

The regular meeting of February 25, 2004 of the Washington Township Planning Board was called to order by Chairman Jones at 7:35 p.m.

MEMBERS PRESENT

CLASS IV: Charles DiSalvo, R. Gregory Jones, Kathleen McGroarty, Howard Popper, Geoffrey Price, Kevin Walsh  
 ALTERNATES: William Leavens  
 CLASS I: Eric Trevena  
 CLASS II: Walter Cullen  
 CLASS III: Kim Ball Kaiser  
 OTHERS ABSENT: Bauerlein  
 OTHERS PRESENT: Engineer Hall, Clerk Kesper, Planner Banisch, Attorney Buzak, Attorney Cafoni

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 16, 2004 and posted on the Bulletin Board on the same date. Five notices were mailed, as there were five requests.

**\*\*NO NEW CASES OR WITNESSES SHALL BE HEARD SUBSEQUENT TO 10:30 PM\*\***

Pledge of Allegiance

***MINUTES***

1. Minutes from the February 9, 2004 Regular Meeting
2. Minutes from the February 17, 2004 Work Session

Minutes were tabled to the next meeting

***RESOLUTIONS***

04-09 Mission Ridge – Block 11, Lot 27 – R-5 Zone – 30 acres –Approval of Final Subdivision Approval of 6 Lots

The resolution was reviewed. The last sentence in paragraph I was removed. Mr. DiSalvo made a motion to approve the resolution, seconded by Ms. Kaiser. A roll call vote was taken:

Ayes: Cullen, DiSalvo, Kaiser, Jones, McGroarty, Popper, Price, Trevena

Nays: None

Absent: Bauerlein                      Ineligible: Leavens, Walsh

04-10 Ochs – Block 59, Lots 59, 59.05 and 59.06 – West Valley Brook Road – Approval of Amendment to 1988 Minor Subdivision Approval

The resolution was reviewed.

Mr. DiSalvo made a motion to approve the resolution, seconded by Mr. Popper. A roll call vote was taken:

Ayes: Cullen, DiSalvo, Kaiser, Jones, McGroarty, Popper, Trevena

Absent: Bauerlein                      Ineligible: Price, Leavens, Walsh

### ***DECISIONS ON COMPLETENESS***

1. Jade-Land, LLC – Block 28, Lots 46 & 47 – Fairview Avenue -Village Age Restricted – 27.83 Acres –52 lot subdivision with clubhouse

Lawrence Cohen, Applicant's Attorney

David Plant, Applicant's Engineer

Raymond Rice, Applicant

Mr. Cohen referred to Mr. Denzler's letter of February 20, 2004 regarding completeness issues. He stated that he was not looking for a completeness decision tonight but asked to be on the March 8, 2004 agenda for a completeness hearing and public hearing. Regarding the 95' buffer, they will show this buffer, but they will be seeking a design waiver from the buffer. Regarding easements there are none on the property that are not shown on the plat. The plans would be revised to show the

wetlands in conversation easements. The natural heritage letter has been received and would be submitted. Regarding the development impact statement they are seeking a waiver from the archeological study for completeness; he agreed to have the study done and submitted before action is taken on the application. The applicant was seeking a waiver on the shimel criteria.

Mr. Hall did not recommend the waiver of the shimel criteria, but this was not a completeness issue.

The Board was in agreement to waive the archeological study for completeness only.

Open issues are the fire department letter, environmental consultant letter and phase I geological study.

A site walk was discussed. The Board wanted to see the center lines of the roads and other items that could be marked out. Mr. Jones and Ms. Kaiser will attend the site walk.

The application was deemed incomplete and scheduled for a completeness hearing and public hearing if deemed complete on March 8, 2004.

The meeting was opened to the public for items not on the agenda. There were no comments from the public and the meeting was closed to the public for items not on the agenda.

