

Chairman DiSalvo called the regular meeting of February 25, 2009 of the Washington Township Planning Board to order at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: Charles DiSalvo, William Leavens, Kathleen McGroarty, Lou Mont, Eric Trevena
 ALTERNATES: Sam Akin, William Beute
 CLASS I: Ken Short
 CLASS II: Patrick Monahan
 CLASS III: James Harmon
 OTHERS ABSENT: Bauerlein
 STAFF PRESENT: Clerk Kesper, Attorney Cofoni, 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 28, 2009 Regular Meeting

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

RESOLUTIONS

09-07 Valley View Chapel – Block 36, Lot 43 – 115 East Mill Road – R-5 Zone – Approval of 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

Jonathon Ward, Applicant's Attorney
 Paul Barnish, Applicant

Mr. Akin stepped down as he is a property owner within 200’.

Ms. Cofoni reviewed the resolution and the request of the applicant to change the condition regarding the time frame for the property restoration if permits are denied by the DEP.

Mr. Barnish stated that the issue is the timing of the 120 days and explained that this would be not enough time to do the work for a septic permit, which is also a permit from Trenton.

Ms. Cofoni was stated that her concern was that there needs to be some time period stated.

Mr. Hall recommended that the 120 days be changed to one year.

The board concurred.

The meeting was opened to the public.

Sam Akin – 98 East Mill Road – stated he owns the property immediately to the west of the Chapel and that he is not a member of the church. He stated that the foundation would not be viewable from the public traveled way and could possibly be seen from his and the Ort property. It was his opinion that the Chapel should not have a date certain to restore or be required to post a bond as the church members are the ones who would see the foundation which should be incentive enough for restoration. He asked that the requirements be eliminated.

Mr. Hall explained that he recommended this condition to protect the board.

Harvey Ort – 1 Bartley Road stated that he lives directly across from the church and the most directly affected member of the public and he agreed with Mr. Akin regarding the condition.

Laura Akin – 98 East Mill Road – stated that if the board must require this time condition it should be greater then a year as the outstanding permits are for something that is out of the applicants’ control.

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

Mr. Mont made a motion to approve the resolution as amended; o paragraph 8 and f to change the 120 day limitation to one year. Seconded by Mr. Monahan. A roll call vote was taken:

Ayes: DiSalvo, Harmon, Leavens, Mont, Monahan, Short, Trevena
Nays: None Abstentions: None Absent: Bauerlein
Ineligible: Akin, Beute, McGroarty

09-08 Tri-Co Federal Credit Union – Block 4, Lot 7.05 – Unit C03 – C-2 Zone - .23 Acres – Approval of Request for Final Site Plan for Bank with Drive Thru and ATM

Nancy Lottenville, Applicant's Attorney

Ms. Cofoni brought to the board's attention changes requested by the applicant to the resolution regarding lighting, the ATM would be lighted 24 hours a day. She reviewed other minor changes to the resolution.

Mr. Leavens made a motion to approve the resolution as amended, seconded by Mr. Trevena. A roll call vote was taken:

Ayes: DiSalvo, Harmon, Leavens, Mont, Monahan, Short, Trevena
 Nays: None Abstentions: None Absent: Bauerlein
 Ineligible: Akin, Beute, McGroarty

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. Barsa – Block 33, Lot – Schooley's Mountain Road – R-5 Zone -11 Acres
Request for two lot minor subdivision with variance for flag lot staff

John Mills, Applicant's Attorney
 Carlton Frost, Applicant's Engineer
 Samuel Barsa, Applicant

Mr. Short stated that in the past he and his daughter-law had a business relationship with the applicant, but he did not see it as a conflict.

The applicant did not object to Mr. Short staying on the Board to hear the application.

Mr. Mills briefly reviewed the application before the board and the waivers and variances required and the highlands application for and exemption has been submitted to the State.

The application was reviewed for completeness.

Mr. Hall reviewed his letter and listed the outstanding items. He stated that he did not object to the Board waiving the items for completeness only and proceeding with the application this evening.

Mr. Short made a motion to grant the waivers requested for completeness only and deem the application complete, seconded by Mr. Mont. A voice vote was taken; all were in favor and the motion carried.

