

MINUTES
 SPECIAL PLANNING BOARD MEETING
 THURSDAY – JANUARY 26, 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 Mazarella	X			
John Laezza	X			
Mike Kurzawski	X			
John Zamboni	X			
Kevin Koch	X			
Robert Tarantino	X			
James Zizza	X			
Neil Curcio	O			
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	X			

2. Pledge of Allegiance

3. Communications

- A. Supplement to Traffic Impact Analysis Proposed Stone Hill Village
- B. Letter from State of New Jersey re: Six public hearings for the draft State Strategic State Plan: New Jersey's State Development and Redevelopment Plan

A motion to dispense with the reading of the correspondence was made by Mr. Koch and seconded by Mr. Zamboni. All Ayes

4. Minutes

A motion to approve the minutes of December 1, 2011 and December 15, 2011 was made by Mr. Laezza and seconded by Mr. Koch. All Ayes

5. Site Plan

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

Mr. Renaud stated that Mr. Staiger, the traffic engineer is running late. He is not going to be offering new testimony, just questions of the public. Once that is done, the applicant rests.

In order to save time, the attorney for the objectors will start her testimony.

Ms. Rosemary Stone Dougherty representing Pete Keller and Manny Desportas. She gave the board and outline as to how they will proceed. She stated they have 6 main reasons as to why they object:

1. The Board lacks jurisdiction
2. Too many variances or waivers that have not been noticed
3. Not enough information to make a decision
4. Poor planning
5. Traffic concerns
6. Safety concerns

Mr. Zamboni asked Mr. Cresitello what his opinion was in regard to the Boards jurisdiction. Mr. Cresitello stated that he ruled on this issue in the beginning of the application. His opinion is that this board has jurisdiction and does not constitute a use variance.

Ms. Dougherty called Frederick Meola, professional engineer, was sworn in and was accepted as an expert witness.

Exhibit O-1 Resume of engineer

Exhibit O-2 Memo from engineer dated 1/25/12

Mr. Meola stated that he reviewed the site plan drawings and the architectural drawings. He also reviewed the drainage report, traffic report and the environmental questionnaire. He then reviewed Clark's ordinances. He feels there are some variances that are required.

Variances

Use

Rear Yard

Front Yard

Outdoor recycling area

Suitable landscaped buffer

Recreation area

Lighting
Impervious coverage may be needed
Sign

He went item by item through his letter dated 1/25/12.

Environmental Concerns

Mr. Meola feels that the Board does not know what the environmental report issues are should request to see that information. Mr. Meola stated that soil tests are critical to the project and residents should be aware as to how much and how long work will be getting done.

Parking, Traffic and Pedestrian Safety Issues

The plan does not show the sidewalks. Because the driveways are only 18 feet and cars are about 16 feet or more, the cars are going to be in the sidewalk. He feels that the units should be set back about 25 feet from the roadway in order to have a little room and have space for the sidewalk. People that are parking in the handicapped parking spaces will have a hard time getting to the unit that they are visiting since the sidewalk is only on one side. There are also no stop signs, crosswalks or stop bars shown on the plans.

The biggest issues Mr. Meola feels, are the Hydrology and Drainage Issues:

He feels that there will be some conflicts with the sanitary and storm water drains. Pipes will need to be adjusted. Concerns about the swale capacity were that the evergreens were going to be saved and they are showing grading all the way to the property line. You cannot grade under the trees. He noticed that the maintenance report is missing information. The drainage report does not meet RSIS standards.

The curb line and the property line on Lake Avenue are the same. The roadway would have to be widened to put a sidewalk or at least an easement should be requested.

Mr. Zamboni stated that the applicant agreed to put a sidewalk on Lake. Mr. Meola stated they should provide an easement.

Ms. Dougherty stated that most of the issues that Mr. Meola is commenting about is a Have already been brought up by the Board's engineer and the applicant has agreed to comply with them all. Her concern is that there is a difference between saying that they will comply and being able to comply. There are 74 deficiencies. The Board has not seen any revisions to show some of the changes and concerns that are being made.

