

HILLSBOROUGH TOWNSHIP PLANNING BOARD

APPROVED PUBLIC MEETING MINUTES

February 03, 2022

Chairman Carl Suraci called the Planning Board Regular Public Meeting of February 03, 2022 to order at 7:30 p.m. The meeting was held in the Courtroom of The Peter J. Biondi Building. All stood for the Pledge of Allegiance.

Chairman Suraci announced: This meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law"). Notice of the 2022 Annual Meeting Schedule has been provided to the officially designated newspapers, the Township Clerk, posted on the Township's Website, and available at the Hillsborough Township Municipal Complex.

Application documents have been made available on the Township's website at <https://hillsboroughnj.civicclerk.com/> and complete applications files are available in the Planning and Zoning Department for inspection, in accordance with the public meeting notice.

ROLL CALL

Mayor Shawn Lipani – Present
Robert Wagner, Jr. - Present
Committeeman Frank DelCore - Present
Robert Peason – Present
Carl Suraci, Chairman – Present
Neil Julian, Vice Chairman – Present

Nathan Santaromita – Present
Ron Skobo – Absent (Recused)
Kenneth Hesthag, Secretary – Present
John Ciccarella (Alt. #1) – Absent
Patricia Smith (Alt. #2) – Present

Board / Township Professionals: David K. Maski, PP, AICP, Township Planning Director; Eric Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); Drew Di Sessa, PE, CME, Board Engineer (Pennoni Associates); Michael Lombardozzi, CSR, CCR, Board Court Reporter; and Caz Bielen, Township Videographer (Premier Media).

CONSIDERATION OF MEETING MINUTES

- January 14, 2021 – Regular Meeting

A motion to approve was made by Mr. Peason, seconded by Mayor Lipani. No comments.

Roll Call: Mr. Peason – yes; Committeeman DelCore – yes; Vice Chairman Julian – yes; Mayor Lipani – yes; Chairman Suraci – yes. Motion carries.

- February 04, 2021

A motion to approve was made by Mr. Santaromita, seconded by Mr. Peason. No comments.

Roll Call: Mr. Peason – yes; Mr. Santaromita – yes; Committeeman DelCore – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

- February 25, 2021

A motion to approve was made by Secretary Hesthag, seconded by Mr. Santaromita. No comments.

Roll Call: Mr. Peason – yes; Mr. Santaromita – yes; Secretary Hesthag – yes; Committeeman DelCore – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

- January 13, 2022 – Reorganization Meeting

A motion to approve was made by Mr. Peason, seconded by Mayor Lipani. No comments.

Roll Call: Mr. Wagner – yes; Mr. Peason – yes; Secretary Hesthag – yes; Ms. Smith – yes; Committeeman DelCore – yes; Mayor Lipani – yes; Chairman Suraci – yes. Motion carries.

- January 13, 2022 – Regular Meeting

A motion to approve was made by Mr. Wagner, seconded by Secretary Hesthag. No comments.

Roll Call: Mr. Wagner – yes; Mr. Peason – yes; Secretary Hesthag – yes; Ms. Smith – yes; Committeeman DelCore – yes; Mayor Lipani – yes; Chairman Suraci – yes. Motion carries.

CONSIDERATION OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

- Extension of T&M Contract

Mr. Maski explained the Board had done this last year as well for a few applications that are still under compliance review. Rather than change engineers midstream, we believe it makes more sense to allow T&M to finish them out completely.

Chairman Suraci added it is also more cost effective to do so.

PLANNING BOARD MEETING MINUTES February 03, 2022

A motion to approve was made by Mayor Lipani, seconded by Mr. Wagner. No comments.

Roll Call: Mr. Wagner – yes; Mr. Peason – yes; Mr. Santaromita – yes; Secretary Hesthag – yes; Ms. Smith – yes; Committeeman DelCore – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

- 2021 Board of Adjustment Annual Report, *Adopted January 19, 2022*

Mr. Maski advised this is just for information purposes

A motion to approve was made by Mayor Lipani, seconded by Mr. Santaromita. No comments.

Roll Call: Mr. Wagner – yes; Mr. Peason – yes; Mr. Santaromita – yes; Secretary Hesthag – yes; Ms. Smith – yes; Committeeman DelCore – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

BUSINESS FROM THE FLOOR (*For Matters Not on the Agenda*)

Chairman Suraci opened comments from the floor and advised the Board had adopted a five-minute timeframe for such.

Maria Janucik – 720 E. Frech Ave. Manville, and a Hillsborough Township property owner

- Ms. Janucik inquired on the status of meeting minutes for 2021. She inquired specifically on minutes for the Campus Associates and JSM applications for minutes and resolutions.

Mr. Bernstein advised there is a resolution that was memorialized for the Campus Associates application. The JSM resolution is being drafted.

CONSIDERATION OF ORDINANCES

None

APPLICATIONS - PUBLIC HEARING

- **Toll Bros., Inc. (RBG / Enclave) – File 21-PB-10-S/MS/SP** – (TOD 12-31-21) - Block 183, Lot 38.01 (201 Hamilton Road) and Block 183.01, Lot 1 (Hamilton Road). Applicants seeking **minor subdivision approval** to subdivide the two existing lots totaling 435.33 acres into three lots; **preliminary and final major subdivision approval** to subdivide Proposed Lot 183.01, Lot 2, totaling 130.68 acres, into 181 lots of which 174 will be single-family lots, 6 open space lots, and 1 roadways lot; **minor site plan approval** to provide a common entrance servicing the golf course and residential tract, and construct modifications to the existing clubhouse parking lot to relocate six parking spaces; and **waivers**, on Property located in the RBPRD, Royce Brook Planned Residential District. (EC Review: 11-15-21) ***Application continued from December 02, 2021 without further notice.***

Richard Hoff, Esq. of Bisgaier Hoff LLC, representing the applicant, said this application had been started on December 02. At that time, the Board approved the minor subdivision request of the application. We then proceeded to the major subdivision request, for which testimony was given from our civil engineer, Mr. Jay Kruse, PE, who presented his affirmative testimony, addressed Mr. Di Sessa's review letter, answered questions from the Board, and started on questions from the public and ran out of time.

Mr. Hoff asked if testimony could be heard by the architect, Mr. Jeremy Greene for this project since he will not be available for a March meeting. After questions from the public, we can then continue with questions for the engineer, Mr. Kruse.

No objections from the Board.

Exhibits from 12-02-21 Hearing:

Exhibit A-1 – Overall Aerial of Project Site – Existing Conditions for the Enclave at Hillsborough, dated 11-15-21

Exhibit A-2 – Colorized P/F Major Subdivision Plan, dated 11-15-21

New Exhibits being Introduced 02-03-22

Exhibit A-3 – Plan One – Modern Farmhouse (55-Foot Product) - 2 sheets

Exhibit A-4 – Plan One – Classic (90-Foot Product) - 3 sheets

Jeremy Greene, RA of Toll Architecture was sworn in, provided his credentials, was accepted by the Board, and gave the following testimony in response to questions asked by Mr. Hoff.

