

Chairman DiSalvo opened Regular Meeting of the Washington Township Planning Board of February 8, 2010 to order at 7:45 p.m.

MEMBERS PRESENT

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

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 12, 2010 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 27, 2010 Regular Meeting

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

2. Minutes from February 8, 2010 Regular Meeting

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

RESOLUTIONS

10-07 County of Morris – Block 25, Lot 47 -46 Schooley’s Mountain Road – R-5 and R-20 Zone - 7.106 Acres – Request for a two lot Minor

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Subdivision with variances for Long Valley Safety Improvement Project

The adoption of the resolution was tabled to March 24, 2010 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. Egizi – Block 38, Lot 3.07 - 7 Jordan Court- R-5 Zone – 5.32 Acres – Request for amendment to original conservation easement – ridgeline restrictions

Anthony Egizi – Applicant

Anthony Egizi was sworn in by Attorney Cofoni.

Mr. Short explained that the applicant appeared before the Township Committee seeking this relief and that the Committee agreed to grant the relief from the conservation easement subject to Planning Board review.

Mr. Egizi explained that he has lost his job and must sell his home. He stated that he has people interested in the home but they wanted a larger, unrestricted back yard. He was asking for relief from the conservation easement in the area of the ridgeline buffer. He referred to photographs that he distributed to the board. The photographs were marked exhibits A-1 (left angle), A-2 (middle angle) and A-3 (left angle). He explained that he proposed to keep the current tree line in tack and he was looking for relief from the right hand side of the property. He answered the board that in the area where he was seeking relief from the conservation easement there were approximately six trees.

Mr. Egizi referred to his survey which was marked A-5 and the preliminary subdivision plan of Cortland Estates which was marked A-4. He explained each of the photographs, plat and survey. He indicated on the plans the area where he would like relief from. He stated that he would like to have relief from was the entire portion indicated on the plans as the area of the

ridgeline or an area of 60' x 250'. He stated that at a minimum he would like relief on an area of 50' x 85'.

Mr. Hall stated that a metes and bounds deed would have to be recorded with the new limits of the conservation easement.

The board reviewed the exhibits and Mr. Akin, Mr. Mont, Mr. Trevena and Mr. Harmon did not see an issue with relief from the area designated ridgeline/conservation easement.

Mr. Hall answered Mr. Short that he drove around the area (Fairmount Road, Old Farmers Road and East Valley Brook) to determine if the removal of trees would make the area visible from public roads. It was his opinion that granting this relief would not make the home or development viewable from public roadways.

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

Jackie Solidor, Mr. Egizi's realtor stated that they have a lot of interested buyers and the restricted back yard was the objection to the home and moving back the conservation easement will be beneficial.

There were no further questions or comments and the meeting was closed to the public for questions and comments.

Mr. Hall answered Ms. Cofoni that the metes and bounds description of the conservation easement would have to be revised and a surveyor would be necessary for this.

Mr. Short made a motion to approve the application as presented for relief from the ridgeline area of the conservation easement in its entirety for all areas outside the wetlands area with new conservation easement markers to be installed and the new easement delineated by metes and bound and that Mr. Egizzi appear before the Township Committee for formal action on the relief. Seconded by Mr. Harmon.

A roll call vote was taken:

Ayes: Leavens, Short, Harmon, Trevena, Mont, Akin

Nays: None Abstentions: None

Absent: Beute, McGroarty, Bauerlein, DiSalvo

Ms. McGroarty arrived and joined the meeting.

2. Black Oak Golf Turf Care Center – Block 18, Lot 22 – 105 Bartley Road – Request for preliminary and final site plan approval for turf care center – Completeness Review

Mark Blount, Applicant's Attorney

Mr. Blount informed the Board that Attorney Buzak had made a determination that since the Use Variance for this application was granted by the Board of Adjustment this application must be heard by the Board of Adjustment.

2. Black Oak Golf Club, LLC – Block 18, Lots 1.09, 2, 3, 8.11, 8.12, 8.13, 8.14, 8.15, 27, 27.05, 29, 29.01 and Block 18.01 Lots 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 1.08 and 1.09 – Amended preliminary site plan – Deemed Complete February 8, 2010 – Expires May 14, 2010 – Public hearing

Mark Blount, Applicant's Attorney
Robert Brightly, Applicant's Engineer

Robert Brightly was sworn in by Attorney Cofoni.

