

Chairman DiSalvo called the regular meeting of August 26, 2009 of the Washington Township Planning Board to order at 7:35 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, Charles DiSalvo, Kathleen McGroarty, Lou Mont, Eric Trevena

ALTERNATES: Sam Akin,

CLASS I: Ken Short

CLASS II:

CLASS III:

OTHERS ABSENT: Patrick Monahan, James Harmon, William Leavens, William Beute

STAFF PRESENT: Clerk Kesper, Engineer Hall, Planner Banisch, Attorney Cofoni

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 July 22, 2009 Regular Meeting

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

**RESOLUTIONS**

09-11 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

John Mills, Applicant’s Attorney  
Samuel Barsa, Applicant

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

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Mr. Mills referred to paragraph 6 on page 2 and the distribution of impervious coverage and disturbance be able to be flexible between the lots.

Mr. Hall referred to condition K and grading plan and he did not object to allowing this.

Ms. Cofoni condition H and K did not restrict (does not identify) the total disturbance on each lot and therefore the applicant would have flexibility as to where the disturbance would be.

Mr. Mills stated that the language in the resolution was acceptable to the applicant.

As there was a lack of quorum, the adoption of the resolution was adjourned to September 14, 2009.

***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.***

Mr. Short arrived at joined the meeting

***PUBLIC HEARING/APPLICATIONS -***

1. Long Valley Inn, Inc. (Long Valley Brew Pub) – Block 34, Lot 53 – 1 Fairmount Road – C-1 Zone – Request for Waiver of Site Plan for outdoor bar (replacing the current 28 table seats)

Matthew Saleeby, Applicant

Mr. Saleeby was sworn in by Attorney Buzak.

Mr. Saleeby stated that he would like to construct a bar with 20 seats at the Long Valley Brew Pub and eliminate 28 of the 50 seats that are there now. The bar would be a stone base, same as the stone in the building, in a L shape and the top will be slate. It will be 10' x 18' long and will be an island bar with seating on all sides. He stated that there would not be any new signs or lighting then is currently on site. He answered Mr. DiSalvo that the outdoor bar would be emptied every evening. He explained that he is trying to create an area where people would like to go and the patio is active now and he wanted to encourage more patrons to come. He explained that the location when walking in from the large parking the bar would be to the left. He answered the board that the bar would have a temporary cloth awning in a metal frame and although he was not

planning any lighting at this time if they added any it would be under the awning. He was proposing a dark green awning to match the exterior of the rest of the building. They will be bringing out water and sewer to the bar from an existing interior sink that they will be eliminating the sink. He testified that there would be no cooking done outside. He answered Mr. Short that there is entertainment outside now and it would continue to be the same. He answered Mr. Hall that the driveway will be re-stripped as it was recently top coated.

Ms. Kesper answered Mr. DiSalvo that the original site plan included outdoor seating on the patio.

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

Mr. DiSalvo stated that this would have to be reviewed by the Historic Preservation Commission.

Ms. McGroarty made a motion to approve the Waiver of Site Plan as discussed this evening conditioned upon Health Department, MUA and Historic Preservation approvals. Seconded by Mr. Mont. A voice vote was taken; all were in favor and the motion carried.

***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. Master Plan Re-examination – Housing Element, Highlands Draft Elements and Land Use Element

Mr. Banisch referred to his report dated August 26, 2009 and stated that the re-examination is a statutory requirement and reviewed the memo and regulatory comments and what the township was looking at in 2003 (40:55D-89a) regarding the sets out the required review.

Mr. Short stated that the Cleveland Industrial Complex on Parker Road should be included in the recommendations for redevelopment of a brownfield. He explained that this is a DEP Super spill site that is in the process of being cleaned up by the stated.

Mr. Banisch stated that a recommendation regarding this appears on page 7 of the report and he will expand that recommendation.

Mr. Short stated that the Board doesn't know yet if they will want it residential or non-residential, just that it be redeveloped after it is cleaned up.

Mr. Banisch stated that he will have revised language in the next revision of the reexamination report.

The board reviewed this rezoning/brownfield redevelopment. The board was polled and all were in favor of making this redevelopment of a brownfield a part of the reexamination report recommendations.