Mr. Hoff said there are two different lot sizes on this project with varying single-family footprints.

Mr. Greene agreed and described the “55-foot” product. He said there are four conceptual architecture models shown, but it is common to have five to six models, with four elevations each. The four model elevations shown are of varying materials. The second sheet of **Exhibit A-3** is representative of these homes. All will have a front entry two-car garage. Some models

PLANNING BOARD MEETING MINUTES
February 03, 2022

have bedrooms on the first floor; all have bedrooms on the second floor. The models in this 55-foot collection range from 3,000 sf. to 3,300 sf. All are 4-bedroom based houses with 2 ½ to 3 bathrooms per home. An optional fifth bedroom would fit within the base house footprint. He described the bedroom layout shown.

Mr. Hoff asked if there will be opportunity to mix and match different elevations to give different looks.

Mr. Greene said we are always responding to market trends. By the time this project gets started and open for sale, there may be some subtle changes or elevations offered. The number of bedrooms and bathrooms would be constant throughout the project.

Exhibit A-4 shows typical elevations of the large homes for the larger lots. The materials will be consistent throughout the community. These homes will range in size from 3,600 sf. up to and above 4,700 sf. and will have 4-bedrooms and 3 ½ to 4 ½ bathrooms, depending on the layout. Mr. Greene walked through the interior plan shown. The sizes of the rooms and layouts are more generous with the larger product. Toll Bros. controls the offering so that you have a consistent look throughout the community. There will be several different color and material pallets available for buyers to choose from. The typical floor plan will remain the same throughout.

Planning Director, David K. Maski, PP, AICP, said we recognize that these are models and that there may be some adaptations made to them, but it is understood that the height, impervious coverage, and basic footprint would remain the same.

Mr. Greene said that is correct.

Vice Chairman Julian asked if they have basements.

Mr. Greene said all have basements.

Mayor Lipani asked if Toll Bros. will be building these homes on spec or as people choose.

Mr. Greene said both. He said we normally will come in with a model home park, anywhere from two to three models that salespeople can take interested parties through. We tend to build move-in homes that are almost the same as the walk-through models. About 25%-30% of our homes are quick move-in homes.

Mayor Lipani asked for information on the green energy efficiency of the appliances offered.

Mr. Greene said most of our base house appliances are energy star qualified or certified. There will be different energy packages available to buyers.

Mayor Lipani asked if the homes will be landscaped or if the buyers have to landscape themselves.

Mr. Greene said Toll Bros. has a landscape group with which buyers can purchase landscape options, such as decks, patios, etc., depending on the lot layout. Buyers can also choose to do it themselves.

Chairman Suraci asked if the driveways will be paved.

Mr. Greene said yes.

Committeeman DelCore asked if there will be model options in between, such as a 70-foot model.

Mr. Greene said not with the 55-foot models, but we have a larger side yard set aside for what we call conservatory or elite options that can be added to the side of the home, so there can be square footage added to the 90-foot models, and still stay within the allowable building footprints.

Mr. Hoff said the site plan design that Mr. Kruse went over incorporates that assumption for purposes of all of the larger lots.

Vice Chairman Julian asked the impervious coverage for the size of the house ratio compared to the lots. He said there would not be an opportunity to do too much after the house is built.

Mr. Greene said the site plan is set up to take into account all of the possible impervious coverage that would fit in with the allowable, but that is more a question for Mr. Kruse.

Open to the public.

PLANNING BOARD MEETING MINUTES
February 03, 2022

Susan Gulliford – Hunt Club Road

- Ms. Gulliford asked if all are two-story, and if so, if there are any elevator options.

Mr. Green confirmed they are all two-story. Elevators have not been contemplated at this point.

- Ms. Gulliford asked how you prevent having the same models all in a row.

Mr. Greene said that is generally controlled at the site level and sales level. While we can put the same house next to each other, it would not have the same elevation style or color palette.

- Ms. Gulliford asked the impervious coverage for the actual footprints.

Mr. Greene said for example, a 55-foot product is generally 40 feet wide by about 54 feet deep with the garage extension, for about a 2,000 sq. footprint.

Tom Burke – 1212 Millstone River Road

- Mr. Burke said he had a question on stormwater management.

Chairman Suraci advised that question would be for the next witness.

- Mr. Burke asked information about the impervious coverage.

Mr. Greene said there are 87 lots that qualify for the 55-foot product.

Mr. Maski said the impervious coverage on this project is not based on a lot-by-lot basis; it is the entire tract of 130 acres. They are allowed to go up to 45% but are proposing 24% total impervious.

Chairman Suraci asked if the lots themselves would be limited.

Mr. Maski said no, it is the total over the tract, but they still have to be limited by the setbacks, in terms of how large they can get. Again, the impervious would be based on the entire tract.

Doug Eden – 55 Anne Street

- Mr. Eden asked if these homes that all have basements will add groundwater for our community downstream.
- Mr. Greene said that is a question for Mr. Kruse.

Committeeman DelCore reminded the public the current witness is the architect.

- Mr. Eden asked the size of the larger homes.

Mr. Greene said the models shown are from 3,700 sf. to 4,700 sf. of livable space. Plan Two, as described earlier, is about 68 feet by 49 feet deep with the garage. The actual footprint would be less than 3,500 sf.

- Mr. Eden asked the setbacks.

Mr. Greene said that is a question for Mr. Kruse.

- Mr. Eden asked the square footage for piece of property the Plan Two would be going on.

Mr. Greene again said that was a question for Mr. Kruse.

- Mr. Eden asked Mr. Maski about the impervious coverage and if it included the wetlands.

Mr. Maski said the applicant can cover up to 45% of the entire 130 acre tract. They are covering 24% with various types of impervious coverage.

Maria Janucik – 720 East Frech Ave., Manville, and Hillsborough property owner

- Ms. Janucik asked for the block(s), lot(s), zone and ownership for the property.

Committeeman DelCore advised the subdivision and zoning was not part of this witness' testimony.

PLANNING BOARD MEETING MINUTES
February 03, 2022

After similar questioning by Ms. Janucik, Chairman Suraci said the subdivision is proposed. In order to be efficient, the subdivision and site plan is done at the same time. The applicant does not have to subdivide and then come back before the Board; it can be done in the same hearing.

- Ms. Janucik asked how Toll Bros. could be the applicant when they do not own the property and continued to ask about the block and lot.

Committeeman DelCore advised this is a quasi-judicial process. Now is the time for questions based on the witness' testimony.

- Ms. Janucik asked how many homes will be built on this property.

Chairman Suraci advised that question is for the engineer.

- Ms. Janucik asked how many models are offered.

Mr. Greene said that is yet to be determined, but we typically have five or six models per collection. We may swap models in and out as the market and the buyers provide feedback.

- Ms. Janucik asked if a model can be altered to be a 3-bedroom home.

Mr. Greene said they are all 4-bedroom homes with options.

- Ms. Janucik asked about the lot sizes for the larger homes.

Mr. Greene said Mr. Kruse could testify since he has a diagram. We are working within the buildable area he has determined.

Susan Gulliford- Hunt Club Road

- Ms. Gulliford asked for information on the downspouts on these models.

Mr. Greene said that is a question for Mr. Kruse. The water can either be surface discharged or to a header system.

Henry Wierzbowski – 1444 Millstone River Road, Millstone

- Mr. Wierzbowski asked if there will be accommodations for those who are handicap or in a wheelchair.

Mr. Greene said not in the base houses, but if we get a request from a buyer, we will accommodate that.

Doug Eden – 55 Anne Street

- Mr. Eden asked the height of the tallest building, of the 90-foot models.

Mr. Greene said from the top of the first floor to the peak of the roof of the Newhaven is just over 31 feet for the smaller models.

- Mr. Eden asked to see where the large models are going.

Mr. Greene showed the layout of the footprint of the homes. The smaller 55-foot collection would be at the back of the property. He showed the larger homes were closest to Mr. Eden's neighborhood.

Mr. Hoff said the ordinance prohibits anything over 35 feet.

No further questions for Mr. Greene.

Jay Kruse, PE of ESE Consultants, was reminded he was still under oath.

Mr. Hoff advised that at the December hearing, Mr. Kruse had finished his affirmative testimony; we had gone through Mr. Di Sessa's review letter; reviewed part of Mr. Maski's letter for the engineering questions; questions from the Board; and had about 20 minutes of public questions in before adjourning.

With the floor still open to the public, Chairman Suraci asked for questions for the engineer, Mr. Kruse.

PLANNING BOARD MEETING MINUTES
February 03, 2022

Roger Prince – 87 Amwell Road, Millstone

- Mr. Prince asked if it would be easier to give a quick synopsis of the stormwater for all here.

Mr. Hoff said a good deal of time had been spent at the last meeting, so it might be most efficient to ask questions.

- Mr. Prince asked if any preservation or covenants put in place at the time when the golf course was constructed that will now need to be waived or changed as a result of this development.

Mr. Kruse said he was not aware of any covenants related to stormwater. Obviously there are environmental constraints that are governed by the New Jersey Department of Environmental Protection (NJDEP) and the Delaware-Raritan Canal Commission (DRCC). There is a previous DRCC easement that covers a portion of the tributary that runs to the middle of the project that was described last time. We will need to go back to the DRCC for any impacts of that easement. He said I am not aware of any encumbrances past that for preservation.

- Mr. Prince asked how going back to NJDEP or the DRCC rolls back to the board before actions are taken.

Mr. Hoff said it does not. The way the Municipal Land Use Law (MLUL) is constructed is that this board acts first and conditions, should they be inclined to grant approval, upon the applicant obtaining any outside agency approval that might be necessary, including DRCC. If DRCC were to do something to this project that requires it to be amended, we would then have to go back to this Board to get approval again.

- Mr. Prince said there seems to be a lot of wet retention areas. He asked if there are dry retention areas in order to manage peak period design. To what percentage of the peak period in the water discharge will be retained on this property.

Mr. Kruse said we have regulations for rate reduction based off of NJDEP standards and guidelines. He explained the criteria for the 2-year storm reduction to be 50%. We have to reduce the rate of the runoff under the current conditions by 50%. The reduction rate for the 10-year storm is 75% of what comes off the site in its current condition from the disturbed portions of the site. The largest is the 100-year storm even, which requires we reduce the rate from our proposed development to 80% of whatever was coming off the site in the current state.

- Mr. Prince asked for clarification on the percentages.

Mr. Kruse confirmed the rate will be reduced by 20% of the property in its current state.

- Mr. Prince asked if there was any requirement to produce a downstream impact for what that will mean to the flood levels from the nearby waterway.

Mr. Kruse said we have two requirements. We need to analyze the flow from the site at all its discharge points when it leaves the site to make sure we are not impacting the immediate structure or feature downstream of our discharge point at our property line or border; whatever that point may be. It has to do with the stormwater going through whatever that feature may be, a ditch, a swale, a pipe, etc.; that is our analysis point. Downstream of that, our rate reductions, if they are met at those stages, that is satisfactory to show that we have demonstrated and met the rate reductions, and that there will not be any impact downstream. As part of this requirement for this project, since we have this tributary that runs through the central portion of the property, we also have to do a flood hazard area analysis, connected to the Millstone River.

- Mr. Prince asked who ultimately evaluates that.

Mr. Kruse said the NJDEP evaluates the flood hazard area. The DRCC has requirements that extend from the calculated flood hazard area, so there are multiple jurisdictions involved.

- Mr. Prince asked how much more water will be introduced to the area during a storm as a result of the development.

Mr. Kruse said from a volume perspective, from a pre-developed flow rate to a post-developed flow rate in volume over 24 hours, it is approximately 10-acre feet. After 24 hours of rainfall from what is coming off current condition to the post condition, you are talking about 3.5 million gallons. It is not all at one-time; it is dispersed throughout the entire duration of the storm even in 24 hours. The wet ponds are in place to hold that additional volume and let it out at a slow rate so it does not generate any impact downstream.

- Mr. Prince asked for more information on the wet ponds.

Mr. Kruse said they have a permanent pool of water in the pond itself, 5 to 6-feet deep, so they become an aesthetic feature.

PLANNING BOARD MEETING MINUTES
February 03, 2022

Above that permanent pool there is additional area and volume for temporary storage of the stormwater that is generated during a precipitation event.

Joan Shutner – 30 Maple Terrace, Millstone

- Ms. Shutner asked if the standards are for what's considered "normal standards" or are they for an area for the Millstone River basin, and for the areas that are impacted by the floods, for what we have experienced in the past several years.

Mr. Kruse said the current regulations have stormwater amounts for each of the individual storms I have talked about, in inches over 24 hours. They are based off of different locations within the State, so you will have a varying degree of inches of rainfall over 24 hours, which is what we have to design to. Our design is in accordance with what the NJDEP and the rainfall rates have been generated for this particular location, which is roughly 8.23 inches of rainfall over 24 hours. That is the current standard that we have to design to for the largest storm event.

Mr. Hoff asked Mr. Kruse if the Millstone River basin takes on water from areas well beyond this particular project.

Mr. Kruse said that is correct.

Mr. Hoff said in terms of this project as it relates to that basin area, he asked what is this project doing to that overall basin system in the region.

Mr. Kruse said it would be minor because the Millstone River has a large drainage basin. The contributing area is roughly 291 acres of what we are developing plus additional undeveloped area that still flows to the Millstone. I do not have the specifics but the drainage is square miles of area; we are talking 291 acres which isn't even a tenth of a square mile. It is a minor land contributory area to the overall basin that drains to the Millstone River.

