

BOROUGH OF SPOTSWOOD
77 Summerhill Road
Spotswood, New Jersey

Planning Board
July 17, 2018
7:30 PM

The regular meeting of the Planning Board of the Borough of Spotswood was called to order by Charles McCook at the Spotswood Municipal Building, 77 Summerhill Road, Spotswood, NJ.

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in the new schedule of meetings of the Spotswood Planning Board on December 20, 2017. The new schedule was transmitted to The Home News Tribune and the East Brunswick Sentinel; it was filed with the Clerk of the Borough of Spotswood and posted in the Spotswood Municipal Building, 77 Summerhill Road, Spotswood, NJ.

The following Planning Board Members and Professionals were present at the meeting:

Business Administrator Dawn McDonald, Councilman Curtis Stollen, Charles McCook, Larry Kraemer, James Farley, Charlie Catania, Daniel Auciello, Andy Mashanski, James Kinneally, Esq., Bruce M. Koch, P.P., P.E, C.M.E.

The following Planning Board Members and Professionals were absent from the meeting:

Vincent Davis, Mayor Edward Seely, Mark Koppel

Note: There are three alternate positions (#2, #3 & #4) vacant on the Board roster.

APPLICATIONS

HERITAGE OF SPOTSWOOD

Dora Avenue
Block 94, Lot 11

Mr. Walter Toto addresses Board on behalf of applicant Roger Mumford Homes LLC and reiterates why he is before the board again. He states that he is here for a preliminary and final major subdivision approval of 22 single family lots and there are no variances requested with this application. Mr. Toto wishes to present the application a little bit different beginning with a power point presentation, but before that the developer Roger Mumford would like to make some introductory remarks, the power point presentation, Sharif Aly from Ameritech Engineering who is the project engineer, John Rose their traffic consultant and Roy DeBoer may testify as landscaper/developer and Roger Mumford will discuss more about the site.

Roger Mumford is sworn in by James Kinneally. Roger Mumford starts with the name of his previous company Matzel & Mumford and that they have built up 75 developments in NJ with a good reputation and are professional people. Explains about working with Code enforcement officials and having a good relationship with them along with members of the community, building different types of housing his company builds and how they vary from 20 years ago according to family structure today.

Sharif Aly is sworn in by James Kinneally. Mr. McCook asks members of the community who cannot see the power point presentation to move their seats and ask if the lights can be dimmed.

Mr. Toto asks Mr. Aly if he is a licensed engineer and how long he's been licensed in the state of NJ he responds since "1989". He is accepted as an expert witness states James Kinneally. Mr. Toto asks Mr. Aly to explain the engineering aspect of the development. Mr. Toto presents hard copy of the power point presentation and it is accepted as exhibit A1 and tagged with the date of 7/17/18. Mr. McCook asks for more hard copies for the Board. Any extras are distributed to the public. Mr. Aly makes sure during presentation that everyone is aware of the sight which is located at the intersection of McKinley and Dora Avenues on the Northwest Quadrant. It is located on the West side of Main Street and the railroad track. There are a few residential streets in the area Dora, McKinley, Sidney and Karen Street to the west. This is the last vacant wooded area located in the R10 zone. Site on Spotswood tax map shows it as Lot 11 Block 94(sheet 30) and it is about 12.2 acres. Lot 12 which to the South which consists of the park which is a wooded vacant lot and not part of the project. There are some trails, storm pipes located in the back of the tree lined area that is traverse from the sight from North to the South as well as West to East most of them are trunk lined carrying off the run-off and the pipes just keep running until they hit Main Street. Main water way will be the Matchaponix Water Bay. The area also has a grey area which is considered wet lands area which by the State is considered sand with a 50' buffer. It is not an exceptional wetlands with 150-300ft it is standard typical of a wooded area. Topography on site is moderate if you walk the site you will see no change in the elevation. Runoff comes from the downstream at the top of Karen Street gets intercepted by the storm drains that are on site. Someone from the audience interjects asking for a pointer to be used. Homes to be built are in the R10 zone and compatible with the homes that already exist on Dora Avenue matching size. Mr. Aly states that this is a 22 lot subdivision which tends to be a typical residential cul-de-sac. Location to be Sidney running North to South and McKinley running East to West. It is at typical cul-de-sac with 5 homes located on Dora Avenue and 17 located on the inside. Geometry of the road way meets the residential site improvement. It is variance free and within 100% compliance. They have 2 detention basins in open space area which will be controlled by the homeowners' association 39% total tract and 61% is allocated to the future residences. Maintaining this area is strictly enforced by the homeowners association. Mr. Toto asks, "How will the storm water management affect the neighbors to the East?" He states that they meet the requirements for the State of New Jersey. It will dump water into the collectors and all runoff will run into the site the excess runoff comes from Janice Drive and Karen Streets and Dora Avenue come into the site and lot 12. Mr. Mumford stands and interrupts and states that he is not an engineer he has never had a neighbor with a drainage issue. He explains that in a vast majority of the site the trees are going the trees will be replanted. Cuts and fills will be in place where the home will sit higher than the streets. Water will be contoured to go into the street and will end up in either two storm water basins. Water cannot be

