

The regular meeting of May 26, 2004 of the Washington Township Planning Board was called to order by Vice-Chairman McGroarty at 7:30 p.m.

MEMBERS PRESENT

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

*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

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

RESOLUTIONS

04-17 Valley Village (Claremont Valley LLC) – Block 28, Lots 17.01, 18 and 18.02 – Approval of minor subdivision and lot line adjustment

Doug Janacek, Applicant's Attorney

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Ms. Cafoni reviewed the revised agenda distributed to the board tonight from the resolution previously distributed.

Mr. Janacek did not object to the resolution and asked for a vote on the resolution.

Mr. Price made a motion to approve the resolution 04-17 seconded by Mr. Bauerlein. A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, McGroarty, Price, Popper, Trevena, Walsh

Nays: None Absent: Trevena Ineligible: Cullen, Jones, Leavens, Kaiser

04-18 Valley Village (Claremont Valley LLC) – Block 28, Lots 17.01, 18 and 18.02 – Approval of preliminary site plan for 29,600 sf shopping center

Doug Janacek, Applicant's Attorney

Ms. Cofoni reviewed the changes in the resolution distributed to the Board tonight from the previously distributed resolution.

Mr. Janacek did not object to the resolution and asked for a vote on the resolution.

Mr. Price made a motion to approve resolution 04-18, seconded by Mr. Walsh. A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, McGroarty, Price, Popper, Walsh

Nays: None Absent: Trevena Ineligible: Cullen, Jones, Leavens, Kaiser

04-19 Valley View Chapel – Block 36, Lot 53 – 115 East Mill Road – R-5 Zone – Approval of amendment to Resolution 03-07 to allow for change in phasing schedule and permission to begin construction of parking lot prior to completion of conditions

Ms. Cofoni reviewed the revised resolution distributed to the board this evening:

Mr. Janacek did not object to the resolution and asked for a vote on the resolution.

Mr. Walsh made a motion to approve resolution 04-19, Seconded by Mr. Popper

Ayes: Leavens, McGroarty, Popper, Walsh

Absent: Cullen, Jones, Ineligible: Kaiser, Price, Bauerlein, DiSalvo, Trevena

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

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

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

Mr. Hansen referred to the revised plans and pointed out that the trees had been located on the plan. He noted that a conventional plan has been distributed to the Board. He stated that the application complies with the new stormwater regulations and have reviewed the same with Mr. Hall and Dr. Keller.

Mr. Hall reviewed his letter of May 14, 2004 and stated that regarding the open issues the qualifying map had no variances and conforms with the ordinance and proves that the applicant could get three conventional lots on this property. The driveways as proposed will have conforming sight distance. He asked that the shimel criteria be a condition of approval prior to building permit. Regarding conservation easements, item III A of his letter needs to be discussed by the Board. Testimony on the steep slope and ridgeline variances also remain open. All other items in his letter had been satisfied.

Mr. Hansen referred to sheet three of six of the plans and pointed out the areas requiring steep slope variances that are itemized on the plan.

Mr. Trevena arrived and joined the meeting at 8:11 p.m.

Mr. Hansen pointed out the area they are requesting a ridgeline variance.

Mr. Hansen read the purposes of the municipal land use law that are promoted with this plan including the promotion of agriculture, natural resources, open space and viewshed. He noted that the remaining large lot is being put into farmland preservation and wetlands being protected. He stated that it was his opinion that the

positive criteria had been met. As to the detriments to the zone plan, it was his opinion that they were minor. There was no detriment to the public good.

Mr. Banisch stated that it was his opinion that the applicant had presented proper testimony on the variances and the board could approve the application as presented.

Mr. Jones arrived and joined the meeting at 8:15.

Mr. Hall stated that with detailed lot grading plans the variances have been adequately addressed.

Mr. Hansen pointed out the two conservation easement areas the applicant was prepared to give along Stephensburg Road. The applicant was not proposing easements on the ridgeline or steep slopes as those areas are in the property going into farmland preservation.

Mr. Hall and Mr. Banisch did not object to the conservation easements as presented as long as the additional area of the steep slopes along the lower Stephensburg Road are included.

Mr. Hansen agreed. The applicant did not agree to put the area of open waters in a conservation easement as suggested by Mr. Hall. He agreed to keep the driveways out of any wetland buffer areas. He stated that at this time the applicant does not propose to move the house across the stream, but with permits from the DEP, it could possibly be done in the future.

