

Chairman DiSalvo called the regular meeting of April 13, 2009 of the Washington Township Planning Board to order at 7:30 p.m.

MEMBERS PRESENT

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

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. Notices were mailed, as there were requests.

**\*\*NO NEW CASES OR WITNESSES SHALL BE HEARD SUBSEQUENT TO 10:30 PM\*\***

Pledge of Allegiance

**MINUTES**

1. Minutes from the March 25, 2009 Regular Meeting

Mr. Trevena made a motion to approve the minutes, seconded by Mr. Leavens. A voice was taken; Mr. Short and Ms. McGroarty 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.***

***DISCUSSION /  
CORRESPONDENCE***

1. Vouchers

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

2. Highlands Regional Master Plan Initial Assessment and Basic Conformance Update

Mr. Banisch stated that the Initial assessment report was delivered to the Highlands Council and it was received well. He stated that the Highlands Council has asked that they be allowed to put Washington Township's report on their Highlands website as an example of an initial assessment report. Administrator Gallets granted the highlands permission to put the highlands to use the report as an example.

He stated that the first module was also submitted to the DEP which identified developed and undeveloped portions of the township. With this information the Highlands council will determine the number of additional septic systems the Township can sustain and the existing sewer capacity apply. From this information the Council will set assumptions for growth through 2018 which and this number will be used to determine the COAH number. This information should be available in the next couple of weeks, which may be lower then they number of units we are obliged to build under our current third round certification. He stated that the Township is not bound to apply for a revised third round obligation.

3. Conditional Uses in the C-1 Zone

Mr. Banisch reviewed his memo of April 13, 2009 and stated that it was his opinion that FAR cannot be changed for as a conditional use standard because it is conflict with the MLUL. The use of automobile repair as a conditional use as outlined in his previous memo would be a planning decision.

Mr. DiSalvo made a motion to send recommendation to allow auto repair stations without the selling of gas as presented in Mr. Banisch's previous memo onto the Township Committee for adoption. Seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

4. Correspondence from Beer & Coleman RE: Kevin Dorlin -Block 8, Lot 8 - Request for rezoning from OR/I to allow Active Adult housing

Mr. DiSalvo stated that the Township Committee sent this request to the Planning Board to review for a possible zone change.

Mr. Buzak stated that he has reviewed the proposed legislation and it was his opinion that the underlying zoning has nothing to do with converting an age restricted to non age restricted. The fact that the underlying zoning was not residential would not allow the township to deny the change from age restricted to non-age restricted. He stated that the Governor has 45 days from the passage of the bill to sign or veto the bill.

The request was reviewed under the context of the recent legislation that would allow age restricted to be non-age restricted.

Mr. Short suggested that the site should be looked at to see if it is compatible for residential housing and then if it it should be age restricted or not.

Mr. Banisch stated. He explained that the site is on Drakestown Road near Route 46. The site was characterized as predominately steep slopes. He stated that of the four acres about 1.5 acres is level developable property with a home on it now. Their may be some truth to the statement that the property is somewhat isolated and may not readily handle OR /I uses either but he noted that the owner could see use variance relief to use the property for residential purposes.

Ms. McGroarty stated that she was concerned with spot zoning if a change was made just for this piece of property

Mr. Banisch stated that if the board wanted to review this further for suitability of the site for residential purposes he could make work up a map of the property showing the steep slopes and existing development on the site and area, etc. It was his opinion that the board did not have to entertain this request as the owner has the ability to go to the Board of Adjustment for variance relief.

Mr. Short stated that the applicant should post an escrow if they wanted the board to look into this further.

Mr. Banisch stated that this was his opinion without a detailed analysis. that he drove out and looked at the site about a year ago when the owner first brought up this possibility during the Planning Board hearings on Homeless Solutions. At that time he found this site less suitable then the Homeless Solutions site.

Mr. DiSalvo tabled the discussion until the applicant posts an escrow for further review. Ms. Kesper was directed to write a letter to the applicant stating the above.

