

Planning Board Meeting
Special Meeting of April 8, 2009 at 7:00 pm

The regular meeting of the Planning Board took place on the above date. Chairman McCabe read the Open Public Meeting Act and requested Board Secretary Mrs. Citterbart called the roll. Board Secretary Citterbart stated there was a quorum.

Members Present: Mr. Caffrey, Mr. Elvidge, Mrs. Fowler, Mr. Phalon, Mr. Russo, Mr. Vandyk, Chairwoman McCabe.

EXCUSED: Mr. White, Mr. Ricciardo

ALSO PRESENT: Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider, Cory Stoner, Board Engineer, David Simmons, Board Engineer, Debra Millikin, Community Development Director and Board Secretary Mrs. Citterbart.

FLAG SALUTE

CONSIDERATION OF MINUTES

RESOLUTIONS

HISTORIC RESOLUTIONS

OLD BUSINESS

PFSPV3-2007 – BRISTOL GLEN, INC. – Property Location: 200 Bristol Glen Drive, Block 502, Lot 5.16. Final Site Plan. Sanford Brown, Esq. represented the applicant.

Sworn: Owen Dykstra, President, Dykstra Associates, 11 Lawrence Road, Newton, NJ; Jason Dunn, Dykstra Associates, 11 Lawrence Road, Newton, NJ; Harry Schneider, Vice President of Projects United Methodist Homes.

Mr. Brown stated: Thank you for coming to a Special Meeting. The purpose of this is to get all the ducks in order for a ground breaking on April 16, 2009. We are going to concentrate on the technicalities under your provisions for the as-builts under the final site plan. We did receive prior approvals from you in 2007 and we are hoping that you agree that we have complied with all the details of the preliminary site plan approvals. Chairwoman McCabe stated: We are in receipt of Mr. Simmons' report dated April 2, 2009. Mr. Brown stated: We can address that tonight. Chairwoman McCabe stated: Why don't we address that and get the engineering section finished first. Mr. Brown questioned: Do you want to have Mr. Simmons' letter marked or is that automatically marked. Chairwoman McCabe stated: It is already marked. Mr. Soloway stated: We don't generally do that. I will cross reference and incorporate that in any resolution and will be attached. Chairwoman McCabe questioned: Will you be having any elevations? Mr. Brown stated: No, but we will be alluding to the final site plan which is a record with you.

Do you want to have that marked separately? Chairwoman McCabe stated: Not if it is the same that we have received.

Mr. Brown stated: We can go to examining Mr. Simmons' letter. Mr. Simmons stated: Several items have been taken care of. I will just go through them and give you an update based on the final inspection this afternoon.

Page 2, Item 2 – March 31, 2009 field inspection. Those items have been updated.

Item a. - The final asphalt for the parking spaces on the south side of the addition has been done. The striping is going to take place tomorrow.

Item b. - The final asphalt wearing surface for the utility access road has been placed.

Item c. – Top soil, fertilizing, seeding and mulching on access road is in progress. It is scheduled to be completed tomorrow.

Item d. - Top soil, fertilizing, seeding and mulching of courtyard area has been completed.

Item e. – Light pole A7 has been installed.

Item f. – The safety grates to be installed on the outlet structure in the filtration basin off employee parking lot has to be done.

Item g. – Still have to be provided and will be coming shortly.

Item h. – The Storm Water Maintenance Plan has to be filed in the County Clerk's office. That is in the process of being done. They may need assistance from Mr. Brown for correct notations on documents to be filed.

Item i. & Item j. - Dykstra Associates has supplied those documents.

Page 2, Item 3 – Those are items we need on the final site plan.

Sheet 2 of 3, A7 – That was just installed.

They had to add a ramp at the northwest corner of the new addition. That ramp was installed to allow future entrance of material and machinery into the courtyard area for the future swimming pool.

