

## **REGULAR MEETING MARCH 26, 2012**

The meeting was called to order by Chairman Peter Kortright at 8:00 p.m. The notice of the Open Public Meetings Law was read.

### **Roll Call**

Present: Chairman Peter Kortright, III, Deputy Mayor Edward Trawinski, Todd Malkin, Larry Metzger, Jim VanKruiningen, Kenesha Brathwaite, Cristina Cutrone, Tom Carney, Vice-Chairman Brent Pohlman, Joan Fragala, Joseph Mele, Mayor Baratta

Also present: Board Attorney Thomas Randall, Board Engineer Jeffrey Morris, Board Secretary Cathy Hochkeppel

### **Approval of escrow bills**

Upon motion by Todd Malkin and a second by Brent Pohlman, the escrow bills were unanimously approved. AYES: Chairman Peter Kortright, III, Deputy Mayor Edward Trawinski, Todd Malkin, Larry Metzger, Jim VanKruiningen, Kenesha Brathwaite, Tom Carney, Vice-Chairman Brent Pohlman, Joan Fragala

### **Approval of minutes**

Upon motion by Todd Malkin and a second by Kenesha Brathwaite, the work session minutes of December 12, 2011, were unanimously approved. AYES: Chairman Kortright, Kenesha Brathwaite, Larry Metzger, Todd Malkin Abstain: Joan Fragala, Jim VanKruiningen, Brent Pohlman, Deputy Mayor Trawinski, Tom Carney

### **General Public Comment**

Chairman Kortright opened the time for public comments and no public wished to be heard.

### **Landmark at Radburn, LLC Block 3609, Lot 21, Block 3610, Lots 1-2; Plaza Road and Cooper's Way; Major Subdivision and Site Plan**

Ronald Shamanowitz appeared on behalf of the applicant. He explained the properties in question stating that Archery Plaza will remain in the ownership of the Radburn Association although they are proposing to make some improvements. He briefly explained the background indicating that Landmark was awarded a builder's remedy.

Judge Harris' 2009 order stated that 200 units could be built on the site with a 20% set aside for affordable units. In 2010 Landmark revised its plan, reduced the number of units to 165, and eliminated a multi-family building. The Borough adopted a zoning ordinance in accordance with the Order. The applicant is also proposing to dedicate a portion of the property to the Borough as a public park. In addition, the applicant is willing, at its own cost, to extend the sewer line so that the ambulance corp. can connect to the sewer line and eliminate its septic system.

Board Attorney Randall stated that he is not going to reiterate the history of the litigation but he wanted to make it clear from the outset that the use (townhouses) and the density are pursuant to a court order and are not in the purview of this Board's decision making. There are many other issues that may be discussed and reviewed by this Board but the density and use are not among them.

Erik Keller was sworn in and qualified as an expert engineer, professional planner and traffic expert.

An Aerial photograph dated March 26, 2012, was marked as Exhibit A-1. Mr. Keller explained that he outlined the tract that consists of 11.88 acres. He explained the boundaries and the roads surrounding the property and the uses in the neighborhood. He noted that Radburn Train Station is less than one-quarter mile from the center of the property. He further explained that the property is relatively flat. He also explained the current site drainage as well as all the trees on the site in detail.

A subdivision plan dated March 26, 2012, was marked as Exhibit A-2. Mr. Keller explained the areas to be dedicated to the Borough and the area to be retained by Radburn. He stated that almost 20% of the entire tract is to be park area. There are easements proposed from Plaza Road to allow pedestrians access to those areas.

A site plan rendering Landmark at Radburn was marked as exhibit A-3. Mr. Keller explained that this plan includes the landscape plan but they colored the site improvements. Mr. Keller explained that the development contains 165 units, 33 of which are affordable. There are 12 buildings. There are 132 townhouse market units that all have 2-car garages. The affordable units are a mix of different bedroom sizes. There are 84 additional spaces throughout the site for residents and guests. Mr. Keller explained the entrances and exits and stated that adequate site distances are being provided. He stated that a great deal of time was spent creating pedestrian ways for this project with multiple walkways and differing routes. He added that there is access to the train station via walkways that are not along the road to Fair Lawn Avenue. He added that they are providing a tot lot in the southern portion of the site. All units face into the park area with the exception of the three buildings on Plaza Road that face the road. There are common areas set aside for each of the units. There will be mailboxes for each building or pair of buildings. Mr. Keller explained the width of the streets which is compliant with RSIS standards. They are providing adequate parking in accordance with the standards. He explained the parking in detail and the convenience of the parking to the various locations.

They are trying to preserve as many trees as possible particularly along Cooper Way. He added that the building heights conform to the ordinance.

