

Chairman McGroarty called the regular meeting of July 10, 2006 of the Washington Township Planning Board to order at 7:40 p.m.

MEMBERS PRESENT

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

* Arrived Late

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 June 28, 2006 Regular Meeting

Mr. Popper made a motion to approve the minutes, seconded by Mr. Trevena. A voice vote was taken all 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 from the public and the meeting was closed to the public.

DECISIONS ON COMPLETENESS

None

PUBLIC HEARING/APPLICATIONS

1. US Homes – Greenbriar at Riverview – Block 19, Lots 5, 6 & 7 – Schooley's Mountain Road and Newburgh Road - Request for Minor Subdivision, Final Site Plan and Amended Preliminary Site Plan Approval (Resolution 05-17) – Previously Heard June 28, 2006 – Public Hearing Continued – Expires October 1, 2006

Michael Selvaggi, Applicant's Attorney
Doug Angoff, Applicant
William Hamilton, Applicant's Engineer

Mr. Hamilton stated he would comply with Dr. Keller's of July 6 and Mr. Maltz's report of July 10, 2006 as a condition of approval. He addressed Mr. Banisch's report items 1-3 he took no exception with the requirements and would comply and provide revised plans. Regarding Item 4, the fishing observation deck has not been allowed by the DEP and therefore they are requesting this condition be removed from the resolution, but they will provide a bench. Item 5 – they will make the trail handicapped accessible. Item 6 – the notes regarding the fence will be added to the plans.

Mr. Angoff stated that regarding Item 7, they request the resolution condition NN be changed to reflect that the applicant will design and construct the emergency service building and also the wording to be changed to allow the Township Committee flexibility for the use of the capital funds agreed to by the applicant. Regarding Item 8, change "US Home" to the "applicant's name" to be removed after the last unit is sold.

Mr. Hamilton stated that regarding item 9 the architectural plans have not changed but will be resubmitted to the clerk.

Mr. Banisch was satisfied with the applicant's response.

Mr. Hamilton reviewed Dr. Keller's letter that related primarily to the plantings and stated that the applicant had no problem complying with this letter regarding the different plant species requested. He will meet with Dr. Keller on the ponds as requested by Dr. Keller. The applicant will meet Dr. Keller's requirements specifically regarding the pond depth. He answered Mr. Leavens that the closest pond is approximately 700' from the stream. He answered Mr.

Hall that they will comply with Dr. Keller's requirements regarding condition U and the landscaping around the existing pond.

Mr. Hamilton reviewed Mr. Maltz's letter of July 10th regarding signage and stated that he had no problem complying with the items in this letter. The applicant will use the standard signs recommended by Mr. Maltz. Plans will be revised where necessary in accordance with Mr. Maltz's comments.

Mr. Hall's letter of June 29th was reviewed.

Mr. Hamilton stated that a cost estimate for final construction would be provided to Mr. Hall. With regard to comments under II- Sight Distance and easements and items under III - Stormwater management plan, the applicant has no objection to implement and conform to the items as outlined by M. Hall. He stated that the applicant was still working with Dr. Keller and Dr. Oweis.

Mr. Hamilton stated that Conditions IV, 1, 2, and 3 of Mr. Hall's letter will be complied with.

Ms. Kaiser arrived and joined the meeting at 8:05 p.m.

Mr. Angoff stated that in regard to condition five, obtaining a Township soil disturbance permit, they would not be doing any work under preliminary. He asked that this condition be amended to require approval of a soil disturbance permit prior to any soil disturbance.

Mr. Hall stated that the requested revision was acceptable.

Mr. Hamilton stated that regarding condition 6 – the applicant would comply with the width requested on Musconetcong Way, condition 7, observation deck. had been eliminated, they would comply with condition 8 and also comply with Condition 9 regarding the shape of the lot for the emergency services.

Mr. Hall stated that his conceptual site plan was based on the fire department and first aid squad requirements and meeting the setbacks of both zones – OR/I and the overlay zone.

Mr. Selvaggi stated that they had no objections to item of Mr. Hall's letter regarding a special board geo-technical inspector for that site work.

Mr. Hamilton stated that they would provide the revised plans as requested under item 12.

Mr. Buzak referred to the township ordinances regarding bonding requirements.

Mr. Selvaggi answered Mr. Buzak that the applicant is requesting a waiver from the requirement that all improvements be made prior to final approval and they would bond for the improvements not provided.

Mr. Hall informed the applicant that the bonds would have to be posted prior to signing the map.

Ms. Kesper stated that the bonds might have to be posted before the Township Committee approves the Developers Agreement.

Mr. Selvaggi asked that condition N of the preliminary resolution be made part of final and reviewed the requirements of this condition and their status:

MCSCD – approval received

MCPB – stormwater approved, but some design changes requested and descriptions required

NJDEP – permits have been obtained

Stormwater Plan - still under review per Mr. Hall and Dr. Keller's letters

Phasing Plan – There is none

Mr. Selvaggi answered Mr. Hall that the applicant agreed to obtain water and sewer permits prior to the plans being signed and that no construction would commence until the plans have been signed.

Mr. Angoff stated that the applicant is not requesting the installation of the well or shed as requested by the Hackettstown MUA.

Ms. McGroarty referred to the June 28th letter from Hatch Mott MacDonald regarding the well. She stated that the board is not unanimously opposed to the idea but was negative to the way it was presented and the timing of the presentation.

Mr. Buzak stated that the letter sets forth the need for the well and the optimum location of the production well. The Board was not generically opposed to addressing the need for water, it was more the manner it was presented and the generality the board had to deal with. What it comes down to is our conservation easement conditions prohibit, among other things, the construction of a well. The Board would have to grant a design waiver to allow this type of activity in a conservation easement. He stated that the Board should consider as a Board whether it is prepared to discuss the issue of granting such a waiver to allow construction of a well and ancillary facilities, but also to have a specific location to deal with. He suggested a condition of approval, if the board wanted to move in that direction, which would be structured to allow a submission of plans that provided information as to the location and detail of the well to the Board engineer and approved by the board. The details of any waiver should be included in the resolution and the condition should have a timeframe on it.

Mr. Bauerlein stated that he would object to diluting a conservation easement. Mr. Nedd, Ms. Kaiser and Mr. Akin concurred.

Mr. Selvaggi answered Mr. Nedd that the HMUA is not holding this approval over the applicant to get approval of their sewer and water permits.

Mr. Nedd stated he would want to see the HMUA apply for what they need.

Mr. Banisch stated that the applicant controls the land now, but after approval a condominium association would control the land. It is part of the Planning Board charge to look at public health and safety and the board has an opportunity with this request to insure public water to the township and the region. It was his opinion that because of this it may be worth taking a second look. Another solution could be to add a notice in the resolution that would put the condominium association on notice of this well and the possible need for it.

Ms. McGroarty stated her concern that the well house was in the woods she would like the resolution structured so that the Planning Board can deal with this now to ensure that the pump house and other ancillary items are kept out of the tree line.

Mr. Buzak stated that the condition would be a requirement of another submission and approval of the waiver of the conservation easement language for a certain area within a defined period of time. If it doesn't happen, it doesn't happen. The board has allowed the process to occur.

Mr. Popper wanted to have a consultant review the HMUA water needs.

Mr. Selvaggi stated that the HMUA and applicant believed that this issue was off the table. However, he stated this is an opportunity for the board to do something in a regional manner and agreed with Mr. Buzak that a condition could be made in the resolution to allow for this to happen if the HMUA wanted to pursue it.

Ms. McGroarty stated that putting a condition in the resolution is good planning.

Mr. Angoff stated that this, based on Mr. Smith's testimony, would be a back up well. The letter sent by Hatch Mott MacDonald was in support of Mr. Smith's testimony. He stated that the condition suggested by the Chairman and Mr. Buzak was agreeable to the applicant.

Ms. Kaiser stated that she agreed that allowing this condition is a good planning tool, even if she does not support the location, but the HMUA should be allowed to come in and talk to us.

Mr. Nedd agreed, but he did not agree it needed to be a condition and that it would be appropriately before the Township Committee for relief from the conservation easement.

Ms. McGroarty stated that the decision and site plan was better here where the board is familiar with the project. She noted that the waiver would be good for the public safety and health of the community.

Mr. Buzak answered Mr. Mont that the US Homes would continue to be the applicant with the HMUA as their expert because the action the board would be taking would be the board granting a design waiver regarding the limitation in the conservation easement and the waiver would be part of this application.

Mr. Akin stated that he would also like to see the condition include a statement that if the board did not approve the well it would be abandoned and capped.

Mr. Price stated that this was an opportunity for the Board to augment the Township water supply and we should look at it recognize it in the resolution.

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

Susan of 44 Knob Hill – stated that the well discussed tonight is a good opportunity for the future.

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

Mr. Selvaggi stated that the applicant would speak with the HMUA regarding the time limits for them to request the well.

Mr. Akin this and other wells on site should be sealed.

Mr. Hall stated that this would be a DEP issue or a Washington Township Board of Health issue.

Mr. Price made a motion to include in the resolution 6 month time frame to allow the HMUA to come in for a site plan regarding the well including a statement that if the Planning Board did not approve the well it would be abandoned and capped, seconded by Ms. Kaiser

Yes allow condition: Price, Leavens, McGroarty, Kaiser, Akin, Trevena, Mont

Do Not allow condition: Popper, Nedd, Bauerlein

Mr. Buzak suggested a TCC.

Ms. Kaiser made a motion to authorize the Board attorney to draw us a resolution of approval for final site plan, minor subdivision and amended preliminary. Seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

**DISCUSSION /
CORRESPONDENCE**

1. Vouchers

Mr. Leavens 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. RO 14-06 – Amend 217-19 and 59 to allow for municipally sponsored multi-family affordable rental housing in the OR zone

Mr. Banisch stated that this ordinance would permit Mr. Rice and Mr. Hotz to build affordable housing on property on Drakestown Road – Ten units which would result in 15 credits

Ms. Kaiser made a motion to find that this ordinance is not inconsistent with the Master Plan and recommend the Township Committee adopt it. Seconded by Mr. Trevena. A voice vote was taken; all were in favor, and the motion carried

3. Proposed Changes to the C-1 and C-2 Zones

Mr. Banisch stated that at the last meeting the discussion was tabled to allow time for review of the Mendham Ordinance. It was his opinion that some of the information regarding the historic district would be appropriate to incorporate into our ordinance.

The Board agreed and directed Mr. Banisch to revise the draft changes for review at the next meeting.

4. Claremont Large Scale Retail – TCC July 11 at 2:00 p.m.
Noted for the record

5. Summer Agenda

Mr. Leavens made a motion to cancel the July 18th work session and July 26th regular meeting and August 8th work session, seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the meeting was cancelled.

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

Virginia R. Kesper, Clerk

JULY 10, 2006