

Chairman DiSalvo opened Regular Meeting of the Washington Township Planning Board of November 8, 2010 to order at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein Charles DiSalvo, William Leavens, Lou Mont*

ALTERNATES:

CLASS I: Ken Short

CLASS II:

CLASS III: James Harmon

ABSENT: William Beute, Eric Trevena, Kathleen McGroarty, Sam Akin

STAFF PRESENT: Clerk Kesper, Engineer Hall, Attorney Cofoni, Planner Banisch, Traffic Engineer Maltz, Environmental Consultant Keller

*Arrived late

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. October 27, 2010 Regular and Closed Session Minutes

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

RESOLUTIONS

- 10-15 Washington 46 Retail Condominium, Inc. – Block 4, Lot 7.05 – CO2 – 68 US Route 46 West – C-1 Zone – Approval of Request for a Third One Year Extension of Final Approval for Retail A / Unit 2 Granted with Resolution 06-25 (NJSA 40:55D-52 (a)& (c))

The resolution was reviewed.

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Mr. Harmon made a motion to approve the Resolution, seconded by Mr. Short

A roll call vote was taken:

Ayes: DiSalvo, Harmon, Leavens, Short

Nays: None Abstentions: None

Absent: Trevena, Beute, McGroarty, Mont, Akin

Ineligible: Bauerlein

10-16 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 – Approval of Request for an amendment to Resolution 10-09 conditions which granted amended preliminary site plan approval

The resolution was reviewed.

Mr. Leavens made a motion to approve the Resolution, seconded by Mr. Short

A roll call vote was taken:

Ayes: DiSalvo, Harmon, Leavens, Short

Nays: None Abstentions: None

Absent: Trevena, Beute, McGroarty, Mont, Akin

Ineligible: Bauerlein

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. Hackettstown Honda (AKA Bay Ridge Motor Sales) – Block 4, Lot 7 – 48 Route 46 W – C-2 Zone – 13.549 Acres – Request for Preliminary

and Final Site Plan for Automobile Dealership – Deemed Complete
October 11, 2010 – Public Hearing October 27, 2010 Expires
January 14, 2011 – Public Hearing Continued

Michael Selvaggi, Applicant's Attorney
Greg Redington, Applicant's Engineer
Elizabeth Dolan, Applicant's Traffic Engineer
Joseph Layton, Applicant's Planner
Ignazio Giuffre, Applicant

Mr. Bauerlein reviewed the site walk that was held on Saturday, November 6, 2010 and noted that Mr. Mont, Mr. Harmon, Mr. Banisch, Mr. Hall and the applicant along with himself were in attendance and they walked the entire site. The applicant's engineer told them that the HMUA has now agreed to allow plantings on the easement which would allow for additional landscaping. He stated that the pond appeared to be appropriately placed, however, a resident would like to have the pond moved somewhat further away from the property line. The lighting will be on poles which are 14 feet and significantly away from the residential properties and the lighting appeared to be appropriate. He stated that they walked each of the outbuildings and the applicant should be complimented for saving the buildings. He stated that traffic may still be an issue.

Mr. Hall added that at the site walk it was discussed having two lines of buffer at the property line and then approximately 30' back at the outside of the HMUA easement. He explained that while on site it was noticed that there is some fill along the Lotus Blvd property line which would accommodate landscaping which would help block the line of site for the neighbors along Lotus Blvd. and Drakestown Road. He stated that the one neighbor who was at the last Board meeting along Drakestown Road has a direct line of view of the entire site. He stated that a shade tree easement should be granted along Lotus Blvd. and shade trees planted in accordance with the Shade Tree recommendations. It was also suggested that an evergreen be planted behind each light pole of the last row.

Dr. Keller stated that moving the pond 30' to 50' will not reduce the noise associated with the pond from the adjoining neighbors.

Mr. Maltz arrived and joined the meeting.

Mr. Selvaggi stated that the applicant has looked at some of the traffic issues that were raised at the last meeting.

