

**MINUTES
OF THE
CRANBURY TOWNSHIP
PLANNING BOARD
CRANBURY, NEW JERSEY
MIDDLESEX COUNTY**

**MINUTES JULY 9, 2020
APPROVED ON AUGUST 6, 2020**

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Planning Board was held via the ZOOM virtual meeting platform on July 9, 2020, at 7:00 p.m.

CALL TO ORDER

Peter Mavoides, Chairman of the Cranbury Township Planning Board, called the meeting to order.

STATEMENT OF ADEQUATE NOTICE

Under the Sunshine Law, adequate notice by the Open Public Meeting Act was provided of this meeting's date, time, place and agenda were mailed to the news media, posted on the Township bulletin Board, mailed to those personal requesting notice, and filed with the Municipal Clerk.

MEMBERS IN ATTENDANCE

| | |
|---------|---------------------------|
| Absent | Callahan, Karen (Excused) |
| Present | Gallagher, James |
| Present | Hamlin, Judson |
| Present | Kaiser, Michael |
| Present | Scott, Matt |
| Present | Spann, Evelyn |
| Present | Stewart, Jason |
| Present | Wittman, Wayne |
| Present | Mavoides, Pete |

PROFESSIONALS IN ATTENDANCE

Present Andrew Feranda, Traffic Consultant
Present David Hoder, Board Engineer
Present Trishka Cecil, Esquire, Board Attorney
Present Josette C. Kratz, Secretary
Present Richard Preiss, Township Planner

APPLICATION

**PB324-19 Toll Brothers, Inc. Regency
Block 25, Lot 1, Zone PAR
Corner of Dey Road and Petty Road
Major Preliminary and Final Subdivision and Site Plan**

REPRESENTATIVES:

Richard Hoff, Esquire - Bisgaier Hoff LLC
Jeremy Greene, AIA - Architectural Business Partner for Toll Architecture
Jim Majewski, Division Senior Vice President -Toll Brothers
Jay S. Kruse, P.E. - ESE Consultants
Andy Grover - ESE Consultants
Karl Pehnke, Traffic Eng, Langan Eng

EXHIBITS:

EXHIBIT A-1 Existing Conditions Aerial March 5, 2020
EXHIBIT A-2 Preliminary and Final Major Site Plan Colored Rendering
(Original Layout - 174 Lots – dated 03-05-2020)
March 5, 2020
EXHIBIT A-2a Preliminary and Final Major Site Plan Colored Rendering
(Revised Layout - 167 Lots – dated 06-04-2020)
June 4, 2020
EXHIBIT A-3 Township Riparian Exhibit (Original Layout) March 5, 2020
EXHIBIT A-4 Site Plan Alternative Colored Rendering March 5, 2020
EXHIBIT A-5 Township Riparian Exhibit (Alternative Plan) March 5, 2020
EXHIBIT A-6 Off-Site Force Main and Road Improvement (Sheet 1) June 4, 2020
EXHIBIT A-7 Off-Site Force Main and Road Improvement (Sheet 2) June 4, 2020
EXHIBIT A-8 Bayhill Floor Plan June 4, 2020
EXHIBIT A-9 Bayhill Rendering June 4, 2020
EXHIBIT A-10 Merrick Floor Plan June 4, 2020

EXHIBIT A-11 Merrick Rendering June 4, 2020
EXHIBIT A-12 Waylen Elite Floor Plan June 4, 2020
EXHIBIT A-13 Waylen Elite Rendering June 4, 2020
EXHIBIT A-14 Bridleridge Floor Plan June 4, 2020
EXHIBIT A-15 Bridleridge Rendering June 4, 2020
EXHIBIT A-16 Clubhouse Floor Plan June 4, 2020
EXHIBIT A-17 Clubhouse Exterior Photo 1 June 4, 2020
EXHIBIT A-18 Clubhouse Exterior Photo 2 June 4, 2020
EXHIBIT A-19 Clubhouse Interior Photo 1 June 4, 2020
EXHIBIT A-20 Clubhouse Interior Photo 2 June 4, 2020
EXHIBIT A-21 Clubhouse Interior Photo 3 June 4, 2020
EXHIBIT A-22 August 10, 2016 Agreement By and Between The Township of Cranbury, the Planning Board of the Township of Cranbury and Michael and Anna Protinick and Toll Bros., Inc. June 4, 2020
EXHIBIT A-23 February 25, 2019 First Amendment to Agreement By and Between The Township of Cranbury, the Planning Board of the Township of Cranbury and Michael and Anna Protinick and Toll Bros., Inc. June 4, 2020
EXHIBIT A-24 February 25, 2019 Exhibit A for First Amendment to Agreement By and Between The Township of Cranbury, the Planning Board of the Township of Cranbury and Michael and Anna Protinick and Toll Bros., Inc. (Color Version) June 4, 2020
EXHIBIT A-25 Pump Station Relocation Exhibit revised 6-19-2020 July 9, 2020
EXHIBIT A-27 Photos of Similar Pump Station July 9, 2020

