

PLANNING BOARD MINUTES  
CONFERENCE MEETING  
NOVEMBER 2, 2015

1. The Planning Board Meeting of August 17, 2015 was called to order by Chairman Joseph Brower at 7:47 p.m..
2. Sunshine Law Statement that this meeting is being held in accordance with the Open Public Meetings Law, noticed of this meeting was provided in accordance with the requirements of Chapter 231, P.L. 1975
3. Pledge of Allegiance
4. Roll Call was taken by Planning Board Secretary, Mel Levine

NAME	PRESENT	ABSENT
Chairman Joseph Brower	X	
Vice Chairman James Campbell	X	
Mayor Joseph Alessi		X
Councilman Art Rees	X	
Member Dr. Carl Spinelli	X	
Member Scott Fishbone	X	
Member Mel Levine	X	
1 <sup>st</sup> Alt. Member Joseph Barba		X
2 <sup>nd</sup> Alt. Member Sandra Nathans	X	
Borough Engineer Frank Zichelli	X	
Attorney John Dusinger	X	

5. A motion to accept the minutes of the September 28, 2015 Regular Meeting.

Moved by:	Vice Chairman James Campbell
Seconded by :	Member Dr. Carl Spinelli

Roll Call Vote:

MEMBER	YES	NO	ABSTAIN	ABSENT
Chairman Joseph Brower	X			
Vice Chairman James Campbell	X			
Mayor Joseph Alessi				X
Councilman Art Rees	X			
Member Dr. Carl Spinelli	X			
Member Scott Fishbone	X			
Member Mel Levine	X			
Member Joseph Barba				X
Member Sandra Nathans, 2 <sup>nd</sup> Alt	X			

6. Chairman Joseph Brower explained to the public the Planning Boards protocol and procedures in conducting an application before the Planning Board.
- 7.. The Chairman introduced our applicant for this evening, Fox Hollow Builders, LLC . represented by Robert A. Gaccione Esq.

Mr. Gaccione, Esq. introduced himself to the Board, and stated the he represents Fox Hollow Builders, LLC., Fox Hollow Builders, LLC. is the owner of lots 10, 12, and 13 on Fox Run, that is in Block 400. The applicant is proposing a Major Subdivision in order to reconfigure the lot lines between existing Lots 10, 12, 13 and 14, again in Block 400. Bulk variances relief are sought for Lot 10 because it is an odd shaped lot and needs relief from a preexisting condition, there is also variance relief sought for 2 other Lots with regards to just depth. The witnesses you will hear from this evening are John Castellano of Fox Hollow Builders, LLC., Chuck Stewart, engineer and planner, and Dr. John Crow, the environmental consultant.

John Castellano was sworn in by Mr. Dusinberre, Esq.

Mr. Gaccione, Esq. asked Mr. Castellano what is his occupation, if he is a partner in Fox Hollow Builders, LLC., and what he is seeking approval for, from the Board?

John Castellano testified that he is a residential builder, and a partner in Fox Hollow Builders, which own Lots 10, 12, and 13. They are seeking to get approval to build 3 single family homes.

Mr. Gaccione asked Mr. Castellano to give a description of the type of homes he proposes to build.

Mr. Castellano stated that Fox Hollow Builders, LLC. plan to build traditional style distinctive homes to compliment the neighborhood.

The Chairman asked if any Board members had any questions? There were none.

The Chairman asked where in the area he built homes, and the square footage of the 3 proposed homes.

Mr. Castellano said he built 3 homes on Fox Run, number 10, 11, and 22. The proposed homes would range from 3,200 square feet to 3,600 square feet.

The Chairman closed this portion of the meeting, and opened the meeting up to the public for questions. There were none, and the Chairman closed that portion of the meeting.

Mr. Stewart was sworn in by Mr. Dusinberre, Esq.

The Chairman stated that Mr. Stewart has appeared before the Board numerous times,

and has been approved by the Board as an expert Professional Engineer, Professional Land Surveyor, and a Professional Planner licensed in the State of New Jersey.

Mr. Gaccione asked Mr. Stewart if he prepared the subdivision plat for the 3 proposed lots?

Mr. Stewart stated that he prepared the subdivision plat for the 3 proposed lots.

Mr. Gaccione asked Mr. Stewart to review the location of the property.

Mr. Stewart referred to the easel where the plans for Lots 10, 12, 13 and 14 were illustrated. Lot 14 is situated behind Lots 10, 12, and 13.

