

The regular meeting of May 9, 2005 of the Washington Township Planning Board was called to order by Vice Chairman McGroarty at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: Charles DiSalvo, William Leavens, Kathleen McGroarty,
Howard Popper
 ALTERNATES: Sam Akin, Lou Mont
 CLASS I: Geoffrey Price
 CLASS II: Eric Trevena
 CLASS III: Kim Ball Kaiser
 OTHERS ABSENT: Bauerlein, Jones
 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 27, 2005 Regular Meeting

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

RESOLUTIONS

None

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

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

Eric Turnquist, Applicant

The file was reviewed for completeness.

Mr. Hall stated that he had received the necessary items to deem the application complete.

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

2. Granta – Block 43 Lot 48.01 – Kings Highway – R-5 – 19.0661 Acres – Request for two lot minor subdivision with variance for flagstaff

Adjourned to May 25, 2005 at the request of the applicant

APPLICATIONS

1. Regency at Long Valley I (Formerly Jade land – Welsh Farms Estates) – Block 28, Lots 46 & 47 – Village age restricted housing overlay zone – 27.83 acres – Request for amendment to preliminary subdivision and site plan approval (Resolution 04-16) and Final subdivision approval (04-27) – Reduction from 50 to 45 building lots and elimination of private community center and three COAH apartments

Michael Selvaggi, Applicant's Attorney
George Ritter, Applicant's Engineer
Ray Rice, Applicant

George Ritter was sworn in by Mr. Buzak.

Ms Kaiser and Mr. Akin stepped down as they are on the MUA board that owns property within 200'. Mr. Leavens stepped down due to a conflict of interest as he is on the land trust, which owns property within 200'. Mr. Mont stepped down due to a conflict of interest.

The file was reviewed for completeness

Mr. Hall stated the missing items were applications have been submitted.

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

Mr. Ritter referred to the previous site plan dated 1-22-04, which was marked A-1. He stated that the original site plan was for 50 homes and a clubhouse. He stated that this had to be changed because of the DEP permits required and the required stream buffer. To accommodate this there is more open space on the site. A color version of the new site plan, page 6 of 16 was marked A-2, which showed the redesign. Five units have been dropped and the community center was eliminated and the cul-de-sac (Raspberry Lane) was extended and shifted to the east. The total amount of impervious was reduced from 7.8% to 6.7% and the lot coverage from 19% to 15.9%. He stated that the variance relief for the clubhouse could be granted because the DEP requirements forced the reductions and because this is a redevelopment of a Brownfield and also because it would be a financial burden for the applicant and subsequent property owners. He referred to Mr. Banisch's report of May 9th. The buildable area of the site is constrained and the DEP requirements have made it more so. The total number of sites the clubhouse would be a financial burden for the future residents and homeowner association. He stated that they also need to keep the sewer allotment under 18,000 gallons per day and the community center would bring the allotment over that amount and would trigger a new permit. There are larger buffers than in the original plan. Without the community center they are outside of the 95-foot stream corridor or there will be some incursion with the cul-de-sac. They are removing the buildings that are currently in and adjacent to the stream. The positive benefits outweigh the negatives with the reductions in coverage and the increase in protected open space. He stated that the loss of the clubhouse is a minor impact as the size of it, 1000 sf; it was essentially only a meeting room.

Mr. Ritter addressed the variance for units 33, 39 and 40 for 28' setback for curb to garage. He stated that Lot 6 meets the criteria. The units are corner lots and this is where they lose the required footage. It was his opinion that this was de minimus as it is only a 10.2" variance and there is still sufficient room to park a car in the driveway. They could comply by making the radius tighter on the corners that would still meet RSIS. This variance was not present in the original plan.

Mr. Banisch agreed with Mr. Ritter that this was a de minimus exception from the ordinance.

Mr. Hall stated that the plans scale 24' for lot 6.

Mr. Ritter stated that his office reviewed the plans on the computer and the plans would be amended for the correct feet.

Mr. Trevena suggested moving the garages back and the variance would be gone.

Mr. Hall agreed.

Mr. Hall suggested reducing the curve radii just enough to meet the 20' requirement.

Mr. Ritter could not confirm that this would work with the architecture, but he would revise the plans to eliminate the variances if it were possible.

Mr. Ritter reviewed the waivers requested and stated that they were also part of the original application. He referred to exhibit A-1 and pointed out the intrusion into the 95' stream corridor. He pointed out what is currently in the 95' stream corridor. The sidewalks will be 50' from the edge of the stream. He addressed the waiver for the sanitary manhole #2. He pointed it out on the plan and stated that it is in the open space area. The reason it was left there was because of the gas easement that runs across the property and they have the sewer in the open space to keep the separation. He also noted that the roads are private roads. The applicant will provide an easement for the manhole. It is 18-19' off the road.

Mr. Hall agreed with the waivers as he concurred they should be kept away from the gas line.

Mr. Selvaggi stated that the applicant would provide the sight easement under III a meet Mr. Maltz's requirements for traffic signs. The applicant will comply with items III C, D and F of Mr. Hall's letter

Mr. Ritter addressed III E regarding sight distance and suggested a two way stop.

Mr. Hall did not concur with this. He stated that it complied before, now the road curves and you lose sight distance. He felt it was prudent to have a sight easement. He also wanted no parking in this area.

Mr. Ritter agreed to these requirements.

Mr. Ritter stated that regarding IV stormwater, it was his opinion that the plan submitted complies with stormwater regulations. They will install forebays.

Mr. Hall referred to the BMP.

The board discussed the fact that the person the applicant had as a stormwater witness was not a licensed engineer nor held any licenses in the State of New Jersey and decided that they would not hear the testimony.

Mr. Hall stated that the DEP has jurisdiction on the stormwater management. If not going to the DEP he would require the applicant to go to DCA for clarification on the waivers. He reviewed some of the waivers such as the size of the pond and 20 acres of drainage area to the pond. The pond cannot be drained, as it should be if necessary. He stated that the Planning Board also has jurisdiction. He did not think the DEP would approve the waivers requested.

The board wanted to have Dr. Keller address Mr. Hall's concerns.

Mr. Selvaggi asked the board to take action with this to be a condition of approval.

Mr. Ritter suggested that a TCC be scheduled to work it out, if not they would have to come back to the board again.

Mr. Hall stated that Dr. Oweis would also need to review the plans.

Mr. Banisch's report was reviewed.

Mr. Ritter addressed the issue of COAH housing and stated that the applicant would make an in lieu of payment for five units for \$35,000 per unit for a total of \$175,000, instead of the three that were going to be provided. He explained why it was his opinion that 5 would be required.

Mr. Buzak stated that the regulations are clear that it was one of eight, not nine,.

Mr. Banisch stated that this should be addressed further at a TCC. He also stated that their should be a in lieu contribution for the clubhouse to a township community center.

Mr. Buzak agreed.

Mr. Buzak addressed the deletion of the community center and asked for a legal reason and planning testimony for the elimination of the community center, COAH units and why that as Opposed to something else.

Mr. Selvaggi stated that if additional market units were deleted the project would no longer be financially viable.

Mr. Price stated that there is Columbia Trail and Patriots path and possibly tennis courts could be added to the plan.

Mr. Ritter stated that the actual building itself provides nothing more then meeting space and nothing more the loss of this was not substantial. The elimination of it reduces the expenses of the future homeowners association. The applicant has donated a substantial amount of the property to the Township and county for public good. Positive benefits is the redevelopment of a Brownfield property, donating 16.4 acres 54% of the tract for open space which only 35% is required by ordinance.

Mr. Banisch answered Mr. Popper that a clubhouse was included in the ordinance because this is a common element of age restricted private communities such as this proposal.

Raymond Rice was sworn in by Mr. Buzak.

Mr. Rice stated that there are two major restrictions on the property. He stated that since September 2004 they have been under review and meeting with the DEP. They are eliminating a stream encroachment basin that is on the site now and now need only a transition averaging plan. The documents submitted to the DEP and the township is a culmination of all the reviews and meetings with the DEP. Regarding the BMI plans submitted by Mr. Hall, their plan was reviewed by the DEP. There is not a lot of flexibility in the design of the stormwater system. He stated that they did not come up with the plan; it was response to DEP requirements. Regarding the clubhouse he explained the sewer allocation and the maximum gallons the DEP was willing to allow. They requested 14,000+ the sewer permit has been revoked in the interim they have filed at the direction of the DEP for a revision that would allow another 9,000+ gallons. He stated that with the Brownfield requirement and the demolition of the site, they couldn't make the project work with anything less then the 45 units. It was his opinion that the redevelopment of the site as proposed is the best plan that can happen in the immediate future, which is a positive for the community. If a community center is required they would be required to have a new wastewater management. He answered Mr. Price that making 5 of the 45 COAH does not work, and they are asking to make the in lieu of contribution.

Mr. DiSalvo stated that he wanted to see this development go forward and it was his opinion that the Board should work with the developer on this project and not require a complete redesign of the stormwater and project.

Mr. Price, Mr. Popper, Mr. DiSalvo, were willing to waive the clubhouse Mr. Trevena waiver, but a monetary contribution to the township should be made.

Mr. DiSalvo disagreed with the requirement of an in lieu payment for the clubhouse.

Mr. Popper and Mr. Price stated that they could not come to a conclusion on the clubhouse until the COAH issues were resolved.

Mr. Rice stated that there are a number of this size and type development that do not have clubhouses. This was never intended to be a focal point of the community.

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

The application was adjourned to June 13, 2005.

Eligible: DiSalvo, Kaiser, Leavens, McGroarty, Trevena, Popper,

Absent: Bauerlein

Ineligible: Akin, Kaiser, Leavens, Mont, Jones

May 9, 2005

Mr. Akin, Ms. Kaiser and Mr. Mont returned to the board.

2. Granta – Block 43 Lot 48.01 – Kings Highway – R-5 – 19.0661 Acres – Request for two lot minor subdivision with variance for flagstaff – If deemed complete

DISCUSSION/ CORRESPONDENCE

1. Vouchers

None

2. COAH - Needs Assessment

Mr. Banisch stated that he would prepare a background report and present it at the June 7th work session. At that point the board will have to look at employment and population and how many units the Township may be responsible for and how to go about meeting the requirement. He suggested that after this is done it be sent to COAH for an informal review. He answered the board that the new Housing Plan must be done by December. He will have for the May meeting the options available to the township

3. Sign Ordinance

Mr. Banisch stated that the draft ordinance is about 50% complete will be ready for the June 7th meeting.

4. May 17, 2005 Work Session

Mr. DiSalvo made a motion to cancel the May work session, seconded by Mr. Popper. A voice vote was taken; all were in favor and the motion carried.

5. Highlands Council Meeting – May 24, 2005

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

It was decided that a member or the board would attend the meeting.

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 9:35 p.m.

Virginia R. Kesper

May 9, 2005