

MINUTES
 PLANNING BOARD MEETING
 THURSDAY – February 2, 2012 - 7:30 PM
 365 WESTFIELD AVENUE, ARTHUR L. JOHNSON H.S AUDITORIUM

In accordance with the Open Public Meeting Law, P.L. 1975 c231, notice of this meeting was published and a notice as to the time and place of this meeting was deposited with the Township Clerk and posted on the bulletin board of the Clark Municipal Building at least 48 hours prior to the meeting.

1. Roll Call

NAME	ROLL CALL			
Mayor Sal Bonaccorso	O			
Council Rep. Frank Mazzarella	O			
John Laezza	X			
Mike Kurzawski	X			
John Zamboni	X			
Kevin Koch	X			
Robert Tarantino	X			
James Zizza	X			
Neil Curcio	X			
Tim Nugent, Alternate 1	O			
Michael Cresitello, Planning Board Attorney	X			
Richard Morale, T & M Associates	X			
Sgt. Pollock, Police Dept. Rep.	X			
Chris Buccarelli, Fire Dept. Rep.	X			
Lisa McCabe, Secretary				

2. Pledge of Allegiance

3. Communications

No Communications

4. Site Plan

A. The Sangiuliano Group, LLC, Lake Avenue & Raritan Road, Block 28.01, Lots 13 & 14

Ms. Dougherty called Mr. William Page, Planner. He gave his qualifications and was sworn in.

Exhibit O-3 Planners Resume
Exhibit O-4 Traffic Analysis

Mr. Page feels that the townhouse development will generate more traffic than the nursery. He did traffic counts on October 4 and 11, 2011. He came out with a lot of the same counts as Mr. Staiger did. He compared townhouse developments and single family homes. During the am peak hours, the townhouse development will generate 17 trip and the single family homes would generate 9 trips. In the pm peak hours, the town house development will generate 21 trips and the single family homes will generate 12 trips. Mr. Page agreed with the traffic counts done by Mr. Staiger, but disagreed with the safety of the site and making left turns in and out of the site.

He also feels that the dead end street does not have an adequate turn around area. The slope is steep coming out onto Lake Avenue and Raritan Road. He also feels that the ADA parking is not good and that one sidewalk is not adequate.

Mr. Buccarelli, Clark Fire Department, stated that the circulation is not an issue for their equipment. The dead end is a very short distance.

Sgt. Pollock, Clark Police Department, stated that it is not a problem for them either.

Mr. Morale asked if a change in the traffic light time would help the cueing on Lake Avenue. Mr. Page stated that it would probably help. Mr. Morale asked if there was anything that the applicant can do to help alleviate the problem. Mr. Page stated that the most inexpensive way would be to have the timing checked at the light. Mr. Morale asked if a traffic light would help. Mr. Page stated that the traffic is not heavy enough coming from Raritan Road to Lake Avenue. He thought a left turn lane into the site would help. Mr. Laezza stated that if people get to help up trying to make the left into the site, they will start using the other entrance.

Next he had issues with the general plan of the site.

A motion to open the meeting to the public for questions of Mr. Page on his traffic testimony was made by Mr. Koch and seconded by Mr. Zamboni. All Ayes.

Debra McCleaster, 921 Lake Avenue, asked if he looked at the intersection of Armstrong and Lake Avenue. Mr. Page stated that he did not.

Joyce Keller, 948 Lake Avenue, asked about the cars making a left onto Lake Avenue and the cars coming from Lake Avenue towards Raritan Road. Mr. Page stated that he does have a problem with the site distance and the slope of the driveway.

Bonnie Fogler, 827 Lake Avenue, stated that the hours of the nursery end at 4pm, the townhouses will be 24 hours. Mr. Page stated that yes; there will be a lot more activity. She also asked if there was room on Lake Avenue to have a left turn lane. Mr. Page stated that the roadway would have to be made wider.

Nancy Sheridan, 26 Sandalwood Drive, asked if he considered the number of people in the units. Mr. Page stated that he used the same methods as Mr. Staiger used, the ITE trip generations.

Tony Hanrahan, 967 Lake Avenue, asked if while he was observing the traffic there, did he notice any kind hearted people letting people out of the streets and driveway there. Mr. Page stated, very few.

Mr. Renaud asked how he came up with the number of 12 single family homes as stated in his report if the zone doesn't permit them. Mr. Page stated that he came up with them from the square footage of the lots. Mr. Renaud stated that according to the report, only 3 cars during the peak am hour will be coming into the site.

Mr. Renaud stated that the proposed driveway on Lake Avenue is farther away from Raritan Road then what exists now. He asked Mr. Page if that would help the traffic from backing up on Lake Avenue. Mr. Page doesn't feel that it matters if the driveway is closer to Raritan Road.

A motion to close the meeting to the public for questions of Mr. Page was made by Mr. Koch and seconded by Mr. Zamboni. All Ayes.

Ms. Dougherty asked Mr. Page as a Planner about his planning report

Exhibit O-5 Planning Report dated 1/20/12 (available to public)

Mr. Zamboni asked why the Board is just getting this report now and not ahead of time. Ms. Dougherty stated that they were waiting for the attorney report.

Mr. Page stated that the date of the report is January 20, 2012. He reviewed the site plan drawings and applicant, environmental impact study, drainage report, land use law and COAH requirements.

Mr. Page gave an overview of how the property came to be today. He had the opportunity to visit the site and walk around it. Mr. Page stated that in his report, he has an environmental impact statement where items 4, 6, 7, 9, 10, 16 and 19 comments are addressed.

Mr. Renaud objected to his testimony since Mr. Page is not an Environmental Engineer.

Mr. Kurzawski stated that Mr. Page may continue.

Mr. Page again went over the 5 variances that the objectors feel are required along with the many needed waivers. Mr. Page stated that the township's waiver of affordable housing requirements requires a use variance, as it is not included in the ordinance governing this property. Page also pointed to other noncompliance issues that he deemed would require variances including setbacks, landscape buffers, outdoor recycling areas, parking area lighting and more. Mr. Page feels that sidewalks should be on both sides of the roadway on the site. ADA spaces should be closest to the building and have a paved walkway.

Mr. Page also stated that this property is located in the RB Zone. The Miele's property is one of 4 Lots in Clark that are zoned for multi-family housing with an affordable housing set-aside in an area of single family homes.

Exhibit O-6 Zoning District Map dated 7/14/10

Exhibit O-7 Zoning District map 1978

Everything south of the river is an R150 zone. The nursery is right in the middle of the zone. In 1991 Clark made changes to the zones and made 4 spot zones.

Mr. Kurzawski stated that the property is zoned what it is, which is RB. Mr. Cresitello stated that this application is not for re-zoning. Ms. Dougherty still feels that this application is before the wrong board if they are not going to be putting the low income housing.

Mr. Laezza stated the affordable housing issue, asserting that the Mr. Page was wrong in his assessment and also stated that the objectors had "incited" the community because of the affordable housing issue and yet, appears to be pushing for it. He stated that if they want low income in there, the Board will do that.

Mr. Page stated that if you deviate from the ordinance, that makes a variance. There is no "in lieu of" in the ordinance. He feels that it is not permitted. He stated that 20% of the units are supposed to be put aside for low income. This is considered a D1 variance and should be in front of the Board of Adjustments.

Mr. Renaud objected. This is speculation.

Mr. Page stated that the township should consider some vacant buildings to use as the set aside 20%.

Mr. Page's final conclusion was that the Board needs to see revised plans before making a decision. He also stated that there are a lot of deficiencies on the applicant's plans. Mr. Page also

Mr. Laezza asked if this was 12 single family homes, would this require an environmental study. Mr. Page stated that it would. Mr. Laezza stated that the

environmental study will be done before any building permits are issued. He also stated that this can be included in the resolution.

Mr. Koch stated that other communities have accepted "in lieu of" which is in their ordinance. Mr. Page stated that it is not in Clark's ordinance and we do not have any additional land to be used for low income.

A motion to open the meeting to the public for any planning questions for Mr. Page was made by Mr. Koch and seconded by Mr. Tarantino. All Ayes.

William Fidurski, 32 Hillcrest Drive, asked if the sidewalks would intersect the driveway. Mr. Page stated that it will have to. Mr. Fidurski also stated that you cannot park on the sidewalk. Mr. Page stated that ADA required people not to be allowed to walk behind cars.

A motion to close the meeting to the public for questions of Mr. Page was made by Mr. Koch and seconded by Mr. Zamboni. All Ayes.

Mr. Renaud waived his examination of the Planner.

Ms. Dougherty called Pete Keller, client and owner of 948 Lake Avenue since October 1983. His property is adjacent to the applicant's property. He stated that any issues that they had over the years, Mr. Miele would address and fix the problems as they occurred. He wondered who will be fixing these issues now. He also feels that there is going to be drainage and sewer issues since this property is 6-8 feet higher than the surrounding properties. Everything runs downstream. He also stated that he wants to know what they are going to look like. From his property he will be looking at a building at 6 units will be looking right into his yard. If they put a fence, he will be looking at a wall. Mr. Keller stated that he had recently put an addition on his home and isn't sure if he would have done so had he known there was the potential for this development. He also feels that this will make a negative impact on his property value. He knows that townhouses are zoned for that area, but he feels that 39 units are way too many.

Mr. Laezza stated that their attorney is promoting low income housing. Mr. Keller stated that is not true. All he is asking for is clarity of their neighborhood.

A motion to open the meeting to the public for questions of Mr. Keller was made by Mr. Zamboni and seconded by Mr. Koch. All Ayes.

A motion to close the meeting to the public for questions of Mr. Keller was made by Mr. Koch and seconded by Mr. Tarantino. All Ayes.

Mr. Renaud asked Mr. Keller if everyone in the neighborhood had water problems. Mr. Keller stated that everyone that he talked to. The plan is going to control the surface water. Mr. Renaud asked Mr. Keller if he was in favor of low income housing on the site or the contribution. Mr. Keller stated that he would prefer the low income housing off site. Mr. Dougherty stated that they do not want low income housing; they just have concerns of the legality.

Mr. Morale stated that he met with the applicant and his staff to review comments of the objector's engineer. He feels that they can accommodate the concerns and will work with the applicant.

Mr. Renaud stated that they have addressed all the issues in a letter dated 1/31/12. He stated that the site in question is zoned for townhouse use. He stated that the suggestion by many of objectors and objectors professionals that the applicant should, instead of constructing what is permitted in the zone, go before the Board of Adjustment and apply for single family dwellings which is not permitted in the zone and is contrary to all of the principals of the municipal land use law. Many of the issues that were testified to as deficiencies are not deficiencies, they're improvements. If the Board wants more lighting in the parking area, they will add more but the plans meet the standards. Some of the other issues that are being raised are not wanted. The objectors are just looking at things that are required.

Ms. Dougherty objected that they were not told about the meeting and that their engineer was not invited. She then stated that they are not here to point out every flaw in the application. The point is for the board to understand that we need more information. My client is directly affected by this there's no disputing that he's immediately next door can't get any closer. Isn't it fair that he know what is actually going to be built next to him? Just because the zone says I can build 39 units on 5 acres doesn't mean it's the best plan. When you start looking at the deficiencies and the drainage, the sewage, the sidewalk design, the ADA placement of the parking spaces, the lighting, that suitable landscape buffering and other things, it may come back and say that they need to reduce the number of units. She feels that the no one knows if the actual plan is going to work. The residents have the right to know what the impact is and knowing that it is going to work after the builder is gone.

Mr. Zamboni asked Mr. Morale if he is satisfied with the sanitary flow. He stated that he has to comply with the outside agencies besides the municipality. He feels that they can comply. Mr. Zamboni asked if the storm water drainage has been addressed. Mr. Morale stated that they have not been addressed to date but appears that they can accommodate and correct. Mr. Zamboni feels that they need a more definite answer.

Mr. Laezza made a motion that we carry this meeting to March 1 ask the applicant for a revised site plan that would incorporate the board's requests over the course of the meetings on the proposal. Several board members also motioned for the results of an environmental report the applicant completed. This was seconded by Mr. Zamboni. All Ayes. The meeting will be held at 430 Westfield Avenue in the cafeteria at the Municipal Building at 7:30 PM.

Mr. Zamboni asked if the Phase I be submitted. Mr. Renaud stated that the soil samples and Phase I doesn't belong with the Board and they have not authority with it. It is for the DEP to address.

A motion was made by Mr. Zamboni and seconded by Mr. Koch for the environmental study to be submitted. Ayes: Zamboni, Koch, Zizza, Curcio
Nays: Laezza, Kurzawski, Tarantino. Ayes: 4 Nays: 3

5. New Business

A. A special meeting is requested for an application that Mr. Fink, Esq. has on Raritan Road. The board decided on March 15, 2012.

6. Old Business

7. Public Session

A motion to open the meeting to the public was made by Mr. Zamboni and seconded by Mr. Koch. All Ayes

William Fidurski, 32 Hillcrest Drive, asked if the board would require soil samples. Mr. Kurzawski stated that they do not. Mr. Laezza stated that Mr. Koch is part of the environmental commission and we value his opinion.

Joyce Keller, 948 Lake Avenue, asked if the plans can be put in the library because the building department closes before some people get out of work and it not open on Saturdays. Mr. Kurzawski stated that we will take that under advisement.

Debra McCleaster, 921 Lake Avenue, asked if the compliance meetings are open to the public. Mr. Cresitello stated that it is not a meeting it is internal. There are compliance reports that are generated back and forth between the engineers are part of the file.

A motion to close the meeting to the public was made by Mr. Koch and seconded by Mr. Tartantino. All Ayes

8. Next Meeting

March 1
March 15 - Special
April 5

9. Adjournment

A motion to adjourn the meeting was made by Mr. Koch and seconded by Mr. Tartantino. All Ayes.