

Frenchtown Planning Board  
Regular Meeting  
November 13, 2019  
7:30 P.M.

Vice-Chairman John DenBleyker called the Regular Meeting to Order at 7:30 P.M. and stated that all the requirements of the “Open Public Meeting Law” have been met. The meeting has been advertised, the Agenda has been posted in the Borough Hall and copies distributed to the designated newspapers.

**OATH OF OFFICE -PAUL TOMKO, ALTERNATE I MEMBER**

The Oath of Office was administered to Paul Tomko (Alternate I). Paul Tomko accepted his Oath of Office.

**ROLL CALL**

Present:	Absent:
Cooke	Sullivan
DenBleyker	
Dougherty	
Dragt	
Eckel (Arrived at 9:40 pm)	
Herb	
Musolino	
Myhre	
Reino	
Tomko	

**APPROVAL OF MINUTES**

**Regular Meeting – October 23, 2019**

Brad Myhre moved to accept the minutes of the October 23, 2019 regular meeting. Gordon Dragt seconded the motion. The minutes of the regular meeting of October 23, 2019 were approved by favorable roll call vote with Paul Tomko abstaining.

**PUBLIC COMMENTS**

Vice Chairman John DenBleyker announced that before we start the public comment section, comments are welcomed on matters not listed on the agenda. Comments related to agenda items should be held until that specific item comes up on the agenda. Vice Chairman DenBleyker opened the public comment session.

Holly Low of 24 Eighth Street asked the Board to consider posting the Planning Board agendas and minutes of the past two years so that everyone can understand what is happening.

Ms Low also asked the Board to put together a citizen’s guide on how the Planning Board operates and post it on the website. It would be beneficial to the community.

Having no other comments, Vice Chairman DenBleyker closed the public comment session.

**SITE PLAN APPLICATION – BLOCK 17 LOT 5 AND 6, OASIS REALTY, LLC.  
(COMPLETION REVIEW)**

Attorney Hirsch noted that she spoke with the applicant's attorney and because of a family emergency, he was unable to attend this evening and allowed the Board to go through the completeness review. The applicant plans to make the changes that Engineer Clerico asked for and will submit amended plans.

Attorney Hirsch noted that there are two issues. Planner Green and she are going back and forth as to whether the Frenchtown Rehabilitation Center Area and overlay zoning subjects this development to the standards of the Village Center Plan and whether the development must conform to the Village Center Plan. Planner Green noted that she has reviewed the 2006 and 2018 Village Center Plan documents and the overlay and both documents list lot 5 as being in the rehabilitation area. Lot 6 is not listed. The zoning map lists both lot 5 and 6 as being in the Village Center Plan area. There is a discrepancy with the Village Center Plan and the zoning map. Attorney Hirsch stated that the line on the map and the list of the zoning ordinance suggest both are in the Village Center Plan in 2017. A full search has not been done but she suggested that Planner Green reach out to Planner Betsy McKenzie. This must be resolved. A conclusion will have to be drawn for consistency if the zoning map governs and that both lots are in the Village Center Plan area. It is not typical for a planning document to split those lots. It could have been a mapping error. Planner Green will make a recommendation and we will ask the applicant to weigh in. The applicant will need to know which document applies.

Attorney Hirsch stated that the second issue has to do with the parking proposal. The applicant is utilizing the property across Kingwood Avenue for parking. The applicant needs a major parking variance for this application. She points out that there was a 2009 approval for Shale Cliff on the lot across the street. That approval includes affordable housing as well. Attorney Mongelli, representing the applicant, informed her that the applicant is abandoning that approval. The applicant is in discussion with the Borough about uses for that property. If the applicant goes forward with this site plan and intends to utilize the property across the street for parking, they will have to notice all property owners within 200 feet of that property. An approval of this applicant would be subject to a voluntary abandonment of the Shale Cliff approval. Mayor Myhre noted that it would have to go back to Fair Share Housing for approval. Attorney Hirsch noted that at the present time, the applicant does not propose to provide affordable housing.

Attorney Hirsch recommended that the Board go through the completeness review this evening. Vice Chairman John DenBleyker asked Engineer Ian Hill of VanCleeef Engineering to go through the completeness review memo from Engineer Clerico, dated 11/9/19.

Engineer Ian Hill of VanCleeef Engineering reviewed Engineer Clerico's memo of 11/9/19 starting on page 3 and noted the following:

Items A, B, & H – Administrative items – are deferred to the Board Secretary. Board Secretary confirmed receipt of those items. Items were deemed complete.

Item L – Protective covenants and deed restrictions – have not been provided. A boundary survey was submitted. This item is incomplete.

Item P.2 – Confirmation of filing with the Hunterdon County Soil Conservation District – has not been provided. This item is incomplete. The applicant can request a temporary waiver requiring compliance as a condition of any approval. That request has not been made.

Item P.3 – Confirmation of filing with the Hunterdon County Department of Health – has not been provided. This item is incomplete. The applicant can request a temporary waiver requiring compliance as a condition of any approval. That request has not been made.

Item R- Soil permeability tests and soil logs - have not been provided. The applicant can request a permanent waiver since the documentation would not be relevant. That request has not been made.

