

MARLBORO TOWNSHIP PLANNING BOARD

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DECEMBER 4, 2013

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

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

ROLL CALL

PRESENT ... MR. BARENBURG, MR. BERGH, MR. BETOFF, MR. GUPTA, MR. PARGAMENT, MR. POLLAK, MR. JOSPEHS, COUNCILMAN METZGER, MAYOR HORNIK, MR.ELMANSOURY, MR. ROSENWALD

ABSENT... MR. MESSINGER

PROFESSIONALS PRESENT... MS. NEUMANN, MR. HERBERT

SALUTE THE FLAG

CITIZENS VOICE

No one from the public spoke.

P.B. 1094-13 DR. QUADERI & DR. RAHMAN – MEMORIALIZATION OF RESOLUTION GRANTING PRELIMINARY & FINAL SITE PLAN APPROVAL

A motion in the affirmative was offered by Mr. Pollak, seconded by Mr. Pargament. In favor: Mr. Barenburg, Mr.Bergh, Mr.Betoff, Mr. Pargament, Mr. Pollak, Mr. Josephs, Councilman Metzger, Mayor Hornik, Mr.Rosenwald.

P.B. 1101-13 REVIEW & RECOMMENDATION - MARLBORO TOWNSHIP BOARD OF EDUCATION

Laura Neuman, P.E. reviewed Dean Stakny's report with the Board.

This application is for the construction of new security entry or vestibule additions to various

schools and bus garage.

The additions are to be constructed over lawn areas adjacent to the existing entrances to each building. The additions are being constructed to improve security at the school entrances.

A motion in the affirmative was offered by Mayor Hornik, seconded by Mr.Gupta. In favor: mr.Barenburg, Mr.Bergh, Mr.Betoff, Mr.Gupta, Mr. Pargament, Mr. pollak, Mr. Josephs, Councilman Metzger, Mayor Hornik, Mr.Rosenwald.

P.B. 1093-12 NET COST MARKET – CONTINUED PUBLIC HEARING – PRELIMINARY & FINAL SITE PLAN

This application is being carried to the meeting of January 15, 2014, without further notice.

P.B. 1096-13 GARIBO, LLC. – PUBLIC HEARING – PRELIMINARY & FINAL SITE PLAN

This application is being carried to the meeting of January 15, 2014, without further notice.

P.B. 1097-13 FACCHINI – PUBLIC HEARING – MINOR SUBDIVISION

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

Gregory Vella, Esq. represented the applicant. The subject 41,910 s.f. property contains 200 feet of frontage along the south side of Old Mill road, Block 414 Lot 12, within the R-20 zone. Currently the property contains a two story dwelling with a semi-circular paved driveway. The dwelling is serviced by individual on site well and septic systems.

Walter Hopkin, P.E. testified on behalf of the applicant. The applicant is proposing to subdivide the property into two lots as follows:

1. Proposed Lot 12.01 will be 21,902 s.f. in size and contain 112 feet of frontage along Old Mill Road. This lot will contain the existing two story dwelling
2. Proposed Lot 12.02 will be 20,007 s.f. in size and contain 87 feet of frontage along Old Mill Road. This lot will remain vacant at this time.

The applicant agreed to tie both properties into sewer prior to the Certificate of Occupancy for the second possible dwelling.

Laura Neumann, P.E.,P.P. reviewed her report and answered questions from the Board.

A motion in the affirmative was offered by Mr. Pollak, seconded by Mr. Pargament. In favor: Mr.Barenburg, Mr. Bergh, Mr. Betoff, Mr. Gupta, Mr. Pargament, Mr. pollak, Mr. Josephs, Councilman Metzger, Mayor Hornik, Mr.Rosenwald.

P.B. 1095-13 D & R INDUSTRIES – PUBLIC HEARING – WAIVER OF SITE PLAN

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

Salvatore Alfieri, Esq. represented the applicant. The subject 0.3 acre property contains 158 feet of frontage along School Road East directly opposite the Hudson Street intersection, Block 355 Lot 4, within the C-2 zone. Currently the property contains a two story building with a rear deck, paved driveway, detached garage, an accessory shed structure and a well house structure.

Dr. Cohen, applicant stated that he is proposing to use the office for a psychiatrist office where he would see individual patients, with no more than two patients per hour. The office hours will be 9:00 A.M. to 5:00 P.M. Monday through Friday. He also stated that there would be no group therapy.

Rick Voss, P.E. testified on behalf of the applicant. Entered into evidence were the following exhibits:

- A-1 Site Plan
- A-2 Aerial photo of site
- A-3 Photos of the site
- A-4 Photos of the site
- A-5 Photo of the sign

Mr. Voss stated that all the variances and design waivers were the same as the March 18, 2009 approval. The applicant will be doing minor interior modification. The applicant also agreed to comply with all the March 18, 2009 approval conditions.

Laura Neumann, P.E., P.P. reviewed her report with the Board and answered questions.

A motion in the affirmative was offered by Mr. Gupta, seconded by Mr. Pollak. In favor: Mr. Barenburg, Mr. Bergh, Mr. Betoff, Mr. Pargament, Mr. Pollak, Mr. Josephs, Councilman Metzger, Mr. Rosenwald.

P.B. 452-88A-2 NORTHPOINTE – CONTINUED PUBLIC HEARING – PRELIMINARY & FINAL MAJOR SITE PLAN

Henry Kent-Smith, Esq. represented the applicant. He introduced Laura Brinkerhoff, LSRP, a licensed site mediation professional with the State of New Jersey.

Entered into evidence was the following exhibit:

- A-29 Brinkerhoff Environmental report dated November 5, 2013

Ms. Brinkerhoff confirmed that the LSRP for the site governed all excavation activities. She confirmed to the Board that all activities on the site will be overseen by the Professionals that are before the Board for this application to make sure that there are no errors in remediating the soils.

John Schwankert, P.E. was sworn in. He testified that it is his job to analyze the soil permeability.

Entered into evidence were the following exhibits:

- A-30 Grading & Drainage Plan
- A-31 Stormwater Basin Report

Mr. Schwankert pointed out the areas where soil borings were done for the infiltration basin. They dug anywhere from twelve to twenty feet in their excavations. They found several layers of sandy soil but also identified a clay layer which would be removed and replaced with good sand. He stated that the basins should be suitable for infiltration.

Christopher Rosati, Project Engineer was the next expert to testify.

Entered into evidence was the following exhibit:

- A-32 Stormwater Report

Mr. Rosati reviewed the report with the Board. He also went over the recharge standards and how it would occur at the site. Regarding being able to infiltrate water from other parts of the site he stated that there can be some additional infiltration. There are some areas that cannot be infiltrated and this is the reason for the large detention basin to take the water from these areas. He stated that the only deviation required for the stormwater plan would be the infiltration requirement for the two year storm. He stated that they would be able to put together a mitigation plan that would address this issue. The mitigation plan would involve some type of a pump at the drainage basin pumping water uphill towards the school property where mitigation can occur.

It was emphasized that nothing would be built at the site until the NJDEP reviewed it and approved.

Stuart Lieberman, Esq. testified on behalf of his objecting client. He stated that one way of complying with the NJDEP regulations was to reduce the size of the project.

He argued that the Board lacked jurisdiction to grant a waiver for mitigation of stormwater infiltration because the conditions at the site were created by the applicant and that if the project is reduced in size it would comply.

Mr. Kent-Smith argued that the settlement between the Township and the applicant superseded the Township Ordinance regulations. He stated that there is a 15% deviation standard and he believed that this would allow the waiver.

Argument continued between the parties as to whether or not the Board had the jurisdiction to grant a waiver given that the hardship was self created.

Mr. Kent-Smith responded to the Board's questions about redesigning the site to meet the infiltration requirements. He stated that the expense would be too high and they are trying to design

and build a site that complied with the settlement between both parties.

Margaret Snyder, P.E. testified on behalf of the objectors. She testified that by reducing the size of the project the applicant would be able to comply with the stormwater regulations.

PUBLIC HEARING OPENED

The following residents spoke:

Jeff Cantor – spoke as a resident. He felt the Board does not have the jurisdiction to grant a waiver. If the stormwater system does not work at the site, it should not be approved.

Russell Reeves - He believes that the town should comply with it's COAH obligations and this site could provide that.

Andrew Schuller – He is opposed to this application and feels that there is not enough buffering proposed.

PUBLIC HEARING CLOSED

A motion to deny was offered by Mayor Hornik, seconded by Mr. Barenburg. In favor of denial were the following: Mayor Hornik, Mr. Josephs, Mr. Bergh, Mr. Barenburg, Mr. Rosenwald, Mr. Betoff, mr. Pargament Mr. Gupta, Mr. Pollak, Councilman Metzger.

A motion to adjourn was offered by Mr. Pargament, seconded by Mr. Gupta. One vote was cast.

Respectfully submitted

Donna Pignatelli