

**TOWNSHIP OF ROBBINSVILLE PLANNING BOARD MEETING
TOWNSHIP OF ROBBINSVILLE, MERCER COUNTY, NJ
WEDNESDAY, JUNE 18, 2008 7:00 P.M.**

MINUTES

Present: Chair McGowan, Ms. Caffrey (arrived at 7:20 p.m. and left at 8:45 p.m.), Mr. Cettina, Mr. Lesniak (left at 8:45 p.m.), Mr. Lasky, Ms. Burns and Mrs. Van Nest

Absent: Ms. Fett, Ms. Breyta, Mr. Calcagno, and Ms. Ward

Also Present: John West, Township Engineer; Mr. Dasti, Board Attorney; Ms. Post, Board Secretary; and Ms. Persicketti, Recording Secretary

Roll call for the above Board members was called and the Flag Salute took place.

“Adequate notice of this meeting has been provided as required under Chapter 231 P.L. 1975 specifying the time and place with such notice as being set to the *Times of Trenton* and the *Messenger Press* and posted in the Municipal Building Public notice meeting bulletin board.”

Correspondence

A letter was sent from Matrix regarding a request for extension of time for PB03-11-05 until December 31, 2008 due to the fact that Matrix needed additional time to resolve various business issues associated with this application.

Board Comments

No Board comments were given.

Planning Update

Mr. West said there is a lot of activity. Planning Board applications came in for July and August. Meadowbrook Park will be underway within the next few weeks and be in place. Washington Boulevard has been completed. Gordon Road and Circle Drive plans are in the process of being redone.

Public Comment

A motion was made to open the meeting to the public by Mrs. Van Nest and seconded by Mr. Lesniak at 7:11 p.m. All in favor. No public came forward; therefore, a motion was made to close the public portion by Mr. Lasky and seconded by Mr. Lesniak at 7:12 p.m. All in favor.

BUSINESS TO DISCUSS

Ordinance Amending Chapter 142-104 & 105 – Residential Development Fees and Nonresidential Fees – Review & Recommendation

Mr. West stated that the ordinance amends the development fees for Affordable Housing for residential from 1% to 1½ % and for non-residential from 2% to 3%, the assessed value, which is in line with the current COAH guidelines. There is an outstanding bill to cap at 2% for residential, which has not been approved. Therefore, the town is recommending 3%, and if it needs to be amended, the town will make the change.

A motion was made by Ms. Burns to recommend Ordinance Amending Chapter 142-104 & 105 to Township Council for adoption and Mr. Cettina seconded the motion.

ROLL CALL:

AYES: Lasky, Lesniak, Van Nest, Burns, Cettina and McGowan

NAYS: None

There being six (6) "AYE" votes, the ordinance would be recommended to Council for adoption.

RESOLUTIONS

Chair McGowan indicated that three resolutions were being pulled.

- **PB2008-06 - Thompson Realty Co., of Princeton, Inc.** – Approval of a Minor Subdivision and Preliminary/Final Site Plan
- **PB2008-07 – Thompson Realty Co. of Princeton, LLC** – Approval of an Amended Preliminary Site Plan;
- **PB2008-09 – Matrix 7A Land Development Venture, LLC** – Approval of a Preliminary/Final Site Plan & Amended Preliminary/Final Major Subdivision.

PB2008-08 – KTR Capital Partners, LLC – Approval of an Amended GDP & Preliminary/Final Site Plan. Eligible to Vote: Cettina, Van Nest and McGowan.

A motion was made by Mr. Cettina to approve PB2008-08 KTR Capital Partners and seconded by Mrs. Van Nest.

ROLL CALL:

AYES: Cettina, Van Nest and McGowan

NAYS: None

There being three (3) "AYE" votes, PB2008-08 was adopted.

Application PB08-02-01 – JAMM Realty Corp.

"S/K Distribution Center @ 7A"

Block 41, Lots 15.01, 15.02 and 15.03

Gordon Road

Zoning: PCD

Preliminary/Final Site Plan, Bulk Variances and Minor Subdivision – Public Hearing Continued from 04/16/08

Tom Letizia, Esq., represented the applicant with respect to the above-captioned matter. Mr. Letizia stated that the matter is a continuation of a hearing, which began on April 16, 2008, which was carried and not re-noticed. The applicant presented their entire case at the April 16, 2008 meeting and public comment began. A few issues remained open. One issue dealt with the inter-connector road to link the application with the Matrix development. Import/export of fill

also remained open. A waiver/variance was sought to permit an excess of fill to be brought into the site. The applicant found a way to balance the site. Therefore, no fill would be needed. The traffic impact would also be addressed.