1. Long Valley Village (Claremont Valley LLC) – Block 28, Lots 17.01, 18 and 18.02 - Request for two lot minor subdivision, lot line adjustment and preliminary site plan for 29,600 sf shopping center - Deemed Complete October 22, 2003 – Previously Heard December 8, 2003 and December 16, 2003 – Public Hearing Continued - Expires – February 28, 2004

Doug Janacek, Applicant's Attorney  
Jim Baumgartner, Applicant's Engineer

Mr. Jones, Ms. Kaiser and Mr. Leavens stepped down due to conflicts of interest.

Mr. Janacek stated that since the last meeting they have met with the Morris County Agricultural Development Board. Revised plans will be submitted showing the changes previously discussed by the board. The next meeting they will present traffic. He stated that the geological study was done. A TCC was held with the Board's professionals.

James Baumgartner was sworn in by Attorney Cafoni and presented his qualifications to the Board and was accepted by the Board.

Mr. Baumgartner referred to an exhibit which was marked A-6 and stated that based on the January 24, 2004 letter from the MCADB the residential lots will be reduced to three acres and a shared driveway. The property alongside the first aid squad would become a non-severable exception area that could be used by the first aid squad but would belong to the owner of lot 18. The MCADB has stated that a future subdivision/lot line adjustment could be done to transfer this property to the first aid squad, if that became necessary. He noted that grading would be allowed to go onto the agricultural lot.

Mr. Sciretta stated that the grading work would be done this summer.

Mr. Baumgartner referred to the MCADB letter and that the county would not accept conservation easements on their property.

Mr. Baumgartner answered Mr. Hall that the two residential lots will be serviced by public sewer.

Mr. Baumgartner referred to a site plan of the retail area, which was marked A-7. He stated that this plan reflects changes to the stormwater management plan. He answered the board that the detention basin has not been designed but that he had spoken with Mr. Pinto and he did not object to the outfall and water quality "polishing" wetland area as suggested by Dr. Keller.

Mr. Hall asked for a copy of the study that Mulick and Tully did for the applicant.

A discussion was held on infiltration and the fact that the water would daylight on the farm fields. It was discussed that the soils are not conducive for infiltration, that this may not be the way to handle the water. This would be looked into further.

Mr. Hall addressed the level of fill of 10 – 13 feet. He asked that the applicant look at reducing the amount of fill required as now it requires 35,000 cy of fill.

Mr. Baumgartner stated that he has spoken with fire chief Russ Dore regarding the plan and that the buildings would be have sprinkler systems. He stated that he asked the chief to send a letter stating what they require and what they would desire if it were possible.

Mr. Hall stated that the soil disturbance permit issues should be addressed, other wise it would have to go before the Township Committee.

Mr. Banisch stated that his report issued in December still has open issues, such as the signs and the use of the stone from the barn that was on the site. He distributed photographs structures that could use the stones to give the center a rural farm feel.

The Board expressed some concerns and changes they would like to see to the plan such as: Loading area and room for trucks; Signage photographs and plans; parking space sizes and reductions; landscaping plan exhibit including a flag pole and gazebo; detention basin and fill remains a concern.

Opened to the public for questions.

Laura Atkin – 98 West Mill Road – She stated that she is a member of the agriculture board and had concerns with that the slopes should not be greater than 5:1 for agriculture equipment; stock pile used by WTMUA be made tillable; she was concerned with the drainage easement and perforated pipe along the rear of the proper.

The applicant agreed to have at least 12" topsoil in the slope areas.

There were no further comments and the meeting was closed to the public for questions of the applicant

Mr. Baumgartner stated that plans would be submitted no later than March 12 .

Mr. Janacek granted an extension of time to April 30<sup>th</sup>. The Meeting was adjourned to March 24, 2004.

Absent: December 8 – McGroarty, Walsh, Cullen

December 16 – Popper, Cullen

February 25 - Bauerlein

Ineligible – Jones, Leavens, Kaiser

2. Black Oak Golf Course – Block 18, Lots 2, 3, 6, 8, 10, 21, 21.04, 27, 28, 29 and 29.01 – Bartley Road – R/5 zone - 305 Acres – Request and Amendment to Resolution 02-25 - Approval of Preliminary Site Plan with Variances for golf course and club house

Joel Kobert, Applicant's Attorney

Robert Brightly, Applicant's Engineer

Mr. Price stepped down due to a conflict of interest.