Mr. Banisch explained that the reexamination report is set up according to statute that addresses what was identified in 2003 and moves forward into current status and future recommendations.

Mr. Banisch referred to page 6 and the land use portion and the four requests for zone changes that had been received since the last re-examination in 2003.

Mr. Short stepped down from this portion of the review due to a conflict of interest.

Mr. Banisch referred to the first zone change request regarding Block 8 Lot 8 which requested a change from OR to permit a 52 unit age restricted development on four acres with a pool and clubhouse. He referred to a map of the property and pointed out that the property has many environmental constraints including at least half the property encumbered by steep slopes. He also explained the change in the housing market, the legislation on age restricted housing. .

Mr. Mont asked about school projections.

The board briefly discussed this issue regarding the restrictions on development by the Highlands and economics and current enrollment figures.

Mr. Short stated that the student population went down 120 over the last two years for Washington Township's K to 8 district.

Mr. Banisch stated that this property is located in the very limited OR zone and that it has been a long range objective of the Planning Board and Washington Township to attract non-residential.

The board reviewed the letter requesting the change, Mr. Banisch's memo, map and the new legislation regarding age restricted housing. The board was polled and no one was in favor of making a recommendation to change the zoning on the property.

Mr. Banisch referred to the second request for Block 35 lots 6.01 and 6.04 along 35 and 41 East Mill Road that have split zones on their property to include the entire properties in the c-1 zone. He explained that the front portion of the lots are located along East Mill Road are in C-1 and the rear in residential. He referred to the map and pointed out the properties are bordered by C-1, preserved farm and some developed residential along Mountain View Avenue. He stated that because our zoning requires buffers between uses he did not see a down side to this request.

The board reviewed the request. The Board was polled and all were in favor of rezoning.

Mr. Banisch referred to the request for block 28 lot 59, 111 Fairview Avenue to be rezone residential from the current office research/industrial zone. He referred to the submitted maps and noted that the property is completely surrounded by public lands. He explained the history of the zoning in the area and the in 1979 this property was zoned R-2 and in 1983 it was rezoned to OR/I. Mr. Banisch stated that the zone could be changed or the permitted uses could be changed to allow previously existing homes in the OR/I zone as permitted uses. He concurred with Mr. Akin that this property goes up to the South Branch of the Raritan River and, therefore, an OR/I use would not be permitted in this area. He stated that since the property is completely surrounded by park property there would be no down side to making it residential.

Mr. DiSalvo wanted Mr. Banisch to confirm that the area shown in purple is all public ownership and not Fraser Steel property.

The board reviewed the request and Mr. Banisch's maps and memo. A poll of the board was taken and all were in favor of recommending the rezoning request to R-5.

Mr. Banisch referred to the rezoning request of Block 42, Lots 2 & 2.02, 52 and 54 Flintlock Drive. He stated that it appeared that this was a drafting error and that in the current 2003 master plan land use element called for these properties to be R-1, consistent with the surrounding development. He did not see a downside of allowing the zone change and stated that he did not see any environmental concerns that should make this property R-5.

Mr. Trevena noted that these properties are 2 acres and if the houses were taken down they could possibly be subdivided and the two lots could become 4.

The board reviewed the request and the maps with Mr. Banisch's memo and a poll vote was taken and they were all in favor of the rezoning request subject to Mr. Banisch's review of possible environmental constraints.

Mr. Short rejoined the board.

Mr. Akin stated that he recalled requests from the residents along Newburgh Road for zoning relief.

Ms. Kesper stated that this recommendation was in the 2003 master plan and when it came up to amend the zoning the Board did not think it was appropriate at the time.

Mr. Banisch stated that the 2003 conditions still exist. He read the 2003 recommendations in the 2003 master plan and recommended carrying this recommendation forward in this reexamination. He stated that this is something that the Board can discuss with the Council during conformance.

The Board reviewed this area, the recommendation in the 2003 master plan. The Board was polled and all were in favor of carrying this recommendation forward into the 2009 reexamination report

Ms. Kesper suggested that the board look at the Office Research zoning along Drakestown Road to allow the existing homes to be permitted uses. She stated that this is an area of the Township that she hears resident complaints about their zoning. She explained how this impacts the residents when they want to do residential improvements.