Mr. Brightly referred to the addendum submitted with the application listing the changes requested from the approved plans. Page 8 of 37 of the plans submitted to the board which was marked A-1.

Mr. Brightly explained that Golf Course received approval in December of 2002 and construction of the golf course started in February of 2004 and resumed in 2008 after discussions with the DEP.

Mr. Brightly referred to exhibit A-1. He referred to the addendum of the requested changes submitted with the application and addressed items 1 and 2 regarding the off site turf care site and the need for a waiver of the number of parking spaces. The first change is along hole 18 where there is a 36" diameter specimen tree, which was in the center of the 18th hole. Moving the hole required the chipping and putting area to be shifted as well. He stated that due to the restrictions imposed by the DEP on hook up to the sewers, the clubhouse has been reduced to 18,000 square feet. He stated that the applicant is actively pursuing DEP approval to hook up to the sewer. The reduction in the size of the clubhouse has also reduced the impervious coverage. He explained that they originally had 249 parking spaces, 26 of which were on the turf care center site. He reviewed the parking standards in the Township ordinances. He applicant is now proposing 184 total parking spaces with 174 at the clubhouse and 10 at the turf care center. It was his opinion that the parking was sufficient and it meets the ordinance when the applicant includes the off tract parking on

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the proposed turf care center. The maintenance workers will be parking on the turf care center lot. He also explained that the location of the 18th tee and hole has been modified to save a very large specimen tree.

Mr. Blount stated that the Board of Adjustment has granted a use variance to use the off site lot (block 18, lot 22) as the turf care center but that the applicant still needs to get site plan approval from the Board of Adjustment as well as Health Department approval of a new septic system or a hook up to the sewer system.

Mr. Brightly stated that they do not have a projection of how long it will take to obtain the septic/sewer approval, therefore, the applicant is proposing a temporary turf care center in the gravel area of the clubhouse. There will be a temporary club house of 3000 square feet within the foot print of the proposed permanent clubhouse.

Mr. Blount stated that the temporary club house will not look like a temporary structure.

Mr. Brightly stated that the off site turf care center will eliminate a lot of mower traffic and crossing of streams to get to the originally proposed turf care location.

Mr. Brightly referred to the third requested change on the 11th hole. This waiver request will move the 11th tee from 60' to 20' from the right of way of Chancellor Way.

Mr. Brightly addressed item 4, the waiver for the 15th hole which moves the cart path from 80 feet to 55 feet from South Four Bridges Road.

Mr. Brightly addressed item 5, the waiver for the 15th hole for the championship tee to be 70 and 85 from Chancellor Way where 100 was proposed. He answered Mr. Short that this would not increase the possibility of golf balls going into the right of way.

Mr. Brightly addressed item 7, the elimination of a 50' wide conservation easement along the southerly lot line of lot 22, the proposed new turf care center. He stated that the easement was not a requirement of the golf course ordinance.

Mr. Brightly addressed item 6, the request to reduce the 125 conservation easement markers required. He referred to page 9 of 37 which was marked A-2. He referred to Dr. Keller's memo of March 8, 2010 which stated he does not support the elimination of all the easement markers but would consider the reduction in number.

Mr. Brightly stated that the applicant will do an as built clearing plan and aerial map. He referred to sheet 10 of 37 which was marked A-3 and pointed out the conservation easements where the applicant is looking for marker relief.

Mr. Blount suggested that a condition of approval could be that the applicant meet with the Board's professionals and come to an agreement on what markers could be removed. If they cannot come to an agreement, then the applicant will come back to the board.

The board agreed that this was a reasonable approach.

Mr. Banisch stated that he did not have any further comments as the applicant had addressed his concerns and stated that in his opinion that applicant has given appropriate testimony to the board as to reasons why the waivers should be granted.

Mr. Hall reviewed his comments in his letter of March 5.

Mr. Brightly answered Mr. Hall that there is 67.9 acres of disturbance based on the proposed disturbance on the plan.

Mr. Hall stated that the temporary wash station and shelter (item B) would be removed once the off site turf care center comes on line and that this should be made a condition of approval.

Mr. Brightly agreed that regarding item C, the applicant will get Health Department approval for the halfway house and temporary clubhouse septic system and any rest room systems and food service areas along the course prior to the course being opened.

Mr. Hall stated that the items listed under item E in his letter are items that must be completed prior to the golf course being put into play commercially (certificate of occupancy).

Mr. Blount stated that they would not have the trees planted prior to opening and proposed that the applicant would post a cash bond if they were not planted. He stated that the deeds will be prepared shortly.

Mr. Hall stated that there are many, many deeds that need to be submitted and reviewed to him, the County and Park Commission and he asked that the deeds be submitted sixty days prior to the Golf Course seeking to obtain and Certificate of Occupancy to give him and the county time to review the deeds as they are extensive.

Mr. Blount asked if the deeds could be done as part of final site plan approval.

Mr. Short asked that the County has been anxiously waiting to receive the deeds and plans for Patriots Path. He asked that the path be marked clearly on a plan and submitted to Ms. Kesper for review by the County Park Commission as there may be a need to make some minor adjustments.

Mr. Brightly stated that he would follow up with the County on this issue and have a map to Ms. Kesper this week.

Mr. Hall referred to his letter of April 7 and noted that the golf course has not received final site plan approval and that would also be required prior to a Certificate of Occupancy.

Mr. Blount stated that they would like to receive a temporary Certificate of Occupancy for the temporary club house prior to final site plan approval.

The Board did not have a problem with the temporary certificate of occupancy with the temporary clubhouse and final site plan after the design of the permanent clubhouse has been done.

Mr. Hall referred to the detention basins one through five.

Mr. Blount stated that he would check with Toll Brothers regarding the agreement with Toll Brothers and the detention basins and get back to the board on it.

Mr. Brightly answered Mr. Hall that the applicant is in the process of getting another water quality test completed.

Mr. Brightly agreed with Mr. Hall that the County road improvements would be in prior to a temporary Certificate of Occupancy as well as all paved and stoned parking lot will be the temporary turf care center.

Mr. Hall stated that the water storage tanks for fire fighting must also be installed, tested and approved the by fire department prior to the temporary Certificate of Occupancy.

Mr. Hall referred to the outstanding resolution conditions in Ms. Kesper's memo of October and December 2007.

Mr. Brightly addressed the amount of floor area and explained the differences. The main discrepancy is he included the cart storage area. He will correct the discrepancies.

The board discussed the amendment/waiver requests and what is dependant upon the Board of Adjustment site plan approval.

Mr. Blount stated that the waivers regarding the turf care center and the conservation easement along the proposed turf care center (lot 22) would be the only amended waivers affected by the Board of Adjustment site plan review. He stated that if the turf care center is denied by the Board of Adjustment then the applicant would build the turf care center as it was originally proposed.

Mr. Hall answered Mr. Mont that the neighboring properties were noticed of this hearing and that the deeds for all the homes in the Estates at Long Valley inform the owners that they are adjacent to a golf course.

Mr. Blount asked that a temporary certificate of occupancy be issued for the clubhouse under preliminary and the use of the golf course for commercial benefit be allowed without final site plan approval due to sewer issues.

A discussion was held on the issuance of a temporary Certificate of Occupancy.

Mr. Blount stated that the applicant will apply for final site plan approval once the sewer issue has been resolved, which they hope will be by the end of the year. He was requesting a temporary certificate of occupancy for the temporary clubhouse and initially nine holes of commercial golf play and in the fall the full 18 holes prior to receiving final site plan approval. He read from the preliminary resolution regarding a temporary certificate of occupancy prior to the permanent clubhouse.

Mr. Blount answered Ms. Cofoni that when they request a temporary certificate of occupancy other than the clubhouse and bonding for tree planting, there will be a temporary turf care center and wash area. He stated that it was acceptable to him that a temporary certificate of occupancy would expire in a year unless the applicant comes back to the board for an extension of time. He will extend the applicant's development agreement if necessary.

Ms. Kesper stated that water quality test results must be submitted prior to a temporary certificate of occupancy.

