

The regular meeting of March 8, 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, Howard Popper, Geoffrey Price, Kevin Walsh
 ALTERNATES: Mark Bauerlein
 CLASS I: Eric Trevena
 CLASS II: Walter Cullen
 CLASS III: Kim Ball Kaiser
 OTHERS ABSENT: Leavens, McGroarty
 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
3. Minutes from the February 25, 2004 Regular Meeting

Ms. Kaiser made a motion to approve with minor changes, seconded by Mr. Price. A voice vote was taken; all were in favor and the motion carried.

The meeting was opened to the public for items not on the agenda.

March 8, 2004

Susan O'neil – 16 Blackberry Place stated that she was here regarding Falcon Fields and plans by the recreation committee for the development of the fields. They wanted their concerns taken into consideration by the Recreation Committee, Planning Board and Township Committee.

Mr. Jones explained that the board has very limited jurisdiction with schools and municipal property. He informed the public that the review of plans such as the expansion of Falcon Fields is a capital improvement review and for the Planning Board to make a determination that the proposal is consistent with the Washington Township Master Plan. He stated that the board can make suggestions to the Township Committee or Board of Education, but the recommendations are not binding. He stated that the Falcon Fields proposal is currently tentatively scheduled April 28, 2004 at 7:30 p.m.

Dave Chandis of Thorn Apple Court asked that the Township work with neighbors to address to concerns. He explained that he paid a premium for his lot because it was adjacent to open space and that had he known that their was going to be a driveway along his property he would not have bought. He wanted to see Falcon Fields developed in a responsible manner.

Mr. Buzak reviewed the Boards responsibility regarding these plans. He explained that it is the Township Committee who makes the final decision.

Mervyn Haines – Schooley's Mountain Road expressed his concern about the US homes proposal for age restricted housing opposite Heath Village regarding water. He noted that he had problems with air in his well this past summer. He had the well tested but there were no problems with the water static level. It was his opinion that the air in his well was caused by the HMUA well and holding tank in back of him and that they pumped down the aquifer enough to pass air into his well and he was concerned with another 197 homes drawing on this well. He also stated that it was his opinion that the zone change to allow age restricted housing in this area was to accommodate Heath Village and asked that now that Heath Village is not using it as planned would it be possible to go to them to put it into farmland preservation.

Mr. Jones stated that the application is not in front of us now, the board also would like to protect farmland. The water issue will be discussed at the hearings.

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

March 8, 2004

RESOLUTIONS

04-11 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 – Approval of Tree Cutting Plan

Joel Kobert, Applicant's Attorney

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

Mr. Kobert stated that the applicant does not object to the resolution.

Mr. Buzak stated that this resolution is similar to the previous one.

Ms. Cofoni referred to condition F and the change from the previous version of this resolution.

Mr. Hall stated that he had no further comments on the resolution.

Ms. Kaiser made a motion to approve the resolution as distributed and discussed this evening. Seconded by Mr. DiSalvo. A roll call vote was taken:

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

Nays: None Absent: Leavens, McGroarty Ineligible: Bauerlein, Price

Mr. Kobert stated that they were not going present any testimony this evening on the requested modifications to the resolution of approval.

Mr. Buzak reviewed the TCC meeting held with the applicant and the amended resolution for the golf course. He stated that he will have a draft of an amended resolution for the Board to review at the April 12, 2004 meeting.

Mr. Kobert granted an extension of time to April 15, 2004.

The hearing was carried to April 12, 2004.

04-12 Toll Brothers – Block 18 Lots 6 & 10 – Coleman Road - Request to Remove Trees In Phase I

March 8, 2004

Joel Kobert, Applicant's Attorney

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

Mr. Kobert stated that the applicant does not object to the resolution.

