

## Washington Township Planning Board November 9, 2015

Chairman Louis Mont called the regular meeting of November 9, 2015 of the Washington Township Planning Board to order at 7:38 p.m.

### MEMBERS PRESENT

CLASS IV: - Mark Bauerlein, Kathleen McGroarty, Louis Mont, Eric Trevena, Howard Popper,

CLASS I: - William Roehrich

CLASS II: - Roger Read

CLASS III: - William Leavens, Matthew Murello

ALTERNATES: - Sam Akin

ABSENT: Charles DiSalvo

OTHERS PRESENT: Engineer Leon Hall, Attorney Tiena Cofoni, Planner David Banisch, Clerk Barbara Margolese

No Public in attendance

Adequate notice of this meeting was sent to the Observer-Tribune on January 30, 2015 and posted on the Bulletin Board on the same date. Notices were mailed as requested.

### MINUTES

Minutes from the July 13, 2015 Regular Meeting

Mr. Murello made a motion to approve the minutes as presented, seconded by Mr. Popper.

A voice vote was taken, and the motion carried. Ayes: William Roehrich, William Leavens, Roger Read, Matthew Murello, Howard Popper      Nays: None      Abstentions: Louis Mont, Eric Trevena, Kathleen McGroarty, Sam Akin, Mark Bauerlein

Minutes from the August 10, 2015 Regular Meeting

Mr. Leavens made a motion to approve the minutes as presented, seconded by Mark Bauerlein.

A voice vote was taken, and the motion carried. Ayes: William Leavens, Mark Bauerlein, Louis Mont, Kathleen McGroarty, Matthew Murello      Nays: None      Abstentions: Eric Trevena, Howard Popper, Roger Read, Sam Akin, William Roehrich

Minutes from the September 14, 2015 Regular Meeting

Mr. Roehrich made a motion to approve the minutes as presented, seconded by Mr. Trevena.

A voice vote was taken, and the motion carried. Ayes: Kathleen McGroarty, Eric Trevena, William Roehrich, Roger Read, Sam Akin      Nays: None      Abstentions: William Leavens, Louis Mont, Howard Popper, Matthew Murello, Mark Bauerlein

Minutes from October 12, 2015 Regular Meeting

Mr. Bauerlein made a motion to approve the minutes as presented, seconded by Mr. Roehrich

A voice vote was taken, and the motion carried. Ayes: Louis Mont, Kathleen McGroarty, Mark Bauerlein, William Leavens, William Roehrich, Sam Akin,      Nays: None      Abstentions: Howard Popper, Eric Trevena, Roger Read, Matthew Murello

PUBLIC COMMENT ON NON AGENDA ITEMS: No one from the public in attendance.

## RESOLUTIONS

2015-17 Peter & Cindy Ruggiero/Washington Township – Minor Subdivision (lot line adjustment) & Variances- Block 20.10, Lots 49 & 49.02 - 15 Spring Lane

Attorney Cofoni informed the Board that the applicant was unable to attend the meeting; however, he had e-mailed a request to eliminate the items noted in Engineer Hall's letter, item 1.f., which needed to be added to the applicant's plat. Engineer Hall noted that the Board had only granted a waiver on these items for completeness only and that now they must be completed. The Board decided to leave the item in the resolution. A motion was made by Kathleen McGroarty, seconded by William Roehrich to adopt the resolution as presented. A roll call vote of those eligible to vote was taken, and the motion carried.

Ayes: Kathleen McGroarty, Mark Bauerlein, Sam Akin, Roger Read, William Roehrich

Nays: None Abstentions: None

2015-19 Eric Jania – Block 56 Lot 26.05 – 56 Turtle Back Road – R-5 Zone – Soil Disturbance Permit Application & Ridgeline Protection Area Certificate of Compliance application

The Board reviewed the resolution as submitted by the Board attorney.

A motion was made by Sam Akin, seconded by William Roehrich to adopt the resolution as presented. A roll call vote of those eligible to vote was taken, and the motion carried.

