

The regular meeting of October 27, 2004 of the Washington Township Planning Board was called to order by Chairman Jones at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: R. Gregory Jones, Kathleen McGroarty, Howard Popper, Geoffrey Price, Kevin Walsh
 ALTERNATES: Mark Bauerlein
 CLASS I: Walter Cullen
 CLASS II: Eric Trevena
 CLASS III: Kim Ball Kaiser
 OTHERS ABSENT: DiSalvo, Leavens
 STAFF PRESENT: Engineer Hall, Clerk Kesper, Planner Newcomb, Attorney Cofoni, Attorney Buzak, Environmental Consultant Keller

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

- Minutes from the October 11, 2004 Regular Meeting

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

RESOLUTIONS

None

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

DECISIONS ON COMPLETENESS

October 27, 2004

1. US Homes – Block 19, Lots 5, 6, 7 – Schooley's Mountain Road and Newburgh Road – Musconetcong Valley Senior Overlay Zone – 123 Acres – Request for Minor Subdivision, Preliminary Site Plan and variances for existing setback and signs for 360 Senior Citizen Units

Joel Kobert, Applicant's Attorney
Stan Omland, Applicant's Engineer

Mr. Hall reviewed his letter of October 20, 2004 and recommended completeness.

Ms. McGroarty made a motion to deem the application complete, seconded by Mr. Walsh. A voice vote was taken; all were in favor and the motion carried.

APPLICATIONS

1. Old Mill Associates – Block 43 Lots 52.04 and 52.05 – 18 & 20 Stephensburg Road – R-5 Zone - Request for lot line adjustment due to septic system grading encroachment

John Fenimore – Applicant's Attorney

Mr. Hall stated that due to the nature of this lot line adjustment, he did not object to the waivers requested for completeness.

Mr. Fenimore answered Mr. Hall stated that this is a land swap of 558' to allow for a setback for a septic system.

Mr. Buzak noted that this lot is three acres and the zone is now 5 acres.

Mr. Hall stated that when the subdivision was approved it was conforming. The changes requested do not make it more or less conforming.

Mr. Buzak stated that this application and approval would not grant any variances for the non-conformity.

Mr. Walsh made a motion to approve the lot line adjustment application. Seconded by Mr. Trevena. A roll call vote was taken:

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

2. Fleming – Block 40, lot 26 – Fairmount Road – R-5 Zone – 13.118 acres – Request for two lot minor subdivision with variances for pre-existing conditions – Previously Heard June 23, 2004 and August 9, 2004 – Expires – Public Hearing Continued – Expires October 27, 2004

October 27, 2004

Robert Mielich, Applicant's Attorney
Harry Metzler, Applicant

Mr. Mielich stated that the layout remains the same as previously presented to the board, except there are only two lots. The joint driveway was not shown. He explained this was not done because it would require additional DEP permits and driveways permit. It was his opinion that the ordinance allows for two flag lot driveways and that is the applicant's request.

Mr. Metzler stated that revision six of the plans reflects the requests of the health department and a 400' rear setback line for principal dwelling as requested by the board at the last meeting.

Mr. Metzler answered Mr. Hall that the driveway widening of 2' would trigger a new DEP permit.

Mr. Hall reviewed the plan and DEP permit and it was his opinion they may not need a new permit.

Mr. Metzler stated that the plan is different then what was submitted to the DEP and they would be required to submit the new plan to the DEP.

Mr. Hall stated that the driveway is the only outstanding issue.

Mr. Hall recommended that the applicant get a determination from the DEP if a new permit was needed and if not the applicant should use the common driveway and if it were required, then a new driveway would be built.

Mr. Hall answered Mr. Jones that the separate driveway on the plans has been approved and is allowed by ordinance.

The meeting was opened to the public for questions and comments on this application.

David Hellwig – 294 Fairmount Road – asked about impervious coverage. He would prefer the new lot to have its own driveway.

Mr. Hall stated that under Township ordinances gravel driveways are not impervious, although they are under stormwater regulations, but this addition would not trigger a stormwater management requirement. He explained that lot 26.02 is exempt because it is a pre-existing lot. He stated that the widening is only required from Fairmount to Mr. Hellwig's house and that K-turn would have to be within 200' of the new house. The passing lanes would only have to be widened the two feet that would be utilized for the driveway widening.

Mr. Hall clarified that if the shared driveway is used, there will be no driveway in the staff on the new lot created with this subdivision.

As there were no further questions or comments, the meeting was closed to the public for questions and comments on this application.

Mr. Popper made a motion to have the board attorney draw up a resolution of approval based on the meetings on this application and the condition that the driveways be joint, unless DEP says they need a new permit, as long as a due diligence is done on the applicant's part to get a decision from the DEP. Seconded by Mr. Price.

A voice vote was taken; all were in favor and the motion carried.

