

Chairman McGroarty called the regular meeting of August 22, 2007 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, Howard Popper  
ALTERNATES: Sam Akin  
CLASS I:  
CLASS II: Patrick Monahan  
CLASS III: Kevin Nedd  
OTHERS ABSENT: DiSalvo, Trevena, Mont  
STAFF PRESENT: Clerk Kesper, Engineer Denzler, Planner Banisch, Attorney  
Buzak and Cofoni

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 June 27, 2007 Regular Meeting

Mr. Popper made a motion to approve the minutes, seconded by Mr. Bauerlein. A voice vote was taken; 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

***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 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 – Previously Heard June 11, 2007

Thomas Horn, Applicant

Mr. Akin stepped down due to a conflict of interest as he is the Chairman of the WTMUA.

Mr. Horn stated that this is a continuation of the June hearing.

Mr. Horn distributed two pages of photos, which were marked A-4 (WTMUA site) and A-5 (Ort Farms). He explained the photos that showed the WTMUA site as it is today and with the location of the proposed building from various vantage points. He pointed out the existing deciduous trees and evergreens. He stated that the A-5 photos were of a barn on Ort Farm, which is similar to what the WTMUA is planning to use, red vertical siding with white trim and a metal roof. He answered Ms. McGroarty that they would have garage doors. The doors would face the treatment plant, not East Mill Road and that you would have to be on the property to see the doors.

Mr. Hall stated that the view marked number 5 on A-4 would be seen during the winter months and he recommended that there be additional landscaping if it was determined necessary by himself or Planner Banisch after the building was up and the leaves are off the trees.

Mr. Horn addressed the noise concerns. He stated that the equipment they have chosen does not have noise data because of its' low noise level. He stated that he went to a facility in Mendham where there was a sound measurement of 82 decibels inside the building. When they went outside they had interference with vehicle noise and could not hear the equipment. It was his testimony that you do not hear this equipment outside the building and he noted that the manufacture concurred. The loudest noise is the dripping of the sludge. He referred to his previous testimony that sludge pick up would be

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dramatically reduced because of this proposed facility. He stated that this equipment only runs between 7:30 a.m. to 4:00 p.m. The lights on the building would be on manually when needed, they would not be on unless needed. He answered Mr. Banisch that the garage doors could be made the same color as the siding if the board wanted it.

The board wanted the garage doors the same color as the siding.

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

Mr. Price made a motion to approve the waiver of site plan as discussed this evening for the sludge thickener facility with the condition of a visual inspection after built and if determined necessary additional landscaping and that the garage doors be the same color as the building, not the trim. Seconded by Mr. Leavens. A roll call vote was taken:

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

2. Target Corporation – Block 4, Lot 7.05 – Route 46 – C-2 Zone 29.27 Acres – Request for Amendment to Resolution 06-25 and 07-15 (Approval of Preliminary and Final Site Plan for large scale retail facility) for relief from resolution conditions

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

Ms. Lottenville stated that they were before the board for permission to do some additional work without the plans being signed. Plans have been submitted for signature, but they have not been signed due to outstanding water and sewer permits. The Township has signed the DOT permit.

Joseph Mele was sworn in by Attorney Buzak.

Mr. Mele stated that the following permits have been received: Morris County Soil Conservation District, Morris County Planning Board. Regarding the outstanding NJDEP Treatments work for the Sewer and NJDEP for water distribution, both applications have been deemed complete and are under administrative review. He has a verbal confirmation from the DEP that the Treatments work permit it is administratively complete and the technical review is on going and the permit should be issued this week. The additional site work they want to do does not require these permits. They would like to install the temporary and permanent pipe work under the bridge for the drainage and detention basins along with the earthwork that is being done.

Mr. Hall stated that some of the sleeves that are proposed to be installed are for water and sewer pipes.

Mr. Buzak stated that DEP has allowed this on other applications recognizing that the applicant is doing this work at their own risk. In addition, this is a close call because it is not actually the line, but a sleeve for the line that the permits are for. From a legal perspective he is not uncomfortable with the board considering or granting this request.

Mr. Mele referred to an earth moving and drainage plan that was marked A-1. He stated that the sleeve would be for a sewer line only, not water. He explained the water permit process and noted that the HMUA has approved the infrastructure and the permit was previously approved by DEP when Claremont received their large scale retail approval and this was technically an amendment request.

