

Chairman McGroarty called the regular meeting of March 22, 2006 of the Washington Township Planning Board to order at 7:35 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, Attorney 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 March 13, 2006 Regular Meeting

Mr. Akin made a motion to approve the minutes, seconded by Ms. Kaiser. Minor changes were made; all were in favor and the motion carried.

RESOLUTIONS

06-13 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

The resolution was reviewed.

Mr. Trevena made a motion to approve resolution 06-13, seconded by Mr. DiSalvo. A roll call vote was taken:

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

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.

DECISIONS ON COMPLETENESS

1. Rice – Block 59, Lot 3.08 and 3.09 – Wolfe Run Court – Request for lot line adjustment and lot width variance

Ray Rice, Applicant

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

Mr. Rice explained that the application is for a lot line adjustment needed because when he improved an existing driveway it ended up partially on his neighbor's property.

The file was reviewed for completeness.

Mr. Hall did not object to granting the waivers for completeness. 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.

PUBLIC HEARING/APPLICATIONS

1. Rice – Block 59, Lot 3.08 and 3.09 – Wolfe Run Court – Request for lot line adjustment and lot width variance

Ray Rice, Applicant

Ray Rice was sworn in by Attorney Buzak.

Mr. Rice reviewed the need for a variance and stated that because of a zone change from three acres to five acres his property no longer complies with the ordinance. He stated that he has noticed for this existing variance, diameter of building circle within the lot, which has made his lot non-conforming.

Mr. Rice stated that the driveway was previously a wood road, which he improved had expanded by several feet and added a stonewall. He stated that he would

supply the letter from the Bernstein' stating that they are aware that part of the stonewall is still on their property as a condition of approval.

Mr. Hall stated his opinion that there was no variance requirement with this application as the non-conformity was made by the zone change and not intensified by this development application. He had no objections to the application and recommended approval.

Mr. Buzak agreed that a variance was not required.

Mr. Rice answered Mr. DiSalvo that approximately 3' of the stonewall will still be on the neighbor's property after this lot line adjustment. He owns 3.08.

Mr. DiSalvo made a motion to instruct the board attorney to draw up a resolution of approval subject to the receipt of a letter regarding stone row from the adjoining property owner. Seconded by Mr. Popper. A voice vote was taken; all were in favor and the motion carried.

Eligible: Bauerlein, DiSalvo, Kaiser, Leavens, McGroarty, Popper, Price, Trevena, Akin, Mont Absent: Nedd

2. Murray – Block 50.02, Lot 14 – 4 Ramsey Way – R-5 Zone – 2.5 Acres – Request for Conditional Use Home Occupation – Previously Heard February 22, 2006

Patrick Murray, Applicant

Mr. Murray stated that after the last meeting he contacted Fed Ex, UPS and DHL. DHL stated that they could not provide the information except for a month previous. He stated that DHL did not have deliveries last month to him and they do not make significant delivers to him. UPS was helpful but could only give him data on the past 18 months of deliveries, which he submitted to the board. He stated that UPS has a policy to make one delivery per day, Fed Ex stated that they could have two deliveries each day; over night and ground. He explained that he does not get ground deliveries. Fed Ex did not supply him with information yet and he was informed that they would only be able to give him information regarding the last 90 days.

Mr. Murray referred to the information supplied by UPS and stated that over the last 12 months he has had 150 deliveries by UPS, which would average .58 deliveries a day, if all were Monday to Friday deliveries. He stated he does use UPS for his shipments. He submitted four packages of pick up receipts to the board. UPS 2005 was marked A-1, UPS 2004 was marked A-2, UPS 2003 was marked A-3 and UPS 2001-2002 was marked A-4. He noted that because of his recent business growth 2005 had more receipts then all the previous three years.

Mr. Murray submitted the UPS detail from August 2004 – March 1 2006 UPS, which was marked A-5.

Mr. Murray referred to information he received from UPS regarding deliveries in his neighborhood for the last four weeks. He stated that Gentry Drive received 31 deliveries; Ramsey Way 21 and Stuart Court 15. It was his opinion that he did not have a great impact on the UPS deliveries in the neighborhood. He acknowledged that he did have some major deliveries for his home renovations.

Mr. Murray answered the Board that he has currently moved his business to Hackettstown. He is now shipping everything from there. He would direct his largest clients to deliver by US Mail.

Mr. Murray stated that he gave the board inaccurate information on the dumpster and it has been there for three years in June. It is still there but it is for construction only. He stated that he agreed to a restriction that he would use no more than 25% of the house square footage prior to construction, which is 900 square feet. He answered Mr. Hall that he would plant two rows of trees if neighbor agreed to have them on his property, as there is not enough room between the driveway and the property line for two rows of trees. He agreed to move the driveway back 2' beyond the house. He answered Mr. Hall that he receives about the same number of deliveries from UPS and Fed Ex.

Mr. Murray answered Mr. Hall that he did not cancel his household trash contract. He stated that the renovation work is still going on. He stated that within three weeks he would be able to remove the dumpster but he would probably have it again during the siding and deck renovations. He hopes to have the home construction completed within the next three to four months.

He answered Mr. Akin that the dumpster was brought in during basement renovations followed by remodeling of their guest room, his sons' room and then the addition.

Mr. Murray answered Mr. Hall that the delivery address is still at 4 Ramsey Way his contracts. He explained that these are annual programs and that the one causing the current spike in activity will end March 31st. For the others he will try changing the address to the Hackettstown business address.

Mr. Popper stated that he questioned the proofs submitted. It was his opinion that the data requested by the Board was available. He wanted to see something more substantive from DHL, UPS and Fed Ex substantiating Mr. Murray's statements.

Mr. Murray answered Mr. Mont that he has only one pick up per day, regardless of the number of packages being sent out.

Mr. Popper suggested a subpoena for the records.

Mr. Murray answered Mr. Mont packages are picked up from the garage. About a 5 minute pick up for the large 221 package pickup in January. He stated that

there is one other delivery which he gets approximately 11 times a year and that is from a printing company. In the last month he has received 1.75 deliveries a day. He confirmed that currently there are no pick-ups at the house and it is the deliveries that are difficult to stop.

Mr. Trevena stated that it was his opinion that the flow of materials testified to is more than a home occupation.

Ms. McGroarty told the applicant that he needed to change the mailing address to the Hackettstown address.

Mr. Murray stated that he would try to do this.

Mr. Mont stated that it was his opinion that this type of business with these types of pick-up and deliveries is too intense for the neighborhood.

Mr. Banisch answered the Board that the number of deliveries is a question regarding whether this meets a home occupation use. He read the ordinance.

Mr. Popper was of the opinion that the data about other deliveries in the area is not relevant.

Mr. Buzak read the MLUL regarding subpoenas.

Mr. Nedd arrived and joined the meeting at 8:30 pm.

Mr. Murray stated that going forward he would not allow more than two deliveries a day. It was his opinion that even with the current intensity of today he does not have more than two deliveries per day.

Mr. Banisch stated that the problem is the impact on the neighborhood.

Ms. Kaiser stated that the Board does not normally hear applications to be a back up for a business and it was her opinion that the applicant should apply if and when he desires to move his business back into his home.

The board discussed the options before the board and applicant regarding this application.

Mr. Buzak stated that Ms. Kaiser raised a good point regarding approving something that is not going on at this time. An application should be for a specific thing, especially regarding home occupations. He stated that the Board needs to know what the applicant is specifically requesting. He suggested that if Mr. Murray wants to continue a home occupation he needs to define exactly what he is going to do and that is what the board would have to consider. If he does not have this information this application is premature.

Ms. McGroarty requested that the applicant come back with precise information as to what business he wants to run from his home today, not what he previously did, provide proofs that the address changes have been made, number employees he will continue to have and that he meets all of the 17 home occupation conditions.

Mr. Murray stated that he would not have employees at his home until this issue was resolved and he would effect change in deliveries.

Mr. Popper stated that if his home occupation request is going to involve pick up and deliveries he would want to see previous history.

The meeting was opened to the public for questions and statements on Mr. Murray's testimony.

Joseph Ferrucci- 6 Ramsey Way stated that he confirmed with the sanitation company that the dumpster has been on site since April 2003 and questioned that it was for construction. He was concerned about enforcement of any approval the board grants. He stated that last week the phone company was at the Murray house to install new lines. He questioned the delivery data for the neighborhood that were supplied.

Mr. Murray stated that the phone company was not on his property for him but for neighbors.

Thomas Pellerin - 10 Ramsey Way - stated that the people in the audience was only small representation of the neighborhood concern. The majority of the neighborhood objects and he would submit a petition to the board if necessary.

Samuel Susarchick - 14 Ramsey Way - informed the board that 210 business days are standard averages for business. He stated that the applicant should supply growth curves and Dunn and Bradstreet reports on his business to the Board.

Leon I. Gruber - 8 Ramsey Way - Stated that the Board has to have additional information regarding the size of mailings, contents of the mailings and as this defines the size and types of vehicles making delivering. He stated that he was concerned about large truck deliveries and that deliveries of supplies should be considered in the number of per day deliveries.

The meeting was closed to the public for questions and statements this evening.

The application was adjourned to April 26, 2006

Eligible: Bauerlein, Kaiser, Leavens, McGroarty, Nedd, Price, Trevena, Akin, Mont

Absent 2/22: Popper, DiSalvo

Absent 3/22: Nedd (partial)

***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. Review and Approval of the Washington Township Municipal Assessment report prepared by the Morris County Planning Board

Mr. Banisch an advisory document, not an official document of the township. Review of the document was adjourned to the next work session.

3. Planning Board Priority List

The priority list was reviewed.

It was decided to hold the review of the master plan and the highlands rules until after the highlands draft master plan is received.

The Board discussed sending a letter to the Highlands Council regarding the proposed golf course and that our ordinance was structured to protect the environment.

Mr. Leavens made a motion to direct Mr. Banisch to write a letter to the Highlands Council strongly encouraging them to consider the approval of the golf course for the chairman's signature. Seconded by Mr. DiSalvo. A voice vote was taken; Ms. Kaiser and Mr. Price abstained, all others were in favor and the motion carried.

It was also discussed that in the future the Board may want to write a letter to the Highlands Council supporting the Heath Village redevelopment and Route 46 being a TDR receiving area.

The Board decided that, after review of the priority list, they wanted to look at the C-1 and C-2 zone uses next.

Mr. DiSalvo made a motion to adjourn, seconded by Mr. Leavens. A voice vote was taken and the meeting was adjourned at 9:45 p.m.

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Virginia R. Kesper, Clerk

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