Ms. Cecil swore in the Board's consultants.

Mr. Hoff announced Mr. Kruse was questioned at the last hearing and since that time, as a result of that questioning and comments raised, they made a resubmission to the board on June 23, 2020 to address many of the comments raised. Mr. Kruse would not testify first this evening. They would put their architectural testimony on so the members of the board and public could question the architect and then, time allowing, they would offer Mr. Pehnke's (Traffic) testimony and questions. Then they intend to have Mr. Kruse do 'clean up' and readdress issues raised during the last meeting. Mr. Hoff noted that at the last meeting Mr. Pisauero, from Watershed Institute had a number of questions for Mr. Kruse and the chairman asked the applicant to address those questions with Mr. Pisauero of which they had a conference call with him for about 45 minutes answering those questions, as well as follow up he had which they also answered.

Mr. Hoff mentioned this development does not have any architectural standards and Toll was not usually bound by any standards and would leave the choices to the buyers based on models available.

Ms. Spann asked why listen to the testimony if you were not bound by the testimony?

Mr. Hoff said it would be a representative of what the community would look like, but there would be no strict controls.

Mr. Stewart stated there were ordinances that define our normal standards and normally the Board then would get into design discussions that become part of the conditions of the resolution. Were you saying there was an ordinance that supersedes everything discussed tonight?

Ms. Cecil said that there were not standards that apply to this development. She asked Mr. Hoff to indicate, specifically the items they can comply.

Mr. Preiss, providing context, stated this was a settlement case and planned development where his firm was not involved in the Township process. There may be changes to suit the potential buyer of the house, and however, this development was part of a planned development and there were standards by the MLUL and the Cranbury Land Development that gives this Board additional review, A thru E (he read out loud). The architecture was generic, used everywhere, and had the architect took into consider the vernacular architectural with Cranbury and any consideration of fitting in with Cranbury. The developer have been given suggestions to bring the architecturally closer to the Cranbury vernacular and hope there was an attempt to take these suggestions and explain why they would not take them into consideration.

Mr. Greene, accepted as a professional after being sworn. He went through the floor plans and some of the elevation models available. The footprints would remain, however, the model elevations may change depending on the choices selected by the buyers.

Mr. Preiss wanted the Board to understand that the outside may vary greatly.

Mr. Hoff said, using 'Farmhouse' as an example would be available, but the applicant was not asking to approve the architectural because there Board does not have jurisdiction to approve the architectural.

Mr. Greene went through the details several floor plan 'models', using the 'Farmhouse' elevations for each floor plan available.

Mr. Greene gave an overview the clubhouse amenities, architectural elevations and interior design; giving a representation of the size and features of what the facility would look like. Mr. Hoff stated, ultimately, the design would be dovetailed with the design of the community.

Mr. Preiss explained to the Board that he had provided comments and the applicant had reacted with some good points but they won't commit. Mr. Preiss noticed the Merrick and Bayhill only

showed first floor plans and asked if there would be a loft plan. Mr. Greene said they were true one-story models and would have no second floor. The other two floor plan designs would have a two-story option. Mr. Greene said the scale and presence would fit in with the rest of the community.

Mr. Wittman asked what if the Farmhouse style was extremely popular choice what prevented a potential look-alike issue. Mr. Hoff stated Toll imposes an anti-look-alike standard.

