

**MINUTES**

**PRESENT:** J. Abel  
R. DeCroce  
D. Haywood  
J. Lutz  
J. Mathieu  
T. Siano  
T. Strasser  
S. Zdepski  
J. Harabedian, Alt. #1  
L. Herrightly, Alt. #2  
R. Lorentz, Engineer  
D. Pierce, Attorney

**ABSENT:** M. Augustine

**CALL TO ORDER**

The meeting was called to order at 8:06 PM by J. Lutz

**NOTIFICATION**

In order to ensure full public participation at this meeting, all members of this Board, and members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

Notification of the time, date and place of this meeting has been published in the Delaware Valley News and Express Times and sent to the Hunterdon County Democrat, and has been posted in the Kingwood Township Municipal Building at least 48 hours prior to this meeting and has been filed with the Municipal Clerk.

**NEW AND PENDING MATTERS**

*J. Lutz announced Silverson and Laura Properties were not going to heard this evening..*

Approval of Minutes

It was moved by D. Haywood, seconded by T. Siano and carried to approve the minutes of September 12, 2006. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Harabedian, who abstained.

Resolutions

Resolution No. 2006-28 - First Unitarian Universalist Fellowship, Gergar, Oak Summit Historical Society – Block 2, Lots 16, 17 & 19 – Boundary Line/Site Plan

D. Pierce stated several issues have been raised by the applicant's attorney in regard to some of the conditions:

- #2 – prohibition of parking along Oak Summit Road within .....
- #6 – requirement to install no parking signs along the Oak Summit Road frontage.

There was one member of the public who was particularly concerned with the traffic in the area and the parking. The Board, in its approval, had discussed requiring these two items. The applicant feels it is not within their control to post "No Parking" signs along Oak Summit Road. It is an issue for the Township Committee to address. The applicant's attorney has objected to the prohibition of parking along Oak Summit Road within 30 feet of the paved area. Oak Summit School has parking within that gravel area and that permanent prohibition is a long term prospect. They feel they have no idea what the property will be used for in 40 or 50 years from now. It would be appropriate to strike the condition of "No Parking" signs. In regard to the parking prohibition, it is up to the Board's discretion. The applicant is present this evening.

After a brief discussion, it was moved by J. Mathieu, seconded by D. Haywood and carried to adopt **Resolution No. 2006-28 - First Unitarian Universalist Fellowship, Gergar, Oak Summit Historical Society – Block 2, Lots 16, 17 & 19 – Boundary Line/Site Plan** with the amendment to delete conditions #2 and #6. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Abel, who **ABSTAINED**.

It was moved by J. Mathieu, seconded by D. Haywood and carried to adopt **Resolution No. 2006-29 – Van Holten Group – Block 19, Lot 19 – Amendment to Prior Approval**. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Harabedian, who **ABSTAINED**.

It was moved by D. Haywood, seconded by T. Siano and carried to adopt **Resolution No. 2006-30 – Baumlin – Block 28, Lot 3.07 – Minor Subdivision**. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Harabedian, who **ABSTAINED**.

It was moved by D. Haywood, seconded by T. Siano and carried to adopt **Resolution No. 2006-31 – Messina – Block 23, Lot 13.01 – Minor Subdivision**. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Harabedian, who **ABSTAINED**.

D. Pierce stated the following two resolutions are for applications that had been previously approved. It came to his attention, after the adoption of the resolution, that there had been an amendment adopted last year to the COAH Growth Share Ordinance, which exempted Class II from their growth share obligation. The resolutions were amended by incorporating the old language regarding a COAH contribution based on the assessed value of the improvements rather than the growth share ordinance.

It was moved by T. Siano, seconded by D. Haywood and carried to adopt **Resolution No. 2006-32 – Frey – Block 29, Lot 28 - Amendment to Prior Approval**. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Harabedian, who **ABSTAINED**.

It was moved by D. Haywood, seconded by J. Strasser and carried to adopt **Resolution No. 2006-33 – Gordeuk – Block 23, Lot 17 – Amendment to Prior Approval**. All members present voted **AYE** on **ROLL CALL VOTE**, except S. Zdepski, who **ABSTAINED**.

