

**Springfield Township Planning Board Meeting
September 16, 2014**

Chair Jacques, called the meeting to order at 7:30 p.m., led the Flag Salute, and read the Open Public Meetings Statement. "Public notice of this meeting, pursuant to the Open Public Meetings Act, has been given by the Springfield Township Planning Board in the following manner on January 7, 2014;

- a. Posting written notice on the official bulletin board at the Municipal Building, Jobstown, N.J.
- b. Mailing written notice to the Burlington County Times and Register-News.
- c. Filing written notice with the Clerk of Springfield Township.
- d. Mailing written notice to each person who has requested copies of the regular meeting schedule and who has prepaid any charges fixed for such service.

Roll Call:

Jo Jacques, Chairperson	Present
Anthony Marinello	Present
John Hlubik	Present
Bernard Dunn	Present
Theresa Nicholson	Present
William Bauma	Present
Stephen Makuka	Present
William Pettit, 1 st Alternate	Present**
Michael Welsh, 2 nd Alternate	Absent

** Mr. Pettit arrived at 8pm.

Also present were Denis C. Germano, Esq., Board Solicitor; Mr. Jeff Ritcher PE, PP of Lippincott Jacobs; and Brian Slaugh, PP, AICP of Clarke Caton Hintz

Minutes:

August 19, 2014

Board Secretary indicated an error on page 1; the Roll Call box indicated Mr. Bauma as absent where he was present at the August 19th meeting.

Mr. Bauma motioned to approve the amended minutes, seconded by Mr. Dunn

All in favor: Marinello, Hlubik, Dunn, Nicholson, Bauma, Makuka, Jacques

Opposed: None

Abstained: None

Mr. Pettit not present for the vote

Motion passed unanimously

Resolution:

#6-14- Wawa, Inc., Block 2106, Lot 2.01

Granting Waiver of Site Plan

Motion: Mrs. Nicholson; 2nd: Mr. Makuka

Roll Call

Yes: Marinello, Hlubik, Dunn, Nicholson, Bauma, Makuka, Jacques

No: None

Mr. Pettit not present for the vote

Motion passed unanimously

Applications:

#5-14– Moose Run Development, LLC, Block 2107, Lot 2

Final Major Subdivision

William Fox, Esq. - Applicant Attorney

Mark Malinowski – Applicant Engineer

Mr. Fox introduced himself to the Board as the legal Counsel for the applicant. Mr. Fox indicated that the applicant is requesting to subdivide the property into 4 residential lots. Each proposed lot would be accessed by a private roadway located within an access easement. The Board's Planner and Engineer correspondence have been received and will be addressed.

Applicant Engineer, Mark Malinowski, was sworn in by Mr. Germano. Mr. Malinowski had represented the Board for a period of time and has appeared before the Board a number of times. Mr. Germano indicated that he spoke with Mr. Fox earlier and informed him that the Professionals' review letters usually are first and Mr. Malinowski may address the items as they review.

Mr. Richter read his September 9, 2014 Review Letter beginning with Completeness Review. He indicated that the 4 lot numbers will need to be provided on the plans prior to signature. The Certification of Taxes is current as per Mr. Germano.

Mr. Richter indicated that under the Final Subdivision Review, the applicant still needs to address the proposed dry hydrant system which will be done at the construction permit process. The preliminary Resolution #2007-07 indicates that the dry hydrant system receives its water from a large underground tank. The applicant feels this was never part of the proposed design and should not have been included in the original resolution. Mr. Germano indicated that he will spend time in a paragraph clearing this up in tonight's resolution.

As a condition of the preliminary approval, the applicant agreed to allow provide the adjacent lot #16 with access to the proposed common access driveway. The existing attached garage located on lot 16 has a side entry and faces the proposed access driveway. The proposed access easement is located at the front of lot 16 and will provide sufficient access to the garage on this lot. Mr. Malinowski explained that the owners of lot 16 have a mess in the back yard and the developer feels it will deter buyers for the high end homes to be built. He further indicated that the lot 16 owners will not be able to pull their car into their garage. Mr. Marinello questioned the opening on the plans in front of their garage if they can't use their garage. Mr. Malinowski replied that it's just so the neighbor can bring their cars up closer to the house. Mr. Marinello indicated that when this was done in 2008, the neighbors were to have access to their garage. Mr. Malinowski said what has transpired over the past years, has prompted the applicant to revise the easement plan. The rear yard, as stated by Mr. Malinowski, is an "eyesore". Mr. Marinello once again asked they will not have access to their garage and Mr. Malinowski agreed.

