

JANUARY 19, 2011 MINUTES

A regular meeting of Planning Board of the Township of Roxbury was held on January 19, 2011, at 7:30 p.m. in the Municipal Building at 1715 Rt. 46, Ledgewood, N.J. After a Salute to the Flag the Vice Chairman read the Open Public Meetings Act.

ROLL CALL:

PRESENT: Mr. Sweeney, Mrs. Lutz, Mr. Verge, Mr. DeFillippo and Mr. Carey.

ABSENT: Mr. Shadiack, Mr. Bautz, Councilman Zoschak, Mayor Rilee and Mr. Meyer.

STAFF: Mr. Ferriero, Mr. Germinario, Mr. Stern and Mrs. Wiss

MINUTES: none

RESOLUTIONS: none

COMPLETENESS: none

APPLICATIONS:

PBA-10-018 STS DEVELOPMENT CO. LLC Block 2701, Lot 2 and Block 2702, Lot 19.01

Halsey Street Major Soil Application

The Major Soil Moving Permit was not noticed so this matter will not be heard tonight.

PBA-10-016 STS DEVELOPMENT CO. LLC Block 2701, Lot 2 and Block 2702, Lot 19.01 Halsey Street Major Subdivision Application

Attorney George Johnson represented the applicant. Mr. Silcox, one of the principals, and Steve Smith from Jaman Engineering were also present. Mr. Smith was sworn in and qualified. The latest revision of the 13 sheet Major Subdivision Plans dated March 30, 2001 was April 6, 2010. The subdivision now deals with two lots. Originally, there were five lots on the easterly side of Halsey Street and they had been merged into lot 19.01. The subdivision is composed of two lots, 2701/ 2 which is 52,836 sf. and 2702/19.01 containing 64,519 sf. There was a new lot line adjustment between lot 19.01 and lot 13. and a portion was added to the property owned by Mr. Borelli (lot 13). They would like to re-subdivide the property into five lots, two on one side of Halsey Street and three on the other. The existing Halsey Street right of way has some severe turns and part of the application would be to vacate Halsey Street where it lies between the lots and dedicate a new right of way with a smoother curve. They are proposing numerous improvements, curb, pavement, street lights, an infiltration basin, water main extension, fire hydrants and a sewer main on the site. Each home will have an individual grinder and pump to the existing manhole at Railroad Avenue. They want a waiver not to install sidewalks because they don't have room to construct a sidewalk in the right of way area near Railroad Avenue because it is only 44 feet wide and there are no existing sidewalks nearby on Railroad Avenue.

Soil erosion and sediment control was proposed for the project according to Sheet 5 of the plans and showed crushed stone blankets, the limit of clearing, stockpiles, the reconstruction of Halsey Avenue and the prevention of runoff into the lake or other properties. Mr. Smith explained the information provided on each of the sheets to the Board.

They are requesting one variance for a detention or retention basin that must be set back 20' from the property line. Although this is an infiltration basin, they are still asking for a variance.

Mrs. Lutz asked if the rest of the right of way width met the RSIS standards. After the "neck" area between proposed Lot 3 and Lot 18 it widens out to 50' and a sidewalk would fit there. At present it was not in the Master Plan for sidewalks on Railroad Avenue. Mr. DeFillippo said sidewalks need to start somewhere and the town has made a commitment to this.

They received reports from the professionals. Mr. Smith agreed to all the items indicated in Mr. Stern's report on Tree Removal and Landscaping updated December 21, 2010.

Mr. Stern's other report on the subdivision application originally dated 6/12/08 and updated December 20, 2010 was addressed page by page. Item 1.4, regarding building elevations, there is not a typical house plan at this time; however, calculations on the plans indicate 4-bedroom dwellings with a two-car garage. Item 1.3, the basin will be maintained by the homeowners association. Item 1.5, regarding the DEP Letter of Interpretation, on May 21, 2009, they received an approval to an extension to the LOI verification and now need to get it re-extended. Mr. Silcox was sworn in and said he was in the process of getting an extension.

They will put a deed restriction subject to the Board attorney's approval indicating that the lots have no lake rights and access to the lake and also a note on the final subdivision plans. A maintenance agreement will also be referenced in the deeds. There will be a split rail fence along the conservation easement or the transition area, whichever is furthest from the water. Item 1.14, a lawn will be shown on top of sand in the infiltration basin. The rear lot line is the high water mark and that will be labeled on the plan. The water line fluctuates. No office trailers will be on the property. The hydrant location will be reviewed by the Fire Official.

They agreed to the other items in the report. They did not know at this time if a model home would be constructed. They need to detail the improvements on lot 3 before the next hearing. The drop curb issue will be left open to get public input. Other than the sidewalks, they comply with RSIS. They will wait for the Board's decision on the request for a sidewalk waiver.

Mr. Ferriero's report dated January 17, 2011 was next addressed page by page. When they apply for the LOI they will apply for jurisdictional determination of setback. The

soil movement application calls for a net cut on the site of 500 cubic yards that will leave the property. Mr. Ferriero suggested that the Board focus on the stormwater issues as the rest of his report was very technical.

They will work with the Board engineer to address the water quality issue of the lake that the Environmental Commission was concerned with if the Board has a concern. Mr. Gribbin will address the stormwater issues.

The meeting was open to public to address Mr. Smith's testimony only. Kathleen Wisner, 23 Railroad Ave., was concerned about the infiltration basin, what happens if homeowners association doesn't pay the fees to maintain it? That would be a legal issue and the Township will fix it and charge the residents for the cost. She felt the high water mark should have been taken more recently than 1999. They said that they had taken additional readings so there is more information and it is in the water management report.

Burt Middlestat, the owner of Lake Silver Springs, said the one issue he wanted to bring up now was the water level of the lake. The high level of 703' was not the high level because the level went to 704.5. They had done elevations and test holes based on Mr. Middlestat's comments on the last hearing. Mr. Middlestat had a paper from the Township Engineering Department on levels of the lake for a one year period. The level of the lake changed 43". Copies of the "Lake Silver Spring Water Surface Level Monitor Table" were made and distributed to the Board and professionals.

Mrs. Lutz said the Environment Commission understood there was no direct discharge but they were still concerned about groundwater. Mr. Smith said they would monitor that if the Board needed.

Mr. John Gribbin was sworn in and qualified as an engineer with an expertise in water quality and stormwater management. He felt the infiltration basin met the three goals of stormwater management for development, control of quantity and quality of runoff and enhancement of recharge. He explained how the infiltration basin worked, the existing runoff patterns and the existing low area. The proposed, designed infiltration system will eliminate all outflow. There is some runoff that currently goes into the lake. No basements are proposed in the homes in the development and this will be a deed restriction. The roof runoff will also go into the infiltration system. The system is in accordance with NJ Best Management Practices Manual and NJ Stormwater Rules and computer program models. The inlets on Halsey Street go into storm sewer system that empties into the infiltration system.

Mr. Gribbin said there would be no overflow of that basin based on a 100 year storm. He addressed Mr. Ferriero's January 17th report regarding stormwater management. Mr. Ferriero wanted a calculation on the draining of the low area and that would be provided. They agreed with the items on his report, however, there was a discussion on the fence around the detention area because it would be unsightly and the lake is a 20' deep and unfenced. Mr. Ferriero said it was close to residences and felt it was necessary. Now that it was brought to their attention, the Board would err on the side of caution.

There no emergency spillway because the basin completely contains the 100 year storm amount and Mr. Ferriero would like more information on this.

They agreed with and gave testimony on the other items on the report. There is no spillway from the proposed infiltration because of the swales and Mr. Ferriero will check the plan on this.

There is supposed to be a two foot separation between the high ground water level and the bottom of an infiltration basin and that is not the case here so Mr. Ferriero wanted an analysis so they don't have a problem in the future on this. They will arrange a conference call to verify this.

Mr. Germinario asked if the basin is maintained, would there be any likelihood that the overflow will go into the lake? Mr. Gribbin will figure how much rainfall would create an overflow to determine whether an easement for an overflow was required.

Mrs. Lutz wanted the fence to be the purview of the homeowner's association. Mr. Gribbin could not say definitely whether the drainage improvements would help with existing water problems at nearby homes but thought it would have a positive effect.

There is no overflow to get clogged in this infiltration basin so it was less susceptible to overflow. Mr. DeFillippo felt sidewalks inside the development would be a good thing.

The meeting was open to the public. Ron Nash, 25 Railroad Ave. He has lived there 40 years and never had a problem with water until the area was backfilled in the 90's and he now has a water problem with flooding in the basement. They need to solve the water problem, it doesn't drain.

Bob Borelli, owner of Lot 13 had concerns about the infiltration basin and he has to be sure it works. He explained the old water drainage system from the 1950's; the water flows from Jones Street into the lower area. He had pictures and thought the Town needed to correct this. Part of this area is on his property and water collects for months, four times a year. It's mostly Jones Street water. If the natural area doesn't drain for months how could this area drain in 72 hours? They should alleviate the problems. One of the proposed lots is presently under water sometimes for four months. Where will the water go when this is developed? They need to be careful and they can't cause a catastrophe. He felt the fence was absolutely necessary.

Burt Middlestat said Lake Silver Spring has no outlet, the charts from Town Engineer indicated it went 43" in 6 months. The Lake hit 708' and it rises every year.

Mr. Johnson would like to review the water table study he submitted tonight.

Mr. Nash said they live there, not the engineers. The homes will flood out and they all have pumps.

Mr. Defillippo said the testimony on the drainage is essential and this issue is key and central to this Board's consideration.

No one else from the public commented. The meeting was closed to the public.

Attorney Johnson requested that this matter be carried to April 6th with an extension granted to the end of April.

The matter will be carried to April 6, 2011, with no further notice.

PBA-10-015 STRATEGIC ENVIRONMENTAL PARTNERS, LLC. , Block 7404, Lot 1 (Fenimore Landfill) Tree Removal Permit.

This matter was carried to February 2, 2011.

OLD BUSINESS:

NEW BUSINESS:

CORRESPONDENCE:

Motion to adjourn
9:50 PM

FOR THE PLANNING BOARD
TOWNSHIP OF ROXBURY

Eugenia Wiss, Board Secretary