Mr. Walsh made a motion to approve the resolution as distributed and discussed this evening. Seconded by Mr. Kaiser. A roll call vote was taken:

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

Nays: None Absent: Leavens, McGroarty Ineligible: Price, Bauerlein

DECISIONS ON COMPLETENESS

1. Drakestown Associates – Block 12, Lot 4 - Drakestown Road – R-5 – 105 acres – Request for 19 lot subdivision

Adjourned at the applicant's request.

2. Jade-Land, LLC – Block 28, Lots 46 & 47 – Fairview Avenue -Village Age Restricted – 27.83 Acres –52 lot subdivision with clubhouse and age / income restricted apartments

Lawrence Cohen, Applicant's Attorney

Ray Rice, Applicant

George Ritter, Applicant's Planner

Ms. Kaiser stepped down due to a conflict of interest.

Mr. Hall's letter of March 8, 2004 regarding completeness was reviewed.

Mr. Cohen asked for a waiver of all items listed in Mr. Hall's report, for completeness only, and stated that the items will be included in the next plan revision.

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

March 8, 2004

APPLICATIONS

1. Elegant Homes – Block 42 Lot 12 – Hackelbarney Road - R-5 Zone – 66.8 Acres - Request for 11 Lot Preliminary Subdivision – Deemed Complete October 22, 2003 – Previously Heard December 16, 2003 – Public Hearing Continued -Expires March 8, 2004

Mr. Jones announced that the application had been adjourned to April 12, 2004 at the applicants request

2. Jade-Land, LLC – Block 28, Lots 46 & 47 – Fairview Avenue -Village Age Restricted – 27.83 Acres –52 lot subdivision with clubhouse and age / income restricted apartments – Deemed Complete March 8, 2004 – Public Hearing – Expires July 6, 2004

Lawrence Cohen, Applicant's Attorney

Ray Rice, Applicant

George Ritter, Applicant's Planner

Ms. Kaiser stepped down due to a conflict of interest.

Mr. Cohen briefly reviewed the application and that this was the first public hearing on the application.

George Ritter was sworn in and presented his qualifications to the board.

Mr. Jones accepted Mr. Ritter as an expert witness in the field of planning.

Mr. Ritter referred to a color site plan of the existing site conditions, which was marked A-1. He pointed out and explained the existing site on Fairview Avenue and the buildings currently on site that in the recent past were used for a dairy and office, current conditions, and surrounding zoning. He explained that the site will be redeveloped under the age restricted housing zone and that that the application meets and exceeds the ordinance requirements and that when the site is redeveloped there would be less impervious coverage then is on site today. All existing buildings, driveways and impervious coverage will be removed. One of the two bridges that currently cross the river will be removed. The existing sewer treatment system will be abandoned and removed.

March 8, 2004

Mr. Rice stated that there are two wells on the site, one will be abandoned and one to the west will be given to the WTMUA.

Ray Rice was sworn in by Mr. Buzak and confirmed his previous testimony.

Mr. Ritter referred to A-1 and pointed out the stream corridors on the site and explained that existing building encroach in this area today. There are to gas line easements across the property and the plan has been designed to accommodate them as they will remain.

Mr. Ritter referred to a color site plan showing proposed conditions, which was marked A-2. He pointed out the 50 townhouses and community building. He explained that in the community building there will be three age and income restricted apartments. There are 11 parking spaces provided in this area, which is the corner of the property. He pointed out the concrete weir and small pool which will remain and noted that the existing buildings in this area will be removed.

Mr. Cohen stated that the applicant would be seeking a waiver from the Township ordinances requiring a 95' stream corridor. He stated that they will be moving current encroachment further away from the stream than it is today, but not to the 95' required by the ordinance.

Mr. Buzak explained the proposed COAH regulations as it relates to this application. He stated that assuming that the new regulations go into effect, there would be an obligation generated by this application of slightly more than 5 units. He stated that the three units proposed by the applicant are rental properties that the three units would equate to a credit to the municipality of 4.5 units.

Mr. Cohen stated that the applicant would meet their COAH obligations by making a monetary contribution for the .5 unit that they did not build.