The Board discussed the suggestion and concurred that it should be in the revised reexamination report.

Mr. Banisch stated that these recommendations would be in sub section D of the next revision to the reexamination report for the next meeting.

Mr. Banisch reviewed page 14 – item 4 section 40:55D-89d and recommendations in the report as:

- Conform to the Highlands for the Preservation Area
- Based upon the Board's investigation of Highlands Plan Conformance for the Planning area, may be appropriate to submit the draft master plan and ordinances for plan conformance – It is not a commitment

Ms. Kesper stated that the preservation area conformance must be done by December 8, 2009 but the Township is not required to make the decision to opt in by that date, that the Township can choose to opt into the RMP at any time. She noted that it may be a less complicated full conformance process with the Highlands if the Township makes the decision with the submission of the preservation area conformance. She also explained that, like the Township Master Plan, the Highlands Regional Plan must be reviewed every six years and if the Township does decide to opt in now, they can choose to opt out with the review of the RMP.

Mr. Banisch stated that based on his discussions with the Highlands Council Director, Eileen Swan, the Township would have the option to opt out of the

plan for the planning are any time the Council changes ordinances or amends the RMP.

Mr. Banisch stated that this is the section that the Newburgh Road and Cleveland Industrial redevelopment recommendations would be found.

The board discussed the community facilities section of the report and the school population.

The board addressed the community facilities section and whether the reexamination report should be held up until the school population is addressed by the School Board. The Board looked at page 7 of the reexamination report

Ms. McGroarty suggested that we have the Board of Educations update the Board on their student populations.

Mr. Short requested Ms. Kesper send a letter to the two school districts and ask them for their last 5 year trends and projections.

Ms. Kesper recommended that the board add a section to the reexamination report regarding the change in school enrollment because of the current economic conditions and the change in development since the Highlands legislation of 2004.

The Board concurred.

Mr. Banisch stated that he would put language in the next revision of the report regarding the changes in enrollment and economic conditions.

Ms. Kesper stated that the adoption of the reexamination report would be noticed for September 24.

Mr. Akin asked about sewers along Route 46 from East Avenue to Hackettstown.

Ms. Kesper stated that the Board had sent letters regarding this expansion to the Hackettstown MUA in the past and there was no interest by the MUA to do so.

Mr. Short stated that he has spoken with Bruce Smith of the Hackettstown MUA in the past and because of the cost they were not going to extend the line.

### 3. Highlands Basic Plan Conformance – Ordinances and Master Plan

Mr. Banisch reviewed his memo of August 26 and the Highlands Council has released draft ordinances that must be adopted for the preservation area. He stated that he has almost completed the required customizing the draft highlands

master plan element for Washington Township of the draft Master Plan which will be circulated to the Board shortly.

Ms. Kesper stated that the draft master plan, without the specifics to Washington Township and the draft highland ordinances were distributed to the board by e-mail and hard copy last week. She stated that the Highlands Council is looking for recommendations for changes by September 4, 2009. She stated that the Health Officer will be looking at the septic and well head protection ordinances as they are ordinances that must be adopted by and enforced by the Board of Health. She stated that the Health Officer would be sending her comments to the Highlands Council.

Mr. Banisch stated that the process for the Board is to have a public hearing on the draft highlands master plan element for public discussion and input, which will be in September or October and that the ordinances should be reviewed at that time as well.

Ms. Kesper stated that the highlands master plan element and ordinances are the documents that the board will need to use to make their determination on opting in the planning area as the Highlands Council requires the adoption of these documents for the planning area if the Township opts in, if the Township does not opt in they would apply only to the preservation area.

Ms. Kesper was directed to send the well head protection the Hackettstown and Washington Township MUA.

Mr. Banisch stated that Basic Conformance with the Highlands Regional Master plan is really the master plan element and zoning amendments.

The board stated that they did not have any specific recommendations for changes to the ordinances and directed Mr. Banisch to send his recommendations for proposed changes to the Council without review of the Board unless he felt it was necessary.

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