Ms. Spann asked Mr. Greene about the quality of the architectural presentations presented this evening and what the Board could expect and the consistencies.

Pamela Ornberg asked if basements would be available. Mr. Greene said basement options would depend on the water table for each individual lot. If there were no water table issues a basement would be an option.

Mr. Carl Pehnke, sworn and accepted as an expert. Mr. Pehnke gave the overview of the traffic peaks with vehicle counts. All roads would still flow at a good rate of traffic. There would be improvements, such as Petty Road repaving, along Dey Road the County expects us to build a shoulder and left turn lane on Petty Road.

Mr. Feranda stated, looking at Page 4 of the May 26, 2020 report – looking at the off street parking for the clubhouse. Clubhouse provided 29 parking spaces, this is not something that is necessarily covered by the RSIS. Mr. Feranda asked for testimony for the number of parking spaces and the adequacy for the clubhouse, pools, tennis courts, etc., and the appropriateness for a combined clubhouse.

Mr. Pehnke stated they do exceed the ordinance requirement, which he believed was about nine spaces and the community is a walkable community with a clubhouse being connected to the community via the sidewalk system. Regarding the number of spaces at the clubhouse, in looking at residential communities through the years, they have seen clubhouses supported anywhere from fifteen to twenty five/thirty parking spaces. The experience has been significant with the design of these communities and the twenty nine spaces is what they experience as the need.

Mr. Feranda referred to #4, #5, and #6 that deal with design features for the intersection of Orchard Side Drive and Dey Road. Orchard Side Drive is a side street intersects and the stop sign is far back from the intersection and he was aware improvements were being here and he wanted to take a look at that design and design improvements with the County; wanted them to be considered when the design was being offered to the County. He requested a two direction arrow that would be at the end of Orchard Side Drive so that anyone approaching along Orchard Side Drive, approaching the intersection would see the sign on the other side of Dey Road in order to avoid continue on through the intersection. Mr. Feranda's comment regarding #6,

dealing with the crosswalk. Mr. Feranda stated Mr. Pehnke had mentioned the crosswalk and the County was looking for this features to be installed there, he commented that they need to assure that it has all the features that appropriate of the crossing of a County road that carries volume and at little high speed there. Mr. Pehnke stated, for the record, that he concurred and he would coordinate with Mr. Kruse on finalizing those plans and would take #4, #5, and #6 into consideration within the realm of the Middlesex County design standards and felt all three of those comments do fall under that.

Mr. Feranda, regarding comment #10 of the same review letter, he had recommended sidewalk along Petty Road and there was mention that the County had requested sidewalk along the Dey Road frontage and looking the thoughts on pedestrian circulation and the use of a sidewalk to connect to the frontage sidewalk and was that possible. He recalled some discussion at the last hearing regarding the site layout and the sidewalk, but from a traffic standpoint and pedestrian circulation he wanted Mr. Pehnke's opinion of the sidewalk there. Mr. Pehnke stated there was no direct access to the homes and the community along Petty Road, on that side, they have reversed frontage lots. There is sidewalk on Petty Road, on the opposite side of the road, where the homes are. They would have appropriate crosswalk and handicapped ramps to cross Petty Road so he did not see the need any different then internally within the community to have sidewalks on both side of the road.

Mr. Victor Abiad asked if the mailboxes being moved would change their mailing address from Cranbury, which he was very proud of and could he get assurance. Mr. Hoff stated it should not change. Ms. Spann suggested speaking with the Hightstown Post Master he should assure you. The applicant would provide Mr. Abiad the contact information. Mr. Abiad asked about Road G and light spillage into back of houses. Mr. Pehnke said that house just worked out that way, but the curve of the roads factors in favor of less spillage. Mr. Abiad asked about the closer the more dangerous, further the better, and was there a way to balance the two? Mr. Pehnke said they would be about 400-ft distance and there should be no queuing or stopping in front of your driveway and still should have low volume. The majority would still use the Dey Road entrance. Peak hour they expects in an hour five vehicles entering and seven vehicles exiting, which should not influence a driveway 100-ft away.