Mr. Gaccione asked Mr. Stewart to compare the existing conditions with proposed conditions.

Mr. Stewart stated the existing conditions of Lots 10, 12, and 13 which are located in an R - 2 - Single Family Residential District.

Lot 10 has 13,701 SF, Lot 12 has 13,356 SF, and Lot 13 has 15,120 SF

Mr. Stewart is proposing to take 44 feet off Lot 14 and add that area to Lots 10, 12, and 13.

The proposed conditions:

Lot 10 would be 15,171 SF, Lot 12 would be 17,690 SF, and Lot 13 would be 20,400 SF, and Lot 14 would be reduced from 81,242 SF to 70,159 SF.

Mr. Gaccione asked Mr. Stewart to review the topography of the site

Mr. Stewart stated that the topography of the property has slopes coming down from lots facing Mountain Avenue, existing swale that runs through Lot 10 on a 45 degree to a low point on that property, then there is an existing low point on Fox Run and existing municipal storm drain that takes the water into the regional detention pond that exists to the east of this property. .

Mr. Gaccione asked Mr. Stewart if this site is wooded in any way?

Mr. Stewart stated these lots are not wooded, there are existing street trees along the front of these properties, a few existing pine trees and brush.

Mr. Gaccione stated that Mr. Stewart discussed the size of the existing lots, and the proposed lots, and would like Mr. Stewart to review the Subdivision and what would result should this application be approved.

Mr. Stewart stated that there would be 3 lots that front on Fox Run, the existing lot area would be increased by obtaining a portion of lot 14, and would be left with 3 proposed single family residential lots along Fox Run.

Mr. Gaccione asked Mr. Stewart if an EIS wavier was requested and if there is an environmental consultant who will be talking about the environmental circumstances?

Mr. Stewart said an EIS wavier was requested, and there is an environmental consultant present this evening to discuss environmental concerns.

Mr. Gaccione asked Mr. Stewart to talk about the variances, and review the Bulk Violations that will remain if this application is approved, everything else has been reduced.

Mr. Stewart stated that the minimum lot depth will be met, but lot 10 is deficient in lot area, this lot is located in the steep slope area as shown on the plan. This is a man-made steep slope area. A berm was created by Curley Stone for plantings, causing this lot to have an area of 15,555 SF instead of 15,000 SF. With the additional property from Lot 14, Lot 10 goes from 13,701 SF to 15,171 SF. which meets the lot area in the zone, but doesn't meet the minimum lot area for steep slopes, so a variance is needed for Lot 10. Also, because of the irregular shape of the lot, Lot 10 does not comply to the ordinance which states that you must have 15,000 SF. of the property within the first 150 FT.

Another variance needed is on the far end of Lot 14 there is a minimum lot depth deficiency. Minimum lot depth in this zone is 125 feet, on southerly end of Lot 14 it is 122.46'. This is a preexisting condition.

Mr. Gaccione asked Mr. Stewart if any of the variances have been exasperated and all have been reduced in intensity based on the way the subdivision has been created. There are no violations, conditions were preexisting.

Mr. Stewart answered yes to all of Mr. Gaccione's questions.

The Chairman asked if the Board had any questions?

Vice Chairman Campbell questioned setback on Lot 14, south end is 116'

Mr. Stewart said that setback is not correct, it came from a tax map.

Mr. Zichelli, P.E., questioned that there are 3 lots proposed on Fox Run, what were the plans for the remainder of Lot 14?

Mr. Gaccione stated that Fox Hollow Builders, LLC. does not own Lot 14. The only reason Lot 14 is mentioned is because a piece of this parcel is being added

to Lots 10, 12, and 13. Mr. Gaccione repeated that his clients do not own Lot 14. Vice Chairman Campbell questioned if we are only discussing Lots 10, 12, and 13, why are we incorporating the slopes from Lot 14?

Mr. Zichelli, P.E. stated that the entire area is subject to development, including Lot 14.

Member Fishbone questioned Lot 15, south of Lot 14, who owned the lot.

Mr. Zichelli said Lot 15 has merged into Lot 1, and no longer exists.

Mr. Dusinberre, Esq. asked Mr. Stewart if this map reflects the tax map that you believe to be presently laid out.

Mr. Stewart answered yes.

The Chairman asked questions about Lot 10 that has a number of variance requests, the preexisting shape of the lot is causing that situation, lot depth of 107' at point where Lot 7 goes into Lot 10, and if Lot 10 was a rectangle, then it would be a conforming lot ?

