

**PUBLIC HEARING FOR A  
PROPOSED INDUSTRIAL PARK (IW #09-01) LOCATED ON PROSPECT ST.  
APPLICANT: CAPITAL HEAVY HAULING  
April 8, 2009**

Joseph Bakstis opened the Public Hearing at 6:30 P.M. with the following in attendance:

**MEMBERS:**

Mary Davis, Chair- absent  
Joseph Bakstis, Vice Chair  
Sally MacKenzie, Secretary  
Lars Johnson, alternate  
Jeff Hayden

**OTHER:**

Keith Rosenfeld, WEO  
James Stewart, Boro Engineer  
Rachel Brainard, Secretary  
Public: 14

Joseph Bakstis asked Keith Rosenfeld to update the Commission on where the applicant stands with all the necessary paperwork required to make their application complete. Mr. Rosenfeld went through the application check list. He noted modified plans we've received on April 6, 2009. He stated the applicant is now the owner of the property. Keith Rosenfeld asked the applicant for the certified mailings. Paul Benevich from Land Data Engineers stated Mr. Warren does not have his mailing with him. Mr. Rosenfeld said they could not open the Public Hearing without the mailings. James Warren, applicant, stated he will go and get the mailings; they were left in another truck. Joseph Bakstis postponed the Public Hearing opening until the applicant returns.

Joseph Bakstis re-opened the Public Hearing at 7:00 P.M.

Paul Benevich gave Keith Rosenfeld the certified mailings. Mr. Rosenfeld stated a notice was sent to the Town of Prospect to notify them of this hearing. Paul Benevich submitted a letter into the record that was from the Town of Prospect. Keith Rosenfeld stated the application was complete. Paul Benevich, engineer representing the applicant, noted they have been before this board previously for the access drive and culvert which was approved. He noted they also had an approval from the Army Corp of Engineers. He stated they are proposing 12 individual condo unit industrial buildings for the rest of the 24.6 acres of property. He said they have located and flagged the rest of the wetlands. He noted when the application was accepted the regulations required a 50 foot upland review area. Joseph Bakstis asked Mr. Benevich to explain why they were in front of the Commission because the application is for the water crossing and detention basin. Paul Benevich stated that was the original application that was submitted in January. This is a modified plan and they were originally proposing 1 pond but now they are looking for 3. James Stewart, the Borough Engineer stated the plans have been reviewed by himself and Wayne Zirolli, Assistant Borough Engineer, but the newest set has not, which may include Mr. Zirolli's comments. Paul Benevich stated they are proposing 12 buildings, and one of the 12 will be used by the applicant as the headquarters for his business. He noted there will be 3 detention ponds which meet the criteria with zero increase in runoff and the calculations meet the Borough standards. He stated each building will have an infiltrator for the roof runoff. He said they had addressed the items in the engineering report. He

submitted the original soil scientist report into the record. He said they will apply to the State DEP for Phase 2 and that a letter was sent to them on April 2<sup>nd</sup> for dam safety. He submitted a copy of the letter into the record and noted it is under review. Mr. Benevich said the spillway into Pond #2 is moved out. There will not be zero disturbance but will have 430 sq. ft. of rip rapt outlets. The itemized regulated area that will be disturbed totals 40,125 sq. ft. of grading and other impacts. He stated they itemized the fill quantities and submitted them into the record. Commissioner Bakstis stated a letter was sent on January 12<sup>th</sup> to Roman Mrzinski from Southwest Conservation District and asked if we had received a response. Keith Rosenfeld said a review will be done with in the next couple of weeks.

**VOTED:** Unanimously on a motion by Lars Johnson and seconded by Jeff Hayden that the proposed activity is **SIGNIFICANT** based on the crossings and deposition of remaining materials for the detention pond, sloping and the close proximity to the wetlands. A Site Walk was scheduled for April 21, 2009 at 5:30 P.M.