distributed off the site that why engineers are hired to check storm water management. Mr. Aly continues states he speaks toward the rules and regulations. Mr. Farley asks "If that is being fed by the other neighbors on the outside perimeter?" Mr. Aly states that the area goes into basins and the answer is "yes". There is really no basin it is really considered just wetlands which is regulated by the State. All the catch basins will be underground and travel through the downstream pipes. We will be exceeding all aspects with public sewer and water along with constructing one side of the street parking along with 2 car garages and 2 car drive way. There will only be 1 access road. Lighting will be typical of PSE&G or JCP&L typical residential lighting dim with no overspill. There will be a 40ft turning radius into cul-de-sac to accommodate emergency vehicles. Landscaping ordinance requires street trees every 50ft 2 trees in front of each lot, trees also proposed behind in the back of each property. Homeowner association to plant trees around each of the basins. Mr. Aly speaks of a split rail fences around each basin which is a wire mesh that will stop garbage from entering the basin.

Mr. Mumford explains the need for Homeowners Association. Mr. Mumford shows pictures of the homes being built also explains the designs of the home along with sizes and the building material used. Homes will have basement and slabs.

Mr. Toto explains that Frank Miskovich, PE (traffic engineer) is on vacation and he is bringing in John Rea who is sworn in by Mr. Kinneally. Mr. Toto asks Mr. Rea to explain the traffic study, reviewed site plan and traffic report. Traffic counts were conducted on week days when traffic is at the highest levels. Capacity analysis was done and it was graded at a level of service C which is acceptable. Traffic study was held during peak hours of 7am-8am and 4:45pm to 5:45pm during the week. It is an acceptable situation. Required parking spaces for a single family home is 2.5 spaces per unit which needs to be complied with (2 garage & 2 driveway =3.5 space available). Because there will be a 28' roadway parking will only be allowed on one side of the street which will be agreed upon. Mr. Koch addresses Mr. Toto about a question for Mr. Rea regarding traffic pattern. Primary concern in regarding traffic patterns @ Victoria and East Main Street how to improve more traffic and less negative interaction because of the setback of these streets. An aerial map is shown discussing the options of putting up stop signs, stop bars and double yellow line will enhance traffic safety. Mr. Koch asks if these are improvements that Mr. Mumford is willing to make and he agrees with a "yes" response.

Mr. Koch goes over his report comment by comment dated on June 14. Item #1 is deemed complete and Mr. Toto agrees with all of the conditions laid out before him from Mr. Koch's report. Mr. Toto agrees to submit a letter with all the upgrades and required improvements to be made to site regarding improvements. Footprint and lot coverage condition in approval max 20% Mr. Toto states that they are at 19.9%. Talk of encroachments-discuss new property line. There is a 27" pipe easement from Kimberly Clark it is a non-exclusive easement, private easement by chain of title will assume when purchased from SWM. Mr. Aly explains item #11 in Mr. Koch's report about design detail and will it be a deminimus exception? Mr. Aly shows where the area is by power point presentation and explains throughout development grass between sidewalk and road closer to wet lands with no buffer on side with only houses on one side (cannot be heard clearly). Mr. Koch asks Mr. Aly about outer perimeter parking on the roadway and Mr. Aly agrees but Mr. Koch explains that signs will not be able to be posted because signs will be in sidewalk. Mr. Aly states that signs will then be behind the sidewalk and Mr. Koch agrees as

long as it is shown in a revised drawing. Mr. Mumford wants to know how many there will be because too many would look unattractive Mr. Koch states that he would either have to get in touch with his office or the Spotswood Police Department to figure that out. Mr. Aly agrees. Cross Section needs more discussion if applicant is approved. Potable water and sanitary sewer a discussion about a 20in water main had taken place and a water system design report was generated from applicant. Field and flow and static testing needed to be done an outside independent company was hired to perform tests a few months ago to open fire hydrant. Mr. Aly claims that the Borough was contacted a few months ago with no response. Mr. Koch states that DPW director did get in touch with him and he stated that testing was ok as long as he knew the time of day and who would be conducting test and making sure it was handled properly. Mr. Koch was also concerned about the weather at the time. Mr. Aly states he will reach out to the company again to revisit the matter. Report to reflect re-run condition.

