

The regular meeting of March 14, 2005 of the Washington Township Planning Board was called to order by Chairman Jones at 7:40 p.m.

MEMBERS PRESENT

CLASS IV: Charles DiSalvo, R. Gregory Jones, Kathleen McGroarty, Howard Popper

ALTERNATES:

CLASS I: Geoffrey Price

CLASS II: Eric Trevena

CLASS III: Kim Ball Kaiser

OTHERS ABSENT: Leavens, Bauerlein

STAFF PRESENT: Engineer Hall, Clerk Kesper, Planner Banisch, 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 23, 2005 Regular Meeting

Ms. Kaiser made a motion to approve the minutes, seconded by Mr. Price. A voice vote was taken; Mr. Trevena abstained all others 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

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

The resolution was tabled to the next meeting as there was not a quorum of members eligible to vote present.

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

DECISIONS ON COMPLETENESS

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

Robert Mielich, Applicant’s Attorney
Harry Metzler, Applicant’s Surveyor
Mathew Carfaro, Applicant

The file was reviewed for completeness.

Mr. Metzler stated that all soil would remain on site.

Mr. Hall recommended completeness.

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

APPLICATIONS

1. Brown – Block 25, Lot 28 – 30 Maple Lane – R-20 Zone, .5 acres – Minor Site Plan for Conditional Use Home Occupation – Hair Salon

Kelly Brown, Applicant

Kelly Brown was sworn in by Mr. Buzak.

Ms. Brown stated that she wanted to operate a small salon with herself as the only employee within 350 sf of her home. She submitted photographs of her driveway which were marked A-1 and A-1 where she stated she had sufficient parking. She agreed to the WTMUA letter. She answered Mr. Hall that the addition where she proposes to have her business has been built.

Mr. Hall referred to his letter of March 1, 2005 and stated that the applicants' letter of March 2, 2005 answered his concerns. It was his opinion that this use met the conditions of the home occupation ordinance.

Ms. Brown answered Mr. Price that she proposes to work three days a week, probably Tuesday, Thursday and Saturday. She referred to the photograph and pointed out where clients would park. She plans to operate nine to five. She does not plan to have a sign.

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

Ms. McGroarty made a motion to approve the conditional use as testified this evening, seconded by Ms. Kaiser

Ayes: DiSalvo, Jones, Kaiser, McGroarty, Popper, Price, Trevena

Nays: None Abstentions: None Absent: Leavens, Bauerlein

2. Carfaro – Block 63, Lot 28.03 – Hackelbarney Road – -5 Zone – 16.138 acres - Request for two lot minor subdivision – Expires – Public Hearing if deemed complete

Robert Mielich, Applicant's Attorney
Harry Metzler, Applicant's Surveyor
Matthew Carfaro, Applicant

Harry Mielich and Matthew Carfaro were sworn in by Attorney Buzak.

The plans were marked A-1.

Mr. Metzler explained that the application is a minor subdivision. The lot currently has an existing home on the site. He has submitted two sets of plan, one a conforming subdivision and one that uses the existing driveway. He noted that the site walk committee and planner recommended that the existing driveway serve both homes.

Mr. Carfaro stated that he has agreed to the joint driveway.

Mr. Trevena stated that he and Mr. Bauerlein walked the site and agreed that using the current driveway is a preferable plan.

Mr. Metzler stated that by having a shared driveway they will minimize the impervious coverage. They will have a shared driveway agreement and will have an easement for the existing water line.

Mr. Hall referred to his letter of March 2, 2005.

Mr. Metzler answered Mr. Hall that even with a K-turn and widened driveway to conform to the driveway ordinance the application will be under an acre of disturbance and impervious coverage would be less than one quarter acre.

Ms. Kesper reported that she spoke to Dr. Keller who stated that if there was public water, if was satisfied with the plans as presented.