Ayes: Kathleen McGroarty, Mark Bauerlein, Sam Akin, Roger Read, William Roehrich, Eric Trevena, Louis Mont, William Leavens, Matthew Murello Nays: None Abstentions: None

2015-20 David Howell – Block 40, Lot 1.09 – 7 Ryan Court – R-5 Zone- Proposed 14 ft. x 20 ft. shed - Ridgeline Protection Area Certificate of Compliance application – public hearing

The Board reviewed the resolution as submitted by the Board attorney.

A motion was made by Sam Akin, seconded by William Roehrich to adopt the resolution as presented. A roll call vote of those eligible to vote was taken, and the motion carried.

Ayes: Kathleen McGroarty, Mark Bauerlein, Sam Akin, Roger Read, William Roehrich, Eric Trevena, Louis Mont, William Leavens, Matthew Murello Nays: None Abstentions: None

## APPLICATIONS & DISCUSSION

1. Dr. Rudolph Leidl – Block 35.01, Lot 30 – 2 Mountain Avenue – C-1 Zone – Amendment to Resolution condition from Resolution No. 88-55 restricting the use of the building to Medical office.

Representative present: Dr. Rudolph Leidl

Dr. Rudolph Leidl was sworn-in. Dr. Leidl introduced himself, saying that he is a dentist and that he owns the subject property, 2 Mountain Avenue. Dr. Leidl told the Board that in 1988 he was granted approval by the Planning Board to have his building used for 2 medical offices. He said that he would like to have the 1988 resolution restriction lifted so that he can use his building for any combination of medical offices and professional's offices, rather than only medical offices. He also asked that the upper floor be divided into two offices rather than the approved one office.

Planner Banisch determined that a full use of the building for professional offices would create the need for a waiver for 3 parking spaces as Dr. Leidl's site only has 19 spaces currently, and the full professional office use would require 22 spaces. A motion was made by Sam Akin, seconded by William

Roehrich to grant the waiver for the 3 extra parking spaces that would be required if the whole building was used for professional offices and to approve the configuration of 3 professional offices or 3 medical offices or any combination of those uses, and to allow Dr. Leidl to change his free standing sign as long as it complies with the ordinance requirements. A roll call vote of those eligible to vote was taken, and the motion carried.

Ayes: Kathleen McGroarty, Mark Bauerlein, Sam Akin, Roger Read, William Roehrich, Eric Trevena, Louis Mont, William Leavens, Matthew Murello Nays: None Abstentions: None

2. Public hearing to determine whether the investigation area on Esna Drive noted in Washington Township Resolution #RO 113-15 is a redevelopment area

Mr. Leavens, Mr. Murello, and Mr. Roehrich recused themselves due to conflicts of interest.

Planner Banisch stated that Esna Drive is a 60 foot wide right-of-way. He said that the governing body had asked that the Planning Board consider through investigation if Esna Drive should be considered for redevelopment. Mr. Banisch noted that there are existing flooding conditions on Kings Highway that can be confirmed on the FEMA maps. He said that Esna Drive is being considered for an alternative means of access to the Kings Highway Investment site.

Mr. Mont asked if the township is obligated to proceed with condemnation of properties that extend into Esna Drive. He noted that a private transaction between the property owners and Kings Highway Investment Company would not be prohibited. Mr. Akin noted that the developers had not moved forward to obtain the use of Esna Drive themselves. Mr. Popper stated that having an alternate access would promote health, safety, and welfare.

Engineer Hall stated that Esna Drive is a private access road which is paved and is in decent condition. He noted that there is a bridge and a culvert on Esna Drive.

Ms. Laura Akin, 98 East Mill Road, asked that the Board consider that traffic will be increased on both Newburgh Road and on Schooley's Mountain Road as a result of Esna Drive being used as an alternative access road.

