

Chairman DiSalvo called the regular meeting of April 14, 2008 of the Washington Township Planning Board to order at 7:05 p.m.

MEMBERS PRESENT

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

*Arrived at 7:15

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

1. Minutes from the March 26, 2008 Regular Meeting

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

RESOLUTIONS

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. Target Corporation – Block 4, Lot 7.05 – Route 46 – C-2 Zone 29.27 Acres – Request for Amendment to Resolution 06-25,07-11, 07-15, 07-16, and 07-17 to allow for overhead utilities onto the site

Nancy Lottinville, Applicant's Attorney
Joe Mele, Applicant's Engineer

Ms. Lottinville stated that the applicant was before the board for a waiver from To allow for overhead utilities as the ordinance requires underground.

Mr. Hall stated that resolution 06-25 and the Developer Agreement both state that the utilities should be underground.

Joseph Mele was sworn in by Attorney Buzak.

Mr. Mele stated that the applicant was asking for a waiver to allow overhead utilities from Route 46 to the end of the access bridge. After that the utilities would be underground.

Mr. Bauerlein arrived and joined the meeting at 7:15 p.m.

Mr. Mele referred to a utility plan exhibit, which was marked A-1. He distributed copies of the exhibit to the board.

Mr. Mele stated that there would be poles on the Target property from where they enter at Route 46, which are overhead, for approximately 300'. He stated the original design had the utilities strapped to the underside of the bridge. He stated that JCP&L stated that the electricity must come in overhead from Route 46 to just past the bridge. There are three poles. The pole heights are the same or slightly lower than the poles on Route 46. He explained that at the last pole beyond the bridge there would be a conduit on the pole taking the utilities underground. He referred to two photograph boards of five photos of the poles on the site, which he stated were taken today and distributed copies of the photographs to the board. He described each of the photographs. He answered the board that two of the poles have two cross poles, but the only wires would be for electric, cable and telephone. He stated that the applicant did not argue the point of underground utilities with JCPL. He stated that JCP&L wanted the poles overhead because of cost, speed of construction and long term maintenance and the possible need for DEP permitting.

Ms. Lottinville referred to Township Ordinance 145-C-2 which provides the board options to allow for a waiver of underground utilities.

Mr. Mele answered Mr. Hall that Claremont met with JCP&L in October or November of 2007. He became aware of the issue last November but he did not recall that it was part of the resolution. He did not get a sketch of the utility plan until sometime later, the end of January 2008. The poles went up two weeks ago. JCP&L did not say it was infeasible, but they never supplied plans that allowed for underground.

Mr. Buzak explained the circumstances and that the boards professionals did not seek a stop work order but advised the applicant that if they proceeded with the poles, it was at the applicant's own risk.

Mr. Mele stated that due to the size of the project the bridge and stream were topographic features that make it difficult to use underground utilities.

Mr. Buzak answered Mr. DiSalvo that he did not know of the power of the utility to override a Planning Board approval.

Mr. Mele stated that JCP&L had the applicant's plan for underground utilities and JCP&L disregarded same.

Mr. DiSalvo was not in favor of granting the waiver.

Mr. Buzak referred to and read from the MLUL regarding a waiver or exception from land development ordinances.

Ms. Lottenville stated that the hardship of changing the current plan was put upon them by JCP&L.

Mr. Mele stated that after the three poles the utilities would go underground. He answered Mr. Banisch that the plan the DEP reviewed showed the utilities under the bridge.

Mr. Mele stated that to change these poles to underground the applicant would have to go back and get JCP&L approval. He explained that JCP&L's contractors install the electric lines, not Target's contractor and once the lines are installed JCP&L is the entity that must maintain the utilities. He answered Mr. Buzak that JCP&L charges the developer for the work. The applicant only received costs for overhead, not for underground. He stated that it is less expensive and timely to go overhead.

Mr. Hall stated that the conduit is no longer on the bridge.

