

PLANNING BOARD MINUTES - BOROUGH OF BERNARDSVILLE

June 23, 2011

7:30 PM - Public Meeting. In Meeting Hall (may begin as pre-meeting review in conference room.)

1. Statement of Adequate Read into the record by Chairman Graham.
Roll Call: Members present Chairman Graham, Vice Chairman Simoff, Members: Foster, Thompson, Paluck, Rochat, Kellogg and Re

Professionals present: Attorney Hoffman, Engineer Brightly, Planner Zimmerman, Administrative Officer Mondok and Consulting Geologist Mulhall.
2. Approval of Minutes - None.
3. Communications not Related to Agenda.- Ms. Thompson affirmed that she listened to the April Planning Board Minutes.
4. Business of Visitors not Related to Agenda. - None
5. Pending Applications/Public Hearings:
 - A. 30 Olcott Square, LLC / Hampshire Companies; Block 66, lot 17; B-1 Zone; Appl. #SP-198 A-2, Memorialize 5/26/11 approval, change of use specified in prior approval (retail rather than office).

Motion to approved as amended: Mr. Simoff

Second: Ms. Foster

Roll Call: [Eligible Members] Aye - Graham, Simoff, Foster, Rochat, Kellogg and Re

Nay - None

- 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 - Postponed from 5/26/11, which was carried from 4/28/11. Time is 8:05 PM

Thomas Malman, Counsel for the applicant reported that two witnesses will testify this evening. To recap Mr. Malman stated that tree and landscape surveys have since been submitted and included in Board packets this evening. In addition updated Well information as been provided per the Board's request from the last hearing. Overall the plan has not changed dramatically, but refined per recent requests.

First witness is Mr Radim Kucera, PE. Previously testified. Mr. Kucera began with a brief recap of the project and changes to date.

Major design element is the road. Two new horizontal curves have been installed per Board concerns. Road remains in the same location, is less wide at the beginning before tapering to 18' width. Four feet wide shoulders will remain on either side of roadway.

Regarding tree count discrepancy, the applicant intends to work with municipal officials.

New Exhibits marked are: A3- Aerial Photo
A4- Proposed landscape plan

Regarding landscape the idea is to replant as many trees on property as possible. Plantings will follow and include wetlands and riparian buffer for purpose to define and screen existing house. The trees in the cull de sac will be planted greater than 25 feet apart, per the Borough's request. Ultimately tree replanting effort will provide screening and fill in existing tree gap areas.

Mr. Graham suggested if more replacement trees are needed that trees be planted along lot lines to provide boundary delineation and additional privacy screening.

Ms Kellogg questioned if markers should be installed to prevent vehicles parking on the road to drive/park over the shoulder and damage the swale. Mr. Kucera reported that a fully depressed curb will define the edge the of road pavement to preserve the shape of the pavement. Given the curb and the distance to the swale it is unlikely a vehicle will cause damage. The ratio to swale is 4 to 1. However, in select locations markers could be considered.

Next Mr. Kucera highlight the changes and upgrades to the drainage system. The majority of the site will drain to basin in addition roof lines will drain to dry wells.

Mr. Simoff questioned if bonds will be posted for common improvements and trees? Mr. Malman concurred. Mr. Simoff then suggested that the Resolution give the Borough's Tree Officer some desecration as to where to plant trees on the private properties. The Board strongly emphasized the importance that the Resolution ensure compliance with approved plans. Mr. Malman concurred and noted that the majority of the tree replacement is the result of the road construction and not the private homes.

Next, Mr. Brightly's June 22, 2011 letter was addressed by the applicant. Two issues remain to be determined:

- 1- Classification of detention basin
- 2- Will road be public, private or another option in combination with the swales. Mr Brightly and Mr Zimmerman have differences of opinions. Mr. Brightly prefer such improvements remain private. After some discussion the Board agreed that road, swales and basin be private.

Also, clarified is that Lot 6 in the R2 zone will be deed restricted to disallow development and no further subdivision. This will be private property and not belong to the proposed property association.