Mr. Cresitello stated that the issues can be complied with during the compliance review process and if they can't comply then they cannot get their permits. If they can't, then they will have to come back before the Board. Ms. Dougherty feels that the Board should be able to see some of the changes that are being made and if the trees are not going to be there, then the Board and public should be made aware of it.

Lighting Concerns

Feels that they may need more lights at a lower level.

Grading Plan

The two access driveways have an 8% grade which is okay, but as you enter the road it drops to 3% grade. This should be investigated better so cars don't bottom out. They should have a nice smooth transition.

Mr. Meola doesn't feel that the Board has enough information to make a decision. He feels that the applicant should come back with revised plans.

Mr. Mazarella asked if the applicant received this memo. Ms. Dougherty stated that they received it at the meeting. Mr. Renaud objects that there are not ordinance sections. Mr. Dougherty stated that she will list them for him.

Mr. Koch asked what the acreage would be with the changes. Mr. Meola stated that he tried to figure that out, but missing the information, you cannot.

Mr. Zamboni asked if there are enough changes to make a difference. Mr. Meola stated that there may be.

Mr. Kurzawski asked if he knew that the soil was contaminated. Mr. Meola stated that he does not know.

Mr. Laezza stated that Mr. Meola took T&M's report and said almost the same things. Mr. Meola stated that he had found a few other things. Mr. Laezza stated that the demolition report is not part of a Planning Board applicant and the demolition would take place whether there are townhouses being built or single family homes.

Mr. Zamboni stated that the applicant agreed to submit the environmental study. Mr. Cresitello stated that the contamination issue should be handled by the DEP and they have to be satisfied before the town will issue any permits.

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

William Fidurski, 32 Hillcrest Drive, asked what assurance they have that they will not be affected by putting 39 units uphill from their neighborhood in regard to the sewerage. Mr. Meola stated that he did not study the downstream capacity only on the site.

Mary Ann Desportas, 955 Lake Avenue, asked who is going to inspect the storm water after each 1" of rainfall, which is probably about once a month. She wondered whose job it is going to be to measure the rainfall and check the backup. Mr. Meola stated that all it entails is looking at it and making sure it is not backed up. Mr. Laezza stated that we clean out our drains.

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

Mr. Renaud has not questions at this time and will address the variance issues at a later time.

Mr. Mazzarella asked Mr. Meola if he factored in your own calculations hypothetical the flow would be. Mr. Meola stated that he did not. He just looked at the difference between 2 and 3 bedroom units. Mr. Laezza stated that use if based on number of people and not number of bedrooms.

Mr. Renaud stated that Mr. Staiger, traffic engineer is back to finish with the questions of the public.

Mr. Zamboni asked if he had any comments concerning the traffic flow inside the property. Mr. Staiger stated that they are in compliance with RSIS which states that 21 feet is required and they have 24 feet. Mr. Zamboni asked his opinion to have both sidewalks. Mr. Staiger stated that it is always better to have 2 sidewalks, but it has to be looked at if it is needed. This is a relatively low traffic volume application.

Mr. Koch asked if the street width can drop down to 21 feet and provide sidewalks on both sides. Mr. Staiger stated that you need the 2 feet for the parking. Mr. Koch also asked about the slopes for the handicapped parking. Mr. Staiger stated that the engineers can work that out. Mr. Koch also asked about the sidewalk on Lake Avenue. Mr. Meola stated that they can provide an easement. Mr. Renaud doesn't feel that they need an easement for the sidewalk.

Mr. Zamboni asked if he had any comment on title 39 enforcement. Mr. Meola stated that it was up to the township if they wanted it.

Mr. Morales asked about the supplement to the traffic analysis. Mr. Staiger stated that they went back out on December 14, a Wednesday, to verify that the counts that were previously taken were similar. He also pointed out that on this day, Christmas trees were being sold on the site.