Mr. Stewart confirmed if the Lot 10 was a rectangle it would be a conforming lot.

The Chairman stated that Lot 10 would have enough square footage if the steep slope ordinance was not applied.

Mr. Dusinberre, Esq. asked Mr. Stewart if Lot 10 has a proposed building envelope, since the applicant stated that they plan on building homes between 3,200 SF. and 3,600 SF. Mr. Dusinberre, Esq. wanted to know if there was enough area to build a home of that size on Lot 10 ?

Mr. Stewart said he has not calculated the foot print of the home that will go on that property.

Mr. Dusinberre, Esq. wanted to know when all 3 homes are built, will there be any difference in appearance, because of the deficiencies in Lot 10 ? Or is that deficiency really related to the rear of the property, so anyone driving on Fox Run would not notice any difference.

Mr. Stewart stated the deficiency is related only to the rear of the property.

Mr. Gaccione, Esq. stated that the setbacks of the 3 home would be similar.

Mr. Stewart agreed with Mr. Gaccione that the setbacks of the 3 homes would be similar.

The Chairman closed this portion of the meeting, and opened the meeting up to the public for questions. There were no questions.

Mr. Gaccione, Esq. called upon Dr. John Crow, from C&H Environmental, Inc. as a witness

Mr. Dusinberre, Esq. swore in Dr. John Crow as a witness.

Mr. Gaccione, Esq. asked Dr. Crow what is your occupation ?

Dr. Crow stated that he is an Environmental Consultant by training and practice and a professor at Rutgers University.

Mr. Gaccione, Esq. submitted to the Chairman that Dr. Crow be excepted as an expert in the environmental field.

The Chairman asked if there were any questions from the Board ?

Member Nathans asked if there were any environmental issues that needed to be addressed before permits were issued to the Merriott Hotel in Hanover, New Jersey.

Dr. Crow stated that he was hired to handle all of the Merriott's permitting, relating to their wetland issues.

Member Nathans asked if there were any contamination issues at that site.

Dr. Crow said there were no contamination issues on that site.

Member Nathans asked about Rachel Gardens, Montville, New Jersey.

Dr. Crow stated that Rachel Gardens was primarily a wetlands flood plain project.

Member Nathans asked about Port Newark.

Dr. Crow said that Port Newark was lots of everything.

Member Nathans asked Dr. Crow what his role was in Port Newark?

Dr. Crow said he was hired to study animal habitats and contamination.

Member Nathans asked Dr. Crow if he was a LSRP.

Dr. Crow said they no longer have an LSRP, but hire an LSRP out of their firm for a more objective review.

Member Nathans asked Dr. Crow if he is going to use a LSRP in this project.

Dr. Crow said at this point and time they are not using an LSRP, but if there is any contamination issue, they certainly will be using an LSRP.

The Chairman asked if there were any other questions from the Board. There were no questions from the Board.

Mr. Dusinberre, Esq. asked that for identification purposes the following documents be marked and labeled:

July 7, 2015 report from C & H Environmental----- A -- 1  
October 22, 2015 letter with Variances Requested -- A - 2  
July 8, 2015 Hatch Mott McDonald Report ----- B - 1

Mr. Gaccione, Esq. asked Dr. Crow if he had an opportunity to review the Hatch Mott McDonald Report of July 8, 2015.

Dr. Crow said he reviewed the Hatch Mott MacDonald Report dated July 8, 2015.

Mr. Gaccione, Esq. asked Dr. Crow to describe the site from an environmental perspective.

Dr. Crow the site is almost completely cleared, the dominant vegetation is grass and a lot weedy collection of forbes, (flowering weeds) a few trees, the area is flat and has been filled. I have seen no usual bird or animal species on the site.

Mr. Gaccione, Esq. asked Dr. Crow if the soil on this site is similar to soil in the area, or is it unique to this location.

Dr. Crow said the soil is not unique at all, there are soils that are not historic fill and areas that are with historic fill. Historic fill contains solid debris and chemical residue from an assortment of materials such as rock, block, brick, soil, sometimes wood, and asphalt. Asphalt can be the culprit of contamination. This historic fill runs up the street that is perpendicular to this site and adjacent dwellings along Fox Run, so the area is not regarded as any type of contamination reservoir

Mr. Gaccione, Esq. asked Dr. Crow if it is determined that there is block or asphalt in the soil, what procedure would you put in place to remediate situation.