This concludes Mr. Kacera testimony. No further questions from the Board. Public questions:

David Greenebaum, 71 Douglass Avenue - What will be the average height of the replacement trees? Mr. G answered that it depends on the species of trees, but average range is 6-8 feet with a 3-.5" caliper. Along the road edge the replacement tree will average 16 feet.

What is the average size of trees being removed?

Mr. G did not have the information readily available, but Mr. Greenebaum commented that trees along roadway are over 70 feet and the average replacement will cause a dramatic change to the neighborhood.

Mr. Greenebaum suggested that the Board consider that no further tree action occur in the R2 zone in order to preserve existing dense forest. Ms. Thompson expressed that would preclude future property owner to apply for a farmland assessment with a forest management plan.

Ms. Sherry Frawley, Environmental Commission questioned if the deed restriction previously discussed pertained to Lot 6? Mr. Malman affirmed.

Brief discussion followed regarding the tree canopy on Lot 1. Per Shade Tree, 50% of the tree canopy on this lot can be removed. Also, for the purpose of determining Floor Area Ratio, the area of the R2 Zone on Lot 6 will be excluded.

Mr. David Peifer, New Jersey Environmental Commission - No questions, just acknowledged concern of proposed plantings within the conservation easements and the Pine tree stand in Lot # 6.

Mr. Malman responded that the easement has not yet been prepared, but will make certain plantings comply with NJDEP standards.

Mr. James Thorpe, 75 Douglass Avenue - Posed the following inquiries:

Will there be a fire access road?

Response - no additional roadway is plan and that proposed.

There are approximable 9 swamp oak trees in the field in excess of 70', will these be preserved?

Response - Will work w/ Municipal Tree Officials regarding tree management. Soil erosion and landscape plan will identify these trees to be protected perhaps install fencing around each tree to protect from damage during site work.

Earth removal concerns and impact to wetlands.

Response - Initially much of the soil removal will be for the road and cull de sac, however fill will be needed and should eliminate removal from site. Wetlands should not be effected.

Sherry Frawley, Bernardsville Environmental Commission - Has Somerset County approved the proposed drainage plans?

Response - yes

David Greenebaum, 71 Douglass Avenue - How many cubic yards of soil will be moved?

Response - Estimate not available tonight, however it will be a soil balance. There will be no import of soil and not certain about export for it depends on the construction of the home sites.

Will landscape architect testify?...It is strongly suggested.

Response - Not intended

There are no other questions from the Public,

Time is 9:30 PM

Board takes five minutes recess.

Time is 9:35 PM hearing resumes.

Next witness is called, Mr. Richard Jasatis, Hydro Geologist who has previously testified.

Mr. Jasatis began with a recap of previous testimony.

New and additional information submitted to the Board addressed the fault line that intersects Lot # 1, East to West. The significance of the rock on either side of the Fault indicates a difference in water yield. If a new well were sited on the other side of the detention basin on Lot # 1 water yield would be greater by perhaps 3 or more Gallons per minute.

Mr. Graham questioned if it would be wise to restrict irrigation given well yield? Rather water be solely for domestic use and Lot # 1 be deed restricted accordingly?

Discussion then ensued about well support for the fire cistern and need for additional well.

It was suggested to relocated proposed well on Lot # 1 closer to well site on Lot # 2 which could result in a lot line adjustment or run and easement. Mr. Malman stated that the applicant will consider these options.

Public Questions for the Witness.

David Greenebaum, 71 Douglass Avenue - Explained that when he purchased his home the well yield was 9 gallons per minute. Now the yield is 3.5 gallons per minute. On occasion during summer months the well ran dry. Suspected for reduction are the new homes built on Southfield. With these proposed sites and anticipated sizes of homes, it is likely there will be landscaping that needs to be watered and maintained?

What is the water quality test result?

Response - Favorable.

Sherry Frawley, Environmental Commission - How is the fire cistern to be filled?

