

The regular meeting of January 26, 2005 of the Washington Township Planning Board was called to order by Chairman Jones at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, Charles DiSalvo, R. Gregory Jones, William Leavens Kathleen McGroarty, Howard Popper

ALTERNATES:

CLASS I: Geoffrey Price

CLASS II: Eric Trevena

CLASS III: Kim Ball Kaiser

OTHERS ABSENT:

STAFF PRESENT: Engineer Hall, Clerk Kesper, Planner Banisch, 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 January 10, 2005 – Reorganization and Regular Meeting

Mr. Price made a motion to approve the minutes, seconded by Mr. Popper. A voice vote was taken; all were in favor and the motion carried.

RESOLUTIONS

05-08 Kramer – Block 55, Lot 3 – 12 Lot Final Subdivision - Request for extension of time on Resolution 02-08

dated February 27, 2002

Mr. DiSalvo made a motion to approve resolution 05-08, seconded by Ms. Kaiser. A roll call vote was taken:

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

Dr. Keller arrived and joined the meeting.

DECISIONS ON COMPLETENESS
APPLICATIONS

None

1. Valley View Chapel – Block 36, Lots 43 and 43.01 – East Mill Road – Request for extension of time on Resolution 03-07 dated March 26, 2003 which granted preliminary and final site plan approval for church expansion

John Beyel, Applicant's Attorney

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

Mr. Beyel explained his request for the one year extension on Resolution 03-07 and that the open items are waste water disposal and water line issues which have not been resolved and therefore the applicant has not been able to move forward with the project.

Mr. Buzak explained the MLUL and the applicant’s right to seek three one-year extensions; the granting of the protections is up to the discretion of the board.

Mr. Banisch stated that there have been no ordinance changes that would affect this application.

The board reviewed the request.

Mr. Popper made a motion to grant the requested one-year extension, seconded by Mr. Trevena. A roll call vote was taken:

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

2. 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 with steep slope variance – Previously Heard January 10, 2005 – Public Hearing Continued – Expires May 10, 2005

James Laughlin, Applicant's Attorney
 Jeff Cianfrocca, Applicant

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

Mr. Laughlin stated that this is the applicant's second appearance and briefly reviewed the application and stated that at the end of the last meeting the only open issues were legal issues.

Mr. Buzak stated that he had reviewed Mr. Laughlin's letter of January 21, 2004 and stated that he agreed that the first resolution would have to be amended deleting those conditions that would not be applicable if there is a merger of the two small lots and a condition added that approval of the variance being sought tonight be obtained and the merger of the two small lots accomplished. A second resolution would approve the steep slope variance and the two-lot merger.

Mr. Banisch stated that reason 12 in the first resolution supported the granting of the three-lot subdivision and it was his opinion that this steep slope variance increase could be granted based on the fact that the majority of the property was going into farmland preservation.

Mr. Buzak answered Ms. McGroarty that it was his opinion that the board could rely on the previous testimony for the previous application.

Mr. Hall explained the reduction in area of disturbance from the three-lot subdivision of 5 to 6 six acres of disturbance to .95 acres.

Mr. DiSalvo made a motion to grant the variance for 335 sq ft additional steep slope disturbance conditioned upon of the merger of the two small lots into one lot. Seconded by Ms. Kaiser.

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

Mr. Hall reviewed approval conditions from his latest letter and his request for a highlands exemption letter.

Mr. DiSalvo made a motion to modify the to original resolution of approval to eliminate conditions regarding acquisition of a stream encroachment permit on the basis it would no longer be necessary if there is a merger of the two lots and elimination of any other conditions that related to the two new lots including the 300' conservation easement for two lots because the application no longer triggers the stormwater regulations and subject to the conditions from Mr. Hall's letter and receipt of a highlands exemption letter. Seconded by Ms. Kaiser.

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

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

3. Carfaro – Block 63, Lot 28.03 – Hackelbarney Road – -5 Zone – 16.138 acres Request for two lot minor subdivision with flag lot – Expires April 22, 2005 – Public Hearing if deemed complete

Mr. Jones announced that the application had been adjourned at applicant's request to March 14, 2005

4. 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, December 13, 2004 and January 10, 2005- Public Hearing Continued – Expires February 24, 2005

Joel Kobert, Applicant's Attorney

William Hamilton, Applicant's planning and landscape architect

Michael Savage, Applicant

Stan Omland, Applicant's Engineer

Mr. Kobert stated that to the items for discussion he has added, at the request of Mr. Buzak, a discussion on COAH. This evening they plan to go over stormwater, the farmhouse, lighting, signage and ambulance service (numbers on the list as 1, 4, and 7). He stated that the architect had not finished the architectural plans and that would be presented at a subsequent meeting. He stated that he would start with stormwater management. He stated revised plans would be made in the next two to three weeks.