It was moved by D. Haywood, seconded by J. Strasser and carried to adopt **Resolution No. 2006-34 – Schick – Block 14, Lot 39 – Extension of Time to File**. All members present voted **AYE** on **ROLL CALL VOTE**.

#### Frenchtown Run & Horseshoe Bend Road – Confirmation Hearing

D. Pierce stated this is a limited public hearing for the purpose of confirming some changes to the settlement agreement and Exhibit D, which was previously approved by the Planning Board last month. The settlement agreement has been approved by the Board of Health and Township Committee and as part of their review process, the Board of Health and Township Committee required certain changes to the settlement agreement and to Exhibit D dealing with the well testing and escrow. The changes to the settlement agreement are provided in his letter to the Board and he is providing an amended copy of Exhibit D also to the Board. The change to the settlement agreement is in Paragraph 8, third line “as to completeness of testing protocol” was added after acceptable. The fact the well test for the Deer Run application has been reviewed by Dr. Althoff and deemed acceptable for the purpose of completeness does not mean the Board is bound to accept it as adequate proof of the aquifer of the water. Exhibit D the word “supplemental” was added and paragraph #2 was revised to read “one or two pumping tests will be conducted”. There was a discussion about the language and “a natural water divide” was eliminated. The Board of Health felt it was misleading. Fifth paragraph changed to state Exhibit D clearly applies to both Equestrian Village and Deer Run. First paragraph page 2, notice to owners within 2500’ of the outlying property line ..... with the following language inserted “notices within 500’ clearly advising the owners they can have their well monitored during the applicant’s test at the applicant’s cost. Language added that if the hydrologist deemed it important to have any wells within the 500’ and 2500’ of the outlying property line to be included in the interference testing, testing would be done on those wells. Some additional changes were simply refining the aspects of the access to the escrow monies.

J. Lutz opened the meeting to the public for their comments.

P. O’hea commented the availability of water.

D. Pierce stated the questions and comments can only relate to the changes in the settlement agreement previously approved by the Board. The merits of the application will be held later this evening. The Township Committee, Board of Health and Planning Board were defendants in litigation. Last month the Planning Board held an extensive public hearing to review the terms of the settlement and take comments from the public. The Board can act and approve the settlement as amended. The applicant will be appearing later this evening to present their application. In regard to the protection, the settlement provides for interference testing for the Equestrian Village Project. Any homeowner within 2500’ of the outbound property line of the Equestrian property will receive a notice of the testing. If you are located within 500’, your well can be monitored at their expense. The applicant has agreed to post an escrow fund for a period of 10 years, after approvals have been granted. The escrow would be utilized to replace or repair any wells that are deemed to be unusable as a result of the development. The Township hydrologist will make the final determination whether those funds should be accessed.

D. Felshow commented if the agreement would cover contamination. D. Pierce responded the agreement simply states if the well becomes unusable, in the professional opinion of the hydrologist.

R. Dodd commented on the lack of the settlement agreement being posted on the Township webpage. D. Pierce provided a copy of the amended Exhibit D to R. Dodd. S. Zdepski stated a copy of the agreement and Exhibit D are available through the Clerk's office.

T. Kania – Horseshoe Bend Road – comments on the use of explosives for foundations and any problems that could occur as a result of the blasting. D. Pierce stated the issues of the use of explosives does not pertain to the amended settlement agreement and is not an appropriate issue for discussion at this time.

It was moved by J. Abel, seconded by D. Haywood and carried to approve the amendments to the original agreement. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who voted **NAY** and J. Harabedian, who **ABSTAINED**.

It was moved by D. Haywood, seconded by T. Siano and carried to adopt **Resolution No. 2006-35 – Approval of Stipulation Agreement**. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who voted **NAY** and J. Harabedian, who **ABSTAINED**.

Tumble Partnership – Block 32, Lots 10 & 11.02 – Request for Adjournment

D. Pierce stated the applicant submitted his application several months ago and based on conversations with R. Lorentz, changes were needed to the plat. The applicant has not completed the recommended changes.

