

**PLANNING BOARD MEETING MINUTES  
MAY 2, 2002**

Chairman Christian Jensen called the Planning Board meeting of May 2, 2002 to order at 8:00 p.m. announcing that this meeting had been duly advertised according the Chapter 231, Open Public Meetings Act. The meeting took place at the Municipal Building in the courtroom.

**ROLL CALL**

Chairman Christian Jensen – Present	Robert Lawton – Present
Vice-Chairman Ken Wells – Present	William Pugh – Present
Secretary Edmund Wysocki – Present	John Gelardi – Present
Mayor Joseph Tricarico – Present.	Valerie Chaucer-Levine - Present
Committeeman Robert Mack (1) – Present	Lynn Winters Mineo (2) – Present
Marian Fenwick-Freeman – Present	

Also in attendance were Susan Rubright, Esq., representing the Board, Greg Fodale, Board Engineer, and Phyllis Semanchik, C.S.R.

**ACCEPTANCE OF MINUTES**

A motion to approve the minutes of March 14, 2002, as amended was made by Bill Pugh, seconded by Ed Wysocki. The minutes were approved by eligible Board members.

A motion to approve the minutes of April 4, 2002, as written, was made by Ed Wysocki, seconded by John Gelardi. The minutes were approved by eligible Board members.

A motion to approve the minutes of April 11, 2002, as written, was made by John Gelardi, seconded by Valerie Chaucer-Levine. The minutes were approved by eligible Board members.

**ACCEPTANCE OF RESOLUTIONS**

None

**CONSIDERATION OF ORDINANCES**

None

**PLANNING BOARD BUSINESS**

Nelson's Corner Lighting

Chairman Jensen explained to the Board that this request to increase the lighting at Nelson's Corner came to the Board late today. He questioned whether this request would have to be handled as an amended site plan. Attorney Rubright stated that she did not have time to review this request and did not have enough information to advise the Board this evening. Mr. Pugh stated that this has been an existing condition and he felt that this could wait another week.

Mr. Mack stated that he agreed that there is insufficient lighting in this area and it does pose a safety hazard.

Mr. Gelardi reported that, in consultation with Mr. Scarantino, the owner of the Nelson's Corner shopping center is willing to install additional lighting. All studies indicate that the lighting would have to be 24 foot in height instead of the 15 foot height that was originally approved along with an increase in wattage. This would give the area sufficient lighting so that it will no longer be unsafe. Mr. Scarantino is asking the Board to declare this a de minimus change and grant him, through a resolution, the ability to put in the 24 foot light poles.

Ms. Fenwick Freeman informed the Board that a sample of the lighting that would be installed is in place at this time. She suggested that members of the Board go to the site and see the lights in place.

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Attorney Rubright asked that Mr. Scarantino be present at the next meeting to explain this issue to the Board. Chairman Jensen stated that this needs to go through the proper process.

Mayor Tricarico made a motion to table this item until the next meeting pending further clarification of the legal issues and the engineering issues, seconded by Ken Wells and Bill Pugh.

Roll call:

Robert Lawton – yes  
Valerie Chaucer-Levine – yes  
Lynn Winters-Mineo – yes  
Ken Wells – yes  
Mayor Tricarico – yes  
Ed Wysocki – yes  
Bob Mack – yes  
Bill Pugh – yes  
John Gelardi – yes  
Marian Fenwick-Freeman – yes  
Chairman Jensen – yes

**SPECIAL COMMITTEE REPORTS**

None

**BUSINESS FROM THE FLOOR**

None

**APPLICATIONS**

**Duke Farms - #02-PB-5-MSR**

Mayor Tricarico recused himself from hearing this application since his professional office is within 200 foot of the proposed site.

Bill Bergman, Esq. attorney for the applicant, Patrick Lerch, Director of Properties for the Duke Foundation and and William Buzby, P.E. appeared and were sworn.

Mr. Bergman stated that this is an application for site plan approval and a lot line adjustment. They are asking for the ability to enhance the restroom facilities of the visitor's center of Duke Gardens in order to meet the current needs of the public and to make the facilities ADA accessible. The two properties involved are lots 3A and 3 in Block 49. Duke Gardens is located on Lot 3A which is approximately 11.3 acres. The present building housing the restroom facilities is located in a non-conforming position against the property line. The lot line adjustment is necessary since the proposed addition of restroom facilities would extend the rear of the building and cross the property line. This would bring the addition portion of the building into compliance with the setback requirements, rear and side, and will result in a reduction of the impervious surface.