Peter Strong, Engineer (previously sworn) said that the 60-acre property was subdivided into two lots and the plan was to build two small office areas and a warehouse/storage to the west. The Fire Chief had concerns with respect to connecting the inter-connecting roadway (industrial Park, 7A, West Manor Way and Old York Road). Also, a concern was expressed in relation to circulation in the individual parking lots. The applicant prepared a revised plan **Exhibit A-5 – Overlay of the Southern Portion of the Site**, dated June 18, 2008 (inter-connecting driveway provided) was marked into evidence. The parking area was revised and as a result of the realignment, four parking spaces were lost.

Mr. West wanted to know if the applicant came to a conclusion with the Fire Chief's request to know the material (to surface the driveways – concrete, stone, etc.). Mr. Strong said that he will have to come up with the material. It could be concrete grids similar to McMaster Carr. An agreement will be reached.

Gary Dean, Licensed Engineer (Traffic) was sworn in by Mr. Dasti and cited his credentials to the Board. Mr. Dean addressed two issues: inter-connector road and ramp – Robbinsville-Allentown Road. Emergency vehicle response can access the entire site. **Exhibit A-6 – NJ Dot As Built** - (intersection of 195 eastbound and County Route 526). Ramp DA ties into 195. Peak hours in the a.m. would be 24 vehicles.

Tom Gough of JAMM Realty discussed the fill issue (9,000 cubic yards). Mr. Gough brought two analyses with him and the contractors stated that no soil would need to be imported. Any surplus soil generated from construction will be added to the berm to balance the site.

Planning Board members present at the first hearing and eligible to vote on the above application PB08-02-01 – JAMM Realty Corp. were: Caffrey, Breyta, Lasky, Lesniak, Burns, Cettina, Van Nest and McGowan.

At 7:45 p.m., a motion was made to open the meeting to the public by Cettina and seconded by Mr. Lesniak. All Board members were in favor.

Tim Lynch, Gordon Road said that his neighbor (Sam Muro) is at a funeral and was not present to present his position. My. Lynch had a noise concern and parking issue because he lives across the street. Trucks load all night long and the noise level would not drop down even with a berm to .65 decibels. He has an 18 foot deep well on his property and has a run-off concern. The berm height will be 10 to 12 feet high per the applicant.

The applicant will place a time restriction on the off-hour parking. Mr. West indicated that the hours for construction would be 7:00 a.m. to 6:00 p.m. (Monday thru Friday) and 8:00 a.m. to 4:00 p.m. (Saturday and Sunday) and these hours will be used for the truck off-hour parking.

Sam Pierzhanowski, Old York Road, said that at the last meeting the “green” of the building was discussed. He would like for the operation to take place. Signage should be installed stating, “be

courteous to the residents, neighborhoods and families”. No fast acceleration should be permitted and be courteous and be aware of the surrounding neighborhood per Mr. Pierzhanowski.

Frank Damico, Walters Road, owns a nursery. Mr. Damico stated that he attended the last meeting. The thistle is a problem and should be mowed short in the berms. Specifically, mowing should occur three times per summer. The berm should be sprayed one time and rid the insects. Pallets and parking materials will not be stored outside. Matrix stated that there would be no storage outside of their building. Mr. West replied that the Township ordinance does not allow for any outside storage. If there is a fence in the future, they should connect.

Mr. West said that he does not want the berms maintained because if it is mowed, you won't get the density. The Levitz berm is dense and beautiful.

Mr. Damico stated that his biggest concern is contaminates on site. A Phase 1 study was completed. Elevated levels of arsenic were discovered on site. A Notice of Deficiency from DEP requested 15 more sites be done. Mr. Damico received a copy of a letter from DEP stating that Phase I (preliminary) had arsenic. NOTE: Mr. Damico provided a copy of the letter to the Planning Board at the meeting. The Planning Board and Planning Board Attorney Dasti had no previous knowledge of the arsenic matter.

Joseph Alexis, 441 Gordon Road, indicated that arsenic is a concern to him and agrees with the above concerns addressed by his neighbor, Mr. Damico. He has a shallow well on his property and has small children. Please keep in mind that there are families living across the street from this project.

