

The regular meeting of October 11, 2004 of the Washington Township Planning Board was called to order by Chairman Jones at 7:30 p.m.

MEMBERS PRESENT

- CLASS IV: Charles DiSalvo, R. Gregory Jones, Kathleen McGroarty, Howard Popper, Geoffrey Price
- ALTERNATES: Mark Bauerlein, William Leavens
- CLASS I: Walter Cullen*
- CLASS II: Eric Trevena
- CLASS III: Kim Ball Kaiser
- OTHERS ABSENT: Walsh
- STAFF PRESENT: Engineer Hall, Clerk Kesper, Planner Banisch, Attorney Cofoni

*Arrived Late

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 16, 2004 and posted on the Bulletin Board on the same date. Five notices were mailed, as there were five requests.

****NO NEW CASES OR WITNESSES SHALL BE HEARD SUBSEQUENT TO 10:30 PM****

Pledge of Allegiance

MINUTES

1. Minutes from the September 13, 2004 Regular Meeting

Mr. Price made a motion to approve the minutes, seconded by Mr. Popper. A voice vote was taken; Mr. Bauerlein, Ms. McGroarty, Ms. Kaiser, Mr. Leavens, Mr. Jones abstained; all others were in favor and the motion carried.

RESOLUTIONS

04-29 Jerry Dean – Gray Development – Block 45, Lot 39 - 198 Old Turnpike Road – R-5 Zone – 8.448 – Approval of request for Amendment to Resolution 88-60 – Condition B.2 – Road Improvements

The resolution was reviewed.

Ayes: DiSalvo, Jones, Kaiser, Leavens, Price, Popper, Trevena
 Nays: None Abstentions: None Absent: Cullen, Walsh
 Ineligible: Bauerlein, McGroarty

October 11, 2004

The meeting was opened to the public for items not on the agenda.

Steve Lindquest – Middlesworth Farm Road asked about the Granata application and then highlands bill.

Ms. Kesper stated that the Granata's have withdrawn their subdivision application.

Mr. Jones stated that regarding the highlands, this Township is principally in the preservation area and we are still determining the impact of the legislation on the Township and are also awaiting further direction from the State.

There were no further comments from the public and the meeting was closed to the public for items not on the agenda.

DECISIONS ON COMPLETENESS

None

~~A~~ APPLICATIONS

1. Rosewood Communities – Block 20, Lot 88 – Spring Lane – R-5 Zone – 31.785 Acres – Request for five lot preliminary subdivision with variances– Deemed Complete July 12, 2004 – Previously Heard August 9, 2004 - Public Hearing - Expires November 9, 2004

Mr. Jones announced that the application was adjourned to December 13, 2004 at applicant's request.

2. Ochs – Block 59, Lots 59, 59.05 and 59.06 – Request for amendment to resolution 04-10 – Request for extension of time to pay delinquent taxes

Mr. Selvaggi's letter was reviewed and the board discussed the request. Ms. McGroarty made a motion to extend the time to have the taxes paid to December 31, 2004, seconded by Mr. Trevena. A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, Jones, Kaiser, Leavens, McGroarty, Price, Popper, Trevena
Nays: None Abstentions: None Absent: Cullen, Walsh

3. Breakpoint Community Church – Block 30, Lot 2.01 – 55 Newburgh Road – OR/I Request for Waiver of Site Plan to use a portion of the office/warehouse building for a Worship Center

October 11, 2004

Bart Young, Applicant

Bart Young was sworn in by Attorney Cofoni.

Mr. Young stated that he is the pastor of Breakpoint Community Church and that they would like to renovate and use the garage area of the office building as a worship area. He stated that the entire building is currently a vacant. The Church would occupy 11,000 sq ft of the building. They are currently renting the Seventh day Adventist Church in Allamuchy on Sundays and office space in Hackettstown. They have 75 members and have about 145 people in attendance at Sunday services. He circulated an architectural rendering which was marked A-1.

Mr. Young stated that there are 118 parking spaces on site. He explained that 127 parking would be required for both uses combined, but the offices would not be used on Sundays. They would not have worship during business hours. The exterior of the building would not change. There will be seating in the sanctuary for 185 people. He answered the board that the Church is looking forward to an additional service but that there are no plans for other activities, except maybe bible study at night and on Sunday. The owner of the building would be occupying the remainder of the building as offices. They are not looking to have a daycare facility.

Mr. Banisch did not object to the use and was of the opinion that it was a well placed use.

Mr. Hall stated handicapped parking should be remarked and signed.

Mr. Young stated that the owner of the building would be repaving and striping the parking lot.

Mr. Hall confirmed Mr. Young's parking space calculations. Based on the testimony He did not object to the use because the parking uses would not be at the same time.

Mr. Young stated that his office staff would be no more than 20 at any one time. The church currently has eight full time employees. The sign will be in conjunction with the owner and will comply with township ordinances.

Ms. McGroarty made a motion to approve the waiver of site plan as presented this evening, seconded by Mr. DiSalvo. A voice vote was taken; all were in favor and the motion carried.

4. Dona Ricotta – Block 3.10, Lot 2 – 95 Route 46 East – C-2 Zone – 2.63 Acres - Request for concept plan to change from residence to beauty salon/bakery/residence

Dona Ricotta, Applicant
Doug Schauerer, Applicant
Fernand Hamada, Applicant's Architect

October 11, 2004

Ms. Ricotta stated she is a beautician and would like to put a bakery in the building as well as a bakery.

