

The regular meeting of February 23, 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:

CLASS III: Kim Ball Kaiser

OTHERS ABSENT: Trevena

STAFF PRESENT: Engineer Hall, Clerk Kesper, Planner Banisch, Environmental Consultant Keller, Attorneys Buzak and Cofoni

* ARRIVED LATE

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 15, 2005 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 February 14, 2005 Regular Meeting

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

RESOLUTIONS

05-11 Valley Shepard – Block 35, Lots 6 & 8 – Fairmount Road – R-5 Zone – 119.751 acres – Approval of Request for amendment to fencing plan under Resolution 03-27 (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

The resolution was tabled to March 14, 2005

05-12 Cianfrocca – Block 47, Lot 11, 11.08 & 11.09 – Pleasant Grove Road & Stephensburg Road – R-5 Zone, 33.40 Acres - Amendment to Resolution 04-12

James Laughlin Applicant
Jeff Cianfrocca, Applicant

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

Mr. Laughlin referred to Paragraph Q regarding conservation easements and objected to the language as written.

Mr. Hall explained that lot 11.08 is predominately steep slopes, on which the board normally take conservation easement.

Mr. Banisch read the steep slope ordinance and the conservation easement ordinance.

The board discussed the issue.

Ms. Cofoni read the original resolution condition regarding easements.

The board was in agreement to amend the current resolution to read the same as 04-21.

Mr. Hall answered Mr. Laughlin that the driveway would be allowed through the easement area.

Mr. Hall stated that this application does not trigger state stormwater or highlands regulations.

Mr. DiSalvo arrived and joined the meeting at 8:00 p.m.

Mr. Hall stated that the easement would be measured from the top of the bank of Stephensburg Brook, not the property line.

Mr. Laughlin stated the applicant would accept the amended condition as stated with the 300' being an average 300' from the top of the Stephensburg Brook.

Mr. Leavens made a motion to approve resolution 05-12 with the amendment to condition Q, seconded by Ms. Kaiser. A roll call was taken:

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

05-13 Cianfrocca – Block 47, Lot 11, 11.08 & 11.09 – Pleasant Grove Road & Stephensburg Road – R-5 Zone, 33.40 Acres – Approval of request for Lot Line Adjustment combining three lots into two

Mr. Price Stepped down due to an engineering conflict.

Ms. Kaiser made a motion to adopt resolution 05-13 as written, seconded by Mr. Popper

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

Nays: None Abstentions: None Absent: Trevena Ineligible: Price

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

Mr. Price rejoined the meeting

1. Review of Washington Township's Municipal Stormwater Management Plan and Master Plan Amendment - Public Hearing

Laura Tessieri was sworn in by Attorney Cofoni

Ms. Kesper stated that this meeting had been noticed as a public hearing for the master plan element and the municipal stormwater management plan.

Ms. Tessieri stated that she is an engineer for Suburban Consulting Engineers and stated that up for adoption tonight is the township stormwater management plan.

Mr. Banisch answered Mr. Popper that this is a planning board master plan element and a DEP compliance document. This plan follows the state DEP guidelines and requirements. Following adoption it becomes a part of the Township master plan. This will change the way we look at stormwater after the Township Committee adopts the required ordinances.

Ms. Tessieri answered Mr. Popper that this regulation is in addition to the New Jersey Highlands regulations.

Ms. Tessieri reviewed the stormwater management plan. She referred to the mitigation plan where specific mitigation plans could be added.

Ms. Kesper explained to the board that Suburban Consulting developed the plan with the input from the Township subcommittee on Stormwater which included Committeewoman Kaiser, Mayor Short, Township Administrator Gallets, DPW Superintendent Scott Frech and herself.

Ms. Tessieri pointed out where the changes in ordinance 05-02 were added to the draft ordinance and stormwater plan.

The meeting was opened to the public on the master plan

Steve Zakowski – Bartley Road asked is there would be a baseline taken on properties to be developed prior to development as to current runoff, volume and velocity of the water coming off the site and also on the property that would be receiving the water. He asked if the Township is bound by the ordinance.