Eligible: Bauerlein, Cullen, Jones, Kaiser, McGroarty, Trevena, Walsh

Absent: 6/23/04 – Popper, DiSalvo

8/9/04 - DiSalvo, Price

10/27/04 – DiSalvo, Leavens

3. US Homes – Block 19, Lots 5, 6, 7 – Schooley's Mountain Road and Newburgh Road – Musconetcong Valley Senior Overlay Zone – 123 Acres – Request for Minor Subdivision, Preliminary Site Plan and variances for existing setback and signs for 360 Senior Citizen Units – Deemed complete October 27, 2004 - Public Hearing – Expires February 24, 2005

Joel Kobert, Applicant's Engineer
Stan Omland, Applicant's Engineer

Stanley Omland was sworn in by Attorney Buzak

Mr. Omland marked exhibits A-1 Greenbrier rendering entire tract 10-22-04 and A-2 - Same plan at a scale of 50 bearing no date. He stated that all other plans that will be referred to have been submitted to the board previously.

Mr. Omland presented his qualifications to the board as an engineer and planner.

Mr. Jones accepted Mr. Omland as an expert witness in the field of engineering and planning.

Mr. Omland stated that this site is 120 acres that is being developed under the Mustconetcong senior citizen overlay zone. They are seeking a minor subdivision and preliminary site plan for 24 three-story building with parking underneath. He pointed out the area of the clubhouse, tennis courts, bocce courts, community gardens, putting greens, indoor and outdoor pools, trails, benches, gazeboes, etc. He stated that the original farmhouse would be preserved and maintained and that there are five bodies of water that will be preserved or created on the property. He pointed out the roads boarding the property. He noted that the exhibit was an aerial photo with the site plan overlaid on it. He pointed out the wood rows that would remain. He noted that it was a gently sloping site with virtually no steep slopes and that there would be very little tree removal. He explained that the site drains from east to west, there are floodplains and wetlands on the site and the applicant will require a stream encroachment permit. The

Letter of Interpretation received from the State determined that the wetlands are intermediate which will require a 50' buffer.

Mr. Kobert stated that the open space will be deed restricted to remain in open space.

Mr. Omland stated that the 24 structures will have 15 units in each and are three stories high. He pointed out the internal road layout. There would be 6000 linear feet of new road designed in a loop pattern. He explained that RSIS requires sidewalks on both sides of the roadway and that the applicant is requesting a diminutive exception to have sidewalks on only one side. It was his opinion that the boulevard entrance acts as two access points. They are providing an emergency access with the original farmhouse driveway. He stated that a traffic report has been submitted to the board. They are working with Morris County regarding the road improvements. Each building has between 25-26 parking spaces under the buildings. There are 218 parking spaces on the ground outside. In total there are 818 parking spaces, not counting the clubhouse. They used the garden apartment parking space requirement to come up with the number of minimum spaces. It was his opinion that the parking was sufficient for the needs of the proposed community.

Mr. Omland stated that regarding grading there would be no need for retaining walls. He pointed out the preserved and maintained areas. He stated that 78 acres of the 121 acres would be preserved and that less than one acre of woodland would be disturbed (20 to 40 trees in total).

Mr. Omland addressed the utilities. He pointed out the sanitary sewer tie in to the HMUA and that there is capacity at the plant. Water is also from the Hackettstown Municipal Utilities Authority and that the applicant would need DEP approval for the water usage. The will applicant would be working with the HMUA to obtain firm capacity approval from the DEP. He stated that the Schooley's Mountain Fire Department have approved the fire hydrant locations. He stated that they would loop the water system for safety.

Mr. Omland spoke about the stormwater and water quality regulations and stated that the applicant would comply with all regulations. He referenced the Township carbonate rock regulations and stated that they did not encounter any limestone or sink holes during their geologic investigation investigation. He pointed out the lighting and explained the type of light fixture they would like to use. He addressed the landscaping and pointed out the areas they plan to provide buffering which would include 370 shade trees, 388 evergreen trees and 237 ornamental trees totaling 995 trees and 1500 shrubs. He stated that they would not be buffering around existing tree lines or farm fields.

Mr. Omland pointed out the 95' stream corridor buffer area. They have maintained this except in the areas they have crossed it with a roadway and stated that the applicant would need relief from the board for this crossing.

Mr. Omland pointed out the two phases of construction 150 units on one side and 115 units on the other side.

Mr. Omland addressed the minor subdivision. They are subdividing out the adult daycare facility, which has an existing variance for the front yard setback. They are also asking for a subdivision, which would create the phase line between phase 1 and 2. The water line would have to be put in for both phases at one time.

Mr. Kobert referred to Mr. Banisch's letter regarding the development of the adjacent lot and stated that the applicant was not going to address that property at this time. If the applicant should obtain rights to that property in the future, it could be developed at a later date and still be included in the current homeowners association. He stated that he would meet with Mr. Banisch about this.

Mr. Omland addressed the sidewalk issue in Mr. Hall's letter of October 20. He stated that the trails in floodplains, stream corridor, etc would have to be of natural materials in accordance with DEP regulations.