It was moved by J. Abel, seconded by D. Haywood and carried to adjourn the Tumble Partnership hearing until November 14, 2006 without the need for further publication. All members present voted **AYE** on **ROLL CALL VOTE**.

Perrotti – Block 7, Lot 14.10 – Extension of Time to File

M. Cresitello submitted a formal request for an extension of time to file the deeds of one year. The LOI was not obtained until mid or late July and they are entitled to 180 days from that approval. The original approval was conditioned on outside agency approvals. The applicants have encountered our problems that he did not wish to air in public.

It was moved by D. Haywood, seconded by J. Strasser and carried to grant a 180 day extension of time to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE**.

Honeymar – Block 26, Lot 4 – Extension of Time to File

S. Honeymar was present for an extension of time to file her deeds. She is requesting an extension of 190 days from the date of their obtaining their LOI. The wetlands delineation map drawn by R. Grant was not accurate and required revisions.

It was moved by T. Siano, seconded by J. Mathieu and carried to grant a 190 day extension of time to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE**.

Penn Jersey – Block 15, Lot 8.05 – Determination of Completeness

R. Drake of Archer & Greiner was present for the applicant this evening. The applicant is seeking major subdivision approval. They received subdivision approval several months ago. The property is located both in Franklin and Kingwood Townships. He is requesting the Board to determine the application complete this evening.

R. Lorentz stated the majority of the items on the checklist have been complied with but the applicant is requesting the following waivers: estimated cost of site improvements (temporary waiver), the hydrogeological report and the Affordable Housing Plan.

R. Drake stated, if as a result of the hearing, an Affordable Housing Plan was required, the applicant would comply with the request. The septic system will be described by the engineer at the public hearing.

D. Pierce stated he recommends the waivers temporarily. If, after testimony, the Board determines the items are necessary, it can be a conditional of approval.

It was moved by J. Mathieu, seconded by T. Siano and carried to determine the application complete. All members present voted **AYE** on **ROLL CALL VOTE**, except R. DeCroce, who **ABSTAINED**.

Keegan – Block 15, Lot 2 – Request for Waivers

M. O'Grodnik, attorney and J. & E. Keegan, applicants, were present this evening. The property consists of a 7.7 acre lot on Slacktown Road. Currently, two homes are located on the property. The second home is occupied by the Keegan's son. The Keegan's lot will consist of 4.43 acres and their son's 3.6 acres. They received approval from the Board of Adjustment on August 14, 2002 with a condition that the homes have to be occupied by the same family. The Keegan's plan to sell their home to their son. The applicants' are requesting waivers for the constrained areas and presence/absence of wetlands. There is no change to the property. There is no additional impact on the street or highway. The side yard set back encroached by 2 feet. They would require a variance for the existing pole barn and a waiver of the variance application fee.

D. Pierce stated the application was submitted on August 14, 2006. The application was deemed administratively incomplete because it did not contain a lack of a constrained area calculation, which is required on all subdivision applications and the depiction of freshwater wetlands. Given the nature of the application, those waivers are appropriate for the completeness determination. The applicants will have to demonstrate to the Board's satisfaction there are not wetlands being encroached. The variance for the existing block barn is as a result of the dividing line. The lot line could be moved to eliminate the need for a variance. He is not certain of the appropriateness of the Board to grant the waiver that a variance application be submitted, except in some cases of some nonprofit instances, waiver the fees. He recommends granting the first two waivers but not the third waiver.

It was moved by D. Haywood, seconded by T. Siano and carried to approve the requested waivers for completeness only of a submission of constrained area calculation and to show the presence/absence of wetlands. All members present voted **AYE** on **ROLL CALL VOTE**.

Silverson – Block 7, Lot 14 - Minor Subdivision

D. Pierce stated --. Silverson is not here this evening and the application is administratively incomplete.

Laura Properties – Block 8, Lot 25.01 - Minor Subdivision

D. Pierce stated the applicant needs to revise their plans due to the location of the two Class II flag stems.

Frenchtown Run – Block 12, Lot 31 – Public Hearing

D. Pierce stated the public hearing is for both applications, Frenchtown Run and Equestrian Village. The applicants are closely tied to each other. It is more efficient to hear the testimony for both applications at the same time. He stated he has reviewed the proof of publication and mailing and the applicant has satisfied the notice requirements of the ordinance and the Municipal Land Use Law.

F. Wisniewski, attorney, was representing Horseshoe Bend LLC, owner of the property designated as Equestrian Village. Frenchtown Run LLL is the owner of Deer Run. The property is located on Block 12, Lot 31 and contains 76 acres. There are 15 lots proposed. The Equestrian Village is Block 14, Lot 28.02 modified to result in a total of 43 new lots, in compliance with the Settlement Agreement. Three of the lots will be donated to the Township. Lot 28.01 will be reconfigured and have direct access to the new street. Their hydrogeologist is not available this evening. They will not be discussing the wells or water supply at tonight's hearing.

D. Pierce swore in M. Mayhew.

M. Mayhew, Taylor Wiseman & Taylor, professional engineer, licensed in NJ, PA in DE, stated he was the regional manager for the application. He developed the plans before the Board this evening. He testified the parcel contains approximately 77 acres and is located on the corner of Horseshoe Bend Road and Spring Hill Road. They propose one entrance off Horseshoe Bend Road to service the proposed 15 single family homes. The development meets all the bulk and area requirements. There are no variances being requested. The property is bisected by a NJ Power and Light easement and the Buckeye underground pipeline. The design has been laid out to minimize the impact on the easement. There will be on site disposal for septics and wells. There is stormwater management on the site. There are limited development easements imposed on the lots to protect the natural resources the Township requires, such as existing woodlands. The drawing indicates, in the light green, open spaces and the dark green, woodlands that will remain. The cross hatch pattern is the conservation easements, which are never to be disturbed. The plus sign is the additional area required due to the presence of wetlands. They have hired a wetland specialist. They will be releasing 50% of the existing flow. In the 10 year storm, they will be releasing 75% of the existing flow and in the 100 year storm, they will be releasing 80% of the existing peak flow, all in accordance with statewide standards. The detention basins are colored blue. There are 4 basins indicated on the drawing. Each of the basins collect the stormwater, restricts peak flow and releases

in a reduced flow. They are not changing the annual recharge to the site. The state requires us to remove 80% of the solids. The roads will not have curbs or sidewalks. The state has a standard on the design of subdivisions. The development meets the definition of rural road by being 24' wide, no curb, no sidewalk and a 40' ROW.

E. Herrman, Van Cleef Engineering Associates, was sworn in by D. Pierce. He testified he was a licensed professional engineer licensed for 9 years, developing septic systems and designs for 7 years. He was retained to determine the suitability of the feasibility of septic systems for these properties. He conducted, on each of the lots, 2 soil logs and 1 permeability test. There was relatively consistent data on the property. His tests performed were basin flood testing and one or two pit baling tests. There was consistent data on the property. He can design a system for each of the lots. The soil profile is the top soil layer is 6"-12" and fractured rock shale down to 6'-10' deep. Most of the basin flood tests range 5'-6' deep. Most of the systems will be approximately 3' above grade.

F. Wisniewski stated the maintenance of the easements and basins will be maintained by the Homeowners' Association. The agreements will dictate what can or cannot be done on those areas of the land. All the private land is subject to the restrictions by voluntary and DEP regulations. If someone in the Township feels the easement restrictions are being violated, they can report it. The restrictions will be dictated by the Homeowners' Association.

F. Palopoli was sworn in by D. Pierce.

F. Palopoli stated he is one of the principles of the owners of this property. There are two areas which are reserved from encroachment or development in accordance with Township or State standards. The same restrictions apply to every other lot in the Township. The development will have voluntary restrictions controlled by the Homeowners' Association.

D. Pierce stated all the homes in the development benefit. Typically, the association of homeowners is the body holding the easements and have the enforcement ability of the easements.

M. Mayhew testified the basins will hold water in a 100 year storm for about 1 or 1.5 days. They have different depths, between 4' and 5'. There are storm water management easements on these facilities. Lighting will be minimized. The only lights will be at Horseshoe Bend Road and at the "T" of the interior site.

R. Lorentz stated the proposed lighting is basically a residential type fixture, colonial type looking. Not certain the proposed lighting is essential. If the power company has it their way, lighting will be every 100 feet and the Township will have to pay for the service to the lights. The interior road will become a Township road.

F. Wisniewski stated if there isn't a light at Horseshoe Bend Road, you might not know where to turn. The interior light is up to the Board's decision.

E. Hermann testified the soil logs and permeability testing was done in areas of less than 10% slope.

D. Pierce inquired, in regard to the Nature Features Plan, the description of the soil conditions. M. Mayhew testified the data was obtained from county soil maps and more detailed information will be

provided by any onsite testing. M. Mayhew testified the different structures, dwelling, barn and small structure to the east of the barn will be removed. In regard to Lot 3 and its direct access to Horseshoe Bend Road, M. Mayhew testified there are significant environmental issues that would impact access from the interior road and it was physically impossible. The planned access to Horseshoe Bend Road provides for a minimal impact to the environment and shortest driveway possible to the home. The landscaping notes refer to the type of special seeding for the detention basins. An annual review would be required to determine if any eroded areas or woody growth are present. The maintenance manual deals with the required maintenance. No additional landscaping will be done around the basins. The drainage structure or gate at the entrance off Horseshoe Bend Road is a culvert under the roadway on one side. It deals with the run off from the roadway.

D. Pierce stated the Impact Study on this development on community impact, dated May 23, 2005, Section 2.1, referring to the sanitary sewer system, high water table of a minimum of 4', with a season high water table of 4'. The soil logs show something different. Does it affect the conclusion of your report between the actual data on site and the county soil data. D. Pierce requesting a copy of the LOI, if available.

M. Mayhew testified the data defends the applicability of the soil data on site and the feasibility of the systems.

J. Abel stated the Board has received a request from the Kingwood Fire Company requesting the developer to install water tanks.

F. Wisniewski stated there will be one on the Deer Run site and two on the Equestrian Village site.

J. Abel stated, after reviewing the soil logs, there seems to be impervious rock at certain ranges. Does the applicant intend to do any blasting? M. Mayhew testified it is not the applicants intention to do any blasting on site. They will be able to rip the rock to the depth needed for the foundations. They were able to excavate 7'-8' deep.

J. Mathieu inquired about off tract improvements. R. Lorentz there are different elements involved in the overall picture. There are off tract improvements to Horseshoe Bend Road along the frontage of each of the two subdivisions. The improvements under the agreement are to be constructed as part of the subdivision. F. Wisniewski stated the improvements will deal with the full width of the road along the frontage of the development. There will be a monetary contribution. R. Lorentz stated the calculations will be based on the new zoning.

E. Hermann testified 5' depth excavation is more than adequate for a basement. The test pit was 5' wide by 10' long by 6' to 8' depth. E. Hermann testified they don't intend to blast. Blasting is expensive.

F. Wisniewski stated if there were to be blasting, the applicant's would return back to the Township.

J. Lutz opened the hearing to the public.

S. McNichol inquired of E. Hermann of the number of pit bales on the property. E. Hermann testified one on this side, Lot 8. S. McNichol inquired about the size of the house, square footage and number of bedrooms. F. Palopoli testified a minimum of 3500 sq. ft and a minimum of 4 bedrooms.

J. MacConnell inquired why the two house are located close to the pipeline. M. Mayhew testified the houses have been located beyond the required distances and have received approval from the pipeline. He also inquired about the remediation plan for the mud. F. Wisniewski responded they have a plan for scrubbers and soil conversation has certain requirements.

B. Pandy stated the pipeline blasted the entire length and inquired about what improvements were planned for the road. F. Wisniewski responded there will be construction traffic but not constantly.

T. Hauck inquired as to the reason for the additional testing. M. Mayhew testified the reason for the additional testing was become the layout of the site has changed. M. Mayhew testified there were two cul-de-sacs on the site and now they are connected into a loop which necessitated more testing.

