

Chairman DiSalvo called the regular meeting of January 12, 2009 of the Washington Township Planning Board to order at 7:55 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, Charles DiSalvo, Kathleen McGroarty, Eric Trevena
 ALTERNATES: Sam Akin, William Beute
 CLASS I: Ken Short
 CLASS II: Patrick Monahan
 CLASS III: James Harmon
 OTHERS ABSENT: Mont, Leavens
 STAFF PRESENT: Clerk Kesper, Attorney Buzak, Engineer Hall, 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

1. Minutes from the December 8, 2008 Regular Meeting

Ms. McGroarty made a motion to approve the minutes, seconded by Mr. Bauerlein. A voice was taken; Mr. Akin, Mr. Short and Mr. Harmon abstained; all others 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 -

JANUARY 12, 2009

1. Zion Lutheran – Block 33, Lot 42 – 11 Schooley’s Mountain Road – C-1 and R-20 Zones 9.3 Acres – Request for preliminary and final site plan approval with variances for church fellowship hall, classrooms and offices – Completeness Hearing and if deemed complete public hearing

James Knox, Applicant’s Attorney
Craig Villa, Applicant
Reverend Peter Froehlke, Applicant
Richard Carroll, Architect

Mr. Short put on the record that his grandchild attends Zion Lutheran Nursery School but that he did not believe he had a conflict of interest. The applicant and Mr. Buzak agreed.

Mr. Knox reviewed the file for completeness.

Mr. Hall stated that he just received the soil disturbance permit and some dimensions were missing from the plan, but he did not object to waiving the items for completeness only.

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

Peter Froehlke, Greg Villa and Richard Carroll, were sworn in by Attorney Buzak.

Mr. Knox briefly reviewed the church’s application for expansion for a fellowship hall, classrooms, offices, that the site is environmentally constrained, that it is in the historic district and has received an approval from the Historic Preservation Commission.

Rev. Froehlke stated that he has been the Pastor since 1993. There are 600 members and they need space for their youth groups as they have no space for them. He explained that the Church has a critical need for their 125 student Sunday school and that their fellowship hall is too small for the congregation. He addressed the needs Zion Lutheran Church fulfills for the community. He stated that the proposed expansion is to meet the current needs of the congregation, not as a major expansion of the congregation. He stated that the Historic Preservation Commission would not allow the building now used for offices to be taken down and the plans submitted have been approved by the Washington Township Historic Preservation Commission

Mr. Knox asked that the Certificate of Appropriateness was marked A-1. He had marked A-2 a six pages computer rendering of the proposed changes to the church.

Rev. Froehlke stated that the membership was 525 ten years ago and today is 600. He also added that they have run a nursery school from the church for the last 40 years.

The meeting was opened to the public for questions of Rev. Froehlke. There were no questions and the meeting was closed to the public for questions of Rev. Froehlke.

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

Mr. Villa reviewed the physical nature of the site and referred to a color rendering of the site plan, sheet 4, which was marked A-3. He pointed out the four lots that comprise the application, it is 9 acres and most of the site is undeveloped, and is in the C-1 Zone and the surrounding area. The current parking area has 64 parking spaces. The site constraints map that was marked A-4 and he pointed out the wetlands, buffer zones, the South Branch of the Raritan River and the Flood Hazard area. He stated that all necessary DEP permits have been obtained. He stated that a waiver from the Township Stream Corridor ordinance will be required. He explained that the shape and size of the building expansion was dictated by the environmental constraints and permits obtained. He referred to his letter of December 23, 2008 and it was his opinion all necessary documents have been submitted.

Mr. Villa gave an overview of the plans submitted to the board, revised through 12-23-08. He explained that it is a relatively simple project and referred to sheet 5, which was marked A-5, the site layout plan. He stated that the 4400 s.f. structure attaches to the existing structure and roof lines are maintained. He pointed out that the layout shown on the exhibits showed a one way circulation.

Mr. Villa referred to Dr. Oweis' report regarding stormwater detention and the fact that Dr. Oweis did not recommend retaining the stormwater on site because of the limestone in this area and that Dr. Oweis stated that alternatives should be considered. He referred to the Township Ordinances that would allow a waiver from stormwater management if the impervious coverage is less than 7500'.

Mr. Villa referred to the submitted alternate design which was marked A-6. He explained that this plan narrows the entrance drive and eliminates four parking spaces along the driveway. This plan was provided to ask the board if they would grant the waiver from the Township stormwater ordinance. It was his professional opinion that there were no detriments to granting the waiver from stormwater management.

Mr. Villa referred to Schooley's Mountain Road. He stated that he has met with the County and although the road return is shown on the Township maps as a 99' and the property line goes into the roadway, the County is asking only for a

33' dedication, therefore, the current setbacks are not as large as indicated on the plans submitted to the board.

Mr. Villa stated that the site is served by public water and sewer and each building is currently served individually by the WTMUA. He showed the 30' easement/right of way for the WTMUA sewer line. He noted that this was another constraint on the design of the expansion.

Mr. Villa referred to the lighting plan and stated that the Church was asking for a variance from the 1 candle requirement, as the church feels the lower lighting presented is adequate for the churches needs.

Mr. Villa referred to the variances required which are:

- Pre-existing front yard setbacks, 111' required 14' actual.
- A lot area variance is no longer required because of the 33' road return.
- Lot width variance is required even with merging all lots, which makes it less non-conforming – 450' required.
- There is no longer a rear yard setback variance because of the lot line adjustment.
- Side yard variances are need, which are pre-existing, 5.2' provided where 75' is required. This is not being intensified and this building is not being change.
- The variance for the shed is not an issue with the alternate plan as the shed will be located on a corner of the parking lot.
- He discussed the landscaping buffer of 75'. On the alternate plan they are proposing additional landscaping, at the narrowest point they would have 50'. Mr. Bansich suggested that the buffer be established in the field and the variance granted for the 75'.
- There are no height variances required. His calculation by averaging all corners as 30.3' for the parish center as it exists and the addition will not be any higher. He will have an exact height number for the addition at the next meeting but it is between 30' and 35'.

Mr. Villa testified to the variances and stated that that this application would not be detrimental to the zone plan of the township or a detriment to the public good. It is not impairing the zone ordinances or master plan of the Township. The proposed lot overage is 11.6% of the total site where up to 40% is allowed by the township ordinance.

Mr. Villa referred to the Morris County Planning Board letter dated November 24, 2008 which requested road improvements along the frontage. He stated that at a site visit the county asked that the asphalt curb be straightened out and this would narrow the road and also discussed the possibility of adding a sidewalk, even though the sidewalk over the bridge is on the other side of the road. He did not see this as a benefit to the community. He stated that this narrowing and curb may trigger an additional DEP permit and a new permit may jeopardize the project.

Mr. Knox asked that the Board, if they agree with the applicant, for their support in objecting to the requested Schooley's Mountain Road changes.

Mr. Villa referred to Mr. Maltz's report of November 24, 2008 and the Township ordinances regarding parking. He explained that the buildings on site would be used at different times. He looked at three different criteria - Maximum use on Sunday; Maximum use of Fellowship Hall; and the parking requirement during the weekday when the administrators and clerical people are working. 80% of the time the parking lot is mostly empty. He stated that his worse case analysis was 88 spaces based on the formula in the ordinance. The Church is proposing 60 spaces. He, nor the church, see a need for additional parking. He noted that the purpose of the project is not to expand the congregation but meet the needs of the current congregation. The site plan used to demonstrate this was marked A-7. He answered Mr. Hall that only small panel trucks, UPS delivery size, would be delivering goods. There would not be tractor trailer deliveries. It was his opinion the pull off area shown for deliveries would be adequate.

Mr. Villa stated that outstanding permits that are required are:

- Morris County Soil Conservation;
- Washington Township Soil Disturbance permit;
- Long Valley Fire Company – the have requested a fire hydrant to the rear of the building and the Church will supply it but not exactly where they requested it because that was in the area of DEP control;
- Dr. Oweis, Township geo-technical consultant will be satisfied if the basin is eliminated.

Mr. Hall addressed the applicant's request to eliminate stormwater management. He stated that a meeting with Dr. Oweis and the applicant the elimination of the basin and other alternatives were discussed including lining the basin which would be an additional \$50,000 to \$100,000 cost. He confirmed that if the impervious coverage is kept under 7500 s.f. the Board could waive stormwater management. The ordinance has five criteria to be met in order to grant the waiver. He agreed with the applicant with the water going directly into the river vs. detention for lessening flooding potential, impact on the river. He explained that because this application it is not a major development quality is not regulated and some water quality control will be given up. He agreed with the applicant that this would not have a substantial detriment. He answered Mr. Bauerlein that this is the way the stormwater is being currently drained, through sheet flow, as there are no stormwater facilities.

Mr. Banisch concurred.

Mr. DiSalvo poled the board and the board was unanimous on granting of the waiver.

Mr. Hall asked the applicant to answer in writing the five waiver criteria.

Mr. DiSalvo stated that a site walk should be arranged to address the county road improvement questions.

Mr. Bauerlein stated that they did have an initial site visit, but at the time the County Road improvement requests were not known.