Mr. Carfaro answered Mr. Hall that the area (2.3 acres) from the power lines east will be put in a conservation easement. He agreed to providing shade trees if required by the Shade Tree committee.

The letters from the Health Department, Shade Tree, Environmental Commission, Fairmount Fire Company and Dr. Keller's letter were reviewed.

Mr. Carfaro addressed the environmental committee letter and stated that the property is farmed and not grassland. He plans to continue farming including hay and farm animals. The area he agreed to put into a conservation easement is forested.

Mr. Mielich stated that farming is allowed under the public service power lines easement.

Mr. Carfaro stated that the property is farmland accessed. He is not doing woodland farming at this time.

Mr. Hall stated that under the conservation easement woodland management would be allowed after having the woodland management plan approved by the Township Engineer.

Possible road improvements were discussed.

Mr. Metzler stated that there is a stone and grass gutter currently in front of the property. The road is 20' wide in this area.

Mr. Mielich stated that based on the testimony it was his opinion that there was no need for road improvements.

Mr. Hall recommended a waiver of road improvements. He stated regarding stormwater, the applicant does not meet the threshold requirement for detention based on the New Jersey regulations. He recommended drywells for the roof drains. He noted that the applicant will have to submit revised driveway plans.

Mr. Metzler marked the marked up plan as A-2.

Mr. Hall explained the flag staff is still part of the plans, but the driveway will not be in the staff, but will share the current driveway.

Mr. Metzler answered Mr. Buzak that the new house will have it's own water line. The driveway and utility easement will cover the driveways and utilities. The utilities have been surveyed. He will add the electrical lines to the plans.

Mr. Hall asked that sheets 1-5 be revised to include the information in the second set of plans.

The meeting was opened to the public for questions and comments on this application. There were no questions or comments from the public and the meeting was closed to the public.

The requirements for revised plans were reviewed.

Mr. Hall wanted the revised plans submitted ten days prior to the next meeting.

Mr. Buzak recommended not taking action on the application until revised plans are received.

The meeting was adjourned to April 27, 2005

Eligible: DiSalvo, Jones, Kaiser, McGroarty, Popper, Price, Trevena

Nays: None Abstentions: None Absent: Bauerlein, Leavens

3. 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 – Previously Heard January 26, 2005 -Public Hearing

George Johnson, Applicant's Attorney
Andrus Aasmaa, Applicant

Mr. Hall stated that he has explained his concerns to the MCSCD.

Mr. Hall explained that the applicant submitted two permit applications to the DEP to do what was approved under the planning board's preliminary. The applicant has informed him that the permits would not be approved by the DEP and that the DEP requested the applicant to move the outfall structures, which were subsequently approved by the MCSCD. In moving the outfall structures the need for DEP permits was eliminated. He stated that he wanted to see some documentation as to what transpired at the DEP.

Mr. Aasma testified that he spoke to Susan Michniewski, of the DEP who was the review officer on his application. He explained Mr. Hall's request and asked her for the letter, he was told that the DEP was too busy to reopen the application or send any information as the applicant is now outside their jurisdiction. He referred to a letter he wrote to Ms. Michniewski on August 6, 2004 and read it to the board. The letter was marked A-2 and was distributed to the board. A copy of the approved preliminary plans was marked A-3. An Exhibit of the plans approved by the DEP was marked A-4. Exhibit A-3 has the detention basin discharging into an existing swale. Exhibit A-4 has the detention basin moved 40' southeast with dual discharge points that are 300', measured perpendicularly, from the C-1 watercourse. He answered the board that he

actually prefers the plan approved by the Board (A-3) but that the DEP would not approve that plan. He read the new stormwater plans to the board where it states that discharge directly to a C-1 watercourse was no longer permitted. The legislation was marked A-5 and distributed to the board. After he meet with the DEP he revised the plans to meet MCSCD requirements. On June 28, 2004 the applicant received MCSCD approval of the revised plans. The MCSCD Certification was marked A-6. He referred to an August 6, 2004 letter from the DEP regarding permit withdrawal, which was Marked A-7.

