

The regular meeting of May 18, 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
 ALTERNATES: Mark Bauerlein, William Leavens
 CLASS I:
 CLASS II: Walter Cullen*
 CLASS III: Kim Ball Kaiser
 OTHERS ABSENT: Trevena, Walsh, DiSalvo, McGroarty
 OTHERS PRESENT: Engineer Hall, Clerk Kesper, Planner Banisch

*Arrived late

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 May 18, 2004 Regular Meeting

Ms. Price made a motion to approve the minutes, seconded by Mr. Bauerlein. Minor changes were made. A voice vote was taken; Mr. Leavens abstained, all others were in favor and the motion carried.

RESOLUTIONS

NONE

DECISIONS ON COMPLETENESS

NONE

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.

APPLICATIONS

1. Cianfracca – Block 47 Lot 11 - Pleasant Grove and Stephensburg Roads – Three lot minor subdivision – Deemed complete January 28, 2004, Previously Heard April 28, 2004 – Expires May 27, 2004

Mr. Jones announced that this application had been adjourned to May 26, 2004

DISCUSSION/ CORRESPONDENCE

Mr. Banisch explained to the Board that the following three ordinances were developed under the Smart Growth Grant.

A discussion was on the time of decision rule and the effect on applications and it was noted that new ordinances would not affect applications that had already been approved by the Board, but would affect any application that was currently under review.

A discussion was held on having this ordinance apply to the Highlands Core area. The Board reviewed the tax map of Washington Township with the current core area/planning area shown on it.

After a discussion on the Highlands Legislation it was decided to not exclude the Highlands Planning Area from the following ordinances.

1. Proposed Stream Corridor Protection Ordinance

Mr. Banisch stated that Dr. Keller was the author of this ordinance and explained the changes from our current ordinance. He explained that this ordinance establishes a stream channel, stream corridor and from that point an additional 100' conservation requirement.

Howard Popper arrived and joined the meeting at 8:00 p.m.

Mr. Banisch reviewed the permitted and non-permitted activities under this ordinance.

Mr. Hall stated that the section on zoning is an educational effort for existing lots. The zoning section is triggered when a property needs to have to go to the zoning board for a varinace. The no structures within 25' ordinance still remains and this section would follow it.

The Board was in agreement that this ordinance was in final form.

Mr. Leavens made a motion to move the stream corridor ordinance to the Township Committee with the recommendation to be adopted. Seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

2. Proposed Ridgeline, Hillside, Mountainside and Steep Slope Ordinance

Mr. Banisch stated that Mr. Buzak was the author of this ordinance. He explained the meetings and the number of discussions and revisions that this ordinance has gone through. He reviewed the purposes of the ordinance that sets out the reason for the ordinance and that it was decided to include in this ordinance the purposes of the MLUL that are advanced by it. He explained the public traveled way and the public interests that deserve protection (trails, preserved farms, etc). Number eight on page three describes Washington Township specifically.

Mr. Cullen arrived and joined the meeting at 8:35 p.m.

Mr. Banisch reviewed section F, which is applicable to zoning and the applicability to the ridgeline on the zoning map. He noted that the ridgeline will be further refined as money is available.

Mr. Hall stated that he will add the 100' buffer area of the ridgeline on the map to make the area of applicability clearer.

Mr. Banisch explained that he and Dr. Keller are developing a sketch of a mountain being looked at from different view points. Table 1 will be renamed Figure 1.

Mr. Banisch reviewed the current definition of habitable floor area, which included garages.

The Board discussed this definition and concluded that this definition should be amended to exclude garages.

Mr. Banisch answered the Board that variances from this ordinance can be applied for.

The area of applicability, within 100' of the ridgeline, was discussed and the board found that this may not be a large enough of an area. It was discussed adding a greater protection area, from ridgeline to the toe of the slope and possibly putting on the zoning map the toe of a slope from the ridgeline using 5' contours.

Mr. Banisch will give the board a cost for developing a more accurate ridgeline.

Under number six, the board wanted to see some trigger for a deed restriction on building colors.

This ordinance will be reviewed again at the next work session or open meeting.

3. Proposed Woodlands Ordinance

Mr. Banisch reviewed the history of the development of this ordinance.

Mr. Banisch reviewed the neighborhood tree conservation advisory area, which is an attempt to educate the public but not regulate the pre-existing lots. He explained the definitions of forest and woodland that would affect large forested lots and clear cutting.

Mr. Banisch explained the planning strategy for this ordinance that gave the Board flexibility in developing the lands before the board.

Mr. Banisch explained the Neighborhood Tree Conservation Buffer, which is set up at the time a subdivision is created by actions of the Planning Board. He explained the tree replacement schedule is designed for tree replacement but also a tool to have the developer save as many trees as possible.

Mr. Banisch explained that the resource identification information requested is to enable the Planning Board to make informed decisions about the trees to be saved.

Mr. Jones suggested that under the submission requirements a note be added to identify items that are already required under other subdivision ordinances.

Mr. Banisch explained the rationale for wanting to know what the trees are off the site, is for the birds that would be living in the area and what kind of protections should be applied.

The board expressed their concerns with the 1000' off site investigation requirement.

Mr. Hall noted that under number 3 the 1000' does not have to be mapped, but observed and described. Item 17 requires tree location within the disturbance and 25' out.

Item 5 b will be clarified to be applicable to the new subdivision street, not existing streets.

The revisions will be made and the ordinance reviewed at the next work session.

4. Washington Township Board of Education Resolution on Highlands Legislation

Reviewed and noted for the record.

5. Correspondence from Planning Board to Township Committee RE: Falcon Fields

Noted for the record.

6. Correspondence from T. Richar to Mr. Jones RE: Falcon Fields

Noted for the record.

7. Correspondence from T. Richar to Ms. McGroarty RE: Falcon Fields

Noted for the record.

8. Correspondence from R. Malone RE: Falcon Fields

Noted for the record.

9. RO-14-04 – Changes to site plan and subdivision requirements for drywells, driveway information, final checklists (deletion of bond requirements for completeness)

The ordinance changes were reviewed and it was noted that these were items that the Planning Board had sent to the Committee.

Mr. Popper made a motion to send the proposed ordinance revisions to the Township Committee for adoption, seconded by Mr. Price. A voice vote was taken; all were in favor and the motion carried.

10. Morris County Planning Board Annual Report of Development Activity (2003)

Noted for the record.

11. May 4, 2004 - PSE&G Public Notice

Noted for the record.

12. Vouchers

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

13. Manalapan Decisions

Mr. Jones stated that it appears that the Highlands legislation will not stop development completely and that the Board would still be reviewing applications and he recommended that the Board look at a density definition ordinance.

It was decided to pursue this revision.

Mr. Banisch stated that the board could move in this direction based on the conservation element but was concerned about the Master Plan being used for this and then possibly a zone change in the future. He stated that there would be a high degree of consistency with the master plan if a definition of density were made part of the Township ordinances.

Ms. Kaiser concurred.

This will be put on upcoming work session agenda.

14. June 8, 2004 meeting

This meeting was cancelled due to it also being the primary day for the State of New Jersey.

Mr. Bauerlein 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.

Virginia R. Kesper