

Washington Township Planning Board
APRIL 8, 2013

Chairman Leavens called the regular meeting of April 8, 2013 of the Washington Township Planning Board to order at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: William Leavens, Kathleen McGroarty, Eric Trevena, Lou Mont, Mark Bauerlein
ALTERNATES: Sam Akin

CLASS I: Ken Short

CLASS II: Roger Read

CLASS III: James LiaBraaten

ABSENT: Charles DiSalvo, Howard Popper

OTHERS PRESENT: Engineer Hall, Attorney Buzak, Planner Banisch, Clerk Margolese

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

Minutes from the March 27, 2013 Regular Meeting

Mr. Mont made a motion to approve the minutes as presented, seconded by Ms. McGroarty. A voice vote was taken and the motion carried.

Ayes: Leavens, Mont, McGroarty, Read, LiaBraaten

Nays: None Abstentions: Short, Bauerlein, Trevena, Akin

PUBLIC COMMENT ON NON AGENDA ITEMS

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/APPLICATIONS

1. Cliffside Park Associates – Block 45, Lot 101 – 7 Roosevelt Avenue -Minor Site Plan for Essential Services – Conditional Use with Variances for Side Yard Setback & no frontage on a public road - Proposed Well house - Completeness and Public Hearing
Representatives present: Edward Palmer, Esq., Paul Costic, P.E.

Attorney Edward Palmer introduced the project stating that the applicant, Cliffside Park Associates is proposing to install a well house on their property to house a well and its associated equipment. He stated that the proposed well is to service 33 existing homes located in the area near the well that currently are having water problems. He added that three additional homes along Rt. 57 will also be served by this well eventually. Mr. Palmer stated that instead of providing building elevations the applicant has provided photographs of the pre-fabricated building that they will be purchasing from Amish Mikes in Mount Olive.

The applicant's engineer Paul Costic was sworn-in. The Board proceeded with their completeness determination by addressing Engineer Hall's report dated April 8, 2013. The urgency of this project was stressed. Engineer Hall presented a water sample that the Health Department had provided showing the water that is currently undrinkable. Mr. Hall stated that under the requirements for a minor site plan it notes that the application cannot involve a conditional use. Mr. Hall stated that because of that requirement this application must be heard as a major site plan. He noted that the Board could consider waiving all of the Ordinance 159-20 requirements. Mr. David Kohn, president of Cliffside Park Associates stated that with regard to the fees, Cliffside will pay any bills incurred through this application.

A motion was made by Mr. Short to declare that this application is a major site plan and to deem the application complete waiving the requirements of Ordinance 159-20. The motion was seconded by Mr. Bauerlein. A roll call vote was taken and the motion carried.

Ayes: Leavens, Mont, Trevena, McGroarty, Read, LiaBraaten, Short, Bauerlein, Akin

Nays: None Abstentions: None

Engineer Hall stated that he will generate the list of Ordinance 159-20 major site plan requirements that are being waived. Engineer Paul Costic stated that two wells have been drilled where a spring was known to exist. He stated that the water was affected by iron and manganese as a result the water was treated with chlorine. Mr. Costic stated that the entire site is underlain with limestone. He stated that when the location of the new well house was considered the paper roads in this area were considered. He explained that the paper roads are owned by the heirs of the Birdsall family. Mr. Costic stated that a test drill was drilled in the area of Hill Street paper road and that it turned out to be a great and clean water producer. He stated that Cliffside Park Associates obtained a deed for the Hill Street land and that a deed was filed for this new lot (Block 45, Lot 101). Mr. Costic stated that another was drilled in 2012. He said that this well is under administrative review by the NJDEP Highlands division and that it should receive approval soon. He added that the NJDEP Water Department is also giving them approval for the water soon.

Engineer Costic stated that the proposed building is a 10 foot by 14 foot shed that will be purchased from Amish Mike's on Rt. 46 in Mt. Olive. The shed will not have any windows and fireproofing will be added to the building. He noted that no fire producing elements will be stored in the building. Mr. Costic stated that the building is to be placed on an undersized lot which is too narrow. The variance being requested stems from the unique shape of this lot.