Mr. Aasmaa addressed the off site channel stability analysis and stated that it was approved by MCSCD. He answered Mr. Hall that it was his opinion that stability analysis is inherent in the MCSCD review process.

Mr. Jones noted that the August 6, 2004 DEP letter referred to a Highland's approval requirement.

Mr. Johnson stated that you cannot apply to the Highlands without planning board approved plans.

Mr. Buzak disagreed.

Mr. Johnson agreed that the Highlands Act was applicable to them and they needed to seek a waiver, and reiterated that the applicant needed to have plans to present that had been approved by the Planning Board.

Mr. Aasmaa answered Mr. Hall that the DEP stated that the swale was just that, a swale and it was not a stream shown on any maps.

Mr. Hall read from the standards for soil erosion and sediment control for N. J., which are part of the 2004 stormwater regulations. It was his opinion that the dual outfall configuration will not result in a stable condition. It was also his opinion that the applicant has not demonstrated off site channel stability. This is the issue he is discussing with MCSCD.

Mr. Buzak explained why the board should see documentation that the applicant sought all necessary permits from the DEP. He noted that he is not satisfied that the DEP denied the application. He stated that as explained by the applicant, it appears that the DEP did not actually deny the application but gave the applicant the indication that they did not want to considered it any longer the applicant decided that because their was an alternative, lets go that route and the DEP is no longer involved. He does not believe the plan the board approved got a complete hearing at the DEP. If the applicant withdrew the application from the DEP he has not resolved this with the DEP. He stated that if the application had been denied by the DEP the applicant has a right to come before the board to ask for a modification of the plans. The DEP condition has not been fulfilled. He suggested that the applicant reactivate the application and if it is denied, then come before the board again.

Mr. Johnson stated that the application would be denied by the DEP because the plan clearly does not meet the current stormwater requirements. He answered Mr. Jones that half the property is being preserved under this development plan.

Mr. Aasmaa did not think that the DEP would entertain this application. It was his opinion that the applicant has detailed and documented the process they went through with the DEP that this was not an approvable plan.

Mr. Price was of the opinion that this application should be reopened for stormwater only.

Mr. Aasmaa answered Mr. Hall that the DEP application was deemed complete and assigned a number on March 23, 2004 but that he did not received a letter from the DEP. It was assigned to Ms. Michniewski on February 22, 2004. He never received a yellow form. He filed the application on December 11, 2003 and received a rejection letter on January 29, 2004. The calculations were sent in on February 12th.

The board discussed the request and they did not want to take action until Mr. Hall was satisfied.

Mr. Buzak suggested that the board give the applicant direction; was the applicant diligent in trying to obtain DEP approval or not.

Mr. Hall referred to the stormwater rules, which state if off site stability cannot be met, then the DEP could allow outfall structures to go within the 300' buffer.

Mr. Buzak stated that comes later in the process. He stated that the applicant followed the process for DEP approval, and the board has to determine if the applicant diligently tried to get DEP approval. The concern Mr. Hall brought up comes into play after the board makes a decision on the applicant's diligence.

Mr. Buzak answered Mr. Jones that his position is that the applicant was not denied by the DEP and the applicant could reapply to the DEP to get a determination – denial or approval. But he realized that the regulations are direct as to the discharge requirements and it appears the applicant has to move the outfall structure. Therefore it may be may be futile to send the applicant back to the DEP unless there are other ways to allow discharge within 300'. The applicant has stated that there is no waivers or variance on this issue at the DEP.

Mr. Hall answered Mr. Jones that there is no specific criteria to determine off site stability and read the NJ regulations regarding off site stability. He wanted more time to determine if the applicant has demonstrated off site stability.

The application was adjourned to April 11th for Mr. Hall to determine off site stability.