Mr. Rice stated that if the new rules do not go into effect prior to the application being approved there would not be a requirement for any affordable housing and he will be supplying three units that are not necessarily required.

Mr. Cohen stated that there would not be a need for a homeowner association to handle the rentals as the applicant would retain ownership of the community house and rental units.

Mr. Jones wanted to see this application supply their income restricted housing obligations.

Mr. Ritter referred to the paths and sidewalks in the development. Sidewalks will be along the frontage of the property and connected to the paths and that the existing railroad bridge would be rebuilt.

Mr. Rice explained the materials that would be used for the walks based on discussions with the Morris County Park Commission. The MCPC is going to rebuild the railroad bridge and a new bridge at the southeast part of the site. He will be constructing a sidewalk from this site to Schooley's Mountain Road through the Township property, which is now the tax office. He stated that it was his information that the county currently has the funding to complete the pathway improvements. He explained the litigation that transpired over the rights to use the private stub street off of Fairview Avenue into the Welsh Farm property and that Welsh Farms had the right to use this access. He did not believe that the public would have a right to use this lane.

Mr. Banisch explained his opinion that using this lane for access to Fairview Avenue would be an important safety improvement to use this lane, if it were allowed and suggested that the Board's attorney review these legal documents to see if public pedestrian use was excluded.

Mr. Ritter stated that they would be meeting the new stormwater regulations where possible.

Mr. Ritter explained the land transfer for road purposes and the transfer of land to abutting land owners on lot 41, .15 acres, and lot 42, .22 acres. He explained that building percentages increase on the site from 1.5 to 2.3 acres but that the impervious coverage on the site would decrease from 6.22 acres to 3.66 acres. Open space on the site increases from 72% to 81% of the tract. He stated that the Washington Township Land Trust has expressed interest in taking title to the property along the river adjacent to the Land Trust property. He referred to a color land use exhibit, marked A-3, which showed this area.

Mr. Jones stated that he is a trustee of the Washington Township Land Trust and with this issue being raised he needed to step down due to a conflict of interest.

Mr. Buzak concurred.

Mr. DiSalvo took over chairmanship for this application.

Mr. Rice stated that the Park Commission has also stated that they will take the easements proposed by Mr. Rice.

Mr. Cohen stated that the property proposed to be given to the Land Trust (+15 acres) is part of the open space calculation on this lot and would require a subdivision. He stated that this might require a variance from the ordinance for open space and tract size and that the application would have to be amended for these items. He stated that the transfer of land has not been formalized with the Land Trust at this time. If the Board does not want this conveyance the applicant would not do it. He stated that the applicant would proceed this evening as if all the property would remain as one tract.

Mr. Ritter stated that none of the units would have their backs to Fairview Avenue. They propose a fence along Fairview Avenue, set back for sight distance, and it will be a typical white 4' picket fence along with landscaping as shown on page 6 and 8. He stated that each unit has it's own landscaping plan. The fence posts will be wood and the pickets a composite material.

Mr. Rice answered Mr. DiSalvo that the air conditioners for the units adjacent to the residences will be screened with shrubs. He will be bringing and exhibit to the next meeting which will show an elevation of the fencing and landscaping.

Mr. Ritter addressed parking and stated that for parking calculations the applicant has assumed that all the units are three bedroom units, which under RSIS requirements would need 3.4 parking spaces per unit. The apartments are one bedroom units and would require 1.8 parking spaces per unit. Using these numbers the proposal as presented would require 125 spaces plus additional spaces for the community building which requires 1 parking space for every 150' or 4.2 spaces for the community building. The townhouse designs include two car garages with space for two vehicles in the driveway. RSIS does not allow a subdivision to include all four spaces. According to the RSIS requirements the applicant has 175 for for the market units. 11 stalls for community building and 7 allocated for the apartments. He stated that in addition to the spaces previously mentioned they will have 16 on street parking spaces and that they are also shown on the plans. He explained that this plan provides for 198 parking spaces which 125 are required. The township numbers are slightly different 1.5 for senior housing but 2.5 for public parking per unit, this application complies with the Township standards as well. Counting all possible parking spaces, the site has over 200 parking spaces.