Mr. Omland referred to exhibit A-2, which depicts the site development as proposed this evening. He pointed out Schooley's Mountain Road, the river and the 85 acres that will be preserved under this application. The stormwater management on this project has a multiple component approach. There is an unnamed tributary that runs through the site, which has a 200-acre drainage area and is regulated by the DEP under stream encroachment and has a floodplain of 50' to 200'. He noted that it is also regulated by Township Ordinances. There are two distinct drainage acres. He referred to the regulations that they have to comply with. They will be filing within 30 days with the DEP applications for stream encroachment and all wetland permits required for this project. He explained the requirements of the February 2004 DEP Stormwater regulations and stated that he would be meeting the requirements. There will be three detention basins on the site. All of the drainage from the unnamed tributary will be channeled through pipes and drains into a detention basin. After the water has been treated for water quality and detention it would discharge into the Musconetcong. One of the basins will be a permanent retention pond with a pond and a series of two artificial brooks from a pump within the retention basin. The brooks and falls will be for esthetics only and not for stormwater management. The plantings along the pond would discourage Canada Geese breeding. He explained detention basin 2 which will have two forebays in it for water quality. Detention basin number three collects all runoffs

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from that side of the stream. He addressed recharge and stated that these basins will be used for recharge as well. They are doing the geological study as requested by Dr. Oweis. This application is under the 20% net fill of floodplains and would not impact areas below this property on the Musconetcong

Mr. Omland stated that the applicant would fully comply with RSIS and stormwater regulations and that there would be no impact to the neighboring property owners. He had no issues with the reports of the professionals with regard to stormwater and will comply with all of the comments. He answered Mr. Jones that one of the two ponds shown is currently on the site the other would be made and that neither pond were part of the stormwater management plan.

Mr. Omland stated that Infiltration trenches would only handle water from the roofs.

Mr. Omland answered Mr. Leavens that detention basin outfall structure is approximately 290' from the center of the Musconetcong. The open space maintenance will be up to the board as to whether they wanted grasslands, meadow transition to woodlands or agriculture.

Mr. Kobert stated that the applicant might want to have agriculture in the Newburgh/Schooley's Mountain Road area. Whatever is decided will be put into the homeowner's association documents.

He answered Mr. Bauerlein that it has not been finalized where the artificial brooks will get their water from possibly from a water tank truck or wells. He will get definitive information on this for the next meeting.

Mr. Omland stated that the detention basins would be constructed to be sedimentation basins during construction.

Mr. Kobert offered a back up easement to the township for maintenance of the detention basins if the homeowners association fails to maintain them.

Mr. Omland answered Mr. Popper that the measures on the plan would maintain water quality and would not degrade the Musconetcong. No relationship between water sprinkler systems and stormwater management.

Ms. Kaiser wanted to know what the NRI classifies the unnamed tributary.

Mr. Banisch will get this information to Ms. Kaiser.

Mr. Omland answered Mr. Price that the detention basin would be above current ground level and the bottom of the basin would be lower than the flood plain. He stated that he would look into using roof water for the brooks and ponds.

Dr. Keller answered Mr. Bauerlein regarding pesticides and fertilizers getting into the river and that wet detention basins provide the largest pollutant reducer of

any water quality treatment plus there will be water quality treatment such as running through vegetation to decrease the amount of chemicals getting to the pond. The current agricultural use of the property is the largest chemical pollutant generator.

Mr. Jones asked about water temperature.

Mr. Hamilton stated that the discharged water would be taken from the bottom of the pond that is colder and would flow through a pipe, that is buried, to the river.

Dr. Keller stated that based on this method it was his opinion that water temperature would not be a problem. He recommended that the pond be at least 6' deep to ensure that the water is cool.

Temperature monitoring was discussed.

Mr. Hall and Dr. Keller were of the opinion that this was not going to be an issue.

Mr. Omland answered Mr. Hall that the geological study is about to start and a report would be generated shortly.

Mr. Hall stated that based on the geological study some changes to the stormwater management program described this evening may have to be changed.

Mr. Hall stated that the rate of flow control of the applicant's stormwater management plan was adequate as well as the ground water recharge. He did have concerns with detention basin 3 and water quality.

