

Chairman DiSalvo called the regular meeting of June 24, 2009 of the Washington Township Planning Board to order at 7:35 p.m.

MEMBERS PRESENT

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

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 June 8, 2009 Regular Meeting

Mr. Mont made a motion to approve the minutes, seconded by Mr. Monahan. A voice was taken; 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 -

1. Barsa – Block 33, Lot 20– Schooley’s Mountain Road – R-5 Zone -11 Acres Request for two lot minor subdivision with variance for flag lot staff – Deemed Complete February 25, 2009. Previously Heard February 25, 2009 and April 13, 2009 – Expires September 23, 2009- Public Hearing Continued

Mr. DiSalvo announced that the application had been adjourned at the applicant’s Request to July 22, 2009

2. Long Valley Inn – Block 34 Lot 53 – 1 West Mill Road – Request for Waiver of Site Plan to convert a portion of second floor office space into catering/party space

Matthew Saleeby

Matthew Saleeby was sworn in by Attorney Buzak

Mr. Saleeby referred to the parking needs of the restaurants and that he would be short 15 spaces. He presented letters from Andrew Boyland owner of Cycle Craft (8 West Mill Road) and Jeff Chaplin owner of 1 East Mill Road who would allow over flow parking. He stated that one East Mill closes at 5:00 p.m. and Cycle Craft has only one late night.

Mr. Saleeby explained that he plans to be open during the day, but that is when they have sufficient parking on site, it is Friday and Saturday nights that they may have a need for additional parking. He explained that there would be 840 sf of new restaurant space on the second floor of the Splash Restaurant (Long Valley Inn). The remainder of the area would be office and storage. They would be able to fit about 40 people and plan to use it for bridal/baby showers, small birthday/anniversary parties, repasts etc. The patrons would enter from the outside. He answered Mr. Harmon that they would make any necessary improvements required under construction codes.

Mr. Banisch stated that a COAH impact, if any would be nominal.

Ms. McGroarty arrived in joined the meeting.

Mr. Banisch reviewed the current parking ordinance and stated that based on 1 parking space for 2.5 seats there would be a need for sixteen additional spaces.

Mr. Buzak suggested that a formal document be entered into with the businesses who offered the parking or a condition that if the parking goes away the use of the additional room would have to cease.

Mr. Mont made a motion to grant the Waiver of Site plan subject to formalization of parking arrangements. Seconded by Mr. Leavens. A voice vote was taken, Ms. McGroarty abstained, all others were in favor and the motion carried.

3. Long Valley Inn – Block 34 Lot 54 – 5 West Mill Road – Request for Waiver of Site Plan and to Change use from antique store to pastry/coffee shop

Matthew Saleeby

Matthew Saleeby was sworn in by Attorney Buzak.

Mr. Saleeby stated that he would like to serve dessert in the building that previously sold antiques. It would be take out or eat in but the baking would be done in their restaurants. He stated that there would be no exterior changes, no new signs, no new lighting changes other than replacing the landscape lighting which currently exists. He explained that there are two apartments above the shop. He explained that these apartments are for their employees who do not drive. He answered Mr. Banisch that there I one studio apartment and one – one bedroom apartment.

Mr. Hall reviewed the parking standards and that eleven spaces would be required for the dessert use.

Mr. Saleeby stated that the dessert shop would be opening at night as well as during the day. The parking spaces are not marked as reserved for the tenants.

Mr. Banisch stated that three spaces should be assigned to the resident.

Mr. Saleeby stated that there are 12 parking spaces at the rear of the building and there are two driveways with a one-way traffic pattern.

Mr. Buzak suggested that the applicant formalize the agreement for the parking as under the previously discussed waiver of site plan.

Mr. Short made a motion to grant the Waiver of Site Plan as presented and discussed this evening, subject to formalized parking agreements and reserving of parking spaces for the tenants. The motion was seconded by Mr. Bauerlein. A voice vote was taken; all were in favor.

4. 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 – Previously Heard April 13, 2009 -Public Hearing Continued

Attorney Riggs
James Cosgrove

Mr. Norton arrived and joined the meeting.

Mr. Hall stated that there was a meeting this afternoon where the one element that exceeds the standards was reviewed.