Response - via well

Mr. Matthew Mulhall, PG, Consulting Geologist noted that the well tests should require additional data from neighbors within 500 feet for the proposed lots. These well yields should be considered for this development.

No other questions.

Public Comments:

Mr. David Greenebaum - 71 Douglass Avenue - Was sworn to testify. Offered Exhibit O1 which was marked and titled: Highlands Water Shed Map.

Mr. Greenebaum reported that the map indicated this project is within the Well Head Protection Area. All of Lot # 1 is within this area and significant portions of other Lots fall within the twelve year tier. In addition water recharge area shows little recharge for the locale.

Mr. David Pfeifer, Highlands Project Director, Association of New Jersey Environmental Commissions. Mr. Pfeifer acknowledged that Exhibit 01 is direct from the New Jersey Highlands Web Site, He then proceeded to explain the details of the map. This proposed development falls within the well head protection area for Twin Lakes Well, which is a strong production well. The Well Head tends to elongate along the fault area.. Mr. Pfeifer explained that a fault is not only a good transmitter of water, but pollutants. Therefore locating septic systems that leads to public wells should raise questions.

Time is 11:00 PM.

Motion to extend meeting to 11:15 PM - Ms. Paluck

Second: Mr. Simoff

Voice Vote: All members voted in the affirmative

Mr. Greenebaum, - Offered another Exhibit O2- New Jersey Highlands Septic System Yield. Marked on the map were proposed Lots showing each within long range areas.

Next Exhibit O3- Critical Wildlife: Mr. Greenebaum commented about the intensity of the Five Lots Developments to the area and effects to water, septic and wildlife.

Sherry Frawley, Environmental Commission - Reiterated the comments from the Commission and emphasized that Lot # 1 remain in natural state.

Hearing no other comments, Board agreed to proceed with a straw poll:

Ms. Roachat - Would like more information regarding well heads, particularly with information for those homes located on Southfield.

Mr. Re - Will approve

Ms. Kellogg - Also would like more information regarding well heads.

Mr. Simoff - Will approve, but will consider conditional approval given well locations.

Mr. Graham - Would approve and concur with Mr. Simoff

Ms. Foster - Want more information regarding well studies for Thorpe, Greenebaum and other neighboring properties.

Ms. Thompson - Concur with Messrs. Simoff and Graham

Ms. Paluck - Agrees with board concerns regarding well data.

In conclusion it was agreed that Mr. Hoffman begin to prepare Draft Resolution and applicant will explore relocation of well on Lot # 1 closer to Lot # 2 and gather additional well data.

Hearing carried to July 28 without further notice.

The time is 11:30 PM.

6. Report of the Subdivision & Site Plan Review Committee -
 Motion to adopt Committee Report: Ms. Foster
 Second: Ms. Paluck
 Voice Vote: All members present voted in the affirmative.
7. Report of the Evaluation Committee-
 Motion to adopt Committee Report: Ms. Foster
 Second: Ms. Thompson
 Voice Vote: All members present voted in the affirmative.
8. Old Business. - None
9. New Business: A. Payment of Vouchers
 Motion to pay the Bills, totaling \$ 7,544.50 - Ms. Foster
 Second: Ms. Paluck
 Roll Call: Aye - Graham, Simoff, Foster. Thompson, Paluck, Rochat, Kellogg and Re
 Nay - None

B. Discussion on need for work meeting (temporary signs, renewable energy)

10. Business of Visitors, Second Opportunity - No comment.
11. Adjourn to Executive Session, if necessary, to discuss pending litigation or personnel matters.
 No Executive Session
12. Reconvene; perform any relevant action as needed.
13. Adjournment of public meeting.
 Time is 11:45 PM
 Motion to adjourn: Ms. Foster
 Second: Ms. Paluck
 Voice Vote: All members present voted in the affirmative.

Respectfully submitted,

Teresa Lyons, Recording Secretary

keywords:minutes-planning-board-30-olcott-square-hampshire-companies-vandever-sheer-bluff-56-douglass-avenue

