

Chairman McGroarty called the regular meeting of October 24, 2007 of the Washington Township Planning Board to order at 7:42 p.m.

MEMBERS PRESENT

CLASS IV: William Leavens, Kathleen McGroarty,
 ALTERNATES: Lou Mont
 CLASS I: Eric Trevena
 CLASS II: Patrick Monahan
 CLASS III: Kevin Nedd
 OTHERS ABSENT: Akin, Bauerlein, DiSalvo, Popper, Price
 STAFF PRESENT: Clerk Kesper, Engineer Hall, Attorney 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 September 10, 2007 Regular Meeting

Mr. Mont made a motion to approve the minutes, seconded by Mr. Leavens. A voice vote was taken; Mr. Monahan and Mr. Nedd 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

06-17 Target Corporation – Block 4, Lot 7.05 – Route 46 – C-2 Zone 29.27 Acres – Approval of 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

Mr. Leavens made a motion to adopt resolution 07-16 as amended this evening. Seconded by Mr. Mont. A roll call vote was taken:

Ayes: Leavens, McGroarty, Trevena, Mont

Nays: None Abstentions: None Absent: Akin, DiSalvo, Price, Popper

Ineligible: Bauerlein, Monahan, Nedd

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. Black Oak Golf Course - Block 18, original Lots 1.09, 2, 3, 6, 8, 10, 21, 21.04, 27, 27.05, 28, 29 & 29.01 - Bartley Road - Request for Extension of Time on Resolution 02-25

Joel Kobert, Applicant
Edward Russo, Applicant

Mr. Kobert stated that the applicant was before the Board for an extension of time which is required because of the litigation with the NJDEP. The original resolution was December 9, 2002 and under the MLUL they were asking for an extension until December 9, 2009. He explained that a stop work order was put on the Golf Course by the NJDEP on September 10, 2004 and the settlement was signed on July 17, 2007.

Ms. Cofoni stated that the time would have been tolled from September 10, 2004 until the settlement was signed on July 17, 2007.

Mr. Leavens made a motion to extend the application based on the tolling of time and extensions allowed under the MLUL until September 30, 2010. Seconded by Mr. Trevena.

A roll call vote was taken:

Ayes: Leavens, McGroarty, Mont, Monahan, Nedd, Trevena

Nays: None Abstentions: None Absent: Akin, Bauerlein, DiSalvo,
Price, Popper

Mr. Russo stated that they would be applying the experience of building the Trump Golf Course to this project. He requested that a Monitoring Committee again be appointed as stated in the resolution of approval. He explained that the monitoring committee would meet once a month on site, discuss the progress and resolve issues that may arise during the actual construction.

The former committee member list was reviewed. It was decided to recommend to the Township Committee that David Banisch, Leon Hall, Jeff Keller, Kathleen McGroarty, William Leavens, Kevin Nedd, Charlie DiSalvo Lou Mont (alternate) and Environmental chair or their designee, as well as two members of the Township Committee.

Mr. Russo stated that the only outstanding permit is the MCSCD approval.

Ms. Kesper stated that the Health Department approval of the perc tests and soil logs for the clubhouse septic system, per the settlement agreement, is still outstanding.

Mr. Brightly stated that the applicant is working on finding a suitable location for the septic system. He stated that the NJDEP has stated that the Washington Township Health Department has jurisdiction for this in correspondence dated October 22, 2007.

Mr. Brightly referred to the Audubon letter of March 14, 2004 regarding training for construction, which stated that there are guidelines distributed to the construction team, they do not come out and training. They have complied with the letter and agreed to discuss the guidelines at the pre-construction meeting.

Mr. Hall reviewed Ms. Kesper's list of outstanding issues prior to signing plans.

Mr. Hall referred to and read from the township's soil and sedimentation control ordinance regarding the time frame where no construction between October 15 and April 15 is allowed. He recommended the board grant waiver from this rule based on the history of the application, the monitoring committee, overview by him and MCSCD and a commitment from the applicant to meet any necessary soil erosion control stabilization.

The necessity for notice was reviewed by Attorney Cofoni.

Mr. Hall stated that after reviewing the waiver request, he stated that Toll Brothers is currently in the field building detention basins 1-6 which are also part of the golf course and that this work began prior to October 15th. He stated that ten acres are disturbed currently and therefore the applicant has met the

test of the ordinance and no waiver is required. He noted that the ponds Toll Brothers is building are mostly for the golf course.

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 – Previously Heard August 22, 2007 – Public Hearing Continued

Ms. McGroarty announced that the application had been adjourned to December 10, 2007 at the applicants request.

***DISCUSSION /
CORRESPONDENCE***

1. Vouchers

Mr. Trevena made a motion to approve the vouchers reviewed by the Chairman and vice chairman 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.

2. Request for Zone Change

Mr. Banisch referred to his memo of regarding the zone change request. He stated that there I no particular reference in the current master plan for this zone change. He stated that this would require a re-examination report and master plan change. He recommended that this be don at the time the Board review the Master Plan after the Highlands Regional Plan is released. He answered the Board that he had spoken with the land owner who stated that it was acceptable to them to wait until that time.

3. Washington Township Wastewater Management Plan Pilot Project
Draft WMP

Ms. Kesper stated that the Morris County Planning Board consultant for the Wastewater Management Plan Pilot Project, CMX, has developed a draft wastewater management plan based on joint meetings with the Washington Township and Hackettstown MUA's, Health Department, Planning Board, Township Committee as well as the NJDEP and the Morris County Planning Board. She noted that this is a pilot project for Morris County, paid for by a grant to Morris County from the State. She referred to the 2003 Master Plan Utilities Map and MAP 3 – Future Wastewater Facilities and Service Areas of the draft WMP and stated that they are essentially the same. She noted that three lots on Flocktown Road were incorrectly shown as not in the sewer service area when they were actually already hooked into the WTMUA sewer System. She

stated that Palmer Park, Harrington Park, the area proposed for a Community Center, Mountain View Inn and Valley View Chapel are in the new draft plan.

Ms. Kesper stated that the differences are additional areas identified by the Health Officer as areas with high instances of septic failures that should be hooked into public sewers when they fail (along Schooley's Mountain Road between James Trail and East Springtown Road and along Camp Washington Road). She explained that the Health Officer had an issue with the lots all being labeled "failing systems" as they are not all in failure at this time, but she agrees and recommends that, for environmental reasons, these systems should be hooked into public sewer.

Ms. Kesper stated that at the July meeting, Larry Baier of the DEP agreed to accept the failing systems into the plan as he concurred it made sense from an environmental point of view as the plan only allows existing lots to be hooked into the system and does not encourage further development.

Ms. Kesper referred to her letter of October 1st regarding corrections to the plan that should be made, specifically the information on the US Homes project and the Mine Brook Golf Course. She noted that the Hackettstown Municipal Utilities Authority comment letter also pointed out these errors.

Mr. Leavens made a motion to adjourn, seconded by Mr. Mont. A voice vote was taken; all were in favor and the meeting was adjourned at 8:45 p.m.

Virginia R. Kesper, Clerk