

Chairman DiSalvo called the regular meeting of August 27, 2008 of the Washington Township Planning Board to order at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, Charles DiSalvo, William Leavens, Eric Trevena, Louis Mont\*  
ALTERNATES: William Beute  
CLASS I:  
CLASS II:  
CLASS III:  
OTHERS ABSENT: Akin, Monahan, McGroarty, Popper, Tobin, Mont  
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 25, 2008, July 14, 2008 and August 11, 2008 Regular Meetings

Mr. Bauerlein made a motion to approve the minutes, seconded by Mr. Leavens to approve the minutes. A voice was taken; 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. Ballotti – Block 54, Lot 29 – 462 West Mill Road – R-5 Zone – 46.76 Acres - Request for Waiver of Site Plan to allow for farm labor housing for two persons in the existing carriage house/barn on Preserved Farm

Leslie Ballotti, Applicant

Leslie Ballotti was sworn in by Attorney Buzak.

Ms. Ballotti stated that there is a barn that is roughed out inside with electric and water and she would like to turn this into quarters for two people for farm help.

The letter from the Morris County Agricultural Development Board was reviewed, which stated that the Board does not object to this use.

Ms. Ballotti stated that the building exists and that there would be no further footprint or driveway improvements. She explained that she proposes a two bedrooms one kitchen and one bath unit on one side of the building and an open guest room area with a bath on the other side.

Mr. Hall stated that he was on site and there appears to be ample parking in existence. He did not see any nuisance elements as the home and carriage house are already there.

Mr. Banisch referred to the township ordinances on farm labor housing, a copy of which was distributed to the Board members. He stated that based on the testimony it appears that the applicant complies with the ordinance for farm labor housing. He suggested that the guest room not include a kitchen.

Ms. Ballotti stated that her driveway to the house is approximately  $\frac{3}{4}$  miles long.

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

Mr. Leavens made a motion to grant the waiver of site plan as requested, subject to the condition that it is for two farm laborers with a single kitchen and two baths and Board of Health approval.

A roll call vote was taken:

Bauerlein, DiSalvo, Leavens, Trevena, Beute

Ayes: Bauerlein, DiSalvo, Leavens, Mont, Trevena Tobin, Beute

AUGUST 27, 2008

Nays: None

Absent: McGroarty, Monahan, Popper, Akin

2. JCPL – Block 19, Lot 8.01 – 54 Newburgh Road – OR/I Zone – Request for Preliminary and Final Site Plan with Variance for cement pad, MVAR Capacitor Bank and support pillars within existing substation compound

Joseph Sordillo – Applicant’s Attorney

David Barber – Applicant

Joseph Zenyuch – Applicant’s Engineer

Rodney Simonetti – Applicant’s Electrical Engineer

Mr. Sordillo explained that the applicant was before the board for Preliminary and Final Site Plan with variances (setback) and waivers for a cement pad and two pieces of equipment, an MVAR Capacitor Bank and support pillars within an existing substation compound. He noted that due to the limited disturbance, less than 5,000 s. f. no Morris County Soil Conservation District Approval is required and they have received a waiver from Morris County Soil Conservation District.

David Barber, Joseph Zenyuch and Rodney Simonetti were sworn in by Attorney Buzak.

The application was reviewed for completeness.

Mr. Hall reviewed his letter and recommended the waivers requested and recommended the application be deemed complete. He noted that the track may be within 150’ of wetlands and therefore as a condition of approval this information be submitted.

Mr. Trevena made a motion to deem the application complete, seconded by Mr. Beute. A voice vote was taken; all were in favor and the motion carried.

Mr. Sordillo stated that he has a letter from the NJDEP regarding the wetlands from 1990. He distributed copies of the letter to the board which was marked A-1. He stated that this letter exempts JCP&L from NJDEP wetlands review. He stated that this interpretation is still valid and the equipment proposed here was in existence in 1990.

Mr. Hall accepted the letter as the required wetlands information.

Mr. Barber explained that this site is a JCP&L substation which breaks down the electricity to be delivered to individual homes. The proposal is for a capacitor bank to help deliver and support the voltage for the energy to the site. He referred to a map of the area which was marked A-2 and pointed out the various JCP&L electrical stations.

Mr. Zenyuch presented his qualifications to the Board and was accepted an expert in field of engineering.

Mr. Zenyuch referred to an exhibit which was marked A-3 of the electrical equipment plan and pointed out where the capacitor will be connected copies of which were distributed to the Board. He explained the equipment layout to the board. He pointed out the only area on the site that this equipment could be placed to connect with Bank 2 of the equipment. He explained that they could not meet the setback requirements because of the location of the existing equipment. He pointed out that this is an unmanned facility and that maintenance is done during normal business hours on a monthly basis. He answered the board that there is no lighting proposed with the new equipment and that the equipment does not make noise that could be heard outside the current compound. He referred to a photograph board which was marked A-4 and pointed out the capacitor bank (photo C). He pointed out the vent on the building and noted that there would be a clicking noise associated with the venting, but not that could be heard off site.

Mr. Zenyuch referred to the other photographs which were aerial photographs of the site and surrounding area and uses.