Samuel Barsa and Carlton Frost were sworn in by Attorney Cofoni.

Mr. Barsa stated that he has owned the property since 1986 and prior to that a relative owned the property since 1967 and that he also owned property across the street that he gave to the Township in 1988. The property currently has on it a barn, silo and milk house that they use for storage. He explained that historically this property was the main farmstead for the surrounding property and that the farmhouse is still in existence next door to this property but now on a separate lot not owned by him. He stated that there is a driveway on the lot that has existed for at least 100 years. He stated that he is asking to subdivide the lot into two lots with one being a flag lot and the other a frontage lot, both with access off of Schooley's Mountain Road and that both lots would share the existing driveway. He stated that the current structures are going to be removed. He answered the Board that there would be approximately 400' between the proposed homes and existing residents on James Trail.

Mr. Barsa answered Mr. Hall regarding runoff that during a storm the water is absorbed into the ground or sheet flows until it hits the stone row and then flows out towards Schooley's Mountain Road in the grassed areas.

Mr. Banisch referred to his reports and the requests to redesign the subdivision to give future homeowners room on the lot for future uses and still fall under the highlands definition of a major subdivision.

Mr. Mills stated that the applicant designed the application to have minimal variances as required by the MLUL. Mr. Banisch's requests would require another review by Highlands and would also require variances for lot sizes and setbacks.

Mr. Banisch concurred with the need for significant variances, but it was his opinion that good planning could warrant some rethinking and warrant the granting of the variances. He stated that shortening the driveway by 100+ feet would give a lot more area for future homeowners to use.

The board discussed whether this application required a Highlands approval or exemption. It was determined that this application is for a Highlands exemption.

Mr. Hall concurred that giving a future homeowner more room is very important.

The applicant adjourned the hearing for a few moments to confer with his client.

The meeting was reconvened.

Mr. Mills stated that after conferring with his client it is the applicant's opinion that the plan before the board is the optimum plan and requested to proceed with the plan before the board.

Mr. Short stated that there would be a deed restriction that no further impervious coverage would be allowed.

Ms. Cofoni stated that the Board of Adjustment cannot hear cases where deed restrictions are imposed.

Mr. Barsa stated that the Highlands DEP would require the same.

Carlton Frost presented his qualifications to the Board and was accepted as an expert witness.

Mr. Frost submitted the amended Highlands Applicability Determination dated October 6, 2008 and a letter stating that there are no wetlands or riparian buffers within 150' of the tract to Ms. Kesper. He stated that the stream shown on the key map is from the Township Tax Map and it is more than 150' from the site. He referred to the James Trail subdivision built in the 1990's and pointed out the stream. He stated he would correct the key map.

Mr. Barsa answered Mr. Short that there is no spring by the milk house.

Mr. Frost stated that the lots conform in size to Township zoning. He pointed out the steep slopes on the property and that they are not within the area of disturbance. He noted that the applicant proposes to use the current driveways. He reviewed the surface water and that it goes to the rock row and then goes out to Schooley's Mountain Road and that the runoff will flow the same way it does now and there would be a very minimum impact of the subdivision on the amount and way the stormwater acts today. The driveway will be widened to 12' from the current 10' and pull over areas will be added per Township ordinances.

Mr. Hall stated that 12' driveways are required by the ordinances and that is not a requirement that the Planning Board can waive. He explained that driveway construction requirements will change the way the water sheet flows off the driveway. He pointed out the areas of steep slopes that were being disturbed by this application, although less than 1000 sf., between 1038 and 1040 and along the driveway 1028 and 1030.

Mr. Frost stated that the slopes are man made along the driveway and they are not doing any construction in steep slopes.

Mr. Hall concurred that the applicant does not need a variance for the disturbance of steep slopes because it is within the exemption limits of 1000 s.f., but that it still triggers the steep slope stormwater requirements. He also referred to the Morris County Planning Board stormwater requirements. He recommended stormwater control be required and dry wells be required for roof drains as well.

The steep slope ordinance was reviewed.

