

Chairman McGroarty called the regular meeting of February 28, 2007 of the Washington Township Planning Board to order at 7:46 p.m.

MEMBERS PRESENT

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

* Arrived at 8:30

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 12, 2007 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 January 24, 2007 Regular Meeting

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

RESOLUTIONS

07-08 Regency at Long Valley – Block 28, Lots 46 & 47 – Fairview Avenue – Approval of Amendment to Condition X3 of the Preliminary and Final Resolution 05-24 – regarding maintenance of the roadways

The resolution was reviewed.

Mr. Buzak stated that the applicant has reviewed the application and asked the board to adopt it.

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

Mr. DiSalvo made a motion to adopt resolution 07-08, seconded by Mr. Popper.
A roll call vote was taken:

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

07-09 Valley View Chapel – Block 36, Lot 43 – 115 East Mill Road – R-5
Zone – Approval of Request for third – One year extension of time
on Resolution 03-07

Mr. Price and Mr. Akin stepped down.

The resolution was reviewed.

Mr. Price made a motion to approve resolution 07-09. Seconded by Mr. Popper.
A roll call vote was taken:

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

07-10 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

The resolution was reviewed.

Mr. DiSalvo made a motion to approve resolution 07-10. Seconded by Mr.
Popper. A roll call vote was taken:

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

07-11 Target Corporation – Block 4, Lot 7.05 – Route 46 – C-2 Zone 29.27 Acres –
Approval of Request for Amended Preliminary and Final Approval with Variances
granted under Resolution 03-23 and 06-25

The resolution was tabled until the Target amended application on the agenda
this evening was heard.

DECISIONS ON COMPLETENESS

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.

PUBLIC HEARING/APPLICATIONS

1. Washington Township – Block Lot – Fairview Avenue -Capital Review of Proposed Dog Park

Mr. Buzak stated that no notice is required for capital reviews. However the adjoining property owner objected and stated that they were to be noticed. Therefore the meeting was adjourned to March 12, 2007

2. Target Corporation – Block 4, Lot 7.05 – Route 46 – C-2 Zone 29.27 Acres – Request for Amended Preliminary and Final Approval with Variances granted under Resolution 03-23 and 06-25 to allow tree removal prior to perfection of the resolution of approval and to allow changes to pavement specifications

Nancy Lottenville, Applicant's Attorney
Joe Mele, Applicant's Engineer

Joseph Mele was sworn in by Attorney Buzak and presented his qualifications to the board.

Mr. Mele stated that the applicant was asking for relief from the condition that the plans must be signed prior to tree clearing. They were asking for this relief because they must remove trees by April 1st due to the Indiana Bat, as required by the DEP. He referred to Mr. Hall's February 26th letter regarding this issue. He stated that they will comply with the requirements of Mr. Hall's letter and have already spoken to Dr. Keller regarding the trees to remain as requested. They will stay out of the stream and will not stump the trees until the plans are signed.

Mr. Mele referred to the tree preservation plan submitted to the board that included trees to removed by the pylon sign and asked for the Board's approval of the amended plan. Seven additional trees will be taken down in the area of the sign. They will comply with Mr. Hall's letter of February 26th on this issue as well.

Mr. Mele addressed the request for modifications to the paving requirements. On the previous plan the spec was for heavy and light duty pavement. He referred to plan sheet 28.03 for the pavement specifications. The changes are being requested due to the geo-technical investigation recommendations. He referred to a letter from Target dated February 27, 2007, which was marked A-1 which agreed to the pavement changes discussed. He stated that the applicant agreed to the recommendation regarding the fifteen year inspection / change in tenant in Mr. Hall's February 26th letter regarding the pavement specifications.

Mr. Hall referred to the ordinance, which is not a specific requirement, but gives that authority to the Township Engineer. He answered Mr. Akin that the Township would not have any maintenance or snow plowing responsibility for the parking lot.

Mr. Akin suggested making the recommendation that the Township may, not shall, make an inspection in fifteen years or upon change in tenant.

Mr. Hall concurred with Mr. Akin's suggestion. He answered Mr. DiSalvo that the tenant change he was referring to would be the big box, not the smaller retail or pad site.