Mr. Mele answered Mr. Hall that the sleeve would not be bored, but trenched and the trenching is consistent with the DEP stream encroachment permit for this sleeve and the bridge footings. The plans approved by the DEP shows the amount of disturbance allowed.

The meeting was opened to the public for questions and comments.

Attorney representing TJS Development, a property owner within 200' stated that his client objects to this request and his applicant is challenging the DEP permits. He referenced correspondence submitted by Princeton Hydro.

Ms. McGroarty stated that the board was in receipt of the letter from Princeton Hydro and noted it for the record.

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

Mr. Nedd made a motion to approve the request of Target as discussed this evening, seconded by Mr. Price. A roll call vote was taken:

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

2. US Homes – Greenbriar at Riverview – Block 19, Lots 5, 6 & 7 – Schooley's Mountain Road and Newburgh Road – Request for amendment to the Minor Subdivision, Preliminary Site Plan and Final Site Plan Approval granted with Resolution 05-17 and 06-22 – Completeness Hearing and if deemed complete a public hearing

Michael Selvaggi, Applicant's Attorney  
Wayne Corsey, Applicant's Engineer and Planner

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Thomas Barton, Applicant's Architect  
Barbara Shoor, Affordable Housing Consultant  
Evan Hill, Applicant

The file was reviewed for completeness.

Mr. Hall did not object to the soil disturbance application waiver for completeness but that it must be submitted prior to approval or made a condition of approval.

Mr. Price made a motion to deem the application complete seconded by Ms. McGroarty. A voice vote was taken; all were in favor and the motion carried.

Mr. Selvaggi stated that the applicant is before the board to amend the original site plan approval.

Wayne Corsey was sworn in by Attorney Buzak and presented his qualifications to the Board.

Mr. Corsey referred to a color aerial site plan, which was marked A-1. The original approval was for 24 buildings, a farmhouse and clubhouse. The new plan is for 22 buildings a clubhouse, farmhouse and 2 affordable housing buildings. The road layout is the same except for one cul-de-sac has been shortened. The architecture has been changed to eliminate the parking under the buildings with garages at grade level. He pointed out the detention basins, which were generally in the same location, although the basins have been enlarged to handle the additional impervious coverage caused by the driveways at the ends of the building, which is approximately an additional 3 acres of impervious surface. He explained that the landscaping was reduced because the original landscaping screened the open parking areas that have been significantly reduced and the fact that the new buildings only have two sides requiring landscaping as the driveways under the building are no longer part of the application. He explained the stormwater management changes required under the new state stormwater regulations. He noted that parking has been increased by 158 spaces. The coverage is a 1% – 1.5% increase in developed impervious coverage still considerably under the coverage allowed by the Township Ordinance.

Mr. Corsey addressed the July 22, 2007 letter of the Schooley's Mountain Fire Protection and stated that the applicant will comply with the letter. He explained that the Fire Department accepted the deletion of the paved area behind the buildings because there is now access from three sides of the buildings and all buildings will have water sprinkler system.

Mr. Corsey reviewed the water lines for Mr. Hall and stated that he will try to have a loop system as requested by Mr. Hall.

Mr. Corsey stated that the plans would be revised to show the well area outside of the conservation easement and shown as an easement to the HMUA.

Mr. Corsey referred to a marked up copy of page 6 of the plans, which was marked A-2. He pointed out the correct sight distance, which was shown in red, that is outside the parking area.

Mr. Corsey stated he would comply with Mr. Hall's letter of July 16, 2007.

Mr. Corsey reviewed the variances as a front yard setback for the existing adult day care which was granted under the previous application, a waiver of landscaping along Schooley's Mountain Road and the adjacent farm parcel which is the same as the previous application, that was previously granted. The last variance is new and is a variance for more than 15 units in one building, which is needed for the COAH units. He stated in his opinion there would not be a detriment to the zone plan or the public good to allow 18 units per building instead of 15. He answered Mr. Banisch that the footprint of these two buildings is smaller than the market rate buildings. The COAH buildings are of the same design and materials as the market rate units. The applicant is seeking a waiver for two entry signs, the same as under the previous application. They are also asking for a directional sign to the affordable unit and the clubhouse.