Mr. Keller then explained the drainage in detail and the storm water management regulations. He stated that the design includes an infiltration basin, underground pipe storage and an aqua-swirl and aqua system. He testified that the applicant is exceeding the requirements for drainage and run off. He also added that a detention system is being constructed and storm water inlets are being placed strategically in Archery Plaza.

The Court Reporter requested a recess and Chairman Kortright recessed the meeting at 8:45 p.m. The meeting was reconvened at 9:05 p.m.

### **Roll Call**

Present: Chairman Peter Kortright, III, Deputy Mayor Edward Trawinski, Todd Malkin, Larry Metzger, Jim VanKruiningen, Kenesha Brathwaite, Cristina Cutrone, Tom Carney, Vice-Chairman Brent Pohlman, Joan Fragala, Joseph Mele, Mayor Baratta

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Board Engineer Jeffrey Morris stated that he met with the engineer relative to the ground water recharge and seepage pits. He indicated that there is some concern about the existing condition of the 48 inch corrugated metal pipe and that needs to be investigated. He would also like to see the capacity calculations. Deputy Mayor Trawinski asked Mr. Keller if he could calculate the amount of the detention recharge if the full area was taken into account and not eliminating the grassy areas as permitted by DEP.

Mr. Keller explained the sanitary sewer system. Each of the units will have their own sewer lateral although the affordable units may have a combined lateral for a pair of units. He also noted the sanitary lateral for the Ambulance Corp. building. He explained that the water mains loop through the site. They have provided hydrants. All the remaining utilities are underground. A colonial type fixture is proposed for the lighting. They are trying to keep the light fixtures consistent with other Radburn parks. He also elaborated on the landscape design stating that they will be providing street trees. He explained the screening in detail. He added that some of the trees have been damaged and there may be some selective tree cleaning to make sure the trees are viable and not crowded by undergrowth. He stated that the applicant is sensitive to the residential single family homes and will be supplementing the buffer with evergreens. He explained the linear park, ornamental trees and shrubs.

Mr. Keller testified that the application has been submitted to the Bergen County Planning Board.

Mr. Morris suggested that a meeting be arranged with the Borough Engineer to review the utilities and Mr. Keller agreed. Ms. Bergailo suggested that the applicant provide house side shields for the lighting. She also questioned the design waiver for the Plaza Road landscaping. Mr. Keller stated that there is a sidewalk with large beautiful trees and by natural design there is adequate space. The applicant could add a few plantings but some of these decisions will need to be made during construction. The applicant has hired a certified tree expert. When questioned about the species selected, Mr. Keller stated that it is a subjective field and the applicant will work with the Borough's planner for a design that is agreeable to all parties.

Larry Metzger asked if there were any plans for a noise barrier and Mr. Keller stated that it has not been incorporated in the design but noise mitigation is better addressed by the architect. Brent Pohlman asked for assurance that the neighbors will not have additional run off onto their property and Mr. Keller explained that the runoff will decrease due to the design. Deputy Mayor Trawinski asked about the landscape plans and Mr. Keller explained that all the significant trees were field located and canopied. Deputy Mayor Trawinski commended the applicant for obtaining the services of a certified tree expert.

Joseph Mele asked about the different fixtures and Mr. Keller explained them in detail. Mr. Mele stated he was concerned about the low lighting in some areas. Mr. Keller explained that it is a residential area and they do not want to illuminate the area as if it were commercial. It is a delicate balance. Mr. Mele suggested that there be no heavy construction vehicles by the basin and the applicant agreed. Mr. Mele suggested that the fence around the basin be increased to six feet. Mr. Morris explained that four feet meets the code but they will take a look at it.

## **Public Questions**

Chairman Kortright opened the matter to the public for questioning of the witness.

Jane Spindel, 395 Plaza Road North was sworn in at Deputy Mayor Trawinski's suggestion as she stated that she was a landscape designer. She asked if there was a sprinkler system on site and was concerned about the plantings in the first two years. Mr. Keller stated that they have selected indigenous to the area and do not require sprinkling. Ms. Spindel also stated that the trees should not be close to the light because the trees cannot live with light all the time. Mr. Keller added that the landscape notes address the maintenance of the landscape material and if it is not maintained, it must be replaced. Mr. Keller added that as far as conflicts with lights and trees, they keep the conflict to a minimum but at some points it is not possible and they are trying to reach a balance.

Rita Golding, 14 Rutgers Terrace, was sworn in and asked about contamination. Chairman Kortright explained that there will be environmental testimony at a later date and this expert is not addressing this subject. Chairman Kortright explained that she will have an opportunity to question the environmental expert at a later date.

