

Chairman McGroarty called the regular meeting of March 13, 2006 of the Washington Township Planning Board to order at 7:42 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, Charles DiSalvo, William Leavens, Kathleen McGroarty, Howard Popper, Geoffrey B. Price
ALTERNATES: Sam Akin, Lou Mont
CLASS I: Kim Ball Kaiser
CLASS II: Eric Trevena
CLASS III: Kevin Nedd
OTHERS ABSENT:
STAFF PRESENT: Clerk Kesper, Engineer Denzler, Planner Banisch, Attorneys Buzak

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 17, 2006 and posted on the Bulletin Board on the same date. Seven 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 February 22, 2006 Regular Meeting

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

RESOLUTIONS

06-12 US Homes – Block 19, Lots 5, 6, 7 – MHA-R Overlay Zone, 121.43 Acres - Schooley's Mountain Road – Approval of Request for Extension of time on Minor Subdivision Approval

The resolution was reviewed.

Mr. Leavens made a motion to approve resolution 06-12, seconded by Mr. DiSalvo. A roll call vote was taken:

Ayes: Bauerlein, Kaiser, Leavens, McGroarty, Nedd, Price, Trevena, 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 and the meeting was closed to the public for questions or comments not on the agenda.

PUBLIC HEARING/APPLICATIONS

1. Harrington – Block 27, Lot 22 – 20 Schooley's Mountain Road – Request for Waiver of Site Plan to allow two businesses

Leonia Harrington, Applicant

Leonia Harrington was sworn in by Attorney Buzak

Ms. Harrington stated that she wanted to divide the building space into two units of 3000 sf each. She explained one area would enter in the front and the other from the side. She answered Mr. Hall that there are no lights in the parking lots and they will have to mount lights on the building. She stated that Historic Preservation has approved the new side entrance.

Mr. Banisch stated that the lights should be downward focus and approved by Mr. Hall.

Ms. Harrington answered Mr. DiSalvo that there are approximately 36 spaces along the side of the building and six spaces in the front and that there is an area behind the building to add parking if it were necessary. She explained that the existing sign would be repainted with the new tenant and she would add a sign to the side of the building with the name of the business as “The Loft”. She agreed that she would have the new sign approved by the Historic Preservation Commission.

Mr. DiSalvo and Mr. Banisch reminded the applicant that signs in the window are considered in the total allowed sign area and may not be allowed.

Ms. Kaiser made a motion to approve the waiver of site plan with the conditions that lighting be limited to a height of 12’, prohibition of vending machines on the front porch and any signs other than those allowed under our ordinances. Seconded by Mr. Leavens.

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

2. Sims – Block 28, Lot 34 - 6 Schooley's Mountain Road – Request for Waiver of Site Plan to change apartments to business use

John Sims, Applicant

John Sims was sworn in by Attorney Buzak.

Mr. Sims explained that he was asking to convert the apartments on the third floor into office space for his marketing business. He answered Ms. Kaiser that he has six employees now and may go to as many as eight. He did not have any parking issues when he had tenants and his employees. He stated that the third floor will be used predominately for storage and conference/work tables.

Ms. Kaiser made a motion to approve the waiver of site plan as presented. Seconded by Mr. Price. A voice vote was taken; all were in favor and the motion carried.

3. Robert Prudente – Long Valley Pizza and Deli – Block 35.01 – Lots 31.02 and 31.03 – East Mill Road (Valley Professional Center) – Request for Waiver of Site Plan for expansion of existing Restaurant into adjoining unit (currently the Long Valley Dry Cleaners)

Robert Prudente, Applicant

Robert Prudente was sworn in by Attorney Buzak.

Mr. Prudente stated that he wants to rent the adjoining unit and knock down about half the interior wall to allow more seating of approximately 40 seats. He stated that his review of the Township ordinances indicated that this use would require 16 parking spaces. The dry cleaner required 8 parking spaces. He stated that there is sufficient parking for his business and that lunch time is his busiest time. He answered Mr. DiSalvo that the neon lights in the dry cleaners would be taken down. He referred to the plan submitted to the board and that is how he is proposing to remodel the units, as long as the Condo Association allows it.

Ms. Kaiser made a motion to approve the waiver of site plan as presented. Seconded by Mr. Leavens. A voice vote was taken; all were in favor and the motion carried.

3. Valley View Chapel – Block 36, Lot 43 – 115 East Mill Road – Request for One Year Extension of Preliminary and Final Site Plan approval granted with resolution 03-07

Ms. Kaiser, Mr. Price and Mr. Akin stepped down from the discussion due to a conflict of interest.

The Board reviewed the request and noted that this is the second one year extension. Mr. Popper made a motion to grant the requested one year extension to March 26, 2007. Seconded by Mr. Nedd. A roll call vote was taken:

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

DISCUSSION

1. Sign Ordinance

Fred Jordan, Zoning Officer

Mr. Banisch referred to his March 10, 2006 memo and draft ordinance and stated that it was a clean re-write of the January changes with no substantive changes.

Mr. Trevena suggested allowing a percentage of window signs as it was his opinion businesses needed window signs to help stay in business.

Mr. Banisch stated that this is under item 17 and 18. He explained that as the ordinance is currently written the business would have a 32 square foot free standing sign and another 32 square feet (4 x 8) that the business owner could use as he wanted, i.e. in the window, on the walls, etc. as permanent or temporary signs. He noted that the ordinance also allowed occasional temporary sale signs on a quarterly basis. He answered Mr. Akin that if an applicant wanted more sign area they would have to apply to the board and that the 32 square feet is per business. He stated that the new Claremont Village would have to comply with the sign requirements agreed to and outlined in their Resolution of approval.

Mr. Nedd agreed with Mr. Trevena that the amount of signs should be linked to a percentage of the frontage of a building, as opposed to using the 32 square feet.

Mr. Banisch stated that the board can allow the signs to be approved by the zoning officer under the maximums or the Board can review each sign as the businesses change.

The board discussed allowing a 32s.f. free standing sign and another 32 sf on the facade and then a percentage of the facade of the building for temporary signs.

Mr. Banisch referred to item I.c which he had a 5% limit on window signs.

Ms. Kaiser stated her opinion that she was not opposed to the signs currently in the Township and was concerned with the extent of this sign ordinance and that it has gone beyond controlling neon signs and is going in the direction of being "sign police". She suggest making a list of what is not allowed. She was concerned that this sign ordinance is anti-business.

Mr. Akin agreed with Ms. Kaiser.

Mr. DiSalvo stated that this ordinance developed because the current ordinance was not controlling the signs and the proliferation of signs in the township.

Mr. Akin disagreed with Mr. DiSalvo.

Mr. Banisch suggested a subcommittee representing both positions of the board and including Mr. Jordan and himself to come up with a compromise ordinance.

Ms. McGroarty stated that the board does not want to be anti-business and this was not the objective of the ordinance.

Ms. Kesper suggested sending the ordinance and the Board's comments to the committee outlining the different opinions of the board and asking for the Township Committee's direction.

Mr. Nedd and Mr. Bauerlein stated that it was their opinion that the ordinance was lengthy because it provided a lot of detailed to give clear direction to the business community and the enforcement official.

Mr. Jordan explained that his office works on a priority basis and answers complaints and he does not go out to look for violations. He stated that the first draft was, in his opinion, was worse then what we have now. The ordinance before the board now is better but he still has a lot of concerns with it. He agreed that a subcommittee would be a better venue to review and develop a less complicated and fair ordinance.

Mr. Price stated that this ordinance was not only to control business signs, but also political and sporting event signs.

Mr. Nedd stated that school election signs should be specifically included in the ordinance.

Mr. Jordan stated that he gets very few complaints about signs.

Mr. Banisch stated that the Long Valley Village sign requirements are somewhat restrictive and conservative. He stated that there is a subsequent resolution that indicates that they must follow township regulations.

Ms. Harrington stated she would like to be part of the subcommittee if it is formed.

The board concluded the discussion on the ordinance and directed Ms. Kesper to send a letter to the Township Committee as suggested and based on the reply from the Township Committee a subcommittee would be set up to review the ordinance.

DECISIONS ON COMPLETENESS

1. Black Oak Subdivision - Four Bridges Phase II – (Hays) – Bartley Road – R/5 Zone, 181.795 Acres - Request for Final Subdivision Approval of 12 Lots

Joel Kobert, Applicant's Attorney

Mr. Price stepped down from the application due to a conflict of interest and left the meeting.

Mr. Kobert stated it was the applicant's opinion the applicant has completed all necessary items to be deemed complete

Mr. Buzak reviewed the open items from the last meeting. He stated that a TCC was held with Dr. Oweis, Mr. Maltz, Mr. Hall and himself in attendance for the Board and the applicant and his professionals. The applicant has satisfied Dr. Oweis. Regarding traffic there is an issue of complying with Mr. Kizun's traffic report of 2002 regarding a mid block crossing and DOT approvals. He referred to Mr. Maltz's letter of February 27th regarding this issue and a letter dated February 16 from the DOT to Ferriero Engineering, which essentially detailed the same process. He referred to his letter of March 9th to the Township Attorney and the reply from Ms. DeBona on this issue. He stated that the Township Attorney's letter stated that the Township could send the request to the DOT, but the experience of the township is that the DOT does not review these types of requests until the road is built, signed and pavement marked. He summarized that because of the above there is no compliance with this resolution item. He noted that this mid-block crossing is really for the golf course as it is a crossing for golf carts and could impact the golf course. He explained that the question before the board is whether the board is willing to here the application without a signed preliminary because of this condition. If the board waives this issue and the other items have been complied with the board can find the application complete and the applicant would proceed to the issues at a hearing for final subdivision approval.

Mr. Hall concurred with Mr. Buzak and the fact that he would not be able to sign the plans until step three of Mr. Maltz's letter is completed. He did recommend that the plats be signed at this time, but did not object to this completeness item being waived for completeness as long as the other issues in Mr. Maltz's letter are met and the specifications required by Mr. Oweis are on the plans.

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Mr. Brightly stated that the preliminary plans have the specifications on them and that Mr. Oweis's condition is that they be also on the construction drawings and be implemented.

The board discussed the issue of the plans reviewed by Dr. Oweis.

Mr. Kobert referred to the crosswalk and the DOT approval that prevents the preliminary plans from being signed. It was his opinion that this condition in Mr. Kizun's letter was not for preliminary approval but at time of construction. He explained that this crossing does not affect the subdivision, but the golf course, which is in question now because of the Highlands legislation.

Ms. McGroarty agreed with Mr. Kobert and asked if there is a way to separate this cross walk issue.

Mr. Buzak answered Mr. Popper that if preliminary plans are signed they could start construction, but not if the signing of the plans is waived, this would allow the final hearing to move forward.

Mr. Buzak stated that an alternative could be to modify the preliminary to not require compliance with Mr. Kizun's letter but this may effect the approval under the Highlands Act. He noted that this requirement has been in the resolution since December 2002 and the letter to satisfy this condition has not been sent by the applicant. He answered Ms. McGroarty that this condition could be satisfied if Board interpreted and found that the condition, compliance with Mr. Kizun's July 2002 letter, did not have to be satisfied at preliminary as it referred to striping and signage which are post construction items. He explained that this could be done without modifying the resolution and would take that condition off the table and therefore the engineer could sign the plans. He answered Mr. Mont that this condition could not be attached to the golf course because that was a separate application and applicant, which was not before the board.

Mr. Hall stated that he could accept the interpretation as not being necessary for signing of the preliminary plans but wanted the condition to be subject to the first building permit.

Mr. DiSalvo made a motion that the board interprets the condition imposed in Mr. Kizun's July 17, 2002 (condition V of Resolution 02-26) to require the NJDOT approval of the location of the mid-block crossing signing and pavement markings (steps 1-3 of Mr. Maltz's February 27th letter) be provided prior to the issuance of the first building permit. In the event this request is denied by the NJDOT the applicant would come back to the board for an alternative or supply a letter from the golf course developer that they are not building the golf course. Seconded by Mr. Mont. A roll call vote was taken:

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

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Mr. DiSalvo made a motion to waive the requirement of having the plans signed for completeness only, seconded by Mr. Mont. A roll call was taken:

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

Mr. DiSalvo made a motion to waive the requirement in Mr. Hall's January 20, 2006 that final construction plans not be required prior for completeness only because preliminary's have not been signed. Seconded by Mr. Mont. A roll call vote was taken:

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

Mr. DiSalvo deem the application complete with he condition that Dr. Oweis clarify that the required notes are on the plan prior to approval. Seconded by Mr. Leavens

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

PUBLIC HEARING/APPLICATIONS

- 1. Black Oak Subdivision – (Four Bridges Phase II – Hays) – Bartley Road – R/5 Zone, 181.795 Acres - Request for Final Subdivision Approval of 12 Lots

The applicant adjourned the hearing to a subsequent meeting.

DISCUSSION / CORRESPONDENCE

- 1. Vouchers

Ms. Kaiser made a motion to approve the vouchers reviewed by the Chairman and Vice 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. March 7, 2006 Correspondence from the WMUA RE: Capacity Assurance Program

It was noted that this letter is notification that the Schooley's Mountain Plant has reached 80% capacity.

3. March 9, 2006 Correspondence from E. Buzak RE: Scudese vs. Washington Township

Noted for the record.

4. Childcare center at Long Valley Village

Ms. Kesper explained that a child care center is looking to rent two units at Long Valley Village and that they need an outdoor play area.

Mr. Banisch read the child care site plan requirements.

The board discussed this use and concluded that they wanted to see this as a waiver of site plan before any permits were issued.

Mr. Hall stated that the lighting issue has been resolved and it is half the wattage it started with.

Mr. DiSalvo made a motion to adjourn, seconded by Mr. Leavens. A voice vote was taken and the meeting was adjourned at 10:30 p.m.

Virginia R. Kesper, Clerk