M. Blecher inquired what assurance the developer will provide to the Township for the damage that might be done by the construction vehicles. F. Wisniewski stated any one who does damage to a public facility will be responsible for the repair. S. Zdepski inquired if there was a way to restrict the traffic so no construction traffic comes up from the Frenchtown end of Horseshoe Bend Road. R. Lorentz stated this could be accomplished through the actual construction process. The rules would be access to the site is only available through approved routes.

P. Lubitz stated because of the bridge on Horseshoe Bend Road, the school system stopped running a bus up from that end of the road. There was no adequate turn around. The children have been walking up over the bridge to the intersection of Horseshoe Bend and Spring Hill Roads. There are approximately 20 locations where children congregate throughout the Township. F. Wisniewski stated if there is someway to designate the area, they will work it into the plan. P. Lubitz, inquired of D. Pierce in regard to blasting, that without an ordinance, the Township cannot defend certain requirements. If the Township reaches this discussion spot, where blasting was necessary, could the developer go back into court and request permission to blast. D. Pierce stated it depends on how the condition is worded in the resolution. If the condition is worded properly, the applicants would have to satisfy a certain standard in order to be able to blast. If they do not satisfy the requirements, they would not be entitled to blast. There are several regulations in the Township prohibiting blasting for street construction and the construction of wells which might affect their results and require additional testing. F. Wisniewski stated the applicants cannot agree they will never blast. They will agree that they will not do any blasting unless there is no other recourse. It is highly unlikely but cannot close the door to the option.

S. Zdepski inquired if the developer would be willing to make a donation to the school for a small bus to transport the children in the area. F. Wisniewski stated it would be taken into consideration but the school board would have to be contacted to see if they find it acceptable. The applicants would be willing to keep it on the table.

T. Kania commented in regard to the school children in the area, the construction traffic and the excavation near the pipeline. M. Mayhew responded there are three pages of restrictions in regard to excavation near the pipeline and the pipeline will have a representative present during certain excavations.

C. Beidelman commented on the community impact the development will have on the Township in regard to services, state police protection, emergency services, schools, road department,

maintenance of the interior roads and the creation of an alcove for the school children congregating in the area. F. Wisniewski stated the Community Impact Statement addressed those concerns. In regard to the number of children, the Statement states the Deer Run development would add 2 students to the high school and 10 students between grades K-8. Equestrian Village will add 5 high school students and 33 students between the grades of K-8.

P. Lubitz stated 43 students in K-8 is going to be approximately \$450,000, plus \$25,000 for a bus and the additional costs to the high school. The school is at maximum capacity and will require an addition.

R. Dodd requested the dip and strike of the fractured rocks in the area be described. E. Hermann stated he is not a hydrologist and would not be able to respond. R. Dodd inquired what would happen if a well cannot be repaired or replaced. F. Wisniewski responded it is his understanding that water can be reached. R. Dodd inquired about threatened and endangered species. M. Mayhew testified, as part of the wetlands permit, they look for endangered species. There are none on site and not an impact to the development.

J. Lutz closed the public portion of the hearing.

After some discussion, R. Lorentz stated the applicant controls  $\frac{3}{4}$  of the intersection and there might be an opportunity to create a little patio that is separate from the road and safer, creating a little area for a person to walk safely.

D. Horner, of Horner & Cantor Associations, was sworn in by D. Pierce.

D. Horner testified he is a civil engineer specializing in traffic engineering. He prepared the Traffic Impact Statement for Deer Run. The report makes reference to statistics. The types of units are only differentiated by type of unit, such as a town house, attached or detached. The outbound trips would be higher than one per unit. Page 5 of the Traffic Study has a table to determine or present the peak hour, single hour, per unit on the development. In the morning peak hour, a rate of 1 vehicle exiting a home in the morning is realistic. It is not representative of the entire morning period but a two or three hour period. The distribution directional flow is Horseshoe Bend Road, then Route 12 and Route 519. The directional flow the residence would mirror is what currently is happening now. Based on New Jersey permanent counting stations, 1.3 to 1.5% growth per year should be applied to the base statistic numbers.