Diane Mains, Gordon Road, said that she is concerned with the high levels of arsenic in the soil adjacent to her home. Her daughter was born premature and spent six months in the hospital on life support for four of those months. She received oxygen until the age of two. She is currently achieving her level of oxygen and is under doctor's care. Research found that arsenic lowers IQ scores, causes lung irritation and harms children more than adults. Her daughter's lungs are already damaged. Any additional irritations will have a major impact on her well-being and her health. She is currently pregnant, carrying twins, and inhaling arsenic would be ingested by her unborn children, which can cause damage to the unborn fetuses. Her doctors at the Children's Hospital in Philadelphia are concerned with the quality of the air and who will be monitoring the air control. Mrs. Mains home is located directly across from the site. There is a constant continuous breeze. She is concerned with all of the issues raised above. She is concerned with the time frame of moving the soil and the effect on her children's and neighbors' health.

Mr. West commented on the above arsenic issue and stated that the arsenic is from the farming activity. DEP does have methods for handling the arsenic and the soil. This is controlled by DEP. The applicant needs DEP permits for the application.

The applicant is extending the city water down Gordon Road across the frontage. Therefore, the residents will hook up to city water and have no issues with the shallow wells and contamination in the wells from the farming activity.

The applicant responded that subsequent testing was done on site. Phase II delineated the levels of arsenic (90 cubic yards of arsenic out of the total 60 acres affect the site and will be removed from the site.). Mr. Dasti would like to see the results of Phase I.

Mr. Gough said that he can supply the Phase 1 to the Board.

Mr. Lynch asked about the arsenic issue at the previous meeting because he was told that there was some on the site and feels he was misinformed at the last meeting (did not state who misguided him).

A motion was made to close the public portion of the meeting by Ms. Burns and seconded by Mr. Lasky at 8:25 p.m.

Chair McGowan stated that Phase I brings up additional questions and concerns. Phase I was conducted in 1997/1998. Phase II was conducted within the last two years. Phase II was more specific in delineating where the arsenic is located.

Chair McGowan was very disturbed as to why the arsenic matter was not brought up by the applicant or Mr. Letizia. No materials were given to the Board when the question previously arose. Mr. Gough replied and stated that he just recently had conversations and received comments with the environmental engineer. The applicant knew of the report's existence per Mr. Gough and Mr. Letizia.

Mrs. Caffrey stated that the fact that there was arsenic on the site from farming activity hot spots, in and of itself, is not unusual. The fact that the Planning Board was not told about it is very disturbing. If the arsenic was brought to the Board's attention earlier, the Board may have found it not to be a big deal because it is consistent with the activity in the area. The applicant's proposal to resolve the arsenic matter has not been approved by DEP. Phase I was not submitted to the Township's Environmental Commission. Ms. Caffrey felt that this information should have been revealed and submitted. Mr. West was in agreement. The checklist submitted was deemed complete per Mr. Dasti. However, the fill issue was pointed out at the last hearing, and the arsenic matter should have been presented at the last hearing. Chair McGowan feels uncomfortable voting on this matter. Mr. Letizia said the application was deemed complete. Mr. Dasti responded that the application was deemed complete because the applicant did not reveal the arsenic information. Phase I Report (1998) is ten (10) years old and was not disclosed to the Board. (The report was a previous person's report; therefore, the applicant did not disclose it.) Mr. Letizia said that the applicant is not trying to hide anything and will provide the information to the Board. Chair McGowan would like for the Environmental Commission to look at the report and make their comments.

The applicant is not the owner of the property. Mr. Letizia did not feel that the arsenic matter should reflect whether they are granted site plan approval because it is DEP regulated. Mr. Dasti feels that the Board was not provided with any documentation, which should have been provided to the Board up front.

At this time, Chair McGowan wanted to extend the approval for sixty (60) days pending receipt of the report, pending the Environmental Commission reviewing them. No one knows how long it will take for DEP's response to come in.

Mr. Letitiza wanted clarification as to which reports need to be submitted. He said that the applicant needs to supply all environmental reports in their possession which then needs to be reviewed by the Township Environmental Commission.