4. Turnquist – Block 30, Lots 58, 60, 61 – Kings Highway – R-20 and R-5 Zone – 38.21 Acres – Request for two lot minor subdivision with variances

Adjourned at Applicant's request to April 11, 2005.

5. 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, February 14, 2005 and February 26, 2005- Public Hearing Continued – Expires March 30, 2005

Joel Kobert, Applicant's Attorney
William Hamilton, Applicant's
Michael Savage, Applicant
Harry Szwed, Applicant

Mr. Kobert referred to the age restricted documents from Greenbriar at Ocean Air. This document limits children, references fair housing act, and age restrictions. Page 54 referred to the 80/20 rule which allows for 20% of the residents to be less than 55 – but at least 50. Page 57 states no resident children under the age of 19.

Mr. Buzak will review the agreement and get back to the board on it. A-22 is the full set of documents from Greenbriar at Ocean Air. The except was marked A-23 Greenbriar at Ocean Air.

Mr. Hamilton referred to a lighting fixture exhibit that was marked A-24 that he distributed to the Board.

Mr. Hamilton answered the Board that the bulb in the clear area was not the filament, just decorative and that the light source is located in the white dome.

The board reviewed the exhibit. The board was unanimously in favor of the manor light.

Mr. Hamilton distributed a photograph of the proposed light for the tennis court.

Mr. Hamilton answered Mr. DiSalvo that there is no light spillage onto Schooley's Mountain Road from the lights on the tennis court. You would be able to see that there is light on the court. He pointed out the landscaping between Schooley's Mountain Road and the tennis court. The courts are 270' from Schooley's Mountain Road at the closest point. The lights would be further shielded so the light is only directed onto the tennis court.

Mr. DiSalvo was concerned with this lighting and the impact on the residents across the street.

Mr. Hamilton stated that the lights would only be on when people were playing on the courts. There would be a timer to make sure the lights are off by 10:00 p.m.

The board accepted the lighting presented for the tennis court.

Mr. Hamilton stated that in order to comply with the sight distance requirements they have modified the plans to include an additional cul-de-sac. He distributed revised site plan details consisting of four pages. An exhibit marked proposed layout changes was marked A-26.

Mr. Hamilton displayed photographs of a sign exhibit, which was marked A-27. A hand out of the sign with dimensions was marked A-28. He stated that the maximum height is 7', but with the landscaping in front it would be appear to be more like 5' and the sides drop down to 2'. The two signs together are less then the 60 sf allowed by ordinance. The sign location is shown on the plans one on each side of the entrance.

Ms. McGroarty asked for a smaller scale and trees to be planted behind the sign.

Mr. DiSalvo stated that the mass was unacceptable to him.

Mr. Hall stated that the entire center would be considered the sign (7' x 11' area).

Ms. McGroarty stated that something in line with the size of the signs at Hastings Square would be acceptable.

Mr. Hamilton stated that the sign is proposed to be 50' from the edge of pavement.

The board was in agreement that the sign was too large, especially with the applicant proposing two signs.

Mr. Kobert stated that the applicant would present another sign plan.

Mr. Kobert stated that the applicant would supply a letter in reply to Mr. Hall's letter and at the next meeting they would address Dr. Oweis's geology report. He stated that they would they meet with the Township Committee on the issues of COAH and ambulance service if the Board wanted.

The need for an additional site walk and or balloon test was discussed.

Mr. Hamilton stated that buildings 1, 2, 21, 19 and 20 have been staked out.

Ms Kaiser suggested a three-D presentation.

Mr. Hamilton stated that if massing was the concern, an architectural rendering would be better.

Mr. Kobert stated that the applicant would try to come up with architectural details to satisfy the boards concerns.

The board decided to hold off on scheduling a site walk or balloon test until further testimony was received.

Mr. Banisch referred to the Long Valley First Aid Squad letter of March 13, 2005.

Mr. Kobert referred to his letter wherein the applicant offered the Township \$150,000 towards emergency services.

