

MINUTES
 PLANNING BOARD MEETING
 THURSDAY – MARCH 1, 2012 - 7:30 PM
 430 WESTFIELD AVENUE, MUNICIPAL BUILDING CAFETERIA

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. Letter from Guarriello & Dec ref: Stone Hill Village, Lake Avenue and Raritan Road

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 January 26, 2012 reorganization meeting was made by Mr. Laezza and seconded by Mr. Koch. All Ayes

A motion to approve the minutes of January 26, 2012 meeting was made by Mr. Koch and seconded by Mr. Laezza. All Ayes

A motion to approve the minutes of February 2, 2012 meeting was made by Mr. Koch and seconded by Mr. Tarantino. All Ayes

5. Site Plan

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

Mr. Renaud stated that they have submitted revised plans and drainage report since the last meeting. He called Mr. Ed Dec.

Exhibit A-3 – Revised Site Plan dated 2/5/12

Mr. Dec went through the changes to the site plan as to what the Board has asked for. Mr. Dec stated that they have added sidewalks throughout the site. They had to move building 3, 4 & 8 further away from the street and a little closer to each other. They also made the driveways 20' deep behind the sidewalk. The drainage has been revised. They included the additional impervious coverage due to the sidewalks, they took into account the swales, increased the size of the detention system.

Mr. Dec stated that there is nothing in the Environmental Report that affects the design of the project.

Mr. Cresitello asked Mr. Dec if he received the reports from T&M dated 2/29/12. Mr. Dec stated that he did.

Mr. Mazzarella stated that they have not indicated on the plans where the emergency flow will travel. Mr. Dec stated that there are swales on site and they meet the RSIS standards. Mr. Dec stated that the site as it is now has 2 acres of pervious coverage and 3 acres of impervious coverage. The new application has 3 acres of pervious coverage and 2 acres of impervious. They are reducing the flow. Mr. Mazzarella asked if the trees that will be left on the property are enough to serve as a buffer to the surrounding neighbors. Mr. Dec feels that they do, but will add more if needed.

Mr. Koch asked if the swales are adequate. Mr. Dec stated that they meet the conditions.

Mr. Zamboni asked if he was familiar with the environmental report. Mr. Dec stated that he did not read it. Mr. Renaud stated that they know that they are required to have an LSRP who prepares a plan and executes it. Mr. Zamboni asked his if anything has been done on the property. Mr. Renaud stated that they do not own the property at this time. Mr. Morale stated that under the new regulations that the State has adopted, the new individual will come up with a plan to remedial a site to be used for residential standards. Mr. Koch asked if anyone on the township level will oversee it. Mr. Laezza stated that the township has hired their own LSRP to handle these issues and review the reports. The money is part of the developer's agreement.

Mr. Mazzarella stated that usually tracking pads are not adequate to clean the tires as they come off site. He asked if the applicant will agree to hold money in escrow to wash down street and sweep roads if they are not cleaned up regularly. Mr. Renaud stated that they will. Mr. Dec stated that also the Soil Conservation District will monitor it.

Mr. Zamboni asked about the low income housing requirements. Mr. Renaud stated that the applicant was and is still willing to put affordable housing at this site is that is what the Board and the Township wants. They plan to make a contribution to the affordable housing fund in lieu of the housing.

Mr. Cresitello feels that the proposal is acceptable. If the Board wants them to provide units on site the applicant has already agreed. The Board can vote on this or accept payment in lieu.

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

Rosemary Dougherty, Esq., attorney for the objectors, asked about the phasing plan. Mr. Dec stated that Sheet 15 of 15 of Exhibit A-3 is broken up into seven phases. Each of these phases could be having work done all at the same time. They are not going to finish one before starting on another. Mr. Renaud stated that the project will be built from start to finish.

John Manginelli, 212 Briarheath Lane, asked about the phase I environmental report. Mr. Renaud objects to the question. Mr. Renaud stated that the question assumes that it is a limited report and it is not. It contains all the requirements of the DEP. Mr. Morale stated that the LSRP is going to put together a plan to clean the site to residential standards. They will not site off until it is released for construction.

Michelle Novak, 560 Oak Ridge Road, asked what a LSRP is. Mr. Morale stated that it is a Licensed Site Remediation Professional.

