

BOROUGH OF SPOTSWOOD PLANNING BOARD
MINUTES - JULY 7, 2015

CALL TO ORDER

John Meyer called this meeting to order.

NOTICE REQUIREMENT

Mr. Meyer read the notice requirement for the Open Public Meetings Act.

ROLL CALL

present: John Meyer, Curtis Stollen, Jose Rivera, Larry Kraemer, James Farley, Dawn McDonald, Charles McCook, James Kinneally, Esq., Todd Bletcher, P.P., Bruce M. Koch, P.P., P.E.

absent: Mayor Nicholas Polisenio, *Mark Koppel, Robert Drako, Daniel Auciello, Robert McNutt, Kellen Decker

*NOTE: Mark Koppel attended just after roll call.

APPLICATION

Amelio Abreu
Block 1.85 Lot 1
Block 1.86 Lot 4
Millville Avenue

Otto Kostbar, Esq. represents the applicant in this continuing matter that is currently pending in Superior Court due to a lawsuit filed by Mr. Abreu concerning the Board's denial of his application in December, 2013. The purpose of this hearing is to attempt to resolve the litigation issues which primarily involve the ongoing drainage problems the applicant has faced in attempting to develop this site.

Mark Rasimowicz, P.E. (previously sworn) gave testimony. Mr. Rasimowicz stated that the original application called for an underground perforation/infiltration system to drain stormwater. The applicant now proposes a detention basin at the end of Millville Avenue, with underground solid piping that will drain the basin down Millville Avenue to the intersection of Marlboro and Somerdale Avenues. The basin will be shared and owned by the two homeowners of the subject properties. A maintenance agreement would be drafted and entered into the respective

deeds. The applicant is requesting the vacation of a portion of Millville Avenue to allow for the construction of the basin.

The basin has been designed to allow for flow into and out of it at the same time. Smaller rain events will flow into the basin and as it fills up, it will begin to drain out. The basin will reach an elevation of 30.5 before it begins to flow out. Capacity will be reached at elevation 32. Mr. Rasimowicz stated that the system has been designed to handle two 100 year storms back-to-back (18 hours apart). He added that the groundwater table concerns of the surrounding residents have been eliminated with the collection of the stormwater into the basin and its ultimate removal. He discussed that a significant amount of trees will have to be removed on the property to accommodate the basin. A row of trees will be replaced along the railroad tracks.

The homes to be constructed are the same as originally proposed with the exception of an optional patio at the rear of the properties. Both homes will have basements.

Maintenance of the basin will involve cutting the grass and keeping the outlets clear. Mr. Rasimowicz stated that the Borough code enforcer would be able to address any neglect of the basin should that problem arise.

The applicant is proposing to widen the entrance to Millville Avenue to approximately 24' to accommodate a wider turning radius for garbage trucks, fire trucks, snow removal, etc. A fire hydrant has been proposed at the end of Millville Avenue. The end of Millville Avenue will have a 50' wide turnaround area and a timber guide rail. A cul-de-sac is not required for this development.

Bignell Associates' July 6, 2015 report was discussed. Mr. Bletcher requested clarification of two items. The proposed basin will be located in land previously designated and agreed by the applicant to be a conservation area. The applicant proposes to create a smaller buffer area along the rear of the basin and will designate that area a conservation area. Approximately two dozen trees will need to be removed in order to build the basin. The applicant has agreed to comply with the Borough's tree removal and replacement ordinance.

Mr. Stollen requested that the low area in the rear corner of the basin/property be corrected and the applicant agreed.

Planning Board Minutes

July 7, 2015

Page 3

Mr. McCook questioned how this new drainage proposal would be beneficial to the surrounding properties. Mr. Rasimowicz advised that the original proposal called for all of the stormwater runoff to be put back into the ground via perforated piping, whereas the new proposal calls for the runoff of larger storms to be removed from the site. Small rain events will collect in the basin and be absorbed into the ground.

Mr. Koppel expressed concern regarding guaranteeing the basin will be maintained. Mr. Rasimowicz stated that there will be restrictions on the deeds and suggested that an easement be granted to the Borough in the event the basin is not maintained. This would give the Borough the right to come onto the property, maintain the basin, and then bill the property owner for its services.

The CME July 7, 2015 report was discussed. Discussion took place regarding designating the basin to only one property owner. A lot frontage variance would be required if the property was given to one owner. The Board thought having two owners of the basin was beneficial. Mr. Rasimowicz suggested that an easement be granted to each property owner, thus allowing each property owner the right to access the other's portion of the basin. This would alleviate concerns that one property owner or the other may not maintain the basin.

