

Chairman DiSalvo called the regular meeting of July 22, 2009 of the Washington Township Planning Board to order at 7:35 p.m.

MEMBERS PRESENT

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

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 24, 2009 Regular Meeting

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

**RESOLUTIONS**

09-10 Zion Lutheran – Block 33, Lot 42 – 11 Schooley’s Mountain Road – C-1 and R-20 Zones 9.3 Acres – Approval of Request for preliminary and final site plan approval with variances for church fellowship hall, classrooms and offices

Mr. Knox, Applicant’s Attorney

Ms. Cofoni read and reviewed the July 22, 2009 e-mail from Paul Costic, MUA regarding a suggested change to condition I.

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Mr. Knox did not object to the change nor to the change regarding the geo-technical that the applicant receive the approval of the Dr. Oweis, not the meeting of the conditions in his previous letter.

Ms. Cofoni reviewed all the changes in the current resolution vs. the resolution previously submitted to the board.

Mr. Trevena made a motion to approve the resolution as amended this evening. Seconded by Mr. Short. A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, Short, Akin, Trevena

Nays: None Abstentions: None Absent: Harmon, Monahan,

Ineligible: Mont, Harmon, Beute, McGroarty

09-11 Black Oak Golf Course/Rochelle Contracting – Approval of 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

Mr. Short made a motion to approve resolution 09-11, seconded by Mr. Leavens  
A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, Leavens, Short

Absent: Harmon Ineligible: Mont, Harmon, Akin, Beute, Trevena, 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 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

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

Mr. Frost explained the changes to the plan to comply with Mr. Banish’s and Mr. Hall’s letters. He stated that they are at the maximum of disturbance and impervious coverage allowed including the house, pool, decks.

Mr. Mills addressed the variances that are now required because of the relocation of the lots as: Access strip is not straight and lot size, front yard setback.

Mr. Frost stated that the curve in the driveway is a pre-existing condition and pointed out the driveway on page 2 of the plan. The variance from stormwater management has been eliminated as he is complying with the Township requirements. The new lot requires a rear yard setback variance to 55'. A lot area variance is also required because of the new design.

Mr. Mills asked for some flexibility on the conservation easements/markers.

Mr. Akin stated that it was his opinion that the conservation easements requested by Mr. Hall's letter of July 17, 2009 were not necessary because of the nature of the property.

Mr. Hall explained the ordinance and that this is a common requirement of the board on all applications and it was his opinion that especially with the Highlands restrictions the conservation easements requested are appropriate on this property.

Mr. Banisch stated that the normal conditions could be modified to allow agriculture/woodland management activities if allowed by the Highlands.

The board discussed at length the requirement for conservation easements.

Mr. Hall explained the need for the conservation easement markers as identification in the yard and stated that it works well to maintain the integrity of the conservation easements.

Mr. Hall stated that the stormwater management on the site – picking up the 5 acres above the driveway and piping that out to Schooley's Mountain Road will reduce the current sheet flow onto the adjoining lots.

Mr. Frost stated that the total impervious coverage of the total development of two lots is less than a quarter acre.

Mr. Hall stated a condition of approval should be that the total increase in impervious coverage should be shown and stated on the plan.

Mr. Hall stated that he received the soil movement application today and has not had the opportunity to do a thorough review. Mr. Hall did not recommend approving the permit if the applicant cannot state that the soil is being moved out of the township.

Mr. Barsa stated that he would truck the soil out of the township and give the route prior to removing the soil.

Mr. Hall stated that with the applicant's comment that they will meet all other conditions of his July 17, 2009 letter, he did not have any other comments and did not object to the board approving the application.

Mr. Frost answered Mr. Banisch that they may need the barn to be taken down for the additional impervious coverage and area of disturbance.

Mr. Mills stated that the applicant would accept a condition that the barn, milk house and silo remain unless they need to reuse the coverage prior to the lot grading plans/building permit.

Mr. Banisch stated that they have requested the area of disturbance and impervious coverage limits be made part of the lot deeds.

Mr. Frost stated that there is some 2 to 1 slope on the uphill side of the slope.

Mr. Hall stated that this would required another variance but did not object to the variance.

Mr. Hall answered Mr. Mont that the driveway will meet driveway ordinance standards and therefore fire dept requirements.

The meeting was opened to the public.

John Verilli – 4 James Trail stated that he wanted to see the conservation easement markers along the stone wall because most of it is on his property and he doesn't want anyone to remove it. He stated that one of the houses is almost directly behind his home and he asked for a tree line buffer to be installed.

Mr. Banisch concurred and suggested a condition of 15 ever green trees be planted in double row of pines and that they be installed prior to a certificate of occupancy.

Mr. Hall stated that the trees would have to be installed along the limits of disturbance line.

Mr. Trevena did not agree that the buffer be required if it had to be within the limits of disturbance.

Mr. Verilli stated that because of the number of variances the applicant should be subject to additional conditions.

Mr. Mills stated that there is more total acreage then the zone requires and the house location was determined by the boards profession and therefore the applicant should not be required to meet other conditions such as the tree buffer.