Debra McCleaster, 921 Lake Avenue, asked why the applicant would not put in the 100 year flow capacity drainage system. Mr. Dec stated that the size of the pipe would be so big that the pipe would be below the area. It would probably make it worse for the downward slope. Ms. McCleaster asked why there are no sidewalks on road B. Mr. Dec stated that there is no need for one there because there is not traffic on that road. She also asked if the roadway was going to be cleaned up during construction. Mr. Dec stated that it would. Ms. McCleaster asked how high up the green space in the middle of the site is. Mr. Dec stated that it is 6 feet higher.

Dr. Donna Toma, 37 Conger Way, asked if there are going to be retaining walls. Mr. Dec stated that there are retaining walls almost all around the perimeter. She feels that this will cause the neighbors to flood more.

Joyce Keller, 948 Lake Avenue, asked why there are no sidewalks on road B. She feels that if a utility truck or delivery trucks comes down the road, they have to back out. Doesn't that cause a safety issue and sidewalks should be required.

Mary Ann Desporta, 955 Lake Avenue, asked which porches are going to be removed. Mr. Dec stated went building by building.

Building 2 – they will be removed from the south side

Building 3 – they will be removed from the south side

Building 1 – they will be removed on the east side

Building 5 – they will be removed on the east side

Building 4 - they will remain

Building 8 – they will be removed on the south side

Building 7 – they will be removed on the south side

Building 6 – they will be removed on the north side

Ms. Desportas asked if the unit was going to be greater as to which one has a porch and what the aesthetics will look like. Mr. Dec stated that it will look good. She also asked about the T&M report about flow. Mr. Dec stated that they need to get approval from Rahway Valley Sewer Authority and is a condition of approval.

Nancy Sheridan, 26 Sandalwood Drive, asked why the 100 year pipes are not being used and if they large pipes were going to go into smaller pipes that are used everywhere else

would cause a problem, then wouldn't that mean that a lot of water will be coming off their site. Mr. Dec stated that they are reducing the water coming from their site.

Alan Ni, 999 Lake Avenue, asked why the porches are being removed. Mr. Dec stated that some of them were in the set back line. He also asked if the cart way could be made bigger to accommodate parallel parking or remove some of the units. Mr. Dec stated that they are putting the number of parking spaces and more than what is required.

A resident of 24 Amelia Drive, asked what diminious exception means. Mr. Dec stated that it means a request for a minor change to establish criteria in the RSIS which is allowed because all areas are not the same. He also feels that for safety, there should be sidewalks on both sides of the roadways.

Ken McCleaster, 921 Lake Avenue, asked what the allowable impervious coverage is. Mr. Dec stated that 50% is required. He feels that they could still add the sidewalks and be under. Mr. Dec stated that they are 2% away from not having the minimum required. Mr. McCleaster stated that so it is to close for safety. He stated that the handicapped parking spaces are there because they have to be there, but what does the person do when they get out of their car. There is a sidewalk that goes nowhere and there are not even crosswalks that go to nowhere.

Nancy Sheridan, 26 Sandalwood Drive, feels that there is going to be a lot of children and new drivers coming on and off the site.

William Fidurski, 32 Hillcrest drive, asked how they calculate the up and downstream capacity. Mr. Dec stated that there are calculated by data that is already supplied.

Marge, 7 Winters Court, asked if there are rear exits. Mr. Dec stated that there are with one step down to a concrete pad. She also asked if there are patios. Mr. Dec stated that they are an option.

Joyce Keller, 948 Lake Avenue, asked if there are any windows in the basement. Mr. Dec stated that there are not.

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

Mr. Renaud stated that the applicant rests.

Ms. Dougherty, Esq. called Mr. Fred Meola, engineer. He reviewed the revised plans dated 2/5/12. He also prepared a letter.

Exhibit O-8 – Letter from FC Meola dated 2/27/12 which lists 22 items of deficiencies.

Mr. Meola stated that their grading plans go right up to the existing evergreen trees. He feels that you need to stay 6-8 feet away from them in order for them to be saved. Also, some of the proposed trees are on top of pipes and inlets and will need to be moved around.

Mr. Meola addressed the site line at the ingress and egress. He feels that the wall should be taped for better site visibility.

Most of the landscaping is trees that will be bare in the winter. Maybe more of them should be evergreens or something that stays green all year.

The berm is 125 feet long and 35 feet wide and is 6 feet above grade level. He feels that it is going to be very hard to maintain and clean. He doesn't see the purpose of it.

Mr. Meola went through his letter.