A couple of labels as far as the handicap areas. There was an oil tank installed at the northwesterly corner of the addition that has to get labeled. That was not on the original site plan.

Mr. Dunn stated: We had to put an exterior oil tank on site that is placed on a concrete pad. Mr. Soloway questioned: Is that noted in 4d of your report? Mr. Dunn stated: Yes. Chairwoman

McCabe questioned: Why was that required? Mr. Schneider stated: That is for the emergency generator. Chairwoman McCabe questioned: Where is the generator located? Mr. Dunn stated: On the second floor inside the building.

Mr. Simmons went on with his report. There are some minor graphic changes to the scales and to the property line and zoning charts based on the as-built.

Sheet 3 of 3 is showing concrete walks. Down by the employee parking lot they have to correct some graphics as far as the water main and the gate valve symbols, pipe corrections and the graphic scale. Mr. Dykstra has no problem with them.

Item #4, Item a – Was widened out on the corners to help increase the maneuverability for fire trucks in this area. The fire department went out with their large truck and were concerned that in an emergency situation it would be too tight to the curb. The applicant widened out the curb line.

Item b – The intent is for small equipment to get inside the courtyard.

Item c – Miscellaneous adjustments made by necessity due to field conditions with various utility lines.

Item d – Oil tank for the emergency generator.

Item e – The retaining wall on access drive. Their consultant recommended it be raised to make the grades work better.

In reference to the Developer's Agreement we recommend that the Town Planning department check and make sure that all the deeds and documents are signed that are required for the Town.

Items that still have to be completed:

Item #2 – Striping of the parking lot still has to be done tomorrow subject to weather.

Item #4 – Finishing up the topsoil, seed, and mulch on access road.

Item #7 – Safety grate on the outlet structure.

Item #8 – Provide copies of the load tickets for the asphalt.

Item #9 – File storm water management plan to the County Clerk's office and get the book and page.

Item #12 – Do minor revisions to as-built plan by Dykstra Associates.

Item #13 and 14 – The inspector said the landscaping is in progress. It may be finished tonight.

Mr. Soloway questioned: Mr. Simmons how would you recommend the Board handle that they authorize any improving resolution or reduction in the recommended bond amount based upon your recommendation and the approval of the council? Mr. Simmons stated: That is what I recommend. The applicant's goal is not to have any bond to have it all done. Subject to weather, it may not fall that way. I would suggest to the Board, it is already going to be less than the bond amount in the April 2nd report and I think it will be less than the items we talked about. The next council meeting is Monday. Monday we would have the Town Council and updated report. That would be the cutoff date for any items.

Mr. Simmons continued:

Item #7, a-h – A list of various approvals from different agencies.

Miscellaneous – Item b – Construction of a new swimming pool. The pool has not been constructed. The applicant should update the Board on the status. Mr. Schneider stated: At this time we have no plans to construct the swimming pool. It is a long range vision.

Item c, Section 1.14 of Developer's Agreement – All work to be completed by June 1, 2009. If the applicant needs additional time an extension should be made to the Town Council. Mr. Schneider stated: We are not looking for an extension. We are looking to complete everything by April 16, 2009.

Mr. Soloway questioned: Is this one like one of the applications we had a month or two ago, where it turned out that based on the language of the Developer's Agreement which we hadn't seen if the applicant requested an extension the Board would have to affirmatively recommend it as well as the Council? Mr. Simmons stated: That is my understanding, yes. Mr. Soloway stated: If you are not going to request an extension and the language says that, then it won't be addressed here. Mr. Schneider stated: We won't ask for an extension.

Mr. Schneider stated: I wanted to extend my appreciation to the Board and Mr. Simmons and all the officials here. They are wonderful to work with. Chairwoman McCabe stated: Thank you.

Mr. Soloway questioned: Mr. Simmons has the applicant complied to your knowledge with all the conditions of preliminary approval? Mr. Simmons stated: Yes, subject to the items I noted.