Mr. DeBoer is sworn in by Mr. Kinneally. Mr. DeBoer is a licensed planner and architect to explain about the tree issue. Applicants view differs with the ordinance requirements and how to establish # of trees which would need a site wide analysis. Mr. Toto wants to discuss with Council Mr. Koch interjects with, "not the council, just the borough attorney. Mr. Toto is seeking recommendation for a proposal and will appear before council and request formal waiver seeking mitigation. Mr. DeBoer explains the proposal to not remove all trees and only specific areas for Code version which is a 10,000sqft sample and that the area has specimen trees (which are preserved). The amount of trees that would need to be replaced is 514 the ordinance states that they could supply tree or charge \$150.00 per tree which is approximately 1300 trees per ordinance so the amount of money would be \$200,000. Mr. DeBoer is asking for a different consideration there are 2 issues: analysis method or sampling method both are used to calculate the number. Mr. Kinneally states that he believes that this would be a Borough Council, and Mayor issue not a planning and zoning issue any money would be paid to the Borough not to the planning and zoning board. Mr. McCook states that he believes they are bound by what the ordinance says that they are looking for some sort deduction or credit. Mr. Toto doesn't disagree he would like ordinance worded differently. Mr. DeBoer thinks ita a penalty for removing trees and Mr. McCook states that it's not a penalty and Mr. Stollen states it's remediation. Mr. McCook states the ordinance was put in place to adopted and replace any lost trees and that they are bound by the ordinance. Mr. McCook also states that they can go before Council and ask for a monetary relief and that this committee has nothing to say about it. Mr. Toto agrees. Mr. Stollen asks if 1300 trees are required and planting 139 trees that is a 1000 tree deficit then Mr. DeBoer explains supplemental planting. (Overtalking) Mr. Farley wants to know about the guarantee of the tree planting. Concerns are all met.

Storm Water Management will Mr. Toto agree to all. He has an exception for #19. A 5 minute recess is taken they return @9:16pm. Mr. Toto would like to revisit also #22, #29 and 30 with an eye towards resolving them with approval from Mr. Koch. Item #35 hydrant remodel since Borough uses a different type. Mr. Koch want to know if a 28" wide roadway is RSIS appropriate Mr. Rea states it is and that is based off the number of houses. Mr. Stollen asks about width of roadway issue and explains quality of life and explains the other roads in the area are 30" width and narrows by sidewalk if need be and that roads should match. Mr. Mumford explains it is engineering constraint. Mr. Stollen ask about the over-capacity and that each car should be able to park in front of their own home. Mr. Mumford asks about tapering both sides

or one side of roadway to maintain a 30" roadway or is it a transition safety issue. Mr. Koch states that it will interfere with a sidewalk on the southeast side of the street and if that's a RSIS requirement. Mr. Shariff states he will meet with Mr. Koch's office to discuss matter further. Mr. Mumford states that this is an expensive process but he wishes he knew about this matter a month ago but will comply with what makes committee and residents happy. Mr. Koch states item #37 has an issue for Mr. Toto agrees and states they are already working on it.

