

**Borough of Watchung  
Planning Board Meeting  
July 15th, 2008  
Minutes**

Chairman Speeney called the meeting to order at 7:34p.m. and stated that notice of this meeting had been posted at Borough Hall, filed with the Borough Clerk and given in the way of notice to the Courier News, Echoes Sentinel, the Reporter and Star Ledger in conformance with the N.J.S.A. 10:4-6 et seq.

Present at the call of the roll were:  
**Speeney [X] Boyd [x] Havas [x] Haveson [X] Addario [X]**

**Pennett [A] Schaefer [X] Spratford [X] Ellis [A] Pote [A]**

Also present were Board Attorney Frank Linnus, and Board Engineer Tom Herits. Chairman Speeney said that there was a quorum present to conduct business. The Chair asked for a motion to waive the reading of and approve the minutes for the meeting of June 17th, 2008. Mr. Havas, seconded by Mr. Addario, made that motion. Hearing no discussion, the Chair asked for a voice vote approval. The minutes were approved unanimously.

Havas read: PB08-R14 Resolution of Memorialization  
PB08-08-01 Adolf Stonitsch  
7 Johnston Drive Block 4702 Lot 9  
Preliminary and Final Site Plan Approval

The Chair accepted the reading of the resolution as a motion to approve and sought a second, which was made by Mr. Haveson. The Chair opened up discussion. Mr. Linnus indicated that on page 8, # 15 the condition should read: "replace" the sidewalk, instead of "repair". The Applicant agreed to replace the sidewalk in front of the house on Johnston Drive. Mr. Linnus indicated that the Fire Official indicated that a lock could be placed on the attic door, but must be the type which is not possible to be locked from inside the attic

impairing egress. Mr. Addario indicated he would vote for this approval, but that still had reservations pertaining to the amount of parking available. The Chair stated that the motion to approve PB08-R14 is amended and sensing no further discussion, the Chair asked for a roll call vote, which was as follows:

**Speeney [yes] Boyd [yes] Havas [yes] Haveson [yes]  
Addario [yes] Schaefer [yes] Spratford [yes]**

The motion carried.

Havas called: PB08-02 Stone Creek Realty  
60 Valley Drive Block 6601 Lot(s) 5 & 6  
Amendment of Previously Approved Major  
Subdivision.

Joseph Triarsi on behalf of the Applicant came to the microphone and explained that he appeared before the board in 2006 when this application was approved. Mr. Triarsi stated that in Feb. of 2006 the approval was given for the subdivision of lots 5 & 6 in block 6601. This parcel was divided into 4 large lots. The board adopted a resolution of approval, and subsequent to that approval, litigation was instituted by an adjoining property owner. About 3 or 4 months into the litigation, application was made to the Judge for certain interim relief among which was to send this application back to the Planning Board to review the drainage due to the fact that Somerset-Union had disapproved the drainage portion of the plan. As a consequence of that application, she entered an order on Oct. 6<sup>th</sup>, 2006 remanding this case back to the Planning Board for that narrow purpose of reviewing the drainage issues. At the same time, the Judge retained jurisdiction due to the fact that there are other issues that must be resolved by her. Mr. Triarsi marked the Court's order as Exhibit A-1. Shortly after the remand Mr. Triarsi said that their hydrologist had discussions with Somerset-Union on a number of occasions as well as meetings with the Borough's Engineer and consultants. Ultimately on March 26<sup>th</sup>, 2008 they came up with a new plan, which was fully approved by the Somerset-Union Conservation District. That approval letter dated March 26<sup>th</sup>, 2008 authored by Steve Silati, the district supervisor of Somerset-Union was entered as exhibit A-2.

