

Chairman Jones called the regular meeting of August 24, 2005 of the Washington Township Planning Board to order at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, R. Gregory Jones, William Leavens, Kathleen McGroarty
ALTERNATES: Lou Mont
CLASS I:
CLASS II: Eric Trevena
CLASS III: Kim Ball Kaiser
OTHERS ABSENT: Akin, DiSalvo, Popper, Price
STAFF PRESENT: Clerk Kesper, Attorneys Buzak and Cofoni, Planner Banisch, Environmental Consultant Keller

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 August 8, 2005 Regular Meeting

Ms. Kaiser made a motion to approve the minutes, seconded by Mr. Leavens. A voice vote was taken; Mr. Jones 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***

DECISIONS ON COMPLETENESS

None

APPLICATIONS

1. Housing Element and Fair Share Plan of the Washington Township Master Plan – Public Hearing

Mr. Buzak stated that Ms. Kesper in accordance with the MLUL noticed the hearing.

Mr. Banisch referred to the plan and stated that this plan is to respond to the Township's fair share housing requirement. He noted that the board had reviewed the draft of this plan at their August 8th meeting.

Mr. Banisch stated that page 1 indicated that the new third round growth share requirement would be 113 units. He noted that during the second round the Township worked diligently to meet their affordable housing requirement that resulted in a credit of more units built than actually required. He referred to the chart on page 2 of the housing element and fair share plan which indicated a remaining third round obligation of 8 units after deducting prior round credits, a four-bedroom Long Valley group home that was not included in the second round numbers, a buy down of one home and 45 units being built under the US Homes application.

Mr. Banisch stated that changes from the draft the board had previously seen is the removal of a group home on the old police station site and an addition of affordable housing on block 8 lot 2 on Drakestown Road offered by Mr. Ray Rice.

Mr. Rice stated that the property has sewer and water.

Mr. Banisch answered Mr. Jones that there has not been a definitive decision to build affordable housing on the site currently under condemnation by the Township for a community center and therefore it was not included.

Mr. Banisch stated that by including Mr. Rice's offer in the plan is not a financial obligation or absolute commitment to Mr. Rice by the Township. If it could not be built, the plan would have to be amended.

Mr. Buzak agreed that the property is not being rezoned or financial commitment made by the Township, but stated that once a developer's property is put in a

housing plan there are difficulties in getting it out because the developer has certain rights once it is in the plan.

Mr. Rice answered Ms. Kaiser that the property would be able to accommodate ten apartments. He stated that his partner, William Hotz, has constructed three COAH housing projects including the one under construction in Harding Township. He stated that the housing built would blend in with the neighborhood, probably a two stories colonial. He explained the design they had presented to the Township Board of Adjustment in the mid 1990's at the time of a use variance application that was denied. He stated that this property was subdivided to this housing site and the site where the self storage site was built. He answered the board that the current zoning of the property is OR/I, but that a residence is on it currently.

Mr. Jones advised that the board would look for appropriate buffering.

Mr. Rice stated that Mr. Banisch suggested a mix of low, moderate and flex housing.

Mr. Banisch stated that there are specific formulas regarding the number of bedrooms required under the COAH regulations, they could not all be one bedroom apartments.

Mr. Banisch explained that the board could approve the report excluding this option and present it to COAH and if COAH requested changes it could be added in at a later time.

Ms. McGroarty asked if they could include Mr. Rice's proposal without referencing a specific developer or block and lot.

Mr. Banisch stated that we could petition COAH without the specifics but this would have to be identified prior to certification. He stated that the Township would have a minimum of 60 days to submit a specific location prior to the certification requirement. He stated that the petition for third round certification must be submitted by September 9th.

Mr. Banisch suggested that item b. on page two be revised to read "The Township will seek a partnership with a private developer to construct ten COAH units."

Mr. Rice stated that he was in the process of selling this lot when he saw the public notice on this hearing on the Township's housing element and fair share plan and if this process is going to take any length of time he would not be able to commitment to his offer.

Mr. Jones offered that during the 60 day review time the Board would review the site, have a TCC with Mr. Rice and determine that this is feasible or not.

Mr. Rice stated that another option would be for him to sell the site to the Township. He stated that they have sold the self storage site.

Mr. Banisch asked Mr. Rice to come back with a concept plan within a month. He answered Mr. Rice that an overlay zone would be put on this property to allow for this development.

Mr. Rice stated that the current house sits 10' off the road.