Mr. Scott stated the under-footing was what was concerning to the residents. Mr. Scott's preference was to see the entire road rebuilt. Mr. Hoff said he didn't understand the wording. Mr. Hoder stated the settlement agreement contained a cost estimate for full road reconstruction, which indicates Toll understands their responsibility. Ms. Cecil said it sounds like we were all in agreement, what everyone seems to be saying was that the whole road had to be ripped up. Mr. Hoff said they were going into this with a cost estimate, that there was the potential for the whole road to be ripped up. Ms. Cecil stated that Mr. Hoder was making everyone aware that the detail on the plan indicated a 'partial' repair, which needed to be removed from the plans and changed to show a full roadway reconstruction on the plans.

Ms. Spann stated there wasn't anything preconceived; it was a complete road reconstruction. She stated there was a cross-section on the last exhibit indicating the intent was very clear. Mr. Hoff agreed the exhibit was very clear. Ms. Spann stated they would follow Exhibit B of the agreement. Ms. Spann firmly stated that the exhibits do not agree with the contract and also they did not agree, noting that the planner's report was off too, she felt that it was necessary to go back to the base contract with the Township Committee and assure that all would be on the same 'page'. She reminded the applicant this was discussed until 10:30 p.m. at the last PB hearing, and Mr. Hoder and Ms. Marabello have spent a tremendous amount of time trying to clear this up; she (Ms. Spann) knows what she had been told and what she had been assured would be construction and stated this must be 'nailed' down before the Board can move forward.

Mr. Hoff stated they would abide by the terms of the agreement. Mr. Hoder asked that the applicant change the plans to reflect the agreement, construction of the full roadway not partial construction. Mr. Kruse would change the plans and details to reflect the paving of the whole road per the agreement and Mr. Hoder's review comments, dated June 23, 2020.

Michael Pisauero, thanked the applicant for taking his questions and answering them. Asked about storm water for the pump house and would it drain toward Petty Road.

Mr. Kruse went over the changes made to the pump station, including landscaping, moving away from the existing residence at 150-ft away. Visibility had been addressed, location and proximity to the existing residence now at 150-ft away, reconfigured Pond A to accommodate the relocation and would still function as designed, and there was discussion on providing photos of a similar pump station constructed for Toll Bros, in the past as shown in Exhibit EXHIBIT A-26.

Ms. Spann thanked Mr. Kruse for the exhibit.

Mr. Kruse mention there would be landscaping closer to the pump station, walking path 25-ft +/- away. Fence would be the internal view looking from the north and would be visual from the rear yards of the proposed homes which would be located several 100-ft away. The back view of the pump station that would be viewed from the east, internal to development. As one can see there was not much visual due to the landscaping and would look more like a residential structure than a typical masonry block pump station. The other side view would be visual from adjacent Lot 78, and also they took photo at 100-ft away from this view of the pump station which would be at the property line from Lot 78.

Mr. Kruse said Mr. Hoder wrote that his comments were addressed to his satisfaction or that if there were any that were open they could discuss as they went through the testimony. Updated the community impact assessment, per Mr. Preiss's letter from May 11, 2020 to address his comments and he replied in current review letter that most have been addressed and anything that needs to they could did as a condition of approval, should the applicant be approved. Regarding the fire truck turning plan, they traffic engineer testified the submitted the fire

company the turning plan and the cul-de-sacs comply with RSIS standards, fire vehicles can move through site. There was one additional that they need to provide, which they did not show the fire truck going through the parking area as they did not anticipate a large vehicle going down to the clubhouse because the clubhouse would be an issue of any fire suppression. Although there may be car fires, so they would provide an additional exhibit. They know the truck can go through the parking area with a small minor adjustment to the southernmost curb island. Last two items regarded for additional storm information for work on Petty Road and also for the on-site recharge piping proposed. They have submitted the Handover samples and exploration results performed.

Mr. Mavroides thank Mr. Kruse for being responsive and addressing the outstanding issues that came up at the last meeting.

Mr. Gallagher, commenting on the Preliminary Assessment report previously submitted, noted this was the first time he had opportunity to review and found it was referenced in the Environmental Impact Statement but was just a brief paragraph indicating there are potential onsite contamination. He mentioned that the preliminary assessment was not signed. There were a couple of resumes, noted in the back of the report, but did not know if any of them were the author. He was concerned with the lack of involvement of a Licensed Site Remediation Professional (LSRP), and asked if a LSRP prepare this assessment.

Mr. Kruse stated he was not aware of the professional qualifications of who prepared the assessment.

Mr. Gallagher stated his concern with the entire site and the need for the investigation to be under the direction of a LSRP, including the preliminary assessment and site investigation through remediation. The LSRP would issue a Response Action Outcome, stating that the property was in compliance with all residential clean-up standards on a site wide basis that have been established by the State. Mr. Hoff stated the only thing that would require the LSRP would have been the removal of the tanks. Mr. Gallagher said that would go back to the qualifications of the person doing the Preliminary Assessment. He stated there were seventeen areas of concern cited in the report. He wanted to be sure that whomever made judgments on each of the areas of concern was a LSRP. Mr. Hoff said he would agree to a condition that a site wide RAO would be issued. Mr. Gallagher asked that they pay special attention to areas of concern to Items 1, 2 and 13. Mr. Gallagher questioned the ability of someone to look at the tanks and drums; realizing they have been in operations for many years or decades. He felt the conclusions drawn where questionable. Mr. Hoff stated his comments were noted.

Mr. Gallagher stated there we several existing wells onsite and wanted to make sure that those wells were going too abandoned that they be abandoned by a licensed well driller. Mr. Hoff said they would.

Mr. Kaiser said thank you for relocating the pump house. Mr. Kaiser questioned Mr. Hoder, the pump house seems to be of residential scale and did Mr. Hoder think the durability and the security of the structure was adequate. Mr. Hoder stated he felt the durability was fine, he could not say much about the security. Mr. Kruse stated everything was locked and secured; the exterior housing was weather proofed and vandal proof as much as it can be. The proximity to the roadway and internal development was remote, so it would not be in a high traffic area. If it becomes an issue the pumps did have alarms for high levels of failure. They have not had issues in the other developments. Mr. Hoder asked if there was a physical lock on the fiberglass sliding cover for the two pumps. Mr. Kruse noted it was a physical lock, secured obviously to make sure there were no easy access to the mechanical operating equipment. Mr. Hoder asked if there would be no other way in which a person could fall into the wet well. Mr. Kruse stated the entire wet well was covered by the top housing.

Mr. Hoder stated that his idea of closing it in was more for aesthetic; he felt security wise it was as good as any of our houses. Mr. Kaiser was satisfied Mr. Hoder was happy with it.

Mr. Gallagher asked if the pumps were submersible pumps. Mr. Kruse stated they were suction pumps, not submersible.

Mr. Hoff stated there were no plans for a generators at the moment.

Mr. Kaiser asked about the soil removal and have they thought about the change of a 125 truckloads to disperse soil onsite, was there room and potential for basements which would generate 10 to 20 truckloads of fill to be exported. Mr. Kruse stated that any soil removal the basement excavation would not be a significant portion of the overall earthwork activities. Traffic direction for soil would be directed to Dey Road to the east or the west.

Mr. Stewart asked if most of the grading would have been finished by the time people were opting for basements or not. Mr. Kruse said this was being developed in different phases. The phases were developed to assure the earthwork was balanced so the end of the job Toll does not have to find additional material to bring in, or they did not have enough material to export off the site as Mr. Kaiser had mentioned. All the earthwork for phase one was done up front in anticipation for anything that would be needed.

Mr. Hoder asked for transportation plan. Mr. Kruse stated they would provide.

Mr. Hoder asked about the pesticides found on the property and was there anyone who could address that. Mr. Hoff stated they committed to a full RAO to the site.

Mr. Preiss commented that the data revision to the environmental impact statement and to the community impact report and he indicated that the update information provided was sufficient to address their comments. Mr. Preiss said, at the last hearing, he raised the questions of the

applicant being amenable to revising the landscaping plans to take their comments into consideration and there was a general statements made to yes, except for the comments on the view corridors. He did not see any revised landscaping plans, he did not know if the Board felt conformable voting on the plans in the absence of revised plans without knowing exactly what they would be getting, in terms of the revisions.

