated that in Mr. McEldowney's report, he made a recommendation that Magnolia Lane should be deeded to the township. Ms. Tubman indicated that the applicant would not have an objection to complying with that recommendation.

Attorney Lawless stated the Planning Board could leave this item to the final approval. She stated that Ms. Tubman's client would have to resolve this issue either with cross easements with the condominium association for maintenance of a road that stays private or the applicant makes a presentation to the governing body and they will make the decision as to whether or not they take ownership of the road and under what conditions.

Ms. Coghlan stated that with regard to the maintenance care and upkeep of the road, she has a copy of the resolution from the May 29, 1990 meeting. It states that the applicant, Solberg, shall be responsible for the care and maintenance of this road until such time as it is accepted for dedication by the Township of Readington. The association has been maintaining the road.

Mr. Sullivan informed the board that they need to have assurances that Magnolia Lane will be there in some form and that it will be maintained. It is up to the governing body to make this decision.

Mrs. Filler suggested that Ms. Tubman ask her client if they would be willing to provide plantings in the area that has been cleared to help restore the forest.

This matter was carried to September 10, 2007. No further notice will be given.

- 2. Mountain Woods
Preliminary Major Subdivision
Block 4, lot 57
Signed extension and carried to September 24, 2007**

Madam Chair announced that this matter has been carried to September 24, 2007 and there will be no further notice.

I. ADJOURNMENT

Mrs. Filler made a motion to adjourn the public meeting at 8:58 p.m. Mr. Klotz seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz