

Washington Township Planning Board
April 24, 2013

Chairman Leavens called the regular meeting of April 24, 2013 of the Washington Township Planning Board to order at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: William Leavens, Lou Mont, Kathleen McGroarty (7:40 p.m.),
Charles DiSalvo
ALTERNATES: Howard Popper
CLASS I: Ken Short
CLASS II: -
CLASS III: James LiaBraaten
ABSENT: Roger Read, Eric Trevena, Sam Akin, Mark Bauerlein

OTHERS PRESENT: Engineer Hall, Attorney Cofoni, Planner Banisch,
Traffic Expert Harold Maltz, Clerk Margoese

Adequate notice of this meeting was sent to the Observer-Tribune on January 17, 2013 and posted on the Bulletin Board on the same date. Notices were mailed as per requests.

MINUTES

1. Minutes from the March 11, 2013 & April 8, 2013 Regular Meeting

It was determined that there were an insufficient number of eligible voters to vote on these minutes and therefore their approval was tabled to the next meeting.

NON-AGENDA ITEMS OPEN FOR THE PUBLIC

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

PUBLIC HEARING

1. West Morris High School - Block 17, Lots 8 & 9 – 10 S. Four Bridges Rd.
Proposed Water Storage Tank – D31 Courtesy Review
Representative present: Rob Walsh, P.E. (RWA Planning & Engineering)

Mr. Walsh, project engineer, introduced the project by stating that there is to be an 8 foot height by 8 foot length by 8 foot depth vault, a pressure tank, and a sump pump with a 10 HP motor. He referred to Drawing A-1, a partial floor plan of the proposed water storage tank. Mr. Walsh stated that the Health Department has issued violations and that the well head has to be brought 12 inches above grade. He stated that the proposed building is to be 15 feet by 12 feet and it is to house two pressure vessels and the well pump. Mr. Walsh told the Board that a new chlorination system will be put in place for the new water storage tank. He stated that the Washington Township Municipal Utility Authority is not involved with this project.

Engineer Hall asked if the footing on top of the pipe will be able to structurally handle the load. Mr. Walsh stated that they will be looking at that. Mr. Hall stated that the duct lining might have to be replaced. He asked if the treatment will be carried out by a licensed operator. Mr. Walsh stated that it will be. It was noted that the proposed building will be built on existing impervious surface. Mr. Walsh stated that they do not have any Highlands issues with their proposal. Mr. Short asked if any chemicals would be stored on site. Mr. Walsh stated that the 15% chlorine solution will be kept in a 50 gallon drum and would be stored in the storage building.

Mr. Walsh stated that all of the power for the pump will be backed up by an emergency generator. It was noted that all of the work should be done in late July. Mr. Short asked if there

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will be security during the construction at the school. It was noted that the school district will be dealing with the security at the time of the construction. Mr. Short asked that the police are notified and that background checks of the construction workers be done. Chairman Leavens asked how long this water storage tank should last. Mr. Walsh stated that they feel it will be adequate for the future. He stated that the reason for the replacement is because the existing tank has a number of health issues.

Mr. Popper made a motion to state that this project is not inconsistent with the Township Master Plan and that the Board is recommending that a background check be done for all workers on the site and that the township police be notified when construction is to begin, seconded by Mr. Mont. A roll call vote was taken and the motion carried.

Ayes: Leavens, Mont, Short, LiaBraaten, DiSalvo, McGroarty, Popper
Nays: None Abstentions: None

2. Kings Highway Investment Company, LLC – Block 30, Lots 70, 70.01 & 70.02
214 Kings Highway - R-20 Zone – 42 Acres
Conceptual Plan for Multi Family Housing Units
Representative present: Michael Selvaggi, Esq. (Courter, Kobert & Cohen), Craig Peregoy, P.E. (Traffic)

Mr. Leavens stepped down due to a conflict of interest. Mr. Short stated for the record that he had used Mr. Selvaggi as an attorney for a real estate closing and asked Attorney Cofoni if there was a conflict of interest and if he should step down from hearing this application. Attorney Cofoni stated that because this is not a hearing she did not feel that this constituted a conflict.

The Applicant's traffic expert Craig Peregoy stated that he had reviewed the traffic report submitted by Hamal Associates. He stated that when he had carried out his analysis of the site's traffic flows he had looked at the impact on Route 57 coming from Kings Highway and going on Kings Highway from Rt. 57. He stated that he used a reverse gravity model to determine the flows being generated to and from the site. Mr. Peregoy stated that he considered employment centers and census data and that he determined that the mean travel time for residents who would be living at the site would be 37 minutes. He told the Board that 82% of the traffic would be going to and from the site onto Rt. 57 North. He noted that from Rt. 57 North the traffic would most likely go to Newburgh Road and then onto Schooley's Mountain Road. Mr. Peregoy stated that he assumed 14% would use Kings Highway instead. He stated that this would equal 15 vehicles using Kings Highway in the morning and 19 vehicles in the evening. Mr. Peregoy stated that this would be an improvement the existing situation because with this use there would be no potential for truck traffic. Mr. Peregoy stated that a total of 21 vehicles entering the site and 85 exiting in the morning and 84 entering the site and 45 exiting in the evening.

Mr. Short asked if the New Jersey Department of Transportation would allow a signal at the intersection of Rt. 57 and Kings Highway. Mr. Peregoy stated that they would if the numbers validated it. Mr. Peregoy asked if he used Highway Capacity software to determine the traffic flows. He said that he did not use it but instead used the reverse gravity model. The Board's traffic expert Harold Maltz asked Mr. Peregoy if he had surmised that 82% of the traffic would use Newburgh Road only because a person using a GPS would be directed to go that way from the site. Mr. Peregoy stated that he did base the use of Newburgh Road on that fact. Mr. Maltz pointed out that a larger number might use Kings Highway and that he has a problem with the analysis because it is completely subjective. Mr. Maltz stated that Kings Highway is a fairly dangerous road and if the numbers are wrong an unsafe situation might be created.

The Board suggested that the traffic numbers be run with 50% of the traffic going north on Rt. 57 and the other 50% using Kings Highway and then run the model having all vehicles using Kings Highway. Mr. Maltz stated that he has only had verbal testimony and that he would like to

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see the data and the algorithms used for Mr. Peregoy's analysis. Mr. Maltz stated that he would also like to see the municipalities used as employment destinations which gave Mr. Peregoy the 37 minutes of mean drive time for the residents.

Mr. Selvaggi noted that most people have become accustomed to the non-utility of this industrial site and that he is seeing a lack of interest from the Board. Mr. LiaBraaten stated that he feels that the comment that the Board is uninterested was uncalled for. Mr. Selvaggi apologized and said that his client has been patient and has given the Board all of the information that they have asked for. He stated that the Board needs to make a decision. Mr. Popper stated that the Board is just trying to insure that the proposal is going to result in a safe situation. Mr. Banisch stated that the unique circumstances pertaining to this proposal have prompted the need for this much analysis. He noted that clearly traffic is a big issue. Mr. Selvaggi stated that if the Board is going to recommend this proposal then it should be considered as a redevelopment plan rather than just a zone change. Mr. Short stated that at the next Planning Board meeting this matter should be drawn to a conclusion. He stated that even if the Planning Board does not endorse the plan Kings Highway Investment can still come before the Township Committee.

Engineer Hall stated that there is an existing traffic delay at the traffic light on Schooley's Mountain Road and Mill Road and that additional vehicles will make this matter worse. Mr. Peregoy stated that only 12 cars will be going there. Mr. Banisch noted that the impact at this intersection is cumulative and that any cars will impact the already stacked cars at the light. Mr. Peregoy stated that 60 more vehicles exiting the site in the morning with an average of 2 more cars hitting the back of the line at the light. He said that this does not tell us what is happening regionally.

Mr. Hall stated that the Fire Department letter has a request for access to the rear of the apartments which can be accessed with their apparatus. He noted that this access drive will have to be considered in the total lot coverage for the site. Mr. Maltz stated that he will have a dialog with Mr. Peregoy and that he will have a written report for the May 22nd meeting.

3. Quick Chek – Block 3.09, Lot 6 - Route 46 – C-2 Zone - Conceptual Plan for retail and gas station

Representatives present: Jeffrey Albanese (Quick Chek), Keith Cahill, P.E. (Bohler Engineering), John Wyciscala, Esq.

Attorney Wyciscala introduced himself and the other representatives and the proposed project. He stated that the site has two acres which are currently vacant. The site is located on the corner of Rt. 46 and Hearthstone Road. He told the Board that Quick Check is family owned and operated, and is not franchised. He stated that they are before the Board to talk about the fact that the site is located in the C-2 Zone and this zone does not allow a gas station component. Mr. Wyciscala stated that rezoning will be needed for a Quick Check to be built because the gas station component is necessary for Quick Check.

Attorney Wyciscala stated that the bigger issue for this site is the fact that it is in the Highlands Preservation Area. He told the Board that he will be seeking a waiver for redevelopment of this site and will be submitting an application to the Highlands Council. Mr. Wyciscala stated that in order to do this Quick Check will need to have the Township as a sponsor. He stated that their next step is to go before the Township Committee.

Engineer Keith Cahill presented the conceptual plan for the Quick Check to the Board. He stated that they want to maximize the buffer areas on the property. Mr. Cahill stated that the proposed retail store is to be 4542 square feet in size. And there are to be gas pumps and underground tanks. He said that the concept plans shows 50 parking spaces. Mr. Cahill noted that because the site has karst geology it will be studied and that a bersa flex membrane will be used for the tanks. He also noted that access will be provided to Patriot's Plaza next door.

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Engineer Hall stated that conservation easements will be needed for this site and that tractor trailer turning information and lighting will need to be addressed. Mr. LiaBraaten asked if there will be a generator on site. Mr. Albanese stated that Quick Chek has an agreement with a company that will bring a generator on site as soon as it is needed. Mr. Short said there should be sidewalks along Route 46 and along Hearthstone to the site. He also stated that the architecture of the building should be equal so that all sides of the building have equal facades and not just block on one side.

Mr. Cahill noted that Quick Chek will be asking for a front yard variance. Mr. Banisch noted that when the change is made to the C-2 Zone to allow the gas station the front yard setbacks can be dealt with at that time. Mr. Short recommended that there be sufficient escrow in Quick Chek's account before they come before the Township Committee for the zone change. He recommended that the site have a generator in place. He also pointed out that this site may have access issues. Ms. Mc Groarty noted that signs for the site should be well considered as the use of the prototype Quick Chek sign will probably not meet the ordinance requirements.

DISCUSSION/ CORRESPONDENCE

1. §217-46 Parking and Storage of Motor Vehicles

Mr. Short noted that there have been a few complaints about oversized commercial vehicles in residential driveways. He stated that he feels the ordinance should deal with not only commercial trucks but also commercial trailers. Planner Banisch stated that ambiguous parts of the ordinance should be cleared up, i.e. the standards for screening of commercial vehicles states that screening should be done to maximum extent possible.

Ms. Karen Cannon (5 Aspen Place) spoke to Board stating that her husband owns a landscaping business and that brings his truck home at night. She stated that she only wanted to know what her rights are as a resident of Washington Township. She noted that there are others in her neighborhood that have similar sized commercial trucks in their residential driveways. Attorney Cofoni stated that the practical reality of the situation is that when there is a complaint that complaint is addressed.

Ms. Cindy Schaeffer (6 Aspen Place) stated that she lives directly across from the Cannons. She stated that she is concerned with the fact that the Cannons have a commercial mason dump truck and a commercial trailer in their driveway and have been guilty of other ordinance violations. The Board asked if Ms. Schaeffer would be interested in negotiating with the Cannons and she stated that she is uninterested after what she has been through.

The Board decided to continue this discussion on §217-46 Parking and Storage of Motor Vehicles at the next Planning Board meeting.

2. Vouchers

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

EXECUTIVE SESSION

Mr. Short made a motion to go into executive session to discuss potential litigation and board professional services contracts, seconded by Mr. Popper. It was noted that the minutes will be made available once confidentiality is no longer necessary. A voice vote was taken and the motion carried.

Ayes: Leavens, Mont, Short, Trevena, LiaBraaten, DiSalvo, Read, McGroarty, Popper
Nays: None Abstentions: None

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The Board went into closed session at 10:15 p.m.

The Board came out of executive session at 10:34 p.m.

Mr. Short made a motion to direct the attorney to draw up a resolution stating that pursuant to the court order the total cost of the off-tract improvements has been found to be \$22,507 and that a pro rata share has been determined to be 15.2% resulting in a cost to Regency of \$3421.06 with 120% or \$4105.27 to be paid in bond or cash prior to the issuance of the first Certificate of Occupancy for the project, seconded by Mr. Popper.

Ayes: Leavens, Mont, Short, LiaBraaten, DiSalvo, McGroarty, Popper

Nays: None Abstentions: None

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

Respectfully submitted,

Barbara J. Margolese, Clerk

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