

The regular meeting of February 8, 2005 of the Washington Township Planning Board was called to order by Chairman Jones at 7:40 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, Charles DiSalvo, R. Gregory Jones, Kathleen McGroarty\*, Howard Popper\*

ALTERNATES:

CLASS I: Geoffrey Price

CLASS II:

CLASS III: Kim Ball Kaiser

OTHERS ABSENT: Leavens, Trevena

STAFF PRESENT: Engineer Hall, Clerk Kesper

\* ARRIVED LATE

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 1, 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 January 26, 2005 Regular Meeting

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

**RESOLUTIONS**

05-09 Valley View Chapel – Block 36, Lots 43 and 43.01 – East Mill Road – Approval of Request for extension of time on Resolution 03-07 dated March 26, 2003 which granted preliminary and final site plan approval for church expansion

Mr. Price stepped down due an engineering conflict of interest.

Mr. Bauerlein made a motion to grant the requested one-year extension, seconded by Ms. Kaiser. A roll call vote was taken:

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Ayes: Bauerlein, DiSalvo, Kaiser, Jones

Nays: None

Abstentions: None

Absent: McGroarty, Popper, Leavens, Trevena

Ineligible: Price

Mr. Price returned to the board.

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

DECISIONS ON COMPLETENESS

None

**APPLICATIONS**

None

**DISCUSSION/ CORRESPONDENCE**

1. Stormwater Ordinance including ordinances on:

Litter Ordinance

Current Ordinance is acceptable as written.

Ms. McGroarty and Mr. Popper arrived and joined the meeting.

Pet Waste Ordinance

The Board reviewed the ordinances.

Mr. Hall agreed with the changes.

It was decided that the ordinance changes as suggested by Suburban Consulting were acceptable.

Yard Waste –

The existing yard waste ordinance was reviewed. The Board was concerned with the fact that the ordinance states that for properties less than 2 acres they must bring bag their leaves and bring them to the DPW.

The Board reviewed the Yard Waste ordinance changes suggested by Suburban Consulting and they were acceptable, and corrected the current ordinance.

#### Wildlife Feeding Ordinance

The board reviewed the ordinance suggested by Suburban Consulting and found it acceptable.

#### Improper Disposal of Waste Ordinance

The board reviewed the ordinance suggested by Suburban Consulting and found it acceptable as written.

#### Illegal Connections Ordinance

The board reviewed the ordinance suggested by Suburban Consulting and found it acceptable as written.

Mr. Price questioned the enforcement of all of the above ordinances as the police department is listed as the only enforcing agency. He suggested adding the zoning officer, township engineer and DPW.

Mr. Hall agreed with Mr. Price.

It was decided to recommend to the committee that on all ordinances that Zoning Officer, DPW and Township Engineer be enforcement agents as well as the police.

Ms. Kaiser made a motion to move all of the above ordinances to the Township Committee with the recommendation that they be adopted and also with the recommendation to all ordinances that Zoning Officer, DPW and Township Engineer be enforcement agents as well as the police. Seconded By Mr. DiSalvo. A voice vote was taken; all were in favor

#### RO-02-05 – Stormwater Regulations

Mr. Hall stated that this ordinance makes our current ordinances applicable to commercial development as well residential and other modifications for initial compliance with the new stormwater regulations.

Mr. Hall referred to Page 2 – B2 and stated that he has recommended changes to the Township Committee regarding discharge onto off site areas that are not defined watercourses.

Mr. Hall recommended the board endorse this ordinance as written.

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Mr. Price made a motion to send RO-02-05 back to the Township Committee with the recommendation that it be adopted. Seconded by Mr. DiSalvo. A voice vote was taken; all were in favor and the motion carried.

#### Draft Municipal Stormwater Ordinance

Ms. Kesper explained that this ordinance would be sent to the Township Committee after the state and county accept the Townships municipal stormwater plan and that it would eventually replace the above RO 02-05 ordinance.

Ms. Kaiser asked Mr. Hall if this ordinance takes into account his recommendation discussed under RO-02-05 and if it is not in it, this should be included in this ordinance.

Mr. Hall will review the ordinance to make sure all current regulations are included and make the recommendation to Ms. Kesper to be forwarded to Suburban Engineering to be included.

Item C 2 was discussed and it was decided to leave this in, even if it is stated again on page 3. But that it should be made clear that it also applies to Board of Educations. Mr. Hall was directed to discuss this issue Paula DeBona and let Suburban Consulting know if this ordinance should be changed based on the board's concern.

Mr. Hall page 14, item e regarding the phrase larger department and to whom it was applicable. Mr. Hall was directed to discuss this issue with Paula DeBona This issue should be raised with Paula DeBona and let Suburban Consulting know if this section of the ordinance should be changed

Mr. Hall asked that on Page 20 the topo map scale be changed to 1 = 100'. He will let Suburban know about this.

#### 2. Planning Board Rules

Ms. Kesper reviewed changes from the rules submitted to the Board.

Mr. Jones brought up Conflict of interest and Mayor Short's e-mail.

The Board discussed this issue at length and it was decided to add to rules under Article II a rule consistent with the Township Committee's approach to Conflicts of interest. Under 202 add after disqualification or reclusal, including but not limited to conflicts of interest.

Under Article III -301 Change start time to 7:30 and add work session date.

Under Article IV -409 – Add that Board professionals shall be sworn in once a night for all applications on the agenda for the evening.

Under Article IX an XII change shall appoint to may appoint, if deemed necessary.

3. Sign Ordinance – Table to the next work session
4. Housing Element –Tabled to a regular meeting of the Board
5. Highlands Legislation

Mr. Jones stated that the board has to decide if resolutions of approval are going to be required to get highlands exemptions as part of planning board resolutions.

Ms. Kaiser stated that during the Highlands Council meetings the Council has acknowledge that if an applicant or application is clearly exempt under their rules, the Township can make the decision at the local level. If there is any question it should go to the DEP.

Mr. Hall stated that he also saw a letter from the DEP that stated this as well and also indicated that the Construction Code Official, Planning Board or Board of Adjustment may make the decision whether a particular application is exempt.

Mr. Bauerlein suggested putting a note on the checklist about the highlands and a suggestion that the applicant seek DEP Highlands approval if they are in doubt as to whether or not they are exempt before applying to the Planning Board.

The Board concurred with this suggestion and asked Clerk Kesper to put it on the checklist.

Ms. Kaiser asked Ms. Kesper to send the draft smart growth ordinances to the DEP.

6. Morris County Cross acceptance with the State

The February 3, 2005 letter from NJLM was reviewed.

Ms. Kesper was asked to obtain a hard copy of the report from the county and then give to Kim Kaiser to review and if she feels a comment to the State is necessary, put it back on the agenda.

7. Route 57 meeting

Ms. Kaiser went to the meeting of the Warren County Planning Board. The plan is to keep Route 57 a rural road as it would be a two lane road. She stated that building and intersection improvements are proposed. She commented at the meeting that Washington Township did not believe a by-pass was warranted.

She stated that the by-pass is very much alive at these meetings. She recommended that someone from the Township should be at all of these meetings. Mayor Short will be writing a letter putting it on the record that the Township is against the by-pass. The next meeting is February 28<sup>th</sup> at 6:30 at Warranty County Vo-Tec. She stated that she has another meeting and cannot make it. Mr. Price stated he would go to the meetings that Ms. Kaiser could not attend.

Ms. Kaiser 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 09:10 p.m.

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Virginia R. Kesper