Mr. Mazzarella stated that in his letter he states that building 7 the roof leader is not tied into an inlet. Mr. Meola stated that the roof leader is blind tied into the detention system. Building 8, the grading is back pitched? Mr. Meola stated that you want the flow to be perpendicular to the direction that it is going. The plans show the roof leaders are pointed up hill.

Mr. Renaud has no questions.

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

William Fidurski, 32 Hillcrest Drive, asked if the walking behind the cars parked in the driveway has been addressed. Mr. Meola stated that the driveways have been made longer so you do not have to walk into the roadway to walk behind the car.

A resident of 110 William Street asked if they would allow for a risk contingency. Mr. Meola stated that he cannot answer that question.

Debra McCleaster, 921 Lake Avenue, asked if the sign could be made smaller at the entrance instead of a large sign at the corner of Lake and Raritan Road. Mr. Meola stated that he did not look into that.

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

Ms. Dougherty recalled Mr. William Page, Planner.

Exhibit O-9 – Memo from Mr. Page dated 2/28/12

Mr. Page feels that more sampling should be done on the site since the testing was not done to NJDEP standards. On the site fertilizers were used and stored. He also feels that the applicant needs to hire and LRSP. He went through his memo.

Mr. Renaud objects.

Mr. Page feels that there are still 4 variances: Use variance, Landscape buffer, passive recreation area & sign. He also feels that there are 2 waivers required: Site lighting & recycling. He also feels that there are still many site issues that need to be addressed before a vote on the application can be taken.

Mr. Renaud stated that these issues were gone over at the last meeting and the testimony has nothing to do with Mr. Dec's testimony. Mr. Cresitello stated that he can continue since the drawings are revised.

Mr. Mazzarella asked Mr. Page if it is his suggestion to revamp the drainage around the property and instead of having a berm. Yes, he thinks it should be an underground detention basin.

Mr. Laezza stated that is a preference.

Mr. Zamboni stated that we are a victim of Mt. Laurel. The applicant is willing to address the environmental issues. Mr. Zamboni also questioned the traffic signage on the site. He also feels that a Title 39 should be enforced on the site. DSgt. Pollock stated that from Armstrong Drive along the Miele's property, there is no parking on Lake Avenue. On the other side of Lake Avenue, across from the site, there is parking. There is parking on Raritan Road from Zion Church to the corner of Lake Avenue

Mr. Kurzawski asked Mr. Page what causes more damage, cleaning up the site or letting it sit there. Mr. Page stated that once it is disclosed, it has to be cleaned up.

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

Ken McCleaster, 921 Lake Avenue, asked about the spot zoning. Mr. Page stated that this site was rezoned in 1991 in the middle of an R150 zone. Mr. Tarantino stated that the zone is what it is and it was rezoned 20 years ago. Mr. Cresitello stated that the applicant is guided for what the zone is now. Mr. McCleaster asked if the town made a mistake 20 years ago. Mr. Page said yes.

Nancy Sheridan, 26 Sandalwood Drive, stated that you really have to know what is in the ground before anything can be done.

Maryann Desporta, 955 Lake Avenue, asked about the parking on the street. On Lake Avenue, on Miele's side, there is no parking on the other side there is parking permitted. Vehicles can park overnight.

Joanne Chern, 989 Lake Avenue, asked if the Board would put an ordinance to put no parking on Lake Avenue. Mr. Cresitello stated that this Board cannot grant that, it has to go through the Council. Mr. Laezza stated that she should write a letter to the town and they can have a study done.

A resident of 110, William Street, asked about the levels of contamination on the site and if they can be cleaned up. Mr. Page stated that anything can be remediated.

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

Mr. Renaud has no questions.

Ms. Dougherty stated that she has no other professional.

Mr. Renaud recalled Mr. Dec. He asked Mr. Dec about the trees and the swale. Mr. Dec stated that on sheet 2 of 15, shows that the swales will not be impacting the trees. Also, they meet the existing grade and will not be affecting the trees. In regard to the roof leader, they will make sure that the flow is not restricted. You do not put detention basins at high points. Their drainage system meets all the RSIS requirements.

Mr. Zamboni stated to Mr. Dec that he feels that sidewalks should be on both sides of the roadway for safety. Mr. Dec doesn't feel that it is necessary. More impervious coverage would be added. This is not a public street, it is interior.

Mr. Koch asked if adding sidewalks would change the layout of the site. Mr. Dec stated that it would. Mr. Mazzarella stated that we have to follow ordinance but we have to look at the safety of our residents.