J. Lutz opened the hearing for public questions.

J. MacConnell suggested having construction equipment coming in one road and using another road for an exit and inquired if a realignment of Spring Hill Road and 519 was planned. F. Wisniewski stated there was no proposal to realign the intersection. There is a projection of 168 cars utilizing the intersection and 177 in the future. F. Wisniewski responded if the development caused an impact, they would be responsible.

P. O'hea inquired if they had planned any changes to Horseshoe Bend Road and Spring Hill Road, since two cars cannot pass currently. F. Wisniewski stated if the problem exists today, the development is not going to make it any worse. The improvements the applicant is planning is in

front of their property. The Township has a mechanism to which they would contribute to make improvements to Horseshoe Bend Road.

D. Felshow expressed his concern about the cars making a right onto 519. D. Horner responded the volume is very low and after this development it will still be low. 20% of the site generated traffic will be going south onto Route 519, approximately 15-20 vehicles. In the morning peak hour, 11 vehicles turn right onto 519 from Fairview Road and in the afternoon 8 vehicles. There would be a 10 vehicle increase.

L. Aasheim commented of the increase of traffic from service oriented traffic. D. Horner responded when follow up studies are done, the original estimates are fairly accurate. It is possible the actual amounts will be higher but the volumes are still very low.

B. Pandey inquired if the study took into account service and support vehicles for these homes. D. Horner responded yes.

C. Beidelman commented there would be more traffic due to the children requiring transportation to after school activities. D. Horner stated the study projects for children and service vehicles. He testified it does not attempt to distinguish between a house from a suburban and rural area. Volume impact as it relates to capacity is 250 vehicles an hour in both directions. After the development, it will carry 50 vehicles per hour.

M. Belcher, inquired of R. Lorentz, what plans does the Township and the developer for the Horseshoe Bend Road and Spring Hill Road. R. Lorentz responded the only specific plans are related to the area at the development site, either through the developer performing the construction or the Township doing the construction. The road will be 20' wide with 2' shoulders along the entire frontage of the properties of Horseshoe Bend Road. There will be a computation done for a similar improvement to the sections of Horseshoe Bend Road and Spring Hill on which this developer would pay a proportionate share on the lot count. There are no plans currently to make improvements to the entire road. Curbing would not be done unless it is needed for drainage. S. Zdepski stated, in the past, it has been the Township's position to take a contribution from the developer because the Township's road department could perform the work and do it more economically and improve a greater area.

T. Kania commented it is difficult for two cars to pass at one time.

J. Spring commented on the increase in traffic on Spring Hill Road as a result of this development.

C. Beidelman commented on the cars cutting through the Old Municipal Building lot.

T. Hauck commented on the increased traffic on the road.

D. Horner testified in terms of capacity, there is no trigger that this development will force a widening of Horseshoe Bend Road, increase in service issues and the existing geometric concerns are addressed through fair share.

L. Herrighty inquired on how the 250 number is calculated. D. Horner testified it was based on the minimum width of the road, 12', the edge clearance where there is a ditch or flat area and no passing. The 250 vehicles an hour means one vehicle every 15 seconds. The traffic would increase from 15 to 50 vehicles. There is no doubt the development will have an impact but it is not anywhere near where the road would need to be widened.

W. Leh commented on the time frame of the build out of the development. F. Palopoli testified it is difficult to determine the build out of a custom home subdivision. He anticipates the 15 units to be completed within 2 years. They may build some spec custom homes.

J. Lutz closed the hearing.

F. Wisniewski requested a continuance to the November 14, 2006 meeting.

D. Pierce stated the hearing is being adjourned for the evening to November 14, 2006 with no further need for notice by the applicant.

It was moved by J. Strasser, seconded by J. Abel and carried to adjourn the hearing until November 14, 2006. All members present voted **AYE** on **ROLL CALL VOTE**.

## **CORRESPONDENCE**

## **PRIVILEGE OF THE FLOOR**

## **ADJOURNMENT**

It was moved by J. Abel, seconded by J. Mathieu and carried to adjourn the meeting at 11:29 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschach,  
Secretary**