Mr. Hoff stated the applicant did indicate they would be agreeable to revising near the main entrance way consistent with the comments raised in Mr. Preiss's review.

Mr. Hamlin noted he would like to see the applicant's commitment to meet the requirements, in writing, prior to dealing with this. Mr. Hoff stated on the record that they were willing to do that. Mr. Hoff felt the hand drawn plans were sufficient, otherwise Mr. Hoff stated he did not know what was being asked for.

Mr. Preiss raised the question on whether the Board was comfortable deferring that to after the vote or giving him the responsibility of reviewing and whether the Board wants to see the revision before they vote on the application.

Mr. Stewart stated he was comfortable deferring. Mr. Mavoides stated he was comfortable with deferring to Mr. Preiss as well. Mr. Mavoides asked if there were any objections, both Ms. Spann and Mr. Wittman stated they had no objections. No other Board members gave opinion at this time.

Mr. Scott followed up on his question raised at the last hearing regarding street lighting and his desire to reduce street light pollution, unify them, and make them as efficient as possible and asked if the applicant considered using alternative lighting, rather than the usual sodium vapor, mercury, etc., to a more efficient LED or induction lighting. Mr. Kruse stated if they were offered by the utility company, Toll would not shy away from anything more efficient. Mr. Scott asked about the installation of something to grind the solids at the pump station, Mr. Kruse said they testified that they would install what was called a 'muffin monster' to grind up the solids. Mr. Scott asked if there was discussion of the species of trees; especially pertaining to plant survival and diversity. Mr. Kruse stated, at the last hearing, they did go through some of the tree selection and variation from the Cranbury list to some that had better flowering blooms and species that were most hardy and disease resistant. Mr. Scott asked about the square footage and depth of the basements and if there would be exterior entrances to the basements. Mr. Kruse noted they would be standard 9 to 10-ft basements with no exterior entrances.

Mr. Stewart asked previously about sidewalk across from the clubhouse and amenity area to be considered reversing from the north to the south side in order to walk continually without having to cross parking lot. Mr. Kruse and indicated the applicant was agreeable to doing that.

Mr. Kaiser asked if the Board could get an agreement to NOT remove top soil from the site. Mr. Kruse felt it was difficult to agree to because there would be access top soil that Toll would have to deal with so he did not feel they could agree to it at this time.

Mr. Pisauro asked questions with regard to the pump house area, which would drain toward Petty Road, yet the ¼ acre had no storm water management. Mr. Kruse stated it would function and flow as it does now, flowing to the gutter line and then toward the Cedar Brook. Mr. Pisauro but there was no impervious coverage there now. Mr. Kruse stated no, other than the existing roadway; everything flows from the high point of Petty Road and Dey Road to the culvert and eventually to the Cedar Brook. They would handle all of the widening of Petty Road, the existing area of Petty Road and also Dey Road and the widening of Dey Road which was not receiving any treatment now would go into the storm management system to offset any of the non-treatment area if impervious. Mr. Kruse stated Dey Road would be widened along the property frontage to meet the half width of the opposite side of the roadway. Mr. Kruse stated the recharge was for the water quality not pipe design which was going to the storm water management basin in Pond B and A and handled by that system. That water would continue to go where it was originally directed. Mr. Kruse, commenting on infiltration testing, they did not do current testing. Mr. Pisauro asked about the storm water management system for Petty Road was not designed to the current NJDEP for quality or quantity recharge. Mr. Kruse stated that was not accurate, the system now proposed would have the road reconstruction project or roadway improvement project. They were not increasing the impervious surface by more than a ¼ acre and not changing the pre or post hydrograph for rate reduction requirements and also not increase the area of impervious that would impact the recharge requirements. Mr. Pisauro last question was for the pond in the north east corner, currently receiving runoff from a portion of the property. Mr. Kruse answered yes. Mr. Pisauro asked if once the site was developed was all of the storm water going through the pipe system to the wet ponds or was there still going to be some sheet flow to the wetlands to that stream. Mr. Kruse stated the pond was not directly connected to the stream, it was an isolated irrigation pond, discussed extensively at the hearing before last hearing. It would have sheet flow, the reduction of homes would push more surface area sheet flow to that pond.

