

June 10, 2009

The regular meeting of the Andover Township Land Use Board was called to order at 7:43 p.m. on Wednesday, June 10, 2009 by the Chairman, Stan Christodlous.

Present: Members CeCePattison
 Suzanne Howell
 Gerald Huelbig
 Gail Phoebus, Class III
 Lois deVries, Class II
 Michael Lensak
 Stan Christodlous, Chairman

Acting Secretary: Jackie Huelbig

Members Absent: Bob Smith, Class I
 Diana Boyce
 Ellsworth Bensley, Alternate

Professional: Thomas Germinario, Esq.
 Joseph Golden, P.E.
 Russell Stern, P.P.

FLAG SALUTE - RULES - OPEN PUBLIC MEETINGS ACT

OPEN TO THE PUBLIC – The Chairman opened the meeting to the public and read the rules of the act. Public session was closed as no one from the public came forward.

DELLAGIACOMA – Block 71, Lot 2.04, “c” Bulk Variance.

The applicant stated that he is back this evening as the last time he was before the Board he was instructed to submit additional documents for review. Golden stated that the Board will first take a vote on “completeness” along with the waiver requests and then take a vote on the application hearing. The chairman agreed. Golden stated that the waiver requests are for *Items 7, 12, 14, 16, 17, 20, 25, 26, 27, 31, 32, 34 & 36 off the checklist*. The Chairman asked Golden if he finds the application complete along with the waivers and Golden answered “yes”.

Motion was made for completion by Lensak, second by Howell. In favor: Pattison, Howell, Huelbig, Phoebus, Lensak, DeVries, Christodlous. Opposed: None. Motion carried.

Golden made comments with regard to the application and stated that the applicants provided a new map and has added the requested information which is satisfactory for signature. Golden and Stern made recommendations to the Board with regard to the variances for the front and side yard set backs.

Motion was made to approve the application for a “c” Bulk Variance by Lensak, second by Phoebus. In favor: Pattison, Howell, Huelbig, Phoebus, Lensak, DeVries, Christodlous. Opposed: None. Motion carried.

SUSSEX & WARREN (Mulford Road – COAH units) – Block 117, Lot 33,
Preliminary Major Site Plan.

Kevin Hahn, Esq. of Courter Kobert, LLC in Hackettstown stated that he was the representative for the applicant. Bob Tessier of Dykstra Associates was sworn in and stated that he is a planning expert on behalf of the applicant. Tessier stated that there is an issue of a use variance and reviewed the contents of the Developer's Agreement. He continued that within the Developer's Agreement there is a requirement for the applicant to put in four units of COAH housing which has a mix of one-one bedroom, two-two bedroom and one-three bedroom units. However, he continued, with the suggestion from the Board, the lot was divided into two as there is adequate room for the septic and as part of the agreement this was done, which creates a second lot within the subdivision which has no road frontage, but will access a driveway and shared a parking lot. In accordance with the suggestions from both the Board Engineer and Planner there have been changes made to site plan, such as putting the buildings a little more on an angle and changing the elevations of the buildings to make them appear to be more of a residential nature, stated Tessier.

After some discussion regarding the architectures, Germinario stated that one of the conditions of approval will be for the applicant to work with Stern on the aesthetics of the buildings.

Tessier referred to Golden's memorandum of May 26th, 2009 and went over some of the items addressed in Golden's report such as parking spaces, landscaping/screening of the parking lot, landscaping and lighting. Christodlous suggested that the landscaping and lighting plan be left as a condition to be met with the planner and the applicant agreed.

Golden and the applicant discussed the issue of drainage, sidewalk and curbing, which shall just go along the parking lot itself. Lensak questioned what happens when there is a need of snow removal and Golden stated that the applicant needs to submit a Snow Removal Plan and the applicant's engineer agreed to provide one.

The applicant and the Board discussed the provision of storage to the residents on the property. Stern suggested that the applicant take another look at how to provide storage for the COAH units on the property and the applicant agreed. The Board also questioned how solid waste would be handled, and the applicant stated that they would come back with their plan at the next meeting.

Item No. 13 of Golden's report requested information on the pole lighting on the property. The Board and the applicant agreed to have this type lighting on with motion sensors, rather than the lighting continuing to stay lit through the night. Stern made a suggestion that Tessier check with the manufacturer on the timing of the sensor and Tessier agreed to report on his findings at the next meeting.

Golden requested that the applicant provide information with regard to the vegetation buffers and the maintenance of them in order to provide proper site distance. Tessier agreed to provide the information requested.

Golden advised the applicant that the multi-family buildings will require a sprinkler system for fire protection and to provide the type of water system for this use. Tessier advised that he will research the issue and come back to the Board with his findings and how it will be handled in accordance with the requirements.