Chair McGowan said that she would like to postpone the meeting to August of 2008, pending the Environmental Review Commission and pending receipt by DEP of the proposal. The deadline for taking action on the application will be July 4, 2008 and Chair McGowan asked the applicant to extend the deadline to August of 2008. Chair McGowan's concern was that the two reports existed (Phase I – ten years ago and Phase II – two years ago). On the township checklist it was an N/A and the applicant is denying them, so the Board had no idea that these two reports existed. In sum, the checklist was not completed accurate. Therefore, Chair McGowan wants the checklist to be completed and the Environmental Commission's review prior to the Board taking any type of action.

The applicant agreed to the new date set by the Board to be August 20, 2008 and carry the application to that date. There will be no new notice. By that date, the Board should have received copies of all of the reports for their review.

A motion was made by Ms. Caffrey to carry PB08-02-01 – JAMM Realty Corp., "S/K Distribution Center @ 7A to August 20, 2008 and seconded by Ms. Burns. All Board members agreed.

ROLL CALL:

AYES: Caffrey, Lasky, Lesniak, Van Nest, Burns, Cettina and McGowan

NAYS: None

There being seven (7) "AYE" votes, PB08-02-01 – JAMM Realty Corp., "S/K Distribution Center @ 7A was carried to August 20, 2008.

At this time, the Board took a brief recess and reconvened. (Mr. Lesniak and Ms. Caffrey left at 8:45 p.m.)

Application PB07-03-04 – Princeton Research Lands, Inc.

"Cubberly Subdivision"

Block 5, Lots 1, 2, 2.03, 3 & 76

Corner of Line Road & Robbinsville –Edinburg Road

Zoning: RR

Preliminary Major (Cluster) Subdivision – Public Hearing

The applicant is seeking approval of a preliminary major (cluster) subdivision to subdivide 152.19 acres of land into forty-eight (48) single family lots, one (1) farmstead lot and one (1) open space lot.

Archie Reid appeared on behalf of the applicant. This application is for the subdivision of five lots located on the corner of Line Road and Robbinsville-Edinburg Road. The Township has

made an offer to purchase the property for open space. There is a resolution for condemnation and/or purchase. The applicant has decided to proceed with the application in case the negotiations fail or are withdrawn. There is a good possibility that this project will not be constructed.

Martin Katz, Land Surveyor, was sworn and said that the 5 lots are in the RR Zone and slightly less than 153 acres. Most of the tract is currently farmed and 10% of the land is wooded. In addition, 9 acres are wetlands, which have been delineated. There are existing homes around the property. The property drains to the east and west and a small portion to the east towards Robbinsville-Edinburg Road. The lot yield is 49 lots (2 acres or more) and is all conforming. Forty-eights are proposed between 36,000 s.f. and 60,000 s.f. The north end of the property, a 51½ acre farm lot is being proposed with one dwelling. There will be under 44 acres of open space and will be used for storm water management with wet ponds. An eight foot wide bike path is being proposed leading to the open space area. All homes will be served by septic system and public water. All soil tests were performed and approved by the Health Department. One access point is being proposed with a cul-de-sac and loop road. A right-of-way and pedestrian path leading to the ball fields is proposed. There will be a pedestrian path to the back of the high school. The pathway will be through the open space.

Mr. West that the LOI letter made reference to vernal which is generally found in the Spring time, where frogs, mosquitoes and animals breed - habitat meaning that on the applicant's conditional yield plan, there are a few isolated areas of wetlands and the LOI letter said that there is potential for vernal habitat in the three isolated areas. All the lots have to be two (2) acres and are free of wetlands.

Geoffrey Brown was sworn in and testified as a planner. The drainage from 1/3 of the site (north easterly portion) will drain to the wetlands basin. The rest of the drainage will be piped to a wet pond (4 feet deep) and will discharge into the wetlands on an adjoining lot and will meet the storm water regulations.

Two variances were required: (1) setbacks from Robbinsville-Edinburg Road – (two lots) keep the houses aligned; (2) buffer requirement – requesting partial variance. The buffer needs to be eliminated on Robbinsville-Edinburg Road because the new lots will be incorporated and have similar lots to the existing lots, which front on the road and have a continuation to look the same. Mr. West said that he would compromise with the applicant in that he does not want a berm, but would like landscaping with more than just a row of street trees. He indicated that the berm is not consistent with the neighborhood; (2) second variance was for the maximum lot size permitted in the cluster for the 52-acre lot on the western end of the property. The applicant wanted to keep the lot as an agricultural lot and allow one home on the lot. Therefore, the applicant is proposing that the 49th lot be a 54 acre lot and limited to having one house on it and the home be similar to the cluster lot size homes. The open space provided will be owned by the Home Owner's Association and will meet the cluster standards. The lot would be farmland preserved. **Exhibit A-1 Colored Version of the Site Plan** dated June 18, 2008 and **Exhibit A-2 – Conventional Subdivision Overall Plan** dated March 18, 2007 and revised on April 10, 2008 (not signed) were marked into evidence. The applicant proposed a 3 acre exception area (moveable) to be deed restricted for the farmstead. It makes sense to have a well there.