The board stated that they would not grant the waiver for the sign to the affordable units until they saw details for this sign.

Mr. Corsey did not object to anything in the Traffic Engineer or Environmental Consultant letter and they will comply with them. He stated that the total number of parking spaces on site is 1013.

Mr. Hall stated testimony may be required on the traffic engineers' letter and if so, Mr. Maltz should be in attendance.

Mr. Banisch stated that he was not completely satisfied with the applicant's response to his August letter. It was his opinion that more landscaping should be included.

Mr. Corsey stated that they will keep the 20' trees as requested in Mr. Banisch's letter and he will comply with his comments in the revised plans.

Mr. Akin stated that he wanted to see the affordable units landscaped along Schooley's Mountain Road.

Mr. Corsey stated that the applicant would comply with the request for additional landscaping.

Dr. Keller stated that the increase in additional impervious coverage was significant, 2.8 acres additional, which is 15%-20% more than the original plan.

Mr. Corsey stated that the swale would be a maintained grass area.

Dr. Keller stated that mowed lawn would increase the pollutants to the pond.

Mr. Corsey stated that some of the esthetic amenities waterfalls, etc. were removed because of the new DEP stormwater rules. He stated that he would work with Dr. Keller and the DEP to possibly change the grass area to something else and add some of the previous amenities.

Mr. Corsey answered Dr. Keller that the impervious coverage increase was because of the change of the style of building and the elimination of the underground parking. He stated that with RSIS 24' roads do not allow for on street parking.

Mr. Corsey answered Mr. Hall that the road improvements are part of Phase I

Mr. Leavens asked about using porous pavement. He would like to see minimal grass.

Mr. Corsey stated that porous pavement is a long-term maintenance problem. He stated that the applicant would agree to investigate the use of porous pavement in some of the areas.

Dr. Keller stated that in limestone areas porous pavement must be at least 100' from buildings.

Mr. Corsey stated that the community gardens have been removed as the applicant stated that there is not a demand for them.

Thomas Barton was sworn in by Attorney Buzak and presented his qualifications to the Board.

Mr. Barton explained the architectural changes. He stated that about the time the applicant got the approval construction costs rose dramatically and more recently the market has changed and he was asked to look at alternate building designs. Also decision to put COAH in separate buildings.

Mr. Barton referred to a plan of the COAH units, which was marked A-3. One building contains 22 units and the other 23. The square footage is half the size of the market units and are therefore actually smaller than the market rate units. All the services would be in the center 1500 s.f. building. There would be 36 – 667s.f. one-bedroom units, 9 1,338 sf two bedroom units. There will be staff, caregivers, management, leasing operation and maintenance services provided to the affordable units. The sign the applicant would like for the affordable units would read – Heritage Village at Greenbrier a rental community managed by CIS – it would be a 3' x 4' sign. He stated he would provide a detail. He explained that each of the units is accessed off a center corridor served by an elevator and are ADA compliant. Visitor access would be through the center building but the residents would also have access from the ends of the buildings. A management person would live on site. He answered Mr. Hall that the ventilation would be

through wall units and would have separate unit meters. He pointed out the different materials. The elevation is formal. The colors shown, tan and light brown, are the colors proposed. The applicant would be using vinyl windows and siding. He answered Mr. Banisch that the ventilation units would be Magic Pack heating and cooling units. The ventilation grills would be mounted in the balcony area. He was confident that these units would meet state noise requirements as this is a conventional type of heating and cooling system, a fully ducted system. The market rate units will have a split heat system compressor outside/vent inside. All of the parking, 69 spaces, is outside in front of the affordable units.

The board was concerned with the urban look of the buildings.

Mr. Barton answered the Board that they have similar projects in rural areas. He stated that the applicant is prepared to work with Mr. Banish and the Board on the architecture.

Mr. Nedd expressed his concerns that the applicant wanted a sign for the affordable units.

Mr. Barton stated that the sign is for direction, not to make it different.

Ms. McGroarty suggested that they have the same building numbering system as the other buildings.

Barbara Schoor was sworn in by Attorney Buzak.

Ms. Schoor stated that her company is to own and operate the affordable units. The purpose of the sign is directional. As a commercial operation it is not appropriate for the people who service these buildings to drive through the whole development.

Mr. Nedd agreed with Ms. McGroarty to give only a building numbers and then in front of the building a sign with rental office.

