

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES

Regular Meeting
November 6, 2018

Chairwoman Piedici called the meeting to order at 7:30 PM.

FLAG SALUTE

OPEN PUBLIC MEETING STATEMENT

Chairwoman Piedici read the following open meeting and procedural statement:

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this regular meeting of the Planning Board of the Township of Bernards was posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, NJ; was sent to the Bernardsville News, Bernardsville, NJ, and to the Courier News, Bridgewater, NJ, on January 19, 2017; and was electronically mailed to those people who have requested individual notice and paid the required fee.

The following procedure has been adopted by the Bernards Township Planning Board. There will be no new cases heard after 10:00 PM and no new witnesses or testimony heard after 10:30 PM.

ROLL CALL:

Members Present: Asay, Bianchi, Coelho, Crane, Damurjian, Hurley, Malay, Piedici, Surano, Zaidel
Members Late: NONE
Members Absent: McNally
Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;
Board Planner, David Banisch, PP, AICP; Board Engineer, Larry Plevier, PE, CME;
Board Secretary, Cyndi Kiefer

On motion made by Mr. Surano and seconded by Committeewoman Bianchi, all in favor and carried, the absence of Mr. McNally was excused.

APPROVAL OF MINUTES

October 2, 2018 – Regular Session - Dr. Coelho moved approval of the minutes as written. Second by Mr. Hurley.

Roll Call:

Aye: Bianchi, Coelho, Crane, Damurjian, Hurley, Malay, Surano, Piedici, Zaidel
Nay: NONE
Ineligible: Asay

Motion carried.

APPROVAL OF MINUTES

October 2, 2018 – Executive Session - Dr. Coelho moved approval of the minutes as written. Second by Mr. Zaidel.

Roll Call:

Aye: Bianchi, Coelho, Crane, Damurjian, Hurley, Malay, Surano, Piedici, Zaidel
Nay: NONE
Ineligible: Asay

Motion carried.

PUBLIC HEARING

Harmaty/Krikorian; PB18-002; Block 6001, Lot 10.09; 7 Tall Timber Lane; "C" Variance, Amended Preliminary/Final Major Subdivision

Present: Robert F. Simon, Esq., Attorney for the Applicants
Catherine Mueller, PE, Engineer for the Applicants
Peter G. Steck, PP, Planner for the Applicants
M. Harmaty & K. Krikorian, Applicants

Robert F. Simon, Esq., attorney with *Herold Law PA*, Warren, NJ, advised the board that he was present on behalf of the applicants. He then gave a brief overview of the application and the requested relief. The applicants, Marco Harmaty and Kim Krikorian were seeking to amend subdivision approvals granted in 2003 and 2006 in order to replace an existing above-ground detention basin located in their rear yard with an underground detention basin similarly located in order to increase the usable land in the rear yard. The stormwater management system for the Tall Timber Lane subdivision includes this detention basin. In addition to the amendment of the preliminary and final subdivision approvals, the applicants were seeking a steep slope variance.

Ms. Mueller, Mr. Steck, Mr. Plevier, Mr. Banisch and Mr. Schley were duly sworn by Mr. Drill.

Catherine Mueller, PE, CME, engineer with *Page-Mueller Engineering Consultants PC*, Warren, NJ, was accepted by the board as an expert in the field of civil engineering after outlining her professional credentials and confirming that her New Jersey license was current. Referring to Sheet No. 1 of a 3-page plan set prepared by Page-Mueller Engineering Consultants PC and dated August 6, 2018, Ms. Mueller stated that the subject property contained a single family dwelling with an above-ground detention basin which serviced the entire Tall Timber Lane subdivision. She testified that her company had designed the system and after it was built, they were able to eliminate the drywells originally designed for the applicant's home. In early 2018, when she began work on the Harmaty-Krikorian project, Ms. Mueller used both the drainage information which had been collected for the design of the original system and the "as-builts" which showed that the homes were bigger than originally planned in order to design the proposed underground system.