The applicant stated that the site would be balanced with respect to the fill issue. A waiver would be needed for changing the grade by more than 3 feet per Mr. West. The applicant will put in walkout basements for Lots 15-24. The tot lot will be 200 feet long and 100 feet wide. The area behind the tot lot will be regraded and be a grassed area.

Chair McGowan indicated that the Environmental Commission asked for additional time to review the documents and comments will be forth coming, which was requested in 2007. An Environmental Impact Statement was completed per the applicant and submitted to the Environmental Commission per Mr. Reid. This matter will be deferred to final.

Also, the Township's Construction Official had a concern with respect to the water table issue. Mr. Brown stated that a water table elevation was conducted on each of the lots, which are all above the seasonal high water table. The wet pond lake will have a fence around it and the dept is 4 feet. Every home will have a sump pump. Mrs. Van Nest would like for the applicant to think about "green building", which cannot be a requirement. The applicant said that the resolution could reflect such upon the buyer.

Per the Remington Vernick memorandum, the applicant has to submit a document that provides for the maintenance of the basin. Per Mr. West, estimates are to be provided as to what the project would cost.

The applicant agreed with all the conditions outlined in the review memorandums except the reforestation requirement and another matter. The ordinance requires that 20% of the site be reforested and the applicant will provide 10 percent. The waiver for this issue will not be granted and the issue will be deferred to final. The applicant also disagrees with Remington & Vernick's memorandum, page 6, number 7 regarding the abandonment of the cul-de-sac. The applicant does not want it abandoned and Mr. West agrees because there is no need to extend the street to the school. Also, on page 17, 15b – drainage - replace the anti-seep collars (pipes) with filters is recommended. Mr. West said that the applicant will work out this matter with Remington & Vernick. If the matter cannot be worked out, the issue will be addressed at final.

There is a request for the RSI waiver because on the boulevard there will be two 18 foot lanes and they are exceeding the requirement. The turning radius for the cul-de-sc for the emergency vehicles will be accommodated and no islands are proposed.

A motion was made to open the meeting to the public by Ms. Burns and seconded by Mr. Cettina. All in favor.

Elizabeth Pizza, 189 Robbinsville-Edinburg Road, said that she had a septic system question and the lot size vs. the septic system requirement because the lots are close together. Mr. West responded by stating that the minimum lot size is designed to handle the septic system for the large houses which are built. The overall for the entire 150 acres are clustered down and the lot size is sufficient to handle the septic system. This area is not in the sewer service area which is governed by DEP and they discourage extension of sewer lines into other areas. Buckley Lane and some lots along Route 526 will be included in the sewer service area, but it does not mean that it will be available. If we can extend the sewer lines there, you will be allowed to hook up.

Chris Potter, 141 Line Road, said that he was under the impression that some of the space was reserved green space. He was misinformed, but farmland is being proposed next to his property. He is for the green space.

Greg Ziliani, 137 Line Road, indicated that he encourages the town to make everything all green.

Mr. Dasti stated that the Board has not commented on the application and, therefore, PB07-03-04 –Princeton Research Lands, Inc. “Cubberly Subdivision” needs to be carried.

PB07-03-04 – Princeton Research Lands, Inc., “Cubberly Subdivision” will be carried to June 25, 2008 and the public session will not be closed. No public notice will be sent. A motion was made to carry PB07-03-04 – Princeton Research Lands, Inc., “Cubberly Subdivision” to June 25, 2008 as stated above by Mr. Cettina and seconded by Mrs. Van Nest. All Board members were in favor.

The Master Plan Reexamination will be placed on the June 25, 2008 agenda also per Chair McGowan.

A motion was made to adjourn the meeting by Ms. Burns and seconded by Mr. Cettina. All Board members were in favor. Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Phyllis Persicketti
Recording Secretary

ADOPTED: JULY 16, 2008