

The regular meeting of May 25, 2005 of the Washington Township Planning Board was called to order by Chairman Jones at 7:40 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, R. Gregory Jones, 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: DiSalvo
 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 May 9, 2005 Regular Meeting

Ms. Kaiser made a motion to approve the minutes. seconded by Mr. Price. Minor changes were made. A voice vote was taken; Mr. Bauerlein and Mr. Jones abstained all others were in favor and the motion carried.

RESOLUTIONS

05-17 US Homes – Block 19, Lots 5, 6, 7 – Schooley's Mountain Road and Newburgh Road – Musconetcong Valley Senior Overlay Zone – 123 Acres – Approval of Minor Subdivision, Preliminary Site Plan with variances for 360 Senior Citizen Units and Clubhouse

Joel Kobert, Applicant's Attorney

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Mr. Buzak explained that the resolution was drafted by his office, reviewed by the Board's professional and then sent to the applicant for review and to supply missing information.

Mr. Buzak reviewed the resolution and pointed out areas that needed clarification or were somewhat different than the board had discussed.

- Page 10, paragraph 30 - the first aid squad building would be designed by the township but paid for by the applicant.
- The minor subdivision does not include the lot for the emergency facility, only for the day care center and remainder of the tract. A condition was put in the resolution that simultaneously with the application for final site plan the developer will apply for a minor subdivision to carve out the lot for the emergency services facility.

Mr. Buzak stated that it was his opinion that the resolution before the board is comprehensive and reflected the boards' findings.

Mr. Banisch and Mr. Hall concurred with Mr. Buzak.

Mr. Kobert stated that the applicant had reviewed the design of the Newburgh Road intersection and they stand by their opinion that there would be no need for condemnation of property as the intersection is currently designed.

Ms. Cofoni stated that regarding condition 24 of the resolution, they are still in the process of determining the width of the buffer.

Mr. Jones expressed his opinion that this will be good development for the township and complimented the applicant for working with the Board to develop a very good plan.

Paragraph 22 and 30 of the resolution were reviewed.

Mr. Buzak stated that these two items would be revised to become one paragraph.

Mr. Buzak stated that paragraph 11 and 13 in were the only differences in the resolution distributed this evening and the e-mailed version.

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

Mr. Popper made a motion that the board grant approval of the draft resolution 05-17 as discussed this evening to be memorialized on June 13. Seconded by Ms. Kaiser. A roll call vote was taken:

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

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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

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

Kevin Hahn, Applicant's Attorney
Carlton Frost, Applicant's Engineer
Andrew Granata, Applicant

The Board reviewed the file for completeness.

Mr. Hall stated that regarding completeness the only open item was the driveway permit. He previously approved two permits and the applicant needs to administratively amend the permit to be for one lot. He recommended the application be deemed 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.

APPLICATIONS

1. Salerno's Restaurant & Pizzeria – Block 36.01, Lot 19 – 71 East Mill Road – C-1 Zone – Request for Minor Site Plan Approval for Arbor over existing patio

Frank Mileto, Applicant's Planner and Architect
Noe Escobar

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

Mr. Mileto presented his qualifications to the board and was accepted as an expert witness.

Frank D. Mileto and Noe Escobar were sworn in by Attorney Buzak.

Mr. Mileto stated that the applicant is seeking to put an arbor over an existing patio that was previously approved by the board. He pointed out the additional landscaping that is proposed. The proposed arbor is 9' 6 high 32' long and

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comes out 16' from the building, which would encompass the existing patio. They would also like to put a stucco finish on the building.

Mr. Hall referred to his memo of May 10th.

Mr. Mileto stated that the arbor would be the same distance from the road as the existing building. He answered Mr. Hall that the new curbing and inlets are not proposed at this time. The plan submitted showing the arbor was from a former application for a larger structure that was withdrawn. The parking would not change. There are no changes to the signage, lighting, etc. proposed. Candles would light the outdoor tables. He answered Mr. Trevena that the floodlights would be shielded if public service would do it, as they own the lights. The flooring would continue to be the existing pavers. The access to the patio is from the existing kitchen door on the southeast side of the building. There will be four tables of four for sixteen seats. He answered Mr. Hall that they currently serve on the patio.

Mr. Mileto answered Mr. Banisch that the arbor would be attached to the side of the building. He stated that no landscaping was proposed in the front along the parking lot to allow for visibility. He stated that the applicant would install landscaping if the Board requested it. They may be putting the lattice/fencing shown on the photograph. They are not proposing to put shade trees in at this time.

Mr. Banisch recommended further landscaping if the lattice/fencing railing is not used.

Mr. Mileto agreed to supply additional shrubbery.

Ms. Kaiser made motion to approve the application as discussed this evening, seconded by Mr. Popper. A roll call vote was taken:

Ayes: Akin, Bauerlein, Kaiser, Jones, Leavens, McGroarty, Popper, Price, Trevena

Nays: None Abstentions: None Absent: DiSalvo Ineligible: Mont

Mr. Mont returned to the board.