Mr. Malinowski provided photos of lot 16 as Exhibits A1 and A2. A1 being the top photo on the photo board which showed the view from the access easement of the rear yard including the back of the house and the garages. A2 being the bottom photo which displayed the rear yard also from the access of the owner's property facing towards the rear of the house. Mr. Malinowski also provided Exhibit A3 which was the color plan of the site development. Mr. Bauma asked the width of the opening on the preliminary plans. Mr. Malinowski replied as about 20' to 25' for the opening. Mr. Bauma feels that

someone coming down the easement would not see the backyard of lot 16. Mr. Malinowski indicated that it will be visible. Mr. Marinello asked if they could put a gate so the property owners can have access. Furthermore, Mr. Malinowski, displayed Exhibit A4 which is an alternative easement #2 depicting the house on lot 16 and the entrance off the driveway close to Monmouth Road and the fencing will need to bump out to allow access to the garage on lot 16 with an easement more accessible for their garage. Mr. Marinello indicated it didn't look like the car could turn around to access the garage and asked the distance from arrow to arrow. Mr. Malinowski responded it is 30'. Further discussion took place regarding the access to the lot 16 garage. Mr. Dunn asked if the view were to go away. Mr. Fox said the cleanup of the view would be great but they're afraid it will come back. Mr. Hlubik indicated that the easement goes with lot 16 and Mr. Malinowski agreed that it's a utility easement. The condition of the preliminary approval was that the developer gave the owners of lot 16 access to the driveway as per Mr. Germano. Further discussion took place of the easement and access to lot 16's garage.

Mr. Ritcher went on with the remainder of the Final Subdivision Review. The preliminary Resolution 2007-7 requires the plan to be revised to identify and locate any tree over 6" in caliper in areas that are identified for clearing. Clearing is not to occur until a final site visit by the Board Planner and the mature trees that will or will not be removed are identified. Mr. Slauch addressed the plot grading plan with applying for a construction permit. However, prior to that, he'd like the applicant to contact his office to review having site specifics for each lot.

Mr. Ritcher gave overview for the Drainage Review section of his review letter. Mr. Germano indicated that as a condition of approval there will be indicated on the stormwater runoff drainage notated on the plan. Mr. Germano also indicated in regards to the disturbance, such as changes to clearances and the drainages will need to go before the Board so drainage regulations are to be complied with by the applicant. A requirement can be implemented in a deed restriction. If the Home Owners Association should default, the documents give right to the Township to assess for taxes and to do what has to be done.

Mr. Ritcher covered the Environmental Impact Statement part of his review letter. He reviewed the Phase I of the Environmental Site Assessment Report which indicated several potential environmental concerns. Some items found were rusted 1 gallon paint cans; coolant containers and 5 gallon buckets and other disintegrating containers of unknown substances. Mr. C. Hal Baar, the Vice President of Development indicated that the debris had been cleaned up on this southerly property line and tests came back within the limits. Also stated was that debris was found to be scattered with in the forested area, especially behind the residential homes located along Monmouth Road. Also the northern boundary of the shed which included buried paint cans and shingles was also cleaned up and no other evidence has been found. Furthermore, some of the land cleared of forest may have been used as farmland where samples were taken to be tested for pesticides; lead and metals. The concentration level for all pesticides was "not detected" for all samples. A concentration of arsenic had been found which was above the acceptable limit. Grid samples were taken so this will be a condition of approval to cleanup.

The applicant agreed to be in compliance with the remainder of the Township Engineer's Review Letter.

Mr. Slauch spoke to his September 9, 2014 review letter regarding item 6.2 being Landscape Buffers. He feels a landscaping buffer in addition to a fence should be installed. Mr. Malinowski responded that a solid fence without additional landscape buffering should be fine.

Mr. Germano summed up the areas to be addressed further such as:

1. Access to the neighbor's driveway
2. Landscape buffer

Mr. Marinello inquired of access for fire apparatus. Mr. Malinowski said its fine. Mr. Bauma asked if there is a turnaround for a fire truck and Mr. Malinowski replied as "no".

Chair asked the Board for questions. Being no questions from the Board, Chair Jacques opened the floor to public comment on this application. Mr. Mike Ridgeway, Esq., representative of the lot 16 owners; Mr. and Mrs. Johnson; approached the Board and he passed out the 1962 site plans; marked as Exhibit O1. He gave overview of the property and that the Johnson's bought the property in 1990. Mr. Ridgeway pointed out the approval in 2007 regarding the fence which would have hidden the backyard significantly. Mr. Ridgeway further indicated that cleanup has been done since Exhibits A1 and A2 photos have been taken. He also pointed out that Exhibit A4 does not depict the well and the large tree and he feels the angle is too sharp and it wouldn't work for the Johnsons. Mr. Ridgeway feels the 30' opening should remain instead of the bumped out fence. In the 2007 resolution, an access was permitted. He indicated that the Johnsons are ok with a gate. Mr. Hlubik asked if the well is above ground and Mr. Ridgeway responded as yes. Chair Jacques asked if anyone has further questions. Being no further public comment, Chair asked for a motion to close public comment. Mr. Hlubik motioned, seconded by Mr. Marinello.

All in favor: Marinello, Hlubik, Dunn, Nicholson, Bauma, Pettit, Makuka, Jacques

Abstained: None

Opposed: None

Mr. Fox requested a recess to consult with his client at 8:52pm. The meeting reconvened at 9:22pm.

Mr. Fox indicated that further discussion will continue to next month's meeting. Mr. Marinello indicated to allow the entire opening a split swing gate to allow access and closure to the backyard. Mr. Malinowski indicated that is part of the discussion. Chair Jacques reminded them that the landscaping buffer is still an outstanding issue. Mr. Malinowski stated that the fencing is a solid vinyl fencing so additional buffering is not required. They need a plan to resolve the gate-fence garage access. Mr. Marinello asked if there is a pool issue. Mr. Malinowski replied as no. Mr. Germano indicated that final approval is required within 45 days.

Correspondence:

- Public Notice of Request to the CADB for a "Site Specific Agriculture Management Practice" determination
- Memo from Council asking the Board to review current Zoning Ordinance for possible amendments to allow for Farm Labor Housing

Other Business:

- Farm Labor Housing

Chair Jacques posed question to the Board if a Farm Labor Housing ordinance is needed. Mr. Dunn indicated that he finds illegal housing in substandard housing for migrant workers. He further indicated that we need provisions but he feels the rules may not be followed. The Board Members openly discussed the need of provisions for Farm Labor Housing. Currently, the farmers must go before the

Board for a variance. Mr. Dunn indicated that even with an ordinance, a site plan should still be done. It was brought up that North Hanover does have a Farm Labor Housing ordinance. They came to the conclusion that it be best to review surrounding town ordinances and the NJ State Department of Labor.

Public Comment:

Chair Jacques opened the floor to public comment. Being no public comment, Mr. Dunn motioned to close, seconded by Mr. Bauma.

All in favor: Marinello, Hlubik, Dunn, Nicholson, Bauma, Pettit, Makuka, Jacques

Opposed: None

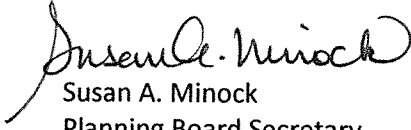
Abstained: None

Motion passed unanimously.

Adjournment:

Mr. Dunn motioned to adjourn, seconded by Mr. Marinello. Motion passed unanimously. Meeting adjourned at 9:55 pm.

Respectfully submitted,



Susan A. Minock
Planning Board Secretary