Dr. Crow said they are going to determine the amount of historic fill by excavation, and dig up those areas and put findings in piles of debris, wood in one pile, asphalt in another pile, and rocks, bricks that are generally clean, but could be contaminated by virtue of contact with those materials will be put in another pile and sampled if necessary. Anything that does not meet the standards of the State of New Jersey will be removed and an LSRP would be brought in at that time. Rock materials that are determined to be clean will be crushed and added to the fill, ultimately clean fill will be brought in under the State's Clean Fill Regulations

Mr. Gaccione, Esq. asked Dr. Crow what grading would be done after the clean fill was brought in.

Dr. Crow stated when new fill is added there will be some elevation changes, grading gently from the street toward the back.

Mr. Gaccione, Esq. Dr. Crow if there is anything being done to this site that has not been done on other sites in the area?

Dr. Crow stated that he drove around the area, and the proposed homes will be the same as the other homes in the area.

Mr. Gaccione, Esq, said that Dr. Crow reviewed the reports from Hatch Mott MacDonald, and there were three (3) comments, and could his client comply with the three (3) comments, and if you are engaged to take care of them, can you comply with the comments in the Hatch Mott MacDonald Report?

Dr. Crow stated that they could comply with all three (3) comments in the Hatch Mott MacDonald report since they are really not different from our proposal.

Mr. Gaccione, Esq. asked Dr. Crow what conclusions he has reached coming from an environmental perspective with regard to this site ?

Dr. Crow stated that this will be an attractive development site that will be equal or better than those sites in the neighborhood, because none of the other homes that historic fill have gone through this type of remediation effort.

The Chairman asked if there were any other questions from the Board.

Member Nathans asked if there has been any soil testing?

Dr. Crow stated there is a record of some soil testing, but they will be doing some PAH'S and borings.

Member Nathans asked Dr. Crow if any delineation plan for excavation was in place.

Dr. Crow stated that they will be going through the entire property on a grid basis.

The Chairman opened the meeting up to the public for questions.

There were no questions from the public, the Chairman closed that portion of the meeting and asked if the Board had any questions?

Member Scott Fishbone asked if there intent is to remove all historic fill from the site?

Dr. Crow said historic fill that is clean can be left on the site, as long as it is not a threat to the environment. The intent is not to have a deed notice.

There were no other questions, but the Chairman did want to go over the cost of inspection fees.

Mr. Dusinberre, Esq., stated that as part of a motion to approve application there should be a condition that the applicant be required to post escrows and inspection fees as required by the Borough to conduct the supervision that is in the Hatch Mott MacDonald Report.

The Chairman stated that this Board may not be here when another applicant comes before this Board wanting to develop Lot 14, and may not have knowledge of the background of this property, and that is why there is a concern, and why the Board would like a document stating issues that would have to be addressed on Lot 14, historic fill and contamination.

The Chairman opened the meeting to the public for any questions relating to this project. There were no questions, closed public portion of the meeting, and asked the Board if there were any questions.

Member Fishbone asked if there is anything being proposed for Harding Avenue, even though it is paper street.

Mr. Gaccione, Esq. stated his clients have nothing to do with the paper street, since their lots front on Fox Run. Paper street is Borough owned property.

Mr. Gaccione, Esq. is seeking a Major Subdivision, Preliminary and Final Approval for Lots 10, 12, 13 and 14.

The Chairman asked for a motion.

Member Dr. Spinelli made a motion to approve the application of Fox Hollow Builders LLC, subject to all inspection and escrow fees, and a condition of approval in that any future development on Lot 14 be subject to historic fill. Also, a condition of approval in that any soil contamination found during excavation as well when foundations are set on Lots 10, 12, 13 and 14 be completely remediated.

Mr. Dusinberre stated that we granted an environmental waiver and that should be included in the Resolution.

8. The Chairman opened the meeting up to the public for questions, there were none.
9. A motion to adjourn the evening meeting at 8:59 p.m,

Moved by:	Member Scott Fishbone
Seconded by :	Member Sandra Nathans

Roll Call Vote:

MEMBER	YES	NO	ABSTAIN	ABSENT
Chairman Joseph Brower	X			
Vice Chairman James Campbell	X			
Mayor Joseph Alessi				X
Councilman Art Rees	X			
Member Dr. Carl Spinelli	X			
Member Scott Fishbone	X			
Member Mel Levine	X			
Member Joseph Barba, 1 <sup>st</sup> Alt.				X
Member Sandra Nathans, 2 <sup>nd</sup> Alt.	X			

Respectfully submitted,



Mel Levine  
 Planning Board Secretary