

Chairman McGroarty called the regular meeting of June 11, 2007 of the Washington Township Planning Board to order at 7:36 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, Charles DiSalvo, William Leavens, Kathleen McGroarty, Howard Popper  
 ALTERNATES: Sam Akin, Lou Mont  
 CLASS I: Eric Trevena  
 CLASS II:  
 CLASS III: Kevin Nedd  
 OTHERS ABSENT: Price, Monahan  
 STAFF PRESENT: Clerk Kesper, Engineer Denzler, Planner Banisch, Soil Consultant Norton, Attorney Buzak

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**

- Minutes from the April 9, 2007 Regular Meeting

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

***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.***

**RESOLUTIONS**

None

**DECISIONS ON COMPLETENESS**

None

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**PUBLIC HEARING/APPLICATIONS -**

1. Washington Township Municipal Utilities Authority – 46 East Mill Road – R-5 Zone – Request for Waiver of Site Plan for construction of 1020sf building to house sludge thickener and auxiliary equipment within existing sewage treatment plant

Tom Horn, Applicant

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

Thomas Horn was sworn in by Attorney Buzak.

Mr. Horn stated the WTMUA was asking for a Waiver of Site Plan to put an engineered metal building on their East Mill Road property along side the current treatment building to house sludge thickening equipment. He explained that the treatment plant was designed and construct in the mid 1990's and that the addition of sludge treatment equipment would minimize costs to the sewage treatment. The number of trucks coming to the site to remove sludge would be cut by 2/3 to 3/4, which will be one truck every two weeks.

Mr. Horn referred to the plan that was marked A-4 and noted the proposed structure is in the cross hatched area on the plan. He presented photographs to the board that showed the current landscaping which were marked A-1, A-2 and A-3. He explained each of the photographs and noted that the addition would be behind the landscaping. Referring to the site plan he pointed out where the photographs were taken. It was his opinion that the landscaping will block the view of the new structure. He stated that the office building is taller then the new structure, which is 27', the treatment plant is shorter at 20'. The building is proposed to be metal skin, a Butler type building. The building could be sided to look like the office, if the board wanted it to. He answered the board that there would be lighting on three sides of the building for need only, they would not be on all the time.

Mr. Banisch advised the board that item seven on the waiver form allows the board to choose to hear the application as a site plan waiver or to hear it as a full

site plan. He stated that this is an accessory building for an essential service, which gives the board even greater discretion.

Mr. Horn answered Mr. Hall that the only noise would be a continuously running belt and pump that would not be audible at the building setback line. Regarding the turn around area being removed it would not impact the circulation as there are other alternatives for turning around. He referred to the plan and pointed out the current and proposed new traffic circulation pattern. He stated that trucks have been making the back-up maneuver recently and the driver was able to do it without going off the existing paved area. The sludge pick up is between 9 a.m. and 3 p.m.

Mr. Banisch stated that upon examination of the photographs further landscaping would be needed after construction. He stated that DEP confirmation should be received as well, but that this could be a condition of the approval of the waiver.

Mr. Horn stated that they do have to go to DEP as part of the overall permitting process. He answered the board that they don't anticipate odors and if it were necessary odor controls could be installed. The thickening tank is totally enclosed. He answered Ms. McGroarty that this additional equipment is not essential to the running of the sewer plant but something that will improve the operation and also provide a cost savings, is a better way of doing things and is environmentally beneficial. He answered Ms. McGroarty that the plant on Schooley's Mountain has a different sludge processing system.

The Board wanted to see the building sided the same as the office and not higher than the office.

Mr. Horn answered the board that there is no odor control on the plant at this time. In the beginning of the plant operation there were some odor problems but they were corrected and there have not been any further complaints.

Mr. Nedd left the meeting.

Mr. Horn answered Mr. Hall that there would be no need to import or export soil.

Mr. Hall was satisfied with the testimony he has heard but suggested a noise test after installation.

Mr. Horn stated that they are out to bid for the equipment, once the bid is accepted the equipment specifications could be given to Mr. Hall. A noise study was done in 1998 when the plant went on line. He stated that this building would have a metal interior, installation and then metal outside with clapboard.

Mr. Horn answered the board that there is one home west of the site, a substantial distance from the proposed structure and to the east there is a shopping center.

The board reviewed the application presented.

Mr. Horn stated that the MUA would make the building look like the office and cited the Bartley Road site where he met the concerns of the neighbors and Historic Preservation Commission. He also stated that for the original office they met the recommendations Historic Preservation Commission.

Mr. Horn stated they wanted to have this equipment on line by the end of the year.

Mr. Horn answered Mr. Hall that there will be no new generator.

The board tabled the waiver until information can be given the board on what kind of siding can be done and the noise specifications of the equipment, including the attic exhaust fan and possible landscaping.