Wolf Turner, 5 Remington Road, was sworn in and explained that his backyard faces Daly Field. He asked about the run-off and the effects on Remington Road. Mr. Keller explained that they are not affecting the drainage in any way on Ramsey Terrace. Mr. Keller added that all run off from the site will be collected in inlets and pipes and will go into the existing storm sewer system. They will be reducing the amount of run-off that currently exists. Mr. Turner also asked about whether tree planting will affect the storm water run-off. Mr. Keller explained that there will be many more trees than currently exist absorbing more water. Mr. Turner asked how more mature trees would affect the water absorption. Ms. Bergailo opined that more mature trees would most likely retain more water. Mr. Turner disagreed.

Kathy Moore, 13-15 Plaza Road, was sworn in and asked about what is going to be done for the people who currently own homes and whether they will be getting money for French drains or other mitigation. Mr. Keller explained that their design is compliant with the regulations. She asked what they were doing to protect the people who currently have problems and was told that this design meets all regulations. She also asked if the sanitary sewer system can handle the capacity. Mr. Keller explained that the collection system has an adequate capacity to collect the sewerage from this site. She asked about the retention basin and the possibility of overflowing. Mr. Keller explained that the basin will not overflow. It is designed with extra space and it will store more than the water that would accumulate in a hundred year storm.

Gene Meyerson, 15 Ballard Place, asked about the garbage disposal in the homes that have no garages and whether they will have dumpsters. Mr. Keller explained that there are no dumpsters but he would defer to the architect. In response to Ms. Meyerson, Mr. Keller explained that the issue is no different from other homeowners.

Marshall Chandler, 18 Ramapo Terrace, asked about the retention basin. Mr. Keller explained that the basin is just over 9,700 square feet and the maximum water depth is nine feet. Mr. Chandler asked about the volume capacity required by regulation. Mr. Keller explained that it is set by process. Mr. Chandler commented that the retention basin is near where the high school students traverse and was concerned for the safety of those travelers. Mr. Keller explained that it is more than 40 feet away from the pedestrian walkway and is enclosed by a fence which is a strong barrier. Mr. Chandler asked if he was concerned about the safety of the retention basin and Mr. Keller stated he was not.

Barry Koplik, 6 Reading Terrace, asked about the sewer easement south of lot 2 and it was explained that the easement was to be vacated. Mr. Koplik asked about the detention basin and mosquitoes and Mr. Keller explained that the basin will normally be dry.

Pamela Coles, 13-34 George Street, asked about the grade of the property and Mr. Keller explained the grade in the area. Ms. Coles asked if that area sloped toward Daly field. Mr. Keller explained that the whole area is fairly flat. She asked about flooding onto the railroad tracks and Mr. Keller explained that the tracks are 8 feet higher than Daly Field so

it is not a problem. Ms. Coles asked if there were two 100 year floods within one month of each other as recently occurred what would happen to the basin. Mr. Keller explained that it typically drains within 72 hours so it would not be a problem. Ms. Coles asked about sanitation. Mr. Keller stated he is not sure but if homeowner's associations does it themselves, they are reimbursed from the community. Ms. Coles asked if the historical landscaping in Radburn was that taken into account when developing the plan for this site. Ms. Coles asked if they would entertain historic landscape design. Mr. Keller explained that they are discussing the landscaping with the Board's planner and that plan meets the ordinance. Ms. Coles also asked about a noise barrier and buffer around the railroad tracks. Mr. Keller explained that there is a landscaped buffer.

Michael Schindler, 13-14 Plaza Road, was sworn in and asked if there was anything they could do about flooding since he is right at Archery Plaza. He also showed Mr. Keller a picture of flooding in his yard. Mr. Keller explained that the run-off from the site will not go to his yard. Mr. Keller added that they are installing inlets in those areas so that the water has a place to go and on Archery Plaza the water will be taken away from his yard. The design will prevent water run-off from Archery Plaza and this development will improve the situation. Mr. Schindler asked about the height of the evergreens. Mr. Keller explained that they should be 6-8 feet at planting. In these areas, they will not reach the maximum height but at maturity should be more than 30 feet tall.

Chairman Kortright closed the time for questions and advised the public that it will be continued at the next session. It was agreed among the parties that the matter would be continued at the April 9<sup>th</sup> and May 14<sup>th</sup> meetings without further notice.

### **Adjournment**

Upon motion by Todd Malkin and a second by Deputy Mayor Trawinski, the meeting was unanimously adjourned at 11:00 p.m.

Respectfully,

Cathryn Hochkeppel  
Municipal Housing Liaison/  
Land Use Administrator/  
Secretary of the Planning Board