

The regular meeting of January 10, 2005 of the Washington Township Planning Board was called to order by Chairman Jones at 7:50 p.m.

MEMBERS PRESENT

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

1. Minutes from the December 13, 2004 Regular Meeting and Executive Session

Ms. Kaiser made a motion to approve the minutes, seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried. Show McGroarty as absent.

RESOLUTIONS

05-07 Valley Shepard – Block 35, Lots 6 & 8 – Fairmount Road – R-5 Zone – 119.751 acres – Approval of Request for amendment to Condition S of Resolution 03-27 (to allow for certificate of occupancy for farm labor house prior to completion of all improvements) granting preliminary and final Site Plan with variances for Sheep farm with barn, shed, labor housing, milking area, cheese production, aging cave, retail store and related facilities

Mr. Price stepped down due to a conflict of interest.

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Mr. DiSalvo made a motion to approve resolution 05-07, seconded by Mr. Trevena. A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, Kaiser, Jones, Leavens, Popper, Trevena

Nays: None Abstentions: None Absent: None Ineligible: McGroarty, Price

Mr. Price rejoined the meeting.

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

None

APPLICATIONS

1. Carfaro – Block 63, Lot 28.03 – Hackelbarney Road – -5 Zone – 16.138 acres
Request for two lot minor subdivision – Expires April 22, 2005

Mr. Jones announced that the application had been adjourned at applicant's request to January 26, 2005

2. Kramer – Block 55, Lot 3 – 12 Lot Final Subdivision - Request for extension of time on Resolution 02-08 dated February 27, 2002

James Laughlin, Applicant's Attorney
Lois Kramer, Applicant

Mr. Laughlin stated the applicant was asking for a second one year extension for protection under resolution 02-08. There are two lots remaining to be built upon and sold, one being the large agricultural lot.

The board reviewed the request and determined that there had been no changes in zoning that would affect this property.

Ms. McGroarty made a motion to grant the applicant a second one year extension of time on resolution 02-08, seconded by Mr. Price. A roll call vote was taken:

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

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3. Cianfrocca – Block 47, Lot 11, 11.08 & 11.09 – Pleasant Grove Road & Stephensburg Road – R-5 Zone, 33.40 Acres – Request for Lot Line Adjustment combining three lots into two

James Laughlin, Applicant's Attorney
Jeff Cianfrocca, Applicant

Mr. Price stepped down due to a conflict of interest.

Mr. Laughlin explained that this application is to merge two lots and increase the variance for steep slope disturbance. He referred to the previous resolution on this subdivision. All of the remainder of the tract will be placed into farmland preservation.

John Hansen was sworn in by Attorney Buzak.

Mr. Hansen referred to sheet three of the plans submitted to the board dated November 28, 2004. He briefly reviewed the previously approved three lot subdivision. He stated that the applicant decided to amend the project to two lots in order to save time because of the Highlands legislation. This application is now below the threshold for highlands and stormwater regulation. He pointed out the area of steep slope disturbance in the over 25 to 30 slopes.

Mr. Hall referred to his report of December 23, 2004.

Mr. Hansen stated that the applicant would accept a conservation easement that works with the agriculture development board.

Mr. Laughlin stated that on the proposed new lot all easements would be granted to the Township.

Mr. Hall stated that there would be 12 trees removed in excess of 10" from the rural historic buffer area.

Mr. Hansen suggested walking the area with Dr. Keller to decided how many and where to replant trees.

The board accepted this.

Mr. Hall explained the stormwater management plan provided by the applicant and confirmed that the applicant was correct that this application meets the highland legislation requirements and does not trigger the state stormwater regulations because less than an acre is being disturbed. He did not have an opinion on whether the applicant was still required to get a DEP determination of non-applicability.

Mr. Hansen agreed to comply with the remainder of items in Mr. Hall's December 23, 2004 letter.

Mr. Cianfrocca stated that he would grant the township the requested drainage easement.

Mr. Hansen answered Dr. Keller that a maintenance document would be developed for routine maintenance of the drywells that goes with the deed.

The letter from the fire department was reviewed.

Mr. Hansen stated that the applicant is complying with the Township driveway ordinance and he was of the opinion that they have met the township requirements for fire protection. He agreed to a 15' vertical clearance of the driveway.