Mr. Triarsi said that he also made an application with the Somerset

County Planning Board, which they responded to with a letter dated July 7<sup>th</sup>, approving it, subject to normal conditions. Mr. Triarsi entered this letter into the record as exhibit A-3. Finally, Mr. Triarsi said, he received from his own engineer the results of the review of these plans by the Borough's consultant, Maser, in a report dated July 9<sup>th</sup>, 2008 offering no comments to the plan. Mr. Triarsi indicated he took the "no comments" statement as an approval. Mr. Triarsi introduced Mr. James Cosgrove from Omni Environmental, LLC (321 Wall Street, Princeton, New Jersey), who drew up these new plans. Mr. Haveson asked about the letter from Maser Consulting dated July 9<sup>th</sup>, 2008. Mr. Haveson said that he has a problem with the idea of Mr. Triarsi saying that he took the statement of "no comments" and interpreted that as "approval". Mr. Haveson said that in his opinion, the words "no comment" do not constitute "approval". Mr. Triarsi accepted that. Mr. Cosgrove came to the microphone and was sworn in by Mr. Linnus. Mr. Cosgrove stated that nothing has changed regarding his credentials since last he testified, other than the fact that he has since purchased the company. Mr. Cosgrove stated that he had prepared the original drawings which were approved by this board and which were subsequently rejected by Somerset County Soil Erosion and Sediment Control. Mr. Cosgrove redesigned that particular aspect of this application. Mr. Cosgrove said that the major aspect to the redesign was associated with minimizing the storm water runoff to the adjacent downstream property. He indicated there were two major changes that have been made. He stated that there were several different storm water management practices. Bio-retention, infiltration trenches, and an underground detention facility were used. The new design uses all the same types of storm water management, but in a different way. In the past, the water that was out-letted from the underground detention and the bio-retention system flowed down the hill and ultimately onto the neighboring property. With the redesign, they are capitalizing on an existing storm sewer system downstream of this property. They are still utilizing underground detention, but are now discharging as much water as possible to this existing storm sewer system. They are also now detaining as much water as possible on the property, but in a 100-year storm situation, some would be released. The advantages to the new system are that both the peak flow discharge

rates going on to the neighboring property and the volume of runoff discharged from this site are less than they are today, which clearly, Mr. Cosgrove said, is the key element. Mr. Cosgrove reported that he had five meetings with the Somerset County Soil Conservation District, and for two of those meetings, Mr. Fierro was included representing the Borough. Mr. Cosgrove entered exhibit A-5, (A-4 was skipped) a drawing entitled "Storm Water Management Overview", dated July 15<sup>th</sup>, 2008. This was taken from sheet one of the plan set, but has been colorized. Mr. Cosgrove went over details on the drawing. There were bio-retention swales in front of the houses. He explained that water could run into these swales every 50 feet. It also showed underground detention facilities. Mr. Cosgrove explained that water is slowly released out of this facility and flows through a pipe down a northern direction and out into the existing storm sewer system on the adjacent cul-de-sac, which is Fox Chase.

There are also underground filtration trenches behind each house, which receive runoff water from the roof of each home. Mr. Cosgrove said that in designing this system; they have sized everything as if no infiltration has occurred at all. The next exhibit marked A-6; dated July 15<sup>th</sup>, 2008 depicted the prior system. The new design distributed the storm water bringing it much further to the south.

Mr. Triarsi said that other than the drainage issues, nothing else has changed regarding this subdivision.

Chairman Speeney opened the floor for discussion from the board.

Mr. Herits asked if the proposed sanitary sewer would parallel the proposed storm sewer line to Fox Chase. Mr. Cosgrove said that the route they have taken with the storm sewer line is exactly the route that was proposed for the sanitary sewer connection, which equated to no further disturbance of land. Mr. Triarsi said that the Applicant is expecting an approval very shortly from the D.E.P. The Chair said that with an application out to the D.E.P., approval of that application would be a condition of the Board's approval. Mr. Triarsi said that was already in the prior resolution of approval. Mr. Herits asked about a stub coming out of the ground, and if it was still on the plan. Mr. Triarsi said it was. Mr. Boyd asked who would maintain the basin. Mr. Cosgrove stated that the Home Owners Association would maintain it. Mr. Haveson asked if there was enough capacity on the

Fox Chase system to handle the additional flow on the system. Mr. Haveson asked what the pipes for the system are made of. Mr. Cosgrove gave a brief description of the pipes. The Storm Water Management report was entered into the record as exhibit A-7; dated with the most recent revision dated January 14<sup>th</sup>, 2008. Mr. Cosgrove said he was the author of that report. Chairman Speeney asked what type of storm would it take to saturate the system to the point where there would be a free flow of water. Mr. Cosgrove said that in a 100-year storm the flows going down the hill are still less than they are today. The Chair asked what it would take for the detention system would overflow. Mr. Cosgrove answered that the detention system is designed so that water can leave it in two ways. One is through the pipe that goes to the storm sewer system, the other being a discharge into an overflow pipe. Mr. Cosgrove said that in a 100-year storm there would be roughly 2 cubic feet per second coming out. Mr. Addario asked if the neighbors were aware of the changes and Mr. Triarsi said that Mr. Fiorenza did know about the changes. He said that if the other neighbors had wished to, they could have viewed the plans at the Planning Board office. There were no further questions from Board members, and the Chair opened up the floor to questions from the public of Mr. Cosgrove. Mr. Jerome Spivak of 90 Valley Drive came to the microphone. Mr. Spivak asked about the positioning of the homes in the new plan. Mr. Cosgrove said there was some shifting to do the required grading but that the changes were very minor in the alignment. Mr. Linnus asked if all the houses were within the setback requirements and Mr. Cosgrove said yes. Mr. Spivak had concerns about runoff. Mr. Cosgrove said that what they propose would not change the runoff from what it is presently. Mr. Spivak asked what the elevations are from the top of the road to the bottom of the road. Mr. Cosgrove said that the top elevation was 458 and the bottom was roughly 410. Mr. Joe Lane, of 35 Fox Chase Drive asked Mr. Cosgrove if the sewer line will go through an existing right of way or would easements be required. Mr. Cosgrove said there is an existing right of way. Giacomo Fiorenza, of 164 Valley Drive asked about the retention areas for the roof runoff and if that could be sent to the Fox Chase system. Mr. Cosgrove said that if that were done, it would send more water to that system than it could handle. Mr. Soong of 160

Valley Drive came to the microphone. Mr. Soong asked the Borough's policy about cutting down trees, relating to storm water. He asked who monitors this. Tom Herits explained that Arlene McCoy, the assistant engineer as well as the environmental commission monitor this. He also explained the tree replacement plan. Mr. Soong expressed his concern about the issue of cutting down too many trees. Mr. Addario said that he has seen instances in town where a developer has taken down many trees before permitting even begins. Mrs. Stephanie Spivak of 90 Valley Drive came to the microphone. She asked what the obligation was of the Home Owners Association if all of the properties are not sold. Mr. Triarsi explained that throughout the process of  $\frac{3}{4}$  of the properties being sold, the developer acts as a Home Owner Association member, and once the 4<sup>th</sup> house is sold; they turn it over completely to the residents. Mr. Hassan Nahvi of 50 Fox Chase Drive said that the residents of Fox Chase have had trouble with water runoff. Mr. Herits said that he would check on the status of the sanitary sewers on Fox Chase. Mrs. Schaefer asked if future residents moved in and wanted pools, and cleared more land of trees and how that would affect the runoff. Mr. Cosgrove said that was an excellent question, and said that in the design, it was assumed that each lot would have 6,600 square feet of impervious surface not including the driveway. He said each house drawn on the plan were 3,600 square feet. Mr. Herits said that there must be a land disturbance permit required for anything more than 400 square feet. Chairman Speeney asked if anyone from the public wished to make a statement. Mr. Fiorenza came to the microphone. Mr. Fiorenza said he has been involved with this project to protect his home and property from storm water runoff. Mr. Fiorenza said he was the one that got the state involved. He referred to a letter dated 10/18/07 from Somerset Conservation District to Mr. Fiorenza's Engineer. Mr. Fiorenza said that he believes tying into the storm water sewer system on Fox Chase will create a problem. He believes that he has done what he can to mitigate the situation, but he has genuine concerns regarding this project. Mr. Boyd asked Mr. Herits if the statement was correct that the Somerset Conservation District were not responsible for the runoff and were only responsible for erosion. Mr. Herits said that two letters said that. Mr. Boyd asked Mr. Herits what he thought to the

best of his knowledge regarding that statement. Mr. Herits said he thought it was correct. Mr. Boyd asked who is responsible for runoff management. Mr. Herits said he has reviewed Mr. Cosgrove's report regarding peak flows before and after development. He says that Maser uses the same programs that Mr. Cosgrove uses, and found no anomalies, which is why they had no engineering comments at this point. Mr. Haveson asked if the D.E.P. needs to give approval for this. Mr. Herits said he didn't think so, that they need permits for disturbance to the wetlands, a sewer extension permit and a water extension permit. Mr. Herits said that once they get all their approvals, they must go through a compliance review process with the Borough. The Borough makes sure that the applicant has all approvals needed. Chairman Speeney hearing no other statements from the public, asked for a motion to close the public portion of the meeting, which was made by Tony Addario, seconded by Alan Haveson and approved on voice vote.

Mr. Triarsi closed by saying that Mr. Fiorenza has been a worthy adversary and that he has improved this project for all. Mr. Triarsi asked for approval from the Board for this revised plan so they can get back to the court and the rest of the issues. Chairman Speeney opened discussion from the Board. Mr. Haveson stated this his concern was overload on the Fox Chase system. Mr. Addario and the Chair think the project has been improved significantly in terms of water runoff. Mr. Haveson voiced concerns about the impact of the system on Fox Chase. He wanted to make sure that all approvals from other agencies applied to were conditional to the Board's approval. Mr. Linnus said that he could put in any and all outside agency approvals as conditions to the Board's approval. Mr. Haveson asked Mr. Herits if he was aware of any current problems on Fox Chase, and Mr. Herits reiterated that he would check with the Public Works Department to make sure that there are no problems currently at that location. The Chair asked the board to make a motion to direct the Attorney to draft a resolution in the affirmative with the conditions that were brought up at this meeting. He said that certainly the capacity at the Fox Chase sewer and water inlet should be satisfactory. Mr. Triarsi said that he would agree to any extension of time that the board needs. Mr. Boyd made the motion to direct the Attorney to draft the resolution in the affirmative, seconded by

Mr. Haveson. Hearing no discussion, the Chair asked for a voice vote. The board voted unanimously to direct the Attorney to draft the resolution in the affirmative and the motion carried. The Chair said that at some point Mr. Triarsi would get a copy of the draft. The Chair said that the board would continue this hearing until the meeting of August 19<sup>th</sup>, 2008 at 7:30pm. Mr. Triarsi asked if the testimony portion of this hearing was finished, and the Chair said that it was not necessarily done due to the fact that the draft of the resolution could create questions that Mr. Triarsi would need to answer. Mr. Linnus said that he would send a copy of the draft to Mr. Fiorenza's attorney as well. Mr. Linnus asked Mr. Triarsi if he would grant an extension until the 31<sup>st</sup> of August 2008. Mr. Triarsi agreed.

The chair discussed the process in which the property where the Kafka Riding Stable is an accessory use.

The Chair asked if there was any new business or reports. Hearing none, the Chair asked if there was anyone from the public who wanted to speak. Having no one come forward, the Chair called for a motion to adjourn. Mrs. Schaefer made a motion to adjourn seconded by all and the Chair adjourned the meeting until the next meeting of August 19<sup>th</sup>, 2008.

Respectfully Submitted,

Carolyn Taylor  
Planning Board Clerk