

**PLANNING BOARD MINUTES - BOROUGH OF BERNARDSVILLE**

**April 28, 2011**

**7:30 PM - Public Meeting**

1. Statement of Adequate Notice read into the record by Chairman Graham.  
Roll Call. Members Present: Chairman Graham, Vice Chairman Simoff, Members: Knudsen, Foster, Rochat, Kellogg and Re Tardy: Ms Paluck, arrived 7:40 PM  
Members Absent: Ms Thompson
2. Approval of Minutes - Feb. 24, 2011; April 14, 2011  
Motion to approve both sets of Minutes as amended: Ms. Foster  
Second: Ms. Rochat  
Voice Vote: All eligible members voted in the affirmative
3. Communications not Related to Agenda. - None
4. Business of Visitors not Related to Agenda. - None
5. Pending Applications/Public Hearings:
  - A. Memorialize 11/18/10 approval of R & A Meehan, LLC., 189 Finley Ave; Block 142, Lot 12; R-3 zone. Preliminary Major Subdivision Appl. #M-91P.  
An open item regarding item [f] on page nine indicating if the special side yard set back refers only to the principal building on Lot 12.04 or if the setback also will apply to accessory structures.  
  
Mr. Meehan with his attorney Ms. Lloyd Tubman spoke with the Board noting that it was their impression that the set back does not apply to accessory buildings. The Board disagreed and noted that the set back was intended to be very restrictive. Therefore accessory buildings are not permitted. Other amendments included comments from Chairman Graham regarding recycling barn materials and installing connections for generators on sewer pumps.  
  
Motion to adopt: Mr. Simoff  
Second: Ms. Paluck  
Roll Call: [ eligible votes]  
Aye: Graham, Simoff, Knudsen, Foster and Paluck
  - B. Vandever/Sheer Bluff Holdings, LLC; Major Subdivision Appl. #M-90, Block 28, Lots 47, 48, 56; Douglass Ave. & Rt. 202; R-1 & R-2 Zones.

Thomas Malman attorney for the applicant stated he would have two witnesses this evening. Mr. Malman provided a brief history of the property including characteristics and proposal. Still being addressed is the tree survey and comments from Ferriero Engineering. First witness called is Radim Kucera, PE from RCA Engineering, Princeton, New Jersey. Mr. Kucera's credentials were accepted and sworn to testify. Mr. Kucera further elaborated on the characteristics of the subdivision. Sheet # 2 of the submitted plans was posted. The proposed lots, roadway characteristic, including drainage and bio-retention basin. Proposed are two access points. One on Route 202 and the other off Douglas Avenue. The parcel sits within two zones, R1 [majority

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of the property] and R2.

Marked as Exhibit A1 is Aerial View - Vandever Tract - Preliminary Major Subdivision Rendering "B" Block 28, Lots 47, 48 & 56 Sheet B.

Mr. Kucera pointed out the parcel's constraints, conditions including wetland locations. The stream located in the upper portion of parcel is a C1 stream. Wetlands were confirmed by NJDEP December 13, 2006. There are also two watersheds on the parcel.

Technically this application is a re-subdivision.

Lot # 1- The largest lot and shows a conceptual home site

Lot # 2- The home shown has since been demolished

Lot # 3- Shows proposed conceptual home site

Lot # 4- Is the existing Estate home which will remain and same for the Well House

Lot # 5- Shows proposed conceptual home site

Project intent is to build the road/cul de sac and allow access to five of lots. The existing Estate Home access will remain the same. Applicant proposes to vacate the easement on Lot # 6, subject to the approval of the adjacent property owner.

A portion of the road width off Route 202 will be 28' wide and taper to 18' wide. Application is seeking relief from the RSIS. The entire length of the road will have shallow swales, which will direct run off to propose bio-retention basin, with the exception of the wider length off Route 202 which will be directed thru a culvert into drainage on Route 202. In addition each home will have dry wells installed, not currently reflected on the plan.

Discussion with Fire Department is on going regarding road configuration.

Time is 8:45 PM Questions for Mr. Kucera.

Ms. Kellogg questioned is a conservation easement is proposed for Lot # 6? Mr. Malman said he would inquire with his client, however it has been suggested that the replacement trees be planted within the 300' Buffer. Mr. Simoff suggested that Monuments then be installed to preserve the buffer.