Mr. Hansen answered Mr. Hall that the applicant meets the exemption of the Highlands Act because they are below the threshold that trigger Highlands review.

Mr. Hall agreed with the applicant that this application does not meet the definition of a major development, but did not agree that it did not need a highlands exemption or non-applicability determination from the DEP.

Mr. Buzak addressed this issue. He stated that a resolution of approval should have a condition that the applicant seek a highlands waiver. He referred to the conditions of the previous resolution regarding merger of lots if all conditions were not met.

Mr. Jones reviewed the testimony and stated that the board was satisfied with the application and could grant the variance but felt the board should not take action until the legal issues are resolved.

The meeting was opened to the public for questions or comments.

Lauar Atkin – East Mill Road – Stated that she is on the Morris County Agricultural Development Board and explained that additional easements, such as the drainage easement, are not allowed by the state on preserved land.

Mr. Laughlin stated that as the development easements have not yet been conveyed he was of the opinion that the applicant would be able to grant the drainage easement to the township because of the minor nature of the easement.

The meeting was adjourned to January 26, 2005 so that the legal issues regarding the former resolution can be resolved.

Eligible: Bauerlein, DiSalvo, Kaiser, Jones, Leavens, McGroarty, Popper, Trevena
Absent: None Ineligible: Price

Mr. Price rejoined the meeting.

1. Settlers Ridge – Block 46 Lots 53.01 thru 53.09 – Settlers Ridge Court –
Discussion on problems encountered with limestone

Moved to discussion items as the applicant was not present.

2. Ochs – Block 59, Lots 59, 59.05 and 59.06 – Request for Additional
Extension of time to meet condition on payment of taxes in resolution 04-
10

Joel Kobert, Applicant's Attorney

Mr. Kobert explained the problems the applicant has had with closing on this property and asked for another 90 day extension to pay the taxes.

Mr. DiSalvo Made a motion to grant a 90 day extension to pay the taxes,
Seconded by Ms. Kaiser. A voice vote was taken:

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

6. 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 – Previously Heard October 27, 2004,
December 7, 2004 and December 13, 2004- Public Hearing Continued –
Expires February 24, 2005

Joel Kobert, Applicant's Attorney

William Hamilton, Applicant's planning and landscape architect

Michael Savage, Applicant

Mr. Kobert referred to Mr. Banisch's report of December 13th regarding scheduling of public hearings. He stated that in addition to what is on the list the applicant would address lighting, signage and amenities. He noted that tonight the applicant would be addressing the landscaping and amenities issues and at the next meeting they would like to address traffic and architecture. He stated that the statistics and demographics would be presented at a subsequent meeting.

Mr. Jones reminded the applicant that an additional site walk still needs to be scheduled to address the visual aspect of the application.

Mr. Hamilton stated that the applicant was willing to schedule a balloon test to demonstrate the height of the buildings. He stated that the property is currently staked as previously requested by the board. The stakes represent buildings 19 thru 22 and the roadway in front of them, buildings 1 and 2 and the roadway in front and the clubhouse and the circle driveway in front. Each stake is marked with what it represents.

Mr. Jones stated that the balloon test and site walk would be scheduled at a future time.

The board discussed the site walk and decided that it should be noticed so that all board members can attend.

Mr. Kobert stated that the applicant accepts Dr. Keller's report of December 23, 2004.

Mr. Hamilton referred to a color site plan exhibit and stated that there are three critical elements of the site: retention of woodlands, retention of the open space field to the east end of property, and maintaining the existing farmhouse and access road.

Mr. Hamilton addressed the streetscape and referred to exhibit A-1 dated 10-22-04, which was a 100 scale rendering of the entire property as follows.

Starting from Schooley's Mountain Road, they are not proposing any changes to the fence and trees along the open field. They will continue that along Newburgh road as suggested by Mr. Banisch if the board wanted it.

The entrance would have stone pillars and signs that would match the stone on the buildings within the site. The entrance would have signs on both sides of the fence. They are asking for a variance for two signs because they have two frontages.

The clubhouse is the main social area of the site.

Internal roads would have shade trees located 30 – 50 on center. He explained that the type of trees would be changed in front of the various units.

The additional buffering requested by Dr. Keller would be provided. The buffer is 25' wide except where it adjoins the industrial uses. They have planted the eastern boundary in accordance with the ordinance. The western side has not been done due to the unknown development of that site which is also zoned for age restricted. They will provide large trees behind the homes as suggested by Dr. Keller and Mr. Banisch.