Mr. Jones stated that the First aid squad letter stated that they also need a location and building.

Mr. Kobert stated that they are willing to sit down with the Township Committee and Planning Board to review and resolve this and the COAH issue.

Mr. Banisch reviewed the development options for COAH discussed at the TCC. The options are: The applicant build 45 units age restricted; build the required 20 age restricted and the other 25 unit required by either paying the COAH housing contribution or other building options.

Mr. Hall referred to the applicant's letter of March 10th and stated that he would like to reply to that in writing to let the board know what is still open.

Mr. Hall referred to the letter from the Township Committee regarding a traffic light and that the Township Committee would prefer the light at the intersection of Hastings Square and this development.

Mr. Kobert stated that the Schooley's Mountain Road intersection and the intersection at Hastings would have the conduit for a light installed, but it is up to the County at which intersection the light would be located.

Mr. Hamilton stated that the applicant submitted revised plans to the County last week.

Mr. Kobert suggested Mr. Hall speak to the County about this issue.

Mr. Hall agreed to do this.

Mr. Szwed stated that he submitted revised plans to the fire company today.

The meeting was opened to the public for questions and statements on this evenings testimony .

Mervyn Haines – asked why the board considered a 3-4 story building.

Mr. Jones stated that it was preferable to single-family homes or industrial.

Mr. Banisch stated that the height meets the ordinance standards.

Mr. Hamilton stated that at no point is it a four story building.

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

Mr. Szwed answered Mr. Price that regarding the HMUA water permit and stated that they have been conducting well test sites. The applicant believes they have found a good site and they will offer this well to the HMUA to supplement the HMUA's wells.

Mr. Kobert stated that he has spoken to Mr. Smith of the HMUA and it was the HMUA opinion that they are approximately six months away from receiving DEP approval to issue water permits.

Mr. Szwed stated that the well on site would take care of all this development needs plus increase capacity for the community as a whole. The well is 900 gallons a minute with low tribidty.

The application was adjourned to March 23, 2005.

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

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

Absent: 12/13 McGroarty

Absent: 1/10 None

Absent: 1/26 None

Absent: 2/14 – DiSalvo, McGroarty

Absent: 2/23 – None

Absent: 3/14 – Leavens,Bauerlein

DISCUSSION/ CORRESPONDENCE

1. Vouchers

Mr. DiSalvo made a motion to approve the vouchers found in order by the Chairman and send same on for payment, seconded by Ms. Kaiser.

2. Wastewater management Planning in the Highlands Seminar – March 15, 2005 Olive

Noted for the record.

3. Correspondence from John Hemmings RE: Hidden Hills Emergency Access Road

The board reviewed the letter and concluded that this was a township committee and / or police issue.

4. West Morris Central – Partial Roof Replacement

The board reviewed the documents and concluded that planning board review was not necessary for this renovation.

5. Stormwater Ordinances RO-08-05 (outfall discharge), 10-05 (Illicit stormwater connections), 11-05 (Recycling), 12-05 (Feeding of Wildlife), 13-05 (Littering), 14-05 (pet waste)

Ms. Popper made a motion that the planning board finds that the above ordinances are not inconsistent with the Township Master Plan and recommend that they be adopted by the Township Committee. Seconded by Mr. Price. A voice vote was taken; all were in favor and the motion carried.

6. RO -09-05 – COAH Development Fee and Affordable Housing Contribution

Ms. Kaiser made a motion that the planning board finds this ordinance is not inconsistent with the Township Master Plan and recommend that it be adopted by the Township Committee. Seconded by Ms. McGroarty. A voice vote was taken; all were in favor and the motion carried.

7. Correspondence from MCPB RE: Bicycle and Pedestrian Path pilot project

Noted for the record.

8. Correspondence from Headquarters Development RE: Affordable Housing

Noted for the record.

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

Virginia R. Kesper