Mr. Banisch answered the Board that the applicant would not have to come back before the board to change the location of the house.

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

Mr. Walsh made a motion to have the board attorney draw up a resolution of approval of the three lot minor subdivision with the granting of the waivers and variances requested with the conditions discussed at this and previous meetings, seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

Mr. Laughlin granted an extension of time to June 23, 2004.

Mr. Hall asked Mr. Cianfracca for permission to enter his property to clear and clean out the existing culvert.

Mr. Cianfracca did not object to the township or their agent entering his property to do the work suggested by Mr. Hall.

Eligible: Popper, Walsh, Bauerlein, Leavens, Trevena

Ineligible: Price, McGroarty, DiSalvo Absent 5/26: Kaiser, Cullen, Jones

2. Lance – Block 33, Lot 59 – James Trail – R-5 Zone – 95 acres – Request for 3 lot minor subdivision – Completeness Review and Public Hearing

James Knox, Applicant's Attorney
Jason Lance, Applicant
Carlton Frost, Applicant's Engineer

Mr. Knox reviewed the application before the board and noted that the majority of the 95 acres will be preserved through a development easement with the Washington Township Land Trust.

Mr. Leavens and Mr. Jones stepped down due to a conflict of interest as they are on the Board of Trustees of the Land Trust.

Mr. Knox stated that an easement had been previously given by the Township to allow access to this property, as well as allowing for the extension of James Trail. Mr. Knox stated that a trail easement would also be given as part to this application. He stated that the driveway already exists which limits the amount of new disturbance. He explained that the applicant was asking to create two lots off this common driveway. He stated that the pending Highlands legislation may affect this property and asked the board to take action this evening.

Jason Lance and Carlton Frost were sworn in by Attorney Buzak.

Mr. Lance affirmed the information offered by Mr. Knox regarding the easement to access his property. He stated that he has lived at this location for ten years and to his knowledge no one has ever gotten stuck on the driveway. He stated that pull over areas and turn around areas exist on the driveway today and that he has entered into a contract with the Washington Township Land Trust.

Mr. Frost referred to the plans and pointed out the location of the property. He explained that this property is in a five acre zone and that it meet the requirements of the zone. Access is off of the cul-de-sac at the end of James Trail, which already exists. He pointed out the area that would have the driveway for the two new homes branch off. There will be slight improvements to the existing driveway to meet the current driveway standards. He testified that there would be substantially more disturbance if James Trail were continued to the area the new lots. The driveways to the two new lots meet current driveway regulations.

Mr. Frost referred to Mr. Hall's letter of May 4, 2004. Regarding conservation easements, on the new lots the applicant will grant the wetland conservation easements. The applicant does not agree to conservation easements on the remainder lot as the entire area will be conveyed to the land trust.

Mr. Knox stated that the applicant would like to record the deeds prior to the DEP issuing a Letter of Interpretation. He stated that they would give the town easements based on the current delineation and that they would modify the conservation easement deeds if the DEP Letter of Interpretation is different. He stated that this application would meet the definition of a major development under the current Highlands Legislation. He stated that the applicant would grant a stream corridor conservation easement, but it would have to be modified to allow for the house placement.

Mr. Lance explained how the trench along the driveway was made ten years ago to keep the water off the driveway.

Mr. Frost stated that the house, grading and area of disturbance would be kept at least 25' away from this area.

Mr. Hall stated that although the channel may have been created by Mr. Lance, he pointed out the wetlands and headwaters that now drains to. He noted that the ordinance does not distinguish between a natural and manmade water course.

Mr. Knox stated that the applicant would try to meet the 25' setback.

Mr. Frost stated that it was his opinion that no state permits are needed for stream encroachment as they are under 50 acres of drainage.

Mr. Hall answered Mr. Knox that natural materials such as boulders would be okay instead of a guardrail.

Mr. Frost stated that there would be no soil coming or going from the site.

The correspondence from the health department was reviewed.

Mr. Frost stated that he submitted the required information to the health department.

April 14, 2001 LV Fire department letter was reviewed.

Mr. Hall will confirm that the driveway conforms to the ordinance regarding passing lanes and width.

The May 3 letter from the county was reviewed and the applicant will discuss this with the county.

Mr. Hall reviewed his memo of May 6. He noted that the size of this lot requires mandatory cluster and the Board has to make a decision on cluster or conventional as proposed by the applicant. He stated that this application must meet the new state stormwater regulations.

Mr. Knox asked for an approval with a condition that the stormwater management plan be approved by the board engineer prior to building permits.

Mr. Buzak reviewed for the board the difference between a condition of the resolution to be met before signing the plan vs. a condition that would have to be met prior to the issuance of a building permit.

Mr. Knox suggested a condition that the stormwater plan must be approved prior to the conveyance of the lots.

A discussion was held on the pending Highlands litigation and the affect it may have on this property.

Mr. Knox stated that a significant portion of the property would not be in the core area (because of its proximity to the County by-pass project) based on the current map. This parcel is also adjacent and contiguous to Township open space property.

Mr. Banisch asked if the applicant would dedicate the five acres requested by the County to the County.

Mr. Knox stated that the applicant was not willing to give this property to the County as it is part of the contract with the Washington Township Land Trust. They would talk to the County and the Land Trust about the purchase of this area.

Mr. Banisch referred to sheet one of the plans and suggested a restriction of clearing at the topo line 960.

Mr. Knox stated that they have already agreed to a similar restriction with the Land Trust. He agreed to Mr. Banisch's request.

A discussion was held on the property the county wanted for the by-pass.

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

Mr. Buzak advised the board on a possible resolution.

Mr. Cullen arrived and joined the meeting at 9:40 p.m.

Mr. DiSalvo made a motion to instruct the board attorney to draw up a resolution of approval granting the subdivision including the variances requested with the conveyance restriction regarding the stormwater management plan, and all other conditions discussed this evening, seconded by Mr. Popper. A voice vote was taken; Mr. Cullen abstained, all others were in favor and the motion carried.

Eligible: Bauerlein, Trevena, Popper, DiSalvo, McGroarty, Price, Walsh

Ineligible: Jones, Leavens Absent: Kaiser, Cullen

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

Ms. McGroarty announced that this application had been adjourned at the applicant's request to June 23, 2004

4. 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 - Expires June 23, 2004

Ms. McGroarty announced that this application had been adjourned to June 23, 2004 at the applicants' request.

5. Ehmann – Block 61 – Lot 4 – Hacklebarney and Black River Roads – R-5 Zone – 83.964 acres – Concept Plans for a 10 lot conventional / cluster subdivision – Previously Heard January 28, 2003 and November 10, 2003

Ms. McGroarty announced that this application has been adjourned at the applicants request.

DISCUSSION/ CORRESPONDENCE

Mr. Jones and Mr. Leavens returned to the board.

Mr. Popper left the meeting.

1. Revised Senior Citizen Overlay Zone Ordinance

Joel Kobert, Applicant's Attorney

Mr. Kobert explained that they were before the Board to review the changes to the ordinance that were drafted by Mr. Banisch. He noted that single family homes are no longer permitted by the ordinance. He stated that this zone overlays other properties and he did not speak for them regarding the changes. The existing farmhouse is preserved but allows for professional services/offices and he was concerned that this use was specific to this property.

Mr. Banisch reviewed the changes in the ordinance distributed this evening from the one previously distributed to the board. He stated that if the revised stream corridor ordinance was enacted by the Township Committee this application would have to

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comply and would require a waiver from the ordinance. He noted the current concept plan conforms with the current ordinance, not the proposed ordinance.

A discussion was held on the possible new stream corridor ordinance and the reasons why this application could justify a waiver from it.

The Board took a poll on this question and it was the opinion of the members present that they would be able to waive the requirements of the new ordinance, if it were enacted before this application were filed and approved. They also agreed that it was important that this revised ordinance go forward.

Mr. Popper rejoined the meeting at 10:10 p.m.

A discussion was held on the COAH housing requirements of the draft ordinance and it was decided to leave it as written.

Mr. Banisch answered Mr. Cullen that the other landowners in this overlay zone would be required to meet this ordinance, which includes a 50% set aside of open space.

Mr. Kobert asked that if the board was in agreement with this ordinance that it be sent to the Township Committee for adoption.

Mr. Walsh made a motion to send the revised ordinance to the Township Committee for their review and adoption, seconded by Mr. Cullen. A voice vote was taken; all were in favor and the motion carried.

2. Vouchers

Mr. DiSalvo made a motion to approve the vouchers reviewed by the chairman and found in order and send same on for payment, seconded by Mr. Popper. A voice vote was taken; all were in favor and the motion carried.

Mr. Bauerlein made a motion to adjourn the meeting, seconded by Mr. Leavens. A voice vote was taken, all were in favor and the meeting was adjourned at 10:30 p.m.

Virginia R. Kesper