Mr. Simoff questioned that per the Floor Area Ratio Ordinance a sizable home could be built on Lot #6 and perhaps as a condition the Board should determine the maximum size for the home.

Ms. Kellogg questioned the stability and pitch of the scour hole leading from the bio retention basin to the stream. Mr. Brightly noted same concern and that would be evaluation by the Soil Conservation District.

Public Questions.

Mr. David Greenebaum, 71 Douglass Avenue, questioned the proper notice for this hearing and that fact that his neighbor James Thorpe did not receive notice for he hearing. Mr. Malman examined his file to report that Mr. Thorpe's letter was returned by the Post Office for no delivery/acceptance.

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Other points expressed by Mr. Greenebaum included:

Lots 1 and 2 are below the road bed and questioned how these parcels will drain in the bio retention basin.

Will the maintenance of the bio-retention basin be private or by association? Mr. Malman noted this is still under consideration.

Mr. Greenebaum noted the special front set back ordinance and suggested this be incorporated as a Deed restriction.

Mr. James Thorpe, 75 Douglass Avenue reported that he currently gets water on the rear portion of his property and is concerned that two new homes will cause greater run off. Mr. Thorpe was informed that the homes will drain into dry wells and grade will drain toward the road.

This was followed by brief discussion regarding the shared easement with Mr. Thorpe's property and the suggestion that access to cistern by the Fire Department be considered.

Ms. Susan Ziwot, 21 Pickle Brook Road. Questioned design and operation of the bio-retention basin.

Time is 10:00 PM. No further questions or comments.

Second witness called is Richard Jasaltis, Consulting Geologist, West Windsor, New Jersey.

Mr. Jasaltis' credentials were presented and his expertise accepted by the Board,

Mr. Jasaltis reported that he was hired to conduct well tests. Because the Borough does not have a well test ordinance, Mr. Jasaltis conducted tests in accordance with ordinance standards of surrounding communities.

The testing criteria assumed that each home would have five bedrooms with full time residents. The tests were conducted in 2009 which included the existing Estate home and Mr. Greenebaum's residence. The former property owner of 75 Douglass Avenue denied testing access.

Just five weeks ago a fracture test was conducted on Lot # 1, followed by a similar test on Lot # 2. All tests yields were favorable showing that wells will be functional.

75 Douglass Avenue has two wells, due to site geology. One well located in the basement and the other located in the lower level of the lot. There is a fault that runs below the property and home sits in the middle of the fault.

Board questions for witness:

Ms Kellogg questioned the minimum distance between wells. Mr. Jasaltis reported New Jersey standards is 100 feet distance.

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Matt Mulhall, M2 Associates, Hampton, New Jersey Board's consulting Hydro Geologist posed numerous questions regarding testing criteria.

Public questions for Mr. Jasaltis:

Ms. Sherry Frawley, Environmental Commission - has the Board of Health been contacted regarding well and septic? Mr. Jasaltis noted that the soil tests for the septic systems were approved by the Board of Health, but only permission was granted for the drilling for the wells.

Any thoughts for a community well, similar to Twin Lakes? Mr. Jasaltis was not aware of this community well.

Time is 11:05 PM. Hearing will rest and continue without further notice to May 26.

6. Report of the Subdivision & Site Plan Review Committee - Draft Report attached.

Report of the Evaluation Committee- Draft Report attached.

Motion to accept both reports: Mr. Simoff

Second: Paluck

Voice Vote: All members present voted in the affirmative.

7. Old Business. - None

8 New Business: A. Payment of Vouchers totaling: \$9, 802.25

Motion to approve Bills List: Ms. Foster

Second: Ms. Paluck

Roll Call: Aye: Graham, Simoff, Knudsen, Foster, Paluck, Rochat, Kellogg and Re

Nay: None

9. Business of Visitors, Second Opportunity - None

10 Adjourn to Executive Session, if necessary, to discuss pending litigation or personnel matters.  
Nothing to report

11. Reconvene; perform any relevant action as needed.

12. Adjournment of public meeting.

Time is 11:15 PM

Motion to adjourn: Foster

Second: Knudsen

Voice Vote: All members present voted in the affirmative

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Respectfully submitted,

Teresa Lyons, Recording Secretary

Minutes approved: \_\_\_\_\_