Lars Johnson asked if they were proposing a water quality pond or a detention pond. Mr. Benevich said both, they are designed to be wet ponds, and it will be for detention and retention purposes. Joseph Bakstis asked how Detention Pond #1 will take the runoff from building B because there was quite a bridge there at one point with the culvert, and he wondered how the water would get to that detention basin. Paul Benevich said it takes everything from the new pavement widening on 68 for the access down to both parking areas and discharges it to the west and then it flows overland into the pond. He stated the reason the pond is down further west than directly adjacent to the parking of building A is because the applicant does not know what use that building will have and they may need more parking. Commissioner Bakstis stated the access road was built up quite high and that he didn't understand the drainage. Lars Johnson asked if there would be manufacturing tenants and if the site will be suitable for manufacturing. James Warren stated they will have a list of what is and is not suitable for prospective tenants, but he noted the use of the building will depend on the tenant that buys or rents it. They will be responsible for following the regulations. Lars Johnson pointed out that a lot of the materials in manufacturing get to the roof and then you would have to deal with the oil discharge. Joseph Bakstis asked if they figured the wetland review area that would be impacted if it was only for the detention basin or did they include the crossing as well. Paul Benevich said they included everything but the crossing and there would be a total of 10 separate regulated area impacts. James Stewart questioned the crossing of the sewer over the river and wondered if there was a potential to reorient the sewer so that it could be closer to the access drive versus having to cross over where they were proposing it. Paul Benevich stated the main reason for having the force main and the sewer ejector station was because it's near the low point of the property. He stated the proposed finished grade at that corner versus the access drive is about 18 ft difference in elevations so they would have to buck the grade to all the sewers back to the crossing versus going down. James Stewart asked if it was designed this way to shorten the pipe. Paul Benevich stated they are proposing a 50 ft easement along the westerly side of the site and there would be no clearing or grading. Keith Rosenfeld asked if the applicant could show on the proposed plans the previously approved construction activities so it will be easier to understand. He said it appears they will be removing fill over a substantial period of time for this proposed development. He noted there was quiet a bit of difference in the topo but they could see it

more when they do their site walk. He questioned how close they were to what exists now on the presented plans. James Warren stated this site is a pre existing non-conforming gravel operation and the application that is before them has nothing to do with it. He said the grades that are on the plans are what is going to be there. The grades change everyday. Mr. Rosenfeld stated they are just trying to judge what the impact of development would be. He said they will need a construction schedule on how this site will be prepared and how they can limit the impact by the material that is taken out. Mr. Warren felt this information did not pertain to the application. Joseph Bakstis said the Commission has every right to know what the future impact will be on the wetlands and that Keith has valid questions. Jeff Hayden noted it didn't appear they would be adding much, it seemed they would be doing more removing. James Stewart questioned the grading behind Building A and the reason why the bank would be disturbed. Paul Benevich said he would look at it and will address these issues at next month's meeting. Commissioner Bakstis asked the applicant to give a better idea as to where the fill will be moved to.

**Public Comment:**

Mike Rollo, 6 Spring Road Prospect said he was curious about the embankment and how it would affect his privacy. He said there was excessive noise and trucks going in and out all day. James Stewart stated that is really a question for the Zoning Commission. James Warren said he would draw it into the landscaping design. Mr. Rollo mentioned the right of way driveway and asked when the trucks would be done using it and the bridge would be built.

Brian Prentis, 50 Maple Hill Road asked where the location of Pond #3 will be in regards to his property. He told the Commission that parts of his property have wetlands on them. He also asked that the construction occur during the dry season and not during mating season. He said they have cut trees on the top of the grade and there is no protection for the soil it and can run into the river. He said the bank is 30 to 40 ft. straight down and at the last meeting they were told there would be a 100ft buffer. He noted there has always been a problem in this town with enforcement of sediment control. He said he has called the town several times and nothing has been done. He said all 3 sediment ponds will be trash collectors and mosquito breeding grounds. He asked who would be responsible for cleaning these ponds. He noted there is a lot of dust now, exposed land, and they have had heavy rains recently and all the water is going over exposed soil. He asked what would happen with the traffic and stated he feels there should be a performance bond that is high enough to protect the town and certain abutting property owners.

There was no further public comment.

Joseph Bakstis continued the public hearing to next month's meeting. Paul Benevich noted that James Warren has a new business called Fulling Mills LLC and that Mr. Warren is the president. Keith Rosenfeld asked the applicant to submit a letter stating they are the property owners now and that it is different from the application.

Joseph Bakstis called for a 5 minutes recess at 8:30P.M.

Joseph Bakstis called the meeting back to order at 8:43 P.M.