Mr. Zenyuch answered Mr. Hall that he had technical data on the exhaust fan and the manufactures specifications stated that the sound would be 4.5 SUMS, which is approximately 50 DBA, at 5' from the unit. The dimensions would be 21'3" long 12.4" to the top of the vent fan and 7' wide. It is 5' 6" to the center of the aluminum pipe.

Mr. Simonetti presented his qualifications to the board and was accepted as an expert witness in the field of engineering.

Mr. Simonetti referred to the site plan which was marked A-5. He stated that he has revised the plans to comply with Mr. Hall's letter and distributed them to the board and pointed out the changes. He stated that although there is a variance required for side yard setback the equipment is within the existing fenced compound and there were no significant nuisances related to the placement of the equipment. He answered Mr. DiSalvo that the closest existing piece of equipment is 24' from the property line. The new equipment will be 1.5' closer to the property line or 22.8". He answered Mr. Hall that the existing piece of equipment marked #4 is the 35' high structure.

Mr. Hall stated that the signature legend is still incomplete and the survey must meet the map filing law.

Mr. Simonetti stated that the equipment in the setback is a small tube that sticks up four feet from the ground.

Mr. Banisch asked if bollards should be around the post to protect it.

Mr. Simonetti stated that it was his opinion that a bollard would not be necessary. There is approximately 12' to 15' from the fence to the equipment post.

Mr. Hall stated that he would leave that decision up to the applicant and noted that there is another piece of equipment that is closer to the fence.

Mr. Zenyuch answered Mr. Banisch that the fence is inspected periodically by JCP&L.

Mr. Mont arrived and joined the meeting.

Mr. DiSalvo – stated that a condition of approval should be that Mr. Hall check the fence prior to the certificate of occupancy.

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

Robert Mulvihill, Jr. – stated that he is an adjacent property owner and asked about the blue tape on the trees.

Hannah Massaquoi was sworn in by Attorney Buzak and stated she is the area manager for JCP&L and stated that the trees have to be identified for possible removal if they are too close to the equipment under their vegetation management plan. The trees are in the JCP&L easement and not part of this application.

Mr. Mulvihill stated that the vegetation acts as a buffer and asked that it be minimized or a fence be put in.

Mr. Sordillo stated that vegetation control is mandated by the state and not part of this application.

Mr. DiSalvo made a motion to instruct the board attorney to draw up a resolution of approval including all variances and waivers requested and conditions discussed this evening – revised plans, fence inspection. Seconded by Mr. Beute.

A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, Leavens, Trevena, Beute

Nays: None            Absent: McGroarty, Monahan, Mont, Popper, Akin, Tobin

3.     Regency at Long Valley – Block 28, Lots 46 & 47 – 55 Fairview Avenue - Request for Soil Disturbance Permit for import of soil from Estates at Long Valley

Mr. DiSalvo announced that the application was adjourned at the applicants request to September 8, 2008.

4. Levitsky – Block 34, Lot 25.08 – 110 West Valley Brook Road – R-5 Zone – 3.27 Acres – Request for Ridgeline Certificate of Compliance

Ivan Levistky, Applicant

Ivan Levitsky was sworn in by Attorney Buzak.

Ms. Kesper stated that the applicant was before the board because the Ridgeline/Viewshed/Hillside protection ordinance states that before he can get a building permit he needs a certificate of conformance from the Planning Board. He does not need a variance or site plan review.

Mr. Banisch reviewed the ordinance and that this applicant is within the Ridgeline/Viewshed/Hillside protection area. He distributed and referred to an aerial map of the area in question. He noted that Mr. Levistky wants to build a home on a lot which is an open field. He referred the site plan showing proposed trees. He noted that this area of township is a developed hillside area.

Mr. Levitsky stated that behind the trees is the septic system. He referred to the slope map to show the location of his home. He stated that there are houses on lots in front of the proposed house as well as behind and alongside.

The board reviewed the application.

Mr. Levisky stated that the roof would be gray and the building materials would be stone, stucco and would and would be earth tones, beige and brown. He stated that house would be approximately 4400 s.f. with a basement. He answered the Board that the driveway was previously existing and serves two other home. He has received his highlands exemption letter.

Mr. DiSalvo made a motion to approve the request for a Certificate of Compliance with the Ridgeline/Viewshed and Hillside Protection ordinance as discussed this evening. Seconded by Mr. Leavens.

A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, Leavens, Mont, Trevena, Beute

Nays: None            Absent: McGroarty, Monahan, Popper, Akin, Tobin

***DISCUSSION /  
CORRESPONDENCE***

1. 1. R0-18-08 – Amend 159-20-D regarding stream corridor

Mr. Hall reviewed the ordinance for the Board. He stated that the change is to be consistent with the new state regulations regarding distances from water courses

Mr. Bauerlein made a motion that the Board found this ordinance not inconsistent with the master plan and recommended the Township Committee adopt the ordinance. Seconded by Beute. A voice vote was taken; all were in favor and the motion carried.

2. Vouchers

Mr. Leavens 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.

3. Target

Mr. Hall and Ms. Kesper gave an update on the Target project.

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 9:15 p.m.

---

Virginia R. Kesper, Clerk