

The regular meeting of April 27, 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, R. Gregory Jones, Kathleen McGroarty, Howard Popper
- ALTERNATES: Lou Mont
- CLASS I: Geoffrey Price
- CLASS II:
- CLASS III: Kim Ball Kaiser
- OTHERS ABSENT: Akin, Leavens, Trevena, DiSalvo
- STAFF PRESENT: Engineer Hall, Clerk Kesper, Planner Banisch, Attorneys Buzak and Cofoni

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 April 11, 2005 Regular Meeting

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

2. Minutes from the April 19, 2005 Work Session

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

RESOLUTIONS

05-16 Claremont Village – Block 28, lot 18.02 – Request for amendment to Resolution 04-18 Approval of preliminary site plan for 29,600 sf shopping center – for changes to soil disturbance permit (condition N-5 (iii))

Ms. Kaiser and Mr. Jones stepped down due to a conflict of interest.

Mr. Popper made a motion to approve resolution 05-16 seconded by Mr. Trevena. A voice vote was taken:

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

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

None

APPLICATIONS

- 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 – –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, February 26, 2005, March 14, 2005 and April 11, 2005- Public Hearing Continued – Expires May 9, 2005

Joel Kobert, Applicant's Attorney
William Hamilton, Applicant's Engineer
Harry Szwed, Applicant

Mr. Hamilton reviewed the road improvements at Schooley's Mountain Road and Newburgh Road and stated that they have reviewed the right of ways that currently exist and there are no right of way's that need to be acquired for the widening. He answered Mr. Hall that the right of way for Schooley's Mountain Road is 33' wide and the County does not require additional right of way width.

Mr. Kobert stated that the applicant is building the intersection and contributing \$100,000 towards the traffic light and the applicant was not offering to pay for condemnation if property is needed later. He stated that the applicant would not accept a condition of approval to make the applicant responsible for the right of way acquisition should it be required if the design was changed from its current design.

Mr. Buzak stated that the Township would be allowed to collect the costs from the applicant because the widening is being caused by this development.

Mr. Hamilton answered Mr. Price that there is a catch basin at Schooley's Mountain Road and Newburgh which discharges down Newburgh Road. The improvements requested by the county are at the intersection on the opposite side of Schooley's Mountain Road and is only five feet. He answered Mr. Banisch that the design that was submitted was a detailed conceptual plan. They have now done a 30-scale detail plan to complete the design and the detailed design reflects the same information as the conceptual plan.

Mr. Kobert stated that the applicant would pay their fair share of the condemnation should it become necessary to acquire further right of way. He was concerned that if the county decides that the intersection should be further improved past what is shown on the plan the applicant would have to pay for condemnation that was not required by this subdivision.

The Board concluded that the issue of who would pay for condemnation costs would be discussed and decided at time of final site plan approval, at which time the design of the intersection would be completed.

Mr. Hamilton referred to the minor subdivision sketch that was submitted to the board and it was marked A-35.

Mr. Banisch stated that the 1.5 acres shown was a suggestion he made to preserve open space.

The board reviewed the Plan.

Mr. Jones suggested that the frontage be wider.

Mr. Trevena suggested the garage doors be opposite the road and not on the side to speed emergency exit.

Mr. Banisch suggested deferring the subdivision to final so that the configuration of the lot could be discussed with the township.

Mr. Buzak advised the board that because of our ordinances on minor subdivisions he would like to have the minor as part of this application.

The board concluded that the minor subdivision would be for a two acre lot in the shape of a 200' x 440' rectangle.

Mr. Hamilton addressed the handicapped fishing access and public access and stated that they have consulted with their environmental consultant and they can provide paved handicap access to the river, although it will require an additional permit, but that the applicant agrees to do it. The applicant has also agrees to provide a visual observation deck as requested in Mr. Banisch's letter of April 27, 2005 memo, item 4.

Mr. Kobert clarified for the record that the applicant has offered to pay half the traffic light capital costs up to \$100,000 and build the first aid squad building up to a cost of \$100,000.

Mr. Kobert referred to the fire truck drawing and stated that they have forwarded it to the fire department but have not heard back from them yet.

Mr. Trevena stated that this sketch is more accurate then the previous sketch.