Mr. Hall stated that he did not object to sidewalks on only one side of the street, but that the township should discuss with the board contribution in lieu of sidewalks for sidewalks in other areas of the Township. He stated that Mr. Maltz would have comments on the pedestrian traffic flow as well. He answered Ms. McGroarty that the sidewalks will be on the building side of the road. Regarding extending sidewalks to Schooley's Mountain Road, the applicant intended to use the existing farm driveway as the pedestrian access to Schooley's Mountain Road and that the applicant would add sidewalk to the boulevard as well.

Mr. Trevena stated that due to the location of the boulevard to the commercial across the street, it was his recommendation that the side walk be here as well as the farm driveway. He also recommend sidewalk for connection along the loop road. He also recommended changing the handicap spaces.

Mr. Omland agreed to make the changes suggested by Mr. Trevena.

Mr. Kobert answered the board that the farmhouse will be restored for residential use, but that the ordinance allows it to be used for commercial and office use as well.

Mr. Kobert stated that 9 x 18 places are proposed.

Mr. Hall recommended larger spaces.

The board agreed that they wanted larger spaces.

Mr. Omland stated that this would increase the impervious coverage on the site.

Mr. Omland answered Mr. Hall that the off site sanitary sewer easement is existing up to their property line and they can connect to it. He will supply Mr. Hall with the necessary documentation on this.

Thomas Barton was sworn in by Attorney Buzak and presented his qualifications as an architect.

Mr. Jones accepted Mr. Barton as an expert witness in the field of architecture.

Mr. Barton described the clubhouse which is proposed to include an exercise facility, indoor pool, spa which is a third of the building, a club room for activities and special use rooms and a large entrance/reception area. There is no formal food service area proposed. He stated that the club house would be a one story structure with stone and wood siding. It was his opinion that the architecture is appropriate but he will confer with Mr. Banisch regarding his comments on the architecture. The building is 219' in length. The clubhouse exhibit was marked A-3 and A-4.

Mr. Barton stated that the home structures are three story buildings with 15 units, two in each building will be COAH housing. The units will range in size from 900' to 2500' with the average 1500' sf. The parking spaces are in a garage under the buildings. The individual structure plan were marked A-5. He stated that the buildings could not accommodate two cars per unit underground. The ground level plan was marked A-6. The outside building elevation was marked A-7. He pointed out the varied roof lines for the structures and stated that the heights vary form 37' to 48' high. There will be no mechanical units on the ground they will be on the roof behind the mansard roof.

Mr. Jones referred to Mr. Banisch's letter and agreed that he thought the architectural should have a more colonial theme throughout.

Mr. Barton stated he would try to address this for the board, using stone in a more colonial manor.

The meeting was opened to the public for questions on this evening testimony.

Susan Sinclair - 44 Knob Hill stated that their biggest complaint at Hastings Square is the lack of parking and she asked the board to review parking carefully for this proposal. She asked about the streets, if they were to be public or private. She asked what else are three stories high in the township and asked about the view of them from Hastings Square.

Mr. Kobert stated that the applicant would like the roads to be private but would grant the township Title 39 to police the roads.

Mr. Trevena answered Ms. Sinclair that some of the buildings in Hastings are three stories.

Mr. Jones explained the Township Committee allowed three stories is because of the land use; more of the property would remain untouched instead of being fully developed.

Ms. Kaiser stated that the buildings are down slope from Schooley's Mountain Road and Newburgh Road and would not easily be seen from the roads..

Mr. Omland pointed out the vegetation that will block view of the homes.

Steve Blazier – Drakestown Road asked about a traffic signal. He was concerned with the traffic and it was his opinion a traffic light would be warranted with this development. He was concerned with the architecture.

Mr. Omland stated that the traffic study done indicated that a traffic signal was not warranted using the state standards. The traffic report is under review by the Township.

Randy Hicks – Crest Drive asked about the entrance location.

Mr. Jones stated that the township requires driveways to be opposite each other vs. offset.

There were no further questions or comments and the meeting was adjourned to December 7, 2004.

Absent: 10/27 DiSalvo, Leavens

DISCUSSION/ CORRESPONDENCE

1. RO-25-04 Checklist Amendments

Mr. Trevena, Seconded by Mr. Popper. A voice vote was taken; all were in favor and the motion carried.

2. RO-26-04 Cluster Ordinance

The ordinance was reviewed. Mr. Walsh made a motion that the Board found that this ordinance is not inconsistent with the master and should be adopted by the Township Committee. Seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

3. Correspondence from Attorney Buzak RE: Scudese Litigation

Ms. Cofoni explained to the Board that the side notes originally entered by the Judge on the signed order of the court have been removed by Judge as he found them in error and the planning board is now out of this litigation. She noted that the request for reimbursement would be heard by the court on November 5, 2004

4. Correspondence from Hackettstown MUA RE: NJDEP Water Approvals

Noted for the record.

5. Vouchers

Mr. Price 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.

9. Fall Agenda

Ms. Kaiser made a motion to cancel the November 16, 2004. Seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

Mr. Walsh 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 10:30 p.m.

Virginia R. Kesper