

The regular meeting of April 28, 2004 of the Washington Township Planning Board was called to order by Chairman Jones at 7:30 p.m.

MEMBERS PRESENT

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

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\*\***

Mr. Short opened the meeting for the Township Committee  
 In attendance Mayor Short, Committeewoman Kaiser and Committeeman Cullen

Pledge of Allegiance

***MINUTES***

1. Minutes from the April 20, 2004 Regular Meeting

Mr. Price to approve the minutes, seconded by Mr. Popper. A voice vote was taken; Mr. Bauerlein abstained, all others were in favor and the motion carried.

***RESOLUTIONS***

04 -15 Domingues – Block 34, Lot 25.01 – West Valley Brook Road – R-5 Zone – 14.865 acres – Approval of Two Lot Minor Subdivision with Variances

Jose Domingues

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Gustav Domingues

Ms. Cafoni read changes to the road names.

Mr. Domingues stated that the resolution was acceptable as amended.

Mr. Trevena made a motion to approve the resolution, seconded by Ms. Kaiser. A roll call vote was taken:

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

04-16 Jade-Land, LLC – Block 28, Lots 46 & 47 – Fairview Avenue -Village Age Restricted – 27.83 Acres – Approval of 52 lot subdivision with clubhouse and age / income restricted

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

Ms. Cafoni reviewed changes in the resolution previously submitted to the board based on the boards professionals and applicant's comments.

Mr. Cohen stated that the resolution as amended is acceptable to the applicant as amended.

Mr. Price made a motion to approve as amended this evening, seconded by Mr. Walsh. A voice vote was taken:

Ayes: Bauerlein, Cullen, Popper, Price, Trevena, Walsh  
Absent: DiSalvo      Ineligible: Jones, Kaiser, Leavens, McGroarty

#### DECISIONS ON COMPLETENESS

None

#### *APPLICATIONS*

1. Immanuel Lutheran Church – Block 18, Lot 15 – 40 Coleman Road – Request for Waiver of site plan for pre-school

Lou Padgett, Applicant  
Craig Shelling, Applicant  
John Heyrich, Applicant's Architect

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Mr. Padgett stated that they are before the board to request a waiver of site plan for a pre school.

Mr. Heyrich referred to the plans and letter submitted to the board. The room involved in the pre-school is the multipurpose room in the lower level of the building. He stated that this room was approved for church use with the original site plan approval. The church is asking for permission to run a preschool during the day in addition to their Sunday School.

Mr. Hall asked about the number of people accessing the site at one time and stated that his concerns were with internal circulation and traffic issues.

Mr. Heyrich explained the loop driveway and stated that the cars would que in line to await drop off / pick up of their children. He stated that the parking lot is large enough to handle the vehicles involved with 31 students.

Mr. Shelling stated that their current plans are for 11 to 14 children in a pre-school for three year olds in the morning and another 11 to 14 four year olds in the afternoon. The two classes would not go on simultaneously. He stated that the room would accommodate approximately 30 children at one time.

Mr. Padgett stated that there is a kitchen on the premises but they do not intend to use the kitchen facilities for the children. The classes will be for 3 to 3-1/2 hours, which does not require meals to be served.

It was noted that the plan was not submitted to the fire department.

Ms. Kaiser requested that the Long Valley Fire Department review the plans.

Mr. Padgett answered the board that the plans have been submitted to the health officer and for septic approval, which has been received..

Mr. Schelling answered the board that the preschool is planned to coincide with the school year calendar. He explained the difference between a day care facility and preschool and stated that they are proposing a preschool. He stated if they were to expand it to a full school they were aware they would need further site plan review.

Mr. Hall was of the opinion that they had sufficient parking.

Mr. Schelling answered the board that the plans presented this evening were the same plans that had been approved with the design and original construction of the church but that they would be submitted to the construction code official for another review and issuance of a CO for a preschool. He answered the Board that there may be outside use in a playground area.

