

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
SEPTEMBER 12, 2017**

Roll Call:

Present:

Mayor Matthew Anesh
Council President Derryck White
Brian Bythell; Alt. 2
Paul Grzenda
Rich Houghton
Peter Smith
John Mocharski
Jack Pedersen; Vice Chairman
Bob Ackerman; Chairman

Absent:

Stephanie Bartfalvi; Alt. 1
Michael Pellegrino

Also Present: Larry Lavender, Esq.; Nicholas Dickerson, PP, AICP; Bob Bucco, PE, CME, CPWM

Chairman Ackerman opened the meeting at 7:00 pm saying that this meeting is being held in accordance with the Open Public Meetings Act, by posting a notice to The Observer and The Courier News and providing the same to the Borough Clerk.

It is the policy of the Borough of South Plainfield's Planning Board not to hear any new cases after 10:00 pm and no new witnesses after 10:30 pm.

Minutes: (2)

July 25, 2107 Meeting

Chairman Ackerman calls for a motion to approve the above listed Minutes. Council President White made motion, seconded by Mr. Houghton. Those in favor: Mayor Anesh; Council President White; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None

August 22, 2017 Meeting

Chairman Ackerman calls for a motion to approve the above listed Minutes. Mr. Mocharski made motion, seconded by Mr. Houghton. Those in favor: Mayor Anesh; Council President White; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Vice Chairman Pedersen and Chairman Ackerman. Opposed: None

Resolutions: None

Current Files: None

Informal Hearings: None

Public Hearings: (1)

A. Case #775 - JSM at Tingley (Celebrations)
Block 517; Lot 1; SC-2 Zone
200 South Avenue

The applicant is requesting Preliminary and Final Site Plan approval.

Mr. Lavender stated that the Notice of Publications are in order, the Board has jurisdiction.

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
SEPTEMBER 12, 2017**

Douglas Wolfson, Esq. – Weingarten Law Firm, 1260 Stelton Road, Piscataway, New Jersey – attorney for the applicant addressed the Board. There is an approval in place but the approval will not allow the construction of certain buildings in the 'easement area' – Buckeye Pipeline. Revised site plans were submitted and seeking Preliminary and Final Site Plan approval with those buildings that are now relocated outside the easement area. The number of units remain the same. The impervious coverage has been decreased. There are no buildings in the easement area. Mr. Aulenbach will review the changes from the previous plans to the revised plans showing no buildings in the easement area.

Ronald Aulenbach – 1260 Stelton Road, South Plainfield, New Jersey – is sworn in. Mr. Aulenbach is the Director of Engineering Planning and Development for Edgewood Properties the parent company for the applicant.

Mr. Wolfson asked Mr. Aulenbach if he is in the position to discuss the amendments to the site plan. Per Mr. Aulenbach, yes.

Mr. Aulenbach introduced Exhibit A-1 – Approved Site & Geometry Plan (Sheet 3) and Exhibit A-2 – Proposed Site & Geometry Plan (Sheet 5) of the plans before the Board Members. Using Exhibit A-1, Mr. Aulenbach demonstrates the location of the buildings within the Buckeye Pipeline Easement. Mr. Aulenbach reminded the Board that at the last meeting, he stated that if the buildings were in the easement, he would not be returning to the Board. The buildings are not in the easement. Seeking an amended approval to relocate buildings outside the buffer zone. Willing to demolish infrastructure installed from prior approvals. Buildings #1, #2, #4, #5, #6, #7, #10, #11, #12, #13, #14, #15 and Clubhouse remain unchanged. Clubhouse and buildings #4, #5, #7, #10, #11, #13 and #15 have been constructed. Building #12 and #14 is a foundation. Building #6 is being sheet rocked. Thirty (30) of the thirty-two (32) townhouses are sold. The other two (2) are models. Ninety (90) condominiums have been sold of the first three (3) buildings. Obviously, the townhouses are more popular. When the plans were revised to accommodate the buffer, some things were moved around. Building #3 was previously a twelve (12) unit condominium building which has been changed to a designated two (2) four (4) unit townhouse buildings. The unit number has not changed - still three hundred forty (340) - but virtue of the revised site plan, the number of townhouses were increased by twelve (12) units and the condominiums have been decreased by twelve (12) units. Looking at the professional reports, there is a difference in the number of bedrooms. The bus shelter and the centrally located compactor are slightly relocated off the main boulevard. The biggest change is along the Buckeye and railroad area or western portion of the site. Building #8 is almost identical as before... just pushed slightly further away. Originally it was 67.9' off the property line where 70' is required. Building #9 is pushed more to the south east of the property. The townhouses near the railroad are flipped so they face the railroad instead of the rear of the building facing the railroad to comply with the seventy feet (70') off the property line which is the twenty foot (20') easement and a fifty foot (50') buffer to the easement. As Mr. Wolfson indicated previously, the impervious coverage has decreased. Therefore, from a drainage standpoint there is no impact on what is proposed. The sixty-eight (68) age restricted affordable units have not changed. The two access roads from South Avenue and Coolidge is unchanged. It is limited to the area along the pipeline that this Board felt strongly about.