Ms. Dolan addressed the widening and design transitions. She confirmed that they would be amending the plan to show the longer taper requested by Mr. Maltz which will also be reviewed by DOT. She stated that she

reviewed again the curb opening, overall width and stripping of the driveways. It was her opinion that the driveways as proposed, one lane in/one lane out are adequate. It was her opinion that the radius shown on the plan (30' wide with a 50' throat) has been an accepted commercial driveway design. She stated that if the board requested it to be wider it would also require an island.

Mr. Maltz stated that he reviewed the plans preliminarily reviewed by the DOT and they had also flagged the transition area to be longer transition lane. He noted that this will necessitate a utility pole to be moved. He agreed with Ms. Dolan that right and left turn exits lanes are not required for this type of use.

Mr. Mont arrived and joined the meeting.

Regarding widening the radius, he reviewed this with turning templates and found that the radius shown was more than adequate for cars and adequate for trucks. He stated that right hand turns for tractor trailers coming from the east would be tight and explained a typical turning maneuver they would use.

Mr. Maltz explained that he looked at the median and traffic stacking plan as proposed by the applicant. He explained how with additional stripping would allow for back to back 25' areas that would provide turning prior to the East Avenue intersection. He distributed a copy of a marked up copy of the site plan showing his proposed traffic pattern plan on Route 46. He noted that this change does not required any additional pavement widening and his opinion that the DOT would approve his propose plan. He pointed out the traffic features in yellow and marked by arrows on the plan.

Mr. Maltz distributed a page from the from the 2009 traffic manual, which showed the standard signs for this type of traffic pattern.

Mr. Selvaggi stated that they would make the changes requested by Mr. Maltz and submit them to DOT.

Ms. Dolan stated she concurred with Mr. Maltz and this information will be incorporated in the plans being submitted to the DOT.

Ms. Dolan stated that a tractor trailer making a right turn when heading west would not jump the curb, but it would make a wide turn and it would be tight.

Mr. Maltz stated that a tractor trailer would move into the second lane, which is typical and it would not be possible to design the driveway to eliminate this.

Mr. Banisch arrived and joined the meeting.

Ms. Dolan stated that widening the driveway and putting in a mountable island would accomplish a better turn.

Mr. Maltz stated that the applicant should review the turning templates and if it is tight then a narrow island should be included in the plan.

Ms. Dolan stated that the applicant would channelize the entrance, a modified C-4 design, of a 75 sf capsule shaped island, which she stated would allow right turns in and out as well as left turns in without a truck mounting the outside curb.

Mr. Maltz stated that this design would be acceptable.

Ms. Dolan stated that they have ordered the upgraded software as indicated in Mr. Maltz's correspondence, but has not yet received it to run the data. She stated that it would not appreciably change the outcome.

Mr. Maltz agreed.

The meeting was opened closed for questions and comments on the testimony on traffic, there were no questions or comments and the meeting was closed to the public on traffic.

Mr. Maltz and Ms. Dolan left the meeting.

Joseph Layton was sworn in by Attorney Cofoni and presented his qualifications to the board and was accepted by the board as an expert witness in the field of engineering.

Mr. Layton marked a photo board exhibit A-5 which included six photos of the property and adjacent properties. He described each of the photographs.

Mr. Layton stated this property was located in the C-2 zone and reviewed the township ordinance for the C-2 zone and noted that automobile dealerships are a conditional use in the zone and read each of the conditions and stated that the applicant met all of the conditions. He described the adjacent uses and noted that this is a compatible use in the zone. He described each of the design waivers the applicant was requesting. He described the additional landscaping proposed along the

property line of the residents on East Avenue/Drakestown Road and on the berm along Lotus Blvd. He referred to the site plan and pointed out the areas of additional landscaping suggested by the board members and consultants on the site walk and stated that the applicant agreed to this additional landscaping, noting that it is more than required by the ordinance.

Mr. Layton referred to the sign exhibit and described the signs and that 5% of the building signs are permitted up to 100 sf. He explained that the applicant exceeds the 100' maximum as they are requesting 290 s.f. The free standing Honda sign is 100 s.f. and two directional signs are an additional 7.9' for 107.9 s.f. where 100 s.f. is permitted by ordinance.

Mr. Layton stated that they meet the requirements of separation of parking areas of more than 50 vehicles except in the vehicle storage area, where it would not be appropriate

Mr. Layton read from the Township Master Plan and stated that this use is supported by the Master Plan of the Township.

Mr. Layton read from a court case allowing a Township to grant design waivers.

Mr. Layton noted for the Board that other uses allowed under the C-2 zoning would impact the traffic to a much greater extent than this application for a car dealership.

Mr. Banisch reviewed the site walk recommendation for landscaping and asked that Dr. Keller review and approve the landscape plan.

Mr. Selvaggi stated that the applicant agreed to this.

Mr. Banisch stated that he did not object to the additional signage requested given the type of use.

Mr. Selvaggi stated that the applicant agreed to a condition that there would be no parking on the grass or within the landscaping.

Mr. Selvaggi stated that the applicant agreed to eliminate the fence at the property line and cap the silo.

Mr. Redington stated that the structures in the riparian zone will be removed with the exception of the silo and the large barn.

Ms. Cofoni stated that the structures should be removed prior to the Township taking a conservation easement in that area.

John Manilio was sworn in by Attorney Cofoni and presented his qualifications to the board as an engineer and was accepted by the Board as an expert witness in the field of engineering.

Mr. Manilio pointed out the areas of landscaping discussed on the site walk and noted that the applicant removed the fencing and put in a row of evergreens along the property line and doubled the amount of landscaping proposed and trees behind the existing light poles.

Dr. Keller stated that a second row of landscaping 30' from the property line and natural planting would be appropriate in this area.

Mr. Selvaggi stated that the applicant agreed to the landscaping suggested by Dr. Keller.

Mr. Redington stated that the freestanding sign is internally illuminated and would go off one hour after closing with the rest of the lights. He answered Mr. Harmon that the Honda signage is very similar at every Honda dealership.

Mr. Redington answered Mr. Short that the applicant would like to start construction by the spring.

Mr. Short was concerned about disturbance in a riparian zone.

Mr. Hall stated that this would not be allowed by ordinance until April 15, 2010.

Mr. Short asked for a full 150' buffer/conservation easement that would remain in even if DEP regulations changed and also allow outside groups to plant along the stream banks for shade in the future.

Mr. Redington stated that the applicant agreed as long as the owner received prior notice and the groups obey the DEP rules and regulations.

Mr. Selvaggi stated that the applicant agreed to the 150' conservation easement without language to relax the easement if DEP changes their rules.

Mr. Leavens asked if the open eight acres could be planted for a bird habitat.

Mr. Selvaggi stated that there were no plans to mow or landscape this area. He stated that the applicant did not want to develop this habitat as it is

possible if other property were acquired this area may be further developed.

Mr. Banisch stated that this zone allows for 65% coverage and this plan is at 35%.

Mr. Redington reviewed the parking allocation. He answered the board that there would be used cars on site.

Ignazio Giuffre was sworn in by Attorney Cofoni and stated that he is the Executive Vice President of Bayside Motors.

Mr. Giuffre stated that new cars would be 2 or 3 to 1 pre-owned vehicle on the lot and the sale of use cars would be accessory to the sale of new cars. He stated that the hours of operation would be 7 a.m. to 9 p.m. Monday thru Saturday and he would now like to add 8 a.m. to 1 p.m. on Sunday for parts and service to be the same as competition in the area. He noted that state law prohibits the sale of vehicles on Sunday.

Mr. Redington referred to the lighting plan. He stated that the light poles are hundreds of feet from any resident and all fixtures are horizontal with the light source hidden and the fixtures are shielded. With the landscaping and the low intensity lighting it was his opinion that it would not be a negative impact on the area. The poles are 14' where 16' are allowed. He stated that the lighting is at 3 foot candles.

Mr. Redington reviewed the archeology report which stated that there may be artifacts on the site. He noted that Target did not have anything. He stated that during construction if they came upon anything of archeological significance they would stop construction and bring in the proper people to investigate.

Mr. Banisch stated that the above being made a condition of the resolution should be sufficient.

Mr. Redington stated that in front of the building if it is not indicated on the plans as building or pavement it will be lawn.

Mr. Hall referred to the soil disturbance section of his letter.

Mr. Redington referred to the Township ordinance requirement that the disturbance there be no more than 4 acres of disturbance at any one time and was asking for relief to allow up to 6 acres be disturbed at one time as that would be the total disturbance.

Mr. Hall did not object to the waiver.

Mr. Redington stated that all fees would be paid. At this time the applicant is not proposing to export any soil. He stated that the applicant is going to redesign the grading to avoid any disturbance in the existing conservation easement.

Mr. Redington stated that the applicant will obtain a DEP flood hazard permit.

Mr. Redington answered Mr. Banisch that the chain link fence around the pond will be black.

Mr. Hall reviewed the soil disturbance regulations which allow 100 cy to be removed from a site in any twelve month period, any more then that would require a permit.

Mr. Hall referred to Dr. Oweis's reports of September 13 and 21st.

Mr. Manilio stated that the applicant would comply with the reports, with the exception of the foundation construction.

Mr. Redington stated that he was opposed to the foundation construction proposed by Dr. Oweis. He asked the board for relief from this condition based on: the soil borings on this site have shown that the amount of soil over the limestone is approximately 50'; the building is surrounded by pavement and therefore there will be little to no infiltration of water anywhere near the building; in the surrounding area there has been little to no evidence of sink holes affecting structures. He stated that as the engineer of record, this is a private site owned by a private person and he took full responsibility for the decision to use a conventional foundation. He asked that the applicant be allowed to be build a conventional foundation.

Mr. Hall recommended that they get input from Dr. Oweis.

Mr. Short stated that this is a private building and it would be the applicant's risk and based on Mr. Redington's testimony it was his opinion that this condition could be waived.

The board agreed to allow the applicant to build a conventional foundation.

Mr. Redington answered the Board that the night lighting was for security and he marked exhibit A-3 with the lights that would stay on. All lights will be on timers and light sensors. He testified that all lights would shut off an hour after closing except the ones he indicated on the exhibit.

Mr. Hall recommended that the applicant, the Township Police Chief and he review the plan. He stated that his main concern was the rear and the applicant stated there would be only two lights left on, which he felt was appropriate. He asked for night time test prior to C.O.

Mr. Redington agreed to Mr. Hall's request.

Mr. Hall answered the board that the light intensity immediately in front of target is a somewhat brighter then proposed on this site, that this site over all has lower intensity lighting. He noted that the Target light poles are 20' high and at this site they are 14' high.

The meeting was opened to the public for questions and comments on this application. There was no public comment and the meeting was closed to the public on this application.

Mr. Short asked the applicant if they were proposing sidewalks or a contribution to a sidewalk fund.

Mr. Hall read from the ordinance section 159-29 which required sidewalks. He stated that it was his opinions that as there were no other sidewalks on this side of Route 46 he would prefer the applicant contribute to the Township sidewalk fund in lieu of building the sidewalks.

Mr. Redington stated that the applicant would agree to a cash contribution for \$5.00 per square foot for the frontage except for paved driveways westerly staff of the driveway.

Mr. Hall stated that this was agreeable to him from an engineering perspective.

Mr. DiSalvo made a motion to instruct the board attorney to draw up a resolution of approval for Hackettstown Honda for preliminary and final site plan for an automobile dealership based on the discussions at both meetings on this application and specifically subject to a 150' conservation easement, modification of the plans for the easterly driveway to have a modified C-4 island entrance, shade tree easement on Lotus Blvd., capping of the farm silo and cash contribution by the applicant in lieu of the construction of the sidewalks on site. The motion was seconded by Mr. Mont. A voice vote was taken; all were in favor and the motion carried.

The resolution will be read on December 13, 2010.

Absent: 10/27: Akin, Beute

Absent: 11/8: Trevena, Beute, Akin, McGroarty

***DISCUSSION /
CORRESPONDENCE***

1. 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. Harmon. A voice vote was taken; all were in favor and the motion carried.

2. Correspondence from Morris County Planning Board – RE: Office for Planning Advocacy

Noted for the record.

Mr. Mont 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 9:40 p.m.

Virginia R. Kesper, Clerk