Four waivers are requested:

- ◆ Building and Use Plan
- ◆ Natural Resources Plan
- ◆ Facilities Plan
- ◆ Surface Water Management Plan

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Mr. Bergman stated that there will be no conflict between this project and any wetlands or transition areas. In support of this, documentation will be submitted to the Planning Board and to the engineer's office.

The following exhibits were introduced:

- A-1 A presentation of the entire Duke properties which has been divided into various zones.
- A-2 A rendering of the existing visitor's center.
- A-3 A rendering of the existing visitor's center with the proposed addition to the rear.

Patrick Lerch, Director of Properties for the Duke Farms Foundation, gave the Board an overview of the Duke properties as depicted in Exhibit A-1. He explained that the Foundation took possession of the estate in 1999 and over the last several years they have evaluated the property, identified deficiencies in maintenance and infrastructure and made some improvements. He explained that the proposed addition consists of approximately 400 sq. ft. of corridor along the rear with attached modular restroom units. The units are placed on foundations and hooked up to utilities. The new septic system installed last year, which was approved by the Township, has sufficient capacity for this additional use.

Mr. Lerch explained future plans for the property. He stated that the Foundation is working on a master plan for the property with the goals of maintaining open space, restoring and preserving habitat, environmental and horticultural education and increasing public access and enjoyment.

William Buzby, P.E. introduced the following exhibits:

- A-4 View I for Duke Farms
- A-5 Area View for Duke Farms

Mr. Buzby stated that revising the lot line for Lot 3A will result in a 50 foot setback on both sides of the addition and a greater than 50 foot rear yard setback. It will also result in a reduction of impervious coverage.

Mr. Wysocki thanked the applicant for sharing their future plans for Duke Gardens with the Board.

Mr. Wells made a motion to open the meeting for public comment, seconded by John Gelardi. Having no public comment, Mr. Wells made a motion to close the public session, seconded by Ed Wysocki.

Greg Fodale, Board Engineer, stated that there are a few outstanding issues that need to be addressed.

- ◆ Additional calculations are needed to insure that the stormwater system will convey the minimum velocities as per ordinance.
- ◆ Any proposed landscaping and lighting should be addressed in the architectural plans and submitted for review.
- ◆ Calculations for the septic system should be submitted to CME for their review.

Mr. Wells stated that the Environmental Commission met with the applicant and they found no concerns or issues that need to be addressed.

Mr. Gelardi made a motion to waive protocol to approve the application at the first hearing, seconded by Ken Wells.

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Roll Call:

Ed. Wysocki - no  
Bob Lawton - no  
Marian Fenwick-Freeman - yes  
John Gelardi - yes  
Robert Mack - yes  
Ken Wells - yes  
Valerie Chaucer-Levine - yes  
Bill Pugh - abstain  
Chairman Jensen - abstain

Mr. Gelardi made a motion to approve the application subject to the conditions outlined by Mr. Fodale of CME in his report, seconded by Ken Wells.

Roll Call:

Bob Lawton - no  
Valerie Chaucer-Levine - no  
Ken Wells – yes  
Ed Wysocki - yes  
Bob Mack - yes  
Bill Pugh - no  
John Gelardi - yes  
Marian Fenwick-Freeman - yes  
Chairman Jensen - abstain

POLAK - #99-PB-36-MRV – Block 205, Lots 7A & 9

Mr. Wells asked to be excused since he was absent from the first hearing of the application on April 11<sup>th</sup>.

Robert Heibell, P.E. appeared on behalf of the applicant.

Mr. Heibell stated that there were three outstanding issues from the first meeting that have now been addressed:

1. Ownership of the property – Mr. Polak has furnished a letter to the Board stating that he is also the principal owner of J & P Sons Brickote.
2. Board of Health records have been checked regarding the existing septic system for Mr. Polak's house which is shown on the revised plan.
3. Mr. Polak agreed at the last hearing to dedicate the frontage of the property to Somerset County. The plans, along with the metes and bounds description, have been revised accordingly.