**INLAND AND WETLANDS COMMISSION  
SPECIAL MEETING  
April 8, 2009**

Joseph Bakstis called this Special meeting to order at 6:04 PM with the following in attendance:

**MEMBERS:**

Mary Davis, Chair- absent  
Joseph Bakstis, Vice Chair  
Sally MacKenzie, Secretary  
Lars Johnson, alternate  
Jeff Hayden

**OTHER:**

Keith Rosenfeld, WEO  
James Stewart, Boro Engineer  
Rachel Brainard, Secretary

1. Joseph Bakstis took attendance, and opened the meeting with the Pledge of Allegiance. Commissioner Bakstis placed Lars Johnson as a regular voting member in place of Mary Davis. He noted there was a quorum.
2. There was no Executive Session.
3. Joseph Bakstis called for a recess at 6:23P.M.to wait for the Public Hearing to start at 6:30 P.M.
4. **OLD BUSINESS**
  - A. Commission discussion/decision for a proposed Industrial Park (IW #09-01) located on Prospect St. Applicant: Capital Heavy Hauling.  
This item was tabled until next month.
5. **NEW BUSINESS**
  - A. Commission acceptance/discussion for a proposed subdivision (IW#09-02) for property located on Woodcrest Drive and Florence Street. Applicant: Progressive Business Development.  
Joseph Bakstis recused himself from the meeting at this point turning it over to Sally MacKenzie. Keith Rosenfeld stated the application is complete. He noted that a report was sent out by the WEO, the land use fees have been paid, and the taxes are paid to date. Attorney Fred Dlugokecki, representing the applicant stated this was a proposed extension of Woodcrest Drive. They are seeking approval for the storm water management system. He gave the commission a letter from Attorney Hess which gives a background on the property. Attorney Dlugokecki explained to the Commission that Woodcrest Drive is an existing street which was pre zoned for a 5 lot subdivision. He went through the history of the land. He noted that all the lots have been taxed as buildable lots. He said the

road was not deviated so they are using the same paper street prior to 1954. He stated that every lot will meet current zoning requirements now. Attorney Dlugokecki said they have a storm water management system. He noted the proposed work is outside of the regulated area and that the engineering report includes comments from Jim Stewart, the Borough Engineer. Attorney Dlugokecki stated they are not looking for subdivision approval because it is an existing pre zoning regulations non-conforming subdivision. He said there will be no activity in the wetland or regulated areas and he feels there is no significant impact. Sally MacKenzie asked why on page one of the plans it shows 4 proposed houses, but on page 2 it shows 5. Attorney Dlugokecki stated it is an anticipated 5<sup>th</sup> lot at the end of the cul-de-sac. Commissioner Mackenzie asked if it was not part of the application. Attorney Dlugokecki stated there will not be any wetlands disturbance in that area. They feel there will be an anticipated outcome that it will be a “regular” lot and will not need a wetland permit. He noted there will be excavation and terracing on the site and a lot of material will be moved on the site. Any fill will be less than what’s allowed in the current regulations. Keith Rosenfeld said he was concerned about the creation of the roadway and the amount of material that will be needed to support it. He also would like to see the sequence of construction. Attorney Dlugokecki said they will address that in the engineering supplemental report. Lars Johnson said he would like to see the site.

**VOTED:** Unanimously to **ACCEPT** application for a proposed subdivision (IW#09-02) for property located on Woodcrest Drive and Florence Street.

Applicant: Progressive Business Development on a motion by Jeff Hayden and seconded by Lars Johnson.

At this time Sally MacKenzie turned the meeting back over to Joseph Bakstis. A Site Walk was scheduled for 5:00 P.M. on April 21, 2009.

- B.** Commission acceptance/discussion for Fulling Mill Brook Commons (IW#09-03) for property located on Prospect Street. Applicant: Onsi Tawadros. Keith Rosenfeld stated the application is complete. Arnold Weisman, engineer for applicant, stated this is an application for a brook crossing not for any development. He said they are proposing a dual barrel crossing which they can build in stages. They will also have to get approval from DEP. It will be about 90 ft long and the side slopes from the road will be rip rapped. He said there will be a possibility of utilities going over the structure in which they will provide sleeves. He noted the total area of impact will be about 15-20,000 sq. ft. Mr. Weisman said they are not proposing a bridge, just a set of corrugated pipes. He said they will have sidewalk and barriers when they put in the roadways. Joseph Bakstis asked why one pipe was slightly higher than the other. Mr. Weisman said one pipe will allow for normal flow allowing enough sediment to pass and the other pipe will be used for the wildlife to pass under the roadway. These off setting elevations are per the DEP regulations. He said they will keep the 6% grade for the stream. He noted there is a wetland in the center of the property which has an illegal storm water discharge pipe from the Borough. The pipe was put in illegally and has created a stream. Joseph Bakstis asked if in order to put in