The board stated that they are very interested in Mr. Rice's proposal and asked him to submit the concept plan as soon as possible but that they wanted to amend the plan to use the generic sentence suggested by Mr. Banisch.

Mr. Banisch reviewed the changes in the appendix. Additional tables and text were added to make the plan cleared. He answered the board that at this time the Council on Affordable Housing is not giving any credits to municipalities within the highlands area.

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

2. Resolution 05-28 – Adoption of Housing Element and Fair Share Plan of Washington Township Master Plan

Mr. Buzak asked that the date of the plan referenced in the resolution be changed to August 24, 2005.

Ms. McGroarty made a motion to approve resolution 05-28 allowing for any clerical or mathematical errors discovered be corrected, seconded by Ms. Kaiser. A roll call vote was taken:

Ayes: Bauerlein, Jones, Kaiser, McGroarty, Leavens, Mont, Trevena

Nays: None Abstentions: None Absent: Akin, DiSalvo, Popper, Price

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 – Amended to 3 lot minor cluster subdivision - Previously Heard December 16, 2003, August 8, 2005- - Public Hearing Continued

Joseph Murray, Applicant's Attorney

Jerome Lange, Applicant's Engineer

Mr. Murray stated that as a result of the August 8th meeting analysis of the township ordinances and the highlands bill were undertaken by him and Mr. Buzak. He stated that he would like more time with his client to come up with an understanding of what the applicant's realistic options are. He referred to his letter and Mr. Buzak's letter of August 23, 2005.

Mr. Murray granted the board an extension of time to October 30, 2005 so the applicant may analyze further the Highlands bill. The meeting was adjourned October 26, 2005.

Eligible: Bauerlein, Kaiser, Leavens, McGroarty, Mont, Trevena

Ineligible: Not appointed as of 12-16-03: Akin, Mont
Absent 12-16-03: Popper
Absent 8-8-05: Jones, DiSalvo
Absent 8-24-05: Akin, DiSalvo, Popper, Price

***DISCUSSION /
CORRESPONDENCE***

1. Vouchers

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

2. Stream Corridor Ordinance

Mr. Banisch stated that he and Township Attorney Paula DeBona on a model made revisions to the stream corridor ordinance previously reviewed by the Planning Board and sent to the Township Committee. The revisions incorporated the DEP suggested model stormwater ordinance and that this revised ordinance is substantially different then the smart growth stream corridor ordinance the board sent to the Committee last year.

Ms. Kesper gave a history of this ordinance.

Mr. Banisch reviewed Mr. Ferriero's (Mendham Borough engineer) letter on the DEP model ordinance and the proposed ordinance. He stated that this ordinance would cover subdivision and site plan applications as well as any individual seeking a building permit.

Mr. Hall stated that the Planning Board's original ordinance referred steep slopes of 15% or greater and this draft ordinance is 10%, which is inconsistent. It was his opinion that the 10% number came from the Highlands legislation. It also states it does not matter if the slopes were manmade or not. The board's first ordinance allowed for exemptions for manmade steep slopes and did not affect

pre-existing lots to the extent that the revisions do. He stated that it was his opinion that using a 15% control is more than adequate.

Dr. Keller stated that the DEP model ordinance is a recommendation by the DEP that it be adopted, not a requirement as was the 300' buffer.

Dr. Keller referred to the smart growth ordinance, which referred to steep slopes adjacent to the stream, which in his opinion provided the environmental protection the board was looking for. He explained the scientific data that the ordinance the board developed was based on. He explained how the smart growth ordinance calculated the stream corridor.

The Board discussed this revised ordinance and its viability.

Ms. Kaiser was concerned that the smart growth stream corridor ordinance developed last year was re-written without being reviewed by the Township Committee.

The board was concerned with the re-writing of this ordinance and it being in our zoning ordinance and affecting all property owners. They were not in favor of the revised ordinance and wanted the Township Committee to review the original stream corridor ordinance for possible adoption.

Mr. Buzak stated that there are legal concerns in this ordinance as well as the hardship standards are not in accordance with the MLUL.

The Board directed Ms. Kesper to find out why the original stream corridor ordinance was revised and if funds permit have the Township Attorney put the original stream corridor ordinance in acceptable township ordinance form for review by the Township Committee.

Ms. Kaiser made a motion to adjourn, seconded by Ms. McGroarty A voice vote was taken; all were in favor and the meeting was adjourned at 9:30 p.m.

Virginia R. Kesper