

Chairman McGroarty called the regular meeting of January 8, 2007 of the Washington Township Planning Board to order at 8:00 p.m.

MEMBERS PRESENT

- CLASS IV: Charles DiSalvo, William Leavens, Kathleen McGroarty, Howard Popper
- ALTERNATES: Sam Akin
- CLASS I:
- CLASS II: Eric Trevena
- CLASS III: Kevin Nedd
- OTHERS ABSENT: Mont, Bauerlein, Price
- STAFF PRESENT: Clerk Kesper, Attorney Cofoni, 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 December 11, 2006 Regular Meeting

The minutes were tabled.

**RESOLUTIONS**

07-07 Alcock – Block 17, Lot 6 – 679 Bartley Road – Approval of Request for Wavier of Site Plan to use existing cottage for farm labor housing

As the applicant had not seen the resolution it was tabled.

07-08 DeFilippo – Block 62, Lot 12 – 180 Black River Road – Approval of Request for Wavier of Site plan for apartment in existing barn for farm labor housing

As the applicant had not seen the resolution it was tabled.

*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. Regency at Long Valley – Block 28, Lots 46 & 47 – Fairview Avenue – Amendment to Condition X3 of the Preliminary and Final Resolution 05-24 – regarding maintenance of the roadways

Joel Kobert, Applicant's Attorney  
Michael Glenn, Applicant

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

Mr. Kobert explained the requirements of the DCA regarding road maintenance and the fact that the resolution requires the association to maintain the road and that this requirement is not allowed by the NJDCA. The developer can maintain the road until it is turned over to the association, then if the Home Owners Association does the maintenance the HOA must be allowed to ask the Township for reimbursement of the maintenance expenditure.

Mr. Kobert answered Mr. Hall that these roads will be private but the Homeowners Association has the right to ask the town to reimburse them for their maintenance including snow plowing. Whatever does not come under the Municipal Reimbursement Act would be paid for by the Homeowners Association.

Ms. Cofoni stated that she spoke to the DCA who confirmed Mr. Kobert's explanation.

Mr. Glenn answered Mr. Hall that the developer will maintain the roads until they are off their performance bond with the Township.

Michael Glenn was sworn in by Attorney Cofoni.

The meeting was opened to the public for questions and comments. There were not questions and comments and the meeting was closed to the public.

Mr. DiSalvo made a motion to directed the board attorney to draw up a resolution of approval eliminating the condition regarding homeowner reimbursement of road maintenance. Seconded by Mr. Leavens.

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

Eligible: DiSalvo, Leavens, McGroarty, Nedd, Popper, Trevena,

Absent: Bauerlein, Mont, Price

Ineligible: Akin

2. US Homes – Greenbriar at Riverview – Block 19, Lots 5, 6 & 7 – Schooley's Mountain Road and Newburgh Road – Concept Discussion on amendments to the Minor Subdivision, Final Site Plan and Amended Preliminary Site Plan Approval granted with Resolution 05-17 and 06-22)

Joel Kobert, Applicant's Attorney

Doug Angoff, Applicant

Barbara Shoor, Applicant's COAH Planner

William Hamilton, Applicant's Landscape Architect

Tom Barton, Applicant's Architect

Mr. Barton stated that he has been involved with this project from the beginning. He has not yet updated the drawings as he wanted more feedback from the board. He stated that based on the last meeting he understood that the garages in the front and the massing of the buildings are concerns of the board. It was his opinion that they would be able to remove the garages from the front of the building.

Ms. McGroarty recommended all driveways in the back, with a courtyard for turn around.

Mr. Barton stated that the problem with that is the additional roadway surrounding the building. He explained how they could be on the sides with screening of landscaping, walls and overhangs. He said there is enough space to provide one garage and one open parking space for each unit. The footprint would be close to the original design, a little longer but as wide with notches. He stated that the garages would have access to a common corridor under the building to an elevator to the living area. The new design would have 16 units per building instead of the previously proposed 15 units per building.

Mr. Barton stated that regarding the COAH units, the consolidation of the rental units allows for better services for them. He is proposing two structures with 24 units each with a one-story clubhouse for them between the two buildings. He answered Mr. Hall that under buildings codes they would be considered 3 different buildings.

Mr. Kobert stated that the number of units per building would to be addressed with the board's attorney whether it is a design waiver or a variance.

Mr. Barton will provide the board with further architectural plans at the next meeting.

Mr. Angoff stated that this proposal would be for 21 market rate buildings and 3 COAH buildings.

A sketch of the COAH units was distributed to the Board.

Mr. Kobert stated that there could be an agreement made that would allow the COAH apartments to use the development amenities such as the clubhouse.

Ms. Shoor answered the boards previous concerns regarding the maintenance of the building. She stated that the homeowners association would do most of the landscaping maintenance along the roadway in front of the building, grass cutting, snow clearing. The tax syndicator will monitor the budget as well as the NJ FHA. She testified that this would ensure high quality maintenance which is what they want as well.

Ms. Shoor stated that with regard to the services offered to the tenants of the apartments, they proposed a one story clubhouse between the two buildings with community rooms, program rooms, library, television room, wellness center, fitness center. It was her opinion that it was not necessary to utilize the development's clubhouse. She answered the board that they have done this in other developments and is allowed by DCA.

Ms. McGroarty stated that she was concerned that this was more of an assisted living facility.

Ms. Shoor stated that this is an age restricted with the minimum age being 55, just as the US Homes development is, but the target renter will be in their 70's and single occupant. She stated that the market rate units would target the 68 year old and younger. She stated it is very different from assisted living. She explained stated that assisted living is approximately \$4000 a month vs. \$800 - \$1000 these units are proposed to be rented at.

Ms. Shoor stated that the syndicator is the important component to insure that the property is maintained. She explained the financial assurances that they provide. She explained her company earns income from up front fees and management fees. The syndicator makes money from the difference of what they charge them to what they float the credit for. She stated that when her company operates the COAH housing their units are congregated together.

Ms. Shoor stated that interspersing the COAH units does not hide their identify, they would not have a community of people like themselves and it would not be

economically feasible to have the services they propose if the units are spread out.

Mr. Banisch stated that the board was looking to supply affordable housing for the active adult community, not the more senior adult community.

Ms. Shoor stated that the average senior looking for affordable housing is the 73 years old, single and usually female.

Mr. Banisch stated that it was his opinion that if active adult affordable units were built there would be a market for them.

Mr. Angoff answered Mr. Nedd that it is the construction costs that is driving the redesign of the development. He answered that if the COAH units were eliminated with two more market rate buildings would make the project more viable.

Ms. Shoor answered Mr. Nedd that there is no way to finance the purchase of 48 units throughout the development to own and maintain them and offer the services she proposed. She explained the problems with COAH units and HOA fees. It was her opinion that it would be difficult to rent interspersed units.

Mr. Angoff stated that it was the applicant's opinion that the market is for what Ms. Shoor offers.

Mr. Banisch stated that the original plan was to sell the COAH units, not rental.

Mr. Angoff answered that at the time of the original application there was a market for low and moderate age restricted purchase.

Mr. Kobert stated that the decision to include the COAH units was also based on the additional density of 100 units.

Mr. Angoff answered the board that when US Homes looked at this project with the changing market it became clear that they had to change the architectural design. The change from purchase to rental units was made from a planning standpoint, it was their opinion it makes more sense to use Ms. Shoor firm. He answered Mr. DiSalvo that affordable housing is a loss leader in marketing either way. He stated that how he can successfully market the affordable units it is not a financial issue, but a planning issue.

Mr. DiSalvo stated that if it does not make a financial impact he would like to see what was approved for affordable units.

Mr. Banisch stated that the Township has met its rental unit component and there would be no benefit to the Township to have rental units vs. purchased units.

Mr. Angoff answered the Board that they probably could sell the affordable units within the development.

Ms. Shoor reviewed the benefits to the Township if the separate apartments were approved. It would be "PILLOT" money, which would bring three times the amount of revenue to the Township and it would not have to go to the Board of Education. She stated that annually the PILLOT program would be approximately \$82,000 in taxes vs. conventionally \$2,500 "Pilot". Rental unit offer additional COAH credits. Her firm would act as the agent, doing all the reporting to COAH, this would not be an obligation of the Township. All of the units would be delivered to the Township at one time.

Mr. Banisch answered Mr. DiSalvo that the ordinance does not require dispersed units. There is a maximum of 18 units per building.

Mr. DiSalvo stated that it appears the architectural concerns have been met. He prefers the dispersed units.

Mr. Barton stated that the affordable buildings would look exactly the same as the market rate units.

Mr. Popper would like to see studies for age restricted both age restricted and market rate.

Mr. DiSalvo asked for the financial impact statement be revised and submitted to the Board.

The Board reviewed the placement of the affordable buildings location, in the event the applicant proceeds in that direction.

Mr. Banisch noted that this section, in addition to having a view of the river, it does adjoin the OR/I.

The board did not object to the location shown if the applicant chooses this type of amendment.

***DISCUSSION /  
CORRESPONDENCE***

1. Vouchers

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

2. Planning Board/Board of Adjustment 2006 Activity Report – Prepared by V. Kesper

Noted for the Record.

3. 2007 Planning Board Priority List

Add conservation easement ordinance

4. Highlands Council Master Plan – Public Comment Period Extended to March 2, 2007

Mr. Banisch explained how the plan was set up. He stated that there are public meetings scheduled.

Ms. Kesper stated that the Township Committee is trying get the Highlands Council to make a presentation before the Committee and Planning Board.

Mr. Banisch was directed to send the board a memo by Friday.

The highlands discussion was adjourned to Jan 16<sup>th</sup> work session.

Mr. Nedd made a motion to adjourn the meeting, seconded by Mr. Akin. A voice vote was taken; all were in favor and the meeting was adjourned at 10:15 p.m.

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Virginia R. Kesper, Clerk