

Chairman DiSalvo called the regular meeting of January 28, 2009 of the Washington Township Planning Board to order at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, Charles DiSalvo, William Leavens, Lou Mont, Eric Trevena

ALTERNATES:

CLASS I: Ken Short

CLASS II: Patrick Monahan

CLASS III: James Harmon

OTHERS ABSENT: Sam Akin, William Beute, Kathleen McGroarty

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 January 12, 2009 Reorganization and Regular Meeting

Mr. Trevena made a motion to approve the minutes, seconded by Mr. Mont. A voice was taken; Mr. Mont and Mr. Leavens 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 28, 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

Craig Villa, Applicant

Reverend Peter Froehlke, Applicant

Mr. Villa reviewed the site walk held in January where the consensus of those present was that the road improvements proposed by the Morris County Planning Board were not appropriate

Mr. Bauerlein stated that Mr. Trevena, Mr. Akin, Mr. Monahan, Mr. Hall, Mr. Banisch, Committeeman Walsh and Ms. Kesper were present at the site walk and he agreed with Mr. Villa’s statements.

Mr. Hall concurred.

Mr. Banisch stated that it was clear that the free flow of traffic and emergency service vehicles would be impeded by the narrowing of the road.

Mr. DiSalvo suggested that Mr. Hall to write a letter to the Morris County Planning Board for the chairman’s signature.

Mr. Bauerlein made a motion that the Planning Board supported the Zion Lutheran Church waiver of road improvements and directed that a letter be sent to the County Planning Board stating the supporting facts. Seconded by Mr. Trevena. A voice vote was taken; all were in favor and the motion carried.

The meeting was adjourned to 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 (absent 1/28/08) Akin, Beute

2. Valley View Chapel – Block 36, Lot 43 – 115 East Mill Road – R-5 Zone – Amendment to Resolutions 03-07 and 04-19 (Preliminary and Final Site Plan for additions to the church and site work without signed plans) - Request for the Planning Board authorize the issuance of permits which will enable it to construct foundations and related improvements without DEP approval of the new Washington Township Wastewater Plan and signing of the Final Site Plan

John Beyel, Applicant’s Attorney

Paul Banisch, Applicant

Mr. Beyel reviewed the application and the proposed additions to the church. He stated that the church first appeared before the Board in 2001 and in March 2003 they received the Board's approval. He stated that DCA has approved the construction plans, the water line is in and all required approvals have been received. He explained the septic/sewer approvals. He stated in the beginning of the project there were no sewer lines in the road and the project was approved with a septic system; then the sewer was expanded for the high school and the sewer line is now 200' from the Church.

Paul Barnish was sworn in by Attorney Buzak.

Mr. Barnish explained the need for an amendment to the Washington Township Wastewater Management Plan approvals needed, the fact that in order to expedite the approval of the extension of the sewer line for the high school and new grammar school, the DEP stated that the amended wastewater management plan not include anything but the schools and a subsequent plan be submitted with additional sewer areas, including the church. This plan was submitted to the DEP in May 2008 and as of this month it has been given to a DEP person Clay Sherman in the Department of Smart Growth and it is supposed to be moved along.

Mr. Beyel stated that the applicant was asking that the Board allow the applicant to put in foundations without the DEP approval of the Township Wastewater Management Plan. He explained the extensions of time that the Board granted the applicant under the MLUL. He explained that they applicant is now out of extensions under the MLUL as of March 26, 2009. He stated that there is precedent for this request and he noted that the Planning Board did allow the Church to put in some parking lots, drainage, etc. without signed plans. He was asking the board to allow the applicant to proceed. He noted that if the sewer is not allowed they do have an approved septic system that can be put in, but it is not the preferred approach.

Mr. Barnish answered Mr. Hall that they are only looking to put in addition A, which is the family life hall. The other additions are not planned immediately. He stated that the applicants plans are in the process of being recertified by the Morris County Soil Conservation District. He explained that the major site work, the parking lot, is already done, only some curbing and sidewalks, drainage and foundations are proposed at this time and that no soil is leaving the site.

Mr. Barnish explained the septic system design and process. The site specific waste water management plan (septic system) was sent down to the DEP in Trenton and was about to be approved, but they do not want that. If they use the septic they have to perform additional perc tests. He had letters from a senator and two assemblymen who are working on getting the wastewater management plan moving along at the with DEP as well.

Mr. Short stated that the public input period has ended but it was his opinion that it was still six more months before approval.