Regarding the drainage improvements proposed for Somerdale Avenue, Mr. Koch advised that very soon the County will be overlaying Somerdale Avenue and the other streets in the neighborhood. He advised the applicant it would be in their best interest to get the proposed utility installations complete before the roads get paved. Otherwise, a moratorium on road openings after the new pavement is in place will delay development.

The water main will be relocated closer to the roadway on Millville Avenue. Mr. Koch's recommendations for the sanitary sewer line were agreed to by the applicant. The remainder of Mr. Koch's report was accepted by the applicant. Revised plans will be resubmitted to all Borough professionals.

No sidewalks are proposed. The proposed handicap landing areas will be removed to accommodate the widening of Millville Avenue at the opening to approximately 24'. The road will be paved with 4" of stabilized base and 2" of top coat.

The detention basin will be constructed before any other development on the property.

Mr. Stollen requested the roadway be widened an additional 5' to allow for parking. Mr. Rasimowicz advised that would alter the plan and not provide for the drainage they currently propose. He added that the proposal meets parking standard requirements.

Open Public Portion

A motion to open the meeting to the public was made by Mr. Meyer, seconded by Mr. Stollen and all agreed.

**Jeffrey Moore (previously sworn)
4 Marlboro Avenue**

Mr. Moore held a discussion with Mr. Rasimowicz regarding the location of the detention basin and the location of the drainage pipes. Mr. Moore expressed concerns regarding breeding mosquitos. Mr. Rasimowicz advised that the detention basin is designed to be a dry basin. Mr. Moore expressed concern regarding the removal of trees. Mr. Rasimowicz stated that the applicant has agreed to meet the Borough's tree ordinance.

**Mindy Lehrman (previously sworn)
23 Somerdale**

Ms. Lehrman stated that she feels the Borough should never have sold the property to Mr. Abreu. She added that there currently is a house that has been abandoned in the neighborhood for over five years. It has been vandalized and is in poor repair. Ms. Lehrman does not think the subject properties will be marketable and will end up like the abandoned house.

**Alex Lewinski (previously sworn)
2 Marlboro Avenue**

Mr. Lewinski expressed concern regarding the basin in close proximity to his backyard. He suggested that the applicant be limited to constructing only one home. He expressed concern regarding the basin being maintained by two property owners. His issues are with removing trees, parking, and the water.

There was no further public comment and a motion to close the public portion was made by Mr. Meyer, seconded by Mr. Stollen, and all agreed.

Regarding additional parking, Mr. Koch suggested that at the end of Millville, perhaps four grass paver parking spaces could be created with a timber guide rail. He suggested that a condition be made that there could be no permanent parking in this area. The applicant agreed to investigate this proposal.

Mr. Koch discussed the possibility of the original infiltration drainage proposal being approved by the Court should the Board deny the current submission. Mr. Kinneally added that the primary concern was with drainage and the applicant has readdressed the issue. He confirmed with Mr. Koch that he felt the current plan is improved, not perfect, but preferable to the plans currently before the Court. Mr. Kinneally advised the Board that if the application is approved this evening, the Court will ultimately dismiss the lawsuit. However, if the application is denied this evening, the Court will assign a date and the matter will proceed to trial.

There was no further discussion and a motion to approve the application was made by Mr. Stollen with the following conditions:

- the applicant will close the 32 grade elevation in the south west corner of the basin to help protect the adjacent property;
- the applicant will plant evergreens along the railroad tracks and along the adjacent property;
- a drainage easement access for the Borough and a resident cross-access drainage easement;
- the applicant will comply with the Borough tree replacement ordinance;
- depressed curb on the south end of Millville with grass pavers for temporary parking with a timber guide rail;
- deed restriction for basin maintenance;
- application to the Borough council for the vacation of a portion of Millville Avenue;

- the conditions of the Bignell and CME reports;
- previous conditions in the prior application, i.e., fire hydrant.

A second was made by Mr. Kraemer. The following Board members agreed: Mr. Farley, Mr. Meyer, Ms. McDonald and Mr. McCook. The following Board members voted no: Mr. Rivera and Mr. Koppel.

MINUTES - May 19, 2015

These minutes were approved with a motion from Mr. Stollen, seconded by Mr. Rivera and all eligible members agreed.

VOUCHERS

None before the Board.

ADJOURNMENT

There was no other business before the Board, and this meeting was adjourned.

Respectfully submitted,

Susan Milko
Board Secretary