Items T, V, W & X- Drainage calculations, environmental impact statement/Natural Resource Inventory, Wetlands Report and LOI - were not provided. The applicant requested waivers and it is recommended that the waivers be granted as the applicant is proposing construction atop an existing building.

Item 9 – Key map showing at a minimum surrounding properties within 1,000 feet – was not provided. This item is incomplete.

Item 11a, 11b and 11c – providing cross-sections of the street- was marked as Not Applicable. These items are required for this type of application. These items are incomplete. The applicant can request temporary waivers requiring compliance as a condition of approval if it is determined that some improvements to Creek Road are required.

Item 18 – Man made or natural features documentation extending 200 feet beyond the property – has not been provided. The applicant has requested a waiver. The Planning Board should determine whether a waiver will be granted.

Items 20 & 22 – Plan/profile documentation for drainage and utility layout- has not been provided. The applicant has requested a waiver. The Board can grant a waiver.

Item 21 & 24 – Location of existing water service or proposed underground electric service – has not been provided. The applicant can request a temporary waiver requiring compliance as a condition of any approval. That request has not been made

Item 25 related to Item R – Soil test locations – have not been provided. The applicant can request a permanent waiver as the documentation would not be relevant. That request has not been made.

Item 26 – Flood Hazard Area documentation delineations – have not been provided on the site plan. The flood hazard area has been provided but the FEMA Flood Zone “X” limit line is not shown. This item is incomplete. The applicant can request a temporary waiver requiring compliance as a condition of any approval. That request has not been made.

Item 33 – Related to Item T – has not been provided. The applicant has requested a waiver and it is recommended that the waiver be granted since the applicant is proposing construction atop an existing building.

Item 39B & 39C – Parking documentation – has not been completely provided. Some documentation was provided but clarification as to the amount of available parking and its location must be included as well as grading and ADA accessibility. This item is incomplete.

Item 44 –Related to Item L – a boundary survey and titled information have not been provided. This item is incomplete.

Item 46 – As-built plans – has not been provided. The applicant notes that this item is not applicable. The applicant should request a temporary waiver. The Board could grant a temporary waiver requiring compliance as a condition of approval.

In summary, Engineer Hill noted that the Board could grant the requested waivers for Items R, T, V, W, X, 20, 22, 25 and 33. Temporary waivers could be granted for Items P.2, P.3, 11A, 11B, 11C, 21, 24, 26 & 46 but the applicant would have to request those waivers. The Board will have to determine if it will grant a partial waiver for Item 18. The application should be deemed incomplete for the deficiencies noted under Items L, 9, 39B, 39C & 44 along with any other items for which waivers are not granted.

Responding to John Dougherty, Attorney Hirsch stated that the items that are incomplete are items that Engineer Clerico says he does not have enough information on. These are critical items. In addition, the applicant should provide a site plan of the property across the street. When the Board grants a temporary waiver, it is for an item that is not needed for review but would be required as a condition of approval. The applicant has not asked for those waivers.

Maggie Cooke noted that she lives close to this property. She may be further than 200 feet but is not sure. Should she abstain? Attorney Hirsch noted that since public notices have not gone out yet, out of caution, Ms. Cooke should abstain from the completeness vote. Maggie Cooke will know if she is within 200 feet when the notices are sent for the public hearing on this application.

On motion by Gordon Dragt, seconded by Mike Reino and carried by favorable roll call vote with Maggie Cooke abstaining, the Planning Board deemed the site plan application for Block 17 Lots 5 & 6 incomplete for the reasons listed in the 11/9/19 review memo by Engineer Clerico.

**SITE PLAN AND SUBDIVISION APPLICATION – BLOCK 3 LOTS 1 & 2 AND BOCK 10 LOT 1 – COUNTRY CLASSICS AT FRENCHTOWN, LLC. - COMPLETION REVIEW AND POSSIBLE PUBLIC HEARING**

Planning Board Attorney Guliet Hirsch remarked that it had been brought to her attention that there had been some communication outside the public hearing process between a Planning Board member and members of the public, and then between that board member and other board members. This is a very touchy subject, but in essence, an application to the Planning & Zoning Board can be discussed only during a public hearing. It cannot be discussed at any other time or place, either face-to-face or in an e-mail or other communication. The reason is that everyone who should be hearing about an application hears the same information as everyone else. All can draw their own conclusions, but everyone must have the same facts. That is the requirement. This is a matter of due process and of fairness, not only for the applicant, but for the public as well. An application before the Board is a quasi-judicial proceeding, meaning that the Board sits as judge and jury on an application, and their job is to see that everyone is treated fairly. So, private conversations do not serve the public interest. The applicant has the right to confront any witness who objects to the contents of an application, and to cross-examine that witness. That is due process.

Attorney Hirsch said she had asked the Board member involved to make a statement on the record to describe the nature of the information provided to her by various members of the

public, and the nature of what she, in turn, provided to other Board members. As a matter of law, this is a cure for what happened outside the public hearing process. But as a matter of fact, the better practice, the only practice, is that everything that relates to a public hearing happens in this room. Attorney Hirsch added that there are exceptions. Board members can talk to the Board Engineer, and they can talk to the Board Attorney. She knows that the Board wants to do things the right way for every applicant. She asked the Board member involved to make her statement on the record.

