

MARLBORO TOWNSHIP PLANNING BOARD

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MAY 7, 2008
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THE MEETING OF THE MARLBORO TOWNSHIP PLANNING BOARD WAS CALLED TO ORDER BY THE PLANNING BOARD CHAIRMAN LARRY JOSEPHS AT THE MARLBORO TOWNSHIP OFFICES, 1979 TOWNSHIP DRIVE, MARLBORO AT 8:00P.M.

MR. JOSEPHS READ THE MEETING NOTICE, A ADEQUATE NOTICE PURSUANT TO THE OPEN PUBLIC MEETING ACT OF 1977 HAS BEEN GIVEN OF THIS MEETING BY PUBLICATION IN THE ASBURY PARK PRESS, AND BY POSTING IN THE MUNICIPAL BUILDING IN THE TOWNSHIP OF MARLBORO AND FILED IN THE TOWNSHIP CLERK 'S OFFICE.

ROLL CALL

**PRESENT ... MR. BARENBURG, MR. BERGH, MS. FERNANDEZ,
MR. GUPTA (ARR. 8:10), MR. JOSHI, MR. HUSAIN,
MR. JOSPEHS, MR. POLLAK, COUNCILMAN LAROCCA,
MAYOR HORNIK**

ABSENT... NONE

PROFESSIONALS PRESENT... MR. PETERS, MR. CRAMER, MR. HERBERT

SALUTE THE FLAG

CITIZENS VOICE

No one from the public spoke.

A motion to approve/amend the minutes of April 2, 2008 was offered by Ms. Fernandez, seconded by Mr. Husain. In favor: Mr. Barenburg, Mr. Bergh, Ms. Fernandez, Mr. Joshi, Mr. Husain, Mr. Josephs, Councilman LaRocca, Mayor Hornik

**P.B. 1007-08 LUCOL CO., LLC. - MEMORIALIZATION OF RESOLUTION
GRANTING SITE PLAN APPROVAL TO CONSTRUCT A 5,700 SQUARE FOOT
ADDDITION TO AN EXISTING BULDING**

A motion in the affirmative was offered by Councilman LaRocca, seconded by Mr. Husain. In favor: Mr. Barenburg, Mr. Bergh, Ms. Fernandez, Mr. Husain, Mr. Josephs, councilman LaRocca, Mr. Pollak.

P.B. 1008-08 CRINE WEST, LLC. – MEMORIALIZATION OF RESOLUTION GRANTING MINOR SUBDIVISION TO ADJUST A COMMON LOT LINE

A motion in the affirmative was offered by Mr. Bergh, seconded by Mr. Husain. In favor: Mr. Barenburg, Mr. Bergh, Ms. Fernandez, Mr. Husain, Mr. Josephs, Councilman LaRocca, Mr. Pollak.

P.B. 1012-08 TEMPLE RODEPH TORAH – WAIVER OF SITE PLAN

The applicant was represented by Paul Kizel of Lowenstein Sandler. The applicant is seeking approval to construct a playground within a fenced 30' x 40' area on Block 362 Lot 3. The 7.06 acre lot is developed and occupied as Temple Rodeph Torah in the R-80 zone. The lot has frontage on Mohawk Drive and Route 18. Access is from Mohawk Drive.

The purpose of this application is to replace the existing playground with a new playground in a different location so that children do not have to cross the existing parking lot.

Entered into evidence was the following exhibit:

A-1 Survey of the property, dated January 26, 1990

Irwin Kizel, R.A. was sworn in. He stated that they would remove the old playground, which is more than 20 years old. The Temple is open seven days a week from 10:00 A.M. to 7:00 P.M.. The playground will be used by various classes at least six days a week.

The applicant agreed to surround the playground with black chain link fence and testified that the playground would be used by no more than 15 children at a time. They also agreed to review the placement of the equipment with the Township Engineer, prior to construction.

The applicant agreed to comply with all testimony placed in the record before the Board as well as with regard to all requests of the Board member and Board professionals.