- Ms. Shutner said storms like Floyd and Irene, the weir is impacted because if you understand the Millstone River basin, you have to understand how the weir works. When the Millstone River comes together with the Delaware Raritan Canal, and what that impact means to this area and to the residents of Manville, Bound Brook, South Bound Brook, Claremont, Millstone Borough and Hillsborough.
- Ms. Shutner asked if the Board has taken the study and applied it.

Mr. Bernstein advised, that is not a question for this Board.

Chairman Suraci said that would more appropriately be a Township Committee matter. The Planning Board does not initiate studies.

Mr. Bernstein explained the Board is here to hear applications and rely on their expert and make those determinations. The Board is not required to conduct its own studies.

- Ms. Shutner referenced a Rutgers study on the number of school children from 2016.

Mr. Hoff said the study is called "Where People Live" which provides the multipliers to get to the amount of school children. The demographics are within that study. It is essentially an estimator based upon where you fit in on a number of bedrooms, for sale vs. rental, and the different calculations you do based upon those assumptions; it is an estimate.

Mayor Lipani noted that information was found in the Community Impact Study.

Mr. Hoff said correct.

Tim Veracco – 3 Franklin Drive

- Mr. Veracco questioned the use of Atlas 14 in the analysis. He said Atlas 14 was from 1999; it has a time warp. He said an update is supposed to be coming out by NJDEP as directed by the Governor. Mr. Veracco expressed he was not in agreement with the data and that the structure are not going to have capacity to hold the water.
- Mr. Veracco questioned the modeling being on a 24-hour interval and if the stormwater can accommodate a storm such as Ida which produced 8 inches of rain over 6 hours. If the rain comes in at too big of a rate you are going to overflow. Can it handle flash flooding? Has a hydrology expert looked at this data?
- Mr. Veracco said Claremont is being disregarded. He said he had 15 feet of water from Ida. He shared he had talked to the County Engineers about enlarging the culvert pipe but was told they could not due to the NJDEP

PLANNING BOARD MEETING MINUTES
February 03, 2022

regulations. The neighborhood acts like a detention pond with way too much water coming in that cannot get out and makes a huge lake. The flooding is getting worse.

- Mr. Veracco spoke further on Executive Order 100 and on global warming.

Mr. Bernstein advised the witness is here to answer questions on his testimony. The Board is to make a determination on the current climate, the current law, and the current regulations. Unless the speaker is able to provide testimony based on expertise, the time for comments is at the end of this hearing.

Chairman Suraci said we understand the emotions behind the comments, and called for the hearing to proceed in an orderly manner.

Mr. Bernstein reiterated, the Board is bound by the current law and the current standards of NJDEP. Ultimately, any approval by this Board is conditioned upon approvals from the NJDEP and DRCC, among others. If the rules change between now and then, the applicant will have to comply with whatever those rules of engagement are and satisfy the NJDEP that their proposal meets it. If it does not, they will be back with another application if they cannot build this one. It is not the Board's determination to what the NJDEP regulations are.

- Mr. Veracco said the job of a Planning Board should be to have foresight.

Mr. Bernstein advised that is not for this Board but for the 120 members of the New Jersey State Legislature who created the MLUL in 1975. If they wanted land use boards to have foresight, they should put it in the MLUL. In the absence of such, the Board is not allowed to have foresight under law.

Chairman Suraci said the Board cannot legislate from the dais.

Mr. Bernstein agreed.

- Mr. Veracco further referenced Governor Murphy's January 2021 requirement. He said when flooding is an issue, a climate change flood hazard vulnerability assessment needed to be prepared, and asked if Hillsborough had done so.

Mr. Maski explained the vulnerability assessment is now in the MLUL. It is required before any municipality can update or make changes to their Master Plan. It does not apply to specific applications such as this.

- Mr. Veracco questioned the information provided.

Chairman Suraci again explained this is a quasi-judiciary proceeding. The witness is under oath and gave testimony. If anyone feels his testimony is not accurate, you can be sworn in if you are an expert, to refute or counter what was said.

After further comments from Mr. Veracco, Chairman Suraci advised the professional opinions of the Doctor you referenced are not admissible here.

Mr. Bernstein spoke on "hearsay testimony". Neither the Board nor Mr. Hoff, on behalf of his client, can cross-examine Dr. DeGatano on what he did or did not say in an article. Dr. DeGatano's article/report cannot be considered as evidence unless he is here.

Mr. Hoff asked Mr. Veracco if he had any questions for Mr. Kruse.

- Mr. Veracco asked about the study point areas. He asked how water can be diverted from Study Point 3 to Study Point 1, given the topography.

Mr. Kruse said the grade in the area (shown) is at a high elevation, and at a ridge that runs along the rear of the proposed properties. From that point, everything drains to the tributary by natural grade. Then from the tributary it drains towards Millstone River Road. We will be grading the outparcel (pirate) section so that everything is captured internally and piped across the golf hole, and will enter into the system that is closer to the tributary which goes through the storage detention facility or wet ponds before it is discharged into the tributary and then runs through the tributary where it currently goes, which is eastward to the culvert that runs under Millstone River Road, which then has another small tributary to traverse until it connects into the Millstone River.

- Mr. Veracco asked if Hillsborough had professionals who were looking out for the residents.

Mayor Lipani said we employ an engineer who has the specialist you are asking about. They are bound to look at the site to make sure it meets all of the EPA and NJDEP standards as far as the laws are today, based on the engineering that is

PLANNING BOARD MEETING MINUTES

February 03, 2022

provided. They are the ones determining if the project is done satisfactorily to the laws written today. We cannot impose laws that are above what is legal.

- Mr. Veracco asked that the application be put on hold until the new regulations come through.

Committeeman DelCore said it is not that we are not listening, and understand the implications, but that is why we have the professionals. This Board is bound to cover the law, but we have to go by what is in place today. If that changes between now and then, we will make sure they comply. However, we cannot base our foundation upon something that might be coming; we have to do it by what is required today.

- Mr. Veracco continued to reference the articles he had.

Committeeman DelCore said there are a lot of studies done for NJDEP that never become law. If you have an issue with that your push needs to be with the Legislature.

Mr. Bernstein explained that even if tomorrow NJDEP promulgated new regulations, there is a process that the State engages in such as publication, comment periods, review and response, and other items. If tomorrow those regulations showed up; they are not valid until all of the procedures that the State of New Jersey requires for regulations to be placed into effect would have to occur. He advised not to anticipate that because the Governor said there should be something coming out any day now it is still only "proposed". It is not binding until it has gone through the entire process, and still subject to judicial review if contested. Affordable Housing is a prime example of this process. We are now in year 22 of a 10-year cycle. The Atlas may be outdated and there may be a report recommending changes, but right now those regulations are what bind this Board, this applicant, and ultimately NJDEP in its review.

Vice Chairman Julian asked Mr. Kruse if he is working with the most updated stormwater regulations.

Mr. Kruse said the regulations were effective March 02, 2021.

- Mr. Veracco continued to argue that it does not affect stormwater.