Board Member Maggie Cooke stated that she had been approached by various members of the community who wanted to express concerns about the proposed project. She offered no opinion or reaction to these comments, nor did she advise any members of the public about the application. Ms. Cooke said she felt an obligation to summarize the concerns that had been expressed to her, and she did so in an e-mail to Mayor Myhre and the Planning Board Chairman. Ms. Cooke said she now realizes that these communications were outside the public hearing process, which is the only appropriate time and place for such discussions. For the sake of transparency, Ms. Cooke stated that she would now share the contents of her letter. In it, she outlined the concerns expressed to her by members of the public. In general, they would like a Town-Hall-like meeting in which they could share their concerns about this project. There was a concern about environmental remediation and the capped areas of the site. Ms. Cooke further stated that there was concern about the number of Affordable Housing units, in that a certain number appears in the Agreement and a different number is given on other forms. In addition, members of the public have expressed concern about the number of units to be built. Lastly, in her e-mail Ms. Cooke voiced concerns about transparency of the PILOT agreement.

Attorney Hirsch thanked Ms. Cooke for her statement. She then stated that the applicant had the right to raise the issues spoken of up front, or could elect to proceed with the application in normal course and let the issues come up in their turn.

Jeanne Herb asked Attorney Hirsch about the role of the Planning Board and the Borough Council in reviewing the application against the standards in the Redevelopment Plan. Attorney Hirsch responded that early on, the Planning Board designated this property as a Redevelopment Zone. After the Board went through several steps, the final step was the adoption of the Redevelopment Plan by the Borough Council. That has taken place. It is like the Zoning Ordinance. The Redevelopment Plan is an overlay zoning and new development on that property must comply with the requirements of the overlay zoning.

Attorney Hirsch added that some parts of the review process are still in the hands of the Council. For example, a Redevelopment Agreement is required by law, and that is being negotiated right now. The Council is responsible for many aspects of the Redevelopment Agreement, but the Planning Board can make recommendations. For example, as to the issue of remediation, the Council is placing an article dealing with that in the Redevelopment Agreement. Further, the Council is responsible for negotiating an agreement for a PILOT (payment in lieu of taxes). The Board does not deal with the fiscal impact of a project on the municipality. That is the Council's responsibility.

Ms. Herb asked whether the Board's review is limited to ensuring compliance with the standards of the Redevelopment Plan. Attorney Hirsch replied that it is so limited.

Attorney Hirsch asked the applicant's attorney, Ms. Krista Harper, if her client objected to Ms. Cooke sitting on the Application. Attorney Harper replied that they had no objection.

Attorney Hirsch requested that all the applicant's professionals be sworn in at one time. Attorney Hirsch swore in all the applicant's professionals.

Krista Harper, Attorney for Country Classics, took the floor and stated that she is present with principals of Country Classics, Todd and Scott Van Cleef and some of their professionals. They will answer some of the questions the Board left us with at the last meeting. Ms. Harper introduced Brian Fennelly, of Fennelly Associates, the environmental consultant, who has appeared before this Board on previous occasions.

Ms. Harper asked Brian Fennelly to provide the breakdown chemicals of Trichloroethylene (TCE). Mr Fennelly replied that the main contaminant at the site is TCE. A question was raised about the breakdown products of this substance. The primary one is 1,2 dichloroethane (1,2 DCE). After that the next is Vinyl Chloride (VC), and the final products are Ethene and Ethane, which are considered relatively benign. Testing has been done for these in the brownwater samples. He has seen 1,2 DCE at very low levels. He had expected that.

Ms. Harper reminded Mr. Fennelly that he had been asked about NJDEP's presumptive remedies. Mr. Fennelly replied that copies of the DEP Presumptive remedies for soil contamination is being submitted as an exhibit. This was marked as Exhibit A-1.

Mr. Fennelly displayed a table from the NJDEP regulations showing that capping is a viable alternative at sites such as this one. When changing the use of a site from industrial or commercial to residential, the DEP requires certain minimum standards of capping. The table lists the capping standards for each situation, four of which pertain to this site.

1. Concrete or asphalt surfaces (driveways and parking areas): 4" of concrete or asphalt above 4" of sub-base, then a contamination boundary. The DEP indicates inspection requirements, which here would be at least once a year. The inspection would be done by the LSRP.
2. The building footprint (concrete slab) has a requirement for 4" of concrete over a sub-base and contamination boundary, plus an annual inspection.
3. Vegetative cover (lawn areas) typically require semi-annual testing. DEP recognizes capping as a viable remedy. When done properly, it is adequate for children playing on top.
4. Landscape areas also require semi-annual testing. The requirement is 1' of clean fill with a 1' clean fill buffer with a geotextile fabric boundary.

The Attorney asked what kind of visible contamination marker is indicated. Mr. Fennelly replied that it could take several forms. The DEP has a capping guidance document that lists what is acceptable. It could be a geotextile, or something like an orange snow fence.

Ms. Harper asked whether capping would be done only on the apartment buildings and not on the land behind the driveway and parking areas. Mr. Fennelly responded not at the single-family houses and duplexes but on areas maintained by the common owner.