Mr. Buzak stated that the board has allowed work without a signed site plan in the past on this and other projects. What the board must look at is what happens if the proper sewer and/or septic permits are not received. He stated that the board could require a restoration guarantee that if the approvals are not obtained the Township could require site restoration. The bond would be released when the permits were received.

Mr. Beyel referred to the first supplemental resolution and that the board recognized the proceeding of work without signed permits.

Mr. Buzak explained to the board that the approval would not expire but that the zoning protections would expire. He stated that the applicant does not have to actually have a shovel in the ground prior to the expiration but he boards approval to do so.

The meeting was opened to the public on this application.

Bruce Heberly – member of the church stated that they are hopeful to get moving on the project soon because the fellowship and outreach that the church does, especially for young adults, needs more space. He would like to see the work started prior to the expiration of the resolution so as not be subject to new zoning regulations.

Mr. Mont made a motion to authorize the drafting of a supplemental resolution to allow for the construction of the foundation for structure A despite the fact that there are no final signed plans including a condition that the applicant be required to post a bond for future restoration if the DEP permits are never received. Seconded by Mr. Leavens.

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

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

3. Tri-Co Federal Credit Union – Block 4, Lot 7.05 – Unit C03 – C-2 Zone - .23 Acres – Request for Final Site Plan for Bank with Drive Thru and ATM

Nancy Lottinville, Applicant's Attorney
Joe Mele, Applicant's Engineer
Michael Prettyman, Applicant
Albert Ondar, Applicant's Architect
Vance Cutchall, Applicant's Contractor

Ms. Lottinville stated that the applicant was before the Board for final site plan approval for a bank on the Target site.

Joseph Mele, Michael Prettyman and Albert Ondar were sworn in by Attorney Buzak.

The board reviewed the application for completeness. Mr. Trevena made a motion to deem the application complete, seconded by Mr. Monahan. A voice vote was taken; all were in favor and the motion carried and the application deemed complete.

Mr. Prettyman stated that he is the President and CEO of Tri Co Federal Credit Union and explained the credit union and service area of Sussex, Warren and Morris County education personnel and municipal governments. He stated that the Credit Union was chartered in 1936. He listed the current branches. He explained that they plan to staff the office with 3 full time tellers, a member service representative and manager for a total of five full time employees. They will be open 8:30 a.m. – 5:00 p.m, Monday thru Thursday and 8:30 – 6:00 on Friday and 8:30 to 2 on Saturday. He stated that the credit union will have an ATM and drive through.

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

Mr. Mele referred to the site plan submitted to the board, which was marked Exhibit A-1. He explained that the site plan is just of the vicinity of the proposed Tri Co Credit Union. The bank size has decreased by 21 square feet. There are the same number of parking spaces and they are located in the same place as the previous plan. The front door changed from the north to the east, but other than that there were no changes from the original site plan. He marked the original master site plan Exhibit A-2. He pointed out the Target building, the adjacent retail and the frontage along Route 46.

Mr. Mele referred to Mr. Hall's letter of January 22, 2009. The wall signage is 24.45 as noted on the architectural plans and is in compliance with Township codes. Regarding lighting he referred to the Target site plan showing the light levels for the bank. He will submit a separate lighting plan to Mr. Hall for his approval of the Tri Co site. He noted that the State regulations mandates 2 foot candle lighting for the drive thru/ATM areas and that these lights will be recessed into the canopy. He stated that the applicant will install the directional signs for the bank and drive thru as requested by Mr. Hall and a Tri Co sign will be on the existing pylon sign as previously approved by the Board.

Mr. Mele stated that regarding traffic, this bank was not in the original traffic report but the total square footage is less than what was in the original approval granted by the board in 2003. He explained that the DOT approval looks at the site as a whole, not the individual uses. He stated that when he ran the new numbers using the 2008 ITE trip generator the result was a de minimus impact of ten trips at some of the hours from the original application counts. It was his opinion this would not impact the traffic light or circulation on the site.

Mr. Hall was satisfied with the trip generation information submitted and Mr. Mele's testimony that the deminimus change would not impact the site or the traffic light.

Mr. Mele referred to Mr. Prettymans testimony that the waste will be trucked off to the applicant's Randolph site.

Mr. Mele referred to the site plan and pointed out where the HVAC units would be and that the applicant would provide fencing for screening. Plantings would not be viable because it is on a cement pad.