Mr. Bill Bauder said he had asked Mr. Kruse, at the last hearing, regarding the drainage off of Petty Road to Lenape Court, if looking at the cover sheet for the off-site main and road reconstruction. One the cover sheet was showed two different locations for storm water management and there were two drainage easements that were not being utilized in the storm water management plan that Toll had. He was concerned, looking at Lenape Court, the elevation of Lenape Court was inconsistent with the rest of the elevations of the driveways. He added that Lenape Court was a private driveway and should be considered a driveway just like the other driveways along Petty Road. The elevations of those driveway were higher than the crown of the road, Lenape Court however was not. At the present time there was a hardship that was caused by the drainage of that road and he asks them to consider (which he stated he did not see

on the revised plans) some inlets that would handle that water in that location. Particularly, at the corners of Lenape and going down Lenape to the adjoining prototypes which were impacted by that and would continue to be impacted by that. He was concerned when he looks at samples that were taken, there was indication of clay but that hand auger samples were really insufficient to establish a proper design plan for the storm water management. The NJDEP best management practice says, correcting the final designs and construction, soil tests were required at the exact location of the proposed dry-well. The system using now and had been in place for a number of years had failed. Nine out of the fourteen structures there have failed due to clay soils and a high seasonal water table. He cannot imagine why we would go forward with a plan, particularly since the Township Engineer's recommendation was that the storm water system should drain to day light. A drywell system, in this location, was inadequate in Mr. Bauder's opinion based on more than thirty years of excavation experience on these sites. He was concerned with how this could go forward and what assurance the residences would have that this drainage system, other than increasing the ability and volume capacity of the system, would actually work as far as permeability of the soils and seasonal high water table. The documents and photographs Mr. Bauder previously provided, he stated clearly show indication when they have dug septic systems filling in within 24 to 48 hours after being dug. We now have an ordinance that provides for the seasonal high water table to be consideration and placement of the finished floor of the basements strictly because of that. We also have part of the evaluation of any septic design and observation pit to ensure where the seasonal high water table was and if the septic system was functioning. He was concerned with the design of the storm water management plan. He wished Mr. Kruse could ensure or try and tell us why he was so sure this design would work properly. In the newly revised plan would it show a full reconstruction of Petty Road and cross-section and eliminate the two sided reconstruction and repair.

Mr. Kruse stated they would be revising the plan to remove the half detail and keep the full road reconstruction detail. With regard to the discuss of adding additional drainage inlets at the Lenape Court intersection, they have discussed that they would be agreeable to that and noted in Mr. Hoder's most recent letter and still agreeable to put in the overall design and plans. Regarding the recharge trenching, they found three areas and would have to adjust the design for the clay areas. If they have to provide additional test they would did so, but felt confident this system would function as designed.

Mr. Mavoides asked if there were any more comments from the public. There were none.

Mr. Hoff had no more comments at this time.

Mr. Hoder asked to have Mr. Bauder's items within the resolution, including the additional need for soil testing or infiltration tests for the paved road design.

Mr. Mavoides stated there were several items that could be included in the resolutions including the site wide environmental assessment, proper abandonment of the wells, the commitment to

use LED lighting if available, preparation of a transportation plan (soil removal route plan), and landscaping plan deferred to the Board planner. He asked for a motion asking for the approval application subject to a resolution.

Ms. Cecil mentioned not opening the floor to the public, only general questions.

Mr. Mavoides asked for public comments.

Mr. Victor Abiad asked if there was decision made on the landscaping around the edge. Mr. Stewart asked if he meant along Petty Road. Mr. Abiad said yes, his preference would be to have the heavy landscaping screen and not look at the neighbor's backyard he would rather see trees.

Mr. Mavoides said his thought was the applicant did not take the Board planner's recommendation to thin out the screening and provide view corridors and did not think the Board was of the mind to enforce that, so if the plan was approved tonight it would be his understanding that the landscaping along Petty Road would remain as was. Mr. Hoff agreed.

Mr. Preiss stated we only heard from two Board members that supported that, not all the Board members. We should poll the Board prior to voting on the application.