Mr. Wolfson stated in Mr. Slachetka's report dated September 7, 2017 and Mr. Bucco's report dated July 31, 2017 there seems to be a discrepancy between 16.7' and 16'. Mr. Aulenbach stated the Board is aware when we returned two (2) applications ago, there was an issue with building #10. It was brought to our attention after the foundation and the building was built at 16.7'. It is simply a typo. The plans will be changed to correct that.

Mr. Wolfson questioned Mr. Aulenbach:

- Any variances? *None.*
- Parking requirements satisfied per RSIS? *Yes, they are.*
- Side yard setbacks still the same? *That is correct.*
- Everything else is the same, other than the identified units that have been explained that were placed in the 'offending units'? *That is correct.*
- No more units? Same number? *Same number.*

Mr. Wolfson asked Mr. Aulenbach to review the professional review letters. Najarian Associates review letter dated July 31, 2017. Mr. Aulenbach stated they will comply with all items. Mr. Aulenbach continued... from the June

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
SEPTEMBER 12, 2017**

2017 review letter to the July 2017 review letter, everything has been addressed. On page 10 – Item 5 – Mr. Wolfson stated that the easement was reviewed by the Board Attorney. The easement was granted by the predecessors permitting anything can be done on the easement area with the understanding that if Buckeye needs to access the area to do any type of work, it is at the applicant's expense to repair / replace what work Buckeye removed. Mr. Lavender reads paragraph 3 and 4 of the easement to the Board with explanations of the legal terminology for the Board understanding. Mr. Lavender continued... the Board is to make a decision whether the applicant is in violation of this easement.

Mr. Wolfson stated it is at the cost of the applicant if anything is to be moved or removed and / or replace.

Mr. Lavender stated that Buckeye Pipeline can make any changes they need to do and it falls on the applicant to make any corrections. Mr. Wolfson stated that Buckeye Pipeline is aware of the application. Mr. Lavender continued... The applicant has proof that they sent them a letter. It is something the Board is to consider. Mr. Wolfson stated that not him personally, but the applicant has reached out to Buckeye Pipeline and they seem disinterested. Mr. Lavender asked if there is anything from Buckeye stating they are not interested. Mr. Aulenbach stated as he has explained to the Board when the buildings were in the easement, they had reached out several times and paid an application fee... approximately \$2,500... for them to view the plans. Never heard back. Tried following up... never heard back. Tried emails... the only response was the size of the lines but does not remember the size at this moment. Otherwise, no response in the past thirteen (13) years. Sent the full application and plans with no response. Mr. Lavender asked Mr. Bucco from an Engineering stand point his thoughts. Mr. Bucco stated from an Engineering standpoint as long as there is no structure over the easement. He has seen these types of deeds with the restrictions and it is typical. It is an understanding that if anyone builds over top of the pipeline, besides a structure, that if Buckeye has to do any repairs or upgrades to the pipeline, that the person on top of the easement has to put back what they take out. This is typical language for this type of easement. Mr. Wolfson stated that the applicant would accept that as a condition.

Mr. Ackerman stated that the buildings are back seventy feet (70'). Are there sidewalks or anything? Mr. Aulenbach stated there are some parallel parking spaces and drive isle. The parallel parking spaces start from the South Avenue. There are a few parking spaces in the twenty feet (20'). There are parallel stales that go parallel with the railroad within the easement and the roadway itself. Just pavement and curbs. No structures.

Mr. Smith asked roadway and curbing over the easement? Mr. Aulenbach stated that is correct. Mr. Bucco stated and some landscaping. Mr. Aulenbach stated that any work that is done in the area, it is subject to a Buckeye representative to be present onsite during construction and even hand dig. If you park a machine over the easement, Buckeye will be out questioning what is happening. Texas Eastern fly planes over. Mr. Mocharski stated every three (3) days. Mr. Aulenbach continued... he has a project in Monroe with the same situation but over a JCP&L easement and a machine was parked on the easement. Immediately, a representative was out on the site asking what was going on. Again, we have contacted them. We are required to put them on notice. Call for a mark out. Required to do whatever they want under the rules and regulations. If we have to hand dig, we will hand dig.

