

Chairman McGroarty called the regular meeting of August 14, 2006 of the Washington Township Planning Board to order at 7:35 p.m.

MEMBERS PRESENT

- CLASS IV: Mark Bauerlein, William Leavens, Kathleen McGroarty, Howard Popper, Geoffrey Price
- ALTERNATES: Lou Mont
- CLASS I: Kim Ball Kaiser
- CLASS II:
- CLASS III: Kevin Nedd
- OTHERS ABSENT: Akin, DiSalvo, Trevena
- STAFF PRESENT: Clerk Kesper, Attorney Cofoni, Planner Banisch, Engineer Hall, Geo-Technical Consultant Oweis

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 July 10, 2006 Regular Meeting

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

RESOLUTIONS

06-22 US Homes – Greenbriar at Riverview – Block 19, Lots 5, 6 & 7 – Schooley's Mountain Road and Newburgh Road - Approval for Minor Subdivision, Final Site Plan and Amended Preliminary Site Plan Approval (Resolution 05-17)

Joel Kobert, Applicant’s Attorney
James Broscious, HMUA Attorney

Mr. Kobert stated that the applicant does not object to the revised black lined resolution circulated to the Board

Mr. Broschious referred to page 5 paragraph, 2 and stated that the applicant will appear before the board with a site plan in more detailed form. He stated that the HMUA received Dr. Oweis' report tonight.

Ms. McGroarty informed the board about a TCC that was held on August 9th with four members of the Board. She stated that Mr. Popper still had concerns and asked that Dr. Oweis review the technical material to offer his opinion on the site selection.

Dr. Oweis referred to his report of August 14th. He stated that he agreed with the site selection for the well, but with different reasons than the applicant. He explained that there were other sites available but they come with potential problems:

1. Any other area would be very close to new structure and could contribute to sink hole activity.
2. Other sites were also in the conservation easements
3. Other sites were too close to the Musconetcong River and could cause thermal heating.

He explained that he did not have enough data to make a conclusion regarding subsidence. Well 5 is 35' from Schooley's Mountain Road and that conceivably this could have a negative impact with settlement, which would cause a need for repairs. Well TW 6 AKA, Well P presented the least problems of the well sites. He answered Mr. Mont that the well quantity has been pretty well proven between 750 and 900 gallons per minutes and stated that it is a good well.

Mr. Popper stated that his concerns were that this was an appropriate well and that there were no other potential wells that were as good or better and Dr. Oweis has answered the questions. He thanked the HMUA for allowing this work to be done to give our professionals a chance to review the work.

Mr. Nedd asked if the plans could be revised to leave this area out of a conservation easement instead of creating a conservation easement from which a waiver would then have to be requested.

Ms. Cofoni explained that there is a possibility that the HMUA would not come before the board and if they don't the Board wants the property in a conservation easement. She will work with the Township Attorney to draft an easement that will allow the building of the well in this area. The property will be in the easement but allow the well, if the property were excluded there would be no restrictions. The easement language states that the Township Committee will approve the easement and the Planning Board would grant the waiver.

Ms. McGroarty stated that this method also does not hold up the perfection of the resolution by the applicant.

Ms. Cofoni answered Mr. Nedd that applications are reviewed on a case by case basis and this particular use is for the good of the Township for water for the Township.

Mr. Broschious from the HMUA perspective they would prefer if this area be taken out of the conservation easement and if nothing happened within a specific period of time it would go into an easement.

Mr. Banisch advised the HMUA that Washington Township reviews these projects as site plans, not a capital review projects.

Mr. Smith was concerned with a conflict with the Township Committee in the future.

Ms. McGroarty stated that she did not believe this would be a problem as this relief from the conservation easement is for a public purpose.

Ms. McGroarty explained for the board other location options of the well house as being on the edge of the woodland or actually over the well, which will be discussed when they come back.

The Health Department letter from April 2005 which stated that all abandoned wells and septic systems had to be properly abandoned.

Mr. Popper made a motion to approve resolution 06-22 as amended this evening, seconded by Mr. Leavens. A roll call vote was taken:

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

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. Mills – Block 20, Lot 95 – 41 Spring Lane – 1.25 Acres – Request for Conditional Use Home Occupation and Minor Site Plan

Virginia Mills, Applicant

Virginia Mills was sworn in by Attorney Cofoni.

Mr. Nedd stepped down due a conflict of interest.

Ms. Mills stated that she wanted to use a portion of her home as an acupuncture office.

Mr. Banisch referred to his memo of August 14th and reviewed the conditional use home occupation requirements.

Ms. Mills stated that she did not plan to have classes, but if she did she would abide with the ordinances. She will only have a couple of deliveries a month for the office. She will comply with sign ordinance for the size of signs. She did ask that the sign be allowed within 15' from the road where 20' is required.

Mr. Hall stated that he did not object to this waiver request. He stated driveway sight distance would have to be confirmed and if there was any brush or trees in this area they would have to be removed.

Ms. Mills stated that she plans to pave the parking spaces for maintenance reasons. She asked for a waiver from the wheel stops. She answered Mr. Hall that she is the only operator and she would have 4 to 6 client appointments per day.

Mr. Hall stated that the number of parking spaces is adequate. He asked for evergreen screening alongside the new parking spaces.

Ms. Mills agreed to plant the evergreen screen. He hours of operation are planned to be Monday, Wednesday, Friday, Saturday. She asked for a waiver from the lighting requirements to allow for solar walkway lights. The sign would be solar lighted as well, and only be on during the early evening hours.

The board discussed this request and felt low power Malibu type lights would be more appropriate.

Ms. Mills stated that she is in the process of hooking up the house the WTMUA sewers. She will get all required permits and have the septic system abandoned.

Ms. Mills stated that alterations to the home will include a handicap accessible entrance which would meet ADA requirements and a new sidewalk would be installed. No other changes would be made to the building.

Ms. Mills stated that the medical waste, needles, would be handled via regular mail in state authorized containers.

Ms. Kaiser made a motion to grant the minor site plan approval with waivers requested seconded by Mr. Price. A roll call vote was taken:

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

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

2. Review of Proposed changes to the C-1/C-2 Zone

Mr. Banisch reviewed his memo of August 11, 2006.

Mr. Price stated that some of the space limitations in Mendham are because of the moratorium on water and sewer.

The board discussed the size limitations, number of business allowed and use of the third floor as presented in Mr. Banisch's memo and concluded that these items do not need to be included in the proposed ordinance changes.

The ordinance will be reviewed again at the next meeting.

3. Review of Waiver of Site Plan

The Board reviewed the proposed changes to the Waiver of Site Plan form and ordinance. It was agreed to remove the need for a notarized affidavit. It was decided to add a new section F, which would read:

F. At the sole discretion of the board, waivers may be made the requirement for a site plan with limited changes in C items 1, 2, 3 and 4.

The ordinance will be reviewed again at the next meeting.

Mr. Leavens made a motion to adjourn, seconded by Ms. Bauerlein. A voice vote was taken and the meeting was adjourned at 9:15 p.m.

Virginia R. Kesper, Clerk

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