John Dougherty asked if the duplexes were considered Type 1 Residential Areas? Mr. Fennelly replied that it depended on whether there is an association. Type 2 residential has an overseeing body with control. There would be no capping there.

Responding to Mr. Dougherty, Mr. Fennelly replied that no contamination had been found in the duplex areas. Some was found in the triplex area, but the plan is to move the contaminated fill, to consolidate it elsewhere on a capped portion of the site.

Attorney Harper asked what type of materials would be capped. Consultant Fennelly responded by presenting a plan marked as Exhibit A-2. He noted that this plan showed the AOCs that would be capped. When asked what kinds of contaminants would be in the capped areas, he replied that it was fill material containing metals and Polycyclic Aromatic Hydrocarbons (PHAs). These two contaminants are amenable to capping. They are very immobile, and don't pose a risk of future groundwater contamination. He also noted that the fill material is fairly shallow (4" – 4 ½"), which makes capping even more viable.

Attorney Harper asked Mr. Fennelly to give more of a big picture analysis of the situation.

Mr. Fennelly stated that the bottom line is that when they started the site looked very different from the way it looks now. There was asbestos, roofing materials, and contaminants in both the soil and the groundwater, and no one knew it. When they started, he knew they had to get at the sources of the contamination, or the groundwater would never be cleaned up. When they came across a potent groundwater contaminant, a mobile, volatile organic compound, they dug it up and removed it. They found two tanks, one full of oil, that no one had known about. They got rid of it. When digging started in another area they found a floating layer of oil in the groundwater. Current monitoring shows no more oil. They have done ground-penetrating radar surveys, magnetometry, looking for drums, tanks, and debris. Whatever they found that was concerning, they removed. We're not going to cap any mysteries and we will not cap any liquids or drums. Capping is the finishing touch, and people are not going to be exposed.

Mike Reino said he realized Fennelly Associates has removed a lot of material, but what would keep the contaminants in the capped areas from entering the groundwater? Mr. Fennelly replied that capping works for metals and PHAs. They have been there a very long time. The chemistry indicates that they are very stable. Once they get into soil they stick to the soil and stay there. We still see them, unchanged, many years later. Further, after we cap a site, we continue monitoring groundwater to make sure it is not migrating. Our monitoring to date shows that the groundwater is getting better. We will continue until it is all cleaned up. Jeanne Herb asked Mr. Fennelly about the timetable for cleaning up the groundwater. He responded that it would be several years.

Jeanne Herb asked Mr. Fennelly to comment on government involvement due to the proximity of the river. He replied that the federal government was not involved, but the state might be. The strip between the site and the river is owned by the State of New Jersey, so if the groundwater investigations go in that direction, the State would get involved. However, they would not take over the study or remediation.

Maggie Cooke asked whether plans for capping would interfere with any monitoring wells. Mr. Fennelly replied that some of the wells have been put in recently, and he made certain that capping would not interfere with them and they would remain testable. However, some of the older wells would be replaced.

Mr. DenBleyker observed that the list talks about vapor mitigation systems in slabs – radon systems that collect gases and expel them so they don't come into the building. He wondered if there are plans for this here. Mr. Fennelly responded that there are. The plan for the two

apartment buildings is similar to a radon system. It is a simple design with a barrier of gravel or stone, then a pipe up through the building. We will comply with State laws and DEP regulations. Mr. Dougherty asked whether the applicant would do that in the two buildings in the cap zone, to which Mr. Fennelly replied that they understand the need for it. Todd Van Cleef stated that they will install systems in both apartment buildings. Mr. Fennelly added that once installed, they are required to do air sampling to make sure vapor is not leaking into the building.

Having no other testimony from Brian Fennelly, Vice Chairman DenBlyker opened the floor for public questions.

Kevin Lindalow from lower Seventh Street, owner of the old Myhre construction lot, stated that he owns the property just south of the project, and he is concerned about the groundwater migrating onto his property. Mr. Fennelly responded that the flow was generally toward the river, so he wouldn't expect water or contamination from the applicant site to migrate to Mr. Lindalow's property.

Holly Low asked if additional reports could be posted on the municipal website. The mayor replied that they have been posted, and that Tami Peterson is updating them. Brian Fennelly said that he would check the website and if he saw that something was missing, he would provide it.

Having no other questions, Vice Chairman DenBlyker closed the public question period.

Attorney Harper next introduced Michael Ford, the engineer for the Country Classics project, asking him for his credentials. Mr. Ford stated that he has been a licensed professional engineer and planner in the State of New Jersey for almost 30 years, and that he has been employed by Van Cleef Engineering for almost 30 years. His Engineering degree is from Rutgers, in 1985. Although Mr. Ford has not testified before this board, he has appeared before many others. Board Attorney Hirsch recommended that the Board accept Mr. Ford's professional credentials. The Board accepted Engineer Ford as a professional witness.

Ms. Harper asked Mr Ford if he had issued a letter dated October 31, 2019, responding to the Board Engineer's review letter. Mr. Ford replied that he had, That letter was marked as Exhibit A-3.

Mr. Ford stated that during the discussion of completeness, items had been flagged as required for the next hearing, which is this one. He said he had responded to the completeness items, and endeavored to respond to every review comment. A number of items will be responded to in testimony. Engineer Ford said that there had been some discussion about whether the application complies with the Redevelopment Plan. Engineer Ford contended that the application complies, except for two areas in which relief is required:

1. The length of the porch across the front of the duplexes
2. The number of parking spaces

The Redevelopment Plan further refers to the spacing of trees along the street frontages. Mr. Ford said he had placed as many trees as he could along the frontages, but given the duplex walkways and the utility easements there is not enough space to place a street tree every 20 feet.

Mr. Ford offered two exhibits (A-4, Colorized Existing Features Plan, last revised 9/23/19; and A-5, Proposed Conditions, Sheet 4 of the preliminary plat & site plan dated 10/28/19). Along Harrison Street, there will be 8 duplexes (16 units) fronting on Harrison, and one across the drive off Harrison to primary parking for the 2 apartment buildings on the western part of the site. These apartments are 2- and 3-story buildings containing 92 units (one with 40 units and one with 52). That is where the affordable housing units will be: 17 such units are required. The triplex is a 3-unit building fronting on Eighth Street. The road frontage contains detached single-family residences, each on its own lot, which will be sold. The access is via driveways at the rear so that no garage fronts on the street. The apartment, which would be under single ownership, managed and rented, has a parking lot. That is where capping is taking place. The fee-simple (single-family) lots will not be capped, and there will be no deed restrictions. There will be a parking lot at the end of Eighth Street, the portion vacated by the borough. The RSIS requires a total of 181 parking spaces for the apartments, 46 spaces at the end of Eighth Street and 145 on the apartment building site.

The vacated portion of Eighth Street contains a permanent access easement for sewer, as well as pedestrian access to the pedestrian path along the river. There is additional pedestrian circulation through the site, as well as access for apartment residents to the river path.

In addition to the access driveway from Harrison Street to the apartment parking, there are two more driveways off Eighth Street to serve emergency vehicles and trash collections, as well as driveways at the rear of the duplex and triplex units. We will provide parking on Harrison Street the way it was done when the street was rebuilt, with parallel-parking between the street and the planting strip.

The plans show 2 trash enclosures in the parking area, as well as 3 10' X 20' storage sheds for the apartments. These are for bicycles and storage. Two would be built at first, with a third shed to be built as needed.

The project will be served by public sewer and water. We received will-serve letters from the gas and utility companies.

Eighth Street is now paved, with no curb or sidewalk. Along our front we would put a standard curb and sidewalk. There will be no vehicular traffic to the front of the duplex, only walkways. Our utilities connections will have an impact on Harrison Street, and we plan to mill and repave to achieve a uniform surface. We will do the same on our side of Eighth Street, but will leave the other side of Eighth Street as it is.

On the matter of impervious coverage: Virtually the entire site had impervious cover, there was very little green. Our overall impervious coverage will be 1 ½ acres.

We have already received approvals from these regulatory bodies: Soil Conservation District, County Planning Board, NJDEP in regard to the Land Use Regulation program, Wetland Impact and Flood Plain. We will not disturb wetlands and have approval to the limits of the wetlands. With regard to the part of the property closest to the river – it has flooded. We meet their criteria for redevelopment. At the end of the project there is no adverse impact to the flood plain – meaning the same amount of flood storage will remain available. There will be no net increase in fill. At the end of our construction, all buildings and required parking areas will be out of the flood zone. On Block 10, Lot 1 we propose 43 guest parking spaces in an area that floods. 46 parking spaces are in the flood plain and the remaining 125 will be flood-free.

We have made provision for people moving in and out of the apartment buildings. There is a drop-off area adjacent to the sidewalk for moving activities. This can also be used for UPS deliveries and temporary truck parking.

Gordon Dragt asked if the apartment building would have an elevator: Mr. Ford replied that it would have one.

Responding to Jeanne Herb as to access to the path, Mr. Ford noted that they are not proposing disturbance that would require NJDEP approval.

Mr. Ford, referring to Engineer Burr's comments, said that he had envisioned using the existing crosswalks at Eighth and Tenth streets for pedestrians, but after realizing that the street opposite the school serves as a drop-off and pickup area, this might not be the best crosswalk location. He said they would discuss the crosswalk with the Board of Education, the Police Department, and the Borough Council. Mr. Burr noted that the redevelopment plan requires that discussion. Mr. Ford added that we can make crosswalks ADA compliant.

Borough Planner Darlene Green said that this issue would be resolved with the borough before plans are finalized. Mr. Ford replied that their plans show the crosswalk, but if the borough doesn't want it, it is only a matter of striping or not striping.

Planner Green asked about the fence notation for the northern most duplex, split rail fence along the north property line. Mr. Ford responded that they are proposing landscaping and shrubbery. There may be an existing chain link fence there. We will remove it.

On the issue of identity signage, Mr. Ford said there would be one development sign at the Harrison Street driveway, which would be an identifying sign for the apartment complex. There would also be directional signs for parking. There would be similar signage at Eighth Street. The existing flashing school signs would remain, as would the existing cobra-headed light poles and the same lighting plan would be maintained through the extension of Harrison Street. We propose no more than standard residential lighting at doorways; no area lighting. Throughout the parking areas and along the pathways we plan standard area lighting. A lighting plan is part of the application. Landscape Architect Jim Mazzucco from Brian Bosenberg's office commented that additional lighting would be needed on Eighth Street and at the pedestrian walkways. Mr. Ford noted that they will comply with the ordinance requirements.

Attorney Harper introduced discussion on the variance requested for street trees.

Mr. Ford said that the Redevelopment Plan requires street trees on 20' centers along Harrison Street, for a total of 53 trees. After discussion with the professionals, Mr. Ford proposed a total of 43 trees. Between walkways and utilities, there is not enough room for the requisite number of trees. However, the overall landscape plan provides 54 trees where 41 are required – so the project is above the requirement for trees, overall, and this does not include trees used as buffers along the north and south boundaries of the project.

Discussing the drainage along Eighth Street and also on Harrison Street, Mr. Ford explained that they had to repair existing facilities at the former Ceramics Plant. The plan notes where existing drainage is to remain. Other structures will be removed, or repaired. What is retained will be inspected and repaired. We inspected outfall structures beyond the project area and they are in

relatively good shape, other than silting. They will be repaired. There will be no adverse impact of drainage on Harrison Street. We are below Harrison, and do not project any water going toward the street. We are downstream of everyone else, and have no adverse impact. There will be a rainwater area feature: a depressed feature that will capture runoff from the parking area that is not already going into the system. Our consultants recommend that we not provide dry wells. We are proposing to build the entire drainage system at once, without phasing.

John DenBleyker noted that the construction entrance is right in front of the school. Mr. Ford replied that they could enter the site from Eighth Street, with a stabilized construction entrance. Mr. DenBleyker noted that this would be the School Board's decision. It's always busy in front of the school, and you will have a lot of dump trucks during pickup time, which is around 3:00 to 3:30 in the afternoon. Attorney Harper stated that there is a Traffic Impact Study. This shows how to determine when a crossing guard is needed. Mayor Myhre observed that there used to be a crossing guard at the school. Mr. Ford said they would work with the School Board to make these times as safe as possible.

Mr Ford stated that an existing sanitary sewer easement west of their boundary limited the landscape they could provide there. A "living fence" of evergreen trees would demarcate the western boundary and also provide some privacy and security. There will be concrete-surfaced pathways throughout the complex. There will be 2 trash enclosures, masonry structures with gated fronts. Landscaping would screen them. Trash enclosures for the privately owned buildings would be controlled by the owners.

Board Engineer Burr stated that the only variance issues were the porches and the street trees. He remarked that most of his comments in a memo dated November 8<sup>th</sup> had been addressed, and he has heard the applicant address the others. He inquired about the site's accessibility to fire & rescue and garbage trucks. Mr. Ford replied that there are truck-turning spots within the complex that will be wide enough to accommodate box trucks and garbage trucks. The truck turning template is on Sheet 12 of the plan. Trash enclosures are set at an angle to enhance accessibility to trucks. There is a drop-off area for UPS trucks. Mayor Myhre observed that the two dumpster closures are adequately sized for trash and recycling. John Denbleyker asked if the fire marshal had reviewed the plans, noting that this official has strong opinions on how to reach the river side of the buildings. Mr. Ford noted that they have not received a review letter yet from the fire marshal.

Responding to Gordon Dragt in reference the vacation of lower Eighth Street and parking on Eighth Street, Mr. Ford replied that it was just a small portion of lower Eighth Street. No properties except the applicant's fronts on it. When vacated, it will have utility and access easements, and will become the maintenance responsibility of the developer. Mr. Ford stated that the parking plan does not include on street parking. All parking counted is on the site.

Discussion ensued on the garages. Borough Planner Darlene Green noted that parking is provided in both garages and drives. She asked about deed-restrictions for car parking as some municipalities require it. Deed-restricted garages have come about because people fill their garages to the point where parking becomes a problem in the community. So towns require that a garage be able to accommodate a vehicle. Mr. Ford noted that the parking at the apartment buildings would be maintained by Country Classics. The single-families would be sold, so any restrictions would be on the single-family lots.

Discussion ensued on the inset parking places on Harrison Street, with comments that the spaces south of Seventh Street are too small.

Borough Engineer William Burr returned to the question of drainage, wondering how it could be further slowed down. Mr. Ford stated that the area producing dirty water will be small, thus reducing both the quantity and the quality of the runoff. The plans include a rainwater garden that will capture much of it. Engineer Burr asked where the roof runoff from the duplexes is going. Mr. Ford replied that most of it goes down to the rear property line. Mr. Burr said that if there was an obvious opportunity to capture some of the runoff, he would push for it. He is concerned that the project not put any runoff onto Harrison Street, nor should it impact the riverside path or the Delaware River itself. Mr. Ford noted that the project's nearest neighbor is the DEP. By virtue of the permit that agency issued, the project met a standard of no adverse impact to its nearest neighbor which is the State of New Jersey.

Mr. Burr asked about site amenities, and Mr. Ford noted that he had already mentioned the sheds and pathways. Further, to the rear of the apartment buildings would be pathway connections to the walking path along the river, as well as two fire pit areas and two patio areas. These are not sterile pads, but landscaped places with seating and grill areas. The architect will speak later about amenities inside the apartment buildings. Mr. Burr asked who would be responsible for maintaining the landscape amenities and the drainage structures. Mr. Ford replied that the applicant was willing to do this.

Chairman Eckel arrived at 9:40 pm.

Having no other testimony from the Engineer, Vice Chairman DenBleyker opened the meeting for public questions.

Kevin Lindalow of 1 Seventh Street stated that his main concern was stormwater runoff onto his property, which is at the foot of Seventh Street. He observed that 90% of the runoff is going into the 19<sup>th</sup>-century drainage ditches. This is the time to upgrade them. There is the rain garden and wetlands. Does the wetlands stop at my property line? My property is not wetlands. The prior owner dug a ditch 30 year ago. Mr. Lindalow added that he didn't think the rain garden would adequately contain the water. There should be a catch basin at the bottom of the alleyway. Ninety percent of the stormwater from the development will be going into the old drainage pipe and then onto my property. All these old drainage structures are filled with silt. My property floods because of it. Mr. Ford noted that as previously discussed, the drainage structures would be cleaned out. Mr. Lindalow asked that the ditch be lined with stone and asked why there was not detention pond proposed. John Den Blyker responded that the applicant would take a look at the design and determine how much water is running onto his property. Engineer Burr added that he recommended taking a look at the channel down to the stone culvert open to the river and see how it can be improved. Mr. Ford added that since the last meeting they had made a site visit and photographed existing condition. Kevin Lindalow asked if it was inspected after a three day rain.

Jenn Campbell of Ward Street said that her concern was the Harrison Street entrance directly across from the school. There is no traffic signal. People park across the street, and children cross to the school. Now cars will be turning right in the child crossing area. Mr. Ford stated that the next witness will speak to traffic safety.

Ms. Campbell asked who would control overflow parking. Would people park at the soccer field? On another subject, what are we looking at on the side by the soccer field? Do the apartments have balconies? Mr. Ford replied that design testimony was to come.

Ms. Campbell further inquired about the spacing between the buildings on Harrison Street and she wondered whether the site's grade was higher toward the river. Mr. Ford said the buildings have a minimum 8' and maximum 15' front yard setback, and there is 15' between the buildings. He said that the land ran downhill toward the river, and that the architect would have an elevation showing grades.

Having no other public questions, Vice Chairman Den Blyker closed the public question session.

Attorney Harper noted that Traffic Engineer J. Trautman had already been sworn in. She asked him to provide his credentials and provide testimony on his report

Mr. Trautman noted that he has been a traffic engineer for 32 years. As a licensed professional engineer, traffic is his specialty. He has testified before some 100 Planning & Zoning Boards in New Jersey, both on behalf of applicants and as a reviewer for municipalities.

Attorney Hirsch recommended that the Board accepted Mr. Trautman's credentials as a traffic engineer. The Board accepted Mr. Trautman as an expert witness.

Engineer Trautman testified that he did an investigation of the surrounding traffic and roadways and focused on Harrison Street and Eighth Street. He collected data on every car that past and turned. He also did an estimate of the traffic that would be generated by the proposed facility with the driveway access across from the school to the roadway network and analyzed the roadway capacity with calculations of delays. He used the grading system published by the Transportation Research Board, the lowest level of delays being an A level and the highest level of delays being an F. During school peak hour, delays are in the A to B ranges. Additional site traffic does not change it significantly. From an impact standpoint, it is a wise move to redevelop the property from an old plant to residential uses. The traffic is more compatible to what surrounds it. Additional residential traffic can be easily accommodated by what is proposed. In terms of the school, the school traffic is 30 minutes in the morning and 30 minutes at night. The biggest concern is the morning. If you are leaving during those 30 minutes in the morning, traffic will gravitate to Eighth Street. The dismissal in the afternoon is earlier than people coming back from work. Nothing significant happens then. Eighth Street is the alternative. He collected data under normal conditions and personally witnessed drop off and pick up at the school. There will be cut out areas for parallel parking to serve the residential uses and elementary school. The site distances for the new roadway will be identical to the existing intersection of Harrison Street and Eighth Street. There is not significant impact with the additional site traffic.

Responding to Jeanne Herb, Engineer Trautman noted that the change of use from manufacturing to residential is more compatible and positive. There is no substantial impact. It will not significantly impact delay. The numbers are in the report. Jeanne Herb noted that there is still concern with the school. What can be done to mitigate speed such as a speed bump? Engineer Troutman responded that he does not see an issue that would require a speed bump. He has witnessed what happens on Harrison Street and there will be limited impact.

Chairman Eckel noted that the increase in traffic concerns parents. A lot of people would be interested in the potential traffic calming remedies. She added that the afternoon study starts at 4:00 pm and does not include when the children are let out of school. Chairman Eckel noted that an additional concern is that many students walk down the street. She asked that the traffic engineer go back and pick up the data for the afternoon traffic when school lets out. Engineer Trautman noted that the hours of school are not commuter hours. The existing base traffic happens later. If you need the numbers at the time school lets out, he can get that. Mayor Myhre asked about construction and those vehicles? He asked that a conversation with the school board occur involving those concerns and a report be brought back. Responding to John Dougherty, Engineer Trautman noted that the majority of the traffic is going to the south. He referred the Board to the site location map and figure 4, with traffic volumes and percentages and the next two figures with actual hourly volumes. Jeanne Herb noted that with the increase in traffic, there is a risk. The current status quo is not acceptable. Mayor Myhre noted that there will still be a police officer there every day. Engineer Trautman stated that he studied the peak traffic hours. People work different hours.

A question arose about sight distances at the intersections. Mr. Trautman replied that there is an existing intersection at Harrison and Eighth, and the new ones will be identical. If cars are parked directly next to the intersections, it will be hard to see approaching traffic. Responding to Board comments that the consultant is comparing proposed traffic patterns to earlier manufacturing patterns, M. Trautman responded that his comment was about appropriateness of land use. Residential is a more appropriate use than industrial in the vicinity of a school. It does not add congestion or delays. As to impact, Mr. Trautman answered that the project will only add around 4 vehicles at peak times. Jeanne Herb commented that most parents say the situation is already unacceptable; one more car per minute there would cause concern. The project exacerbates something that is not good already. Mr. Trautman replied that that may be the commenter's opinion. If there is an existing speeding problem, the town should work with the police on solutions.

Attorney Harper said that Mr. Troutman's testimony was that the impact of the development was minimal. She appreciates that the community wants to address existing problems, but the subject before this hearing is the impact of the proposed project.

Having no other testimony from Mr. Troutman, Vice Chairman DenBlyker asked for questions from the public for the traffic engineer.

Kevin Lindalow of 1 Seventh Street said he had a solution. Put a sign blocking your main center entrance, saying no exit during the two school rush hours. People heading south use the south exit; those heading north use the north exit. Mr. Trautman observed that there was no northern exit.

Terry Pearson of Harrison Street asked if cars coming out of Eighth Street could go three different ways. Engineer Trautman responded that 60% of the traffic coming out of Eighth Street will go right, 10% will go left and 30% will go straight. Ms. Pearson expressed concern for the students who will be coming from the south in the morning. There will still be cars crossing when the kids are there. Attorney Harper stated that they would be happy to have the study done during that pick up time.

Kandy Ferree of Fourth Street said that this is one of the most important issues to impact the town and its children. It feels like you have come to tell us everything is fine, instead of giving us solutions. We want suggestions on how to manage the situation.

Kate Nugent, President of the school board, asked that the traffic study be published on the town website and a copy be provided to the school board.

Having no other questions from the public, Vice Chairman DenBleyker closed the floor to public questions.

Vice-Chairman DenBelyker noting the hour closed the testimony on this application for the evening.

Chairman Eckel took over chairing the meeting. She noted that the public hearing on the application is carried to the December 11, 2019 Planning Board meeting at 7:30 pm.

### **APPROVAL OF VOUCHERS**

Brenda Shepherd, Board Secretary, presented the following vouchers for approval:

#### **VOUCHER LIST 11/13//19**

Maser Consulting	Professional Services for General Representation through 10/28/19	\$ 253.75
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Archer & Greiner	Professional Services for General Representation through 10/31/19	\$700.00
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#### **ESCROW ACCOUNT – BLOCK 3 LOT 1 & 2 AND BLOCK 10 LOT 1 – Country Classics - Site plan**

Archer & Greiner	Professional Services for County Classics through 10/31/19	\$940.00
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Maser Consulting	Professional Services for Country Classics through 10/28/19	\$2,972.50
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Maser Consulting	Professional Services for Country Classics through 10/31/19	\$3,531.00
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Pickel Architecutre LLC	Professional Services for Country Classics through 10/31/19	\$450.00
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#### **ESCROW ACCOUNT – BLOCK 15 LOT 11 – Darcy Lodge F&A Masonic #37**

Archer & Greiner	Professional Services for Darcy Lodge through 10/31/19	\$100.00
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On motion by Jeanne Herb, seconded by John Dougherty and carried by unanimous favorable roll call vote, the Planning Board approved payment of the above bills list.

## **CORRESPONDENCE, COUNCIL REPRESENTATIVE REPORT AND OTHER RELATED ITEMS**

Chairman Eckel asked the Board to pencil in a potential special meeting on December 18<sup>th</sup> at 7:30 pm.

Mayor Myhre reported that the Borough is close to hiring a Chief of Police. The goal is to appoint by the December Council meeting.

Mayor Myhre also reported that the Borough is working with the Library to obtain a grant to abate the water penetration issue and install new lighting and other enhancements once the State announces the guidelines. The grant is a dollar for dollar match.

Chairman Eckel stated that she will work on getting the agenda and minutes of the Planning Board meetings posted to the website. Dave Cahill from Rivernet will assist us in posting them.

### **ADJOURNMENT**

Jeanne Herb moved adjournment at 10:45 pm and John Dougherty seconded. The motion passed on a favorable voice vote.

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Brenda S. Shepherd  
Planning Board Secretary