Ms. Cofoni stated that the conservation easement deeds must be reviewed approved and filed prior to a temporary certificate of occupancy.

Ms. Kesper stated that Board of Adjustment approval of the turf care center must be received prior to the temporary certificate of occupancy.

Mr. Blount reviewed the waivers being requested.

Mr. Hall asked for a list of the first nine holes that will be ready to be played this spring.

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

Granford Moore - 251 Bartley Road - lot 106 - and asked about the location of the cart path and turf care center and expressed his concerns about the lack of water quality reports.

Mr. Birghtly pointed out on the map the locations of the cart paths and turf care center.

There were no further questions or comments and the meeting was closed to the public for questions and comments.

Mr. Short made a motion to instruct the board draw up a resolution of amended approval granting the waivers as outlined and requested this evening, the elimination of conservation markers and easements as found acceptable to the board professionals, subject to the Board of Adjustment approval of the turf care center, approval of the revised number of parking lots (granting waivers listed on the applicant's addendum as 2-5, 6 based on new conservation plan and 7 based on Board of Adjustment approval), the issuance of a temporary Certificate of Occupancy after completion of conditions of resolution, until December 31, 2010 except for the permanent clubhouse and permanent turf care center and installation of the plantings, Health Department approval the septic system for the temporary club house and half way house/restrooms. Also easement deeds approved, list of the first nine holes to be submitted to Mr. Hall, parking easements for the off site parking spaces. The motion was seconded by Ms. McGroarty.

Mr. Blount stated that the first nine holes will be the holes clustered around the clubhouse and the second nine holes will be the other holes further away and the halfway house will be completed before they requested a temporary certificate of occupancy to play the entire 18 hole golf course.

The temporary certificate of occupancy would be for the temporary club house, temporary turf care center and the first nine holes with a second temporary certificate of occupancy for the next nine holes, including the half way house.

Mr. Brightly stated that there are three septic systems proposed on the golf course and the applicant is not sure if they want to build all three septic systems. He stated that they may propose to the Health Department alternative waste systems.

Mr. Hall commented that the confusion is that we do not what the first nine holes. The restroom facilities are on holes five and nine. If these holes are not part of the first 9 holes to be put into play, then he did not have a problem not getting them approved and constructed, but before the full 18 holes the septic systems have to be approved by the Board of Health and installed.

A voice vote was taken on the motion, all were in favor, and the motion carried.

Mr. Short stated that this application has been going on for ten years and that in 2004 the Highlands Act prohibited the clubhouse connection to the sewer, which would be the proper way for the wastewater to be handled. He noted that there is sewer capacity available. He explained that he has been down to the DEP to try to get this approved. He also informed the Board that the Township has a waste water management plan down at the DEP for over 2 years and it has not acted on by the DEP. He stated that he would like the Planning Board, as well as other boards, departments and committees to write a letter of support to the DEP to go along with a Resolution of the Township Committee to the DEP.

The board was in favor of sending the letter.

Ms. McGroarty left the meeting.

***DISCUSSION /
CORRESPONDENCE***

1. February 8, 2010 Correspondence from Eileen Swan, Executive Director, Highlands Council RE: Washington Township Municipal Petition for Plan Conformance being deemed administratively complete

The letter was reviewed and noted for the record.

2. February 4, 2010 Correspondence from Kevin Dorlin: Re O/R Zone Permitted Uses, request to add senior housing and/or assisted living

The Board discussed this request and noted that they had looked at this during the Master Plan Reexamination and they are not interested in changing the zone to allow this use. The board concluded that this should be a use variance Before the Board of Adjustment and requested Ms. Kesper to inform the Township Committee of same.

3. Morris County Municipal Summit – March 31, 2010

Noted for the record.

4. Land Conservation Rally – March 20, 2010

Noted for the Record.

5. Vouchers

The vouchers were reviewed. Mr. Leavens 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. Akin. A voice vote was taken; all were in favor and the motion carried.

Mr. Short made a motion to adjourn the planning board meeting, seconded by Mr. Trevena. A voice vote was taken; all were in favor and the meeting was adjourned at 10:15 p.m.

Virginia R. Kesper, Clerk