Mr. Mele stated that at this point it would be very expensive for the applicant, to go under already completed improvements. He concurred that two weeks ago the applicant was made aware that this was an issue. The poles were delivered in March.

Mr. Mont stated that the cost was not this boards concern. He suggested that the Board send some kind of notice to JCP&L regarding this disregard of the Board's approval. He stated that despite that the lines are compatible with Route 46, he did not have a problem with it.

Ms. McGroarty agreed with Mr. Mont.

Mr. Trevena concurred with Mr. Mont and Ms. McGroarty.

Mr. Bauerlein's was concerned with how long it was known by the applicant about this situation.

Mr. Akin stated that it was his opinion that after the poles are carrying wire it would be a lot more noticeable.

The meeting was opened to the public for questions on this application.

Frank Doyle 139 Mine Hill Road stated that he did not see where there would be long term maintenance hardships and it should be less with underground utilities.

Donald Zinc - 6 East Ave. stated that it was his opinion that underneath is the better options.

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

Mr. Leavens made a motion that pursuant to MLUL the Board grant the requested waiver to allow overhead utilities on the three. Seconded by Mr. Trevena.

Ayes: Leavens, McGroarty, Mont, Trevena,

Nays: Bauerlein, DiSalvo, Beute, Akin

None Abstentions: None Absent: Popper, Tobin, Monahan

The motion failed.

Mr. Buzak stated that the failure to approve constitutes a denial under the MLUL. A memorializing denial resolution will be prepared.

2. Homeless Solutions – Block 8 Lot 2.02 – 31 Drakestown Road – OR Zone - .7715 Acres – Request for Preliminary and final site plan with variances for ten units of affordable housing – Deemed Complete February 11, 2008, Public Hearing February 11, 2008 – Public Hearing Continued. Expires June 10, 2008

Lawrence Cohen, Applicant's Attorney
Raymond Bersch, Applicant

Ronald Lai, Applicant's Engineer
Donald Chapman, Applicant's Architect

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

Mr. Buzak noted that Mr. Popper and Mr. Tobin are not present but also have a conflict of interest with this application.

Mr. DiSalvo reviewed for the public that there had been no decisions made by the board and reviewed the procedures for the hearing.

Mr. DiSalvo reviewed the charge of the board, that the use is a permitted use and that the board does not have the power to deny the application based on the use. What is before the board is the specifics of the site plan, traffic lighting, stormwater, etc.

Mr. Buzak reviewed the rights of an applicant to seek waivers and variances and the board will hear them based on the standards in the MLUL.

Mr. Cohen stated that this is the third public hearing before the board. He stated that the applicant took into consideration the comments of the Board and public and had reworked the plans to meet these comments. This redesign is a concept plan. He reviewed the application and noted that the project could be built without the requested variances. He referred to the TCC meeting held on April 4th with the Board professionals. They have tried to reduce the scope and mass of the building.

Raymond Bersch was sworn in by Attorney Buzak and stated that he is a project manager with Homeless Solutions.

Mr. Bersch stated that immediately after the last meeting the applicant walked the property and at the time met and spoke with some of the neighbors and talked at length with the immediate neighbor, Mr. Kelly. Homeless Solutions has committed to Mr. Kelly that they will work with him on the landscaping of the property.

Mr. Bersch stated that after walking the site he asked the architect and engineer to reduce the size of the buildings and move them back towards the self storage center and review the location of the current house on the property. It has been determined that with moving and reducing the size of the buildings some of the mature trees on the site may be saved. Temke Tree Service will look at the trees and tell them which and how the trees could be saved. They have done subsurface exploration and there will be a report on this in the near future. They have changed the architecture substantially. He stated that he would like this meeting to be a discussion on a new concept plan.

Mr. Bersch addressed the COAH building requirements and the fact that the Board would like to see the applicant build to the minimum COAH requirements. He stated that the minimum bedroom sizes were: 1 bedroom 600 s.f.; 2 bedroom 850 s.f.; and 3 bedroom 1150 s.f. He stated that these are minimum design standards. He explained that they are also required to meet a minimum bedroom size of 100 s.f., however at least one bedroom must be 150 s.f.; i.e. a one bedroom unit must be 150 sf. He stated that they also have barrier free requirements for the first floor which are a federal fair housing requirement and municipal ordinance requirement. This compliance adds some square footage to the units by requiring a 40 s.f. bathroom at least 10 s.f. larger. The same requirement applies to the kitchen and hallways. He stated that in addition, as a non-profit they must give credence to funding sources which include several public agencies with varying requirements. He explained Homeless Solutions philosophy was designed to provide a comfortable place for their residents. With the above in mind, they have reduced the size of the units. The minimum as published by COAH would be 8600 s.f. The proposed units are 9812 s.f. or 12% over the COAH minimum.

Mr. Bersch answered Mr. Hall that if they reduced the project to the minimum the overall footprint could be reduced by less than 6%.

Mr. DiSalvo stated that he would have the Board's expert, Dr. Keller to review the report on the trees.

Mr. Buzak explained what a technical review meeting was and that it was with the Board's professional consultants, but not Planning Board members.

Mr. Lai referred to aerial exhibits, which were marked A-13 proposed and A-13 and current. On A-13 the front structure has been moved back ten feet towards the self storage. The driveway has been moved towards the self storage area 10' to save the large spruce tree. The existing driveway will be reutilized for two parking spaces. This was necessary because by moving the farmhouse further back, two required parking spaces were lost. He referred to the previous exhibit A-2 and pointed out the changes. He noted that there was no longer a connection between the two larger buildings. He stated that the driveway onto Drakestown is very similar to what it is currently there. The plan could be designed to put the two parking spaces behind the building but it would add to the impervious coverage. He pointed out the trees that the applicant is now trying to save. He stated that the landscaping has not yet been designed for the new proposal.

Mr. Lai explained that Northerly lot with Mr. Kelly, was 16' 10" and as proposed it is now 15', but the building is offset which would be offset. From the corner of Mr. Kelly's house to the corner of the new building is 27' or an increase of approximately 10' from the last plan.

Mr. Hall stated that there should not be any landscaping in front of the farmhouse because of sight distance.

Mr. Lai referred to the Traffic Engineer, Mr. Maltz. letter and agreed to meet all the conditions.

Mr. DiSalvo stated that after the site walk it became clear that in order to move the farmhouse further back from Drakestown Road and save the spruce tree the current driveway needed to be reused. The farmhouse could still move and maintain the parking spaces behind the building if the spruce tree was taken down.

Mr. Lai distributed a photo of the spruce tree to be saved was shown the board and marked Exhibit A-15.

Ms. McGroarty was concerned with headlights onto Kelly.

Mr. Lai answered Ms. McGroarty that if they did not have the turn around the residents would have to back out onto Drakestown Road.

Mr. Bersch stated that the applicant thought this was the better way, but it could be done without the turnaround.

Mr. Maltz preferred the turnaround, because it was a safer alternative. He stated that he recognized that other homes in the area back out onto Drakestown, but impervious surface aside, it would be safer.

Mr. Hall stated that the turnaround could be flipped to make sure the lights do not go into Mr. Kelly's yard and also driveway size could be reduced to 12' from the shown 15'.

Mr. Lai stated that there are still variances associated with the concept plan presented this evening.

Mr. Trevena asked about the square footage of the existing vs. proposed footprint.

Mr. Akin asked about the heights of the buildings on site vs. what is proposed.

Mr. Chapman reviewed the reasons why he changed the design. He stated that they have simplified and cut out parts of the building. They did a complete redesign and changed to be compatible with the surrounding neighborhood and not what is on site now. He referred to an exhibit, which was marked A-16, copies were distributed to the board. He explained that they are now using a hip roof reducing the mass and image and have reduced the roof from 9 on 12 to 6 on 12. All the walkway widths

were narrowed and impervious coverage has been reduced and open space has been increased. The original north building design height was 32'10" and they have reduced that to 28' and the second building from 30'10" to 27', which is a considerable reduction. The volume of the buildings have been reduced, the south from 32,633 cubic feet to 31,778 cubic feet. The north building from 75,180 cubic feet to 67,152' cubic feet. They have reduced the two bedroom units in the north building and the building has been shortened to minimize the dimension of the building.. He distributed copies of six sheets, which were the same as the exhibit marked A-14.

Mr. DiSalvo wanted a calculation showing the total square foot, including common areas of the previous to proposed plan.

Mr. Chapman stated that sheet one shows all buildings as shifted. Farmhouse moved to the east 10' for a 15' setback. It is basically the same size as it is now, but it will look similar to the new buildings. The building to the north had been pulled back 2' from the south and they rearranged the interior. The area that juts out by 2' is the same distance as before. The connection between the two buildings no longer exists. The building has been shortened and changed in configuration. The south building has had a one foot taken out of the width from east and west. The laundry has been reduced from 16' to 10'. He pointed out the three spruce trees and deciduous trees they are attempting to preserve.

Mr. Chapman pointed out the rooflines on page of 4 of A-14. Hereferred to the architectural renderings/elevations and pointed out the scale of the buildings on page 11 of A-14.

Mr. Chapman referred to sheet 12 of A-14 that show the site plan with the surrounding home placements and explained the different architectural styles in the neighborhood. In the area along the north border and Drakestown Road the applicant would be developing an extensive landscaping plan with the existing materials on site. He pointed out the open space in the internal portions of the site.

Mr. Chapman referred to page 13 of A-14 a partial elevation done to scale for the siding materials. The colors would be gray with off white bands and white. Marvin windows and the base below the lower windows would be gray stone. The roof would be a dimensional high quality gray shingle.

Mr. Chapman referred to sheet 1 of A-14 and reviewed the square footage of the apartments. He did not have the total square footage of the units as asked for by Mr. DiSalvo. He stated he would have that information for the next meeting; the total square footage under the previous plan and the proposed plan.

Mr. Bersch stated that the testimony showed the reduction in mass and volume.

Mr. DiSalvo was concerned that the information was not available and that the apartments were not significantly reduced.

Mr. Cohen stated that if the applicant cannot be given direction the board and the board is not inclined to approve a project without variances the applicant will bring in a variance free application.

The board took a break to allow the applicant to compute the square footage of the footprints of the building.

Mr. Chapman stated that there is only about 5' difference total square footage of the footprint 5503 old and 5500 for the new plan for all buildings but that the scale and mass had been reduced.

Mr. Buzak stated that this is a concept plan presentation and it is non-binding on either party which could change based on future testimony.

The board reviewed the plan.

Mr. Akin was supportive of the plan, moving the farmhouse back and the new driveway and saving the trees and the removal of the breezeway between the buildings. He preferred the farm look. He was okay with the additional size over the COAH minimums.

Mr. Mont agreed with Mr. Akin but surprised that the footprints were not reduced; he was not fond of the architecture presented.

Ms. McGroarty concurred with Mr. Akin and it was her opinion that it was commendable that the sizes of the units were not reduced to the minimum.

Mr. Trevena agreed with Mr. Akin, he would like a gable style roof and was not opposed to the architecture, if it had solid tones.

Mr. Bauerlein agreed with the movement of the buildings, liked original farmhouse look but liked the lower rooflines. He wanted to hear from Dr. Keller regarding the saving of the trees and if they would be dead in five years he would want to remove the Drakestown Road parking. He wanted to hear from the public, especially Mr. Kelly on this issue.

The meeting was opened to the public for questions.

Jim Tilson – 123 Mine Hill Road stated he was directly across the street from the development. He does not want the parking across from him. He expressed his concern about the drainage, which he thought would be reduced with the removal of the existing driveway. He would like the applicant to speak to him about the impact. He was also concerned that this would encourage the parking on Drakestown and concerned with

the lighting impact. He asked about landscape buffering and size of plantings.

Mr. Chapman stated that this is just a concept. There would be considerable buffering for both noise and sight and it would be evergreen.

Merlin Dorlin -123 Mine Hill Road – asked that the driveway on Drakestown Road be eliminated. He was concerned that there would be more traffic than the Board expects. He suggested moving the house one or two feet closer to Drakestown Road and eliminate the driveway. He asked if Drakestown Road would be improved as it has not been in 32 years.

Frank -139 Mine Hill Road – stated he was concerned that traffic will increase after Target is built. He asked where on the revised plan was the play area/playground. On the revised plan the laundry room was reduced and a utility area was added and asked what that area was for.

Mr. Bresch stated that there are separate entrances for the utility and laundry areas. This allowed them to move the building back towards the self storage facility.

Greg Zielinsky – 1 John Street asked if the drawings submitted this evening are to scale, including the parking spaces and asked if two parking spaces would fit into the area of the saved spruce tree.

Mr. Lai stated that the plans are to scale and the spaces are 9 x 18 and with a slight adjustment to the placement of the farmhouse two spaces could fit in this area. The distance from the building to the property line is slightly less.

Michael Kelly - Stated he was please with some of the changes and asked about fences. Regarding the trees, he asked about moving it and save it and gain the parking space. He like the style of the buildings. He asked that the parking be flipped if the driveway is not removed.

Mr. Bersch stated he would consider moving the tree. The two chestnut trees would be eliminated.

Jean Roy -139 Mine Hill Road – asked why there has to be three buildings on the site.

Mr. Hall stated that there are three buildings because the board thought the minimum number of units would be the best for the neighborhood.

Mr. Bersch stated that the ordinance limits the number of units per building to four. They looked at a number of things and it is a better design.

Mr. Cohen this was designed to help meet the township's housing plan.

Mr. Banisch stated that these apartments are for COAH only, market rate units would not be allowed at this density.

Mr. Cohen stated that there was no playground equipment was proposed.

Donald Zink – 61 East Avenue – asked about the fence on his property and he was asking that this be included on the applicant's next plan. He asked about hours of construction, would there be window air conditioning units. It was his opinion that the tree should be removed to decrease the pavement on Drakestown Road. He asked that the trash area be moved away from his property and that lighting be controlled.

Mr. Bersh stated that there would be central air.

Mr. Kelly and Mr. Dorlin stated that they liked the new architecture and interesting materials.

Mr. Martin liked the architecture, but not finishes - busyness.

There were no further questions from the public and the meeting was closed to the public for questions on the evenings testimony.

The board where generally in favor of the new plan and summarized their comments on the plan submitted as:

Materials should be more consistent with the neighborhood.

Parking – save tree but no parking on Drakestown Road – take a look at moving tree.

Mr. Trevena suggested an alternate area for two parallel parking spaces

No driveway off Drakestown Road

Mr. Cohen granted an extension of time to June 30, 2008.

The meeting was adjourned to June 25, 2008 and the public was advised that they would not receive further notice on the application.

***DISCUSSION /
CORRESPONDENCE***

1. Regency at Long Valley – Detention Basin and Fencing

Mr. Hall stated that the applicant must put up picket fence along Fairview Avenue and the plans call for wood but the applicant wants vinyl 3' – 4' high.

The board discussed this issue and decided that they wanted wood.

Mr. Hall explained the Stormwater management plan calls for a wet basin and that during construction it has been dry most of the time. In order to preserve it as a wet basin it will need to be lined. He wanted to know if the Board wanted to see this change as an amended application or all himself and Dr. Oweis to handle it as a field change. He answered the board that it cannot be redesigned as a dry basin.

The board decided that Mr. Hall and Dr. Oweis could handle this without coming back to the board.

2. Vouchers

Mr. Akin made a motion to approve the vouchers reviewed by the Chairman and 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. McGroarty made a motion to adjourn, seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the meeting was adjourned at 10:55 p.m.

Virginia R. Kesper, Clerk