Since Mr. Scarantino has issued a letter stating that the applicant has met all of the prior conditions of the Board, Mr. Heibell asked that the application be approved.

Mr. Wells stated that the Environmental Commission had not reviewed the application. Mr. Wysocki made a motion to waive the Environmental Commission review of this application, seconded by Ms. Chaucer-Levine.

Roll call:

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Bob Lawton – no  
Ken Wells - abstain  
Bill Pugh - abstain  
Chairman Jensen - abstain  
Valerie Chaucer-Levine - yes  
Mayor Tricarico- yes  
Ed Wysocki - yes  
Robert Mack - yes  
John Gelardi - yes  
Marian Fenwick-Freeman - yes

Mr. Wysocki made a motion to approve the Polak subdivision application, seconded by Lynn Winters Mineo.

Bob Lawton – no  
Valerie Chaucer-Levine - yes  
Lynn Winters-Mineo - yes  
Ken Wells - abstain  
Mayor Tricarico – yes  
Ed Wysocki – yes  
Robert Mack – yes  
Bill Pugh – no  
John Gelardi – yes  
Marian Fenwick-Freeman – yes  
Chairman Jensen – no

Powers – File #02-PB-2-MR – Block 174A, Lot 29.01

Robert Foley, Esq., attorney for the applicant, John Powers, applicant and Christopher Melick, Professional Planner and Land Surveyor appeared and were sworn.

Mr. Powers stated that he purchased the farm property approximately ten years ago. Along with the two-story dwelling, there are several outbuildings and a barn on the property. The front acre was subdivided off the property approximately two years ago. He is now seeking another subdivision for a lot in the rear of the property. The barn is located on this portion of the property. The plans for the subdivision were marked as Exhibit A-1. When questioned about flooding in the area, Mr. Powers reported that he has never experienced flooding in this area and during Hurricane Floyd, the basement of the existing dwelling remained dry.

Greg Fodale of CME questioned the Applicant regarding the stream that is located on the property. Applicant reported that the stream has been in existence for about 40 years and is an undelineated tributary to the Royce Brook.

Christopher Melick, P.P. and Professional Land Surveyor reported the following:

- ◆ Property has frontage on East Mountain Road and meets frontage requirements.
- ◆ Property meets set back requirements.
- ◆ Property constrained environmentally with the stream that traverses the property.
- ◆ There are drainage and sanitary sewer easements on the property.
- ◆ There is a wetland buffer established with the first subdivision.
- ◆ The subdivision will not cause any disturbance to the lot with the existing dwelling.
- ◆ The rear portion is a flag lot and irregularly shaped
- ◆ There is an existing stone drive that services the existing dwelling and barn.

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Mr. Melick proposes to incorporate a driveway access easement and create a deed restriction that spells out the maintenance responsibilities which will be with the owner.

Variations requested:

- ◆ To extend the driveway to the back lot.
- ◆ To permit the barn to remain in the front yard.
- ◆ 3-acre minimum area for a flag lot (proposed area is 2.68 acres). Proofs to support this variance include:
  1. Due to the configuration of the lot, there is a substantial buffer area with vegetation.
  2. Surrounding area incorporates one acre lots.
  3. Unique characteristics due to the access coming off of East Mountain Road and the front of the house being toward Amwell Road.

It was reported that the net area of the existing lot after subdivision minus the wetlands, ponds and seasonal high water tables is 1.2 acres. Mr. Melick felt that since there is no proposed disturbance on the new lot, the testing for seasonal high water could be limited to lot 29.01.

Mr. Wells reported that the Applicant met with the Environmental Commission and requested a waiver from the EIS. The Commission has completed a site walk of the property and a report will be submitted before the Applicant returns to the Board. He also stated that the Environmental Commission felt that the waiver from the EIS should not be granted and a limited EIS should be submitted to the Environmental Commission so they could have a better look at the wetlands and also other environmental constraints on the property.

Greg Fodale of CME asked the applicant if the existing barn would be converted into a dwelling. The Mr. Melick reported that the Applicant would be willing to:

1. Convert existing barn to a dwelling
2. Remove the barn and construct a new dwelling
3. Leave the barn and construct a new dwelling.