The Board reviewed Planner Banisch's letter of April 8, 2013. Mr. Costic addressed Mr. Banisch's comment regarding potential nuisance of this proposal. He stated that the small light on the building will have a motion sensor. Mr. Costic stated that the only noise that the well house will generate is the well motor, the ventilator fan, and the emergency generator. He noted that the emergency generator will be propane fueled. He noted that the traffic impact of this proposal will be negligible. Mr. Costic stated that the proposed shed was chosen to fit in with other sheds in the neighborhood. Mr. Costic stated that he will be adhering to the requirements of minor stormwater control ordinance and that silt fence will be installed during installation. He added that because of the underlying limestone seepage pits would not be possible. Mr. Costic presented Exhibit "A-1" and "A-2" as the well records for the site. Engineer Hall noted that the driveway is to be built at grade. Mr. Costic stated that the applicant can use loose stone and fiber underneath the driveway to minimize runoff.

Mr. Costic stated that the yield for wells 5 and 6 for a 24 hour test was 60 gallons per minute and for a 72 hour test it was 40 gallons per minute. Mr. Costic stated that Block 45, Lot 101 is a new lot and will now be taxed as a lot. He pointed out that the adjacent lots 28 and 29 were not impacted by the creation of this new lot 101.

The hearing was opened to the Board's questions and comments. Mr. Akin asked about the hook-up for electric for the well house. Mr. Costic stated that they will be connecting to an electric box located on Roosevelt Avenue. Mr. Akin asked about the foundation of the shed. Mr. Costic stated that there will be a concrete slab under the shed. Mr. Short asked about fire equipment access. Mr. Costic stated that fire trucks will be able to access the site but that the trucks would have to back-up. He noted that water lines were upgraded around four years ago. Mr. Short asked if the noise levels produced would fall within the allowable levels per the ordinance. Mr. Costic stated that the noise from the well house should not bother the neighbors. Mr. Short asked if chemicals would be stored in the well house. Mr. Costic stated that as of now no chemicals will be stored but in the future chlorine may be stored if it is needed. Mr. Mont noted that the time of day that the generator is tested on a weekly basis

should not be on weekend. It was noted that the Township Health Officer Cris Cooke-Gibbs has given her full support of this project.

The meeting was open to public comment. No public comment was offered.

A motion was made by Mr. Short to direct the Board's attorney to draft a resolution of approval of this preliminary and final major site plan and the granting of the variances for no frontage on a public street and side yard setback subject to Highlands Council approval and the submission of adequate escrow for this application. The motion was seconded by Mr. Bauerlein. A roll call vote was taken and the motion carried.

Ayes: Leavens, Mont, Trevena, McGroarty, Read, LiaBraaten, Short, Bauerlein, Akin

Nays: None Abstentions: None

2. Christadelphian Bible Camp - Block 20, Lot 30 - 286 Schooley's Mountain Road -Soil Disturbance Application - Public Hearing
Representatives present: Joel Larsen

Mr. Joel Larsen, 2 Rosewood Drive, Hackettstown, NJ was sworn-in. Mr. Larsen referred to a photograph which shows the late 1990's stream near the site. He noted that there was contamination of the stream and an excavator was hired to demolish the pool on the site. Mr. Larsen stated that a permit was applied for and it was determined that there was not enough fill. He stated that once a year there is lot of runoff and that they are trying to correct this situation. Mr. Larsen stated that the plan was to build a shallow berm to capture some of the runoff and to level out the area. He said that they had brought in 320 cubic yards of soil. Engineer Hall stated that this matter was brought to his attention last fall and that he had instructed Mr. Larsen to apply to the Planning Board with a soil disturbance permit application. Mr. Larsen stated that they will need an additional 3inches (110 cubic yards) of top soil on the site in addition to what has been delivered.

Township soils expert Joe Norton (Norcon Environmental) was sworn-in. He stated that there are only a couple of deficiencies noted with regard to the data that was submitted by Mr. Larsen. Mr. Norton stated that he had spoken with French and Perillo about the data and he had also spoken with the laboratory that had run the soils analysis of the two soil samples.

The meeting was open to public comment. Mr. Sean Gibney, 294 Schooley's Mountain Road was sworn-in. He stated that since the retention pond has been removed he and his neighbors have been experiencing a lot of flooding. He said that he has no problem with the applicant putting in a pool but that he would appreciate anything that could be used to divert the runoff onto his property. It was noted that without the berm being in place the water runs onto the neighbor's property. Engineer Hall stated that the plans should be revised to show a reprofiled driveway to relocate the low point to redirect it more to the west. He stated that revised plans should be submitted for his review and that he should inspect the site as the pool gets put in.