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

Debra McCleaster, 921 Lake Avenue, asked if there was ice on the driveway coming out on to Lake Avenue, how a car would stop. Mr. Staiger stated that is a maintenance issue.

Joyce Keller, 948 Lake Avenue, asked if RSIS calls for 2 sidewalks. Mr. Staiger stated that it does and a diminutive exception was requested by the applicant. Ms. Keller asked what the reason for having only 1 sidewalk is. Mr. Staiger stated that the development is low intensity and would have more benefits of having only one sidewalk. She feels that the benefits are for the applicant and not the safety of the residents. There could potentially be 100 cars moving around on these 3 little streets. If there are 2.4 parking spaces per unit and there are 2 handicapped spaces that

leave only 2 extra spaces. In that 2.4 spaces per unit there is .5 spaces figured as common parking which leaves only 1.9 spaces per unit. Mr. Staiger stated that the 2.4 spaces are inclusive of the common spaces that are open to anyone. How are the utility trucks supposed to turn around on Road B. Mr. Staiger stated that they would have to back up.

Toni Walker, 939 Lake Avenue, feels that it is dangerous for people to have to walk behind cars to go into their house. If they have to get anything from their trunk, they will be standing in the street. She asked how far back from the street the driveway is. Mr. Staiger stated that there is no sidewalk in the driveway. The sidewalk will end at the driveway.

Nancy Sheridan, 26 Sandalwood Drive, asked if the units are 3 bedrooms, wouldn't that make more trips. Mr. Staiger stated the ITE uses units, not bedrooms in their calculations.

Alan, 999 Lake Avenue, asked that since the 98 spaces include the 39 garages, isn't it probable that the residents will use the overflow spaces and use their garage as storage. Mr. Staiger stated that the parking is calculated by RSIS and that is what he follows. He then asked where else the overflow parking will be. Mr. Staiger stated that he feels that the parking on this site will be sufficient.

Marge, 7 Winters Court, stated that she is a property manager of a townhouse development and is familiar with all the issues being raised. She asked what year the standards were developed. Mr. Staiger stated 2008. She also asked if there is going to be on street parking. Mr. Staiger stated that there is not.

Chet Uhlick, 2 Orchard Terrace, asked if the numbers that were used were regional. Mr. Staiger stated that they are and that is what is used by law. Mr. Uhlick asked if the traffic will be lessened by the proposed use. Mr. Staiger stated that it potentially will. Mr. Uhlick stated that there is a traffic problem in this area of town. Mr. Staiger stated that this will help the traffic on Lake Avenue because the people have the option of exiting on Raritan Road and not just Lake Avenue.

Ms. Dougherty asked Mr. Staiger if he used NJDOT adjustment traffic counts. Mr. Staiger stated that he did not. December has higher number counts than other months during the year. Does Clark have an ordinance for 2 sidewalks in a development? Mr. Staiger stated that he is aware of that. Mr. Renaud stated that he doesn't feel that the ordinance requires it since it is not a dedicated street.

William Fidurski, 32 Hillcrest Drive, has he actually done a count with Meile's being open. Mr. Staiger stated that he used the ITE trip generation rates for a nursery and compares it to a typical 39 townhouse unit.

Mary Ann Desportas, 955 Lake Avenue asked if the cars will be blocking the sidewalk. Mr. Staiger stated that Mr. Dec has to lay it all out.

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

This meeting will be carried over until February 2, 2012 in the High School auditorium.

6. New Business

7. Old Business

8. Public Session

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

William Fidurski, 32 Hillcrest Drive, stated be building a lot of units in town, we are hurting ourselves. Our numbers were reduced since we did not have much developable land. If they see that all these permits are taken out, they can see maybe raise our COAH obligation. We are making Clark a bigger target.

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

9. Next Meeting

February 2

March 1

April 5

10. Adjournment

A motion to adjourn the meeting was made by Mr. Zizza and seconded by Mr. Tarantino. All Ayes