Mr. Scott Collins, attorney for Thomas and Betts, Newburgh Road, told the Board that Esna Drive is a primary access road for Thomas and Betts. He said that Thomas and Betts objects to Esna Drive being considered for redevelopment. Ms. Christine Cofone, a planner for Thomas and Betts, was sworn-in. She provided her credentials to the Board and was accepted as a planning expert. Ms. Cofone stated that Esna Drive is a private right-of-way which is partially under ownership by Thomas and Betts. She stated that no alternative methods of access have been considered and that the use of Esna Drive is not necessary for the Kings Highway site to be developed.

Ms. Pam DeCosta, 5 Esna Drive, was sworn-in. Ms. DeCosta stated that she owns Block 30, Lot 71 and that their property is adjacent to Martini's property. She stated that when they built their house, they had to have a conservation easement placed on their property. She asked how the roadway would impact the pond on their property or the conservation easement. Engineer Hall stated that there is municipal stream corridor preservation that is involved with Esna Drive and NJDEP approval.

Michael Selvaggi, attorney for Kings Highway Invest Company, spoke to the Board. He stated that since the traffic study was reviewed, the traffic on Kings Highway has appeared to have increased to people. Mr. Selvaggi stated that Kings Highway Investment does not support what the township is trying to do with regard to Esna Drive as there has been no suggestion, based on ITE standards, that Kings Highway cannot handle the traffic that would be produced by the proposed development. He said that he believes that Esna Drive will not be developed. Mr. Bauerlein stated that rural switchbacks do not always fit ITE standards, and he would rather listen to a traffic expert than ITE standards.

Mr. Phillip Berg, 10 Waldon Road, was sworn-in. Mr. Berg noted that affordable housing needs have been mentioned recently. He asked how that would impact the King Highway development. Mr. Berg also noted that he believed the previous use on the site, USR Optonix, would have produce higher traffic numbers than what is being proposed by Kings Highway Investment Company. Mr. Popper noted that Optonix's shifts were set to be off peak times. Mr. Berg noted that there are other roads that are just as winding. He said that he agrees with Thomas and Betts that condemnation is ill advised with regard to Esna Drive.

Mr. Justin DeCosta, 5 Esna Drive, was sworn-in. He asked if only emergency vehicles would be using Esna Drive. He was told that all vehicles would use the road. Engineer Hall stated that there is an overgrown emergency vehicles only access road that comes out by the bridge that is closed to the public.

Mr. Mont stated that maybe Esna Drive can be considered as a non-condemnation redevelopment. Attorney Cofoni stated that the only charge that was given to the Planning Board was to consider redevelopment with condemnation. Mr. Akin stated that he feels this should not be a condemnation redevelopment. Mr. Read remarked that he feels this should be left for the developer to deal with. Mr. Popper said that this should be part of the redevelopment but that it should not be condemnation. Mr. Bauerlein stated that he is against condemnation but that this parcel may be considered for redevelopment. He said that the redevelopment of the former USR Optonix site should not be held up because of this question regarding Esna Drive. Mr. Trevena stated that he does not want the township to use condemnation for Esna Drive.

A motion was made by Mr. Akin, seconded by Mr. Popper to vote against the redevelopment of Esna Drive with condemnation but that the Township Committee can come back to revisit this matter if it does not require condemnation.

Ayes: Kathleen McGroarty, Mark Bauerlein, Sam Akin, Roger Read, Eric Trevena, Louis Mont, Howard Popper    Nays: None    Abstentions: None

#### DISCUSSION/CORRESPONDENCE

##### 1. Accessory Structure Certificate of Compliance Exception to Planning Board Review under the Ridgeline, Mountainside, Hillside and Viewshed Protection Ordinance

The Board decided to table discussion on this agenda item to the December agenda.

##### 2. Vouchers

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

Mr. Popper made a motion to adjourn, seconded by Mr. Read. A voice vote was taken; all were in favor, and the meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Barbara J. Margolese, Clerk