Mr. Lavender offers up the copy of the easement to Board members who would like to read it. Mr. Smith reads the easement.

Mr. Bythell asked if there are any plans to do landscaping and / or fencing behind the parking in the area. Mr. Aulenbach stated yes. Certain areas will have minimal landscaping because of the easement. There is not a lot of room. Would like to create a buffer between the pipeline, railroad and the adjoining industrial use. Mr. Ackerman stated landscaping and fencing would be appropriate. If the pipeline has to come in, it is stuff easily removed and replace. Mr. Aulenbach stated the pavement, the curbs, the landscaping and the fence are all dollars. It is not something monumental like a structure.

Mr. Smith asked for a clarification... the way the easement states any object on, over or under... you are going to put a road twenty feet (20') over the easement. Mr. Aulenbach stated it is on the easement. Mr. Wolfson stated if Buckeye needs to repair or replace, they would dig it up and we would have replaced what they dug up. Mr. Smith questioned that people will be living there and the road will be dug up. They cannot travel. He asked the former fire chief if the turning radius is acceptable by building #17. Mr. Mocharski stated they should have the template

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
SEPTEMBER 12, 2017**

and it should be cleared with Fire Prevention. Mr. Ackerman stated there is a review letter from the Fire Prevention stating they had reviewed the plans and have no objections.

Mr. Aulenbach stated in the back of the set of the plans there is a truck turning plan. Mr. Aulenbach continued... there has been a lot of time spent on the Buckeye easement but it is not different then the Texas Eastern easement that runs along the north-east corner that allowed the parking lot to be built on. They have two high pressure lines. If they have to come in and repair, they can. They have the easement to do it. It is a problem with a permanent structure. Before there was language about the fifty foot (50') buffer that the Board felt strongly about. That is why we came back with revised plans. We respect that concern and understand the commitment of this Board. Mr. Wolfson stated it is a safety issue as well.

Mr. Aulenbach continued with the Najarian Associates review letter.

- Page 12 – Item 9 – Will comply.
- Page 14 – Item F – 2 – Bus and trash / recycling schedule. Cannot speak to the bus. That is up to the Board of Education. The central located compactor and recycling is picked up on a 'as needed' bases. Someone is onsite to make sure that the hopper is not to full and can't take more trash. Typically, once a week. There are eighty (80) townhouses that have curb side pickup. It is limited to the condominiums. Mr. Ackerman asked if there is property management onsite through homeowners' association. Mr. Aulenbach stated yes. The residents can fill the hopper but cannot operate it for safety reasons. When the hopper gets full, maintenance has a key to operate it. It is wired to the club house. When it is at ninety percent (90%) filled, they are alerted. Mr. Ackerman stated that it makes more sense to centralize it. Mr. Aulenbach stated besides the unsightly mess, people will dump bulk items... couches, beds etc. With the central located compactor, there are cameras and can be monitored.
- Page 17 – Item 3 – As previously mentioned, it is a typo. The variance is 16.7'.

Mr. Bucco asked Mr. Aulenbach to address page 15 – Item 3 – shade trees. Mr. Aulenbach stated will comply. Mr. Bucco asked if they would work with the Borough. Mr. Aulenbach stated they will work with the Borough.

Chairman Ackerman asked Mr. Bucco if through his review, did he see any need for any variances. Mr. Bucco stated no.

Mr. Wolfson asked Mr. Bucco if he is satisfied. Mr. Bucco stated yes.

Mr. Wolfson asked Mr. Aulenbach to review T&M Associates review letter dated September 7, 2017.