With respect to the individual buildings he referred to exhibit A-13 of 12/13/04. He pointed out and described the types of trees and landscaping. Each style of architecture will have slightly different landscaping schemes as suggested by Dr. Keller. There will be benches in front of each unit and along the open space walkways.

He referred to exhibit A-2 and pointed out the two major common open space sites, the clubhouse and the westerly pond and the connection area. He reviewed the amenities at the clubhouse. At the westerly pond area they will have sitting areas, fish ponds, gazebos bridges over the streams, landscaped berms. They will provide additional landscaping along the pond as requested by Dr. Keller to stop geese from nesting. He referred to a new exhibit which was marked A-14 showing this planting. He answered Mr. Jones and Dr. Keller that there are aquatic plantings for birds and fish life as requested by Dr. Keller. The two large open space areas are connected with a pedestrian walkway. He pointed out the various amenities that each unit would look out on such as the community garden, fountains, gazeboes. He pointed out the public access from Schooley's Mountain Road to the Musconetcong and said that the applicant would provide the visual viewing area requested by Mr. Banisch's letter and they will included this on permits they request from the state, if the board wanted it. He answered Mr. Jones that the trails would be wood chips which would make it difficult to make it handicap accessible.

Mr. Newcomb stated that they saw the viewing area as being directly off the path.

Mr. Kobert stated that they were viewing of this as a homeowner amenity, not for the general public.

Mr. Newcomb answered Mr. Kobert that they were looking for an elevated platform because of the forested area in the vicinity of the river.

The board will look at this issue on the site walk as far as public access and handicapped access.

Mr. Hamilton presented another exhibited marked A-15 representing conservation easements on the site. He pointed out the 58 acres of easements, which is approximately 50% of the tract.

Mr. Hamilton stated that they would agree to plant large 20' to 30' trees throughout the area that was recommended by Dr. Keller and Mr. Banisch. There will be approximately 20 large trees in one area and along building one, a number of large pines. He agreed to mix some of the same species of trees that line the driveway to the farmhouse currently.

Mr. Leavens asked for some tall grasslands to be planted.

Mr. Trevena suggested that if trees are planted along Newburgh Road it would eventually block the view that the board is trying to protect.

Dr. Keller agreed.

Mr. Hamilton addressed the issue of sight distance on the driveways into the garage and the landscaping. The landscaping would not compromise the sight distance as the plantings would be low growing – one foot or less.

Mr. Kobert stated that they are in agreement with Dr. Keller's report of December 23, 2004 in its entirety.

Mr. Hamilton stated that there would be a few areas where outdoor grilling would be allowed, but it would not be throughout the site.

Mr. Hall addressed the landscaping behind buildings two and four and was concerned that if the tract to the north is not developed as senior citizen housing, this would area would not be buffered from Schooley's Mountain Road or the commercial or an industrial use. He wanted a safeguard if the other property is not developed. He answered the board that there is currently a 20' wide hedgerow in this area, but a 75' buffer is required between mix uses.

Mr. Kobert stated that the applicant would agree to a note on the plan that landscaping would be planted within a certain amount of time if the other property were not developed.

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

Mervyn Haines – 376 Schooley's Mountain Road asked if this application fell under the Highlands legislation and suggested that a 300' buffer should surround the streams.

Mr. Jones stated that this property is in the planning area of the Highlands.

Mr. Buzak stated that the 300' buffer is only in the preservation area or if the stream was category one, which this one was not.

Mr. Hamilton answered Mr. Haines that water for the waterfall would be coming from a well.

Mr. Hall answered Mr. Haines that the HMUA cannot issue water permits for new hook ups at this point in time because of a firm capacity issue with the HMUA.

Mr. Kobert stated that once the HMUA resolves this issue, the applicant would hook up to the HMUA.

Mr. Hall stated he spoke to Mr. Smith, director of the HMUA, regarding this issue and he expects the issue to be resolved within six months to a year, as the HMUA has been working on this issue with the DEP for over five years.

Dr. Keller explained alternative methods of using water for the waterfall to use minimal water and he stated he would work with the applicant on this design. The withdrawal will be from the bottom of the pond.

Mr. Haines referred to page 18 of the DIS regarding the stream and stated that if it is the tributary that feeds the mine brook it would be a trout production stream.

Mr. Hall stated that the person who prepared of the DIS would be present at a future meeting to answer other environmental questions. He answered Mr. Haines that during his site walk he did not see any flow channel leaving the pond on site going towards the Musconetcong.

George Cummings – 60 Knob Hill and manger of Greenway Flowers. He stated that it was his opinion that there should not be access for the general public to get to the river through the wooded area. He explained some incidents he had witnessed of dumping in this area.

Barbara Fells – 34 Knob Hill Road – stated she was concerned about water availability. Regarding grilling areas being centralized should be in the tenants own yard areas. She would like to see the entrance moved away from the Hastings Square entrance.

Laura Akin - 93 West Mill Road - Commented on the Hemlocks and the disease that is killing them. She advised development be moved away from agriculture areas.

Richard Schroeder -112 Knob Hill Road – was concerned that the landscaping would not make a difference with the view because there is too much on the site. He was also concerned with traffic and entrance across from Hastings Square.

Rose Bunting – Hastings Square was concerned with the traffic and ruining the view with all of the proposed buildings and didn't think the township had anything to gain with allowing this development.

Mr. Jones explained some of the benefits that would be realized if this application were approved, such as tax revenue without school expenses, preservation of 50% of the tract. He also explained the underlying zoning which would allow for an office building or industrial use.

Brook Benson- Hastings Square – asked about the height of the buildings. He was concerned with the visual impact of the development.

Mr. Hamilton stated that the roof height would be a maximum of 48'. He pointed out the types and sizes of trees in the highly visible areas.

The meeting was closed to the public for questions and comments on this evenings testimony.

Mr. Kobert stated that at the next meeting the applicant would be addressing traffic and architecture.

The meeting was adjourned to January 26, 2005.

Absent: 10/27 DiSalvo, Leavens (listened 12/13)

Absent: 12/7 Leavens (listened 12/13), Cullen

Absent: 12/13 Cullen, McGroarty

Absent: 1/26 None

<i>DISCUSSION/ CORRESPONDENCE</i>
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1. Settlers Ridge –

Ms. Kaiser stated that the reason this item was put on the agenda so that the applicant may approach the board to change the stormwater management plan because of the limestone sink holes. The applicant has not filed an amended application as of this date.

Mr. Hall gave a brief review of the limestone problems and the mitigation plans. He distributed photographs of the sink holes.

Ms. Kaiser stated that only one of the five homes have been built. She answered the Board that it is in the highlands area and that each of the lots have been sold and are buildable lots.

Mr. Hall stated that the Township has stopped issuance of all building permits.

2. Board of Adjustment Annual Report

Ms. Kaiser stated that Mr. Banisch is working on the revisions to the telecommunications ordinance as suggested in this report.

3. New Jersey Water Supply Authority Seminar on Wastewater Management Planning in the Highlands – January 19, 2005

Noted for the record

4. Housing Partnership for Morris County – Seminar on COAH – January 27, 2005

Noted for the record.

5. New Jersey Municipalities December 2004 article on the Highlands

Noted for the record.

6. Cross Acceptance

Ms. Kaiser stated that she went to the meeting at the County. She said that they really made no comments to the State, they simply took the individual township

reports and collated the information. At the Freeholders meeting of February 9th the Freeholders will approve the transmittal of the report to the State.

Mr. Newcomb stated that the figures in the report, if the state accepts the report, would be used by COAH to calculate growth share.

Mr. Buzak concurred with Mr. Newcomb on the COAH numbers.

Ms. Kaiser stated that the township submitted the growth numbers to the County.

7. DEP response letter regarding Black Oak Golf Course

Mr. Jones suggested that a response from the Board to the DEP letter would be appropriate. He stated that he would reach out to the applicant and see if they thought there was a need for a further response. He stated that, if the applicant wanted the Board to respond he would draft a letter for the boards' review.

The board concurred with Mr. Jones.

8. Highlands

Ms. Kaiser stated that she has been and will continue to attend the meetings of the Highlands Commission. She stated that so far it has been all organization items and forming the by-laws.

5. Vouchers

Mr. Price made a motion to pay the vouchers as reviewed by the chairman and found in order, seconded by Mr. Popper. A voice vote was taken; all were in favor and the motion carried.

Ms. Kaiser 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 10:15 p.m.

Virginia R. Kesper