Referring to Sheet No. 2 of the same plan set, Ms. Mueller gave an overview of the proposed system, showing both the underground and overland water flow. She noted that although the applicants would be able to fill in the above-ground basin after installing the underground system, nothing but lawn could be planted there and nothing could be built on that area. In response to a question from Mr. Zaidel, she stated that during a 100 year storm, the proposed system would retain water at the same levels as the existing system.

Referring to Drawing No. 3 of the same plan set, Ms. Mueller discussed how the water would move through, be detained and eventually released by the proposed system to achieve peak flow reduction as required by stormwater management regulations, noting that there was more volume available in the proposed detention basin than would be required for a 100 year storm.

In response to a question concerning maintenance, Ms. Mueller testified that there was an open grate set higher than the basin. If there was a blockage, standing water would be visible in this open grate. Mr. Plevier added that the system had other areas that could be checked for malfunctions and that sinkholes would appear above the basin if there were any blockages.

Ms. Mueller outlined the monthly inspection requirements, normally handled by a landscaper, which included looking for and removing debris in access manholes and outlet structures. The underground basin and large pipe structure would be maintained by a vacuum truck similar to those used for septic tanks. Mr. Simon stipulated, as a condition of approval, to hiring a third party professional to annually vacuum out the basin. A discussion ensued as to whether landscape companies were qualified to perform the monthly inspections. Mr. Simon offered to have a professional conduct twice yearly inspections with a landscape company performing the remainder of the monthly inspections.

Ms. Mueller testified that the applicants, in accordance with the Stormwater Facilities Maintenance Manual, would be required to submit an annual report to the township documenting inspections and maintenance procedures.

Ms. Mueller stated that although the proposed system used coated metal pipe instead of plastic, the metal distributor stated that, assuming there was proper maintenance, the life of the system would be 75 to 100 years which was similar to plastic. She noted that metal piping was less costly and easier to work with than plastic.

Mr. Plevier advised that if this system were to be designed today for a development, the New Jersey Department of Environmental Protection (NJDEP) would mandate a considerable amount of water treatment prior to its entering the basin because of the difficulties in maintaining these systems.

Ms. Mueller opined that regardless of which system was used, blockages could cause water to be released on Tall Timber Lane and then move to Pond Hill Road.

Mr. Plevier suggested that since this was to be a completely reconstructed system, the existing conditions should be used to generate the numbers for runoff calculations. He noted that on more recent aerial photos, it appeared that there was less wooded area and more lawn area than when the subdivision was originally approved which would affect runoff rates. Ms. Mueller testified that the new system would perform at the same levels as the existing one with the same peak flow retention.

Mr. Crane advised the board that he had walked the site and discussed worst case scenarios, should there be any malfunctions. Ms. Mueller responded that the results from malfunctions would be the same for both systems.

Committeewoman Bianchi observed the site from Tall Timber Lane and asked what recourse the township would have if the system was not properly maintained or reports were not submitted. Mr. Schley responded that remedial actions were already written into the existing easement and would be included in the new easement as well. Ms. Mueller added that the township could inspect the system and make necessary repairs at the owner's cost.

Mr. Zaidel indicated that he had also observed the site from Tall Timber Lane.

In reference to the steep slope variance requested, Ms. Mueller testified that this was temporary in nature. Once the construction of the new system was complete, the above-ground basin would be filled in and the rear yard would be graded to eliminate any steep slopes.

Ms. Mueller stipulated that the re-design would be based on recent aerials which would determine the actual amount of wooded area currently existing and also on the "as-built" which showed the actual larger size of the homes. She asked for relief from the current ordinance which would require her to design stormwater management for maximum build-out. Deputy Mayor Malay noted that there was a clause in that ordinance that limited what property owners could build without having to install drywells. He felt that that made the variance request more acceptable.

After expressing his concerns about safety issues in the project's design, Mr. Crane suggested an alternate design and location for the system that he felt alleviated those concerns. Ms. Mueller offered to revisit the design and placement but would not agree to a condition requiring a redesign.

