

3.45 acres. The reduction has been accomplished by diverting the runoff to the new storm water system, which would contain the water and slowly release it over the easement. The calculated flows towards the northwest area show a reduction for the 2-year, 10-year and 100-year storms. The northeast drainage area has 9.36 acres that now drains toward Rosewood Lane, the original submission had reduced that area to 1.91 acres and the revised plan has further reduced that area to 0.56 acres. There would also be a reduction in the runoff rates overland.

Mr. Walker believed the new plan provide substantial improvements to reduce the water runoff, which goes hand-in-hand with the requested steep slopes variances. He did not believe this was a steep slopes property because the amount of slopes was not large. Using exhibit A-3, he reviewed the steep slopes, stating the yellow and white colors represent slopes of less than 20% or 1 on 5 slopes. The Township ordinance allows for steeper slopes of 1 on 3.

Mr. Walker believed this application was similar to the Tonnelier Way subdivision, which was approved with no steep slopes ordinance. He had no knowledge of complaints regarding the drainage or erosion for the Tonnelier Way subdivision. He believed the purposes set forth in the steep slopes ordinance were being honored with this application. A variance was still required, but they have further minimized the proposed slope disturbance.

Mr. Walker presented and reviewed exhibit A-6, sheet 6 of 13 of the plans submitted, Steep Slopes Analysis Map colorized. He explained the orange color represents the areas that would no longer be disturbed with the revised plan. He then presented and reviewed exhibit A-7, modification of the steep slopes analysis, and highlighted the following proposed changes, per Mr. Denzler's report:

Proposed lot 13.01 –the grading would be minimized by the addition of retaining walls.

Proposed lot 13.03 and 13.04 – the retaining wall would be tiered to reduce the amount of disturbance to the wetland area.

Proposed lot 13.05 – the proposed house would not be constructed on top of the bedrock outcropping. With this change, they would no longer require a variance to construct a foundation on slopes greater than 25%.

Mr. Walker compared exhibit A-7 with the chart shown on exhibit A-6, noting variances are still required even though the disturbance has been reduced with the revisions. It was his opinion the steep slopes are in isolated areas on the property between non-regulated areas. The amount of slope disturbance in excess of what is allowed was 9.9% with the original plan and 5.3% with the revised plan.

Mr. Clark asked about the de minimus exception request for no water infiltration and why the applicant is requesting it. Mr. Walker explained the RSIS requires infiltration and the municipality could allow an exception to this. He explained the pre-existing condition with subsurface storm water and how the lack of infiltration would assist this. Mr. Clark asked if the most constrained lot was proposed lot 13.05. Mr. Walker explained how minimizing the disturbance of the slopes impacted the lot. He believed all the proposed lots could be satisfactorily developed; explaining that retaining walls would not be necessary on proposed lot 13.05, but would be necessary for proposed lots 13.03 and 13.04.

Mr. Rosania recommended granting the de minimus exception for the piping system because the downhill flows would be reduced. He believed the other issues stated in his 1/19/07 report have been met and agreed with Mr. Walker's calculations. He also agreed this was not a steep slopes project, as only about 4000 sf of the lot was within the excessive slopes. He confirmed the proposed detention basins would be piped to existing Rosewood Lane basin. He asked what was the status of the Morris County Soil and Erosion Control District, to which the answer was that application has been made, but approval has not been granted.

Mr. Rosania confirmed the 1 on 2 slopes have been reduced to 1 on 3 slopes. He asked about access to the rear yard detention basin area, located along the northerly property line 13.01 and 13.02, and how maintenance would be done? Mr. Walker explained the storm sceptors in the roadway would collect the solids and be the main part of the maintenance. Mr. Rosania suggested improvements be made to the inlets and the berm area. He would prefer to have b-type inlets, which are not prone to clogging. He believed the Rosewood Lane easement would be beneficial and asked if the underground piping should be perforated. Mr. Walker would not recommend perforated pipes because of the stability of the soils in the area.

Mr. Rosania reviewed the proposed cul-de-sac basin and asked that the specifics for the basin be more detailed. He believed the revised plan was a significant improvement, especially the drainage. Mr. Denzler addressed the proposed changes to the steep slopes and agreed with Mr. Walker's testimony as it related to the interpretation of the ordinance. He also agreed this was not a steep slopes property, especially as shown by exhibit A-7.

Mr. Rodimer agreed this was not a steep slopes property but was concerned with the drainage. He believed proposed lots 13.03, 13.04, 13.05 would be the most difficult to develop and asked if the drainage calculations would be changed if only two lots were proposed. Mr. Walker believed the

revisions go beyond what needed to be done to be able to develop these lots. They were exceeding the storm water management requirements by adding drainage systems and redirecting the water. He believed the seven lots could be safely developed as proposed. Mbr. Rodimer did not like the proposed road/path leading to the basin on lot 13.01 and asked if any landscaping could be done to buffer it from the neighbors. Mr. Walker explained there are a large number of trees and that Rosewood Lane is lower in elevation, so he did not believe road/path would be seen from Rosewood Lane. He stated grass pavers could be used along the road/path so that lots 13.01, 13.02 and 13.03 would not see it as easily. Mr. Rosania liked the grass pavers. He confirmed for Mbr. Rodimer the Rosewood Lane drainage would be reduced because the water would be piped around the houses. He did not believe having 6 houses rather than 7 would be a vast improvement. Mbr. Spiess asked about the change in location and house footprint for proposed lot 13.05. Mr. Walker reviewed the reconfiguration of it. Mbr. Spiess was concerned with the drainage, but believed the proposed reductions would be a good thing. He confirmed adequate silt fencing and hay bales would be used. Mr. Walker confirmed that if the property is constructed properly, there should be no problems with drainage to the neighbor's property prior to the pipe being put into place. Mr. Rosania asked that enhanced soil erosion control measures be used. Mr. Walker confirmed all retaining walls would be 4-foot high and would not require additional fencing. The ordinance allows for the walls to be 6 feet high.

Mbr. Korn asked about the proposed drainage, stating usually the Township likes to have water recharged into the ground, but that is not the case here. The water collected in the pipes would be sent to the detention basin, which outlets into the Den Brook. Mr. Rosania confirmed the water would be slowly released to the detention basin. Mr. Walker confirmed the retaining walls would be made of either boulders or concrete block and the applicant work with the Township Engineer. Mbr. Korn confirmed the sanitary sewer and water systems would be extended along Echo Lane and a fire hydrant would be added. He asked about the proposed house sizes. Mr. Walker stated the footprint allows for a generous size house, but they would probably be similar to the surrounding neighborhood.

Chr. Murphy asked how long were the retaining walls along proposed lot 13.03 and 13.04. Mr. Walker stated lot 13.03 would have a 60' wall closest to the dwelling and a 90' wall closer to the wetlands and proposed lot 13.04 would have a 100' wall closest to the dwelling and 50' wall closer to the wetlands. This is being proposed in order to comply with the Township Engineer's request that the slopes be 1 on 3 while not extending into the wetlands area. Chr. Murphy confirmed the rock outcropping on lot 13.05 would remain and asked that the Environmental Commission's concern about the loss of habitat and trees be addressed by trying to save the more mature trees on site. Mr. Walker stated there are no plans for the trees yet. Chr. Murphy was concerned that by extending the sewer and water lines along Echo Lane, the original proposal to have two lots on Echo Lane lot could be done. Mr. Ramsey explained the history of the application, stating that at the request of the Township professionals the original substandard lot was merged with the other lot and there were no plans to further subdivide the Echo Lane property.

Mbr. Spiess asked that the applicant attempt to save mature trees on the lot as much as possible, to which the applicant agreed.

This application was opened to the public for questions of this witness only.

Nancy Vanderhoof (14 Rosewood Lane) was present and sworn in. She is the owner of the property where the easement is being requested and stated they have not entered into an agreement with the applicant yet because they were waiting to see if it would be a benefit. Mr. Ramsey confirmed the revised plans were based on the assumption of an easement agreement, but if it does not happen they would then modify the plan.

Tina Smith (22 Rosewood Lane) was present. She asked if the engineer had spoken with any of the residents on Tonnelier Way to see if there were any drainage issues. Mr. Walker stated no. Ms. Smith asked why the water and sewer lines were being extended along Echo Lane. Mr. Walker explained the Township requested they be extended, believing it would benefit the existing residents. Mr. Rosania agreed that the extension would benefit everyone in the area, not just the owner of the property in question. Mr. Clark explained from a public policy point of view, most municipalities look to extend water and sewer lines where and when they can. Mr. Rosania stated the developer would be paying for the extensions.

Ms. Smith asked about maintenance to the drainage system. Mr. Walker stated the drainage system would be contained in an easement dedicated to the municipality. The neighbors would not be required to maintain it. Ms. Smith asked if the number of proposed dwellings were reduced, would the drainage be reduced? Mr. Walker stated yes, but the revised plans have shown significant reduction to the drainage already.

Robert Nemerofsky (16 Rosewood Lane) was present. He asked if the fact that many existing trees would be removed would change the proposed drainage calculations. Mr. Walker stated that had

already been taken into consideration by calculating the runoff at a worst case scenario of all trees being removed within the proposed area of disturbance (shown as the area of dark green on exhibit A-1 and orange on exhibit A-6). Mr. Nemerofsky asked if the proposed frontage along the cul-de-sac would impact the runoff to the rear of the property, to which the answer was no. He then asked if the property could be developed with no steep slopes variances required. Mr. Walker stated there would be no way to develop this lot without asking for variances. He explained the side yard variance requested was for the existing open deck to be closer to the property line, but the house would comply with the setback.

Chris Smith (22 Rosewood Lane) was present. He asked about the drainage zones, the differences between the two plans and what zone his property was located. Mr. Walker identified the Smith property was block 11301, lot 13, which had wetlands and a tributary between his property and the subject property. He stated Mr. Smith's property was located in the Randolph drainage area. He then reviewed the proposed reduction to the Randolph drainage area. Mr. Smith asked if the Mabro Drive residents have been asked if there was an impact from the Tonnelier Way subdivision, to which the answer was no. He asked for confirmation that the existing Rosewood Lane detention basin would be able to handle the additional water. There was a discussion as to how large the basin was. Mr. Walker explained the drainage calculations show they are not increasing the peak rate of flow from their property, which currently drains to the detention basin. Mr. Smith asked if the running water would be heard from the proposed open inlets. Mr. Walker stated they are not anticipating having a constant flow in the piping system.

Robert Nemerofsky (16 Rosewood Lane) was present. He asked how Mr. Walker deemed the Tonnelier Way subdivision a success? Mr. Walker stated he had spoken with both the Township and the developer about it.

Michael Hubner, Esq. (Johnson, Murphy & Hubner, Riverdale) was present, representing Drs. Paul and Debra Nadler, owners of 7 Waterview Lane, Randolph. He explained an engineer and geologist had been prepared to testify on the original plans, but they had no opportunity to review the latest changes. He asked that Mr. Walker be available at a future meeting. Mr. Clark agreed there were significant changes made and believed Mr. Walker should be made available.

Mr. Hubner asked if the applicant had considered less than the 7 proposed new building lots, to which the answer was no. He then asked if the steep slopes ordinance was considered secondary to the proposed number of lots? Mr. Walker stated steep slopes were one of the elements and constraints reviewed when preparing the subdivision. Mr. Hubner asked how Mr. Walker determined it would not be a feasible to develop the property if the number of lots were decreased? Mr. Walker explained the proposed submission had reduced the amount of storm water runoff so the reduction of one lot would not cause a significant change. He believed the proposed design is above and beyond the standard for safe development of the site. Mr. Hubner asked if three or four lots were removed, could a subdivision be designed that would comply with the steep slopes ordinance, to which Mr. Walker did not know. Mr. Hubner read sections from the Township steep slopes ordinance and asked if an analysis was done that would show the impact of the slopes at a lot-by-lot basis. Mr. Walker stated no, all projects done in Denville have been an overall analysis, not lot-by-lot, which he believed was better because it provided the actual area amounts.

Mr. Hubner asked what was the area between the retaining wall and lot lines on proposed lots 13.03 and 13.04. Using exhibit A-6, Mr. Walker stated the wall would be 85 feet at the closest point.. Mr. Walker confirmed the 50-foot wetland buffer would restrict that area from development and the construction of the retaining walls would make it even less practical to develop. Mr. Hubner asked why the "retained lot" was designed to have a 9-foot side yard setback to the deck. Mr. Walker stated it was a function of lot density.