2. Long Valley Fire Company and Long Valley First Aid Squad – Block 28, Lot 18.03 and 18.01– East Mill Road – Zone .894 Acres – Concept Plan for New Fire House and shared parking with LVFAS

Voker Fuertges. Applicant's architect
Charles Davidson, Applicant (Trustee)
Russ Dore, Applicant (Chief)

Voker Fuertges, Charles Davidson and Russ Dore were sworn in by Attorney Buzak.

Mr. Fuertges stated that the plan before the board is for comments from the board because of the type of use and constraints on the building

Mr. Dore reviewed the history of the Long Valley Fire Company. He stated that they own their current location but that they have outgrown the property and building which is only $\frac{1}{4}$ acre. He explained the layout current structure and lack of space. They have no storage.

Mr. Fuertges referred to the proposed lot located on East Mill Road between the new mall and the First Aid Squad. He explained that the propose parking in the front and in the rear. Additional parking of 16 spaces will be behind the existing first aid squad. The bays will face East Mill Road. They are proposing 75% to 80% lot coverage.

Mr. Hall stated that the applicant would need variances for setbacks and improved lot coverage.

Mr. Dore answered the board that the parking proposed is what they require and that there is no extra parking provided beyond their needs and the needs of the first aid squad.

Mr. Fuertges pointed out that the two parking lots would be connected to benefit both buildings for parking.

Mr. Hall stated that stormwater is going to be a critical issue as it must meet new state and township stormwater ordinances.

Mr. Banisch stated that the impervious coverage and parking in the vicinity and it was his opinion that there is available parking in the area that could be shared, especially with the adjoining commercial uses.

Mr. Fuertges expressed his concerns with being able to utilized the adjoining commercial properties for parking.

Mr. Banisch explained how the applicant could move the building rearward.

Mr. Fuertges stated that this would increase the impervious coverage. It was his opinion that the building was located in the best portion of the site.

Mr. Banisch addressed the finishes on the building and suggested that to the extent possible the applicant should use similar materials as the new commercial development.

Mr. Fuertges stated that his design was drawn from the stone buildings in the area and the MUA building. He answered Mr. Banisch that he would look at putting dormers over the reception area. He stated that the garage doors would be glass.

Mr. Jones concurred with Mr. Banisch regarding the blending of the architecture in the area.

Mr. Akin stated that the west side of the building is 5' off the property line, and it was his opinion that this was very tight. He suggested moving the building closer to the first aid squad and have the driveway on the west side and have a circulation around both buildings which would even capture some green space. He asked that the lighting be considered. He also suggested that if the building has a barn look the doors could be made to look like barn doors.

Mr. Popper stated that it was his opinion that this was a good plan and that it works well being next to the first aid squad.

Ms. McGroarty asked that impervious pavers be used for parking.

Mr. Dore answered Ms. Kaiser that four bays would be enough because they are 60' long.

Mr. Hall answered Mr. Price that the commercial development was not designed for this site. He pointed out to the applicant that the adjoining property has a drainage easement on the far side of it and it might be possible to pipe this property stormwater drainage into this easement.

Mr. Dore answered Mr. Leavens that they would be able to turn their vehicles without going onto East Mill Road.

Mr. Fuertges answered Mr. Leavens that they are not proposing any signals for traffic control.

Mr. Bauerlein was concerned with the trucks needing East Mill Road to get in and out of the building. He was also concerned with traffic and further construction in the Long Valley historic district area.

Mr. Hall stated that this site is far better then the current site.

DISCUSSION/ CORRESPONDENCE

1. Vouchers

Mr. Price made a motion to approve the vouchers found in order by the chairman and send same on for payment. Seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

2. Ridgeline Ordinance and Map

Discussion was tabled until the work session

3. Planning Board Rules

Ms. Kesper stated that the revised Planning Board rules have been distributed this evening to all board members.

4. Correspondence from T. Cofoni – RE: Scuedese Litigation

Ms. Cofoni explained the appellate court dismissal of the complaint without prejudice.

5. HMUA Letter of May 19, 2005 – RE: Highlands and their Sewer Service Area

6. Highlands

Ms. Kesper informed the board that she attended yesterday's municipal partnership meeting with the Highlands Council along with Craig Schwemmer of the Board of Adjustment. She reported that meeting was for municipalities affected by the highlands to give the council input and concerns regarding the regional master plan that the Council must have adopted by June 2006. She explained that there were two break out sessions and that she attended the Environmental session where she stated the township concerns regarding the ability to hook up failing septic systems to sewers if they are in the vicinity and concerns regarding "opting in" areas of the township that are environmentally sensitive but in the planning area and whether this would require the township to accept unwanted growth in these areas. She also informed the Council that the township has found a discrepancy in the DEP map vs. the DEP metes and bounds in the area of Route 46 near Hackettstown. The other session attended was the ratable session in which she put forth the township's concerns regarding the flattening of the tax base because of the highland restrictions.

Mr. Banisch stated that he attended a different regional meeting and attended the TDR session where regional revenue sharing was discussed. He stated that it was his opinion that the Township should be looking into this.

Ms. Kaiser stated that the Hackensack Meadowlands area has this type of sharing.

APPLICATIONS - Continued

3. Rand Homes (Southern Hill) - Block 33, Lot 87 – West Springtown Road – R-2 Zone, 53 Acres – Request for amendment to stormwater management plan

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for ten lot subdivision approved with Resolution 03-18, Remand from Superior Court – Public Hearing - previously Heard January 28, 2005 and March 14, 2005

Mr. Jones announced that this application was adjourned to June 13th at the applicants' request.

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

Mr. Jones announced that the application was adjourned to June 13, 2005 at the applicant's request

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

Kevin Hahn, Applicant's Attorney
Carlton Frost, Applicant Engineer
Andrew Granata, Applicant

Carlton Frost and Andrew Granta were sworn in by Attorney Buzak.

Mr. Frost stated that the application is for a two lot minor subdivision. He explained that there is an existing house and they propose one flag lot that requires a variance for the curve in the flagstaff. The application meets all other setback requirements. The new house is set outside the existing conservation easement. He addressed the driveway curve. He stated that there was a prior subdivision and plans to create a major subdivision of eight lots that the applicant chose not to go through with. There is a hedgerow that runs along the driveway all the way to the rear of the property. Straightening out the curve would require more land disturbance and moving it closer to the existing home. The curve is very gentle and would not inhibit emergency vehicle access. The perc tests have been approved.

Mr. Hall reviewed his letter of May 20th. He stated that this lot has less than one acre of disturbance and less than ¼ acre of impervious and therefore it does not trigger the definition of "major development". He suggested conditions that would ensure that this lot does not trigger a major development. A restriction could be that there could be no further impervious coverage on the lot.

Mr. Buzak did not recommend deed restrictions as the Township is not the enforcer of the highland's regulation and he does not know of any power of the board to impose such a restriction. A condition could be that this would be subject to highlands regulations. Also the board could request the applicant submit a determination of applicability to the DEP.

Mr. Banisch reviewed the ordinance process for the Township to become a compliant township after adoption of the Highlands Regional Plan. He concurred with Mr. Buzak that a condition of approval could be that the applicant be required to get a letter of non-applicability from the DEP prior to perfecting the subdivision.

Mr. Hall suggested a condition in the resolution that the building inspector confirm that the size of the roof area is in conformance with what is show on the minor subdivision plan.

Mr. Banisch questioned whether this subdivision would be permitted under the May 9, 2005 emergency rules as to minimum lot size.

The board discussed the issue of a DEP application of non-applicability as a condition of approval.

Mr. Frost stated that he had a similar application at another township that was also within the highlands and that when he filed for a highlands LOI he was told by the DEP that if there is less then an acre or disturbance and quarter acre of impervious coverage they were exempt.

Mr. Banisch stated that it was his opinion that the regulations regarding septic applies regardless if you are exempt from the highlands.

Mr. Frost addressed the fire department letter and stated that they meet the requirements of the driveway ordinance with the exception of the curve and it was his opinion that a water source was not required.

Mr. Hall stated that the township ordinance only requires a water storage tank for five or more lots.

The Board addressed the endangered species list from May 3, 2005 and stated that due to the limited disturbance and existing conservation easements the habitat has been protected.

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

Steve Lindquist – 6 Middlesworth Farm – stated that his property backs up to this property and asked if it was going to be a two family dwelling and what the width of the driveway would be, the Stormwater Management plan and about the grazing area for the sheep.

Mr. Frost answered Mr. Lindquist that the home would be single family and the improved driveway area would be 16' wide.

Mr. Hall stated that this application does not trigger the stormwater management rules.

Mr. Granata stated that at this time they do not have sheep. He could not answer for his father if there would be further clearing on the remainder lot for sheep. He stated that the property that backs up to Mr. Lindquist would not be touched. He did not intend to touch the hedgerow between the properties. The house would be nowhere near the hedgerow.

Mr. Lindquist stated that when he bought the property he was told that this property was in farmland preservation.

Mr. Price made a motion to authorize the board attorney to draw up a resolution of approval subject to the discussions this evening including no soil is to be removed or brought onto the site, highlands submission to the DEP, prior to issuance of permit dwelling built roof area of 2800 sf consistent with the plans, revised driveway permit, areas of disturbance staked prior to any land disturbance. Seconded by Mr. Popper.

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

Eligible: Akin, Bauerlein, Kaiser, Jones, Leavens, McGroarty, Mont, Popper, Price, Trevena

Absent: DiSalvo

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 10:30 p.m.

Virginia R. Kesper