Mr. Banisch stated that the baseline is the assumption that the property is all forested and that formulas used are the most conservative category that yields the most runoff figure to be used as a baseline for any given property.

Dr. Keller stated that it would take years to develop a model on an individual piece of property. The formulas (models) that the DEP and engineer use have been developed for this specific purpose.

Mr. Banisch stated that the Township must abide by the ordinance.

There were no further questions and the meeting was closed to the.

Mr. Hall asked that all the design standards in 05-02, especially off site drainage, be put in appendix one.

Mr. Hall stated that as requested at the last meeting, he spoke to the Township Attorney about when a lot stops being part of a larger development and was told that when zoning protection expires the lot is no longer part of a development. Regarding the term Governmental agencies it was the township attorney opinion that the term would include board of educations and green acre properties.

A Discussion was held on Board of Education projects and inspection of site work.

Mr. Hall stated that as the Township does not review and approve this type of site plan and the Township Engineer is not involved in the project.

Ms. Kaiser made a motion to adopt the stormwater management plan and master plan as presented and amended this evening, and resolution 05-14. Seconded by Mr. Popper. A roll call vote was taken:

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

2. 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, January 10, 2005 January 26, 2005 and February 14- Public Hearing Continued – Expires February 24, 2005

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

Police Chief Ted Ehrenburg was sworn in by Attorney Cofoni.

Mr. Jones explained the ordinance requirement for private ambulance service and stated that the board discussed how this would relate to 911 services and asked Chief Ehrenburg to explain the 911 procedure and options the board may have.

Chief Ehrenburg explained that the 911 system is a nationwide system and stated that a digital address and phone number appears on the computer screen at the police station. 911 is for emergency response and the dispatcher immediately sends a police officer to respond. He stated that all police officers are being trained as EMT personnel. Every 911 call has a police officer answer. He answered Mr. Price that each individual unit at Heath Village is individually located. He stated that Washington Township has no private ambulance services. Heath Village uses private ambulance for patients or residents who need transportation for tests, scheduled medical treatment but for emergencies it is 911 and Washington Township response. He answered the board that Randolph Township contracts full time 6 am to 6 pm personnel who are located at a specific building in the township. He would not support a private ambulance service for emergencies in Washington Township. He answered Mr. DiSalvo how calls are handled if there is more than one emergency call in the same time period. He answered Mr. Popper that the township can easily handle two and sometimes three calls simultaneously. He stated that private ambulance service does not cut down on the amount of equipment the township would need. If there are more calls then the squad can handle they have a back up team called "PRIDE" to be a first aid responder and then they turn to the township mutual aid agreements and another township would respond. He answered Ms. Cofoni that there could be a dispatch option to call a private ambulance number, but it was not his recommendation.

Mr. Price referred to the layout of the US Homes application for age restricted housing and asked Chief Ehrenburg what impact it would have on the community.

Chief Ehrenburg stated that over the last ten years there have been an average of 102 calls per year at Heath Village, which has a population of approximately 700. He answered Mr. Popper that there would probably be more calls if there wasn't a health care facility on the Heath Village property.

Mr. Gast, chief of the Long Valley First Aid Squad stated that the 102 calls are about 10% of the total calls they receive a year.

Mr. Kobert stated that the average age for residents of the development would probably be around 62-65, no school age children and that the maintenance would be done by the association, not homeowners.

Ms. Kaiser asked with this development across from Heath Village would there be a need for another squad station.

Mr. Ehrenburg stated that not having school age children would reduce the number of police calls. He hopes to eventually have an EMT trained officer on each shift and each squad.

Tim Gast, Mary Grant and Marge Kielv, were sworn in by Attorney Cofoni.

Ms. Kielv stated they have concerns with private ambulance services and explained her experience with it. It was her opinion that another 700 people would become a burden on the first aid squad. She stated a substation would help alleviate the burden and a full time EMT would be better.

