

Chairman DiSalvo opened Regular Meeting of the Washington Township Planning Board of January 27, 2010 to order at 7:45 p.m.

MEMBERS PRESENT

CLASS IV: Charles DiSalvo, William Leavens, Lou Mont
 ALTERNATES: William Beute
 CLASS I:
 CLASS II:
 CLASS III: James Harmon
 ABSENT: Bauerlein, McGroarty, Trevena, Akin, Short
 STAFF PRESENT: Clerk Kesper, Engineer Hall, Planner Buzak, Attorney Cofoni, Attorney Fraser

Arrived late

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 14, 2009 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 January 11, 2010 Organizational and Regular Meetings

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

PUBLIC HEARING/APPLICATIONS -

1. Turnquist – Block 51, Lot 20 – 155 Middle Valley Road – R-5 Zone -18.9 Acres – Request for two lot minor subdivision – Completeness Hearing

Eric Turnquist, Applicant
Robert Timplin, Applicant's Engineer

Mr. Turnquist stated that he knows he is not complete but was appearing before the board as there are several items he would like to discuss with the board. The first was the old stone house which was built in the 1800's and Mr. Hall's letter of October 22, 2009 and Mr. Banisch's letter of January 11, 2009. He answered Mr. Hall that he wished to address completeness item 11, road improvements which deals with the variances.

Mr. Timplin stated that the existing house is very close to the road but does not create a variance and asked if a variance is really needed.

Mr. Hall stated that yes, a variance is needed as the house would be 3.2' from the road due to the new right of way where 100' is necessary.

Ms. Cofoni agreed.

Mr. Turnquist stated that this was a technical variance, as the house is not being moved and this is simply a minor subdivision and no enlargement of the existing variance and also stated that road improvements should not be required.

Mr. Hall stated that under RSIS as well as the Township Ordinances road improvements are required or a waiver must be requested. He informed the board that the road widening expressed in his letter was in consultation with the DPW and required under Township Ordinances.

Mr. Turnquist stated that the plans will be revised to address Mr. Hall's completeness items and a waiver will be applied for from the Highlands Council.

Mr. DiSalvo made a motion to deem the application incomplete, seconded by Mr. Mont. A voice vote was taken; all were in favor the motion carried and the application deemed incomplete.

2. County of Morris – Block 25, Lot 47 -46 Schooley’s Mountain Road – R-5 and R-20 Zone - 7.106 Acres – Request for two lot Minor Subdivision with variances for Long Valley Safety Improvement Project - Completeness Hearing and if deemed complete Public Hearing

Albert Cruz, Applicant’s Attorney

Frank Bednarek, Applicant’s Surveyor

Christine Marion, Morris County Planning Director and Planner

Attorney Cofoni stated that as her firm is also of Council with Morris County they had a conflict of interest on this application and that Attorney Gail Fraser, Washington Township’s Board of Adjustment Attorney, would sit as the Planning Board Attorney on this case and left the meeting.

Mr. Bednarek addressed Mr. Hall’s letter of November 20, 2009 and reviewed the completeness items.

Mr. Cruz explained that this application is more a lot line adjustment then minor subdivision. The house and all structures will remain in place with no intensification of the use or the property. The remainder of the land will belong to Morris County who is not proposing any development of the property and is for the Long Valley Safety Project.

Mr. Hall stated that this application is unique that the only form of development in the future is for the future by-pass and no structures of any kind.

Mr. Cruz stated that other than a road there will be no other structures on the property or maintenance yard, etc. and that the County would accept a condition to that as a condition of approval.

Mr. Hall stated that based on the testimony heard he did not object to the application being deemed complete.

Mr. DiSalvo made a motion to deem the application complete, seconded by Mr. Leavens. A roll call vote was taken; all were in favor and the motion carried.

Frank Pinto, Christine Marion, Aaron Nagel and Frank Bednarek were sworn in by Attorney Fraser.

Mr. Bednarek presented his qualifications to the board and was accepted by the board as a surveyor.

Mr. Bednarek stated that the proposed county lot will be a conforming lot and the proposed lot with the existing home is a conforming lot that has pre-existing setback variances. He referred to the subdivision map and explained the reason the lot line was chosen was to be in line with the rear of lots 48, 50, 51 and 52.01. He pointed out the original track and the new lot line. He stated that the topography is steep and that there are no structures currently on or proposed for the new remaining lot. He explained that the other lot will have the existing home, garage, shed. He stated that the variances for the proposed lot with the structures are for front yard, side yard and lot frontage. He noted that there is also a stream on the property along the property line of the lot to be subdivided off and the existing house. He stated that no additional development is proposed on the lot with the existing home. He explained that there are two zones on the property R/5 and R/20. He stated that as requested, the metes and bounds description of the proposed lot 47.01 will show the road dedication. He agreed with Mr. Hall that the variance is increased because of the dedication of land to the County.

Ms. Fraser confirmed that a variance is required for this front yard variance.

Mr. Banisch explained that a benefit is given the church if the variances are granted.

Mr. Bednarek addressed the waivers identified in Mr. Hall's letter and that a conservation easement, if granted, would cover most of proposed lot 47.

Mr. Cruz stated that proposed road has not been designed yet and the County will be the owner of the lot and the road.

Mr. Bednarek answered Mr. Hall that he would give a copy of the original survey to him for review.

Ms. Fraser addressed the tax assessors lot numbers assigned against the plan submitted and stated that the smaller subdivided lot shown on the plan as lot 47.01 will be lot 47.02 and the remainder lot shown as lot 47 would be lot 47.03 and the lot shown on the plan as 47.01 is lot 51.

Mr. Banisch suggested that the County be required, as a condition of the minor subdivision approval, to come in for a D-31 capital review prior to the roadway being built.

Mr. Cruz stated that Mr. Banisch is correct, the road has not been designed yet, and will require state and local permits after design. He answered the Board that the county is before the board now because they are moving towards acquiring the needed property. The County has a general idea of where the road will be, but not the design.

Christine Marion presented her qualifications to the board and was accepted as an expert witness in the field of planning.

Ms. Marion described the site and distributed an aerial photograph which was marked Exhibit A-1. She noted that the portion of the property to be acquired by the County is heavily wooded and steeply sloped. She reviewed each of the variances, three existing bulk variances for the existing home, front yard, lot frontage and side yard setbacks. She stated that none of the existing variances will be enlarged and no new variances are created. She noted that the proposed house lot is consistent with the homes around it. The lot area will be the minimum lot size for the R-20 zone. She noted that the lot with the home is in the Highlands Planning Area. She addressed the positive and negative criteria for the requested hardship variances. Four purposes of the MLUL are also advanced by this application and the by-pass is addressed as a need in the Township Master Plan. She addressed the waivers required for the calculation of the subdivided lots and the stream corridor buffer requirements and conservation easements. The proposed subdivision does not change the existing on site conditions and no new development is proposed.

Mr. Hall stated that after further review, the variance noted in item C of his report is not needed as the proposed lot 47.01 is fully within the R-20 zone. He did not object to the variances requested by the applicant.

Mr. Banisch stated that he did not object to the variances requested. He noted that a resource conservation calculation is not necessary as no development of the new lot in the R-5 district is proposed, aside from a roadway.

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

Rev. Nagel – Pastor of Long Valley Presbyterian Church explained why his church would like to see this acquisition now versus later, that they entered into a contract four years ago with the County and they would not like to wait longer. He stated that the property line was drawn to be the least detriment to the neighbors. He also stated that the neighbors have brought to his attention that there are spring rights from their property to the neighbors which he will continue if they are on the remaining property

to be owned by the church and asked that the County continue the rights if the springs are on that property.

Mr. Cruz stated that the county will grant the right to the springs as well and take the property subject to those rights.

Jeff Brooks – 54 Schooley’s Mountain Road addressed the lot numbers and that he is the homeowner that was shown as 47.01 and 51. He wanted to know what impact this subdivision would have on him. He was also concerned with drainage onto his property.

Mr. Cruz stated that part of the property would be used for the road and possible temporary storage/staging of materials for the building of the road, if necessary. He stated that the county is solicitous of their neighbors and will work with him with these issues. He also explained that as the road is designed local public hearings will be held. He stated that the county will design the roadway to solve problems and not create new ones.

Barry Whalen – 48 Schooley’s Mountain Road stated that he has been a resident for 63 years and the water runs down his driveway every time it rains and the county comes in and dumps large rocks to dissipate the runoff. He asked if some drainage work could be done now.

Frank Pinto, Director of Planning and Development for Morris County gave an overview of the project. He stated that he will talk to the County Engineer about Mr. Whalen’s issue. He stated that probably because of the major work planned is why detailed work has not been done for Mr. Whalen. He explained that there has been a concept plan for the road design for many years and this property is needed for a small portion of it to be used for slope easements for federal requirements. He stated that the roadway will extend from the bad curve down to West Mill Road south of the Middle School and extend behind the middle school and brew pub to Fairview avenue and across to East Mill Road. He stated that a number of properties and right of ways and sight easements have been acquired. He answered the board that this will be the largest county road project in recent times and will have state and federal money. He stated that only \$800,000.00 has been earmarked from the Federal Government for construction at this time. He stated that now with the current state and federal economics and the project being in the Highlands he does not know when this project will be funded and built.

There were no further questions or comments on this application and the meeting was closed to the public.

Mr. DiSalvo made a motion to instruct the board attorney draw up a resolution of approval of the minor subdivision based on the testimony and

conditions discussed this evening including the open items in Mr. Hall and Mr. Banisch's letter, revised plans including lot number corrections, a D-31 capital project review and no development of the remaining lot except for a road and temporary storage of road construction materials during the time the road is being constructed, as well as approval of the waivers and variances discussed and. Seconded by Mr. Mont. A voice vote was taken; all were in favor and the motion carried.

Mr. Cruz granted an extension of time to March 8, 2010 for the adoption of the resolution of approval.

Eligible: DiSalvo, Harmon, Leavens, Mont, Beute

Absent: Short, Akin, Bauerlein, McGroarty, Trevena

***DISCUSSION /
CORRESPONDENCE***

4. Vouchers

The vouchers were reviewed. Mr. Mont made a motion to approve the vouchers reviewed by the Chairman and found in order and send them on for payments. The motion was seconded by Mr. Leavens. A voice vote was taken; all were in favor and the motion carried.

2. Township Ordinances:

RO-01-10 – Zoning Changes

RO-02-10 – Improvable Lot area and Zoning Officer

RO-05-10 – Contours

The ordinances were reviewed.

Mr. DiSalvo made a motion that the Board finds these ordinances not inconsistent with the master plan and the Board recommends that the Township Committee adopt the ordinances. Seconded by Mr. Leavens. A voice vote was taken, all were in favor and the motion carried.

Mr. Beute made a motion to adjourn the planning board meeting, seconded by Mr. Harmon. A voice vote was taken; all were in favor and the meeting was adjourned at 9:20 p.m.

Virginia R. Kesper, Clerk