Mr. DiSalvo made a motion to direct the Board attorney to draw up a resolution of approval of the minor subdivision, variances and waivers subject to:

conditions outlined in the memorandums of Mr. Banisch of July 22<sup>nd</sup> and Mr. Hall's of July 17<sup>th</sup>, in their entirety; with the exception that, driveway slope variance; conservation easements as identified in ordinance except where highlands would allow agriculture/woodland management; conservation easement markers to be installed subject to the review and approval of the Township engineer and planner . Seconded by Leavens. A voice vote was taken; Mr. Bauerlein and Mr. Akin abstained; all others were in favor and the motion carried.

Eligible: DiSalvo, Leavens, Short, Trevena, Beute  
 Absent: July 22: McGroarty, Monahan, Harmon  
 April 13: Akin, Mont, Harmon  
 February 25: Bauerlein

***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 stated that yesterday he received from the Highlands Council the build out numbers for Washington Township. He distributed a memo dated July 22, 2009 and maps from the highlands municipal build-out report. He explained that these numbers were based on the information supplied to the Council through his office and Washington Township under the Council's Module 2 requirements. He explained that this build out number could be used for new COAH numbers if the Township opts into the RMP for the planning area as well. He explained that the HUC 14 are sub-watersheds identified by the federal government and the highland plan seeks to maintain a water balance in each of these HUC 14's. He stated that the maps provided this evening show each of the HUC 14 areas within the township; septic system yield/water balance by HUC 14 and showing environmentally constrained land;

Mr. Banisch pointed out the two areas of build-out shown in Table 4 and explained that the growth capacity is 38 additional septic systems in the preservation area and 63 in the planning area for a total of 101 more dwelling units on septic systems. The number of non-residential jobs was shown in the

sewer area as 520 jobs in the two sewer service areas. He noted that the number of jobs does not agree with the other area of the report, he will talk to the Highland staff as to how the number was adjusted. He concurred with Mr. Akin that the Highlands has stated that the sewer system on the mountain is at capacity.

Mr. Short noted that the MUA and Highlands used different numbers for residential water use and that is why we are showing a deficit.

Mr. Banisch referred to page three of his report and stated it is important to note that the Highland's report emphasizes in more than one area that the numbers are to be used at a municipal scale, not individual parcels which means that the municipality can plan where they want the growth, it does not necessarily have to be as shown on the maps. He also explained that the 101 does not include the existing lots that are exempt under the act and he has not heard that the Highlands Council is requiring the Township to adopt an ordinance that would eliminate the exemption. The township will have an additional 38 units in the preservation area. He stated that this plan is about clustering where current growth is with an 80% land set aside.

Mr. Banisch reviewed the maps and stated that the maps provided by the council did not use township roads and his office has been overlaid by his office with the township street maps. On Figure 1 he added the septic yield in each HUC 14, and identified in each of the HUC 14's the number of new septic systems. On figure 2 the white areas are the opportunities to develop because there is no direct conflict with highland resource areas. Figure 3 is the sewer service area and Figure 4 is the public water service area.

Mr. Banisch stated that the Highland master plan polices are in conflict with the COAH certified plan. He stated that as Washington Township has a certified COAH plan we are not in any jeopardy until 2014. However he explained that the US Homes development could only be built now if they already have all their treatment works water and land use permits from the DEP as it is in the protected zone of the planning area. He stated that if the Township wants to avail itself of these lower build out numbers the highlands regulations will be very restrictive.

Ms. Kesper stated that in order to use the COAH numbers the Township must opt into the plan for the planning area.

Mr. Banisch stated that the draft Highlands Regional Master Plan Element has been received and the draft ordinances are expected to be sent out within the next couple of weeks.

Mr. Banisch answered Mr. Short that a decision on opting into the Highlands Plan for the Planning area should be able to be made after the ordinances are distributed by the Highlands Council are reviewed by the Board. He answered

Mr. Hall that in the Planning area, if the Township does not opt into the plan for the Planning area, the DEP will be the agency that makes the decision, although they will be reviewing the Highland's Regional Master plan as one of the review documents.

Mr. Banisch answered the board that if the Township does not opt into the Highlands Plan for the planning area, they may do so in the future. If they do opt into the plan, it is a six year commitment as the Highlands Regional Master Plan is under the same legislative requirement to be reviewed every six years as is the municipal master plan.

### 3. Master Plan Re-examination

Mr. Banisch distributed a memo dated July 22, 2009 which outlined the requirements of a re-examination report. He explained that the re-examination report will concentrate on subsection c and his memo identified the major changes since 2003 with local, state and federal changes.

Mr. Banisch explained that if ordinances are needed to make zone changes as identified in the re-examination report, municipal notice is not required.

Mr. Banisch stated that he will have a draft for August 10<sup>th</sup> for re-examination discussion of Highlands and COAH, the major changes since the last master plan.

### 4. RO-21-09 Changes to conditional use in the C-1 Zone

The ordinance was reviewed.

Mr. Mont made a motion that the Board finds this ordinance not inconsistent with the Washington Township master plan seconded by Mr. DiSalvo. A voice vote was taken; all were in favor and the motion carried.

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 9:30 p.m.

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Virginia R. Kesper, Clerk