

Chairman McGroarty called the regular meeting of December 10, 2007 of the Washington Township Planning Board to order at 7:42 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, Charles DiSalvo, Kathleen McGroarty,
Howard Popper, Geoffrey Price
ALTERNATES: Lou Mont, Sam Akin
CLASS I: Eric Trevena
CLASS II: Patrick Monahan
CLASS III: Kevin Nedd
OTHERS ABSENT: William Leavens
STAFF PRESENT: Clerk Kesper, Engineer Hall, Environmental Consultant Keller
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 October 24, 2007 Regular Meeting

Mr. Mont made a motion to approve the minutes, seconded by Mr. Nedd. A voice vote was taken; Mr. Popper, Mr. Price, Mr. Bauerlein and Mr. DiSalvo 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. 2085 Realty Partners, LLC – Highlands Plaza (A&P Shopping Center) – Block 3.09, Lot 5 – Route 4 East –Request for amendment to preliminary and final site plan for medical center, surgical center, retail services and restaurant – Sound Tests and Temporary Certificate of Occupancy

Anthony Pantano, Applicant's Attorney

Mr. Pantano stated that the applicant was before the board this evening to request an extension of time on the temporary Certificate of Occupancy, which expires on December 31st. He stated that within ten days all of the HVAC units would be installed. The last unit is scheduled to be installed on Friday, December 14th, which is for the surgical center. He noted that they would be requesting a Certificate of Occupancy for the 8,000 square foot surgical center. After that time another sound test will be done. He stated that the applicant has not been able to meet the noise standards (50 DB at the property line) for all the pre-existing uses. They are now at 54 decibels, the original test was at 64 decibels. The only thing they can do to meet the standard is replace the unit, which they do not own. They are currently negotiating the replacement of the units that cannot make the noise standards. If they cannot get it replaced they will be back before the board with proper notice to seek relief. He asked for the temporary Certificate of Occupancy to be extended for sixty to ninety days.

Mr. Hall concurred with Mr. Pantano's statements. He stated that the compressor units of concern are at the AP Liquor store and the applicant has reduced the noise considerably. He recommended a 90-day extension. He noted that the applicant's choices are to comply with the noise standards or come in for an amendment to the resolution with respect to the pre-existing equipment. He stated that the applicant has taken great steps to reduce the noise of the existing units from 64 to 52 as well as taking one unit that was actually on the property line and moving it to the roof at considerable expense.

Mr. DiSalvo made a motion to extend the time for the temporary Certificate of Occupancy to provide the final noise test to April 1, 2007, seconded by Mr. Popper. A voice vote was taken; all were in favor and the motion carried.

***DISCUSSION /
CORRESPONDENCE***

1. Conflict of Interest

Dr. Keller explained that the Black Oak Golf Course has retained Ed Russo to be the project manager who is also the project manager for Trump. He works for three Trump Golf Course and wrote the EIS for both and has been involved in the stormwater management plans. Ed Russo is the project manager on the Trump courses but he does not submit bills to him, but to Trump Corporation. He did not feel that his ability to objectively analyze the environmental and ecological impacts of the Black Oak Golf Course would be influenced because of his work with Mr. Russo on other projects.

Mr. Buzak stated that the fact that Dr. Keller works for the Trump Organization, not for Mr. Russo, it was his opinion that it did not reach the level of conflict that would have Dr. Keller step down from the Black Oak Golf Course as the board consultant. He noted that Dr. Keller has been involved in the Black Oak Golf Course project for many years.

The board found that there was no conflict of interest based upon the testimony presented by Dr. Keller.

2. Highlands Regional Master Plan –

Ms. Kesper stated that the Highlands Regional Master Plan can be reviewed at: www.highlands.state.nj.us/njhighlands/master/. She explained that the Highlands Council would be sending the Township one color copy of the Master Plan, 343 pages, but that it had not yet been received. She stated that there is a 90 day comment period which started November 28, 2007 and ends February 28, 2008. Public hearings have been scheduled for February 6 (Morris County Haggerty Education Center), 11 (Passaic County Community College) and 13 (Voorhees High School).

Mr. Banisch briefly reviewed the Highlands Regional Master Plan and his December 10th memo and the Highlands Land Use Map. He pointed out the Planning area of the township on the map indicated by heavy black lines. He explained that these were the areas of the Township where compliance would be discretionary. The remainder of the Township would have mandatory regulations. The Highlands Regional Master Plan has set up six categories within the two zones. He stated that he would have a more detailed review for the Board next month.

3. Proposed Amendment to Sign Ordinance

Ms. Kesper explained that the ordinance has been sent to the Planning Board for review before it is introduced by the Committee. It is not the proposed new ordinance that the Planning Board sent up to the Committee in 2005, but a revision of the current ordinance amended by Fred Jordan, Zoning Officer, Attorney DeBona and the Township Committee. She noted that the black lines or bolded areas on the copy sent to the board were changes that were made to Mr. Jordan's original draft.

Ms. Kesper stated that Attorney DeBona explained that the majority of the ordinance has now been moved into zoning where it was previously under site plan. It is very similar to the original ordinance with clarifications. The major additions are the allowance of real estate signs and the ordinance now addresses political signs and defines what a temporary sign is.

Mr. Nedd stated that at the Township Committee there was no consensus on the Planning Board ordinance and a decision was made to review the old ordinance. He explained that several members of the committee met with the business community and realtors to see if there could be some agreement that would work towards compliance. He stated that the input received from this meeting went into changing the existing ordinance. He explained that political signs can not be regulated because they are covered under the constitution as free speech; the time frame in the ordinance is a recommendation. The ordinance before the board tonight was sent back to the planning board for comments.

Ms. McGroarty stated that the major problem with this is that the Planning Board spent a great deal of time on a sign ordinance and when the Township Committee did not like it should have sent it back to the board and they did not send it back to the Planning Board but sent it to someone else to recreate it. She noted that the new ordinance does not contain most of the boards recommendations or the initial focus of the changes which was signs in some of the business.

Mr. Nedd stated that this ordinance is what the Committee believes they could live with.

Ms. McGroarty objected to the procedure used by the Township Committee to amend this ordinance.

Mr. DiSalvo reviewed the history of the ordinance and the fact that the Township Committee dealt with issues the Township Committee were concerned about, but not what the Planning Board had concerns with. He stated that the Township Committee should have come back to the Planning Board.

Mr. Popper stated that the board should respond with our comments.

Mr. Price stated that although the ordinance is significantly reduced it does contain some of the information the Board wanted.

The Board concluded that they wanted to see the red lined version of the original ordinance and have Planner Banisch compare the Planning Board ordinance to what the Township Committee sent back.

4. Vouchers

Mr. DiSalvo 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.

Mr. 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