* * * *The Open Session was recessed at 9:31 PM and reconvened at 9:40 PM.* * * *

Ms. Mueller addressed Comment #7 in Mr. Banisch's memo dated November 2, 2018 by stating that the design was based on peak flow, not volume. The applicant agreed to incorporate the remainder of the comments. Mr. Banisch stated that his concerns had been satisfied.

Ms. Mueller addressed Specific Comment #2 of Mr. Schley's memo dated October 23, 2018 by stating that the proposed detention system would be re-designed to accommodate existing conditions. This would require an exception, not a variance, to the stormwater management requirements as set forth in the Land Development Ordinance. In response to Specific Comment #6, the applicant agreed to create a tree replacement plan, noting that placement of those trees would be outside the basin area. Ms. Mueller stated that there were no objections to the remaining comments.

Mr. Simon added that he would be working with Township Attorney, John Belardo, Esq., on the adjustments to the existing easements. Mr. Schley stated that his comments had been satisfied.

Ms. Mueller referred to Comment B(2)f of Ms. Marcelli’s memo dated October 30, 2018 which concerned restoration of the degraded condition of the existing conservation easement. The applicants felt that since the easement was in this condition when they purchased the property, it should be considered an existing condition. Mr. Schley commented that the easement was created to protect both existing trees and those which were to be planted per the subdivision’s resolution approval, adding that the area had been damaged by storms. The applicant agreed that the tree plan would include trees to be planted in the conservation easement.

Ms. Mueller addressed Comment B(9) by stating that the applicant would utilize information from soil logs done when the subdivision was originally created rather than perform new ones. Mr. Plevier was satisfied with that response. She noted that Comment B(18) had been addressed during testimony and Mr. Plevier stated that as long as the new calculations did not show the water levels to be higher during the 100 year storm than the emergency spillway, he was satisfied. Ms. Mueller testified that the remainder of the comments would be incorporated.

Mr. Crane questioned several of the detail drawings shown on page 3 of the 3-page plan set mentioned earlier. Ms. Mueller agreed to review and adjust them if needed.

Hearing no further questions or comments, Chairwoman Piedici opened the meeting to the public for questions of Ms. Mueller. Seeing that there were no members of the public present, she closed that portion of the meeting.

Noting the late hour, Chairwoman Piedici advised the applicants that the board would be unable to hear the testimony of their planning expert, Peter G. Steck.

She asked for a straw poll as to whether the board members felt it was necessary to hear the testimony of Mr. Steck as it pertained to the request for steep slope variance relief. The majority decided that testimony would not be required.

She asked for a straw poll as to whether the board members would be comfortable voting that evening on the application with multiple conditions subject to the review of the board’s professionals or would they rather have the applicants return at a later date with those revisions made. The majority decided to vote that evening.

Another straw poll was taken to determine whether to add a condition based on Mr. Crane’s comments, to either remove the northerly basin pipe and relocate it to the easterly side or to install a liner on the quarry side of the basin, applicants’ choice. The majority decided that the condition was not necessary.

Mr. Simon waived his summation however proceeded to give a short summation in which he noted that the applicants simply wanted a usable back yard. He stated that the property had received a variance for improvable lot area long ago and if the board were to look at the reasons stated in the Master Plan and the Land Use Ordinance for improvable lot area requirements, it was to provide more usable area.

After deliberations, Mr. Surano moved to grant the variance for steep slope disturbance and the exception from stormwater management regulations and to approve the amended preliminary and final subdivision application subject to the conditions stipulated to by the applicants and as stated during deliberations. Dr. Coelho seconded.

Roll Call:

Aye:	Asay, Bianchi, Coelho, Crane, Hurley, Malay, Piedici, Surano, Zaidel
Nay:	NONE
Ineligible:	Damurjian

Motion carried.

COMMENTS FROM STAFF

Ms. Kiefer stated that the annual holiday party would be held before the December 4, 2018 Planning Board meeting.

COMMENTS FROM BOARD MEMBERS - None

ADJOURN

On motion made by Mr. Zaidel and seconded by Dr. Coelho, all in favor and carried, the meeting was adjourned at 10:17 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

Adopted as written 12/18/18