

Chairman DiSalvo called the regular meeting of February 27, 2008 of the Washington Township Planning Board to order at 7:40 p.m.

MEMBERS PRESENT

CLASS IV: Charles DiSalvo, William Leavens, Kathleen McGroarty, Lou Mont, Eric Trevena
 ALTERNATES: Sam Akin
 CLASS I:
 CLASS II: Patrick Monahan
 CLASS III:
 OTHERS ABSENT: Bauerlein, Popper, Tobin
 STAFF PRESENT: Clerk Kesper, Engineer Hall, Attorney Cofoni, Planner Banisch

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 18, 2008 and posted on the Bulletin Board on the same date. Two notices were mailed, as there were two requests.

****NO NEW CASES OR WITNESSES SHALL BE HEARD SUBSEQUENT TO 10:30 PM****

Pledge of Allegiance

MINUTES

- Minutes from the February 11, 2008 Regular Meeting

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

RESOLUTIONS

08-08 Valley View Chapel – Block 36, Lot 43 – 115 East Mill Road – R-5 Zone
 Approval of Request for Extension of Time on Resolution 03-07

Mr. Akin stepped down due to a conflict of interest as he is a property owner within 200’.

The Resolution was reviewed.

Ms. McGroarty made a motion to approve resolution 08-08, seconded by Mr. Leavens. A roll call vote was taken:

Ayes: DiSalvo, McGroarty, Monahan, Mont, Trevena

Nays: None Abstentions: None Absent: Popper, Tobin, Bauerlein

Ineligible: Akin, Leavens

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. Highlands Council – Presentation on the Highlands Water Protection and Planning Act

Eileen Swan, Executive Director of the Highlands Council

Ms. Swan stated that her presentation would not comment on the questions Mr. Banisch posed in his February 23, 2008 e-mail on specific block and lots. She stated that a resource analysis on the particular block and lots in Mr. Banisch's would have to be made at a later date by the Highlands Council.

Ms. Swan noted that 88% of Washington Township is in the Preservation area with 12% being in the Planning Area, the area the Township has a choice on.

Ms. Swan presented a power point presentation on the Highlands area and the Highlands legislation and Highlands Regional Master Plan.

Ms. Swan answered Mr. DiSalvo that funding would be available for everything if the Township "opts in" for the Planning area. If they do not funding would be available on a priority basis with Townships that are opting into the plan receiving first priority at funding.

Ms. Swan explained that other state agencies are required to look at all plans that cover the area when reviewing permitting requests. The Highlands Council now gives recommendations but after adoption of the Regional Master Plan they would be rendering a consistency determination. This would be considered by the other permitting agencies. This determination would be made whether the township opts in or not. The DEP would make the final determination to issue the permit. The Highlands Council does not make consistency determinations on stream encroachment or wetlands permits or their renewals.

Ms. Swan noted that State Plan endorsement is part of COAH certification or highlands conformance. State Plan Endorsement is not as in depth as

Highlands Conformance. There would be funding for the Township for Highlands Plan conformance but not State Plan Conformance. She explained that the Highlands Council is in the process of making a memorandum of agreement with the Office of State Planning that if a Township conforms with the Highlands Regional Master Plan they do not have to do state endorsement. The Township has no choice but to do Highlands Conformance for the preservation area the only choice area for the Township is whether they would opt into the plan and conformance for their planning area.

Ms. Swan reviewed possible changes to Highlands Regional Master Plan Maps – the Council will correct factual discrepancies when the Township supplies factual information to support requests for a change. Changes in area designations will be made on a case by case petition to the Highlands Council by the Township Committee. She stated that boundary changes between the Planning and Preservation areas will not be made as this was set by the legislation.

Ms. Swan answered Mr. Banisch that in the Preservation Area the Township be held to the 25 / 88 acre rule for septic systems. The DEP rules are for the preservation area, but not the Planning Area. She explained that septic density in planning is different. The septic system yield is for the planning area and the additional number or allowable systems are between 56 to 102 new systems as part of a water quality management plan approval.