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

William Fidurski, 32 Hillcrest Drive, stated that the amount of people on this site is much more than a R150 zone and they cannot be compared when it comes to safety.

Debra McCleaster, 921 Lake Avenue, asked if the sign on the Corner of Raritan and Lake causes a safety issue. Mr. Dec stated that it is not a safety issue it is just preference as to where it is placed.

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

A vote was taken to see if we should continue the meeting after our normal 10:30 pm time and the vote was to stay.

A motion for a 5-minute recess was made by Mr. Tarantino and seconded by Mr. Laezza. All Ayes.

Back in session, all here.

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

Ken McCleaster, 921 Lake Avenue, stated that there are a lot of negatives. 20 years ago the Board made a mistake and now it is time that we should make it right. This area should be all single family homes.

Marge, 7 Winters Court, feels that there should be fewer buildings and more green space. The landscaping is minimal and the screening is inadequate. The traffic and congestion is being made worse. We are losing our suburban image. She compared another townhouse development in town as far as the amount of people and how many work and how many cars.

Alan Ni, 999 Lake Avenue, stated that we only meet the minimum standards as to what is allowed. They are cramming as many units as they are allowed on this site. The density is too high. He asked the Board not grant their diminious exceptions. If we do not grant their exceptions, they will have to make the project smaller in scale.

Chet Uhlich, 2 Orchard Terrace, stated that there is no positive impact for the town. They are building a high density development in a low density town. For the good of the town, we should do everything we can to help the traffic in town, not add more density to make it worse. He asked the Board not to grant the application.

A resident of Lake Avenue stated that Lake Avenue is dangerous.

Maryann Desporta, 955 Lake Avenue, stated that she lives across the street for 18 years. She is opposed to the project. She was completely surprised that the zone across the street from her was changed to RB Zone with a set aside for low income housing. She feels that the density is too high. The property is elevated above the surrounding neighborhood. The

6 foot vinyl fence will be an eyesore. The parking is going to be an issue. We are facing a housing crisis and now we are building more. What if they are not sold, will they be rented? The environmental issue is a big problem. She knows that asbestos (translate material) was used. This will all have to be removed. She asked that the waivers be denied.

Joyce Keller, 948 Lake Avenue, stated that she is against the plans in a residential zone. Every property that surrounds Miele's property is affected by flooding. The RSIS requires two sidewalks to be put in. The safety of our citizens are more important and not diminious. RSIS feels it is important to make it a standard rule. What good reason would the board have to make it an exception? She also feels that the visitors will be parking on the streets closest to their building. Parked cars on Lake Avenue would only make residents have a more difficult time trying to get out of their driveways. The sign on the corner of the property can only been seen if you are traveling east on Lake Avenue. She doesn't even want to call it a sign, it is a monument. The landscaping plan calls for a few trees along the perimeter. The zone calls for a 5 foot buffer.

Michelle Novak, 560 Oak Ridge Road, feels that she understands that this Board did not make the decision to rezone the property. She loves Clark and would like to see it stay nice and make everyone happy.

Loretta Decker, 41 Union County Parkway, stated that she is a victim of a subdivision in her yard and Mr. Sangiuliano was the contractor. A house was squeezed in behind her. In the resolution, it promised her good drainage. She never needed a sump pump in her house until after this was done. This application is not a compliment to Clark.

Mike Altman, 8 Winters Court, feels that we are overdeveloping our whole town. He is opposed to the application. We will all have to pay for the development of this property. The people of Clark are not interested in this townhouse complex. This area cannot house this high number of houses that is being proposed. The number of townhouses should be brought down significantly.

Nancy Sheridan, 26 Sandalwood Drive, stated that she keeps hearing from the applicant "we will take care of it". She also feels that sidewalks are needed and that it is not diminious. There are going to be a lot of children. As far as flooding and runoff, if it is there now, it is not going to just go away. The standards of the environmental study were not done to DEP standards. In reference to the overlay zone, she was told that an overlay zone is in addition to the zoning, it doesn't replace the R150 zone it is just an addition to the zone. This means that you can still build single family homes.

Donna Stein, 8 Locust Grove, feels that the attitude of the builder is symbolic. They are all about putting the most amounts of units and just meet the minimum of what is better for the town.

John, 212 Briarheath, feels that the application does nothing for the township of Clark, it only benefits the developer. The traffic is so bad in the area. If single family homes cannot be built on the property, then why not scale it down and make it a nice development with sidewalks, sufficient parking & green space. He also feels that his property value will go down.