A motion was made by Mr. Trevena to instruct the Board's attorney to draft a resolution granting approval for the soil disturbance permit application subject to revised plans being submitted to do a berm or to reprofiled the driveway and to amend the application to show the additional 110 cubic yards of fill being brought to the site. The motion was seconded by Mr. Mont. A roll call vote was taken and the motion carried.

Ayes: Leavens, Mont, Trevena, McGroarty, Read, Short, Akin, LiaBraaten, Bauerlein Nays:
None Abstentions: None

3. Benedict A. Cucinella School – Block 12, Lot 37 – 470 Naughtright Road – Ground Mounted
Solar Panels – 40:455D-31 Courtesy Review

Representatives present: Attorney Judith Fairweather, Joseph Hanrahan, P.E., Peter Dubro,
P.E. Project Manager Sunlight General Bridgewater NJ, Joseph Santaito, Energy Expert – Gable
Associates (Highland Park NJ)

Ms. McGroarty stepped down citing a conflict of interest with this application. Mr. Hanrahan stated that the Board of Education and Sunlight General are co- applicants. It was noted that the Board is charged with reviewing this project as a 40:55D-31 courtesy review. The proposal is for roof mounted solar panels and that two invertors will be used to convert the power from DC to AC. The invertors will be on a concrete pad. He stated that the school will use all of the energy produced. Mr. Hanrahan stated that the panels will be mounted at 13 inches off of the roof deck and that this roof has a parapet wall and will hide the panels from view as seen from the road. He stated that a six foot high chain link fence is being installed to protect the invertors.

Mr. Short asked who will pay for the roof repair if it is needed. Mr. Peter Dubro, P.E. was sworn-in as project manager. He stated that Sunlight General is responsible for repair costs. Mr. Mont asked about the agreement between the Board of Education and Sunlight General. Mr. Dubro stated that the system is being paid for through the issuance of county bonds.

Engineer Hall referred to Sheet PV-4 of the plans, specifically referring to the equipment metering detail. Mr. Hanrahan stated that this is a weather station that will be used to measure the sunlight to maintain the appropriate energy usage for the school. He noted that this is the only thing that will be higher than the roof parapet.

Mr. Hanrahan stated that the proposed construction will take place over the summer and that it should take three weeks for the mechanicals to be put in place and then two weeks to finish the project. Mr. Banisch if the work will commence if school is in session. Mr. Hanrahan stated that they will work with the school.

Mr. Joseph Santaito, the applicant's energy consultant stated that if the roof is repaired and it is not the result of the solar system being installed on the roof the school will be responsible for the cost of the repair. He noted that the cost of moving the panels will be the responsibility of Sunlight General. Attorney Buzak stated that he has reviewed the contract with Sunlight General. Mr. Banisch noted that Sunlight General has a lease arrangement with the Board of Education for 15 years. Mr. Santaito stated that Morris County and the Board of Education will have to decide after the fifteen years if they want to keep the solar panels longer.

Mr. Dubro noted that KMB is the principal engineering firm that did the roof structural analysis. He stated that there will be a pre and post inspection done. Mr. Santaito stated that during Hurricane Sandy they did not have any solar panels blow-off the roofs. Mr. Short asked how long the roof will last. It was noted that this question will have to be addressed as a condition of the Board's approval. Mr. Short stated that the school will be running summer

school and asked about the workers interaction with the school during that time. Mr. Dubro stated that the worker will be in the school for only two days. Mr. Short stated that coordination will be needed with the Township Police Department with regard to security. Planner Banisch asked if criminal background checks will be done for the workers before they are allowed to be on the school site. Mr. Dubro stated that criminal background checks will be done and documentation will be provided to the school and coordination will be carried out with the Township Police Department.

Attorney Buzak told the Board that this is a courtesy review and that this plan is a part of the school's long range planning. The meeting was open to public comment. No public comment was offered.

A motion was made by Mr. Short to direct the Board Secretary to send a letter to the Board of Education and to Sunlight General noting that the Board is recommending the approval of this project setting forth the Board's noted concerns and that it is not inconsistent with the Township Master Plan. The motion was seconded by Mr. Bauerlein.

A roll call vote was taken and the motion carried.

Ayes: Leavens, Mont, Trevena, Read, Short, Akin, LiaBraaten, Bauerlein Nays: None
Abstentions: None

4. Long Valley Middle School - Block 34, Lot 46.04 & 49 - 35 West Mill Road- Rooftop Solar Panels - 40:455D-31 Courtesy Review

Representatives present: Attorney Judith Fairweather, Joseph Hanrahan, P.E., Peter Dubro, P.E. Project Manager Sunlight General Bridgewater NJ, Joseph Santaito, Energy Expert - Gable Associates (Highland Park NJ)

Mr. Peter Dubro, P.E. project manager stated that the project involves a 3 ½ acre where ground mounted solar panels will be installed. He stated that these solar panels will generate approximately 564 KW of energy. Mr. Dubro stated that the panels will be mounted at a 30 degree angle and that the top of the panels will be 9 feet from the ground. He stated that an 8 foot high black vinyl coated chain link fence is proposed for the invertors. Attorney Judith Fairweather stated that two pieces of property are going to be land swapped to make this project happen and the approval can be contingent upon the successful land swap.

Mr. Akin asked if there are any problems with reflection. Engineer Joseph Hanrahan stated that the panels are not supposed to reflect because if they do they are not working properly. Mr. Short asked about the access to the site. Mr. Hanrahan said that there will be 20 foot wide gates. Mr. Short asked about the buffering on the site. It was noted that there is an existing hedge row on the site. Mr. Short asked if additional coniferous plantings can be planted along the hedge rows. Planner Banisch recommended that a mix of coniferous trees be used to naturalize the plantings. Chairman Leavens recommended that the Audubon Society be contacted with regard to plantings under the panels. Engineer Hanrahan stated that the area under the panels is to be seeded with a meadow landscape using Morris County Standards.

Engineer Hall stated that on Plan Sheet PV-102 shows that the right-of-way of the future by-pass is approximately located. Mr. Hanrahan stated that they will be working with the County with regard to the location of the by-pass. Ms. McGroarty left the meeting at 10:15 p.m.

Mr. Dubro stated that work will commence in the summer. Mr. Hall noted that the height on Sheet SP-06 is 15 feet and on another sheet is noted as 9 feet high. Mr. Dubro noted that the height is not to go over 9 feet. Mr. LiaBraaten asked why the Cucinella School is not using ground mounted panels. He was told that the school chose not to use ground mounted panels. Mr. Bauerlein stated that substantial buffering will be needed with 6 ft. high mixed evergreen trees planted fifteen feet on center all the way down the property line.

A motion was made by Mr. Short to direct the Board Secretary to send a letter to the Board of Education and to Sunlight General noting that the Board is recommending the approval of this project setting fourth the Board's noted conditions as stated below and that it is not inconsistent with the Township Master Plan. The motion was seconded by Mr. Mont.
Abstentions: None

The following are the recommended conditions:

- A buffer shall be planted along the existing hedgerow which shall consist of additional mixed coniferous trees.
- The New Jersey Audubon Society is to be consulted with regard to the plantings that are to be located under the solar array.
- The approval of this proposal is subject to the successful land swap between the Washington Township Board of Education and the Township of Washington.

A roll call vote was taken and the motion carried.

Ayes: Leavens, Mont, Trevena, Short, LiaBraaten
Nays: Read, Akin, Bauerlein Abstentions: None

DISCUSSION / CORRESPONDENCE

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

The Board briefly discussed the issue of commercial trucks and trailers being parked in areas that are zoned as residential. Ms. Cindy Schaeffer, 6 Aspen Place, spoke to the Board about her neighbor having a commercial truck and trailer in his driveway and that this is impacting the character of her neighborhood. Mr. Short stated that he has seen the truck and trailer in her neighbor's driveway and that it is unsightly and not appropriate for this neighborhood.

The Board talked about weights of trucks that have been seen throughout residential areas of the township and the use of commercial vehicles by residents. The Board Clerk was directed to contact the NJ League of Municipalities to get ordinance dealing with truck and trailers in residential areas.

2. Vouchers

Mr. Mont 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. Mont made a motion to go into executive session to discuss personnel, seconded by Mr. Bauerlein. A voice vote was taken and the motion carried.

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

The Board went into closed session at 11:10 p.m.

The Board came out of executive session at 11:25 p.m.

A motion was made by Mr. Bauerlein to extend Harold Maltz's professional services contract for 120 days, seconded by Mr. Short.

A voice vote was taken and the motion carried.

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

Mr. Mont made a motion to adjourn, seconded by Mr. Short. A voice vote was taken; all were in favor and the meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Barbara J. Margolese, Clerk