

Chairman McGroarty called the regular meeting of September 11, 2006 of the Washington Township Planning Board to order at 7:30 p.m.

MEMBERS PRESENT

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

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 September 11, 2006 Regular Meeting

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

**RESOLUTIONS**

06-25 Washington Township Municipal Utilities Authority – Block 29, Lot 22 –  
1101 Bartley Road – R-5 Zone 1.107 Acres – Approval of Request for  
Preliminary and Final Site Plan with Variances for a Wastewater Pumping  
Station

Tom Horn, Applicant

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

The resolution was reviewed.

Mr. Horn stated that the WTMUA has been contacted by the Historic Preservation Commission and have been asked to change the roof to a peak roof.

Mr. Buzak stated that if the footprint does not change they would not have to come back to the board

Mr. Mont made a motion to approve resolution 06-25, seconded by Mr. Leavens. A roll call vote was taken:

Ayes: Bauerlein, Leavens, McGroarty, Mont

Nays: None

Abstentions: None

Ineligible: Akin, Kaiser, Price,

Trevena

Absent: DiSalvo Nedd, Popper

***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. Hackettstown Municipal Utilities Authority – Schooley’s Mountain Road - Block 19 Lot 5, OR/I zone – Concept Plan for public water supply well

James Brochous, Applicant’s Attorney

Bruce Smith, Applicant

Fletcher Platt, Applicant’s Engineer

Mr. Brochous stated that the applicant is before the board with a concept plan that if found acceptable to the Board they would subsequently bring it to the Township Committee.

Fletcher Platt was sworn in by Attorney Buzak and presented his qualifications to the board.

Mr. Platt referred to a color aerial photograph/site plan that was submitted with the application, which was marked A-1. He pointed out the area of the existing well. He stated that the HMUA well serves Washington Township and the surrounding communities. He pointed out the well across the street at Heath Village. He explained that the concept presented tonight is locating the building over the wellhead, which would minimize the impact of the well and area of

easement that would have to be dedicated to the HMUA. He stated that the building would be within the 100' setback requirement of the zone. He noted that there are other buildings in the area that are within the 100' setback. He stated that the well in question has been proven to pump at least 900 gallons per minute. He referred to the site plan, which was marked Exhibit A-2. He pointed out the proposed building and driveway stating that the driveway went behind the building as the doors will be behind the building, not facing the roadways. The building will provide chlorination and corrosion control. The building is still in the conceptual stage and the building shown on the drawings before the board would be the largest required and that the applicant would reduce the size if at all possible. He noted that the 12" water main is partially in the right of way and partially outside the right of way of Schooley's Mountain Road, he pointed out the existing piping. He explained that there would be no trees taken down and they would use power from an existing pole that would have service run underground to the site.

Mr. Platt stated that the architectural design proposed is a stone face but that if the board preferred the HMUA would use a wood face. He stated that the building is orientated parallel to the road. He pointed out the proposed design on an exhibit, which was marked A-3. He explained that after construction the site would be visited by HMUA staff once a day. He answered the board that there would be a standby generator inside the building, which would be used only if there should be a power failure. The generator would be operated once a week for 15-30 minutes.

Mr. Hall stated that if the building was moved down by the wood line it would be much less visible. He noted that the architectural stone vs. wood is up to the board.

Mr. Banisch stated that the stone did not exactly match the stone in the township. He stated that if the building remains 1000 sf he would ask that fake windows and a chimney be added to mimic a small farmhouse.

The board discussed the location of the building.

Mr. Fletcher answered Mr. Mont that the structure would be on a slab at grade with block and a stone face or hardyplank siding. If the building were moved off the wellhead a fence would have to be put around the well area. It was his opinion that the building is not large for the size of the open field.

Bruce Smith was sworn in and stated the building will be reduced in size somewhat. The design is preliminary. He stated that if the building were located along tree row there would be fencing around the well casing which would be visible. He stated that from an operational standpoint the building over the well would include the 50' area of control required by the DEP. If the well house were moved to the wood line it would increase the size of the easement needed by the HMUA and procedurally there would be a long pipe that would increase the lead-time for sampling. He stated that it is the HMUA's preference to have the

building over the well. He answered Ms. McGroarty that they would not need two driveways if the well house were located away from the pump house. The well house currently proposed over the well is a 20 x 40 building.

Mr. Smith stated that the driveway would be grass pavers so it would be natural looking. He would not object to the area around the driveway and building being hayed. He answered Mr. Trevena that they would try to reduce the height of the building. They would look into putting the generator outside the building.

Mr. Bauerlein would like to see it at the wood line. He found the design acceptable and either stone or hardyboard would be acceptable.

Mr. Platt stated that the HMUA would have no need for parking for more than 2 cars.

Mr. Smith stated that the HMUA is required by the DEP to have the building secure but they have not been required to fence it in the past. He answered the board that there are no substantial lighting needs and that a porch light would be all that was needed.

Mr. Platt answered the board that the exhaust louvers would be on the rear of the building and that they could put in more false windows and doors and that the roof hatch is necessary to be able to remove the well if necessary. The roof hatch would have to face Schooley's Mountain Road unless the building is moved closer to the road. They will hide the roof hatch as best as possible.

Mr. Banisch proposed making the louvers look like small double hung windows.

Mr. Platt answered the board that the easement area would not be as large as shown on the current plan.

Mr. Smith stated that if the building were in the tree line the easement would be greater than if the house is over the well. If the building is located as shown on the plan, over the well, they would need an area of 120' x 120' or a 15,000 – 20,000 square foot easement.

Mr. Hall advised the applicant if the structure is 600 sf or less and less than 5000 sf of soil is disturbed it would be a minor site plan, if not it would be a preliminary/final major site plan.

Mr. Smith addressed the generator and stated that he did not object to locating it outside the building if that was what the board wanted as this would allow them to design a smaller building. They would minimize the generator noise to the best extent possible and explained what they have done in a neighborhood in Mansfield.

Mr. Smith answered Mr. Mont that they have done an iron test. The pump test was 989 gallons per minute for four hours and the iron was below iron in

drinking water requirements. He explained the additional testing they would be doing to get a DEP diversion permit, which would include 72 hour pump test. The tests they have done to this point all indicate the well yields at least 900 gallons per minute.

Mr. Buzak advised the board that if they gave the applicant clear direction tonight, the applicant would have enough information to go before the Township Committee.

The board was polled and the majority would prefer that the building be located over the well (at wood line Akin and Bauerlein; over the well – Mont, Trevena, Price, Leavens, Kaiser, McGroarty). Also the majority of the board favored no fencing, low profile and a greater pitch on the roof. They were also in favor of moving the building ten feet closer to the road in order that the roof hatch was in the back of the building away from the road. In addition the board indicated that they were in favor of a smaller building with locating the generator outside, if it makes the building requirement smaller, a stone façade as a farm out building style with a false sliding farm door with rails bolted to the stone, no fencing and minimum lighting.

The board discussed whether this would be an accessory use, essential service or conditional use. Mr. Buzak will determine this and let the applicant know of his decision.

Ms. Kaiser made a motion to direct Clerk Kesper to write a memo to the Township Committee with the Board's findings, seconded by Mr. Leavens.

The applicant was directed to send Mr. Buzak, Mr. Banisch and the planning board office a copy of the plans they submit to the Township Committee

***DISCUSSION /  
CORRESPONDENCE***

1. Regency at Long Valley – Well location and Maintenance of Roadway

Tom Horn

Mr. Leavens, Ms. Kaiser and Mr. Akin stepped down due to a conflict of interest.

Mr. Horn explained that he was before the board to inform them of an issue with the Regency at Long Valley that Toll Brothers is building. He explained that during the Planning Board hearings it was made known to the Board that there were two wells on the site. They were told one well was in a location that prohibited the applicant from giving it to the WTMUA, which was between Dairy and Raspberry Lane. The other was shown to be by the Electric Brook,

which was inside the production building. The WTMUA asked that the well by the Electric Brook be dedicated to the WTMUA with the necessary easements and this was made part of the WTMUA service agreement. He stated that this is indicated in the first resolution passed by the board in the finding of facts.

Mr. Horn stated that when the demolition started the WTMUA was on site to insure that the wellhead was protected during the demolition and it turned out that it was actually 125' away from where it was shown on the plans. He referred to the plans submitted to the board and stated that the well now sits under building 9 on the plans and stated that you cannot have both the well and a new structure in the same location. The WTMUA has discussed the issue and it was questioned whether this was a discussion for the planning board as well. Basically the WTMUA has three options, cite a well on another location, which seems difficult; require that the applicant give the well to the WTMUA which would mean the applicant loses three units; or a third option is for the applicant to contribute to the WTMUA a comparable monetary value of the well.

Mr. Buzak stated that he reviewed Mr. Horn's letter and it is clear to him that this is a WTMUA issue and that it was included in the resolution because the Board was aware of it and wanted to make sure it happened and therefore it was in the findings of fact. Negotiations should be judged against the contribution of the well to the WTMUA and that they be between the WTMUA and the applicant, not the board. The board could endorse the WTMUA's position.

Mr. Hall stated that this well was supposed to pump water to the detention basin, therefore the board is involved in it from an environmental point of view.

Mr. Horn stated that the well is about 225' deep and yields 200 gallons per minute. They have sent a letter to the developer asking them what they propose to do to meet this condition. He explained the water service agreement they have with the developer.

Mr. Horn stated that there is fuel oil contamination near the well, but there has not been any contamination of the well. He answered Ms. McGroarty that this would have to be looked at before a decision is made on how this issue is resolved.

## ROADWAY MAINTENANCE

Mr. Buzak reviewed Mr. Kobert's letter of October 4, 2006 and the request regarding snow removal and electricity for street lighting. He reviewed the law on this issue and stated that the resolution needs to be modified to reflect the law.

### 2. Elegant Homes Litigation

Ms. McGroarty made a motion to go into closed session to discuss the Elegant Homes Litigation, seconded by Ms. Kaiser. A voice vote was taken; all were in favor and the meeting was closed to the public at 9:23 p.m.

Ms. Kaiser made a motion to come out of closed session, seconded by Mr. Leavens. A voice vote was taken and the meeting was opened to the public at 9:42 p.m.

Ms. McGroarty announced that during closed session discussed the Elegant Homes litigation was discussed.

### 3. Vouchers

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

### 4. Board Agenda

The board reviewed the upcoming agendas and cancelled the October 17th work session.

### 5. Update on Construction at Estates at Long Valley

Mr. Hall stated that the road at the Estates at Long Valley have been curbed almost all through Section 2 and is based paved and that Section 3 is half paved. He stated that the applicant would not be able to complete the road by the October 15<sup>th</sup> deadline for stabilization. He explained that it was his opinion that the developer could proceed based on the performance of the developer and contractor in the past as they have been responsible and responsive during construction. It was also his opinion that there could be more problems if the developer stops the job now and starts again in the spring. He would let the developer continue if the board agrees.

The board discussed this issue and concluded based on Mr. Hall's opinion, they did not object to the road construction being continued.

Mr. Leavens made a motion to adjourn, seconded by Ms. Kaiser. A voice vote was taken and the meeting was adjourned at 10:00 p.m.

---

Virginia R. Kesper, Clerk