

Chairman McGroarty called the regular meeting of August 23, 2006 of the Washington Township Planning Board to order at 7:35 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, Charles DiSalvo, William Leavens, Kathleen McGroarty, Howard Popper, Geoffrey Price
ALTERNATES: Lou Mont
CLASS I: Kim Ball Kaiser
CLASS II: Sam Akin
CLASS III: Kevin Nedd
OTHERS ABSENT: Trevena
STAFF PRESENT: Clerk Kesper, Attorney Cofoni, Planner Banisch, Engineer Hall

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 17, 2006 and posted on the Bulletin Board on the same date. Seven 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 August 14, 2006 Regular Meeting

Mr. Mont made a motion to approve the minutes, seconded by Mr. Price. A voice vote was taken Mr. DiSalvo and Mr. Akin abstained; all others were in favor and the motion carried.

RESOLUTIONS

None

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.

DECISIONS ON COMPLETENESS

None

PUBLIC HEARING/APPLICATIONS

1. Washington Township Municipal Utilities Authority – Block 29, Lot 22 – 101 Bartley Road – R-5 Zone 1.107 Acres – Request for Preliminary and Final Site Plan with Variances for a Wastewater Pumping Station

James Gregory, Applicant's Attorney
Paul Ferriero, Applicant's Engineer
Thomas Horn, Applicant

Mr. Gregory stated that the MUA is before the board to put up a 12 x 18 pump station building for the high school sewer service project. The bulk variances are required due to restrictions caused by wetlands on the site. The existing house will be demolished and the barn will be taken down and replaced with the pump station. He explained that the home has been unoccupied for some time and the house and property are in disrepair.

Mr. Price, Mr. Akin and Ms. Kaiser stepped down due to a conflict of interest

Paul Ferriero and Thomas Horn were sworn in by Attorney Cofoni.

Mr. Ferriero presented his qualifications as an engineer and planner and was accepted by the board

Mr. Ferriero stated that the pumping station is needed for pumping the sewage from the High School to the plant on East Mill Road. This site was chosen as it was vacant and they were able to acquire the property. Other sites were considered but would have required easements or purchases from unwilling sellers.

Mr. Ferriero referred to the site plan previously submitted to the Board and pointed out the current house, barn and septic system. He pointed out the wetlands on the property as well as the floodway, hundred-year flood plain and the flood hazard area. A number of DEP permits were required and have been obtained from the DEP. The barn on the site is 30' x 30' x 20' high and the proposed building is 12' x 18' and 9.5' high or 12% of the volume of the barn currently on the site. The DEP permit requires the barn to be removed and the new building be built within the footprint of the barn. He explained that they considered putting the pump station within the existing barn but explained the problems with that and the decision to take it down and replace it with the pump house. They also have a DEP treatments work approval for the pump house and sewer lines. The house will be removed from the site. He stated that the volume of soil to be removed was in error. The existing septic will be abandoned and the

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soil will be buried on site, which is an approved method of abandonment. Any remaining material will also be used on site. There will be 25 cubic yards of soil brought on the site and they meet the exemptions for a waiver from a soil disturbance permit.

Mr. Ferriero stated that the building is small and the exterior will be a beige stucco. The two houses west of the property are 200-year old beige stucco building. There is an emergency alarm, but that it is a light beacon and there are no sirens to notify if the pump fails. There is an alarm sent to the WTMUA. There will be an emergency generator inside of the building, which will meet all of the DEP noise standards at the property line. They are 85' from the nearest property. Diesel powered generator fueled, which will be stored on site in a double walled tank. The entire site is very regulated and based on the permits they must restore the site to native plants and it must be left un-mowed. The area outside wetlands will be mowed and maintained.

Mr. Ferriero stated that the applicant will comply with Dr. Oweis's letter regarding the type of foundation and it will be incorporated into the revised plans.

Mr. Hall's reviewed his letter regarding conservation easements.

Mr. Gregory answered the requirement for conservation easements and that this property will be owned by a public entity and that they do not plan any further development but the WTMUA would not accept further restrictions. There is no indication at this time that there will be no further structures, but, if in the future, as an essential service, they need to put something else on the property to make the sewer system work they did not want to be restricted.

Mr. Ferriero stated that in the floodway area nothing above ground could be built. There are very little areas on the site that could be used for anything by the WTMUA. He answered Mr. Leavens that there is no landscape maintenance plan as they are restricted by the DEP from doing any work in this area.

Mr. Hall reviewed his letter regarding completeness.

Mr. Popper made a motion to deem the application complete, seconded by Mr. Mont.

