

The regular meeting of August 8, 2005 of the Washington Township Planning Board was called to order by Vice Chairman McGroarty at 7:30 p.m.

MEMBERS PRESENT

- CLASS IV: Mark Bauerlein, 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, Jones
- STAFF PRESENT: Clerk Kesper, Attorneys Buzak and Cofoni, Planner Banisch, Traffic Consultant Maltz, Environmental Consultant Keller

*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 July 19, 2005 Regular Meeting

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

RESOLUTIONS

05-27 Jatskio & Yatzkiv - Block 43, Lot 44 and 44.01 – R- 5 Zone – Denial without prejudice of two lot minor subdivision

The resolution was reviewed. Mr. Leavens made a motion to approve resolution 05-27, seconded by Mr. Popper. A roll call vote was taken:

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

OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

CLOSE TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

DECISIONS ON COMPLETENESS

None

APPLICATIONS

1. Carfaro – Block 63, Lot 28.03 – Hackelbarney Road – -5 Zone – 16.138 acres Request for two lot minor subdivision – Deemed Complete March 14, 2005 – Previously Heard March 14, 2005 – Public Hearing - Expires September 28, 2005

Ineligible: Absent 3-24-05: Bauerlein, Leavens

Not Appointed: Akin, Mont

Ms. McGroarty announced that the application was adjourned to September 12, 2005 at the applicant's request

2. 2085 Realty Partners, LLC – Highlands Plaza (A&P Shopping Center) – Block 3.09, Lot 5 – Route 4 East –Request for preliminary and final site plan for medical center, surgical center, retail services and restaurant – Deemed Complete June 22, 2005 – Previously Heard June 22, 2005 and July 11, 2005 – Public Hearing Continued -Expires October 20, 2005

Anthony Pantano, Applicant's Attorney

Richard Vollmar, Applicant's Attorney

Walter Niece, Applicant's Architect

Mr. Buzak swore in Richard Vollmar.

Mr. Vollmar presented his qualifications to the Board and was accepted as an expert witness.

Mr. Vollmar referred to the plans submitted to the board revised through 8-3-05 and marked the exhibit A-4. He pointed out the changes to the parking lot made to the plan after the TCC meeting with the Board's professionals. All of the non-handicapped parking along the perimeter of the building was moved and the

overall number of spaces was reduced by deferring some of the parking spaces. The deferred parking allows for additional green space between the applicant's property and adjacent uses. The aisle width was also reduced and the buffer has been increased from 5' to 17'. The Parking spaces provided are 303 with 29 deferred for a total of 332 parking spaces.

Mr. Hall stated that southwest corner parking aisle by Blockbuster Video should be the same width. Concrete curb should be used and the rolled asphalt deleted from the plans. He stated that he and Mr. Banisch concurred with the changes provided by the applicant. He addressed the 45-degree angle parking along Blockbuster and stated that it will remain to allow for one-way traffic flow. All other spaces are at a 90-degree angle. He stated that based on accepted traffic engineering standards 319 parking spaces are appropriate. He explained that the staff and applicant looked at reducing the parking to as low as 250 spaces as requested by the board. After discussion and review of accepted standards it was agreed by those at the TCC that the number proposed is appropriate. He stated that our ordinance would require 425 spaces and the applicant is proposing 325 spaces.

Dr. Keller arrived and joined the meeting at 7:55 p.m.

Mr. Maltz agreed with Mr. Hall's comments. Other changes suggested at the TCC and made by the applicant were an island by Blockbuster to eliminate any possibility of someone coming out the wrong way. It was his opinion that the plan provided is a good plan and meets the concerns and needs of everyone including the fire department and applicant. He stated that he reviewed Mr. Simoff's report and also did his own analysis and came up with a 306 parking space demand. He explained how he came up with this number. He was comfortable with the plan presented by the applicant.

Mr. Vollmar stated that they have demonstrated that a tractor-trailer and straight 40' unit could turn around in the employee parking area/refuse/loading dock area.

Mr. Trevena arrived and joined the meeting at 8:05 p.m.

Mr. Vollmar answered the board that the deferred parking area will have the blacktop removed and will be grassed. The landscape plan will be revised to show this.

The board discussed the trigger for the deferred parking. It was decided that this would need approval of the Township Engineer and Police Department approval and would not need to come back before the board for site plan review.

Mr. Niece distributed revised elevations to the board, which showed less glass and had a more traditional look with more brick. The east elevation where the existing retail area will have the windows replaced but will still have the same glass area that it does now. The August 8th elevations shown as B1 and B2 was

marked A-5. B-3 and B-4 was marked A-6. The existing tenant leases required the signs as proposed. The sign materials will match those being used in the buildings. The highest point of the buildings is 32.5' to 34'. The sign will comply with the Township sign ordinance.

Mr. Hall concurred that the sign shown on the plan conforms to our ordinances.

Mr. Trevena asked that the roof gutters be routed into a storm sewer to eliminate the current icing problems.