Mr. Swan reiterated that in terms of prioritizing for funding and scheduling the townships working on Conformance to the Plan will be done first, but not as a punishment if a township does not opt.

Ms. Swan answered Mr. Leavens that there are conservation initiatives in the other states within the Highlands Region. New Jersey is the first to address the entire highlands region of the state.

Ms. Swan answered the Board about equity and user fees. There are some provisions in the act – preservation projects allows for value assessment at pre-highlands values five years and the Highlands Council has asked that the 5 years be extend. She stated that the Highlands Council strongly supports water user fees. The Highlands Council will be asking the Governor for capitalization of a TDR bank. It is recognized that TDR will not work without capitalization. She explained that there are no mandatory receiving areas as part of the legislation but that the Highlands Council will be offering grants to Townships who want to study the possibility of becoming a receiving area. She explained the pending bill that would allow the Highland and Pineland Regions to use the entire state as a receiving area.

Ms. Swan stated that currently anyone can use their website to search for a particular block and lot to determine area whether it is in planning or preservation and what district. The individual resources maps are still by region but they are working on making it available by block and lot.

Ms. Swan stated that impervious coverage is defined in the act. She stated that the Highlands Council is currently working with Heath Village to calculate the impervious coverage on site. She explained the cap of 1% the use of grass as impervious coverage.

Ms. Swan answered Mr. Banisch that the Highlands Council is working on a conformance checklist for use by Municipalities. She explained that Conformance under the legislation is 9 – 15 months and that the Council will set up an action plan for this. The maps may change during the conformance period. Time frames for Highland Council consistency reviews will be set up.

Ms. Swan answered Mr. DiSalvo that the highlands council is working on model ordinances for the communities.

The meeting was opened to the public for questions and comments on Ms. Swan's presentation.

Mervyn Haines – 376 Schooley's Mountain Road – Asked if she expects litigation and about dedicated sources of money.

Ms. Swan stated that she expects litigation. She explained that the dedicated funds are from the realty transfer fees.

Ms. Swan explained that COAH obligations from the first and second round certifications must be built. She stated that COAH is required to look at the impact of the Highlands Legislation for Third round housing obligations.

Ms. Swan left the meeting.

Mr. Banisch reviewed suggested comments for the board to send to the Highland Council on the Regional Master Plan. He noted that the time for public comment ends on February 28, 2008. He suggested that the Board state their support/concern for:

- water user fees
- map adjustments and updates
- legislation that would allow for statewide Transfer of Development Rights
- allowances for exemptions, exceptions, hardship waivers etc. should be built into the plan, especially geared towards applications that were in process prior to the plan enactment
- No net loss in adjustments of great concern

Mr. DiSalvo directed Mr. Banisch to write a letter to the Highlands Council with the above comments.

***DISCUSSION /
CORRESPONDENCE***

1. Proposed Amendment to Sign Ordinance

The Board reviewed the draft memorandum to the Township Committee. It was decided to change the wording on the recommendation to require appearance before a board from change to increased size. It was decided to eliminate the section on neon signs.

Mr. DiSalvo made a motion send the memo as amended this evening to the Township Committee seconded by Mr. Mont. A voice vote was taken; all were in favor and the motion carried.

3. RO-02-08 – Definition of Garage

The Board reviewed the ordinance.

Ms. McGroarty made a motion to send the ordinance back to the committee with the recommendation that it be adopted, as it is not inconsistent with Washington Township's Master Plan. Seconded by Mr. Leavens. A voice vote was taken; all were in favor and the motion carried.

4. Correspondence from Assemblyman Michael Patrick Carroll RE: Land Use Bills

The correspondence was reviewed. Ms. Kesper was directed to reply to Assemblyman Carroll that certified mail should be required, but that regular mail could be eliminated.

Mr. Trevena made a motion to adjourn, seconded by Mr. Mont. A voice vote was taken; all were in favor and the meeting was adjourned at 10:20 p.m.

Virginia R. Kesper, Clerk