Chief Gast stated that the current members are a mix of younger and older retired persons with the middle age group making up the smaller number of members. The nearest squad building to this site is Flocktown Road.

Ms. Grant and Chief Ehrenburg explained how a substation by US Homes would help response time.

Chief Gast stated that they currently have 36 members and three vehicles. A fully equipped ambulance is \$180,000.

Ms. Grant stated that currently 5 – 6 members live on the US homes side of the township. The emergency calls vary in ages and a 55 year old community would add to the number of calls.

Chief Ehrenburg answered Mr. Bauerlein that a police officer is always on the scene first and they would make sure that the appropriate service is rendered.

Ms. Kielv stated that there is also back up from Hackettstown, Morristown or Dover Hospitals. She also explained how the fire department also helps when needed.

Ms. Grant stated that having an employee of the development EMT trained would assist in response as well. She answered Mr. DiSalvo that a substation houses the ambulance, supplies and has a bathroom.

Chief Gast answered Ms. Cofoni that a fourth ambulance would be helpful as they do have the volunteers to have four ambulances on the road.

Ms. Kielv answered Mr. Kobert that they do non-emergency transports but only after 6:00 pm and they make about 50 pre-arranged calls a year as an accommodation to township residents.

Ms. Grant stated that the state criteria for elevators is not good enough, as the elevators at Brittney Hills are too small, though they meet state. The Long Valley First Aid squad would be happy to supply the acceptable dimensions. Heath Village elevators are acceptable. She suggested more than one elevator per unit. They will respond to the outside entrance, and would not go into garage. She answered that they would not be able to enter the garage if it is only eight feet high.

Mr. Hall read the ordinance regarding ambulance service.

Mr. Kobert referred to a memo on the condominium association, which was marked A-19. The document is ultimately over 100 pages long and must be approved by the DCA. He answered Mr. Jones that the applicant would give the board a copy of an approved association by-laws as a representative sample.

Ms. Cofoni stated that a condition of approval could be the form of the association by laws would have to be approved by the Township Attorney and any specific conditions the board wanted be put in the resolution.

Mr. Omland addressed the lighting issues. He referred to a lighting exhibit, that was marked A-20 entitled color landscape and lighting plan January 23, 2005. He testified that the lighting consists of four different type of fixtures as detailed on page 23 of the plans and previous exhibit A-16. He explained the fixtures for street lighting and walkways would be the same style but at different heights for the streets then walkways. Bollard lighting will run along the walkway from the clubhouse to Schooley's Mountain Road. Up lighting would be used in the recreational and water feature area (low wattage to illuminate trees that would not travel off site) He stated that the ordinance requires more lighting then proposed along the street. A lighting rendering for ordinance requirements was marked A-21 which showed the greater lighting patterns created if the applicant met the township requirements. He stated that the lighting proposed would not have any illumination on the ground off site. He answered Ms. Kaiser that the clubhouse lights would be put on a timer. He answered the board that he would

use a fixture where the bulb was concealed in the cap of the fixture. The applicant will design it anyway the board wants it.

Mr. Hall stated that he did not have comments regarding the lighting.

Mr. Omland answered Mr. Hall that the lights are high-pressure sodium lights. The applicant would supply either this or metal halide, whatever the board preferred. He was looking for relief from the ordinance on lighting to supply lighting per exhibit A-20 vs. A-21.

Mr. Jones stated he preferred A-20, not the conforming plan but was concerned with glare onto Schooley's Mountain Road and intersection lighting.

The board discussed waiving the maximum compliance regarding the lighting.

Mr. Hall was in general favor of granting the waivers his concerns are with a the intersections.

The Board was generally in favor of the waiver and sodium lights, non-capped lighting and consistency with the Hasting Square lighting.

Mr. Omland stated that the clubhouse would probably be open to 10:00 each night, with exceptions of special events.

Ms. McGroarty recommended that the tennis courts not be lighted due to their proximity to Schooley's Mountain Road.