A motion in the affirmative was offered by Mr. Husain, seconded by Mayor Hornik. In favor: Mr. Barenburg, Mr. Bergh, Ms. Fernandez, Mr. Gupta, Mr. Joshi, Mr. Josephs, Councilman LaRocca, Mayor Hornik.

P.B. 987-07 ESTATE OF VAN MATER - PUBLIC HEARING - PRELIMINARY MAJOR SUBDIVISION

Sal Alfieri, Esq. represented the applicant. This application is for preliminary subdivision approval to subdivide a 4.59 tract of land on School Road West, Block 231 Lot 17. Currently there is one house on the lot. The existing house and storage garage will be demolished. The proposed subdivision will create four single family lots in the R-30/20 zone. The development will be serviced by public sewer and water. The lots will front on and have access from a cul de sac street, which is proposed to be constructed and intersect with School Road West. The lots will range in size from 34, 203 sq.ft. to 48,415 sq.ft. The applicant is proposing to construct two infiltration basins.

Entered into evidence were the following exhibits:

A-1 Colored rendering of grading plan

- A-2 Concept Plan
- A-3 Plan showing 500 ft. radius map

After a presentation to the Board it was decided that the applicant will redesign this application and resubmit an amended application at a later date.

P.B. 970-06 WILDFLOWER @ MARLBORO/ORLEANS HOME BUILDERS – PUBLIC HEARING – PRELIMINARY & FINAL MAJOR SUBDIVISION & PRELIMINARY & FINAL SITE PLAN APPROVAL

Michael Herbert, Esq. noted that the affidavit of publication and notice to adjoining property owners have been reviewed and are in order, therefore the Board has the jurisdiction to hear this matter.

Ken Pape, Esq. represented the applicant. The applicant is proposing to subdivide the site into 168 building lots for age restricted, single family detached residential dwellings, construct 2 multi family structures containing a total of 50 affordable (non age restricted) multi family dwelling units. The applicant also proposes to construct a 6,054 sq.ft. clubhouse.

The subject property is 74.9 acres and has frontage on Church Lane, Route 79 and Tennant Road. The tract is currently undeveloped and includes forested uplands and freshwater wetlands areas. The tract is bisected by 2 easements owned by JCP&L and NJ Transit,

The following witnesses were sworn in:

- Gary Vecchio, P.E.
- David Horner, Traffic Engineer
- Mark Selover, Env. Consultant
- William Underwood, Tech, Eng.
- William Feinberg, Archt.

The following exhibits were marked into evidence:

- A-1 Aerial with site layouts superimposed
- A-2 Site plan
- A-3 2002 aerial photograph
- A-4 Test pit location
- A-5 Test pit location
- A-6 Test pit location
- A-7 Test pit location
- A-8 Floor plans and elevations of single family homes – Hopewell model
- A-9 Floor plans and elevations of single family homes – Regent model
- A-10 Floor plan for proposed lifestyle center
- A-11 Elevation of the lifestyle center
- A-12 Front elevation for 26 unit affordable housing
- A-13 Front elevation for 24 unit affordable housing

This proposed development is consistent with a court settlement that was entered into in 2006

with the Bluh Batelli family and memorialized in August 2006.

This property was previously part of a Mount Laurel settlement in the late 1980s. Approval for this property were sought and were approved for approximately 500 residential units.

There was a contract for K.Hovnanian to purchase this property and for unknown reasons the contract never came to fruition. The approvals were never exercised and the contract purchaser of the property then pursued additional approvals through litigation. This took place in the 1990s. That all predates the litigation that was brought by the Bluh Batelli family, which resulted in the settlement that is before the Board this evening.

The settlement allows the applicant to request approval up to 250 units. Of the 250 units they must include 50 rental family affordable apartments. The applicant has modified their plan to 168 age restricted units instead of the 200 allowed.

Gary Vecchio, P.E. was the first witness to testify. He stated that the site is located on the eastern side of Tennent Road and also on the western side of Route 79. Church Lane is along the northern perimeter and the site is bisected by a lot owned by JCP&L and NJDOT.

The western site is the smaller one being 21 acres and has access off Tennent Road. There is one large detention and that lot has 50 single family detached dwellings and the two 50 unit affordable apartments.

The eastern portion has 118 single family lots. It has 4 stormwater basins and a clubhouse with pool, tennis courts, etc.

The circulation for the eastern portion has 2 access points, one on Route 79 and one on Tennent Road. The site has been designed as per the RSIS requirements

The site also has an LOI for the wetlands. They have gone around their buffers and are outside of their buffer lines for wetlands. A 15 ft. buffer will be maintained in all areas where a buffer is required. There will be one exception on the Boulevard road on the western portion.

The stormwater system will conform with the NJDEP regulations. They will be ponds and they will be doing infiltration with a drywell system. The stormwater system will be owned and maintained by a private homeowners association.

There is an obligation to maintain open space on the site and the design has 40% of the site remaining as open space.

After reviewing the reports of the Board's Professionals he said he will be able to modify the plans to address their technical concerns.

David Horner – Traffic Engineer testified that Phase I and Phase III would be the eastern section of the site. It is proposed to be provided with two access points. One would be intersecting

Route 79 and the other would be intersecting Tennent Road. The western section of the site will have one access point intersecting with Tennent Road. They will meet the requirements by NJDOT for the access to Route 79.

The circulation pattern will have two crossings that access Phase III. It has been designed per the RSIS standards. There will be a circulation pattern between the accesses which is not completely direct and that was done to address the potential cut through. The western section will have one entrance, which will be a boulevard style and essentially a "P" loop with an additional internal roadway in the middle. There will be no connection between the two sections. The road was designed to comply with the public road requirement of the Township.

Mr. Pape said John Borden issued four reports addressing his concerns with the circulation around the multi-family apartments. He was concerned that there was no access around all four sides of the building and that the parking was within 30 ft. of the front of the building.

Mr. Vecchio has prepared a revised layout which includes a 15 ft. wide roadway around the entire building. He intends to meet with Mr. Borden to make certain that they are meeting his requirements.

Mark Selover – Environmental Consultant testified that an investigation was done to access the site for potential contamination of soil and for groundwater. They did find that soil contamination is present at the site. The main contamination found on the site was arsenic. The applicant is planning to remediate the contamination pursuant to a Memorandum of Agreement with the DEP.

As submissions are made to the DEP they will make submissions to the Board so that they can see what is going on. It is the goal of the applicant to secure a No further Action letter from the DEP.

William Underwood, P.E. testified that a representative from his firm, Underwood Engineering, witnessed a total of 66 survey test pits from May 8th to May 14th, 2007. The objective was to estimate the seasonal high water table, record ground water levels if encountered and profile the soil types. Also 14 water monitoring wells were installed. He said it is safe to assume that the water table is not going to create any problems with the designing of this site.

William Feinberg, Architect testified that each of the models will have three elevations. Square footages range from 1800 to 2400. There will also be many options available. All of the models will be two bedroom and two baths with two car garages.

The clubhouse will be approximately 6,054 sq. ft. which is called a Lifestyle Center. There will also be an outdoor pool, tennis court and bocce court.

Referring to exhibits A-12 and A-13, one of the renderings is the 26-unit affordable housing, consisting of a three-story building with individual enclosed lobbies. There are two lobbies. Three stories, approximately 38 feet height and traditional style hip roofs, same windows as in

the single family homes.

The other building is 25 units with two enclosed lobbies. The square footages range from 750 to 1150 with one, two and three bedroom units.

Ken Pape said in reference to the affordable units, 50% will be low income and 50% will be moderate income. The one, two and three bedrooms is intended to be responsive to the family market requirements.

This application is being carried to the meeting of May 21, 2008 without further notice.

OTHER PLANNING BOARD BUSINESS

Mr. Herbert updated the Board on the Koopman vs. Costco litigation.

A motion to adjourn was offered by Mr. Bergh, seconded by Mr. Barenburg. One vote was cast.

Respectfully submitted

Donna Pignatelli
Administrative Officer