Eva Balogh (18 Rosewood Lane) was present. She asked what she would see from her house? Mr. Walker explained there is a 40-foot elevation difference between the lots, which would remain a protected slope. He stated the drainage system would be constructed between the slope and the proposed residential homes. He explained her house would be approximately 275 feet from the closest home and there is no retaining wall proposed behind her house. The existing stone wall would remain. Ms. Balogh asked about the road/path along the property line. Mr. Walker explained how the Township have access, stating the proposed grass pavers allow grass to grow through them, helping to further hide the road/path. Mbr. Korn asked Mr. Rosania how often he believed the Township would be using the path? Mr. Rosania believed it would be rare that the Township would have to access the path, especially if b-type inlets are used.

Chris Obebe (20 Rosewood Lane) was present. She asked what she would see from her house. Mr. Walker explained the nearest house would also be approximately 275 feet from her house. Using exhibit A-6, he showed the 4-foot high retaining wall that would be constructed about 40-feet from the property line (or 220 feet from her house). He stated there is a 40-foot elevation difference

between the wall and her property, which is wooded. Chr. Murphy confirmed the first retaining wall would be 220 feet from her house and be tiered at approximate 10-foot intervals.

Tina Smith (22 Rosewood Lane) was present. She asked how it was determined there would be no impact to the existing Rosewood Lane basin. Mr. Walker explained the peak rate of runoff from the site would be reduced. Mr. Rosania explained the existing runoff goes to the detention basin, which was sized for the entire area. Ms. Smith asked if there was a current issue with the Rosewood Lane basin, to which Mr. Rosania stated not to his knowledge. It was discussed that should the basin overflow it would go into the Den Brook.

Chris Smith (22 Rosewood Lane) was present. He asked about the access road and if the trees along it would be preserved. Mr. Walker stated that exhibit A-1 has been modified by the revised plans and the dark green color behind proposed lot 13.02 would be reduced by about half. Mr. Smith confirmed the revised drawings are at the municipal building and then asked about their drainage swail in the back of the lot. Mr. Walker confirmed there would be no increase in runoff from this development. The amount of runoff to the property would be reduced and not added to the swail.

Kathleen Nemerofsky (16 Rosewood Lane) was present. She asked the distance from her house to the retaining wall and new houses. Mr. Walker stated there would be approximately 260 feet to the home on lot 13.02 and 275 feet to the house on lot 13.01. There is also a 40-foot elevation difference between the lots. Ms. Nemerofsky asked if there was a place to see the drainage system in action. Mr. Rosania confirmed underground detention basins are more secure than the open detention basins and the residents would see typical street inlets and manholes on the roadway. Ms. Nemerofsky asked about the sound of constant water flowing on Rosewood Lane. Mr. Walker stated their system would not have that constant water flow.

This application was closed for questions at this time.

Adrian Humbert, PP, (8 Rickland Drive, Randolph) was present and reminded he remains under oath. He reviewed his role as a planner, explaining that he had reviewed all the designs proposed. He reviewed the variance requested for the side yard setback, explaining that the applicant is proposing to have the existing open deck 9.7 feet from the new lot line, where 30 feet is required. He stated the existing lot 12 is non-conforming and has been reconfigured to become conforming. Using exhibit A-7, Mr. Humbert reviewed the steep slopes variances being requested.

With regard to the side yard setback variance, it was his opinion that the benefits outweigh the detriments, especially with respect to proposed lot 13.07. He believed that there would be no benefit to removing the deck. He believed there was no detriment to the zone plan or to the public good. He stated the lot is residential zoning per the Master Plan, and will remain as such. It would conform to all other requirements.

With regard to the steep slopes variances, the revised plans reduced the amount of proposed slope disturbance. The lots created are conforming and would require no bulk or density relief. The areas where the slopes variances are being requested could be considered unique topographic conditions of the existing property. He believed the Board could grant the steep slopes variances based on the C1 criteria and by granting the variances; there would be no detriment to the public good.

Mr. Humbert addressed the benefits to approving this application, which include the reduction of peak runoff by piping the water underground, the elimination of 2 on 1 slopes, the compliance with the Letter of Interpretation from NJ DEP, and the extension of the water and sewer lines along Echo Lane.

Mr. Humbert concluded he believed this would be an appropriate layout and development of the subject property. It would conform to the density requirements and would be a detriment. He believed there would be an onerous hardship on the owner of the property, if they were not allowed to develop it, especially after the proposed of the revisions.

This application was **carried**, with no further notice required, to the May 14, 2008 meeting date. An extension of time was granted through May 31, 2008.

NEW BUSINESS:

OLD BUSINESS:

ADJOURNMENT: