

Chairman DiSalvo called the regular meeting of September 14, 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, Eric Trevena
 ALTERNATES: Sam Akin, William Beute
 CLASS I:
 CLASS II: Patrick Monahan
 CLASS III: James Harmon
 OTHERS ABSENT: Ken Short, Kathleen McGroarty
 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 August 26, 2009 Regular Meeting

Mr. Mont made a motion to approve the minutes, seconded by Mr. DiSalvo. A voice was taken; Mr. Harmon, Mr. Beute and Mr. Monahan abstained; all others were in favor and the motion carried.

RESOLUTIONS

09-12 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

Adjourned to September 23, 2009 due to lack of quorum.

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. Toll – Estates at Long Valley – Sections 2 & 3 – Bartley Road – Block 18 lots 6, 8, 10, 21 and 44 and Block 18.01 lot 1 – Request for extension of time for final subdivision approvals granted under resolutions 06-18 of June 28, 2006 (Section 3) and 06-19 of June 28, 2006 (Section 2)

Joel Kobert, Applicant's Attorney

Mr. Kobert explained that this extension is for 24 residential lots in Section 2 and 3 of the Estates at Long Valley. He stated that five homes have not received certificate of occupancies in Section 2 and 11 homes in section 3. He noted that zoning has not changed since the resolutions of approval were adopted by the Planning Board.

Mr. Buzak stated that the protections would have run out in June, 2008 and explained the procedure for the Planning Board to extend the protections to June 28, 2010.

Mr. Hall advised the applicant about the last 10% of the Certificate of Occupancies (2 in each section) cannot be issued until all the improvements have to be done.

Mr. Leavens made a motion to authorize the board attorney to draft a resolution of approval granting the requested two, one year, extensions of time on Resolutions 06-18 and 06-19 which would end on June 28, 2010. Seconded by Mr. Beute. A voice vote was taken; all were in favor and the motion carried.

2. Health Alliance for Care, Inc. (Formerly US Homes) – Block 19, Lots 5, 6 and 7 – Request for amendment to Resolutions of Approval and Preliminary and Final Site plan to demolish the existing farm house and reduce the number of units from 360 to 359

Edward Palmer, Applicant's Attorney
Patrick Brady, Applicant

Mr. Palmer stated that the applicant is before the board to demolish the farm house on the property which was part of the above cited subdivision/site plan.

Patrick Brady was sworn in by Attorney Buzak and stated that he is the Executive Director of Heath Alliance for Care.

Mr. Brady stated that since Lennar Homes pulled out of the development and the Roehrich family moved it the house has continued to deteriorate. It was a surprise to Heath Village to find how the previous family lived in the house with

holes in the roof, etc. Since the Roehrich's moved Heath Village has boarded up the house as it is not habitable. He explained that during the past six months they have experienced vandalism at the house. He stated that the property is now being framed by the Donaldson's. He testified that in the last six months they have received a letter from their insurance company regarding the house. He noted that they have taken down the barns and other homes on their site and now this house has become a problem. He stated that the applicant would add another unit back into the development when it was built, if that was what the board wanted. They would comply with Historic Preservation for a monument. He explained the vandalism they have experienced in other buildings which they owned and then restored (Bed and Breakfast and Adult Day Care). He answered Mr. Hall that the Roehrich's left in 2006.

Mr. Hall stated that he could confirm Mr. Brady's testimony regarding the condition of the roof and structure prior to the Board approvals. It was his opinion that the structural report was very thorough and the structure is in very poor condition.

Mr. Brady stated that the construction company that does work for Heath Village estimated that restoration would cost approximately \$1.3 million.

Mr. Banisch reviewed his report of September 14th and the Historic Preservation Report of September 10, 2009.

Mr. Brady stated that he walked through the house two weeks ago and did not note anything salvageable.

Mr. Palmer stated that the applicant would allow the Washington Township Historic Preservation Commission to come through and take pictures and take items they wanted to salvage for their use. He stated that if the board approves the applicants' request they would want to demolish the home as soon as possible.

Mr. Brady stated that whatever the Historic Preservation wanted from the house they could take. Heath Village wanted to take the house down by Thanksgiving.

Mr. Banisch stated that an open space/park may be appropriate for this site in place of the house. He noted that the site plan would have to be amended to reflect the demolition of the house.

Mr. Brady agreed to work with the planning board for reusing the site to incorporate it into the development, but the Board of Trustees would have to vote on it.

Mr. DiSalvo stated that he did not see the benefit of this at that time.

Mr. Buzak reviewed the history of this application and that there is an approval, but not a perfected approval. He stated that the board needs to incorporate what

is done tonight as part of the open plan revision process and require that prior to the applicant getting the site plan signed they return to the board to address this particular area where the house previously stood. He explained that site plan approval is good forever, they do not expire and that what happens is they are protected from zoning changes for up to five years but as long as the zoning has not changed the applicant can come back and perfect the resolution and build the project. He stated that there is no time limit to perfect the resolution. If the property were to be rezoned in the future and the subdivision had not been perfected and built the applicant would not be able to proceed.

Mr. Brady stated that the applicant did not have a preference as to whether the unit count remained the same or reduced to 359. He answered Mr. Beute that without tremendous expense they could not save any portion of the building. He answered the Board that the house is approximately 4500 sf.

Mr. Leavens questioned the cost for restoration.

Mr. Palmer referred to the Historic Preservation letter that the house has been remodeled many times up through the 1950's.

The meeting was opened to the public for questions and comments.

Eileen Stokes was sworn in by Attorney Buzak.

Eileen Stokes stated that she is the Chairperson of the Historic Preservation Commission and stated that Master Plan advocates for the retention of historic building and that the board did also at the time of the original approval. She stated that the fact that it had been remodeled over time was not of great concern. She would like to see if the State Historic Preservation Office would find any significance in the house to save it. She referred to her memo and the history of the Osborn family. She acknowledged that the house is in bad shape. She was aware that when they Roehrich's lived in the house it was not in good shape.

Mr. Akin expressed his concerns on the house being demolished and possibly reducing development costs.

Mr. DiSalvo disagreed with Mr. Akin on the issue of costs and that the Township wanted to see this age restricted development built.

Mr. Banisch stated that taking down the house would not allow for more intense development of the site, but the approval and plans would have to be further amended.

Mr. Mont agreed that the applicant needed relief because of the house.

Mr. Brady stated that Lennar Homes had anticipated \$1.25 million to restore the house.

Ms. Stokes stated that she knew two people who do historic barn salvage.

Mr. Brady answered Mr. Buzak that Heath Village tried to do that with the barns and they had a great deal of trouble doing in both occasions. It was their intention to rip it down.

Mr. Trevena arrived and joined the meeting at 8:25 p.m.

Mr. Palmer stated that the salvage permission would be for the Township or County but not for a business proposition.

Mr. Brady stated he would allow the Historic Preservation Commission on the property to take photos to document the site.

Ms. Stokes asked that the applicant, not the Preservation Commission do the study of the house.

Mr. Brady stated that the Township wanted historic items from the house, they may have them, but not to resell.

Ms. Stokes stated that they did not want it for the township but recommended that it be salvaged so it does not just go to a landfill.

Mr. Buzak asked if there is another alternative to taking the building down to protect against vandalism and liability. He referred to the age restricted conversion to full market legislation and that this property could be eligible for such a conversion without age restriction.

Mr. Brady stated from Heath's point of view they are paying taxes on an unusable building. He was concerned that it was a safety issue, regardless of the number of fences and signs.

Mr. Palmer explained that this is in the middle of a farm out of site from Schooley's Mountain Road. He noted that Heath Village has been warned by their insurance carrier about the liability.

Mr. Brady stated that the house has been boarded up and people have gotten into it.

Mr. Monahan stated that this is an attractive nuisance and it is a least 1000' off the road and isolated by the long driveway and trees and it is not an area that the police would regularly patrol or be able to see disturbance from the road. He did not see that a fence would be a great deterrent.

Ms. Kesper stated that Schooley's Mountain Fire Company wanted to use the building for fire drills before demolition, if the board approved the demolition.

Mr. Brady was agreeable to allowing SMFP to have training drills on the property.

Mr. Mont made a motion to draw up a resolution of approval to grant the applicant's request to demolish the building subject to the fire department being allowed to use it for practice drills, allow Washington Township Historic Preservation Commission access for documentation and photographs and if there is something they want they may request it but not for resale and to require that the applicant return to the board prior to the perfection of the original site plan to address the disposition of this area of the tract and type of historic monument. Seconded Mr. Monahan. A voice vote was taken; all were in favor and the motion carried.

***DISCUSSION /
CORRESPONDENCE***

1. Vouchers

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

2 Highlands Basic Plan Conformance – Ordinances and Master Plan

Mr. Banisch stated that he has the draft of the regional master plan ready and will send it electronically to the board for review at the next meeting.

Mr. DiSalvo agreed to allow the report to be submitted electronically to the board and a hard copy not necessary.

3. Master Plan Re-examination

Mr. Banisch reviewed his revised draft dated September 14, 2009 and the changes made based on the August 26, 2009 meeting. He reviewed the zoning recommendations on page xvii based on the previous meeting.

- Split Zoned – C-1/R-5 – He reviewed the previously discussed recommendation that the entire lots should be in the C-1 zone.
- OR/I Zone Fairview Avenue Residential Lot - He stated that the residential lot on is completely surrounded by County Park land and the zoning recommendation makes homes existing prior to the date of the new ordinance allowing residential uses a permitted conditional use as long as it pre-existed the ordinance and meets the lot size criteria of 217-08 zoning. He explained the significant issues with changing the zoning on

this particular property to residential. The board was in agreement with the change to allow residential uses in the OR/I zone.

- Flintlock Drive R-5 to R-1 - He stated that he reviewed the environmental issues discussed at the last meeting and referred to the map distributed this evening and pointed them out and his opinion that R-1 zoning was appropriate. The board was in agreement.
- Cleveland Industrial Center He reviewed the recommendation which was based on the August 26th discussion. The board was in agreement with the recommendation as written. He stated that this will also be a recommendation in the redevelopment section should that tool be needed in the future to redevelop the site.
- R-1 Zone on Newburgh Road - He reviewed the recommendation for a new R-1-T Zone. The board was in agreement.
- OR Zone, Drakestown Road Zone – existing residences - He reviewed the and stated that it is the same as for the Fairview Avenue OR/1 Zone. The board was in agreement.

Mr. Banisch brought up the age restricted conversion bill previously mentioned by Mr. Buzak under the previously discussed demolition request. He stated that he has been contacted by Toll Brothers regarding Regency at Long Valley and it was his opinion that this legislation should be a discussion in the reexamination report and his opinion that the Board should restate the goals and objectives of Washington Township regarding senior housing.

Mr. Buzak reviewed the bill after the veto from the Governor and that the bill now essentially says that the applicant is required to meet the negative criteria as used for a use variance, that the relief requested shall not be detrimental to the public good or zone plan. He explained that the challenge for the board is the legislation states that it shall not be considered as a D variance. He explained that the bill was signed July 22, 2009 and that under the bill developers have 22 months to submit an application and therefore there have not been any decisions yet to convert from age restricted to full market that he is aware of. He explained that if we get an application the Board is under strict time lines and a denial that is challenged has a streamlined procedure to go to court. Mr. Buzak agreed with Mr. Banisch that the bill should be addressed in the reexamination report. He explained the protection period of approvals on site plans and that rezoning may be a consideration.

Mr. Banisch stated that the age restricted zoning is an overlay zone. Global objectives in the reexamination report would be appropriate. The goals should say what the local objectives are for these areas. He explained that this issue will be addressed in section four of the report and specific changes and discussion will be included in section 3.

Mr. Mont asked about our previous discussions to include recommendations regarding green energy and a possible new element to the Master Plan.

Mr. Banisch stated that he will put this in as another recommendation of the reexamination report.

Mr. Mont 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.

Virginia R. Kesper, Clerk