**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 –  
Previously Heard February 25, 2009 - Public Hearing Continued

Sam Barsa, Applicant  
John Mills, Applicant’s Attorney  
Carlton Frost, Applicant’s Engineer

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

Mr. Mills stated that the applicant has looked at options suggested by the Board during the site walk of the property.

Mr. Barsa stated that there was a site walk with some members of the board, the staff and neighbors. He marked as A-3 a hand drawn layout of an alternate subdivision which was drawn based on Mr. Banisch’s recommendations. The alternate layout had one eight acre lot and one 3.5 acre lot which would reduce impervious coverage and give the homeowners more space.

Mr. Banisch explained that the subdivision as presented previously did not allow the perspective home owners to have any additional impervious coverage to put in a pool, large deck or shed. It was his opinion that if the impervious coverage was reduced up front it would give a home owner the ability to have more use of the property.

Mr. Mills stated that they were before the board tonight for a direction as to which plan to pursue, not an approval.

Mr. Barsa stated that first proposed layout is the ideal because of the location of the home sites.

Mr. Hall stated that under the original plan there would only be 200 s.f. per lot on the original plan of impervious coverage and 250 s.f. of disturbance allowed.

Mr. Banisch was concerned that future homeowners would probably clear more property and then have an enforcement issues.

Mr. Barsa stated that under either plan there would be deed restrictions regarding the amount of impervious coverage and area of disturbance. His preference is the original plan but they would go for the plan presented under exhibit A-3.

Mr. Mills stated that exhibit A has a loss of privacy for the future homeowners and less than ideal home sites and also requires variances for lot sizes.

Mr. Hall stated that the disturbance and impervious coverage is not only a highlands issue but a stormwater management issue as well and that if there is more than 1 acre of disturbance or  $\frac{1}{4}$  acre of impervious coverage stormwater regulations are triggered.

Mr. Barsa stated that the proposed size of the house foot print is 2,400 s.f.

Mr. Hall stated that on the exhibit A-3 the house layout was staggered and offset from the homes on James Trail.

Mr. Trevena suggested the second house be at the end of the driveway, not making them next to one another and it moves it further from James Trail.

Mr. Mills referred ti another alternate design which was marked A-4 that moves the easterly dwelling closer to Schooley's Mountain Road.

Mr. Banisch stated that the lot closest to Schooley's Mtn. Road would also require a rear yard setback variance.

The Board determined that they were in favor of a design based on A-3.

Mr. Frost stated that the applicant would also need a waiver/variance from the new ordinance requiring a three to one slope.

Mr. Hall stated that since the swales would be picking up the sheet flow and would be stable he would not object to this waiver request.

The meeting was adjourned to June 24, 2009.

Mr. Norton arrived and joined the board.

2. Black Oak Golf Course/Rochelle Contracting – Request for Soil Disturbance Permit for the importing of 9,000 c.y. of soil from Mendham High School for golf course holes 14 and 15

Peter Rochelle, Applicant  
Paul Briggs, Applicant's Attorney

Mr. Norton referred to his report of March 28, 2009 and the deficiencies found. He noted that he just received a letter dated April 8, 2009 from Robert Walsh Associates regarding the soils.

Mr. Rochelle stated that Robert Walsh Associates is the engineer for Mendham high school.

Mr. Norton stated that the soil tests that he received today do not meet DEP and Township standards for clean fill and he cannot approve the importation of this

soil into Washington Township. He answered the Board that the definition of clean fill is for any use residential, golf course or other uses.

Mr. Rochelle answered Mr. DiSalvo that they can move soil from hole five to this hole, but it will not be enough soil and this soil, if it is clean fill it would have been an easier move.

The applicant requested an adjournment to further review the soil reports that they also just received today.

The meeting was adjourned to June 24, 2009.

Mr. Short made a motion to adjourn, seconded by Mr. DiSalvo. A voice vote was taken; all were in favor and the meeting was adjourned at 9:40 p.m.

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Virginia R. Kesper, Clerk