Ms. Shore stated that she was amenable to a sign with building number.

Evan Hill was sworn in by Attorney Buzak.

Mr. Hill stated that typically these developments are successful because of the branding of their products. The Greenbriar name is known throughout the state and Ms. Shoor's company is also a known with a name branding of Heritage Village. It was his opinion this does not segregate the buildings.

Mr. Hill stated that it has become typical that it will be a parent of a market rate owner who will rent in the affordable units.

Ms. Shoor stated that they use this as a marketing tool with U S Homes sales.

She stated that the residents of the COAH units would have the option of a social membership with the clubhouse, no vote, but could belong to the club house for a fee.

Ms. Shoor stated that the affordable units would not be a separate lot, it would be it's own condominium unit and a subdivision is not being requested.

Mr. Barton marked the clubhouse front elevation A-4. He said this is similar to the previously approved clubhouse, but the indoor pool has been eliminated. A lot of the square footage is devoted to fitness areas. He stated that there would be a small catering kitchen. The façade would consist of stone, shingles, horizontal siding, hip roofs and gables.

Mr. Banisch suggested TCC's for the architecture.

Mr. Barton marked the market rate front and side elevation as A-5. Multiple materials, stone, cedar, horizontal vinyl siding and trim would also be used for the market rate units. He stated that it was the applicant's preference to have the same color throughout the development.

Mr. Barton marked a prospective rendering A-6 showed the garage doors in a similar instead of contrasting color.

Mr. Barton stated that the garage side is 96', for eight garages.

The Board expressed their concerns with the architecture, landscaping and stormwater amenities presented.

A TCC meeting for architecture was proposed for Thursday, August 30<sup>th</sup>. It was decided that there would not be a need for the attorneys to attend.

A separate TCC meeting for the engineering and landscape issues will be set up for the following Monday, Tuesday or Wednesday.

Clerk Kesper was directed to send an e-mail out regarding the TCC's.

The meeting was opened to the public for questions and comments. There were no questions or comments and the meeting was closed to the public on this application for the evening.

The meeting was adjourned to September 10.

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

***DISCUSSION /  
CORRESPONDENCE***

1. Vouchers

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

2. Correspondence from NJ-DCA – Re August 29, 2007 meeting on Morris County’s Cross Acceptance Report of the Office of Smart Growth State plan

Noted for the Record.

3. RO 20-07 – Amendment to 217-55.1 – Musconetcong Age Restricted Housing Overlay Zone

Mr. Banisch explained the minor amendment to the ordinance was to clear up wording in the current ordinance.

Mr. Price made a motion to move the ordinance to the Township Committee for adoption, as it is not inconsistent with the Master Plan. Seconded by Mr. Nedd. A voice vote was taken; all were in favor and the motion carried.

4. RO-16-07 – Establishment of Economic Advisory Committee – Two Members of the Planning Board are part of the 8-member committee

Ms. Kesper stated that the current Planning Board Economic Subcommittee members are Mr. Mont, Mr. DiSalvo, Ms. McGroarty and Mr. Price.

The Board concluded that Ms. McGroarty and Mr. Mont will be the Planning Board representatives to this Committee.

5. August 3, 2007 Correspondence from Van Dalen Brower, LLC re: Black Oak Golf Cub v. NJDEP ....Notice of Intent to Settle

Mr. Nedd stated that the Township Committee would like to send a letter to Mr. Baier of the NJDEP stating that they and the Washington Township Committee, along with the Washington Township Planning Board, endorses this settlement.

The Board concurred with sending the letter.

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6. Correspondence from Dianne Gallets re: Re-zoning Request for Block 35 lots 6.01 and 6.04

Mr. Nedd stated that the Township Committee felt this was a smart thing to do and asked that the Planning Board look into this request to determine if the Master Plan recommended this change or if there would have to be a Master Plan amendment.

Mr. Banisch stated that the Land Use Plan in the Master Plan and the Township Zoning Map are substantially the same. A master plan amendment would probably be required. He stated that this request would probably not meet the requirements of the MLUL for a Master Plan Reexamination, but that he would need to do research as well.

Mr. Banisch was directed to look at the map and determine what needs to be done.

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 11:05 p.m.

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Virginia R. Kesper, Clerk