Mr. Mele referred to correspondence from Dr. Oweis' since 2003 to his letter of February 28, 2007. He stated that the applicant does not want to put a liner in the basin because there is no evidence in this area of sinkholes. This basin would store water only for temporary periods of time. The ground water level is close to the bottom of the basin. He stated that the basin is distant from Route 46 and any proposed improvements. The basin will be fenced in with a 4' fence. The applicant agreed to comment five in the February 28th 2007 letter to fence in the basin and remediate immediately any sinkhole activity that happen.

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

Andres Torres - Attorney for TJS Development who owns the property directly to the south of this property. His client objects to the application moving forward due to possible flooding on his property. He also objects to any work starting on the site without all approvals in place.

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

Resolution 07-11 Target Corporation – Block 4, Lot 7.05 – Route 46 – C-2 Zone 29.27 Acres – Approval of Request for Amended Preliminary and Final Approval with Variances granted under Resolution 03-23 and 06-25

Mr. Buzak referred to the amended resolution that included conditions discussed this evening. He reviewed revised items 13 and 14, which reflected the tree cutting and parking specifications. He reviewed a new condition 15 regarding

the boards' discussion on Dr. Oweis' February 28th letter. He reviewed the new conditions under O, P, and Q. A new condition will impose the condition in Dr. Oweis' letter.

Mr. Hall stated that item 15 should be changed from 3" base pavement to 2.5" of base paving.

Mr. DiSalvo made a motion to approve resolution 07-11, black lined version, as amended this evening to approve the application heard tonight. Seconded by Mr. Nedd. A roll call vote was taken:

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

Mr. Leavens arrived and joined the meeting at 8:30 p.m.

3. 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 Consultant

Mr. Kobert stated that they were not going to address architecture as they recognize that a lot of work has to be done to comply with previous board comments. He stated that the applicant wanted to address whether or not the COAH units should be inclusive or in a separate building. He stated that the COAH unit buildings would look the same as the market unit buildings.

Mr. Angoff presented a plan showing where the applicant believed that the COAH building should be, which is close to Schooley's Mountain Road. Access would be off an interior development road.

Mr. Kobert wanted the board's opinion on the threshold question of the 45 units being interspersed or consolidated.

Mr. Angoff stated that this lot might possibly be subdivided from the remainder of the property.

Mr. Buzak stated that there would be some difficulties with this being subdivided.

Mr. Kobert stated that where the structure is proposed, it would have frontage on a public road. The subdivision connected with the site plan would no longer be a minor subdivision; it would become a major subdivision. The location in the

front would eliminate a private road issue. It was his opinion that the planning board would be able to maintain jurisdiction, even with this structure being subdivided out of the main tract.

Mr. Buzak stated that he wanted to review the issue further before concurring with Mr. Kobert.

The board discussed whether they were the one to make the decision if the COAH is inclusive or not if the applicant came in with a new application.

Mr. Buzak stated that the applicant has the right to come in with a new application. Unless there is something in the ordinance requiring the COAH to be one way or another a variance would not be required. A variance may be necessary for more than 15 units. Only if there is a variance required for the COAH housing that would give the board the ability to request a particular way. He wanted to review the COAH rules on this issue as well. He stated that the applicant is asking for the Board opinion this evening on interspersed or consolidated COAH units, which he did not object to.

Mr. Angoff answered Mr. Nedd that the interspersed units have triggered questions within the corporation about design, planning and economics. Under the second, new plan, design costs for interspersed units could have an economic impact on the possible development of the project. After this meeting with the board the applicant will review the project. He stated that the economic benefit to consolidation goes beyond just the construction costs.

The board reviewed the option of interspersed vs. consolidated COAH units.

Mr. Akin stated that he preferred the interspersed, but not at the cost of stopping the development from going forward.

Mr. Nedd stated that he also preferred the interspersed units, however he would not like it to sacrifice the project and the COAH housing opportunity.

Mr. Popper stated that he preferred the COAH units to be interspersed, however if the applicant came in with an application that is good planning and meets the need for COAH housing he would accept the units as consolidated.

Mr. Price stated that he preferred the consolidated COAH units.

Mr. Leavens stated that either option worked for him, whichever the applicant believes would work best and move the project forward.

Mr. DiSalvo stated that he had no preference other than to make sure that this project becomes a reality.

Ms. McGroarty stated that after much review she preferred the consolidated approach.

Mr. Banisch asked if there is a higher value product that would be more profitable to the applicant and be a higher ratable for the township.

Mr. Angoff stated that US Homes has concluded that the concept plan presented to the board at the last meeting was the best product for this market. He stated what they plan to come back to the board with is the concept plan they previously saw with the comments the board has made incorporated into it.

Mr. Kobert addressed the PILOT tax vs. traditional taxes. And that if the Township did not accept a PILOT payment in lieu of taxes the consolidated plan would not work.

Ms. Schoor answered the board that taxes to the Township would be \$37,000 a year under Pilot and under traditional it would be approximately \$11,000. She explained the PILOT program that would be allowed for Washington Township.

Ms McGroarty directed the applicant to speak to the Township Committee on the tax issue.

***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. RO 04-07 - Amend Growth Share Ordinance to exempt farm labor housing
RO 05-07 - Adopt An Affordable Housing Buy-Down Program
RO 06-07 - Accessory Apartment Standards (COAH)
RO 07-07 - Address requirements of the COAH related to the Township's Substantive Certification

The planning board reviewed the above ordinance amendments.

Mr. Price made a motion to send these ordinances back to the Township Committee stating that the Board found them to be not inconsistent with the Washington Township Master Plan and recommend adoption. Seconded by Mr. Popper. A voice vote was taken; all were in favor and the motion carried.

3. ANJEC Seminar – March 1, 2007 – 5:30 p.m. Warren County Community College – Planning to Protect Habitat

Noted for the record.

4. 2006 Board of Adjustment Annual Report

The report was reviewed and noted for the record.

5. Resolution 07-05 Committee assignments were reviewed and the following assignments made:

Major & Minor Subdivision /Site Plan Committee:	Chairman: Bauerlein Members: McGroarty, Mont, Trevena Alt: Leavens
Legislative Oversight Committee:	Chairman: Popper Members: Nedd
Economic Development / Industrial Liaison Committee:	Chairman: Mont Members: DiSalvo, McGroarty
Finance Committee:	Chairman: Price Members: Nedd
Technical Coordinating Committee:	All Members

Task Forces:

Down Town Development	Chairman: McGroarty Members: Trevena, Price, DiSalvo
Sidewalks	Chairman: Trevena Members: McGroarty, Popper Bauerlein

Liaisons:

Board of Education WT & WM:	Price, DiSalvo, Akin
Fire Companies:	Bauerlein
Department of Public Works:	Leavens
Board of Health:	Popper
Open Space Committee:	Bauerlein, Leavens
Agricultural Development Board:	Akin
Recreation Committee:	Price, Popper, DiSalvo
Shade Tree Committee:	Bauerlein
Environmental Commission:	Popper Alt: McGroarty
Historic Preservation Commission:	Leavens
Zoning Officer:	Price, McGroarty, DiSalvo
Police Department:	Trevena
WTMUA:	Trevena, Akin
HMUA:	Trevena, Akin

Mr. DiSalvo made a motion to adopt Resolution 07-05, Committee Assignments, as amended. Seconded by Mr. Leavens. A voice vote was taken; all were in favor and the motion carried.

6. Highlands Regional Master Plan

Mr. Banisch reviewed his memo of February 27, 2007.

The Board concurred with Mr. Banisch's comments and they will send their comments to Mr. Banisch for a revised report.

The Board was in agreement that the plan should be reviewed in depth and detailed comments should be sent to the Highlands council pointing out incorrect data in the report and the township recommendations on how and why they want the protection, conservation and planned community areas changed.

Mr. Banisch stated the policies are stated in each of the elements of the HRMP. The board wanted to make a comment that the policies outlined should not be applicable to existing homeowners.

The board agreed with Mr. Banisch's report but wanted to make the language stronger that the Highlands should be made aware that the Golf course should be put forth as important to tourism and recreation including linkage to the patriot path. It was noted that this is persuasive information to make the change to a conservation zone from protection.

The Board also directed Mr. Banisch to add a comment on the landscape project information.

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.

Virginia R. Kesper, Clerk