March 8, 2004

Mr. Cohen stated that the community house will be perpetually leased to the homeowners association and will be for the use of this subdivision only and the applicant agrees to restrict the use for the association with no rental permitted. He noted that the building is only 1000 sf, including rest rooms.

Mr. Ritter stated that the homeowners association would own all of the streets within the development and that the streets would be maintained by the homeowners association as well.

Mr. Banisch referred to his report and that the majority of his issues have been addressed but he wanted to hear more on the architectural and development signs. He had questions regarding the finishing materials and that this would be a decision for the board.

Mr. Cohen stated that when the elevations are presented at the next meeting the applicant would review the architectural designs.

Mr. Rice stated that he would submit architectural plans for each of the board members to review.

Mr. Banisch suggested putting the two unit building at the corner with Fairview, to break up the streetscape, but explained that by doing this, the patio areas would get closer to the neighbors.

Mr. DiSalvo would prefer to have a greater setback from the neighbors.

Mr. Rice stated that he would discuss the sign at the next meeting. He stated that he was open to the types of materials for the homes exteriors and the sign, based on the board's opinion.

Mr. DiSalvo stated that he would like to have a plan presented to start working with.

Mr. Hall stated that the board should decide if they were going to require and archeological study of the site or not. He recommended that it be done and stated that the applicant may be required to do one when they apply for stream encroachment permits.

Mr. Ritter referred to exhibit A-1 and pointed out for the board the areas that will be disturbed that are not currently disturbed.

March 8, 2004

Mr. Hall was concerned with the future county trail and possible permitting problems in the future without this study.

Mr. Rice stated that the trail is on the existing gas line, which is already mowed and maintained.

The Board concluded that a study should be done in areas that would be disturbed that is not currently disturbed and asked Mr. Hall to define these areas before the next meeting.

Mr. Hall stated that there is another issue, that the plans are based on wetlands transitions down to 25', which is not normally the transition width.

Mr. Cohen stated that the applicant has had discussions with the DEP on this issue and they believe the 25' will be granted because the area is already disturbed.

Mr. Hall stated another issue is the new stormwater regulations and how they affect this application and it was his opinion that the regulations require 150' buffer, which this applicant does not meet. He suggested that the applicant get a letter from the DEP that they would get a waiver from the DEP of this requirement. He also stated that it was his understanding that a planning board could not approve a subdivision plan that did not meet DEP stormwater requirements.

Mr. Rice stated that they are working on this and it was his opinion that they would be able to get the waiver because of the length of time the area has been disturbed and what they were doing to improve the situation such as removal of sewer plant and the removal of contaminated soil for buried oil tanks.

Mr. Cohen stated that the applicant would accept an approval conditioned on the DEP approvals being obtained. He will research the issue, along with Mr. Buzak, if the Board could approve subject to DEP approval.

Mr. Cohen stated that the applicant has noticed for the slope variance for the manmade slope on the property.

The Board expressed their concerns regarding the softening of the radi on Fairview Avenue, meeting COAH requirements and traffic and preference to use the lane to get to Schooley's Mountain Road.

March 8, 2004

A site walk was set for March 11th. Mr. Price, Mr. Bauerlein, and Mr. Jones will attend.

Mr. Rice answered Mr. Price about the easements on the property and stated that the MCPC has stated that they will be constructing the bridges and paths and funding is in place. He is not proposing to do the work and that the County was planning on doing this work for a long time and were planning to obtain all their own necessary permits. He answered Mr. Price that the property, if it were to go to the land trust, would be deed restricted for open space prior to transfer of the land.

The meeting was opened to the public for questions on this evenings testimony.

Charlie Noll – 13 Fairview stated that he lives on the private lane being discussed and the bridge was only put in to get a lawnmower across the river. He also pointed out that if you use the lane you would be coming out on to Fairview Avenue where there are no sidewalks and a fire station. He also stated that it was his opinion that using the walkways as proposed by the applicant there would be a sidewalk all the way from the development to Schooley's Mountain Road. He also concernd with dogs on this lane. He stated that the easement for use of the lane was for agricultural purposes and the litigation was 30-35 years ago.

Steve Zaikowski – Bartley Road – had question about the property if it were to go to the land trust, could it be further developed. He stated that he was chairman of the Shade Tree Committee and the five feet shown between the sidewalk and street will require smaller trees.

Mr. DiSalvo answered Mr. Zaikowski that the property would be permanently deed restricted against further subdivision.

Michael Noll – Concurred that it would not be safe to walk the section between the lane and Schooley's Mountain Road because of the lack of sidewalks and he was also concerned that if the curve in Fairview were softened the speeds would increase

Carol Brackenridge of the Washington Township Land Trust pointed out the property the land trust currently owns and stated that since 1994 they were negotiating together with the Morris County Park Commission with Welsh Farms to gain access to their property, but it went away after Parmalat bought Welsh Farms. She is very much is in favor of this plan as presented.

March 8, 2004

Carol Zakowski - asked about DEP permits applied for.

Mr. Rice stated that an LOI application has been submitted and the remainder of permits are ready to be sent in. They are first having a site walk with Mr. Baier of the DEP because of the stormwater regulations. They will need a stream encroachment, wetlands special activity transition area waiver, GP 11, sewer extension permit and public water works permits.

Mr. Ritter pointed out the area of disturbance indicated to the DEP.

Mr. Cohen answered Ms. Zakowski that if the property remains with this applicant the homeowners would have exclusive use of the property. If the property goes to the Land Trust, it could be opened up to the public, if that is what the Land Trust chose to do.

The meeting was adjourned to April 12, 2004 at 7:30 p.m.

3. Cianfracca – Block 47 Lot 11 - Pleasant Grove and Stephensburg Roads – Three lot minor subdivision – Deemed Complete January 28, 2004 – Expires May 27, 2004

Mr. Jones announced that the application had been adjourned to March 24, 2004 at applicants request.

4. 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 and Phasing Plan

Mr. Jones announced that the application had been adjourned to April 12, 2004

DISCUSSION/ CORRESPONDENCE

1. Vouchers - None
2. Correspondence from Louis DiPaola – RE: Route 57 By-Pass

Noted for the record.

March 8, 2004

3. Correspondence from C. Gibbs – RE: Illegal Septic Systems

Noted for the record

4. Correspondence from D. Banisch – RE: Extension of special five year appraisal rule for farmland preservation

Mr. Banisch stated that this legislation permits parcels being considered for preservation to have the zoning applied from up to five years prior.

Mr. Walsh made a motion to send a letter of support for this legislation. Seconded by Mr. DiSalvo. A voice vote was taken; all were in favor and the motion carried.

5. Correspondence from Hackettstown MUA - RE: NJDEP Water Approvals

Noted for the record.

6. ANJEC Freshwater Wetlands Workshop – March 30 or April 20

Noted for the record.

7. US Homes TCC

Mr. Price, Mr. Jones, Ms. Kaiser and Mr. Bauerlein will attend the TCC. Ms. Kesper was directed to have the applicant give them dates to choose from.

8. Special meeting

The board discussed the need for a special meeting and it was decided not to schedule one at this time.

9. Traffic Consultant/Engineer

Mr. Kizun should review Elite Homes. Mr. Maltz should review Jade Land and Drakestown Associates

10. Signs

Put on next work session agenda

March 8, 2004

Ms. Kaiser made a motion to adjourn, seconded by Mr. DiSalvo. A voice vote was taken, all were in favor and the meeting was adjourned at 10:35 p.m.

Virginia R. Kesper