Mr. Akin returned to the Board.

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

2. April 25, 2007 Correspondence from the Heller Group

Noted for the record.

3. May 10, 2007 Correspondence from NJ Highlands Water Protection and Planning Council – RE: Valley View Chapel

Noted for the record.

4. May 22, 2007 Correspondence from Peter Resotka, Recreation Commission Re: Long Valley Dog Park

Harlan Parker, Recreation Committee Member

Mr. Parker updated the board on the progress and the litigation involved with the dog park. He noted that the fundraisers are going well and the Judge has

lifted the temporary restraining order on the work on the park, and the work is progressing well.

5. May 31, 2007 DEP General Permits for Mount Olive JCP&L Drakestown Road Substation

Noted for the record.

6. Wastewater Management Pilot Project Update

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

Mr. Horn referred to a wastewater management plan map and explained that in 2002 the process was started to update the Township Wastewater Management Plan. In 2001 the Planning Board and WTMUA met and worked on getting the Planning Board and WTMUA master plan sewer service maps to agree. When this map was presented to the DEP in 2002 they requested that some of the areas that were agreed to by the planning board and WTMUA be removed from the plan before they would approve it. Other additions to the plan were subsequently needed such as the Cucinella School and the High School. A proposal was put together in new plan to put in the areas where septic systems were failing along the high school sewer line. The WTMUA was able to get the DEP to agree to a gravity sewer line to the high school which will enable the failing septic systems to hook in. During the time of the latest revisions were being put together a grant from the DEP to the Counties was given to develop a pilot wastewater management project in each county. Washington Township submitted a plan and Morris County choose Washington Township as its pilot plan. He explained the three phases of the plan

- First phase involves the WTMUA service area.
- Second the HMUA service area within Washington Township
- Third phase -Non-sewer areas, nitrate dilution model;
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Mr. Horn stated that after they were chosen to be the pilot project he met with the Washington Township Health Officer to determine areas of the township that should be sewer that are currently not on public sewers. It was agreed that the following areas should also be included in the new sewer service area:

- Bartley Road across from the West Morris Central High School
- South Four Bridges Road across from West Morris Central High School
- Bartley Road to East Mill Road including Orts Farm Stand and the Ort house on the corner of Bartley Road and East Mill Road
- Valley View Chapel on East Mill Road across from the Ort Home
- East Mill Road to Sherwood Trailer Park, including the trailer park
- East Mill Road to Old Farmers Road
- West Mill Road past the Middle School to include the area of the proposed community center

- Schooley's Mountain Road above the Municipal Building to Camp Washington Road
- Camp Washington Road from Schooley's Mountain Road to the Schooley's Mountain Lodge
- East Springtown Road
- Rock Road
- Sandt Lane
- Schooley's Mountain Road - Mountain View Inn
- Flocktown Road from Nestling Wood Drive to Flocktown School

Mr. Horn stated that this is a long range planning document based on areas of the Township that have a history of failing septic systems and poor soils. He noted that lines are not in the ground in most of the areas and would only be put in when and if necessary in the future. After this plan is approved by the State it would mean that the Township could make connections and put in lines when and where necessary without going back to the DEP every time they needed to add a home to the sewer line.

The board had no disagreements or comments on the proposed plan.

Mr. Akin returned to the Board.

***PUBLIC HEARING/APPLICATIONS -  
Continued***

2. Target Corporation – Block 4, Lot 7.05 – Route 46 – C-2 Zone 29.27 Acres – Request for Amendment to Resolution 06-25 (Approval of Preliminary and Final Site Plan for large scale retail facility) for relief from resolution conditions

Joe Mele, Applicant's Attorney  
Doug Janacek, Applicant's Engineer

Mr. Janacek stated that the applicant is ready to start construction, but the applicant has not satisfied all of the conditions of the three previous resolutions of approval. He referred to Ms. Kesper's list of open conditions dated June 6 for signing of the resolution, construction and building permit.

Mr. Janacek asked that the soil not require testing before construction. He asked that the resolution condition be amended to require that before fill is brought to the site it be tested.

Mr. Janacek reviewed Ms. Kesper's June 6<sup>th</sup> memo. He noted that there were three types of approvals outstanding: outside approvals, plan revisions and township related items (deeds) and soil testing.

Mr. Mele was sworn in by Attorney Buzak.

Mr. Mele addressed the outside agency approvals that are open and required by the resolutions. He stated the following:

- Morris County Soil Conservation – They expect to be approved on the MCSCD on June 27.
- Morris County Planning Board – The entire county site plan package was approved with the exception of the bridge detail, which they are revising to meet there requirements.
- NJDOT – They need one more administrative review partnership letter agreement. As soon as that is received by the state they expect approval within three weeks.
- Schooley’s Mountain Fire Department – The will address this condition with the next plan revision.
- HMUA – The applicant expects approval at the HMUA meeting tomorrow. Once they have that approval they will be able to submit to the DEP for water and sewer permits.

Mr. Mele addressed the resolution items that require revised plans.

- Resolution 06-25 Items G, P, Y
- Resolution 07-11 items H, I, O

Mr. Mele stated that the above items would be addressed in revised plans which he proposes to be have into the next board within the next two weeks.

Mr. Hall stated that under H the orange snow fence would have to be put up before the commencement of construction as well as being shown on the plans.

Mr. Janacek addressed the resolution items that require deeds and developers agreement amendment.

- Resolution 06-25 J, K and L – Deeds would be submitted within the next two weeks
- R – will be part of an amended Developers Agreement which in tentatively on the Township Committee agenda for Monday June 18<sup>th</sup>

Mr. Mele addressed the soil disturbance conditions:

- Resolution 06-25 – item K – A letter on truck route will be submitted next week
- Resolution 06-25 and 07-11 – They request that the condition be amended to allow construction to begin prior to soil testing, but that they soil would be tested prior to being brought on site

Mr. Janacek addressed the conditions that need to be completed prior to a building permit.

- F and I - the fees will be paid prior to the request for a building permit DD – The applicant is scheduled to be before the HMUA board tomorrow and will subsequently apply for the appropriate DEP permits and will have them prior to requesting a building permit

Mr. Buzak stated that the applicant would be proceeding at its own risk without DEP permits.

Mr. Janacek stated that the applicant understood their risk.

Mr. Mele stated that they would not start earth work without a MCSCD approval.

Mr. Mele stated that regarding MCPB it was his opinion that MCPB did not have jurisdiction over the site work, only the bridge because all stormwater has been approved by the DEP and that they could start work without MCPB final approval. They would not start the bridge at the beginning of the construction

Mr. Janacek stated that they would confirm this with the County.

Mr. Mele answered Mr. Hall that Langon Engineering's structural engineer will be on site during the bridge construction and that it was his opinion that the Township engineer would inspect the bridge work, not the county.

Mr. Mele stated that it was his opinion they could cut in the construction access driveway without DOT approval as long as a driveway is not cut into the state right of way. They have the comfort level that the DOT approval is going to be received.

Mr. Mele confirmed that the resolution change request would still require soil test reports to be submitted to the Board consultant for approval prior to importation of the soil. He answered Mr. Norton that the contractor would choose the fill site, but the sampling collection would be done by Langon Engineering. He answered the board that they need to import 52,400 cubic yards of soil over a two - three month time period.

Steven Sciaretta was sworn by Attorney Buzak and stated that they wanted to start construction July 2, 2007 with the Target pad scheduled to be delivered on November 1, 2007. The Target Board approval of the entire project is to be received on Thursday. The Target store is scheduled for opening October 2008. He explained that Claremont is doing the site work and Target would be constructing the building. He will send the construction schedule to the board.

Mr. Norton was concerned with the turn around time for the soil test reviews. He stated that the 52,400 cubic yards of soil equates to between 2700 and



3000 truck loads of soil. Analysis would be for 100 samples, if multiple burrow pit sites are used he would require more tests.

Mr. Mele stated that it takes two weeks from the time the soil sample is taken to get the soil report back.

Mr. Norton stated that he would need a week to review the soil results submitted to him before the trucks could begin bringing in the soil.

Mr. Sciaretta stated that they would work out a method to have this work run smoothly.

Mr. Mele answered the Board that they do not plan to export any soil from the site.

The board reviewed the relief the applicant was seeking as:

- Ancillary outside agency approvals not required for soil disturbance (NJDOT or DEP water permits) are not required to start construction.
- Revised plans and deeds will be submitted but approvals of the plans are not required to start construction
- Deeds and Developers Agreement will be submitted but do not need to be approved to start construction
- MCSCD approval will be obtained prior to construction; inspection fees will be paid. MCPB will be obtained if necessary
- Soil testing must be approved prior to soil being brought on site.

The meeting was opened to the public for questions and comments on this evening's testimony.

Mr. McGroarty made a motion to authorize the Board attorney to draw up a resolution of approval to allow construction without plans being signed as discussed this evening with the condition that revised plans, deeds and developer agreement be submitted prior to the adoption of the resolution prior to the June 27<sup>th</sup> meeting. The approval will also be subject to the condition that construction must stop on September 11<sup>th</sup> if plans, deeds and/or the developers agreement have not been signed and the applicant has not come back to the board. Seconded by Mr. DiSalvo. A voice vote was taken; all were in favor and the motion carried.

Mr. Leavens made a motion to adjourn, seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the meeting was adjourned at 10:30 p.m.

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Virginia R. Kesper, Clerk