Mr. DiSalvo told the applicant that the Board wants to see a stormwater management plan prior to the next meeting.

Mr. DiSalvo stated that a site walk is needed and Ms. Kesper will schedule it and include the Historic Preservation Commission and that the adjoining property owners be informed when the site walk would take place.

Mr. Monahan, Mr. Harmon, Mr. Trevena and Ms. McGroarty stated that they would like to attend the site walk when scheduled.

Mr. Frost referred to Mr. Hall's report of February 9. He stated that under the application comments they do not object to revising plans to include items 1, 2, 3, 4 (conservation easements over the stone rows on the property), 5, 6 (a soil disturbance permit will be required as approximately 800 cy of soil will have to be removed), 7, 8, 9, 11 (page 2 of 8 is he correct – the survey is correct, the note is incorrect), 12 and 14. Regarding item 13, it was his opinion that the DEP will determine if this area is part of the area of disturbance. He stated that the DEP has stated to him that the disturbance within a right of way is not considered disturbance on the lot.

The meeting was opened to the public for questions and comments on the testimony heard tonight.

Gerald Vernotica - 12 James Trail – stated that his concerns are the highlands limitations and stormwater runoff and ask that the water be contained on the property. He was also concerned that water flowing onto Schooley's Mtn. Road could cause safety problems and he had concerns with the water runoff impacting existing septic systems.

John Verrilli – 4 James Trail – his concerns were mainly regarding water runoff. They already have significant water problems, with two sumps running and their property is soft and cannot be walked on after a heavy rainstorm. He stated that the stonewall does not stop much of the water from flowing onto his property. He asked if Mr. Frost or Mr. Barsa had been on the site after a significant rain event. He stated that he also had concerns with the driveway entrance and traffic. He had concerns with the board granting the driveway variances and noted that without the grant of the variance the applicant would not have two lots.

Mr. Barsa and Mr. Frost stated that they had not been on the property after a rain event.

Whittany Hagan – 8 James Trail – stated that her yard fills with water after a storm. She stated that the driveway is an old dirt road without gravel, not an established road. She stated that the property is harvested for wood and she was concerned about the briars being removed. She stated that she is also concerned with traffic.

Mr. Hall stated that the new residents will not be able to clear the property beyond the limits shown on the plan and if they did they would be in violation of state statutes. He explained that the removal of vegetation is considered disturbance.

Mr. Barsa stated that he has a woodland management plan.

Mr. Banisch stated that he thinks that the woodland management plan may be altered with this subdivision. He stated that there will be more protections on the property if the subdivision is approved then there are now.

There were no further questions and comments and the meeting was closed to the public for questions and comments on this evening's testimony.

The meeting was adjourned to April 13, 2009.

***DISCUSSION /
CORRESPONDENCE***

1. Vouchers

Mr. Trevena 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. Correspondence from the Morris County Economic Development Corp. –
RE: 6th Annual Morris County Municipal Summit

Noted for the record.

3. Permitted Uses in the C-1 Zone

The Board reviewed Committeeman Walsh's request to allow service stations without the need to pump gas.

Mr. Banisch suggested that this could be made a conditional use instead as a permitted use.

Mr. Short stated that this memo was not from the entire committee but it was brought up by a property owner who wanted to put on an addition/renovation without a use variance.

Mr. Akin stated that he did not see the problem with the use.

The board discussed the idea of making this a permitted use and concluded that they did not object to the idea.

Mr. Mont stated he did not object either, but did not want to see the number of repair stations increased greatly.

Mr. DiSalvo directed Mr. Banisch to review the ordinance and come back to the board with conditional use standards to allow this use under specific conditions.

4. Committee Assignments

Tabled until a future meeting.

5. Highlands Regional Master Plan Initial Assessment Report

Mr. Banisch reviewed the report. He stated that the report must be submitted to the Highlands Commission by February 27.

The Board briefly reviewed the report and had no additional comments.

Mr. Banisch stated that he is also working on completing Module 1 – the build out analysis – of the Basic Plan Conformance, which is also due to the council the end of the month. He explained that the Highlands has developed seven modules with a time frame to complete each with a target of basic plan conformance by December 8, 2009.

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