Mr. Stewart said he supported it as long as the mailboxes were moved.

Mr. Mavoides noted for the record he wanted the view corridors.

Mr. Mike Pisauro mentioned there was talk about the pond house, the DEP manual for DEP requires all the drainage areas have storm water treatment. That was not occurring at the pump house, so he asked that the Board require that. He added, for the Petty Road drainage system and infiltrating road runoff without any sort of pre-treatment was just a scenario where you were going to have those systems clog up, which were already clogging up. The applicant was replacing it with something that was not going to work as well. He believed this Board had to be satisfied that the infiltration rates exist and can work and they did not have the infiltration tests. They didn't have them for the last hearing and when they had them it showed some of the trenches not working and had to adjust that system. He felt the Board needed to be satisfied that whatever storm water management system that was design both for the project and from Petty Road meets the standards. The DEP requires infiltration testing if you were going to infiltrate or recharge and that he encouraged the Board not to approve the application until those test were available and could be reviewed.

Mr. Mavoides asked if there were any other public comments at this point. There were none.

Mr. Mavoides closed the public comments.

Mr. Scott said there was discussion of the approval of top soil removal and the applicant could not guarantee that they could do that, but he had concern that the solid would be on top of clay and would not have anything to grow, so he asked to have a guarantee for adequate top soil for the site. If the applicant denude the soil there would end up with a second layer that was clay or burdened soil. Mr. Kruse said that any area that was developed that would be normal would have 6 to 8 inches of topsoil, which was above what typically was seen. Toll would redistribute the top soil around the lawn areas with top soil specifically design for growing lawn and maintaining vegetation. This was in the best interest of the developer, it's their requirements, and what they normally did to make sure it was an appealing subdivision. As they go through the site and excavate areas deeper for construction material and replace those areas that were not going to be used for structures with top soil, so they can make sure the earthwork balances to address Mr. Kaiser's concern.

Mr. Mavroides called the question to approve the application with the agreed changes. Ms. Spann made the motion. Mr. Wittman seconded the motion.

There was discussion on how to proceed with the vote versus having a resolution drafted first or not to alleviate the ambiguous areas of discussion.

It was decided that they would vote and then memorialize the resolution at a later hearing after review.

Ms. Cecil went through her listed conditions, as her notes indicated; 1. Petty Road would be re-constructed, partial detail removed and full-construction included. 2. Landscaping changes agreed to as depicted on Mr. Preiss's May 11, 2020 report except for the filter views on Petty Road. 3. Site wide REO. 4. Well abandonment. 5. Providing an updated turning plan for the fire trucks showing it can maneuver through the clubhouse parking lot. 6. Moving the sidewalk to the south side of Road D. 7. EIS Updates.

Mr. Hoder mentioned there were items the applicant had agreed to that have not been incorporated into the plans.

There was some discussion about the open-endedness of the architectural, per the settlement agreement, Ms. Cecil said that she would try to write something into the resolution that conveys the sentiments of the Board and not vague and open-ended.

Mr. Mavroides mentioned that there was an incredibly accurate record via these Zoom hearing and was comfortable that we would capture what was discussed and agreed to and proposed the Board vote to approval or not approve.

Motion still stood. Previously made by Ms. Spann and previously seconded by Mr. Wittman.

AYES: Mr. Gallagher, Mr. Hamlin, Mr. Kaiser, Mr. Scott, Mr. Spann, Mr. Stewart, Mr. Mavoides

NAYS: None

ABSTAIN: None

ABSENT: Ms. Calhan

Mr. Wittman, who seconded the motion to approve, lost audio feed during the voting. His vote is documented as “not voting”.

MOTION CARRIED

ADJOURNMENT OF MEETING

There being no further business, on motion duly made, seconded, and carried, the meeting was thereupon adjourned.

CERTIFICATE OF SECRETARY

I, the undersigned, did at this moment certify;

That I am duly elected and acting secretary of the Cranbury Township Planning Board and that the other minutes of the Planning Board, held on July 9, 2020, consisting of 15 pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS of which, I have hereunto subscribed my name to said Planning Board this August 6, 2020.

Josette C. Kratz, Secretary

/jck