- Page 5 – A reduction in side yard set. Previously discussed... it is 16.7' not 16'. A typo.
- Page 5 – Parking requirements. Previously approved for seven hundred fourteen (714) bedrooms. Proposal is seven hundred twenty-six (726). A difference of twelve (12) bedrooms by virtue of converting some condominiums to townhouses. Mr. Wolfson asked if RSIS dictates the number of parking to the number of bedrooms or units. Mr. Aulenbach stated that RSIS parking is based on bedrooms which we are compliant. ITE bases parking strictly on multifamily. They look at it as 340 units and do not differentiate between bedrooms for traffic and parking. Mr. Aulenbach stated that the Traffic Engineering did calculations for the additional bedrooms and are still within the parking requirements. As a Condition of Approval will submit a sealed letter. Mr. Wolfson asked Mr. Aulenbach if this complies with RSIS, ITE and Borough Ordinance. Mr. Aulenbach stated correct. Chairman Ackerman asked to have the Traffic Engineer forward his report.
- Page 6 – Paragraph 2 – Previously discussed... it is 16.7' not 16'. A typo.
- Page 7 - Traffic Impact Statement. Previously discussed. Listed in Najarian Associates report dated July 31, 2017 regarding Ms. Dolan's testimony and report on page 6 – B-1 acknowledges the waiver and supports the waiver.
- Page 8 – Section D
 - Item 1 – Statement.
 - Item 2 – Will comply.
 - Item 3 – Previously discussed.
 - Item 5 – Building #11, eastern side of the development. There are no driveways installed. Those are models. They are intended to have driveways. Once the units are sold out or get to the point

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
SEPTEMBER 12, 2017**

that they are not needed, driveways will be installed in accordance with the original plan. Consistent to all other buildings. Mr. Wolfson stated as a Condition of Approval for a CO, the driveways are to be installed.

- Item 6 – Eleven thousand six hundred forty (11,640) square feet is the correct size. The original plans submitted showed eleven thousand seven hundred four (11,704) square feet that is what the conceptual architectural plans showed. When the actual construction documents were done it was eleven thousand six hundred forty (11,640) square feet. The plans were not updated because the buildings were already built. All the buildings are eleven thousand six hundred forty (11,640) square feet. The plans can be revised showing the size. Chairman Ackerman asked to do so.
- Item 7 – Previously addressed
- Item 8 – Will comply.
- Mr. Smith asked to review item 7 last sentence. Mr. Aulenbach stated that was a typo.
- Page 9 – Section E.
 - Item 2 – Will comply.
 - Item 5 – Previously addressed. Mr. Bythell asked if there was any change in the handicap parking. Mr. Aulenbach stated there is a reduction because it is not required. It was reduced by four (4) spaces. Still compliant with ADA requirements.
 - Item 6 – Parking for Clubhouse. Originally, had twelve (12) stalls and increased it to fourteen (14). First time raised for the Clubhouse in the Senior Community. There is no requirement in the Ordinance. The reason for not having a parking requirement for this Clubhouse is it is within the building and only for the Senior Community Clubhouse. If they are going to the Clubhouse, they are walking to it... not driving. It is self-contained and not open to the rest of the development... only for the sixty-eight (68) units. Overparked by fifteen (15) stalls overall. Does not believe need to comply with twelve (12) stalls since it is in the same building. Mayor Anesh and Chairman Ackerman agree.
- Page 10 – Item B, D, F and page 11 - Buckeye Pipeline. Previously discussed.
- Page 11 – Item G – Will comply. Previously discussed.

Nick Dickerson has concern regarding the parking and access roadways to Buildings #17 and #18 during periods of maintenance for the Buckeye Pipeline. Where are those vehicles to park... curb size access? Mr. Aulenbach stated if that happens, overparked by fifteen (15). No different if roadwork is to be on a local street. Contingency plans will be developed. Mr. Aulenbach stated he can draw up a contingency plan for review. Mr. Wolfson stated this would be the same as if utility work was to be done on any street. Mr. Aulenbach stated no different if it's for sanitary sewer or water repair... some residents will be inconvenience during a repair.

Mayor Anesh asked if there is any disclosure regarding the easement. Mr. Aulenbach stated he believes there is one from an earlier approval for Buckeye Pipeline and Texas Eastern Pipeline. Mr. Aulenbach stated he is not sure if there is anything stating a resident might be disturbed from time to time for pipeline maintenance.

Chairman Ackerman stated looking at the revised plans, if Buckeye Pipeline had to do any work, the residences still have access. Mr. Aulenbach stated the only problem would be if Buckeye Pipeline took over the thirty foot (30') easement.

Mr. Dickerson asked if there any signage to delineate where the pipeline is located. Mr. Aulenbach stated there are signs out there. There two (2) yellow Buckeye Pipeline signs. If needed, with permission from Buckeye Pipeline, can add more signs. Does not want to dig around without Buckeye Pipelines approval. Mr. Aulenbach stated in the landscape area, signs can be put up stating there is a pipeline in the area... Use caution. Chairman Ackerman stated they usually have the yellow signs.... But putting additional signs by the landscaping may be a good idea. Mr. Aulenbach stated for the safety of the residents, can put signage in.