the one pipe you would have to redirect the water flow with a bypassing pump. Mr. Weisman said they would put in sand bags to put in the pipe. Joseph Bakstis asked if they would be redirecting the water. James Stewart said it would have to be done during the dry season. He said the Commission might request them to look at the similar crossing that the Warren's put in. Onsi Towadros, the owner of the property, said he has been a bridge engineer for 35 years and the arch style is a major disturbance for the stream. He said would minimize the disturbance to the stream. He noted the soils are not decisive to dry sheet piling and they will be doing some excavation in the channel but mostly filling. Commissioner Bakstis asked how this would affect the future when the road goes over the top of it. James Stewart said if it is built properly the pipe is structurally more sound, cheaper and easier to install. Lars Johnson felt the arch leaves things in a much more natural condition. Arnold Weisman said the slope in that area is too unstable to support that kind of structure.

**VOTED:** Unanimously with a motion by Jeff Hayden and seconded by Sally MacKenzie that the activity associated with the wetland crossing for Fulling Mill Brook Commons (IW#09-03) for property located on Prospect Street is **SIGNIFICANT.**

A Public Hearing was scheduled for May 6, 2009 at 6:45 P.M.

- C. Commission acceptance/discussion for a proposed office building (IW#09-04) for property located on Lot 3 Great Hill Road. Applicant: Bethline Associates LLC. Keith Rosenfeld noted the application is complete and all the fees have been paid. The Commission scheduled a site walk for April 23, 2009 at 5:00 P.M. Attorney Fitzpatrick said the building corners and the parking area are flagged.

## **6. CORRESPONDENCE**

- A. Letter from A.J. Baummer regarding storm water runoff from a neighboring condominium complex into an existing wetland.  
Keith Rosenfeld noted a letter was received from Mr. Baummer. He showed the commission aerial pictures of Lantern Park which include the pond in question. Joseph Bakstis asked Keith to explain to the Commission what was happening. Mr. Rosenfeld stated that water is coming from the condo complex, running into the pond, and then overflowing the edge of the pond into Mr. Baummer's property. He noted the pond has an overflow pipe that is currently clogged. Mr. Rosenfeld stated Mr. Baummer's statements are valid. He stated the pond is adjacent to a natural wetland area. Keith Rosenfeld said he sent a letter to James O'Brien representative of the Condominium ownership group on March 12, 2009 but has not yet had a response from him. He stated it is the condo association's responsibility for maintenance to the drainage facility pipe which is noted in the deed. Joseph Bakstis said it seems they are not maintaining it and feels a cease and desist should be issued. Mr. Rosenfeld said he would send a letter restating what was found, that the issue has not been addressed, and that they have 10-14 days to fix the violation. Commissioner Bakstis felt that was a good way to fix

the problem and take care of the issue. He feels it is a violation of their agreement. Mr. Bakstis asked Keith to send Mr. Baummer a copy of the letter that will be sent as well as the Commission.

**6. WEO REPORT**

**A. Rubber Avenue, Long Meadow Brook, Spinelli.**

Keith Rosenfeld this is regarding a violation where vegetation was removed from the abutting property. He has been out to the property and has seen seeding evidence, a vegetated area, and that the property has been stabilized. He noted there is still quiet a bit of debris still there. He is in the process of speaking with Mr. Spinelli and would like him to have it cleaned up. Mr. Rosenfeld said it is family debris and the same items that are in the wetlands are also located in the non wetland areas. Joseph Bakstis asked Keith to keep the Commission informed of the situations progress.

7. Joseph Bakstis asked to table the January 15<sup>th</sup> Special Meeting minutes until next month when Mary Davis will be present.

**8. ADMINISTRATIVE BUSINESS**

No administrative business

**9. ADJOURNMENT**

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Jeffrey Hayden to **ADJOURN** the meeting at 9:15 P.M.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb