

**Washington Township Planning Board**  
**MARCH 27, 2013**

Chairman Leavens called the regular meeting of March 27, 2013 of the Washington Township Planning Board to order at 7:30 p.m.

MEMBERS PRESENT

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

OTHERS PRESENT: Engineer Leon Hall, Attorney Edward Buzak, Planner David Banisch, Clerk Barbara 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**

1. Minutes from the February 27, 2013 regular meeting and the February 11, 2013 Executive Session Meeting

A motion was made by Mr. Mont and seconded by Mr. Read to approve the minutes as presented. A voice vote was taken; all were in favor with some abstentions and the motion carried.

Ayes: Mont, LiaBraaten, Read, Leavens, McGroarty

Nays: None Abstentions: DiSalvo

**PUBLIC COMMENT ON NON AGENDA ITEMS**

There were no comments from the public on non-agenda items.

**PUBLIC HEARING/APPLICATIONS**

1. Long Valley Gas – Block 35.01, Lot 32 – 69 East Mill Road – C-1 Zone - .92 Acres Preliminary & Final Site Plan Application with a Front Yard Setback Variance Proposed Gasoline Pump Canopy & Propane Filling Center - Public hearing Representatives present: Robert Mielich, Esq., Carter Israni, P.E., Paul Ricci, AICP, PP, Manjit Singh

The applicant's planner, Mr. Paul Ricci was introduced to the Board as having an office at 10 Georgia Drive, Prospect Park, NJ. The Board accepted him as a planning expert and sworn-in. Mr. Ricci referred to Exhibit "A-1" which consists of aerial photos of the subject site. Mr. Ricci noted that the pizza restaurant across the street from this site has similar setbacks as the subject gas station site. He stated that he did notice a visual conflict with the surrounding properties. He pointed out that there is an established arborvitae line around the residential property across the street on Old Farmer's Road. Mr. Ricci referred to Exhibit "A-2" which consists of four photographs of the site; #1 is the gas station building, #2 a planting strip along E. Mill Road (the applicant will work to upgrade the landscaping here and elsewhere on the site), #3 consisting of the gas pump island, #4 consisting of the existing free standing sign, and #5 – 8 consisting of photographs of the neighbors' properties.

Mr. Ricci stated that the applicant is applying for a front yard setback variance because the required setback is 50' and the proposed setback for the site is 20'. He stated that the

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variance is needed for the location of the proposed canopy over the existing pumps. He said that the only way that the applicant would not need a variance is for him to move the pumps and the underground tanks. He stated that it is a better zoning alternative to locate the canopy in the proposed location.

Mr. Ricci stated that the applicant is requesting a C2 variance (benefits vs. detriments) and that for the purposes of zoning this application meets the positive criteria. He stated that the improvements proposed for the site which is a long standing gas station and the canopy providing protection from the rain and sun and snow and additional lighting for money transactions are all benefits resulting from this proposal. He added that the existing landscaping located in the site's sight triangle will be eliminated and this will also be a benefit. He also noted that the canopy will aid in the control of ambient light on the site. Mr. Ricci stated that this proposed plan will not impair the intent of the Township's zone plan and therefore will not result in any negative impacts. He said therefore the benefits outweigh the detriments. Mr. Ricci stated that this site is not located in the Historic Overlay Zone. He noted that the flat roof of the canopy was used to match the flat roof of the existing gas station building and will be visually compatible.

The applicant's engineer, Mr. Carter Israni introduced himself to the Board and stated that his office is located in Montville, NJ. The Board accepted him as an engineering expert and he was sworn-in. The Board reviewed Engineer Hall's March 25, 2013 report on this project. It was noted by Mr. Israni that the actual height of the canopy is 16 feet under the fascia and 19 feet total height as is shown on Sheet S-3. The Board asked for the height of the existing free standing sign to be placed on the plans. Engineer Hall recommended that the landscaping being provided in the island by the road contain only dwarf shrubs.

It was noted that in Planner Banisch's March 8<sup>th</sup> letter the recommendation for the landscaping was described as encompassing the perimeter of the site. Mr. Ricci stated that he had spoken with Mr. Banisch and understood what he is looking for in a landscaping plan. Mr. Banisch stated that he would be alright with the applicant planting 4 ft. to 6 ft. trees. Mr. DiSalvo stated that the landscaping plans should be satisfactory to Engineer Hall and Planner Banisch. Chairman Leavens asked that some deciduous trees and shrubs be planted as well. Mr. Banisch agreed stating that some dogwoods or some maples would be suitable. Mr. Banisch stated that the visual standards of the ordinance do apply for this application; however, he pointed out that the application is basically for a canopy for an existing gas station.

The Board continued to review Mr. Hall's March 25, 2013 report. Mr. Israni noted that the lighting will be directed to the center of the canopy onto the pumps. Mr. Banisch noted that the light can be adjusted as necessary. Mr. Israni stated that he will remove the detail for the alternative light plan. Mr. Hall noted that a light test for this site once the canopy is installed is appropriate. He stated that the light source has to be recessed. Mr. Israni stated that he will provide all of the details regarding the lighting to Engineer Hall and Planner Banisch.

It was noted that the Morris County Planning Board has granted their approval of the project and that a copy of the approval letter was forwarded to the Planning Board office. The applicant, Mr. Manjit Singh of 10 Peachtree Lane, Chester, NJ was sworn-in. Engineer Hall noted that he has seen a lift for cars and trucks on the site for repairs being done outside. Mr. Banisch pointed out that outside repairs would require a use variance. It was noted that this matter will be addressed by the applicant. The applicant's attorney Robert Mielich stated that the plans for the propane filling station as done by Engineer Stockard were inaccurate as to the location of the grass area in the rear of the property. Mr. Hall recommended that revised plans be submitted to the Department of Community Affairs so that they understand that the propane filling station will be located on a gravel area.

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The proposed fence for the propane filling station is shown as a chain link fence. Mr. Banisch stated that if a wood board-on-board fence can be used he would go with that. Mr. Singh will be calling Engineer Stockard to find out if a non-combustible fence has to be used.

Mr. Singh agreed to eliminate the tank storage on the site as a condition of approval. Mr. Israni stated that he will show the strength of the concrete on the plans. Mr. Israni stated that persons picking-up propane containers will use the gravel area off of Old Farmers Road. Mr. Banisch stated that a couple of paved spaces for parking can be provided near the propane filling station. Mr. Banisch recommended that the parking on the site be delineated with striping and that cross hatching be used where there is to be no parking. Mr. Banisch recommended that the parking be pulled back from Old Farmers Road so that trees can be installed. He added that a parking area for the flat bed tow truck be allocated. Mr. Hall stated that the handicap parking space will have to be relocated to the western side of the building and the landscaping will have to be relocated to the eastern side of the building. Mr. Singh stated that the flat bed truck can be parked on the western side of the building in a screened in area. Mr. Hall noted that the Handicap space will require an ADA approved sign. Mr. DiSalvo stated that there are a lot of vehicles on this site. He said that if any of the vehicles are junk vehicles that they be removed along with old banners, and old wood pallets. He said that the site should be tidied up. The outdoor pre-packed vending machine was mentioned. Mr. Singh stated that he pull the machine inside. The curbing was noted as being in disrepair. Engineer Hall stated that Belgian block curbing should be used to repair the extruded blacktop curbing.

Attorney Buzak stated that there are many items to be addressed for this application at this point and that another meeting should be scheduled after revised plans are submitted to the Board. An announcement was made that the public hearing for this application is to be continued at the May 13<sup>th</sup> 2013 Planning Board meeting and that no further notice would be given.

2. Kings Highway Investment Company, LLC – Block 30, Lots 70, 70.01 & 70.02  
214 Kings Highway – R-20 Zone - Conceptual Plan for Multi Family Housing  
Representatives present: Mr. William Blanchard, John Hansen, P.E., Bill Byrne, Architect, and Attorney Michael Selvaggi

Mr. Leavens recused himself due to a conflict of interest. Mr. Mont chaired the meeting. Attorney Michael Selvaggi reintroduced himself as the attorney for Kings Highway Investment Company, LLC. He restated that USR Optonix has been the tenants of the subject building for decades and will be leaving it shortly and no commercial or industrial tenants have been found to replace them despite listing and marketing of the property.

Engineer John Hansen of Ferraro Engineering told the Board that architect Bill Byrne was hired to present a more visual look of this project. He stated that the proposed buildings are to be two stories and will be built in building pods. He said that there is to be 16 units in each of the 13 pods. He stated that the plans show a clubhouse, a play area, as well as low turf area for a pick-up game. Mr. Hansen stated that this plan is consistent with the plans for Peach Tree development and Hastings Square.

Engineer Hall reviewed his letter of March 26, 2013 regarding to this project. Mr. Hall noted that the number of units was reduced to 208. He recommended that the latest information from Kings Highway be sent to Traffic Consultant Harold Maltz. Mr. Hall stated that the buildings are too close together. He asked what the proposed heights of the buildings are to be and Mr. Hansen stated that they would be less than 35 feet in height.

Planner Banisch addressed his March 26, 2013 review letter. Mr. Banisch questioned the access on the site for fire equipment. He recommended that the Fire Chief review the plans. Mr. Banisch referred to the chart on page 3 of the submitted information showing the site's densities. He stated that they are proposing 5.015 units per acre.

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Mr. Bill Byrne introduced himself as the developer's architect and noted that his office is located in Chester, NJ. He stated that smaller residential components have been proposed along with outside walkways and courtyards. He reviewed the design of the buildings and noted that the windows of the units have been off-set. Mr. Byrne stated that this is a more upscale design for apartment buildings.

Mr. William Blanchard stated that they are expecting a no further action letter from the NJDEP in July and that the monitoring wells will stay on the site. Mr. LiaBraaten asked how many parking spaces are required for this project. Mr. Banisch stated that the Residential Site Improvement standards require 2 spaces per unit.

Mr. DiSalvo stated that while he applauds the improvement of the design he still feels that the project density is too dense at 5.015 per acre. He stated that it looks like there is too much squeezed into the northern corner of the property. He said that he still has too many questions with regard to fire equipment access on the site. He said that the pod design is unique and therefore the Board cannot predict how the Fire Department will feel about the design. The Board discussed the possibility of this project being considered as a redevelopment plan.

It was decided that Traffic Consultant Maltz can speak with Kings Highway's Traffic Consultant Stiger about the project and both can come back before the Board at the April 24<sup>th</sup> meeting. Mr. Banisch stated that three things need to be addressed prior to the April 24<sup>th</sup> meeting; the Fire Department review, the density of the site, and the traffic. Ms. McGroarty stated that density is not an issue for her. The traffic and the fire reviews are to be carried out and then a subcommittee can review this information before the April 24<sup>th</sup> board meeting.

**EXECUTIVE SESSION**

Mr. Mont made a motion to go into executive session to discuss personnel, seconded by Mr. LiaBraaten. A voice vote was taken and the motion carried and the Board went into closed session at 10:15 p.m.

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

The Board came out of executive session at 10:25 p.m.

Mr. DiSalvo made a motion to extend Mr. Harold Maltz's contract with the Board (traffic consultant Hamal Associates) until April 30, 2013, seconded by Mr. Read. A voice vote was taken; all were in favor and the motion carried.

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

***DISCUSSION / CORRESPONDENCE***

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

The Board reviewed the ordinance as it currently is written. Clerk Margolese pointed out that as Assistant Zoning Officer she is seeing a lot of confusion among residents regarding weight limitations for commercial trucks in residential areas. It was noted that the weight limit for a

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commercial truck in residential zones is 6000 lbs. which is the weight of a small truck. The Board asked Engineer Hall and Planner Banisch to check the ordinances in their other municipalities to see how this matter is addressed. The Board will continue discussion on this matter at the April 8<sup>th</sup> 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. Mont. A voice vote was taken; all were in favor and the motion carried.

Mr. DiSalvo made a motion to adjourn, seconded by Mr. Mont. A voice vote was taken; all were in favor and the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Barbara J. Margolese, Clerk