Mr. Simmons stated: I don't know if you would want to ask for an extension since the swimming pool is in there as a Phase III. Chairwoman McCabe stated: That might be a good idea. Mr. Simmons stated: We could word something now so you wouldn't have to come back. Mr. Brown stated: That would be great to extend it as far as possible. Mrs. Millikin questioned: Would it make sense for them to come back when they come back for the villas? Mr. Soloway stated: Is the swimming pool part of Phase II? Mr. Brown stated: We received approval for it but in terms of practicality but we have no plans to build it. Mr. Soloway questioned: Can we grant an open ended extension? Chairwoman McCabe questioned: Or are you saying that it may not be part of Phase III? Mr. Brown stated: That is a possibility. The way the economy is and

other factors. I cannot commit on behalf of Bristol Glen that it will be built at any particular time. Mr. Soloway stated: The Board could hedge a bit and father it off on the Council if you are so inclined and indicate in the resolution that the applicant may want to request that kind of an extension and the Planning Board has no problem with it subject to the approval of the Council to what might be appropriate. Then we can duck any issue of the timing and leave it with the Council. It can't be forever. The law on site plan is that a site plan approval even when we get past your statutory periods of protection remains good absent intervening ordinance changes. That is the case law. Chairwoman McCabe questioned: Are we going to have an ordinance change? Mr. Soloway stated: We are contemplating extensive ordinance changes. I'm not sure of the extent which it will deal with this. What are you asking for? Mr. Brown stated: We are asking for the ability to construct the swimming pool which has already been approved for as long as the Board and/or Council will allow under the Permanent Extension Act or MOUL. Mr. Soloway stated: If the Board grants final site plan approval, it will be a resolution adopted next month it will be locked in for two years. The Permanent Extension Act is probably less time at this point. It is the hope of the Board that the ordinance will change by then.

Chairwoman McCabe stated: We may not have a meeting next month. We would like to hold it off until June. We need to know if that is an issue. Mr. Brown stated: I don't know if it should be an issue. Again, we are asking for a special meeting in light of the plan to give a ribbon cutting ceremony and move in. We have a temporary Certificate of Occupancy. Discussion ensued.

Chairwoman McCabe opened the floor to the public. With no public stepping forward this part of the meeting was closed.

Mr. Soloway stated: Mr. Simmons the items you noted in #4 that were modified from the preliminary plans, were they field changes or relatively insignificant items? Mr. Simmons stated: Field changes that did not change the intent purpose.

Mr. Soloway stated: In terms of the final site plan approval you don't have to grant an extension in time for the pool. If you want to say to the extent that the applicant seeks a legally appropriate extension of the time for the pool, the Planning Board would consent to that request. There would be the Council's decision anyway. You have a Developer's Agreement deadline and you have a Municipal Land Use Law deadline. They are not the same thing. Mr. Elvidge stated: That is two years from the memorialization. Mr. Soloway stated: The final site plan is good and applicant's can apply for extensions from that. The Developer's Agreement has a June 1, 2009 deadline for construction. Chairwoman McCabe stated: Any extensions are moved if ordinances change? Mr. Elvidge questioned: The pool is part of the site plan? Is there bonding for the pool? Mr. Simmons stated: The pool has not been included with the bond.

With no more public stepping forward Chairwoman McCabe closed this portion of the meeting.

Mrs. Fowler made a motion to approve. Mr. Caffrey second the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mrs. Fowler, Mr. Phalon, Mr. Russo, Mr. Vandyk,
Chairwoman McCabe

Mr. Caffrey made motion to Adjourn. Mr. Phalon second the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 7:28 pm.

The next regular scheduled meeting will be held on April 15, 2009 at 7:00 pm in the council chambers of the Municipal Building.

Respectfully submitted,

A handwritten signature in cursive script that reads "Katherine Citterbart".

Katherine Citterbart
Planning Board Secretary