The Applicant expressed a preference to #3.

Impervious coverage for the proposed lot with the new dwelling was reported to be 11% where 15% is allowed.

Mayor Tricarico stated that by the end of the year, there will be light at East Mountain Road and Amwell Road. He wanted to know if this would have any impact on this application.

The meeting was opened for public comment. Seeing none, Mr. Wysocki made a motion to continue to address engineering and environmental concerns and to have the Applicant return to the June 13, 2002 meeting, seconded by John Gelardi. All members agreed.

Easthill Partnership – File #02-PB-3-MJ (Informal) – Block 150, Lots 12D & 12E

Geoffrey Soriano, Esq. attorney for the applicant and Robert Heibell, P.E. Leonard Blumberg, Thomas O'Hara and TJ Ragsdale appeared.

Chairman Jensen reported that he had a professional association with Mr. Blumberg's son. The Board and Board attorney did not feel that this was a conflict of interest.

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Mr. Soriano reported that the subject property is owned by TJ and Erna Ragsdale. The Applicant is Easthill Partnership and this application before the Board is for a conceptual subdivision. The proposed cluster subdivision is for 16 single family building lots in addition to 3 open space lots. This proposal is in conjunction with an agreement reached in 1988 between Hillsborough Township and Mr. Ragsdale which started with the Township's effort to condemn a portion of lot 12E that has frontage along Triangle Road to create the widened ROW for Triangle Road. The condemnation action was filed in 1987, an agreement was reached in 1988 which was memorialized in a recorded deed whereby Mr. & Mrs. Ragsdale conveyed the dedicated area along Triangle Road to the Township. The applicant had appeared in July of 1988 before the Planning Board to address a prospective subdivision application and it was memorialized in the deed that the maximum allowable density in that subdivision, which was approved by the Planning Board, would be 16 building lots.

Mr. Heibell gave the Board an overview of the project. He stated that a few years ago, Mr. Ragsdale signed a contract with Easthill Partnership. An Environmental Consultant, J. H. Crowe, was hired to delineate the wetlands and an LOI was received.

Mr. Heibell explained their proposals regarding access to the property. He explained that Wyckoff Way currently terminates at the northerly juncture of the property and it was intended to go through for access to the property. Another proposal would be to have direct access to the 16 lots by cutting a hole in the island with a left turn slot and having the access directly off of Triangle Road. The plan shows an access easement going from that point to Wyckoff Way.

Mr. Heibell addressed the issue of wetlands and stated that the area in the rear of the property comprising approximately 6.3 acres is environmentally constrained. The 2 acres in the front is shown on the plan as a stormwater detention basin. In reviewing the historic files in the Township offices, he noted that this property was taken into account when the detention basin, currently on Township property, was designed; therefore, there is a good possibility that they would not have to build a detention basin on the property. The entire property is within the drainage basin area of the existing stormwater detention basin. The basin will be analyzed in accordance with today's standards to determine if it is adequate for this project.

Mr. Heibell stated that the application does comply with the current zoning requirements in that all of the lots meet all of the bulk requirements. Ms. Rubright had concerns about the application meeting the current zoning standards and asked for further clarification from the Applicant's attorney. Mr. Soriano stated that the zone standards were the same in 1988 as they are at present. The only difference would be the requirement that the Applicant provide a conventional plan as well; however, a variance could be requested.

Mr. Heibell summed up by stating his issues at this time.

1. The issue of the 16 lots and density approved in 1988
2. The traffic pattern and whether the Board wishes to extend Wyckoff Way.

Chairman Jensen asked for further documentation verifying the condemnation and consent order. Exhibit A-1 was introduced which was a copy of the Planning Board meeting minutes of July 14, 1988 stating that the Board approved the 16 lot subdivision. Mr. Soriano will do additional research and produce documents to support the order or judgment.

**CORRESPONDENCE**

None

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Chairman Jensen asked the Board to consider a discussion of escrow fees at a future meeting due to the fact that the fees, at present, are not sufficient to cover current costs.

**ADJOURNMENT**

The meeting adjourned at 10:50 p.m.

Submitted by,

Darlene Reed  
Planning Board Clerk