Mr. Banisch referred to the DEP permits and the restrictions by the DEP that could be considered as protection in waiving the conservation easement requirements.

Mr. Gregory stated that any expense for these easements would be borne by the High School.

Mr. Horn stated that the easement required by the DEP has been recorded.

Mr. Ferriero explained the lighting are lights above the doors operated by a manual switch. Generators are tested on a weekly in the mornings.

Mr. Horn answered Mr. Nedd that the security will be similar to other areas, but without fencing. There is a dead bolt and two other locks. He stated that they would alarm the door so that if it were opened the alarm would go off. They have not experienced any issues with security in the Township. The building does not have any windows. It is a concrete block building. There is no public water for sprinklers. There will be alarms that would inform the MUA if there were a malfunction or fire that would cause the equipment to malfunction.

Mr. Ferriero agreed to adding the limits of disturbance to the plans. Regarding bonds, there is a performance bond by the contractor to the high school and he did not believe there should be any additional guarantees required, except for the site improvements.

Mr. Banisch reviewed his letter of August 23rd

The board did not require the lights to be shielded.

Mr. Ferriero stated that after the building is up they would work with the board and neighbors with some landscaping as permitted by the DEP.

Mr. Ferriero stated that the generators would only operate in a power failure when the pumps were working.

Mr. Horn answered Mr. DiSalvo that there will be odor control. Summer months the sewer flow will be low. He explained chemicals that they would use for odor control. He explained that during peak flow there are typically no odors, it is at the times of low flow that they might experience odor problems, but the odors would be at the force main on North Washington Road. They do not expect any odor problems, but if there are they will put in the proper odor control equipment. They expect to be hooking up the High School to the sewer plant in the Spring of 2007. As more people hook into the system, there is less likelihood of odor problems.

Mr. Ferriero stated that at this time only the High School is permitted to hook into the sewer plant. As septic in the areas fail they will have to get approvals from the DEP to hook up. He answered Mr. Mont that the pumps can be upgraded to process more flow should the golf course or others get permission to hook in. The floor of the structure is 3' above the flood hazard elevation. There is very little noise from the pumps as they are subsurface pumps.

Mr. Horn stated that the flow from the High School was required to be calculated at 17,000 gallons per day by the DEP but the flow will probably not be anywhere near that. The pump station has been designed to include the homes on the street and the golf course.

The meeting was opened to the public for questions and comments on this application.

Richard Landers – Bartley Road stated that he lives across from the pump station and asked about the depth of the pumps.

Mr. Ferriero stated that they are 14' deep with a 6' diameter. The wet well is sealed. This is the end of the gravity line from the High School and the start of the force main to the plant.

Mr. Horn pumps stated that they are grinder pumps without screens to maintain and that there is very little maintenance required until they get older.

Mrs. Landers – Bartley Road asked that the meadow with wildflower be allowed to remain. She had concerned about strangers in this area.

Mr. Horn stated that the pump station would be visited once a day unless there is an emergency, and there would be no nighttime visits unless it was an emergency. It will generally be a WTMUA truck that visits the site.

Ward Christian - 107 Bartley Road – Thanked the board and the applicant for the way they are conducting the construction. He asked about the structure, windows, wetlands, alarm and number of failures. He would like to be part of the landscaping plan. He was concerned that the trees on the property line be left.

Mr. Horn answered that the exterior would be stucco, no windows, two shutters, and that there would be no odor should the alarms go off. No trees are being taken down.

There were no further questions or comments and the meeting was closed to the public on this application.

Mr. DiSalvo made a motion to grant approval of the site plan and associated variances and waivers required as well as a landscape committee review as discussed this evening. Seconded by Mr. Leavens. A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, Leavens, McGroarty, Nedd, Popper, Mont

Nays: None Abstentions: None Ineligible: Akin, Kaiser, Price

Absent: Trevena

2. Target Corporation – Block 4, Lot 7.05 – Route 46 – C-2 Zone 29.27 Acres – Request for Amended Preliminary Approval with Variances granted under Resolution 03-23 and Final Site Plan Approval for large scale retail center with bank

Nancy Lottinville, Applicant's Attorney

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Ronald Bailey, Applicant
Joseph Mele, Applicant's Engineer
Stephen Laudati – Applicant's Landscape Architect
Robert Lucius – Applicant's Architect
John Speer, Applicant's Planner

Joseph Mele, Stephen Lottite, Robert Lucios and Ronald Bailey were sworn in by Attorney Cofoni

Mr. Mele presented his qualifications to the board and was accepted as an expert witness in the field of engineering.

Mr. Hall reviewed the file for completeness and stated that the only open issue stated by the applicant, the soil disturbance report, was actually submitted.