William Fidurski, 32 Hillcrest Drive, feels that the diminious exceptions should be denied. He also feels that parking is going to be an issue. It was stated by the engineer that when some people are having company, other will be leaving. He feels that the people that are leaving are only leaving their assigned parking space in their driveway. He should come back with an application that is less dense.

Debra McCleaster, 921 Lake Avenue, stated that ward 1 is the largest home site neighborhood in Clark. She enjoys her neighborhood of single family homes. She knows that changes have to be made, but changes should be made for the better. She also stated that Charlotte Estates development was re-zoned for single family homes. Property values will go down because of this townhouse development.

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

Ms. Dougherty, Esq. stated that since July of last year, there has been 4 review letters that have noted numerous deficiencies. This is the applicant's first attempt to make a revision to the plan and there are still issues. She still feels that there are more variances than a sign variance. This developer should have looked at all the issues that the people of the town have mentioned instead of doing the minimum that is allowed. She feels that the project should be denied or preliminary approval.

Mr. Renaud, Esq. stated that the zoning is not spot zoned. In 1991 the land was zoned RB zone. Since then there have been about 3 master plan revisions and it has not been changed. This type of project is what was planned for this zone. The plan conforms to what the zone is. The parking exceeds the standards required. The applicant is not responsible for offsite traffic. This use is not going to negatively affect the traffic. As far as the drainage, the applicant is making improvements from what is there now. The applicant has provided the preliminary environmental reports. Further testing will be done as the condition is remediated and the project moves forward. In October, the Board felt that one sidewalk on one side of the street would be sufficient. These roads are not high traffic streets. After the Board requested it, the plans were adjusted to put the one sided sidewalk in. He doesn't feel that it would be fair to deny the application because two sidewalks are not wanted. If that becomes a condition, the applicant will work it out and get it done. He also feels that the only variance requested is for a sign. The applicant will get rid of the sign if it is not wanted by the Board. He doesn't think that there are any other variances or waivers required. The landscape buffer will be complied with as to whatever the Board wants.

Mr. Zamboni asked if there was any consideration for a lesser density. Mr. Renaud feels that the Board should act on the plans that have been submitted.

Mr. Koch stated that both attorneys have different views on whether there are variances or waivers. Mr. Cresitello stated that the Board is considering an application for preliminary and final site plan approval with a bulk variance for the sign and a waiver for on-site lighting and also, an exception for sidewalks. Mr. Renaud doesn't think that they need a waiver for the lighting.

Mr. Morale stated that the lighting that is shown on the plan is showing lighting on the travel way and sidewalk and common area. The problem is that there is lighting on the existing buildings that would infill the illumination on the walks into the building and the immediate area. He believes that they will be able to meet the standards.

Mr. Koch feels that having only one sidewalk is a safety concern with the number of residents that will be living there. Everything is being minimally met. He also feels that there are going to be some parking issues.

Mr. Mazzarella agrees with Mr. Koch that the sidewalks should be on both sides and throughout the entire project. If they have to reduce the number of units to do so then that is what should be done. He also has concerns about the water.

Mr. Laezza disagrees and they do not need 2 sidewalks. The application is a conforming application. In the master plan it says that 8 townhouse units are permitted in each acre of land. The master plan has been updated 3 times since 1991. In the County Planning Board report it states that this application will not have any adverse impact on the traffic on Lake Avenue. He also recommends that the applicant apply for Title 39 so the police can enforce any violations. He feels that the applicant has complied with the Board's concerns.

Mr. Zizza feels that the sign should be eliminated. Mr. Laezza agreed.

Mr. Mazzarella asked if the Board could just vote on preliminary and have the applicant come back for final approval. The Board can approve either preliminary or final.

Mr. Zamboni thinks that the application is too much in too little.

Mr. Laezza made a motion to approve the application for preliminary and final site plan approval and was seconded by Mr. Tarantino with the following conditions and others that were agreed to:

1. No Sign
2. Dimineous exception for sidewalk on one side of the street
3. Developers agreement
4. Title 39
5. In Lieu of affordable housing

Ayes: Laezza, Kurzawski, Tarantino, Zizza. Nays: Mazzarella, Zamboni, Koch. The vote is 4 Ayes to 3 Nays. The application is approved.

6. New Business

7. Old Business

8. Public Session

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

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

9. Next Meeting

April 5

May 3

June 7

10. Adjournment

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