

Chairman DiSalvo called the regular meeting of September 24, 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: Sam Akin
 CLASS I: Tracy Tobin
 CLASS II: Patrick Monahan
 CLASS III: Howard Popper
 OTHERS ABSENT: Beute, McGroarty,
 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 August 27, 2008 Regular Meeting

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

08-16 JCPL – Block 19, Lot 8.01 – 54 Newburgh Road – OR/I Zone – Approval of Request for Preliminary and Final Site Plan with Variance for cement pad, MVAR Capacitor Bank and support pillars within existing substation compound

The resolution was reviewed.

A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, Leavens, Trevena

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

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. 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 meeting was adjourned at the applicant's request to October 13, 2008

2. 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, 08 for relief from the conditions and requirements of Preliminary and Final Site Plan Approval and the Township's Ordinance to permit relief from the conditions of approval requiring completion of all site improvements prior to the issuance of a Certificate of Occupancy including completion of road improvements and signalization at Route 46 and the installation of radio amplification systems and certain site and building improvements

Mr. DiSalvo announced that the meeting was adjourned at the applicant's request to October 7 , 2008

3. Elegant Homes – Block 42, Lot 11 – Hacklebarney Road – Request for Extension of Time to meet the conditions of Resolutions 06-17

Jay Bohn, Applicant's Attorney

Mr. Bohn reviewed the current application, the previous application and litigation and the approval of the board. He advised the board that the applicant was not able to perfect the resolution because of the personal problems of one of the partners, who was the partner in charge of securing all proper approvals. He stated that approval of the deeds and the Health Department approval are the remaining open issues under the resolution.

Mr. Bohn stated he was asking the Board for an additional 90 day extension from today to complete the open items. He answered Mr. Hall that he became

aware of the Board of Health issue in June 2007 when the time period was expiring. He stated that the Board of Health letter was sent to the engineer only. He did not address the minor comments of the Township engineer because of the open health department issue.

Ms. Cofoni told the Board that if they were to grant the requested approval the time would run from June 2007, when the resolution expired, not from this evening.

Mr. Bohn noted that the permit extension act does not apply to the areas covered by the Highlands Act.

Ms. Cofoni read the MLUL requirements regarding the extension requested and stated that based on the testimony heard the board could extend it if they were willing.

Mr. Bohn stated that the applicant will immediately work with the Health Department if the extension is granted. He explained that previously the board of health issue was overlooked when trying to perfect the resolution.

The Board discussed the application.

Mr. Akin made a motion to grant the requested extension – 90 days from today. Seconded by Mr. Popper.

Ayes: Bauerlein, DiSalvo, Monahan, Mont, Popper, Trevena, Akin,

Nays: None Abstained: Leavens, Tobin Absent: McGroarty, Beute

4. Ketzler – Block 34, Lot 11.10 – 54 West Valley Brook Road – Request for Certification of Compliance with Ridgeline Ordinance 217-38F for Detached Garage

Faye Ketzler, Applicant

Eric Ketzler, Applicant

Faye Ketzler and Eric Ketzler were sworn in by Attorney Cofoni.

Ms. Kesper explained that the applicants were before the board because they wanted a detached garage in the ridgeline area. She noted that if the garage was attached it would not require the Certification of Compliance.

Mr. Ketzler stated that they would like to build a detached garage on their property which is a wooded lot.

Mr. Banisch distributed an aerial map with topography pointing out the property in question which showed the distance of the home from the public traveled way and the vegetated area. It was his opinion that this lot was not of great concern or impact to the ridgeline ordinance.

Ms. Ketzler presented as exhibits photographs she took from roads within the township where it may have been possible to view the property which were marked A-1 and A-2. She described each of the photographs for the board and explained that her property cannot be seen from any of the public roadways.

Ms. Ketzler explained that they could not attach the garage because of a propane storage tank that was in the area that the garage would have to be attached to the home.

The board reviewed the application.

Mr. Bauerlein made a motion to approve the application, seconded by Mr. Mont.

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

***DISCUSSION /
CORRESPONDENCE***

1. 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.

2. Highlands Regional Master Plan

Mr. Banisch stated that on September 5th the governor allowed the minutes of the Highlands Council meeting where they adopted the Highlands Regional Master Plan and therefore the Highlands Regional Master Plan is now an accepted document. This starts the clock for the towns within the Highlands region to comply with the master plan, which is 9 to 15 months. He has requested technical direction from the Highlands staff. When he has this information he will advise the board on how they must proceed.

Mr. Banisch stated that the Board must look at the adjustments update process. He explained that the board will have to develop a list of changes that want and explain why areas such as the developed Target site should have the Highlands category changed. He stated that requested adjustments will generally require trading areas.

Mr. Banisch answered Mr. Popper regarding COAH. He stated that because Washington Township has third round certification they do not have to make a decision on compliance with the planning area by December 31, 2008. If after

consideration the Township decides there are advantages to opting in, they can and get the benefits to the COAH.

Mr. Banisch reviewed the executive orders signed by the Governor regarding the highlands. The executive orders make the Highlands Regional Plan a document to be complied with if DEP permits are needed.

Mr. Tobin asked that a memo be sent to the committee regarding this and the funds that may be needed in 2009.

3. August 22, 2008 Correspondence from Miller's Green

The letter was reviewed.

Mr. Tobin stated that upon research the Township Attorney concluded that this area was not public parking and condemnation could not go forward.

4. August 17, 2008 Correspondence from Edward Buzak Re: Affordable housing law suit

Noted for the record.

5. OFP

Mr. Leavens referred to the newspaper article on the OFP vs. Highlands case heard by the Supreme Court and noted that this was a subdivision approved in Washington Township.

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 8:33 p.m.

Virginia R. Kesper, Clerk