Mr. Kobert referred to Mr. Buzak's letter of January 24, 2004 and his correspondence of February 23, 2004 regarding the final items of the resolution. He stated that the applicant is not ready to proceed on the amendment. He stated that the applicant would have to meet with the Board's professionals to resolve some of the issues. He stated that the applicant was here this evening to ask to have trees removed from additional holes.

Mr. Brightly referred to plans that were marked A-2 that showed the additional areas of tree cutting they wanted to do. They have cleared holes 5 thru 10 (20 of the 31 acres). They are asking to be allowed to cut the areas highlighted in yellow – parts of hole 1, 2, 3, 4 and the areas of the detention basin, holes 14 and 15 and the turf care center – which comprising 19 acres. They would not be going into any regulated areas. This is part of the phase I construction area. Holes 11 and 12 would be the remaining, which are in regulated areas and would not be ready to be cleared to next fall.

Mr. Kobert referred to the resolution of January 12 regarding the constraints on tree cutting that the board required with the clearing of holes 5 - 10. He stated that the developers agreement would also have to be amended.

Mr. Hall explained to the board the new stormwater regulations as it relates to this golf course. The applicant only has permits for the areas of the golf course that are within the Four Bridges I subdivision and this is the only are that is exempt from the

new rules. He stated that he would have to review the plan in depth to determine if the proposed area is constrained by the new rules.

Mr. Brightly stated that it was his opinion that the applicant is going to be grandfathered because the DEP has been treating this as one application and also because this area is in a disturbed agricultural area.

Mr. Brightly stated that there is a monitoring committee meeting on March 5<sup>th</sup> at 3:00 p.m. to walk the site and this issue can be looked at.

Mr. Kobert stated that they would come back on March 8<sup>th</sup> at which time these issues and phasing could be resolved and an approval given at that time.

Mr. Hall stated that if there is a stream within 300' the applicant would have to produce a letter from the state that their project is exempt from the DEP stormwater regulations before he would recommend the board allow the tree cutting. He stated the developers agreement, bonds and inspection fees would have to be amended. He also stated that he had not been given the 72 hour notice for the tree cutting that is currently being done, as had been agreed to. He answered Mr. Kobert that he has not had any problems with the tree clearing that has already happened.

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

Mr. DiSalvo made a motion to approve the clearing of portion of holes 1, 2, 3, 4 and area of detention basin (part of four bridges 1) and the remainder discussed this evening (14, 15 and turf care center comprising 19 acres) only if there are no streams or the applicant stays outside of the 300 stream for the other holes with the conditions that the applicant post a bond, revised developers agreement, additional inspection fee, plans of the clearing and 72 hours notice before tree clearing. No clearing is to start until all the conditions have been met. Seconded by Mr. Popper.

Ayes: Cullen, DiSalvo, Kaiser, Jones, Leavens, McGroarty, Popper, Trevena, Walsh  
Nays: None            Absent: Bauerlein            Ineligible: Price

3. Toll Brothers – Block 18 Lots 6 & 10 – Coleman Road - Request to Remove Trees in Phase I

Joel Kobert, Applicant  
Mike Glenn, Applicant

Mr. Kobert stated that the applicant is before the board to be allowed to cut 1 ½ acres of trees prior to plans being signed. The plans have not been signed because the DEP permits have been suspended due to the archaeological study and an outstanding letter from the Park Commission. He referred to the letter from the DEP dated February 19, 2004 regarding their permission to clear trees with conditions.

Ms. Cafoni stated that Mr. Buzak stated that he did not have a problem with the tree clearing as long as the conditions of the DEP letter of February 19, 2004 letter were adhered to.

Mr. Hall stated that developers agreement, bonds and inspection fees have been posted. He stated that road opening permits would have to be obtained as well.

Mr. Kobert stated that there is a developer agreement in place but bonds would have to be posted.