Mr. Niece answered the board that there will be landscaping around the sign to defuse the light and there will be only one freestanding sign.

Mr. Vollmar answered Mr. Popper that the lighting was on sheet 6 of the original plans and no changes have been made to the plans yet.

Ms. Kesper read from the June 22, 2005 minutes where the applicant agreed to Mr. Banisch's comments regarding lighting including reducing the height of the poles, shields, lights on timer so they are not on all night and dropping the level of lighting to .5 candle towards the property lines.

Mr. Hall asked that the vegetation be trimmed back at the entrances and asked that a note be added to the plans to this effect. He briefly reviewed his memo of June 17th regarding additional shade trees, changes to HV/AC equipment.

Mr. Pantano stated that the applicant is planning on replacing the HV/AC units and agreed that prior to CO a noise test would be conducted to insure compliance with DEP noise standards.

Mr. Vollmar stated that the stockade fence on the westerly side is not located on the applicant's property and does not belong to it. On the easterly side it is on both properties at one point or another.

Mr. Pantano stated that if the applicant has the right to repair or replace the fence they would do so.

Mr. Vollmar stated that in the green space they would add shade trees to meet ordinance requirements. The trees would not be in the area of deferred parking spaces.

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

Ms. Kaiser made a motion to approve the application based on the testimony presented subject to revised plans being submitted. Seconded by Mr. Price. A voice vote was taken; all were in favor and the motion carried.

The meeting was adjourned to September 12, 2005. The resolution was scheduled for September 28, 2005

Ineligible: Absent 6/22: Bauerlein, DiSalvo, Popper
7/11: DiSalvo
8/8: DiSalvo, Jones, Trevena

3. Elegant Homes – Block 42 Lot 12 – Hackelbarney Road - R-5 Zone – 66.8 Acres - Request for 11 Lot Preliminary Subdivision – Deemed Complete October 22, 2003 – Previously Heard December 16, 2003 - Amended to 3 lot minor cluster subdivision - Public Hearing Continued

Joseph Murray, Applicant's Attorney
Jerome Lange, Applicant's Engineer

Ms. Kesper stated that the notices were in order, however, it was noticed as a three lot minor subdivision and there was some discussion that this is a four lot major subdivision.

Mr. Murray stated that the open space lot has been merged with lot C as a conservation easement and therefore the application is for three lots.

Mr. Hall stated that the applicant has stated in his letter of July 21, 2005 that they are submitting a cluster, which requires a separate open space lot, which would create four lots.

Mr. Murray read the Township's cluster ordinance. He wanted to amend his application to be a lot-averaging plan.

Mr. Buzak addressed the cluster/lot averaging ordinance language. It was his opinion that regardless of whom the fourth lot went to, it would still be a major subdivision.

Mr. Buzak addressed the boards' Highland procedures if an application meets the definition of a major highlands development. He explained that since the board has already done a completeness review and deemed this application complete, the applicant is not required to get a Highlands Approval for completeness. He recommends that the board ask the applicant to get their DEP highlands approval first before proceeding before the board. He explained the septic requirement of the highlands rules. With the proceeding it was his opinion that the cluster ordinance would become moot if the Highlands Act applies.

Mr. Murray stated that the applicant would proceed under township ordinances now and seek a highlands approval after they take the application through the township as a lot averaging subdivision.

Mr. Buzak stated that he did not have an opinion at this time on the change from cluster to a lot averaging plan and the need for a new completeness hearing; it

would probably be considered an amended plan and not require a new completeness review. He stated that it is the applicant's decision to proceed to the DEP first or not. However, if the applicant proceeds to go forward, it was his opinion that the board cannot ignore the new highland rules.

The board discussed this issue.

Mr. Murray again read from the cluster ordinance and asked for clarification of where the cluster required a separate lot.

Ms. Cofoni stated that because of the highland rules the bigger issue is that the applicant couldn't cluster and also comply with the Highlands rules.

Mr. Murray asked for an adjournment to August 24th to allow the applicant to determine their highlands issues and cluster issues.

Mr. Buzak stated that if the application is determined to be a four lot major subdivision the applicant would have to re-notice. If it were determined to be a minor subdivision the application would have to go through a completeness review by the board.

Ineligible: Not appointed as of 12-16-03: Akin, Mont
Absent 12-16-03: Popper
Absent 8-8-05: Jones, DiSalvo

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 – Deemed complete May 9, 2005 - Previously Heard June 13, 2005 – Public Hearing Continued -Expires September 6, 2005

Eric Turnquist, Applicant and Attorney
Paul Sturbenz, Applicant's Engineer

Mr. Buzak brought up the issue of the highlands legislation and the board's adopted policy. This application meets the highlands definition of major highlands development and does not meet any of the exemptions. The subdivision plan should meet highlands requirements, this application does not meet the highlands rules and he recommended that the board ask the applicant to seek highlands approval before proceeding.

Mr. Turnquist stated that there is no requirement to go to the highlands first. This application is a lot line adjustment. He also stated that the highlands regulations are subject to changes and the 25 or 88-acre septic requirement are interim rules. He is requesting that the board hear the remainder of the applicant's testimony.

Mr. Buzak stated that the applicant cannot be compelled to get DEP approval, but the application must meet DEP regulations. If it does not comply with the

DEP requirements the application has to be amended to do so before the board should hear anything further.

Mr. Sturbenz explained that the application does not involve an increase in the number of lots, there were three lots and will remain three lots, just in another configuration. The current three lots were pre-existing and Mr. Turnquist owned them prior to May 10th and it was his opinion the application did not have to meet the new Highlands regulations.

Mr. Buzak disagreed with the applicant.

Mr. Sturbenz answered Mr. Buzak that the existing plan does not meet highlands regulation requirements. He noted that the applicant could build on the three existing lots as they exist and would be exempt.

Mr. Hall agreed with Mr. Sturbenz but stated that once the lot lines are changed the lots become a major highlands development. He also stated that this property is adjacent to township owned land and this would trigger the cluster ordinance. In addition this application triggers the state stormwater regulations and the applicant has not submitted a compliant stormwater management plan.

Mr. Turnquist stated that the township property is not open space but municipal surplus inventory. It is not on the green acres list as open space. He also stated that he has tried to purchase the property and was turned down by the township.

Mr. Sturbenz stated that although they not developed a stormwater management plan there is a note on the plans that the applicant would comply with state regulations.

Mr. Hall stated that it has been the board's policy to see the detailed design before approval because of the different methods available to meet the standards.

Mr. Turnquist wanted present testimony on the township property.

Mr. Buzak stated that under the MLUL a lot line adjustment is a subdivision and he explained the elements the board needs to see prior to acting on an application, which included stormwater design.

Mr. Banisch arrived and joined the meeting at 9:50 p.m.

Mr. Hall stated that part of the highlands act addresses threatened endangered species and according to the letter received from NJ DEP Fish and Game there are 12 threatened or endangered species on the site and he is not qualified to interpret this part of the regulations.

Mr. Banisch answered Mr. Bauerlein that there is no difference between dedicated municipal open space and surplus municipal land. He stated that the

Master Plan defines a greenway as publicly owned lands and does not require it to be on the green acres list, therefore the cluster ordinance would apply.

The greenway map was reviewed and this property is located within the township greenway.

Mr. Turnquist stated that they would carry the application to get the approvals from DEP. He granted an extension of time to February 9, 2006.

Ineligible: Absent 6-13 – Popper
Absent 8-8 – Jones, DiSalvo

***DISCUSSION /
CORRESPONDENCE***

1. Vouchers

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

2. COAH Fair Share Plan

Mr. Banisch distributed a memo on the Township's third round affordable housing obligation and reviewed it. He noted that the table on page 1 indicated a population decline of 240 people over the next ten years. He referred to table R-3, which showed a projected 627 CO's in the next ten years. He stated that he did not project minor subdivisions in the planning area. He will add a housing unit on each vacant parcel in the preservation area. He reviewed the non-residential growth share projections. The school square footage was reviewed and the board questioned the number of new jobs because of the space changes.

Mr. Buzak stated that COAH is not willing to look at adjustments; they are just going by square footage.

Mr. Buzak stated that what the Township is looking for is certification; the obligation will be based on the actual number of CO's and square footage of commercial space.

Ms. Kaiser suggested that a community center be added under anticipated square footage.

Mr. Banisch stated that based on the tables, 94 affordable housing units will be needed over the next ten years. He explained that the township has a credit of units built in excess of the actual second round requirements. He did not have that number at this time, but would have it prior to the next meeting.

Mr. Buzak reviewed to the methods for providing fair share housing. He stated that the buy down program should continue. He stated that municipally sponsored rental programs should be looked at as 25% of growth shared must be rentals and after that there are bonuses. He explained ECHO housing, which goes against the rehab obligations. He noted that the township does not have a rehab responsibility.

The board wanted to see municipal rental units and multifamily units.

The Township schedule for submission to COAH was reviewed.

Mr. Banisch explained RCA's and that the minimum is \$35,000. In lieu money cannot be used for RCA's.

The Board discussed the methods that they wanted to see the township use to meet their obligation.

- Continue buy downs including townhouses
- 25% municipal rentals and consider township owned property
- Accessory Apartments – market them to the public

Mr. Leavens made a motion to schedule a public hearing on the revised housing element for August 24, 2005. Seconded by Mr. Price. A voice vote was taken; all were in favor and the motion carried.

Mr. Banisch explained the township's new growth share ordinance.

3. Board Agenda

Mr. Leavens made a motion to cancel the August 16, 2005 work session, seconded by Ms. Kaiser. A voice vote was taken; all were in favor and the motion carried.

Mr. Price made a motion to adjourn, seconded by Mr. Popper A voice vote was taken; all were in favor and the meeting was adjourned at 11:30 p.m.

Virginia R. Kesper