Mr. Schauerer stated that he is a baker and Ms. Ricotta's husband. He stated that his shop would be a bakery/bagel/deli shop with on site baking.

Mr. Schauerer presented a photograph of the property. The building would not be changed. The beauty salon would be 600 sf and the remainder of the first floor would be the bakery. It would be retail, no tables for eating in the bakery. They would use the residence on the second. Baking will be done on premises. Renovations to the inside first floor would have to be done.

Mr. Hall stated that variances would be needed for parking setbacks.

Mr. Banisch stated that a residence is not allowed in the C-2 district, even though it is already there as a residence.

Mr. Schauerer stated that the building was previously used for a veterinarian office which had a residence above it.

Mr. Banisch stated this would allow the board to retain jurisdiction. He read the permitted uses in the C-2 zone and the board agreed that a bakery and a beauty salon are retail uses which are permitted in the zone.

Mr. Trevena stated that the applicant would need a highway access permit if they wish to change the entrances.

Mr. Hamada stated that they would be able to meet the parking requirements.

Mr. Hall stated that based on the testimony the applicant would need at least 12 parking spaces. He also stated that a traffic study would be needed for this application as well because of the high traffic that is generated from the proposed uses.

Mr. Banisch stated that the applicant may also need a wetlands study and permit.

Mr. Hamada stated that they are aware there are wetlands and flood plains on this property.

The Board expressed their opinion that the proposed uses are something they would want to see on this site but that they would still require a detailed preliminary and final site plan and details on lighting, signage and landscape buffering.

Mr. Trevena stated that this was a 1920's gas station.

Mr. Hamada answered Mr. Trevena that the surveys do not show any gas tanks in the ground and so far during on site surveys nothing has been found.

Mr. Hamada answered Ms. Kaiser that there is currently a well and septic on site. They are in the HMUA sewer service and water area.

Mr. Schauerer stated his peak time is early morning and that the bakery would be open 365 days a year.

Ms Ricotta answered Mr. Hall that her business would be by appointment and that she would have three chairs.

Mr. Hall told the applicant that it appeared that this property is in the preservation area and the applicant should look into this and recommended that the applicant submit a development and or waiver application to the DEP before moving forward with an application before the Board.

DISCUSSION/ CORRESPONDENCE

1. Cross Acceptance Update

Mr. Banisch reviewed his report of October 11, 2004 which would accompany the Boards response the Morris County Cross Acceptance questionnaire.

Mr. Jones stated that he thought the report was appropriate.

Ms. Kaiser stated that only two other townships have responded to the county so far.

Mr. Banisch stated that it was his opinion that it was important for the Township to be part of the Cross Acceptance process and not be silent on it.

Mr. Cullen arrived and joined the meeting at 8:25 p.m.

The footnote that was suggested in Mr. Banisch's report will also be included on the questionnaire.

Ms. Kaiser made a motion to send the questionnaire and Mr. Banisch's report to the County. Seconded by Mr. Popper. A voice vote was taken; all were in favor and the motion carried.

2. Cluster Ordinance

Mr. Banisch stated that he recommended that the ordinance written by Mr. Buzak be sent to the Township Committee for adoption.

The board reviewed the ordinance.

Ms. Cofoni reviewed the changes to the ordinance for the board. She stated that this is still listed as a conditional use and that it was recommended that this be removed from the conditional use section.

Mr. Banisch and the Board concurred that this should be under permitted uses.

Ms. Cofoni further reviewed the changes to the ordinance which clarified that planning board shall have sole authority to decide on cluster and that the ordinance applies to all subdivisions, majors and minors.

Mr. DiSalvo made a motion to send the ordinance with the changes discussed this evening to the Township Committee for adoption. Seconded by Mr. Price. A voice vote was taken; all were in favor and the motion carried.

3. Correspondence from Attorney Kobert to DEP: RE: Black Oak Golf Course

Noted for the record.

4. Correspondence from Attorney Buzak RE: Scudese Litigation

Noted for the record.

5. Correspondence from Attorney Buzak RE: The State Supreme Court Year in Review

Noted for the record.

6. Vouchers

Mr. DiSalvo made a motion to approve the vouchers reviewed by the chairman and found in order and send same on for payment, seconded by Mr. Popper. A voice vote was taken; all were in favor and the motion carried.

7. Elite Homes – TCC

A TCC date was set up for Thursday October 21 at 9:00 a.m. Ms. Kaiser, Mr. Jones, Mr. Trevena and Mr. Bauerlein will attend for the Board.

8. Interviews for Geo-Technical Consultant

Interviews will be held at 6:00 on October 27, 2004 at the municipal building. Mr. Jones, Mr. Price and Ms. Kaiser will interview the applicants for the Board.

9. Fall Agenda

Ms. Kesper reviewed the Boards schedule for the remainder of the year as follows:
October 19 (work – nothing scheduled), 27 (US Homes)
November 8, 16 (work) – Nothing scheduled at this time
December 7 (work), 13, 22 (US Homes)

Cancel 10/19, November 8 decision on November 16

Ms. Kaiser made a motion to cancel the October 19 and November 8 meetings and to consider cancellation of the November 16 meeting at the Boards October 27 meeting. Seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

Mr. DiSalvo made a motion to adjourn the meeting, seconded by Mr. Bauerlein. A voice vote was taken, all were in favor and the meeting was adjourned at 9:00 p.m.

Virginia R. Kesper