Ms. Kaiser reminded the applicant that the archeologist must meet the requirements of our ordinance.

Charles Bello was sworn in by Ms. Cafoni and presented his qualifications to the board. He stated he meets federal requirements as an archeologist. He was accepted by the Board.

Mr. Bello answered Mr. Hall that he has been on the site twice. He agreed the site is a sensitive archeological site. He stated that the tree clearing could be done without the phase 2 being done. He will be on site to monitor the tree clearing.

Mr. Bello answered Mr. Hall that sites along the south side of a river generally have archeological significance

Robert Parahouse - Vice President of Toll Brothers - stated they were here for permission to remove the trees without signing the plans.

Mr. Kobert stated that there would not be any further work on the site except for this tree clearing.

Mr. Glenn stated that the work should take one to two days.

The meeting was opened to the public for questions and comments. There were no comments and the meeting was closed to the public for questions and statements.

Mr. DiSalvo made a motion to allow the tree clearing in compliance with the DEP letter and based on a tree clearing plan eing submitted without signed preliminary plans meeting all pre-construction requirements of the resolution of approval. Seconded by Ms. Kaiser. A roll call vote was taken.

Ayes: Cullen, DiSalvo, Kaiser, Jones, Leavens, McGroarty, Popper, Trevena, Walsh  
Nays: None          Absent: Bauerlein          Ineligible: Price

4. Domingues – Block 34, Lot 25.01 – West Valley Brook Road – R-5 Zone – 14.865 acres – Two Lot Preliminary Subdivision with Variances – Previously Heard September 24, 2003 – Expires April 30, 2003

Adjourned to March 24, 2003 at the applicants' request.

5. Valley View Chapel – Block 36, Lot 53 – 115 East Mill Road – R-5 Zone – Request to add Valley View Chapel to the Waste Water Management Plan

Paul Barnish, Applicantt Member of the Church Building Committee  
John Beyel, Applicant's Attorney

Kim Kaiser and Geoff Price stepped down due to a conflict of interest.

Mr. Barnish stated the church had received approval for expansion with a septic system. He stated that the Health Officer, Cristianna Cooke-Gibbs, has informed them that there are new regulations for churches, which would require a state permit for a septic system. He stated that the church has spoken to the MUA and there is excess capacity in the MUA system and the church is within 400' of a line. He stated that the church would be part of the expansion of the sewer line for the high school. He was aware that hook up to the MUA system may delay the church project.

Mr. Jones was concerned with other areas that may become open to the sewer lines.

Mr. Barnish answered Mr. Banisch that the Church would be willing to subdivide the area of improvements off from the remainder of the property.

Mr. Banisch stated that this was a good idea to use capacity as long as controls are in place that there is no further residential development.

Mr. Barnish stated that the regulation changes could make them go from 2,000 gallons to 17,000 gallons a day, which equates to 50 houses of capacity.

They will resolve the questions of the Board and get return to the board at a later date.

<i>DISCUSSION/ CORRESPONDENCE</i>
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1. Office of Smart Growth Comment Letter

Mr. Hall reviewed his draft letter, which called for the center in the northwest removed and point out some of the missing information on their maps.

Mr. DiSalvo made a motion to have Mr. Banisch send the letter to the state, seconded by Mr. Jones. A voice vote was taken; all were in favor and the motion carried.

2. Vouchers

Ms. Kaiser made am motion to approve the vouchers reviewed by the chairman and found in order and send same onto the Township Committee for payment. Seconded by Mr. DiSalvo. A voice vote was taken; all were in favor and the motion carried.

3. Amendment to 175-27 regarding required driveway information

The amendment was reviewed.

Mr. Walsh made a motion to send the amendment onto the Township Committee for adoption, seconded by Mr. DiSalvo. A voice vote was taken; all were in favor and the motion carried.

Ms. Kaiser made a motion to adjourn, seconded by Mr. Popper. A voice vote was taken, all were in favor and the meeting was adjourned at 10:45 p.m.

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Virginia R. Kesper