

The regular meeting of August 25, 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, Kathleen McGroarty, Howard Popper, Geoffrey Price
ALTERNATES: Mark Bauerlein, William Leavens
CLASS I:
CLASS II: Eric Trevena
CLASS III: Kim Ball Kaiser
OTHERS ABSENT: Cullen, Jones, Walsh
STAFF PRESENT: Engineer Hall, Clerk Kesper, Planner Banisch,

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 August 17, 2004 Work Session

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

RESOLUTIONS

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.

AUGUST 25, 2004

DECISIONS ON COMPLETENESS

None

APPLICATIONS

1. Granata – Block 43, Lot 48.01 – Kings Highway – R-5 Zone – 19.0661 acres – Three Lot Preliminary Subdivision with Variances - Deemed Complete July 12, 2004 – Previously Heard July 12, 2004 – Public Hearing Continued – Expires November 9, 2004

Michael Selvaggi, Applicant's Attorney
Joe Mester, Applicant's Engineer
Andrew Granata, Applicant

Mr. Selvaggi stated that a site walk was completed on the subject property this evening and that revised plans had been submitted to the Board. He stated that the previously recorded easement deeds were submitted in October 2002.

Mr. Mester reviewed the revised plans and the changes made to the lot lines to make all lots conforming. He stated that the other revisions made were minor in nature and had been requested by Mr. Hall. He stated that a revised stormwater management report has not been submitted. He will send Mr. Hall a copy of the approved LOI map. He answered Mr. Hall that there would be revisions necessary to the stormwater management plan, but they would not be substantial.

Mr. Selvaggi stated that regarding the highlands legislation the applicant is proceeding at there own risk.

Mr. Buzak stated that there has been no amendment to the municipal land use law in regard to the highlands and the board must process the application if the applicant wished to proceed. A condition of any approval would be receiving highlands approval. The applicant has the choice of going to the Highlands Commission first or the local planning board first. It was his opinion that the board could hear this application.

Mr. Selvaggi stated that the applicant would proceed with the highlands approval at a later date for an exemption or approval.

Mr. Mester stated that the highlands legislation is the reason that they are asking for the stormwater management to be a condition of approval because, if the applicant does not get a highlands exemption or waiver it would be work done that was not necessary.

Mr. Hall stated that the applicant can probably meet the stormwater management requirements, but it has not been proven and it was his recommendation that this applicant should complete the stormwater plan, as has been required of previous applicants. He cited the recent applications where the board required the stormwater management plan prior to taking action on an application.

Mr. Banisch recommended that the applicant adjourn for the evening and pursue their highlands exemption.

Mr. Buzak did not recommend an applicant pursuing two different applications before the planning board at one time, the applicant should decide which application they want to pursue.

Ms. McGroarty stated that the board wanted to see the stormwater management plan prior to taking action.

Mr. Mester asked for a decision on the conventional plan vs. the cluster plan.

Ms. McGroarty referred to the previous meeting and that the board preferred the conventional plan.

Mr. Price stated that based on the site walk it was still his opinion that the conventional was preferred, but asked that the house on lot A be moved toward the west to increase the distance between the setback and the conservation easement.

Mr. Bauerlein stated that also based on the site walk, it did not appear that any neighbors would be affected by the subdivision as the tree stand separating the subject lot from the Middlesworth Farm neighbors is significant and the proposed homes are a distance from the property lines.

Mr. Selvaggi stated that as the site walk was put together this evening, the adjoining residents were not notified of it, and he stated that Mr. Granta would extend an invitation to them to walk the property with him.

The December 23, 2002 letter from the Schooley's Mountain Fire Department regarding a water source was reviewed.

Mr. Selvaggi stated that the applicant would review this request with the fire department and resubmit the new plans to them as their response was in reference to the major subdivision, which they are not pursuing.

Mr. Selvaggi stated that the applicant would adjourn the application for the evening and decide if they were going to pursue a highlands waiver first or proceed with the application as it is or amend it based on the highlands regulations.

The meeting was adjourned to September 22, 2004.

Eligible: Bauerlein, DiSalvo, Kaiser, Leavens, Price, Popper
Absent 7/12: McGroarty, Trevena
Absent: 8/25 – Cullen, Jones, Walsh

DISCUSSION/ CORRESPONDENCE

1. Budget

Ms. Kesper reviewed her draft memo on the status of the planning board budget.

Ms. Kaiser stated that the Township Committee wants the Planning Board to put \$20,000 in the 2005 budget for GIS software and computers. She stated that next year more start growth grant money would be available from ANJEC.

The Board concurred that Ms. Kesper's memo should be forwarded to the Township Committee.

2. Highlands

Correspondence of August 19, 2004 from Susan Bass Levin was reviewed.

2. Cross Acceptance

Ms. Kesper explained the answers provided on the Morris County Cross Acceptance Questionnaire. She noted that these figures do not take into account the new Highlands legislation. The figures were based on our current zoning and acreage figures for existing housing, farmland, open space and vacant land provided by the Tax Assessor. The farmland figures were from the Morris County Agricultural Development Board. The current open space figures were taken from the 2003 Master Plan.

The Board concurred with the report but asked that Planner Banisch supply a memo to accompany the questionnaire regarding the affect the new highlands legislation would have on future development.

3. Discussion on Resource Conservation Ordinance & Cluster Ordinance

Mr. Banisch referred to the draft ordinance and stated that it uses environmentally constrained areas for calculation of lot area. He stated that this should be the same in the cluster ordinance.

Mr. Buzak explained changing of an ordinance and the time of decision rule and how that would affect any litigation. He stated that it was his opinion that the ordinance should be revised to make it more clear and easily interpreted as well as incorporating the recommendations of Mr. Banisch. It was also his opinion that these ordinances should be revised and enacted as soon as possible.

Mr. Banisch answered the Board that these ordinances may have to be revised for the highlands preservation area, but if the Township does not opt to be in the regional highlands for the planning area, these and current township ordinances, as they are, would govern.

Mr. Buzak stated that the ordinance changes suggested in his memo of October 2002 could be enacted and effect litigation on the current ordinance without the greater changes recommended with the resource conservation ordinance. He will send Mr. Semrau a copy of his memo.

The Board directed Mr. Banisch to pursue the resource conservation ordinance if funds area available and pursue the changes suggested by Mr. Buzak with the cluster ordinance.

5. Proposed Ridgeline Ordinance

The Board concluded that they wanted to proceed with the review of this ordinance as soon as the mapping was done which would depend on the township allocating funds for the project.

6. 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. DiSalvo made a motion to adjourn the meeting, seconded by Mr. Bauerlein. A voice vote was taken, all were in favor and the meeting was adjourned at 9:25 p.m.

Virginia R. Kesper