Mr. Banisch stated that any playground should be fenced in and would meet all playground safety requirements.

Mr. Schelling agreed. He stated that this preschool would be licensed by the state.

Mr. Walsh made a motion to approve the waiver of site plan subject to fire department review and approval of the preschool plan. Seconded by Mr. Cullen.

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.

Susan O'Niel – 65 Blackberry Place and presented materials that she wanted distributed to the board for the Falcon Fields hearing on May 10th.

There were no further questions or comments and the meeting was closed to the public for items not on the agenda.

2. Cianfracca – Block 47 Lot 11 - Pleasant Grove and Stephensburg Roads R-5 – 33.5 acres -Three lot minor subdivision – Deemed complete January 28, 2004 – Expires May 27, 2004 - Public Hearing

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

James Laughlin, Applicant's Attorney  
John Hansen, Applicant  
Jeff Cianfracca, Applicant

John Hansen and Jeff Cianfracca were sworn in by Attorney Cafoni.

Mr. Hansen distributed revised plans to the boards that reflected changes requested by Mr. Hall and the elimination of one dwelling.

Mr. Hansen reviewed the application and the development history of this plan. He stated that another applicant had submitted a ten lot subdivision with a public road which was denied by the board. He referred to the map and explained the existing conditions of the 33.5 acre property. He stated that there is currently a home on the property and that the property is a Christmas tree farm. There is a flag staff off of Pleasant Grove Road. The current home is accessed off of Stephensburg Road. He stated that the major portion of the property is proposed to go into farmland

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preservation and the proposal has been accepted by the county. They propose two lots off of Stephensburg Road. The existing house location would remain and the previously proposed exception area for another home has been removed from the current proposal and that the remaining land would be put into farmland preservation.

Mr. Hansen referred to the new stormwater rules and stated there is a stream across from the subject property which is C-1 and requires a 300' buffer. He explained that this caused them to move the access to the two lots.. He explained the variances for steep slopes and that there may be a ridgeline variance and pointed out the area on the map. A waiver or variance may be required for submitting a qualifying map to use the cluster. The unconstrained area is 23 acres and they would easily meet the criteria for a cluster subdivision. 22.5 acres would be going into farmland preservation.

Mr. Laughlin stated that a contract with the Morris County Agricultural Development Board had been signed and submitted yesterday.

Ms. Cafoni stated that the board could not grant a variance from the qualifying map. She suggested an additional sheet to the plans to show that the applicant met the requirements of cluster or lot averaging.

Mr. Banisch read from the ordinance that the board has the sole authority to allow a cluster and the board could make a finding that cluster is not necessary.

Mr. Hansen stated that the applicant would submit the qualifying map as a condition of approval.

Mr. Hansen stated that the driveway off of Pleasant Grove Road is used for an entrance into the Christmas Tree Farm.

Mr. Cianfracca explained why the use of the Pleasant Grove driveway for access to the two new homes would be a safety problem during the Christmas season.

Mr. Hansen stated that this would also bisect the agricultural use which the Agriculture Board would probably not approve.

Mr. Hansen reviewed Mr. Hall's letter and stated that they have attempted to satisfy the items under completeness. He will show the new subdivision across the street and will revise the plans to include it. He pointed out the area of possible ridgeline variance on the plans. He referred to the page six of the plans that showed tree locations. He was asking for a waiver of the trees not shown. He referred to a sheet of two photos which was marked A-1. The photograph showed the area that he was asking for a waiver from, approximately 250' x 100' area.

Mr. Hall stated that the waivers the applicant was asking for were the same as requested in January, which the applicant stated he would provide. He did not have a problem with the key map.

Mr. Hansen asked that the tree location be done on site at the time the driveway was located in the field. He answered Mr. Banisch that the home locations are below the Christmas trees.

Mr. Hall stated that the tree locations could affect the driveway permits.

Mr. Hansen stated that the only trees to come down are on the applicant's property.

The board decided that they wanted to see the trees on the map for the next meeting.

Mr. Hall was concerned with the culverts shown on the map.

Mr. Hansen stated that the culvert would be fixed as part of this application.

The board wanted to see this information on the plans for the next meeting.

Mr. Hall reviewed section B of his report regarding waiver requests.

Mr. Hansen stated that the applicant is not proposing any road improvements to Pleasant Grove Road or Stephensburg Road.

Mr. Hall agreed that road improvements would not be appropriate for this application. Regarding the driveway he stated that the applicant does not have proper sight distance.

Mr. Hansen referred to sheet three of the revised plans and stated that the steep slope variances required are shown for each lot. 11,000 sf of 25% to 30% and several acres of 15% to 20% and none in the over 30%. This information will be clarified in the next plans.

He will comply with the stormwater requirements in Mr. Hall's letter.

Mr. Laughlin stated that regarding the historic buffer easement, it was his opinion that the conservation easements in this area would cover this area.

Mr. Hansen stated that he was not aware if the deed restrictions required by the permits have been filed.

Mr. Laughlin stated that if the deeds have not been filed the applicant would do so.

Mr. Hall stated that it was his opinion the easement could be waived but suggested that tree replacement could still be required where trees are taken down for the driveway.

Mr. Laughlin stated that the conservation easement might not allow tree replacement in this area. He stated that the applicant agreed to plant trees in this rural historic corridor area, if allowed under the DEP deed restriction.

Mr. Hansen stated that the applicant agreed to the shimel criteria.

Mr. Hansen referred to the new state stormwater regulations. He has chosen the sand filter design to meet the regulations. He stated that this also is less invasive in the site. He addressed Mr. Hall's concerns regarding leaves and debris and stated that he will work with him to modify the plan to resolve his concerns.

Mr. Hall explained his concerns with the sand filters and agreed to meet with the applicant and Dr. Keller on this issue.

Mr. Hansen stated he would present planning testimony on the variances at the next meet.

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

Bill Janacek – Stephensburg Road. Stated that he has lived here for 23 years. He stated that he has been flooded severely since the three lot subdivision was built above him two years ago. He wanted to see this situation resolved. He pointed out his property on the map and stated that the foundation of his house is 11' from the road. The entire width of the pavement of Stephensburg Road is 20' wide. He stated that the flooding is also on the roadway. He stated that the catch basin is collapsing from the water flow. The water is flowing down the Stephensburg Ridge three lot development driveway and will also will come down the Cianfracca driveway. He explained why the previous driveway location would not exasperate the current condition.

Mr. Hall concurred with the problems Mr. Janacek has had from the development above him, but it was his opinion that the culvert repairs this applicant proposes will help eliminate this problem.

Mr. Janceck was sworn in and testified that the statements made this evening were also under oath.

Mr. Jordan – Pleasant Grove Road asked if anything was going to happen along Pleasant Grove Road.

Mr. Hansen stated that there were no improvements proposed along Pleasant Grove Road or the existing Cianfracca driveway off Pleasant Grove Road.

The meeting was adjourned to May 18, 2004.

3. Mortonhouse Farms, Block 60, Lot 15.02, Black River Road, R-5 Zone Acres – 30 Acres -Request for 6 Lot preliminary subdivision – Deemed Complete December 8, 2003 - Previously Heard December 8, 2003 and January 24, 2004 – Public Hearing Continued – Expires May 26, 2004

Mr. Jones announced that this application was adjourned to May 26, 2004 at the applicant's request.

***DISCUSSION/ CORRESPONDENCE***

1. Vouchers

Mr. Walsh made a motion to approve the vouchers reviewed by the chairman and found in order, seconded by Mr. Price. A voice vote was taken; all were in favor and the motion carried.

Mr. Trevena made a motion to adjourn the meeting, seconded by Ms. Kaiser. A voice vote was taken, all were in favor and the meeting was adjourned at 10:00 p.m.

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Virginia R. Kesper