Mr. Hamilton stated that the applicant agreed to do all items in Mr. Banisch's memo of April 27, 2005.

Mr. Buzak referred to the previous letter from the fire department letter, which approved the application, but noted that mutual aid had the two pieces of equipment they would need to fight a fire at this site as they did not have those two pieces of equipment in Washington Township. He brought up the issue of the applicant providing his share of the cost for appropriate equipment.

The revised sketch was marked A-36.

Mr. Hamilton answered Mr. Hall that the applicants' architect prepared the fire truck sketch and it is to scale as to the roofline.

Mr. Jones directed Ms. Kesper to ask the fire department to confirm receipt of the sketch and provide comment if necessary regarding the March 22, 2005 letter.

Mr. Hamilton confirmed that a revised phasing plan would be developed showing three phases, first phase would be the detention basins, then one section of the development and then the remainder of the development. He asked that this be made a condition of approval.

Mr. Hall was agreeable to the above request.

Mr. Buzak addressed the board regarding age restrictions of the development under the fair housing act. It is intended for persons 55 years or older except that 80% of the units must be permanently occupied by one person 55 or

older and that up to 20% may be occupied by a person under 55 as long as one person is 50 years of age or older. There is a restriction that only one child 19 years or over may reside with a parent(s). He stated that after review of the homeowner association documents the limitation on 50 year old persons is further restricted to prevent granting of more than 15%.

Mr. Kobert will get the clarification for Mr. Buzak that the 15% is not an additional 15% but a reduction from 20% to 15%.

Mr. Buzak clarified for the Board that the barrier free public access would be built by the applicant. The easement along the river to the township was just an easement, the applicant would not be building it.

Mr. Banisch stated that a value should be added to the two acres being donated to the Township.

Mr. Jones directed Ms. Kesper to ask the tax assessor for this value.

Mr. Buzak stated that they would draft a resolution and circulate it to the professionals and the applicant and would have a resolution draft for the May 25, 2005 meeting for the boards review and possible action.

Mr. Kobert granted an extension of time to June 13, 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

Absent: 4/11 – Leavens, Mont

Absent: 4/27 – DiSalvo, Leavens, Akin

DISCUSSION/ CORRESPONDENCE

1. Vouchers

Ms. Kaiser made a motion to approve the vouchers as 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.

2. Ridgeline Map

Mr. Banisch distributed a steep slope and ridgeline map and a topography and ridgeline map. He explained that both maps have the same ridgeline on them. The topography map is showing the buffer areas.

Ms. Kaiser suggested removing the ridgeline at the 900' contour line south of the fox hill range because of the lack of a toe slope.

Mr. Buzak stated that we should have the map and a consistent definition to support it.

Mr. Banisch stated these maps do not have a protection area shown. He read the definition of a protection area.

Mr. Banisch stated that the map is close, but it and the ordinances need some minor changes.

The board would like to see a larger map for the next review and directed Mr. Banisch to have a new map and the ordinance changes ready for review at the May 25th meeting.

3. ANJEC seminar on Highlands Regulations and Proactive Planning – May 23, 2005 7:30 pm

Ms. Kaiser stepped down from the discussion due to a conflict of interest.

Noted for the record.

4. April 13, 2005 Correspondence from NJ Highlands Council RE: Highland Council's Municipal and County Advisory Council – Meeting May 24, 2005 – 3:30 p.m.

Ms. Kaiser stepped down from the discussion and left the room due to a conflict of interest.

The board discussed the need to attend the meeting. Clerk Kesper was asked to find out if it must be the same individual at each meeting or if a rotating member could attend for the board. This will be discussed again at the May 9th meeting.

5. April 5, 2005 Correspondence from Thomas & Eileen Jankunis RE: Sewer Issues

6.

Ms. Kaiser stated that the MUA has resolved the issue temporarily with a manual over ride valve for the homeowner to turn off in case of emergency. They are working on resolving the issue permanently and have cleaned up the homeowners property.

7. Invitation to Long Valley First Aid Squad Open House, May 21, 2005

Noted for the record.

8. Mr. Jones announced with regret the death of Bill Harrington and gave the information on the wake and funeral.

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 9:45 p.m.

Virginia R. Kesper