Mr. McCook opens this portion of the meeting to public and explains how the Board works with public comments and questions. Mr. McCook calls for a motion to open to public Mr. Stollen makes motion and it is seconded by Mr. Kraemer all are in favor. Donald Borst of 91 Janice drive is sworn in by Mr. Kinneally. Mr. Borst wants to know if the application was approved by the DEP because of the wetlands and the answer was unclear. Mr. Shariff states that the verification of wetlands on site is approved and they should be received by next week. Mr. Borst wants to know about delineation charts match up to historical. Mr. Shariff responds wetlands are being handled by Wetlands Consulting and it is a standard 50' buffer. Mr. Borst also states that he received a DEP application for 7 homes, Mr. Koch asks when? Mr. Borst states in the months preceding he did not bring copy of letter with him. Mr. Toto asks "Did you receive my letter regarding the 22 homes?" Mr. Borst responds "yes, just recently". Spoke also to the Board about Dart Seasonal project and Board stated that there were 7 homes regarding this property. Mr. Borst talks about a stack of trees behind his house a minimum of 100 trees were taken out. Also asks about storm water basins and retention basins. Mr. Aly states that retention will be maintained by homeowners association. Mr. Borst also has a concern about the Dora lot not being paved. Mr. Koch states that Dora lot is not paved because they discovered a water main in that area and trying to solve that problem. Mr. Borst also wants information regarding water not being a problem in the development and would like a written guarantee when it comes to flooding in the basements and who will take care of it. Mr. Kinneally states that if anything arises during or after construction it should be brought to the attention of Spotswood and they will get in with the developer gives an example of Heather Glen. Mr. Mumford states that if any conditions arise that there is a starting line and he will have an independent contractor come in and look at the homes. Mr. Borst also talks about the development of the soccer field and that it could not be done because of the wetlands because of drainage. Mr. Koch responds with a wetlands analysis and that no permits were done to construct athletic fields and also a CME environmentalist said it is in order. Mr. Borst wants to know if dirt will be removed off-site or graded and re-using for the foundations and elevations of the homes. Mr. Koch asks Mr. Aly if an earth work balance will be done. Mr. Aly states that they have not done one and he is not sure of the concern and that a developer does not like to bring in additional soil to site. A grading plan was found acceptable by our professionals. Mr. McCook asks Mr. Koch if the plan is watching were the water is coming from Mr. Koch explains it's coming off their property and no one wants their basements wet.

Mr. Kinneally swears in Diane Spino of 153 Wykoff Way West in East Brunswick but owns property at 50 Sidney Ave in Spotswood. Ms. Spino has serious concern regarding storm water issues and claims that there is an underground stream that runs parallel to McKinley Ave and down Dora Ave comes to rest behind a huge retention basin behind the Shoprite area. Some homes in this area have sump pumps that run year round and she has a concrete block basement that she does not want ruined with water issues it cannot be fixed once the damage is done. Ms.

Spino has stated that Sidney Ave does not have storm drains there is one on the Northeast corner of Dora Ave and Victoria the lay of the land slopes toward Victoria and Main Streets elevation is 3' higher so when regular rain happens the residents run to move their cars because of flooding. How can you even think about building more homes when this is a reoccurring problem? Mr. Shariff is asked to answer the question. What happens to the water from this property? Anything pertaining to water will be captured in the inlet basins. What happens to water in roadways? Mr. Koch states water should be directed to the west into the wetlands. Ms. Spino states wetlands drain into the underground streams and discusses about current water conditions. Mr. McCook responds that testimony of the professionals help guide the design and will not result in water exiting property. Ms. Spino talks about no parking sign at the bottom of Sidney and Dora Ave parts of the street is two way parking but now it might be a safety issue with little children going to the park and no one paying attention to the road signs or yellow lines. Get a stop sign to marking distance to corner approved by traffic engineer.

Mr. Kinneally swears in Terry Mashanski of 54 Gaskin Avenue Spotswood, concerned with Dora Avenue and if parking on both sides of the street it is currently permitted. Ms. Mashanski claims that when first cul-de-sac was built on Dora Ave it caused flooding in a lot of the homes on Dora Ave. Wants to know why there is no retention basin on Dora Ave. Mr. Shariff states that there are five inlets on Dora Ave and explains why there is no need for a retention basin. Mr. Shariff claims there is also a crown in the street and the water will not move from one side of the street to the other. Ms. Mashanski wants to know about the water pressure for that area stating that the water pressure is always an issue. Mr. Kinneally states that it is not a planning board matter it can be taken up with the town separately. Mr. Koch asks for a water study and what impact it will hold and it will need to be proven.

Mr. Kinneally swears in Hector Cifuentes of 21 Karen Street Spotswood, concerned about the traffic study held during peak hours and the amount of cars but was there consideration made for affordable housing being built on Main Street in East Brunswick and possibility of Frost Woods. Mr. Mumford states it was considered in Mr. Miskovich's report and accounted for. Mr. Cifeuntas also concerned about flooding in his yard that already exists. Mr. Cifuentes claims everything runs down towards his home. Mr. Aly claims they will be enhancing drainage by adding 4 additional inlets in addition to what is there and project will be 3' lower than his property line. Mr. Aly states that there will be a drainage easement dedicated to Spotswood a major trunk line will also be given to the town. Mr. Koch states he thought all private property will be maintained by the homeowners association. Mr. McCook explains to Mr. Cifuentes that this should improve his drainage problem. Mr. Cifuentes asks about developing a retaining wall years ago stating that he came to Borough and was told by Army Corp of Engineers that nothing could be built back there for 100 years since it was wetlands.

Mr. Kinneally swears in Dulce Branco-Rivera of 46 Herbert Ave, Spotswood, wants to know in 5 years who will be running the homeowners association. Mr. Toto responds the homeowners of the units. Ms. Rivera what if they don't want to? Mr. Toto they will have no choice they will have to sign a document. They will be responsible at some point. Ms. Rivera wants clarification about establishment of board. Mr. Kinneally states it would turn out to be a lien on the property at the expense of the homeowner. Ms. Rivera wants to know who is buying these homes because

the real estate market has changed. Mr. Mumford explains the differences he sees today with the buying market and who is buying homes.

Mr. Kinneally swears in MaryAnn Waitword of 177 Main Street, Spotswood, concerned about traffic wanting to know if this was done during Thanksgiving week because a lot of people are out of town. Mr. Mumford states it was done during school year when no detours were in place weather was not a factor and the counts are within 5%. Who will maintain plowing of the snow since homeowners will be maintaining their own lawns. Mr. Mumford states it will be a public street so it will be maintained by the town. Ms. Waitword wants to know if water runoff will affect the playground. Mr. Aly explains how the water will be discharged over the land. Ms. Waitword wants to make sure about child safety regarding the water basins. Mr. Mumford explains the safety measure that is in place.

Mr. Kinneally swears in David Rinkins of 51 Sidney Avenue, Spotswood wants to the correct terminology of the ponds. Mr. Shariff it is called a detention basin. Is there testing for the water runoff Mr. Shariff states “no”. Mr. Rinkins claims he has a sump pump in his basement and that he already problems with water. Mr. Borst re-approachs podium and is still sworn in he asks “What is the time frame for this project if its approved”? Mr. Mumford states not before next Spring.

Mr. McCook asks if anyone else from the public would like to be heard. A motion is made by Mr. Stollen and seconded by Mr. Kraemer all present are in agreement. Motion carried at 10:43pm.

Mr. Toto makes a brief closing statement and a brief summary and asks for major subdivision approval tonight. Mr. Kinneally states that there is no variances and all conditions need to be met.

A motion to approve the application for the major subdivision was made by Mr. Stollen, which was seconded by Mr. Kraemer. All present were in favor.

Mr. Kinneally advised Mr. Toto that the matter will be memorialized at the next Planning Board Meeting, and a copy of the Resolution will be mailed to them.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. McCook			X			
Mr. Kraemer		X	X			
Mayor Seely						X
Ms. McDonald			X			
Mr. Stollen	X		X			
Mr. Davis						X
Mr. Farley			X			
Mr. Koppel						X
Mr. Catania			X			
Mr. Auciello			X			

MINUTES – A motion to approve the minutes from the July 17, 2018 meeting minutes were moved by Mr. Stollen and seconded by Mr. Auciello. All present were in favor, and the minutes were approved.

PAYMENT OF VOUCHERS

Vouchers were circulated to the Board. Mr. Stollen moved that the vouchers be approved for payment. Mr. Kraemer seconded the motion. All present were in favor, and the vouchers were approved for payment.

MEMORIALIZATION

Major Subdivision:

**Roger Mumford, Mumford Homes LLC
247 Bridge Ave
Red Bank, NJ
Block 94, Lot 11**

The above resolution was circulated and a motion to approve was made by Mr. Stollen, which was seconded by Mr. Kraemer. A roll call vote was taken; all eligible members were in agreement.

CORRESPONDENCE

Prior to the meeting, members received copies of correspondence for their review and comment. Correspondence did not need acted on and was for informational purposes only.

Motion:

Was opened to the public for discussion. No one from public in attendance

BOARD COMMENTS

PUBLIC COMMENT

There were no public comments

ADJOURNMENT

As there was no other business before the Board, Mr. Kraemer moved that this meeting be adjourned. Mr. Stollen seconded the motion. All present were in favor, and the meeting was adjourned at 10:48 PM.

NEXT SCHEDULED MEETING

Tuesday, September 18, 2018

Location: Court Room, 77 Summerhill Road, Spotswood, NJ

Respectfully submitted,

Joanna Carlson

Joanna Carlson
Board Secretary

Approved at meeting held on:
September 4, 2018