Mr. Norton answered Mr. DiSalvo that since April 13, 2009 meeting the soil consultant for the West Morris Board of Education approached him about different sampling that would be more thorough and address his concerns. The West Morris consultant put together a plan which he approved. He stated that this soil has been very thoroughly tested even before this latest round of testing and the soil exceeded only a few standards and by a small amount. He approved the sampling with the condition that he be on site and witness the testing, which he did. The results were received and 8 of 9 samples came back under the required numbers and the one was only slightly above. It was suggested that the area that tested high could be removed from the pile, which could be done because of the grid pattern that was used to test the soil. He explained that the remainder could be tested later, after the soil was remixed and tested or disposed of in another manner.

Mr. Hall stated that this seemed to be a favorable resolution. He stated that the original application was for 9,000 cubic yards but the amount of soil to be received is now approximately 5,700 cubic yards.

Mr. Norton explained that that the latest testing was composite sampling vs. discreet which is an accepted and more thorough method of testing then discreet testing.

Mr. Norton explained that the element that was over the limits set by the DEP naturally occurs in geology in the state and is also produced industrially but they do not think that was the case. It is a metal which is not mobile in soil and does not have a tendency to leach out of the soil. The concentrations found were marginally above the limits. He explained that the soil would be placed on the golf course as berms.

James Cosgrove was sworn in by Attorney Buzak.

Mr. Cosgrove confirmed Mr. Norton's testimony and stated that based on the estimated size the pile of soil the number of samples were decided upon based on DEP guidelines. He explained that within each grid five samples were taken and this was split into nine samples. The tests were done on June 14 and 15th and the results came back yesterday. He explained that of the 200 parameters tested all but the one was within acceptable limits. One of the nine samples came back with minor higher then acceptable limits and he stated that the variations were not that great in the readings. He will be providing a detailed analysis showing map locations and detailed results and protection that the contaminated soil will be marked off so not as to be moved. He stated that the metal binds to the soil and does not leach out. The standard is based on ingestion or dermatological exposure. He stated that there was no reason to suspect that anything other than natural occurrence let to going over go over the standards. He reiterated that they would not be moving this soil. He stated that a detailed grading plan would be provided to confirm the volume of soil being moved. He agreed to allow inspections by Mr. Hall and Mr. Norton.

Mr. Consgrove asked that if the soil were to be remediate to meet acceptable standards that that soil be moved as well.

Mr. Norton explained that soil mixing is a DEP approved method of dealing with contaminated soil.

Mr. Hall reviewed his letter of March 26.

Mr. Short made a motion to approve the soil application as presented with the conditions discussed, compliance with Mr. Hall's letter of March 26, 2009 and upon proper testing and approved test results that the soil that currently tested over acceptable limits could be also moved. The motion was seconded by Ms. McGroarty. A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, Leavens, McGroarty, Monahan, Short

Absent: Akin, Beute, Trevena

Ineligible: Mont, Harmon

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

2. Highlands Regional Master Plan Basic Conformance Update

Mr. Banisch reviewed the modules associated with the conformance update and stated that modules 1 and 2 have been completed and we are waiting for the report from Highlands with the build out numbers. Module 3 is the housing fair share plan. He explained that the NJ DCA has clarified that in order to rely on the highlands build out number the Township would have to opt completely into the plan for both the preservation and planning areas, if not the Township would be subject to COAH's number. He stated that we should be receiving the number within a week or two.

Mr. Banisch stated Module 4 is a Natural Resource Inventory. The requested information has been sent to the Highlands Council.

Mr. Banisch stated that Module 5 is the Highlands Master Plan element that the Highlands will be giving the Township. He stated that we should have this next month.

Mr. Banisch explained that the Highlands NRI and master plan will need to be adopted as separate elements of the Washington Township Master Plan. Mr. Banisch stated that the Highlands NRI and Master Plan elements would not be fully integrated with the Township's until after full conformance has been completed, which will be accomplished in 2010 – 2012.

3. Master Plan Re-examination Schedule

Mr. Banisch stated that with the Highlands scheduled discussed previously the Planning Board will be able to do our required master plan reexamination, which must be done by December 8, 2009. He explained that this does not have to be a complete revision of the current plan and that the reexamination could be completed in August. He stated that he would have a draft for review at the July 22nd meeting after looking at the regional master plan element.

Mr. Buzak explained that the reexamination eliminates the notice requirement for zone changes.

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 9:15 p.m.

Virginia R. Kesper, Clerk