Mr. Bythell asked if there are any signs for Celebrations. Mr. Aulenbach stated from prior approval, there are two (2) signs. That remains unchanged. Mr. Bythell corrected his question, any proposed signage in the area of the pipeline. Mr. Wolfson stated none proposed.

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
SEPTEMBER 12, 2017**

Mr. Lavender stated that the easement stated they cannot do certain things... 'that would restrict the free access to and uninterrupted use of.' Basically, is what they are proposing will restrict the access of the pipeline. Mr. Bucco stated it does not.

Mr. Wolfson stated the Planner is available, if they Board would like to speak with him.

Mr. Bucco stated that all his concerns have been addressed except item #9 which they said they will do.

With no further questions from the Board, Chairman Ackerman opens the discussion to the public.

David Teitelbaum – Teitelbaum Partners, owner of the industrial building next door... the old Restaurant Depot. Recently before the Board (Zoning Board of Adjustment) for a use variance. Has a tenant.... B&H Photo. Does not expect to generate the amount of traffic as Restaurant Depot. Mr. Teitelbaum continued... the property was a commercial zone. His building is a commercial use. His concern is that the Board has allowed a residential zone next to him. Has asked the Board on several occasions that a fence, a berm and screening be put up between so the residents don't see the commercial use. The townhouses will be facing his building which makes that more important. Has yet to see anything for construction for a fence, berm or trees. There is construction debris all around. It is a safety issue. The railroad is between us and there is a steep drop off at the end of their property down to the railroad. Anyone venturing that way can fall down to the railroad. Children may play in that area. A fence is a very important safety requirement. Trees a necessary screening and for sound. A berm high enough to not see. Mayor Anesh asked if that is possible. Mr. Aulenbach stated the property is to the west of use on the other side of the railroad. Are providing a fence. Are providing landscaping the best that can be done within the easement rights. Cannot provide a berm. Not allowed to change the grade along the pipeline. That is within the twenty foot (20') pipeline easement. Understands his concerns. Residents are well aware of the area and what's around. Cannot imagine anyone coming to the Board complaining. Mr. Mocharski stated because you do not think they won't... they will. Chairman Ackerman asked how long does the fence run. Mr. Aulenbach stated from south to the wetlands. Mayor Anesh asked what type of fence. Mr. Aulenbach stated board on board. Council President White asked how high is it. Mr. Aulenbach stated six feet (6'). Mr. Bucco stated you can allow up to eight feet (8'). It is decided eight feet (8') high board on board #1 cedar.

Mr. Teitelbaum stated that this applicant has been to the Board numerous times and the Board has been very generous. Council President White stated the applicant has been to the Board eight (8) times because the Board has not been generous. Not sure if you were here earlier, Mr. Aulenbach stated that he would not be back asking for buildings to be on the easement anymore. Mr. Lavender stated that Mr. Teitelbaum has been to the Zoning Board several times and they were kind to him. Mr. Teitelbaum stated, that he got what he had already. Mr. Lavender stated it was more complicated than that.

Mr. Smith stated this was presented with Bob Smith as a slam dunk, grand slam home run because it was age restricted. Within a year, that was changed. This is not the original plan.

Chairman Ackerman stated that we are discussing what is before us.

Council President White stated to Mr. Teitelbaum, that the Board has put conditions on the applicant.

With no further comments or concerns from the audience, Chairman Ackerman closes the audience discussion.

Chairman Ackerman stated there are no variances required. No waivers requested.

Chairman Ackerman calls for a motion for approval with the inclusion of all the conditions mentioned previously. Mr. Mocharski made motion, seconded by Vice Chairman Pedersen. Those in favor: Mayor Anesh; Council President White; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Vice Chairman Pedersen and Chairman Ackerman. Opposed: Mr. Smith.

Old Business: None

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
SEPTEMBER 12, 2017**

Committee Reports:

- A. **Street Naming Committee** – Bob Ackerman – report progress.
- B. **Environmental Committee** – Rich Houghton & Bryan Bythell - report progress.
- C. **Council Reports** - Council President White – report progress.
- D. **Mayoral Updates** - Mayor Anesh – report progress.

Minor Site Plan: None

New Business: None

Correspondence: None

Audience Comments: None

Executive Session: None

Adjournment: 8:15 pm.

Respectfully Submitted,
Joanne Broderick
Planning Board Secretary