Golden asked the applicant to provide further information with regard to assigned parking spaces, fire lane details and paving details. Tessier stated that he will provide the information requested by the Board.

Stern went over some of the items in his report with the applicant such as a deviation from the set back requirements, which are covered under the use variance already granted as stated by Germinario.

Stern also stated that all of the conditions of the April 7th resolution need to be perfected in accordance with his report, which includes the access and maintenance issues and the developer's agreement. Tessier stated that the applicant is working on a new developer's agreement. There were concerns about the septic system and Golden and Stern spoke of water quality management and the need to meet any requirements that may arise.

Some of the other items discussed were the need for trash enclosure details, lighting at entrances to the units, additional landscaping along the side elevations as those will be very visible along Mulford Road, whether or not the units will be rental units, etc. Germinario stated that the requirement of COAH is that two of the units will be low income and two moderate income units, the applicant agreed. Stern's report also stated that the Township shall have the right to approve the Administrative Agent for the COAH project.

Tessier stated that he understood the "open issues" to be storage, the turn-around, the motion detectors, sprinkler requirements, asphalt standards, fire lane requirements and the phasing plan are the issues that Tessier said that he would try to address at the next meeting. Tessier requested that this application be carried to the end of July in order to provide the information to the Board.

ALMA LANE – Block 156, Lot 2.02, Site Plan for COAH Housing – Daniel O'Mullan, Esq. of O'Mullan & Brady, Whippany, New Jersey got up to testify on behalf of the applicant Alma Lane Associates. O'Mullan stated that he wished to address the site plan and the subdivision portion of the application. Jeffrey Careaga of Careaga Engineering Inc. of Budd Lake, New Jersey stated that he is the engineer on the project and was sworn in and qualified to give testimony before the Board.

O'Mullan stated that this application involves Block 156, Lot 1, Lot 2 and Lot 2.02, which are located in the R-2 Single Family Residential Zone. The applicant is looking for a nine lot subdivision, also attached to this is an expanded Lot 2.02 before the Board on a COAH site plan and subdivision to move the lot line to expand the size of the lot, he stated. He stated that this application also involves a "d"-1 use variance. O'Mullan requested that Careaga present the application.

Careaga addressed the Board with regard to the COAH lot, Lot 2.02 and stated that previously they submitted the subdivision application to the Board and through the comments made they are coming back with a site plan application to add Lot 2.02 to the original subdivision which did not include that lot. He continued that they added lot area to Lot 2.02 in order to make it a conforming lot as far as lot size and they are obligated in accordance with the COAH regulations to provide a minimum of two COAH units as part of the subdivision. In order to make the project cost-effective for the applicant and to help the town with the COAH obligations, a four-unit COAH development on Lot 2.02 is being proposed. Careaga pointed to an aerial view of the site *marked as Exhibit A-1* and stated that the overall site consists of 22.2 acres is an eight lot subdivision, the COAH lot is not shown within that area. The COAH Lot 2.02 is on the other side and the extension of Lot 2.02 is to the back property line in order to meet the requirements. The requirements in this zone, which is an R-2 zone is for single family house, therefore, this requires a "d" variance as the applicant is proposing a multi-family use, he stated.

Second Exhibit is *Sheet No. 1 of the COAH Plans* which have been submitted and what the applicant is proposing to do is to have the driveway entrance to the COAH unit to come off the new Alma Lane Road that is proposed as part of the major subdivision, Careaga stated. The driveway is placed so that the parking will be screened from the street so that it does not appear

as an apartment unit, the parking is tucked behind the house so that the actual construction of the building itself is with the intent to make it look like a single family house so it will not look out of place.

Careaga continued that soil logs have been performed in an area of proposed septic systems and are proposing an on-site well behind the building. Careaga also discussed the buffering for the adjacent property. Careaga stated that they propose mixed COAH units of two-two bedrooms and two-three bedroom units. He continued that the septic system is sized for this and is under 2,000 gallons a day which falls within the approval of the local Health Department. All of the utilities are being proposed to be underground, therefore, no poles will be on the property and there will be landscaping around the buildings. He continued that the applicant is proposing to have motion-sensor lighting on the property.

Stern commented that when the Board considers the use variance they must consider the negative criteria that the variance can be granted without substantial detriment to the adjoining property and there is a single family home adjacent to the COAH site. He continued that on Lot 1.02 he recommends that the applicant at least analyze flip-flopping the building so that the driveway will be to the north on the opposite side so that there will be less pavement and less parking exposed to the existing residential building. Careaga responded that they did consider what Stern was suggesting, however, because of the rock cropping and the possible necessity of blasting to do so, it does not appear to be a viable consideration. Golden stated that he does agree with Stern that there would be a benefit of moving the driveway, however, he recognizes the expense associated with same and that Careaga should consider going through certain options. Careaga stated that he would consider the different options for the buildings as suggested by Golden and Stern.

There was further discussion regarding the shifting of the driveway, locating the septic system a little more to the south, providing finished elevations, extension of some of the contours for a better understanding of the properties relationship, suggested by Stern. Golden added that he would be interested in seeing where the existing tree lines are located, especially for Lot 2.01.

Stern stated that the proposed landscaping needs to be shown and the applicant engineer agreed. Stern suggested a phasing plan be put in place and Germinario agreed. Germinario commented that it might be possible to phase in such a way for example as for the first certificate of occupancy the applicant would have drawn the building permit and bonded for the improvements on the COAH property and then maybe half-way through (i.e. fourth c/o) you will actually have a certificate of occupancy for the COAH units, this is a structure that might be considered. Careaga requested that Germinario send him a proposed structure format.

Stern continued to go over the comments made in his report with regard to coordination with the Special Planner, Chuck McGroarty, as to COAH regulations, Golden and Christodlous agreed.

Stern commented with regard to the affordable housing site plan and said that there was some confusion with the drawings as the subdivision plan and the site plans need to be coordinated at the end of this project. Careaga stated that he would take out the details off the subdivision and put a note where it shows up on the plans making reference to the revision.

Stern spoke of well testing and felt it would be appropriate to do a well test as it pertains to the COAH structure and would be requesting input from the township's Hydrogeologist during this process. Germinario stated that he understands from the applicant that they will be doing all these testing's after they get their approval and the Board agreed. He continued that the ordinance is actually written that the well testing is a prerequisite to the approval, so I can grant you an approval but I would have to have the condition precedent in there that would say it is "subject to" and under our ordinance the condition precedent is open for six months.

Stern commented that testimony is still needed regarding the adequacy of the sight lines for vehicles entering and exiting via Alma Lane and also the concern regarding the location of

the COAH driveway to the intersection. Careaga stated that as part of the subdivision design they are proposing improvements to Huntsville Road to increase the sight distance. Golden commented that he will need to look further into the driveway issue, since this is a multi-family driveway, and, therefore, is treated a little differently than a common driveway as to sight distance, speeds, how it fits with the vertical curves, etc.

Stern questioned the applicant whether or not the EIS would be addressed and the applicant's engineer replied that it would. Stern stated that there should be provided construction detail of the handicap ramp, applicant agreed. Stern went over the architectural drawings and commented that the storage would be in the basement. Careaga stated that the basement would be a combination of uses, for storage and some heating units and would still be addressing the first floor storage aspect.

There was further discussion regarding landscaping, parking for the tenants, curbing, trash enclosures. Golden stated that he had concerns about keeping cars from hitting the retaining wall and will need either curb stops, or if curbing is put in, the curbing will have to be a certain distance away from the curbing wall. Careaga stated that they agreed to do the 10 by 20 spaces, but Golden stated that the area would have to be adequately separated from the wall. Christodlous mentioned that as this is a COAH unit we should be able to agree to something without the cost of the applicant having to go through too much expense. Golden agreed as long as is keeping in with safety for the residents. There was discussion about the possibility of curb stops, moving the retaining wall back and 9 by 18 feet spaces.

Stern stated that in relation to the curbing, some type of mechanism should be in place on the south side of the property so that vehicles cannot go beyond that portion of the access drive. There was discussion regarding set backs, L.O.I. submission, septic systems, drainage analysis etc.

With no other comments from the Board, the application was carried with no further notice required to the July 21st, 2009 meeting. All in favor: Carried unanimously.

OLD/NEW BUSINESS –

Howell commented on the use of the township's e-mail.

MINUTES – April 22, 2009 – A motion was made by Howell, second by Huelbig to approve the minutes. All in favor. Opposed: None. Motion carried.

MINUTES – May 5, 2009 – A motion was made by Pattison, second by Howell to approve the minutes. All in favor. Opposed: None. Motion carried.

VOUCHERS - See Schedule A. A motion was made by Pattison, second by Huelbig to approve the vouchers submitted. All in favor: Carried unanimously.

MATERIAL RECEIVED, GENERAL INFORMATION - See Schedule A.

ADJOURNMENT – At 10:47 p.m. Motion was made by Huelbig, seconded by Lensak to adjourn. All in favor. Carried unanimously.

Respectfully submitted,

Stan Christodlous, Chairman

Jackie Huelbig, Acting Board Secretary