Mr. Omland stated that they would add a forebay to meet the required 80% discharge of the DEP.

Mr. Hall wanted to see a very detailed phasing plan with the revised plans.

Mr. Hamilton referred to the variances as outlined in Mr. Hall's letter and Mr. Banisch letter. There are now only two variances as the applicant have agreed to revise plans to eliminate the other variances pointed out by Mr. Banisch and Mr. Hall. The first variance is for the existing front yard setback of the adult day care building. The second variance is for the landscape buffer. He pointed out the area where the applicant is not meeting the 75' buffer. He stated that the applicant would add landscaping behind buildings 1, 2, 3, 18 and 19 and they would maintain the landscaping that currently exists. He noted that the adjacent property is also zoned for the same use and is currently a farm and it was his opinion that there would be no negative impact or detriment to the public. He agreed to Mr. Hall's request that at the time the applicant applies for final site plan, if the other property has not been developed this issue would be addressed again at that time. The four other variances noted in Mr. Hall's letter, the variances are no longer necessary as they are going to comply with the

ordinance requirements and no variance would be needed. He pointed out the existing access to Heath Village. They will confirm that the sidewalk is continuous.

Mr. Hamilton stated that there are now four waivers: the first for two signs. They are proposing two signs at the entrance for traffic safety and esthetics. He referred to an exhibit, which was marked A-16 dated 1-26-05. The proposed signs would be stone that match what is used on the site. Both signs together would total less than 150 sq which is less than the square footage they could have for one sign allowed under the ordinance. They will tie-in the stone sign with pillars to the existing white fence. The board reviewed the exhibit in detail.

The board did not like the proposed sign wanted to see a different design.

Mr. Hamilton stated that the second waiver is regarding sidewalks on both sides of the roadway; the third was size of parking spaces and as discussed previously with the board the applicant will have a percentage of 10 x 20 and 9 x 18 spaces.

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

Joan Gehrlein - 30 Bennington Square was concerned with traffic and architecture and were disappointed that it was not presented.

Mr. Kobert stated that the open issue on traffic is the intersection of Schooley's Mountain Road and Newburgh and the crosswalks. He stated that the applicant would make the improvements requested by the County and the Township.

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

Mervyn Haines 376 Schooley's Mountain Road asked about detention basin 1 and how it is being fed. Depth of ponds and fencing for safety.

Mr. Omland stated that it is a wet basin and would be filled when necessary by other means and they will have that information at the next meeting.

Mr. Hall stated that there is not an ordinance that required a pond to be fenced in.

The meeting was closed to the public for questions this evening. The meeting was adjourned to February 14, 2005.

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

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

Absent: 12/13 Cullen, McGroarty

Absent: 1/10 None

Absent: 1/26 None

5. Rand Homes (Southern Hill) - Block 33, Lot 87 – West Springtown Road – R-2 Zone, 53 Acres – Request for amendment to stormwater management plan for ten lot subdivision approved with Resolution 03-18, Remand from Superior Court – Public Hearing

George Johnson, Applicant's Attorney
Andrus Aasmaa, Applicant & Engineer

Andrus Aasmaa was sworn in by Attorney Buzak

Mr. Johnson stated that the applicant is before the board at the request of Mr. Hall because of the shift of the detention basin.

Mr. Aasmaa distributed a sketch to the board of the detention basin placement, which was marked A-1. He referred to the sketch and pointed out the changes to the plan. The conservation easement that was behind the basin was slightly increased by 40' to the left to pick up the back of the basin. This change does not affect the property to be dedicated to the Township of Washington. All lot sizes and configurations are unchanged. The basin is being moved 40' to the west. He described the changes to the outfall structure.

Mr. Aasmaa stated that the application approved by the board required a DEP approval for general permits 6 & 11. He stated that he filed the necessary applications in December 2003. They were delayed at the DEP and subsequently the new stormwater regulations came into effect. He stated that he was of the opinion that he complied with the new regulations because they were 300' from a category 1 watercourse. He referred to plan sheet 2b of 8 revised on 6-5-03 and pointed out the swales, which connected to the category 1 waters that was over 300' away. He stated that after working with the DEP and satisfying fish and wild life on may 18, 2004 it was concluded that the 300' measurement need to be taken perpendicularly from the basin and measured that way they were only 225' away and they were told by the DEP to move it to at least 300' away. He was directed by the DEP to go to soil conservation to get approval of the discharge. He stated that they revised the plans to comply with MCSCD and the plans have been certified by the MCSCD for compliance. He explained that the outfall has been split in two and he explained the process the water goes through prior to discharge to the surface.

Mr. Aasmaa answered the board that the original plan was approved with the need for two DEP permits. He noted that regulations changed and they were required by the DEP to make the changes described. The changes eliminated the need for the DEP permits as they are outside of the 300' area of no disturbance. He explained to the board how moving the basin 40' moved the outfall structure 300' away from the stream.

Mr. Jones asked if this proposed plan was better environmentally then the previous plan, as this is a very environmentally sensitive property.

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Mr. Hall answered Mr. Jones that he spoke to the MCSCD because he did not believe it was approvable, but was told that it was already approved. It was his opinion that this plan was going to cause erosion because of the slopes. He was also concerned about the woodlands receiving discharge instead of the current sheet flow.

Mr. Aasma answered Mr. Hall that the discharged water would get into a well-defined watercourse on his property.

Mr. Hall reviewed the township ordinances about velocity.

Mr. Jones stated that when this property was approved it was on the reliance that the DEP would also be reviewing the project.

Dr. Keller stated that the original design was a reasonable design. In his opinion that with the DEP requirement explained by Mr. Aasma the DEP is creating the problem for the applicant because they are not allowing the discharge directly into the watercourse.

Mr. Hall stated that there are no waivers from the 300' buffer from the DEP. He would have to meet their requirements for a permit and would then have to go the Highlands.

Mr. Jones stated that as the Boards' professionals are concerned with the design and erosion possibilities it was his opinion that the DEP and highlands should review the application.

Mr. Buzak reviewed for the board their options on approving the amended plan and stated that the applicant is asking the board to approve the amendment because what was previously presented was not approvable by the DEP. The Board is not in a position that they must accept this new design.

Mr. Aasma stated that the DEP directed the applicant to move outside the 300' and when they did what they were directed to do, they result was also that they no longer needed permits.

Mr. Johnson stated that they were not grandfathered from the stormwater rules by the Planning Board approval.

Mr. Banisch answered Ms. McGroarty that the moving of the basin reduced the building envelope on lot f, and confirmed that there was a concern during the hearings about the safety of the detention basin in close proximity to the home. He noted that the conservation easement was increased.

Mr. Hall answered the Board that he is not comfortable with the new plan.

It was decided to adjourn the application to March 14 to allow Mr. Buzak and Mr. Hall to review the application further.

DISCUSSION/ CORRESPONDENCE

1. Morris County's Green Table – January 27, 2005 – Noon – Noted for the

record.

2. Letter from NJDOT RE: January 24, 2005 meeting on the Route 57 Corridor Postponed to January 31st due to weather. Noted for the record.

3. Priority List

The priority list was reviewed.

Mr. Buzak stated that the Housing Element must be adopted and provided to COAH by December 20, 2005.

The board concluded that this should be on work sessions starting next month.

The board discussed the sign ordinance and it was decided this ordinance should be looked at early this year because of the new commercial development, especially because business owners don't realize a placard in a window is a sign.

Mr. DiSalvo stated under the current ordinance there are again major violations. The board decided that this should be on the next work session agenda.

There were no other comments on the list.

4. Stormwater Ordinance including ordinances on:

- Litter Ordinance
- Pet Waste Ordinance
- Yard Waste – must take
- Wildlife Feeding Ordinance

Apply to private property.

- RO-02-05 – Stormwater Regulations

The yard waste and wildlife feeding ordinance was briefly reviewed.

Ms. Kaiser stated that the wildlife ordinance should apply to private property. Regarding the yard waste ordinance, she did not want all lots under 2 acres have to bring their yard waste to the Township Recycling area.

5. Correspondence from Edward Buzak RE: Expert Testimony

The board reviewed the correspondence.

Mr. Hall stated that in other townships he works for he is sworn in each night.

Mr. Banisch stated other townships he works for swears him in once a year.

Mr. Banisch and Mr. Hall stated that they did not have a problem with being sworn in at each meeting.

Mr. Buzak reviewed the pros and cons of swearing in the Board professionals.

Mr. Jones stated that the Planning Board's rules of procedure should be reviewed for this and also for conflict of interest.

It was decided to put rules of the board on the next work.

6. Correspondence from L. C. Hall RE: 2004 Housing Report

The report was reviewed and noted for the record.

7. Vouchers

Mr. DiSalvo made a motion to pay the vouchers as reviewed by the chairman and found in order, seconded by Mr. Kaiser. 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 10:55 p.m.

Virginia R. Kesper