The board discussed the lighting of tennis courts and stated that if the applicant plans on lighting the tennis court the board should see more detail on the lighting and provide additional landscaping.

Mr. Kobert stated that the applicant would have a meeting with Mr. Maltz, Mr. Hall and Mr. Banisch on the remaining traffic issues and bring them back to the board.

Mr. Kobert stated that at the next meeting they would discuss signs, ambulance service, and complete lighting and possibly the COAH issue.

Mr. Jones would like to have a TCC.

Dr. Keller stated that his major issue that hasn't been addressed by the applicant is the presence of the wood turtle. It was his opinion that because of the extensive buffers and the water features being provided this would be an issue. They have covered his concerns with endangered species, water quality and landscaping.

Mr. Jones stated that he spoke with Mayor Short and at the recent Township Committee meeting the Township Committee discussed traffic in this area that

they would like to see a light at the intersection of US Homes and Hastings Square.

Mr. Kobert stated that the location of a light is up to the county.

Mr. Omland stated that they would discuss this at the TCC.

Mr. Banisch addressed the new COAH rules. He explained that a maximum of 50% of a townships obligation could be met by age-restricted housing. After discussions with Mr. Buzak and the applicant there are three or four options that could address the option. He briefly explained the options as: 1. Leave the plan as is accepting that more housing will be built then we need for this component 2. Contribution for non-age restricted to be constructed by the township off site. 3. Developer to build non-age restricted housing on site. He stated that we are talking about 25 units that have to be moved somewhere else. 45 units are accommodated now and in numbers respond to growth share, but not age restricted. The township would get credit for a maximum of 20 age restricted units. The question is, if the non-age restricted housing could be accommodated on site, does the board want to see it.

The board stated that TCC was needed on this issue as well.

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

Mervyn Haines – Schooley's Mountain Road – asked if, other than equipment and supplies, do emergency calls cost the township money. He asked about vernal pools and the classification/name of the stream that flows onto the property. If there are vernal pools he wanted them certified by the DEP.

Dr. Keller stated that since the property has been actively farmed he did not see how there could be vernal pools on the site.

Mr. Kobert will get back to Mr. Haines with the information requested.

There were no further questions and the meeting was closed to the public for questions and comments on this evenings testimony.

A TCC was scheduled for March 9 for the board and professionals at 10:00 am to discuss COAH and Ambulance issues. Mr. Jones, Ms. Kaiser, Mr. Bauerlein, Ms. McGroarty and Mr. Price will attend for the board.

A TCC for traffic was tentatively set for March 2 or 3 at 10:00 am depending on Mr. Maltz's availability.

Mr. Kobert granted an extension of time through March 30, 2005.

The application was adjourned to March 14 .

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
 Absent: 2/14 – DiSalvo, McGroarty
 Absent: 2/23 - None

DISCUSSION/ CORRESPONDENCE

- 1. Vouchers
- None

2. Correspondence from Attorney Buzak regarding COAH regulations

Noted for the record.

3. Correspondence from Beattie Padovano, LLC – RE: Scudese v. The T.M.Group, Inc.

Ms. Cofoni stated that they received a motion on the appeal of the preliminary and final approval. The brief was due February 2, instead last week a motion was made by the objectors that the appeals be stayed and challenging the order that separated the issues. They are seeking to postpone the appeals.

4. Highlands

Ms. Kaiser stated that she and Ms. Kesper attended the Highlands Council meeting where Larry Baier of DEP spoke regarding DEP highlands regulations. It was clear that the Township can determine applicability and exemptions. He stated that if necessary a DEP review could be made a condition of a resolution of approval. He suggested that the board put on the record the reasons for its determination regarding applicability and also note that it is ultimately the applicants responsibility to determine compliance with the highlands regulations.

Mr. Leavens made a motion to adjourn, seconded by Ms. Kaiser. A voice vote was taken; all were in favor and the meeting was adjourned at 11:15 p.m.

Virginia R. Kesper