Board/Township Engineer, Drew Di Sessa, PE, CME, said the current rainfall data is being used for this application. Those rules cover stormwater quantity, quality, and groundwater recharge. That is what this applicant designed for and that is what our office reviews the plans against.

- Mr. Veracco continued to comment. He asked who he could call to get this matter on the right track.

Chairman Suraci advised he call State Senator Swicker and Assemblyman Freiman. They are the ones who have the authority to introduce the legislation you are seeking.

Committeeman DelCore suggested he also speak with them about the affordable housing rules.

Break 9:10pm – 9:15pm

Chairman Suraci reminded the public present of the procedures. Questions are to be asked after testimony. The public will be afforded the opportunity to make comments after all testimony has been given.

Vice Chairman Julian asked if the Environmental Commission letter had been reviewed.

Mr. Hoff said it had been reviewed in pieces, but that they will go over the seven issues raised.

Tom Burke – 1212 Millstone River Road

- Mr. Burke said he lives downstream of the Golf Course and was extremely flooded during Ida; worse than it had ever been. He asked if the rate of water going to the stream will be increased.

Mr. Kruse said they are not increasing the rate of water going through the stream.

- Mr. Burke questioned the runoff due to the increase of impervious.

Mr. Kruse said the runoff is managed by our on-site management, so we are not increasing the rate of runoff because we are not permitted based off the regulations. As discussed previously, there is an increase of volume. The stormwater management system is put in place to hold that additional volume, release it at a slower rate with the reductions discussed earlier for different storm events, so that there is no impact downstream. That is how the regulations are set up and what we have to abide by when we design.

PLANNING BOARD MEETING MINUTES
February 03, 2022

- Mr. Burke asked if NJDEP will approve this plan.

Mr. Kruse said this development is governed by NJDEP as far as disturbance and environmental areas.

- Mr. Burke said his concern and those of his neighbors is flooding. He asked how they can get this application denied or change the proposal.

Mr. Hoff said after the application has been presented and all questions and comments have been made, the Board will make a decision.

Anthony Galuppo - 44 Franklin Drive

- Mr. Galuppo asked, if something happens to a property before your development is completed, does that require you to go back through and reevaluate those areas or do another study. He said there is a 17 acre property behind Franklin Drive which Redcom Construction is advertising as becoming a very large warehouse facility. If something like that happens before your area is built, does that require you to reevaluate the studies that have been done or is it grandfathered in? When you have water coming into your house, you cannot stop it. In some cases it is a matter of life and death. In that situation, if that property gets purchased and developed, what does that do to your development?

Mr. Hoff said they would have to go through the same site plan review as this application. Nothing that would be going on off-site would have any impact because they are going to be bound by the same off-site drainage requirements that we would be. They will have to address their impact on surrounding properties.

Mr. Kruse said they are downstream of all of our contributory areas. As Mr. Hoff said, they would have to abide by the same stormwater regulations for rate reduction, groundwater recharge, and water quality at their discharge point. That would not affect our design. What would be coming off their site would be at or below the current condition, which is anything we have factored in our design.

Mr. Hoff said we are sensitive to the Claremont Development issues. We spent a lot of time at the first meeting talking about how we are actually taking a large portion of the drainage area that currently goes to the Claremont section, Study Point 3, and rerouting that to Study Point 1. Twelve acres of the Golf Course which currently drains to Claremont is now being diverted up to Study Area 1. As Mr. Kruse explained at the first meeting, under NJDEP rules that was not required. We could have maintained the same flows as they currently go, but we knew that was going to be an area of concern so we shifted the drainage areas and oriented a lot of the stormwater management structures up towards Study 1 because we have to retain it before it gets discharged. That is why you see most of the stormwater is up top, taking away a large portion of the site that drains.

- Mr. Galuppo said you can see where the lines going through where the drainage is going to be in Study Point 1. That open area and in the middle of Claremont are literally two rivulets that are running through that area. You are talking about an island that already floods. The more development from upstream or in the area that is exacerbating that problem is going to cause flooding in people's houses. The plan is to modulate the numbers but when the rubber meets the road, we are the ones getting flooded. We are looking at everyone here as a protection factor. If this development gets built it is going to impact us; we are going to pay the price.

Secretary Hesthag asked Mr. Kruse if he could respond to the comment.

Mr. Kruse said the discharge point for Study Point 1 is the 60-inch pipe or culvert that goes underneath Millstone River Road. We cannot increase the rate of rainfall or the flow going through that culvert any more than what it currently sees. That is where the rate reductions come in; we even have to reduce it. A stream drainage feature pipe is evaluated based off of capacity, which is a rate. Since we are reducing the rate to what it can handle currently or below, it should alleviate any potential impacts from drainage runoff flooding at that location.

Ms. Smith said even though you are adding to the impervious surfaces in that area, you still have to maintain the current flow.

Mr. Kruse said we have to go even below the current flow. Those are the percentages I spoke on earlier for the storm events.

Mr. Di Sessa said when you apply for the Flood Hazard Permit; they look further down the corner.

Mr. Kruse said that is correct. As Mr. Hoff mentioned, since this is contributory to the Millstone River and the tributary connects, we also have to look at the flood hazard area which is what happens during the 100-year storm to the Millstone River tributary all the way through the property. NJDEP looks at that and confirms we are not impacting, or enlarging the flood hazard area, or increasing what areas flood. Obviously that would not be a good condition, and NJDEP would not

PLANNING BOARD MEETING MINUTES

February 03, 2022

approve it. That is another level of review and critique of what we are doing from a design standpoint for stormwater management and flood hazard.

Mr. Hoff said in the flood hazard analysis, NJDEP has stormwater jurisdiction, so it is not as if they look at it in isolation. They look at our stormwater plan on-site to see how it affects downstream.

Mr. Kruse agreed. He said there will be three levels of stormwater review for this application based off of its location. Reviews will be separate reviews done by Town, NJDEP, and DRCC on the applicability to the current stormwater regulations and to determine any impacts.

Maria Janucik – 720 East Frech Ave., Manville, and Hillsborough property owner

- Ms. Janucik made reference to a comment in the 12-01-21 Environmental Commission memo about future flooding.

Mr. Hoff said we are aware of the comment but do not agree with the conclusion for the reasons Mr. Kruse has gone over. We do not believe it will increase flooding of the homes on Millstone River Road and downstream in Manville. As Mr. Kruse testified, we maintain that we reduce the rate of flow at that study point. While there is a diversion from one portion of the site to the other, the rate of flow remains reduced from its current condition.

- Ms. Janucik asked how the rate is going to be reduced.

Mr. Kruse reiterated his prior testimony. He said the stormwater management design is set up to minimize any flooding impacts downstream. That is the whole goal of the stormwater design.

- Ms. Janucik asked about an LOI for the subdivided lot.

Mr. Kruse said this overall Golf Course property, which is a composite of the two lots mentioned, has a Letter of Interpretation (LOI) for the entire property, which establishes the limits of wetlands and wetland buffers on the site. This application is in that overall property, so the existing LOI would apply for the proposed lot. The LOI issued March, 2021 is for the entire Golf Course property in its current condition. It is valid for five years from that date.

- Ms. Janucik asked how much of the environmentally sensitive area will be on this new lot.

Mr. Kruse said the 3.3 acres you referenced is for the Township Stream Corridor. That is inclusive for the total property. We are not disturbing any areas outside of what Toll Bros. would ultimately propose their development on. Toll Bros. made application to NJDEP to have all of our environmental services approved under the current guidelines and regulations.

- Ms. Janucik asked about plans for Block 83.01, Lot 2.

Mr. Kruse said our design plans include all of the disturbances for which we would apply to the NJDEP for approval. The environmentally sensitive areas have already been discussed in testimony.

- Ms. Janucik asked the purpose of a rain garden and how it works.

Mr. Kruse said the rain garden is intended to provide water quality to satisfy the NJDEP regulations for water quality. We have to meet 80% total suspended solid removal. NJDEP is concerned about the amount of sediment and solids that are in stormwater runoff from motor vehicle surfaces or impervious surfaces. They set a standard that 80% of those total suspended solids in your post-develop discharge from your site. They have applied certain percentages that each BMP provides. A rain garden provides 80% removal, so our rain gardens spaced throughout the site are capturing runoff from motor vehicles surfaces and impervious surfaces, and treating it for the 80% the NJDEP requires before it is discharged downstream into the drainage feature or into the Millstone River.

- Ms. Janucik asked if it infiltrates into the groundwater.

Mr. Kruse said the soils out here are very clay and silty and do not infiltrate their current condition, underlain by bedrock and shale as well. In this instance we are proposing no infiltration for site because the current site is not appropriate for infiltration.

- Ms. Janucik asked where the water from the rain garden goes.

Mr. Kruse explained it infiltrates within the first couple of feet of the soil medium within the rain garden, is captured by a perforated pipe underdrain and then discharged into the overall storm collection system. It is then transferred into the storm management basins where it gets additional treatment and ultimately discharged to those study points I referenced earlier.

PLANNING BOARD MEETING MINUTES
February 03, 2022

- Ms. Janucik asked about the additional treatment

Mr. Kruse said that NJDEP's current regulations of March 2, 2021, require water quality be provided in small-scale BMPs, such as rain gardens, throughout the area. You can now only have a maximum drainage area of roughly 2 1/2 acres. There are 21 rain gardens to comply with those regulations. The larger scaled BMPs still provide water quality based off the basis of what the NJDEP had in their previous regulations, but they do not recognize that anymore. The 80% in the rain gardens is getting water quality in the wet ponds we cannot take credit for.

- Ms. Janucik asked how many of the stormwater management features will be on Lot 2.

Mr. Kruse said all are on Lot 2, which is the residential lot. This application is not proposing any modifications to the Golf Course.

- Ms. Janucik again referenced the Environmental Commission's memo and asked about the stream corridor.

Mr. Kruse said there are areas of the Township Stream Corridor that are currently an active Golf Course. As we develop, we are staying outside the stream corridor. Those areas that are now active golf, the manicured lawn, sand pits, and greens are going to revert back to a natural state, which will be meadow grass and potentially wooded areas after the years.

- Ms. Janucik asked about soil testing in reference to pesticides.

Mr. Kruse confirmed pesticide testing has been completed. That information can be provided

- Ms. Janucik asked about the impervious coverage, as noted in the Environmental Commission's report.

Mr. Kruse said the impervious is calculated for the entirety of this property, not for an individual lot for a home. The 24% impervious includes roads, sidewalks, and the proposed footprints of the homes, that being the largest footprint with additional options. The impervious cannot go beyond the 45% regulated by ordinance. Even doubling the footprint of the house for each lot would not put you over the 45% impervious.

Mr. Hoff said they plan to address all of the comments from the Environmental Commission's letter.

Mr. Maski said the letter being referenced is the 12-01-21 Environmental Commission memo. The Commission summarized their report with seven questions.

Mr. Hoff asked Mr. Kruse continue with the Commission's comments, starting with Comment #2 since Comment #1 has been addressed.

Mr. Kruse said as noted last time, some of the stream corridor impacts are unavoidable for the road crossings, which is why we are asking for 3.3 acres disturbance areas. There are a couple of stormwater BMPs that are located in the Township Stream Corridor that we discussed we can relocate out to reduce that 3.3 acres. The areas that are actively maintained for the golf operations are now going to revert back to natural. Although there are 3.3 acres of disturbance, 5.3 acres will be gained for areas allowed to revert back to natural condition. The biggest environmental constraints follow the tributary.

Mr. Kruse responded to Comment #3 regarding the protocols for pesticides, again acknowledging the testing has been completed and a report has been done.

Mr. Hoff addressed Comment #4. He said there were not any discrepancies in the stormwater calculations. It was a misunderstanding as to what portions of the manual were referenced.

Mr. Kruse concurred. He said the question was in Table 1 but you need to be referencing the breakdown in Appendix G. The confusion was the overall numbers are presented in the summary. How you meet all of the reductions was in Appendix G. We demonstrated that we met all of the rate reductions per NJDEP requirements.

Vice Chairman Julian acknowledged he recalled talking about that at the meeting.

Mr. Kruse said in reference to Comment #5, that study has been completed as a key part of the flood hazard analysis and report that has to be submitted to the NJDEP for the applicable permits.

- Ms. Janucik asked if the analysis is part of the Planning Board application file.

Mr. Kruse said it is part of an application made to the NJDEP. The Township Clerk gets a copy of all permits made to the NJDEP.

Regarding Comment #6, Mr. Kruse said we prefer to address the roof drains as proposed. As mentioned earlier the soil is

PLANNING BOARD MEETING MINUTES
February 03, 2022

very clay and silty at the top so that leads to infiltration problems. We do not want to cause ponding and side yard swales. and maintenance issues down the line. Therefore, we propose not to have them surface discharge but be connected into the stormwater system for the 174 homes proposed.

Mr. Kruse stated they will provide copies of any documentation and plans provided to the DRCC, as noted in Comment #7.

- Ms. Janucik asked the sizes of the largest and smallest lots.

Mr. Kruse said the largest lot is approximately 31,000 sf. for one of the 90-foot homes, which is about $\frac{3}{4}$ of an acre. The typical lot size for the 55-foot homes is 7,150 sf., where the ordinance is for a minimum lot size of 6,000 sf., about $\frac{1}{8}$ of an acre.

- Ms. Janucik asked for more details on the lot sizes for the homes.

Mr. Kruse said we have about 80 of the larger lots. He clarified that the 31,000 sf. is only for the largest of the larger lots. The lot sizes vary differently. The average for the 90-foot product is roughly 11,800 sf. There are roughly 90 of the smaller house lots.

- Ms. Janucik asked where the affordable housing units will be.

Mr. Hoff said there are no affordable housing units proposed within the project. We owe a payment in lieu of for the construction of such units as a requirement of the settlement agreement. The funds generated from this project will be used for other affordable housing mechanisms in the Township.

- Ms. Janucik asked if Toll Bros. will be constructing any affordable housing.

Mr. Hoff said no.

- Ms. Janucik asked how the ordinance for this development came about.

Chairman Suraci said that is not a question for this witness.

Doug Eden – 5 Anne Street

- Mr. Eden referenced the adopted Amendment to the Upper Raritan Water Quality Management Plan, dated January 2016. He asked if Toll Bros. or Billy Casper Golf applied for wastewater management on the property.

Mr. Kruse said it was not Toll Bros. It was done before we got involved with the project.

- Mr. Eden asked if Toll Bros. would need to reapply given the change in zoning.

Mr. Hoff said not once you are in the sewer service area. The question of what can be served is an issue of capacity at the treatment center it is directed to.

- Mr. Eden pointed out it was approved under totally different zoning.

Mr. Bernstein confirmed it does not matter.

Chairman Suraci said logically you would think so, but that is not the way State statute is. He said he had raised the same issue many years ago when he was on the Township Committee. Changing the statute and that process is a matter for the State Legislature. Once you're in, you're in.

- Mr. Eden asked about the existing retention pond along Hamilton.

Mr. Kruse said the basin constructed is on the old Hamilton Road, prior to the Bypass. This general area drains to the Millstone River. That basin was constructed for the Bypass. It discharges into the wetland complex that is immediately to the north on the Golf Course which ties into the drainage feature that runs through the wetlands between the homes in Claremont and continues through Claremont down to the Millstone. It is going into Claremont as is 38 acres on the other side of Hamilton Road.

- Mr. Eden spoke about the stream. He said the water runs through the middle of the property.

Mr. Kruse said based on the topography, the area between these two wetlands (hatched area on the plan) is a high elevation. The topography does not show that that connection occurs between this wetland complex and the wetland complex adjacent to the tributary. He said I am not exactly certain where this area drains to but it does go from the

PLANNING BOARD MEETING MINUTES

February 03, 2022

western portion of Sunnymead down and through, towards the southern portion towards Hamilton Road. The topography we have which is current does not show that connecting into the tributary that runs towards Millstone River Road.

- Mr. Eden said he is familiar with that property and can assure you that volume of water does not just end right by the maintenance house there. Everybody here knows the amount of water that floods Sunnymead Road goes down into that stream and down towards the Millstone River.
- Mr. Eden said he believed there had been an off-site contribution from the Builder for the project on Falcon Road to redo the bridge in that area. He asked if the applicant would be willing to make an off-site contribution to dredge and look at resizing the pipes that are going under Millstone River Road to alleviate some of our problems. Most of the concerns are from the people that live on that pond or stream.

Mr. Hoff said we are not in a position to offer to do additional off-site improvements. As we have indicated, our off-site impacts are going to be addressed through the permitting process. I am not sure of the area you are referring to, but we have indicated we are going to need to study the area as part of our permit process if it is in that area.

- Mr. Eden showed the area on the map he was referring to.

Mr. Kruse said that whole system you have described is being reduced with this development. We are diverting 12 acres of surface area that contributes to that whole system away, and taking it and moving it from that discharge point and diverting to the 60 inch culvert, and then through the channel directly to the Millstone River. We are taking rate and volume away from that contributory drainage area. We are not increasing the rate. We are reducing the volume as Dr. Obropta said at the Environmental Commission meeting as well. We are minimizing the overall drainage system that runs through the rear yards into the larger basin, into the smaller basin, and then through that pipe.

- Mr. Eden further expressed his concerns; what is being said just does not add up. He asked if his suggestions could be discussed with Toll Bros. Mr. Eden said the river typically crests between 24 and 48 hours so even with holding that water back and trickling it out is not going to make a difference because with most of the floods the river crests at a later date.

Mayor Lipani said you are not regrading but taking the existing grade and diverting it away from the property.

Mr. Kruse said that is correct.

Richard Onderko – 325 Main Street, Manville – Mayor of Manville

- Mayor Onderko asked how much water is being diverted to the Royce Brook.

Mr. Kruse said there is a small area, roughly 9 acres, that this wetland complex eventually ends up into the northern portion of the Royce Brook. It is not diverting a significant amount of water compared to the overall 291 acres that goes to the tributary that goes to Millstone. We have to meet rate reductions for that area as well.

- Mayor Onderko asked where the runoff from the rain leaders goes; where is it piped.

Mr. Kruse said there is a connection system in the roadway and at the rear so we are capturing any flow before it goes off site. The roof drain collector system will be tied into available yard drains at the rear of the property or the storm system within the roadway. That whole system then gets connected into the stormwater management facilities. The BMPs, small scale and large scale, get controlled and then released at that slower rate to the tributary before it gets to the Millstone. So whether it is surface flow or piped; it is all going to the same location to the stormwater control system. The stormwater piping is being controlled before it is discharged downstream.

- Mayor Onderko asked if there is a volume or rate calculation into the Royce Brook.

Mr. Kruse said we only have to analyze our direct point of discharge at this property boundary. We have to meet those rate reductions. The rates at that study point are found in Table G for Study Point 2: The allowable peak flow rates for the 2-year storm, or 4.4 cubic feet per second. That is after applying all of the reductions. We are discharging 4.36 cfs. or below. For the 10-year storm, 11.14 cfs. is allowable; we are at 11.12 cfs. The allowable for the 100-year storm is 24.53 cfs.; and we are proposing 24.17 cfs. The allowable includes all of the reductions required for the NJDEP regulations.

- Mayor Onderko asked if all of the homes will have sump pumps.

Mr. Kruse said we do not make a determination until we do exploratory programs for the basements to see if there is a seasonal high water table. We are required by Code to maintain a separation from the seasonal high groundwater table to the basement bottom. We are trying to avoid sump pumps but there may be some instances where it is close and we have to do it for safety measures.

PLANNING BOARD MEETING MINUTES
February 03, 2022

- Mayor Onderko said we have seen major 500-year storms in 1971, 1999, 2011, and 2021. He asked what happens if these retention ponds are full and we get hit with 8 inches of rain in 12 hours. What happens to those homes? Do you guarantee they are not going to flood out?

Mr. Kruse said it is a hypothetical question, but if the ponds happen to be full from say a 100-year storm, which is the largest design event, and an additional storm above that, there are emergency grates and emergency spillways that divert and direct the flow towards the tributary towards the downstream location of where the water is going in the current condition.

Tim Veracco – 3 Franklin Drive

- Mr. Veracco asked why the 1999 study and Atlas 14 are being referenced as “current”.

Mr. Bernstein advised because it is the current regulations.

- Mr. Veracco asked how the proposed stormwater system will handle flash flooding. If you get the concentrated 24-hour rain in three hours, can this system handle it?

Mr. Kruse said we are not required to model any flash floods because there is no storm event that is set up in the regulatory body to provide a standard for us to model. We are only required to model the 24-hour storm duration for the rainfall amounts set in the Code.

- Mr. Veracco asked if the modeling provides anything for future increases.

Mr. Kruse said they are modeled under the current regulations.

Roger Prince – 87 Amwell Road, Millstone

- Mr. Price asked if any zoning changes are required.

Mr. Hoff said no.

- Mr. Price asked if the application meets the current zoning standards.

Mr. Hoff confirmed that is correct.

Susan Gulliford – Hunt Club Road

- Ms. Gulliford asked for more information on how the impervious coverage is calculated.

Mr. Kruse said the allowable is 45% based off of the overall total 130 acreage tract.

- Ms. Gulliford asked if the Homeowners’ Association would allow the smaller homes to go to 100% for patios.

Mr. Kruse said the current calculation with large footprints options and additions is 24%. You would have to more than double the footprints of the houses to come close to the 45%. Adding patios and any impervious is not going to put you in a position where you are violating the 45% overall impervious.

- Ms. Gulliford again referenced an increase in the impervious for the smaller lots and asked if there is any impact if one area goes up a lot more than another.

Mr. Kruse said no, the impervious calculation is for the overall property, so it does not matter where it occurs.

Chairman Suraci asked if the development was engineered for 45% impervious.

Mr. Kruse said it was not engineered for 45% but was engineered with an additional buffer past the 24% referenced, to include future additions, patios, and decks, from a stormwater management perspective.

Chairman Suraci asked to what percentage is it engineered for.

Mr. Kruse said to at least 35%.

Chairman Suraci asked Board Engineer, Mr. Di Sessa how this could be approved for 45% when it is only engineered for 35%.

PLANNING BOARD MEETING MINUTES
February 03, 2022

Mr. Di Sessa said the stormwater management has been designed for what the applicant is proposing plus a buffer up to about 35%. It is not designed for the maximum impervious 45% coverage for the zone, which is typical. The impervious coverage is a limit. If this development doubled the house sizes and more, and went up to the 45% then it is not designed to handle that amount of impervious coverage. As the applicant testified, it is only able to handle up to 35% impervious for the overall site.

Committeeman DelCore said for the smaller lots, the percentage may be over the 45% due to the lot size. He asked if the stormwater management system in that particular area, can that subsection handle that level of runoff.

Mr. Kruse said based off of the drainage divide, we have factored the buffer equally across all of the lots. That is governed by the drainage area factored into the overall storm drainage design. Each basin has a certain amount of impervious that is directed to it, which includes the buffer for each of those lots. If all of one section draining to the BMPs added the additional patio and deck, it would match our maximum that we designed to that basin. It does not matter where it occurs on site; it's a set buffer across all lots.

- Ms. Gulliford asked if the topography was a factor in how the location of the lots came to be. She said if I am buying a \$1million home, I want to be at the back away from the traffic, but instead they are all up towards Hamilton Road.

Mr. Kruse said there was no basis of grading management; it was a preference based off of the layout from the planners and Toll Bros.

- Ms. Gulliford suggested that the sump pumps be installed.

Doug Eden – 55 Anne Street

- Mr. Eden asked about the question asked by Mayor Lipani.

Mayor Lipani said I asked if they were changing the grade. He said yes.

Mr. Kruse concurred that they are changing the grade to change the direction of the additional 12 acres away from that area of the Claremont Development and redirecting it towards the unnamed tributary. Some areas will be cut back and others will be filled. It will be regraded so that it is all directed towards the tributary. Some of the area along the hill will be cut back.

- Mr. Eden asked, so all of the Claremont area can max out to their impervious; that is what they are doing.

Mr. Maski said you are in a different zone. In that zone it is based on lot-by-lot. This residential zone allows this type of development. The impervious here is not based on individual house lots but on the entire 130-acre tract.

- Mr. Eden further questioned how the impervious coverage is calculated for this lot verses for Claremont.

Mr. Maski said there are 45 different zones in the Town. They all have their own allowances. For instance, across the street from you is the RA Zone, which has different requirements than you have.

- Mr. Eden said who else can do what they are allowed to do for impervious.

Mr. Maski said he would have to look at the Code, but there are other zones in town where the impervious is based on a full tract.

- Mr. Eden asked if anyone knew the answer.

Mr. Maski said there are some older planned developments along Farm Road that are based on the tract, not on individual lots. There are several in town; they are old.

Mayor Lipani said this type of cluster zoning is designed to concentrate the development to a smaller area so you do not have the impervious all over. If they had spread those homes all over the acreage, the impervious would actually go up because of the additional roads and driveways. The clustering still allows a homeowner the ability to add a patio without being penalized.

- Mr. Eden referenced another development and asked if the setbacks on the homes were similar.

Mayor Lipani said the witness may not be familiar with that site.

Mr. Kruse said the front yard setback for this development is 20 feet; side yard is 6 feet each

PLANNING BOARD MEETING MINUTES
February 03, 2022

Chairman Suraci noted the time at 10:00pm.

Mr. Hoff expressed his concerns with having to carry Mr. Kruse to the next meeting, given that many of the questions asked at this hearing had been covered in the last.

After polling the audience as to if anyone had a question for Mr. Kruse, Chairman Suraci acknowledged Mr. Eden as being the last question for this witness.

- Mr. Eden said audience members were told to contact our Assemblyman and look into other matters. He said I think we should have the opportunity to do that and come back if we have other questions.

Committeeman DelCore said the application is not finishing up tonight.

Mr. Bernstein explained Mr. Hoff has more witnesses to present, but does not want to bring his engineer back for a third time.

No other questions for this witness.

Close public

Mr. Hoff noted they have a Traffic Engineer to present.

Chairman Suraci advised the public that the Traffic Engineer will testify at the next hearing. At the conclusion, everyone will have an opportunity to comment on this opinion.

Mr. Maski advised the time of decision runs through 02-28-22, so we will need an extension. The next available agenda is March 03.

After some discussion, Mr. Hoff agreed to an extension for the time of decision through the end of March.

A motion to continue Application 21-PB-10-S/MS/SP to March 03, 2022 without further notice was made by Committeeman DelCore, seconded by Mr. Peason. No comments.

Roll Call: Mr. Wagner – yes; Mr. Peason – yes; Mr. Santaromita – yes; Secretary Hesthag – yes; Ms. Smith – yes; Committeeman DelCore – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

Chairman Suraci again stated for the audience the continuation date of March 03 and that no further notice will be given.

A motion to extend the time of decision through March 31, 2022 was made by Mayor Lipani, seconded by Committeeman DelCore.

Roll Call: Mr. Wagner – yes; Mr. Peason – yes; Mr. Santaromita – yes; Secretary Hesthag – yes; Ms. Smith – yes; Committeeman DelCore – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

Mr. Maski noted the next meeting will be February 10.

ADJOURNMENT

A motion to adjourn was made by Mayor Lipani, seconded by Committeeman DelCore. All were in favor; motion carries.

The meeting adjourned at 10:37 p.m.

*Submitted by:
Debora Padgett, Planning Board Clerk*