

## January 10, 2019 Planning Board/Board of Adjustment Minutes

Mr. Ford called the Meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. Mr. Ford said the Open Public Meetings Act Notice had been read prior to the Reorganization Meeting and this meeting continued without further announcement.

**Members Present:** Mr. Mazza, Mr. Stothoff, Mr. Nace, Mr. Eschbach, Mr. Kastrud, Mr. Dix, Mr. Pettit, Mr. Kirkpatrick, Mr. Ford

**Board Professionals Present:** Atty. Christine Salimbene, Robert Clerico, Andrea Malcolm

**Members Absent:** None

**Others Present:**

**Spatz:** Atty. Joseph Novak

**Fallone:** Atty. Jolanta Maziarz

### **V.A. Spatz and Sons Construction INC: Block 22, Lot 5, 35 Frontage Road: Preliminary & Final Major**

**Site Plan:** Mr. Ford noted the Hearing had been scheduled for tonight; however, there were issues with the Notice. He asked Atty. Novak to provide an update on the Hearing Date. Mr. Novak said the Hearing will be re-noticed for January 31, 2019. Mr. Ford said Completeness would be acted upon at that time and the Hearing would proceed if everything was in order.

**Quik/Chek Corporation: Block 22, Lots 39, 40 0& 41, 170 & 172 Perryville Road: Preliminary & final Major Site Plan, Minor subdivision, Use & Bulk Variances – Request to carry Hearing to February and Grant Extension of Time to Act.** Mr. Ford asked for a motion to carry the Hearing until February 28, 2019.

**Motion:** Mr. Kirkpatrick made a motion to carry the Hearing until February 28, 2019 and accept applicant's Extension of Time for the Board to Act. Mr. Stothoff seconded the motion.

**Vote: All Ayes, No Nays, Motion Carried**

**Fallone Group LLC: Block 22, Lot 34, Perryville Road: Preliminary & Final Major Subdivision:** Fallone Group Representatives were not present at this time.

Mr. Ford asked for Comments from the Public (excluding those for Fallone): There were none.

Mr. Ford announced that the Board would take a ten-minute recess.

Atty. Jolanta Maziarz was present on behalf of the Fallone Group. Ms. Maziarz gave a brief overview of the application. She said the property is zoned Village Residential (VR) and is a fully conforming subdivision. Applicant proposes subdividing fifty-five +/- acres into seventy-four twin units which are permitted by the Union Township Zoning Ordinance. Atty. Maziarz said applicant does not believe any variances are required, although there may be exceptions.

Atty. Maziarz introduced Engineer James Mantz and Fallone Group Principal Owner Robert Fallone. Mr. Mantz was sworn by Atty. Salimbene.

Ms. Maziarz displayed an Exhibit, a Portion of Sheet 1 of 35 of the Plan submitted to the Board. It was marked A-1. Mr. Mantz said it shows the proposed Road as it aligns with the Elementary School Driveway. The Exhibit also shows Drainage, Storm Water Management and Waterline and Conservation Easements. Atty. Maziarz said revisions have been made to the Plan since it was originally submitted. Mr. Mantz displayed an Exhibit, Sheet 10.1 of 36. It was marked Exhibit A-2. It shows a re-alignment of the Driveway. Additional soil testing has been performed. He said a third detention basin has been added to address drainage and storm water runoff issues.

Mr. Mantz continued his testimony. He said The Town of Clinton will be providing water to the residents. An on-site Sanitary Sewer Treatment System and Disposal Beds are proposed. The beds are located within an easement in the Open Space. Ms. Malcolm commented on the location of the beds.

Atty. Maziarz asked that applicant Robert Fallone be sworn. Mr. Fallone, Managing Member, was sworn by Atty. Salimbene. Mr. Fallone said the Group has a Sewer Engineer who prepared the Sewage Treatment Plan and Disposal Beds that were approved for their previous application. He said the TWA Permit for that application is still valid. Mr. Stothoff asked if there was a need to reserve an area for disposal beds. Mr. Mantz said he did not know. Mr. Ford noted there were questions about the System. Mr. Kirkpatrick said the Ordinance requires that all Natural Resource Land not used for the disposal beds would have to be placed within a Conservation Easement. Mr. Ford did not think the approved System could be relied upon because the previous Plan was different from the one presently before the Board. Mr. Mantz said the design flow is the same. Mr. Clerico referenced the differences. Mr. Mantz mentioned the possibility that applicant might have to return to the Board and request a Modified Revised Preliminary approval.

Mr. Kastrud asked if there would be further testimony regarding the Sewage Treatment Plant and if there was a copy on file. Mr. Clerico said he requested a Copy from applicant. Atty. Maziarz said applicant would provide requested information to Mr. Clerico.

Atty. Maziarz said there will not be a sales trailer on-site.

Mr. Mantz displayed Sheet 18 of 35 that shows Natural Resource Calculations, Steep Slopes, Wetlands, Easements and Woodland Associations. It was marked Exhibit A-3. Mr. Kirkpatrick advised Mr. Mantz to review the Ordinance regarding steep slope calculations.

Mr. Mantz referenced the RSIS Standards for streets. He said there are access streets and neighborhood streets. Applicant estimates there would be approximately seven-hundred and fifty cars using the site daily. Mr. Mantz chose the neighborhood design that has thirty-feet of paving and has curbing and sidewalks on both sides. He said that would be in compliance with RSIS Standards. Driveways are proposed to be eighteen-feet wide and each unit has a two-car garage. Mr. Eschbach voiced a concern

about emergency vehicle access through Midvale. Mr. Mantz said there are restrictions including steep slopes, riparian buffers and conservation easements with that access. There is a driveway that provides access to Storm Water Detention Basin 2. Mr. Mantz said water lines from Midvale will be installed along the southerly side of Basin 2. Mr. Clerico said there would be additional access required for construction and maintenance vehicles. He also mentioned parking on the Street and limited space for vehicles backing out of driveways onto the Street. He said parking should be restricted around the curve. Atty. Maziarz said applicant would be willing to limit parking to one side of the Street. Mr. Clerico referenced parking within the tight curbs on the site.

Ms. Malcolm referenced Natural Resources and tree removal/replacement. She said the Ordinance requires trees to be placed in the Conservation Easement. Atty. Maziarz said they would either be on individual properties and maintained by a Home Owners' Association (HOA) or the property would have to be deed restricted. Mr. Kirkpatrick said that was correct.

Mr. Kastrud revisited the road issue. He mentioned reducing the width to allow better circulation of emergency vehicles. He suggested smaller parking areas around the loop and restricting parking on the street whatsoever. Mr. Mantz did not think that would work. Mr. Kastrud withdrew his comment. Mr. Mazza asked about school bus stops. Mr. Mantz said Mr. Fallone contacted the School Board and they wanted two stops, one in the area of the recreational facility and one near Lots 34.3, 34.4 and 34.5. Mr. Mantz said the sidewalks on Perryville Road should be addressed. Mr. Nace asked if there would be a canopy at the bus stops. Mr. Clerico said RSIS require sidewalks on both sides of the street. He asked the Board to consider sidewalks along Perryville Road. Mr. Kirkpatrick mentioned the slopes of the sidewalks on the site, were they safe? The maximum grade is 10%. Mr. Mantz said sidewalks are allowed to parallel the grade of the street. Mr. Mantz said there is an ADA Ramp at the intersection of Perryville Road across from the School Driveway. The issue of a crosswalk was discussed.

Atty. Maziarz referenced the sanitary sewer system. Mr. Mantz said he understood the system could be owned and operated by the HOA. He referred to Section 30-6.5 Environmental Restrictions Section 3 in that regard. Mr. Kirkpatrick said if the sanitary sewer line is on private property it would be operated by the HOA and if the line is in the public right-of-way it would be operated by a public utility. In response to a question from Mr. Mazza regarding solids versus grey water, Mr. Mantz said everything will go to the Waste Water Treatment Plant. Mr. Stothoff asked about the Pump Station, what type of treatment was proposed. Mr. Mantz said he did not know.

Atty. Maziarz asked Mr. Mantz about the water service. He said an eight-inch Water line is proposed and will tie into a six-inch line. The Town of Clinton will be supplying the water. Mr. Clerico asked about the Agreement with the Town of Clinton. Mr. Mantz asked Mr. Fallone to testify to that question Mr. Fallone said applicant has an Agreement to provide potable water for the proposed 74 Units. The previous iteration of this Plan was designed and provided to the Town of Clinton's Water Engineer

(Suburban Consultants). Mr. Fallone said the Plan before the Board has not been submitted to the Engineer. Mr. Kirkpatrick asked how the eight-inch line tying into the six-inch line would work. Mr. Mantz said if there are more than twenty units on a cul-de-sac an eight-inch line is used. Atty. Maziarz asked Mr. Mantz about the fire hydrants. He said they will be shown on a revised Plan. Mr. Stothoff asked Mr. Clerico if the Township would be required to pay for hydrant fees. Mr. Clerico said there is a fee service. Mr. Stothoff asked if someone could provide an understanding of the annual hydrant fees.

Atty. Maziarz referenced the previous approval. She asked about the water lines. Mr. Mantz said they were eight-inch lines. Mr. Stothoff said Mr. Mantz testified that they were six-inch lines. Mr. Mantz said he would verify that the eight-inch lines were connecting to six-inch lines.

Mr. Mantz displayed Sheet 4 of 35, Plan and Profile of Proposed Road Stations 0+0 to 0+13. It was marked Exhibit A-4. The Utility lines are shown on A-4. The issue of trees in conjunction with the Utility lines was discussed. Mr. Clerico mentioned considering a geometric layout of the trees and sidewalks. Ms. Malcolm requested that the utility lines be shown on the Landscaping Plan.

Mr. Clerico said he would like to hear public comments from neighbors who are present regarding storm water management. Mr. Mantz had provided testimony earlier regarding the addition of a third detention basin to address drainage and storm water runoff.

Public Questions: Mr. Ford asked anyone from the public to ask questions of Mr. Mantz. He asked that there be no opinions. Tracy Horvath, 156 Perryville Road, said she and her neighbors' backyards have been flooded. Mr. Mantz asked if the flooding was surface flooding or ground water surfacing. Ms. Horvath said "Both". Mr. Mantz said that, in his opinion, by raising the detention basin and the permeability of the soil that the infiltrated water would meet the existing ground water table and would not cause an additional problem. Mr. Ford asked how the proposed improvements would impact the existing conditions. Mr. Mantz explained. Ms. Horvath mentioned the storm sewer by her driveway that does not function well.

Mr. Ford asked if applicant had provided the Plan to the Fire Company for their review. That had not been done. Mr. Clerico indicated that Fire Company input was important. Mr. Kirkpatrick said it was customary that the developer obtain input from the Fire Company.

Ms. Horvath asked if applicant would consider planting more trees that would provide additional privacy to her property. Mr. Mantz referenced applicant's Landscape Plan which was marked Exhibit A-5. Mr. Ford asked Mr. Mantz to describe buffering. Mr. Mantz said he thought the Plan shows inter planting of trees with those that exist. Mr. Mantz said there is approximately 320 feet from the proposed home to Ms. Horvath's. Ms. Malcolm mentioned mixing tree species for buffering. Mr. Mantz thought it would be appropriate for Ms. Malcolm and applicant's Landscape Architect to discuss the issues.

Mark Carlson, 5 Midvale Drive, asked about the outflow of the proposed detention basin on his property. Mr. Carlson said he has a detention basin on his property. Mr. Mantz referenced Detention

Basin #2, Sheet 8 of 35 that was marked Exhibit A-6. Mr. Mantz explained the water flow from that Basin.

John Corcoran, 17 Midvale Drive, voiced a concern about the pipe from the basin clogging. Mr. Mantz said there is an emergency spillway that would discharge into a Gabion spreader. Mr. Corcoran asked about trees, grass and brush, would it remain? Mr. Mantz said "Yes". Mr. Corcoran asked who would maintain the grass road. Mr. Mantz said that would be maintained by the HOA. Mr. Corcoran also asked about odor protection from the sanitary features on the site. Mr. Mantz did not think he could provide that information. Mr. Ford said testimony would be provided about waste treatment at another meeting. Mr. Corcoran asked about dust control during construction. Mr. Mantz said the roads would be wetted or whatever Hunterdon County Soil Conservation required of contractors. He said Plans will be submitted to Soil Conservation.

Mr. Ford asked for a motion to adjourn until January 24, 2019.

Mr. Clerico had additional comments on the Fallone Group application including soil erosion, exporting of materials and potential blasting. Ms. Malcolm asked about a schematic of the building design.

**Motion:** Mr. Eschbach made a motion to adjourn the meeting until January 24, 2019 with no further Notice required. Mr. Kirkpatrick seconded the motion. (9:35 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary

