

Chairman DiSalvo called the regular meeting of June 25, 2008 of the Washington Township Planning Board to order at 7:00 p.m.

MEMBERS PRESENT

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

*Arrived Late

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 June 9, 2008 Regular Meeting

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

RESOLUTIONS

08-09 Target Corporation – Block 4, Lot 7.05 – Route 46 – C-2 Zone 29.27 Acres
 – Denial of Request for Amendment to Resolution 06-25,07-11, 07-15, 07-16, and 07-17 to allow for overhead utilities onto the site

Mr. Buzak stated that the applicant did not object to the resolution however, she remains unconvinced that the resolution should not be revised.

Mr. Bauerlein made a motion to approve the resolution. Seconded by Mr. Beute

Ayes: Bauerlein, Beute Nays: None
Ineligible:

Absent: DiSalvo, Akin, Tobin

08-10 Black Oak Golf Club, LLC – Block 18, Lot 29 – Request for Soil Disturbance Permit for removal of soil

The amended resolution was reviewed

Mr. Popper made a motion to approve the soil disturbance application as presented this evening, seconded by Mr. Mont. A roll call vote was taken:

Ayes: Bauerlein, Leavens, McGroarty, Mont, Popper, Beute

Nays: None

Abstentions: None

Absent: DiSalvo, Akin, Tobin

Ineligible: Trevena, Monahan

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. USR Optonix – Block 30, Lot 70 – 214 Kings Highway –OR/I – Acres Request for Waiver of Site plan for relocation of electrical service transformer and adding five utility poles to bring overhead wires to new transformer site

Nathan J. Gallup, Applicant's Attorney
Edward Swaszak, Applicant's Engineer

Mr. Buzak swore in Edward Swaszak.

Mr. Swaszak stated that the applicant would like to move the transformer on site from one location to another. This will require the installation of 5 new utility poles which would not be seen off site. He presented photographs of the site. A-1 through A-4. He explained the photographs showing the entrance and the transformer and building three. There are some residents on Kings Highway but nothing by the river and behind them there is a farmers' field. The transformer needs to be changed because of the office and equipment changes. The transformer is not new just being relocated. The poles are needed to bring electricity to the new transformer location. There currently are overhead power lines on the site. He confirmed that the location of the poles and transformer are to be as represented on the plans. The poles will not be seen by the residents on Kings Highway because it is in a valley area and

are covered by high trees and buildings that are 45' and the poles are 40'. The new transformer is smaller than the existing. The first pole is at least 500' from Kings Highway. They did not consider running the electric underground because of the cost as well as the facts that there are poles on the site at this time for both utilities and site lighting. The existing poles will remain in place to bring power to that area. The area marked proposed parking area has not been built and will not be built. The source of power to the new poles will be from existing poles

Mr. Mont seconded by Mr. Popper to approve the site plan waiver and the waiver from underground utilities.

A voice vote was taken; all were in favor and the motion carried.

2. Amendment to Circulation Master Plan Element and Resolution 08-12-Second Public Hearing

Mr. Banisch referred to his memo of June 25th and some editing comments supplied by the public submitted today. The Historic Preservation Commission (HPC) would like to be consulted prior to any work and had specific recommendations for the type of bricks. HPC wants to be involved in any decisions on the lighting type and signals that may be needed and that they should be minimized. HPC objected to the panther symbol of the middle school and suggested that the sign image symbol be the historic bridge or other historic figure. HPC would like the historic marker in front of Zion Lutheran Church repaired. HPC is concerned about the placement of some of the sidewalks. HPC noted through photographs they submitted that historically there have not been sidewalks in the downtown area. HPC also wanted to maintain the bus lane in front of the Mill.

Mr. Banisch reviewed Morris County Planning Board's comments.

Mr. Hall stated that he has been authorized by the Township Committee to start plans for the sidewalk and he has identified the fact that there are some DEP permitting required. The Township is now proceeding with the sidewalks for the areas that do not need permitting. This is a DOT grant of \$135,000. He hopes to have bids awarded late summer with construction this fall. The Township has hired a wetlands expert to do the required permitting.

The meeting was opened to the public for questions and comments on the circulation-sidewalk element.

Chris Stephan – Downtown Committee and Land trust member. She stated that the Mill needs the parking in the front of the it.

Mr. Banisch stated that the plan is also to submit for additional funding. The sidewalks are shown on both sides of the road to support the need for funding. He stated that he could amend the map and a note could be added about an

interruption in the sidewalk for the Mill area. Sharing the lane on the north side could have safety concerns for pedestrians.

Mr. Bauerlein stated that sidewalks would enable people to park further from the Mill.

Mr. Hall answered Mr. Leavens that the sidewalk could be at street level and that the brick that has been chosen is very strong and would support vehicle traffic.

Mr. Banisch stated that these issue do not have to be resolved in the plan but the plan can recognize the concerns and questions (identify as an issue).

He reviewed the public comments regarding the trail on the land trust property.

Mr. Popper made a motion to adopt the amended circulation-sidewalk, with the amendments to the plan and map discussed this evening and Resolution 08-12. Seconded by Mr. Trevena. A roll call vote was taken:

Ayes: Bauerlein, Leavens, McGroarty, Monahan, Mont, Popper, Trevena, Beute
Nays: None Abstentions: DiSalvo Absent: Akin, Tobin

Mr. DiSalvo, Dr. Keller and Mr. Maltz joined the meeting

3. 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, March 10, 2008 and April 14, 2008 – Public Hearing Continued. Expires June 25, 2008

Lawrence Cohen, Applicant's Attorney
Raymond Bersch, Applicant
Ronald Lai, Applicant's Engineer
Donald Chapman, Applicant's Architect
George Ritter, Applicant's Planner
Brian Bosenberg, Landscape Architect

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

Mr. Buzak stated that Mr. Tobin was not present but also have a conflict of interest with this application.

Mr. Banisch referred to his e-mail to Ms. Dorlin regarding another possible site she brought up to be used in lieu of this site and his reply regarding our 3rd Round Certification.

Mr. Lai referred to the latest drawing and the changes from the first meeting and the previous. He referred to a plan marked A-16, page 3 of 9 of the plans.

Mr. Lai pointed out the changes. He stated that the applicant has have met with a tree expert and the large spruce trees. Buildings A and B have been moved 10' back towards the southeast towards the self storage and building C 5'. The driveway has also been moved back towards the self storage. Building B and C are separated by 15'. The sidewalks have been redesigned and are 6' wide and there are sidewalks along building A. There are five parking spaces along Lotus Blvd and the others are in a parking lot off of Lotus Blvd, which provides open space along Drakestown Road. He pointed out the heat pump site air conditioning units. They will comply with all of Mr. Hall's comment in his letter of June 20, 2008. Sheet 8 of 9 of the plans was marked A-18. He referred to the lighting proposed on the plan and indicated that there would be six light poles 15' high. The lights would be on dusk to dawn, which, in his opinion, is sufficient for safety and security.

Mr. lai distributed a three sheet set of photos and technical information on the pole and bollard lighting which were marked A-19. The pole is 15' to the top of the fixture (3' high). The bollards would be 3' 6" high with a black finish. He answered Mr. Hall that the air conditioners would be 58 decibel on top of the condenser and they would have to make a calculation for the distance.

Mr. Hall stated that a sound test should be made at the property lines.

Mr. Lai stated that the light source can be adjusted so that it cannot be seen from Drakestown Road or the northerly property line. The closest pole to Drakestown Road is approximately 70'.

Mr. Banisch stated that there should be a lighting inspection prior to a Certificate of Occupancy.

Mr. Cohen stated that the applicant agreed to this requirement and would supply the information that the lights can be shielded or added if they fail the light test. He also agreed to supply documentation that the lights on the plan are being installed.

Items of Mr. Hall's letter of concern were addressed as follows:

The Fire Department letter was reviewed and the applicant will meet with the Fire Department to discuss the letter.

The Shade Tree Committee letter was reviewed.

Mr. Bersch stated that the stone wall is in good repair and objected to a condition that the applicant repair it.

Mr. Hall stated he would like the stones that have fallen off at the northerly end replaced.

Mr. Bersch agreed to this.

Mr. Cohen stated that the soil disturbance information will be supplied prior to construction.

Mr. Hall stated that the information could be submitted prior to a pre-construction meeting.

Mr. Banisch asked that the trash enclosure gates be self closing.

Mr. Cohen agreed, as long as the trash hauler does not object.

Mr. Cohen stated that there would be landscaping around the air condition units that would be testified to by the landscape architect.

Mr. Cohen answered the board that if they wanted additional lighting in the yard area it could be provided.

Mr. Lai stated that the drywell system is completely underground as shown on sheet four of the plans.

Mr. Hall stated that there is a drywell maintenance manual that will be recorded with the deed.

Mr. Bauerlein was concerned about the lights being on dusk to dawn.

Mr. Bersch stated that Homeless Solutions would like the lighting on for safety and he noted that this is not a lot of lighting on the site. He agreed to reduce the number of lights on all the time by half and the other half will be a motion detector. They will supply a revised lighting plan.

Mr. Cohen stated that the applicant will comply with Mr. Maltz's letter of June 23, 2008, including the removal of the hedge behind the guard rail.

George Ritter was sworn in by Attorney Buzak and presented his qualifications to the board and was accepted as an expert witness in the field of planning.

Mr. Ritter referred to an aerial photograph of the area, which was marked A-20. He stated that the variances being sought are "C-2" variances. He pointed out the uses in the surrounding area. He enumerated the variances needed as:

- Four units per building
- Existing front yard setback variances which is reduced by the relocation of the building.
- Side yard setback for two of the dwellings
- Rear yard setback
- Parking located less than 25'
- Landscaping buffers

- Variance from the requirement of a carport for seven vehicles

Mr. Ritter stated that the plan presented more fits the residential neighborhood and is a better plan than a conforming plan would be.

Mr. Ritter referred to a plan which was marked A-21 that showed the zoning requirements and put the applicants plan over it in a conforming plan. He explained that: The variances are not motivated to get more on the site. This plan would have a greater impact to the neighborhood. He referred to a plan marked A-22 which is the current site plan with the variances needed and compared them to the conforming plan on A-21 which showed more open space, which is similar to what is out there today. The conforming plan is fragmented and not a good design for anyone. The presented plan is less detrimental to the neighborhood. The plan met the goals of COAH which are to limit added cost items which the covered parking would be. The covered parking would make the site look more developed and reduce the openness of the site. Regarding the landscape buffer, he noted that there has been fencing and landscaping provided, but not to the extent required by ordinance for breaks adjacent to the self storage facility. He noted that there are pine trees on the self storage site.

Mr. Ritter testified that the granting of the variances would advance the following purposes of the MLUL: the mandate to provide affordable housing; provide adequate light air and open space for the residents; desirable visual environment; appropriate location.

Mr. Ritter stated that there would be few detriments, the intensity is within the limits of the ordinance; the development is within residential scale; the minor impacts and encroachments are minimal; he did not see negative traffic impacts; it does not interfere with the intent of the zone plan or master plan. He also noted that under the OR/I zone the uses could be laboratories, office buildings, etc. which would have a greater intensity and impact on the surrounding residential uses. He noted a new single family home would not be permitted in this zone without a use variance.

Brian Bosenberg presented his qualifications as a landscape architect and was accepted by the board as an expert witness in the field of landscape architecture.

Mr. Bosenberg referred to sheet 6 of 12 which was colorized and marked A-23. He stated that the north side would have a 6' fence 3' in with landscaping on the neighbors side of the fence, shade trees, hedges and evergreen plantings. Around the buildings there will be extensive landscaping and screening is shown around the air conditioning units. Flowering trees will be planted in the interior around the benches. He reviewed and met on the site with Dr. Keller and discussed the trees and what could and could not be saved. The large Colorado Spruce tree could not be saved because of the development around it and the condition of it and the size of it made it impractical to move. The large

maple could not be saved without changing the parking configuration which would lose some open space area. It was his opinion that the landscape plan met the intent of the ordinance. He answered the board that the neighbor had approved the fence and landscaping. He answered Dr. Keller that there would be 6-7 trees removed for the development some of which were in poor and declining shape. He answered Dr. Keller that large trees to replicate trees in the area were not possible. He explained that the flowering trees will be planted at a larger than normal caliper so they would grow more quickly. Also planting large evergreens would overgrow the open space quickly. He noted that there are two large trees at the rear of the property that will be taller than and shadow the buildings.

Dr. Keller stated that he did not have any issues with the way the site was laid out and the landscaping proposed.

Mr. Bosenberg answered Dr. Keller that he would look at planting a tree by the pump house, which he noted is not on the applicant's property.

Mr. Buzak stated he consulted with the Township Attorney and it was concluded that the Planning Board nor the Township Committee have the ability to grant relief to allow shade trees in the right of way. He read the ordinance.

Mr. Cohen stated that possibly, if the applicant donated the trees and the planting of them to the Township, the Township could plant the trees and they agreed to do so.

Mr. Bersch stated that there is tree on the corner of the property and if the adjacent property owner wants to take it down, they will cooperate with him and it is not part of the landscaping plan. The tree does not obstruct the applicants' construction.

Mr. Bosenberg answered Mr. Banisch that they would add a boxwood hedge for the parking spaces up to the bike rack.

Mr. Banisch suggested that the drywells may be able to be moved out of the open space area, possibly along building A.

Mr. Lai stated that as long as it is 10' away from a building it could be relocated.

Mr. Banisch recommended that a condition of a resolution of approval, landscaping be required to be maintained in perpetuity.

Mr. Chapman referred to colorized copies of the architectural plans (A-1) which were marked A-24 and the changes from the previous plan. He testified the unit sizes are:

One Bedroom units COAH 600 – Provided 750		
Two Bedroom	850 -	950 to 995
Three Bedroom	1150 -	1350

Mr. Chapman stated that the biggest influence on the square foot areas is the barrier free requirements of the first floor units. It was his opinion that this was the minimum floor area to meet all COAH and Federal Barrier Free requirements.

Mr. Chapman referred to sheet A-5 which was marked Exhibit A-25. He pointed out the changes to the facades and the materials used as hardyboard, light brown, stucco, off white and same color as trim. He explained that the prior roof designs were gable and now all the buildings will have hip roofs with eaves which lowered the roof height to the top of the second floor windows to a height of 27'. He pointed out the stone base from the first floor window down. The roof is GAF dimensional prestige 40 year asphalt reflective roof (weathered wood brown color). Drawing A-3, building A, was marked A-26. The old farmhouse also has a hip roof and the same materials as the other buildings. Sheet A-8 was marked Exhibit A-27 showing the elevations with the same roof and colors.

Mr. Bersch stated that the heating/air conditions units will be high efficiency heat pumps which will allow them to meter individual apartments or to be one bill and make it part of the rent. Construction will be insulated concrete for the dividing walls which are 10" wide.

Mr. Chapman stated that the windows are double hung and there are no casement windows. The trim is similar to the dwelling across the street. He will use a 4" trim.

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

Merlyn Dorlin – Mine Hill Road, Mt. Olive – asked about traffic, he was concerned about the impact of the 20 cars and especially the Target store.

Mr. Maltz stated that he reviewed the project with the NJ residential site improvement standards and the project conforms. Peak hour trip generation was done by him as per RSIS and there were 8 trips in the a.m. and 9 trips in the p.m. peak hours. He explained that this would not have any significant impact on the traffic. He noted that the applicant has agreed to comply with his report. He also reviewed the traffic report prepared for Target which was also submitted to the NJDOT for review as well, and the traffic to be generated amounts to 4%.

Frank Roy - 139 Mine Hill Road – Asked if there are bars on the windows to protect children. He asked about the size of the open space grass area and stated it was his opinion it was probably not enough. It was his opinion an office building would be better because it pays taxes and everyone leaves at

5:00 p.m. He was concerned with the police activity, drugs, etc. that will come into the area and that the neighborhood will change.

Mr. Chapman stated that there are no bars but they comply with the height of sill as required.

Jim Tillson – Mine Hill Road (across from the development) – stated his window trim is about 4". He was concerned about the trees and that they be large enough to block his view now, not years from now. He also had concerns with the lighting stating that there are four types of lights equaling 17 lights.

Mr. Bosenberg stated that the trees to be planted will be 8' high and there will be small gaps of 2' – 3' which will grow together in the next three – five years. The trees are planted as close as possible for survivability of the trees.

Mr. Lei pointed out the different lighting on the plan. He explained the different lights pole lights, bollard lights and lights mounted on the building.

Mary Grant – 35 Drakestown Road asked about tree replacement.

Mr. Cohen stated that the trees have to be maintained and replaced if they die.

Greg Zelinsky – 1 John Street, Mount Olive asked about the drywells and the number of manholes. He felt that as a Mt. Olive resident the rezoning was a railroad event that happens on perimeter properties. He was also concerned about areas for the children, which he estimated to be ten to, thirty to play and he was concerned about them playing in the street.

Mr. Lai stated that there will be two clusters with four manholes each. One will be on the edge of the open space and the parking lot and will be on grade.

Nor DeBroan - Poconton Way – stated that she would like this meeting to be adjourned to another evening to allow more residents to testify and present testimony.

Mr. DiSalvo stated that this application may come to a vote this evening. He noted that at the end of each meeting on this application the date of the next meeting was announced and if there were public interested in the application they were informed to be here this evening, as other members of the public were.

Ms. DeBroan stated that she was concerned that the new plans/waivers are new tonight and they should have more time. She asked about the parking variances for parking and access for garbage trucks. She was concerned that the notice was incorrect and that it was not being heard by the correct Board. She expressed her concerns regarding the number of variances requested by the applicant. She asked about the master plan and consistency with other townships and COAH.

Mr. Cohen stated that the variances are the same in the revised plan as in the original plan except the distances are less than original plan.

Mr. Bosenberg stated that the grass area is approximately 60' x 90'

Mr. Maltz stated that the 24' aisles meet the parking space size requirement under the RSIS standards.

Mr. Ritter stated the township ordinance is different, but the RSIS standards apply and have been a common standard in the industry for years.

Mr. Cohen stated that the applicant will comply with the Fire Department requirements.

Mr. Bersch stated that they moved the trash compound and they have done that and the garbage truck can reach it.

Mr. Buzak reviewed the notice issue and the only deficiency was the name of the Board. The date, time and location were correct for both the meeting and where the documents were filed. He explained that the Board of Adjustment standards are the same as the Planning Board and that this matter could not have gone before the Board of Adjustment because it is a conforming use and that the Planning Board can hear variances and waivers in conjunction with a site plan or subdivision.

Jean Roy – Mine Hill Road, Mt. Olive asked about the parking spaces and where would the overflow parking would be. She referred to Mr. Ritters' testimony and disagreed with his statements that this development would be a minor impact to the community. It was her opinion that this location was not an appropriate area for this type of development.

Mr. Cohen stated that they meet RSIS and 20 spaces are provided, no other parking is provided on site.

Mary Grant – Expressed her concerns about the parking and that there should be no overnight parking in the area.

Jim Tillson - asked about the soil disturbance permit.

Mr. Cohen stated that is to bring in soil to the site and the detailed information will be determined prior to construction.

Mr. Lai explained the cuts and fill.

There were no further comments from the public and the meeting was closed to the public for questions and comments.

Mr. DiSalvo made a motion to instruct the board attorney to draw up a resolution of approval including all waivers and variances requested and subject to light shields, SMFP, shade tree letter, comments in all professional letters as agreed to this evening. Seconded by Mr. Mont.

A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, McGroarty, Mont, Trevena, Beute, Monahan

Nays: None Abstentions: None Absent: Akin

Ineligible: Leavens, Popper, Tobin

Mr. DiSalvo announced that the resolution of approval would be read on August 11, 2008.

4. 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 along Route 46

Adjourned at applicant's request to Monday, July 14, 2008 at 7:00 p.m.

***DISCUSSION /
CORRESPONDENCE***

1. Vouchers

Ms. McGroarty 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 11:45 p.m.

Virginia R. Kesper, Clerk