Albert Ondar presented his qualifications as an architect and was accepted as an expert witness.

Mr. Ondar addressed the screening.

Mr. Hall stated that this could be worked out at the time of a building permit.

Ms. Lottenville stated that the soil disturbance bond has been released.

Mr. Mele stated that there would be less than 100 cubic yards of soil removed.

Mr. Hall stated that the applicant is exempt under the soil disturbance regulations and asked that the soil be trucked off site and out of the township.

Ms. Lottenville stated that Target will be responsible for the snow plowing as soon as building permit is pulled as the applicant will contribute his share of the snow plowing fees through the condominium association. There would be only one contractor for the entire site.

Mr. Mele answered Mr. Hall that the drive through lanes are the width as shown on the plan. The overall width is 62'. The island on the site plan are 3' and the architect are narrower. He noted that the lanes are not stripped yet, but the parking spaces are stripped.

Mr. Ondar stated that the lane widths should be wider and the island narrower. The overall width will not change.

Mr. Mele stated that the site plans will be revised per the architects' plans.

Mr. Mele answered Mr. Banisch that the 6.5' width is adequate for handicap access.

Vance Cutchall – Construction Contractor for the applicant was sworn in by Attorney Buzak.

Mr. Vance referred to the rendering before the board to explain the type of brick and architecture. He showed the boards samples of the brick and roof tiles,

which were marked A-3 and the roof tile as A-4. He stated that the HVAC is in the trusts, the only part outside is the compressor.

The board discussed changing the orientation of the building and drive thru and the architectural features of the side facing Route 46.

Mr. Ondar stated that the drive thru could not be changed because of stacking issues. He stated that the building is over 500' from Route 46 and is only 3000 sf. He could put in a false dormer in the roof line. The HVAC will be screened. He will revise the plans prior to the next meeting. There will be shutters on all windows.

The board accepted the changes discussed.

Mr. DiSalvo stated that Mr. Hall and Mr. Banisch could approve the detail changes prior to the applicant receiving a building permit.

Mr. Prettyman stated that the lights would go off an hour after business closes.

Mr. Ondar pointed out and described the overhangs. The architectural plans were marked A-5.

Mr. Mele answered the board regarding the fire department approval and that they fire department did see and approve the plan as it is presented this evening.

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

The board reviewed the application.

Mr. DiSalvo made a motion to instruct the board attorney to draft a resolution of approval for bank with drive through and ATM subject to revised plans, lighting, architect plans and detailing of dormers on the south side of the building. Seconded by Mr. Leavens.

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

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

***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. RO 01-09 – Amend Chapter 217 regarding changes in grade

The ordinance was reviewed. Mr. DiSalvo made a motion that the planning board finds this ordinance not inconsistent with the Washington Township Master Plan and recommends the adoption by the Township Committee. Seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

3. Correspondence from the New Jersey farm Bureau Re: Highlands Law Suit and septic density

Reviewed and noted for the record.

4. Permitted Uses in the C-1 Zone

Tabled to a subsequent meeting

6. Highlands Regional Master Plan

Mr. Banisch reviewed his memorandum of January 28th and the Highlands plan conformance scheduled for 2009. He explained the plan and full conformance as defined by the Highlands council. He explained the development status map which will be used to determine the number of additional septic systems that could be put in Washington Township. He explained that the Township will be taking out schools, churchs and conservation easements. In a subsequent module wetlands, steep slopes, etc. will be taken out. He explained that the amount of developable land determined by the Highlands may impact our required COAH numbers He stated that the Highlands Council has a rigid set of rules that must be applied to determine the ultimate build out of the Township and that the updated geo-data base being done by his office is due to be submitted to the Highlands Council by February 6. The schedule is that after the Highlands Council receives and reviews this information the council will get back to the Township and discussions between the Council and the township will begin.

Ms Kesper explained the grants that the township has received and has put in for. The first grant of \$20,000 was awarded for the initial assessment and that Mr. Banisch is working on the initial assessment report. Once the report is submitted and reviewed by the Highlands Council they will send the Township the \$20,000 grant money. The second grant is for plan conformance and is for a minimum of \$50,000. She stated that the Township will be reimbursed based on the completion of the modules as outlined by Mr. Banisch. She noted that there

is additional money of \$50,000 that could be awarded the Township if more money is spent then the initial \$50,000 covers.

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 9:30 p.m.

Virginia R. Kesper, Clerk