Mr. Hall suggested that Mr. Maltz, Mr. Monahan and Mr. Trevena as well as himself be at the site meeting as well.

Mr. Hall stated that because the board has agreed that they were willing to grant the wavier from stormwater he recommended that the Board postpone further review of the application until the plans are revised.

Mr. Akin stated that the WTMUA should be contacted regarding where the water and sewer lines will be prior to plan revisions and possibly have them at the site walk.

Richard Carroll presented his qualifications to the board and was accepted as an expert witness in the field of architecture.

Mr. Carroll reviewed the history of the project and that the first architect and meeting with the Historic Preservation Commission where the existing building being used for fellowship hall was to be taken down. When the Historic Preservation Commission denied this approach he was hired and the plan before the board was designed. He marked A-8 a color rendering of the plan submitted to the Board that was dated 11-21-07. He explained that one of the design goals was to have room for an 125 person fellowship hall and ten classrooms. The fellowship hall will be 16' high with a flat roof. The slab is 6" above the flood hazard elevation. He distributed copies of A-2 and reviewed each of the modules. The rear of the existing building is being removed. Portions of the building will be stucco, stone, and lap siding.

Some board members expressed their concerns with regard to the modern style architecture and windows.

Mr. Buzak stated that he will research the board's ability to regulate the architecture.

Eileen Stokes was sworn in by Attorney Buzak.

Ms. Stokes stated she was the Chairman of the Washington Township Historic Preservation Commission and explained that although this is in contrast to what the Board might expect, the initial gothic design was overpowering and did not connect with the other building. She stated that in following the Secretary of Interior guidelines, additions should be of its' own period. The Historic Preservation Commission liked the repetitive roof gable streetscape and the original porches of the original buildings. It was the opinion of the Historic Preservation Commission that the applicant had met the required criteria. The

window sizes are the same size as that of the original building. She stated that the Historic Preservation Commission did not just accept the church design and that it was a long process to the approval of the architectural plans.

Mr. Short stated that it was his opinion that the Planning Board should accept the Historic Preservations Commission approval as they are the expert in this field and move forward with the application.

Mr. Carroll stated that the bay windows must be there for structural support.

Mr. Banisch stated that the applicant has followed the Township Ordinances for design guidelines in the Historic District, although he was sympathetic to the boards concerns.

The meeting was opened to the public for questions of the architect.

William Kean - Lois Court – Asked if the Board could give the applicant an indication on how they perceive the other waivers and variances.

Mr. DiSalvo stated that not enough engineering testimony has been presented to pole the board on other issues and that the next meeting will probably answer those conditions.

Mr. Knox concurred.

Barbara Schultz –stated that she was a member of the church and that regarding the architecture, the church went to the Historic Preservation Commission with what they really wanted and were turned down and this was the next option.

A resident suggested the Board look into why the decision was made not to expand the bridge 15+ years ago and address this with the road improvements requested.

Charles Davidson – Fieldstone Drive – Stated that he is a member of the church and a emergency services volunteer and explained that in emergency situations the width of the road currently allows cars to move to the side and allow emergency vehicles to get through. He strongly disagreed with narrowing Schooley's Mountain Road with curbing.

There were no further questions from the public and the meeting was closed to the public for questions of Mr. Carroll.

The meeting was adjourned to January 28, 2009 for a discussion on County improvements and March 9, 2009 for continuation of the public hearing.

Eligible: Bauerlein, DiSalvo, Harmon, McGroarty, Monahan, Short, Trevena, Akin,
Beute

Ineligible (absent 1/12/09): Mont, Leavens

***DISCUSSION /
CORRESPONDENCE***

1. Vouchers

Mr. Bauerlein made a motion to approve the vouchers reviewed by the Chairman and found in order and send them on for payment. Seconded by Mr. Leavens. A voice vote was taken; all were in favor and the motion carried.

2. Board of Adjustment Annual Report

Noted for the record.

2. Permitted Uses in the C-1 Zone

Discussion tabled to a subsequent meeting.

3. Highlands Regional Master Plan

Mr. Banisch stated that he is going to another training session at the Highlands Council on the required build-out analysis. This will be comparing the Highlands Data base with the Township's. He referred to his memo of January 12, 2009. He stated that the build out analysis has to be completed by February 6.

5. Planning Board/Board of Adjustment Annual Activity Report

Reviewed and noted for the record.

6. Housing Report of Leon Hall dated January 6, 2009

Reviewed and noted for the record.

Mr. Trevena made a motion to adjourn, seconded by Mr. Monahan. A voice vote was taken; all were in favor and the meeting was adjourned at 11:00 p.m.

Virginia R. Kesper, Clerk