Mr. Price made a motion to deem the application complete, seconded by Mr. DiSalvo.

Mr. Mele referred to Exhibit A-1, a color version of the current site plan submitted to the board (Page 20.01); Exhibit A-2, the previously approved site plan. He compared the two plans and stated that the only differences was multiple uses; Target and a proposed retail area and a free standing area proposed to be bank. He explained that the current application is approximately 6,000 sf less then the previous application. Because of this all of the DEP permits remain valid. He stated that there is no change to the traffic pattern onto Route 46. The DOT is reviewing their permit for a Route 46 traffic light and improvements. He pointed out the site constraints. The stream encroachment permit has been resubmitted to the DEP for their review of the minor changes proposed. The application meets the parking requirements of the ordinance and all parking spaces are now 10 x 18 instead of a mix of 10 x 18 and 9 x 20. The reduction in building area allowed the applicant to meet the parking requirements for which previously the applicant need a variance. The bank is in an area that was previously a parking area. The pad area is shown as a proposed bank because a bank has a greater parking requirement under Township Ordinances, if another use were to come into that site the parking requirement would be reduced. The bank is proposed to be a drive thru bank with three drive thru lanes. When this pad is developed the applicant would come back to the board for further review. There are only two loading docks, one loading station for Target on the rear left side of the building and one for the retail area behind it. In response to review letters there will be 2 handicap spaces by the retail area and 2 by the bank area.

Mr. Mele referred to Exhibit A-3, a lighting plan, drawing 25.01; and Exhibit A-4 a site lighting plan dated 8/23/06. The light poles on driveway from Route 46 into the site are 16' high, the remainder of the light poles are 38' in height and have a foot candle value of 5.26. The previous plan light poles were all 25' high with a foot candle value of 5.3. He referred to Exhibit A-4 which were changes

based on the board's comments. The entrance poles remain 16' and in the area of the bank the pole height was reduced to 25' and the remainder of the poles would be 38'. Light at the front property line would be 0 with the exception of the entrance. On the south western side as requested by a nearby resident the applicant proposes to reduce the one pole to 16', but several other light poles would have to be added to compensate. He answered Mr. Banisch that there are trees in this area that are 30' - 40' high and a screening in the summer months. He stated that you would not be able to see the source of the light from Lotus Blvd.

Stephen Laudati - presented his qualifications as a landscape architecture and was accepted as an expert witness.

Mr. Laudati explained that the "D" fixture vertical lamp has a visible light source but it would not be clear but would be a color light reflector. 175 watt with a cap on the top of the light.

Mr. Hall explained the problems the Township has had with exposed light source and the board's sensitivity to the light pollution in this area that has been undeveloped and dark. He suggested lowering all of the 38' lights on the west side.

Mr. Banisch asked that the wattage be lowered with a minimal glare fixture.

Mr. Laudati stated that the higher the light pole the less glare potential.

Mr. Bailey explained his position with Target and stated that he also holds licenses as an architect and planner.

Mr. Bailey stated that Target would be open Monday - Saturday 8 am - 10 pm and Sunday 8 am - 9pm. He explained that the parking lot lights stay on one half hour after closing then they all go off except for the lit pathway to the employee parking area, which would stay on for another hour and then all lighting, including the signs are turned off. The only lights that would remain on are security lighting over the exit doors and the interior lights. The overnight crew would be parking in the storefront area. Employees are locked into the store until morning. Store lights within the store will stay on for cleaning and stocking. There are no glass areas to the side or the back. You would not see much of the interior light from the outside. There is no parking behind the store. The only lighting on the building are downward facing lights on the exit doors.

Mr. Hall answered Mr. Akin that our ordinances require a minimum 1 foot candle and enhanced security is 2.5. This use 5.26

Mr. Bailey answered the Board that the Target lighting requirement is set through their Asset Protection Group who have accumulated data from around the country to determine the required safety lighting. This area is a low security area and it was determined this is the amount of lighting need for security,

comfort and safety. 38' is the optimum height to meet the lighting needs with minimum poles. Less lighting would cause great concern for the Target Asset Protection Division. He stated that they have 40 years of experience in determining their lighting requirements.

Mr. DiSalvo stated that this is different than the C-1 neighborhood zone where the board had a problem with the light and that the Board should expect more lighting in a C-2 highway zone and should respect the applicant's 40 year experience.

Mr. Price noted that this lighting is setback far from the road.

Mr. Laudati stated that the previously approved plan was approved a 5.3 foot candle and what is proposed is less.

Mr. Bailey answered Mr. DiSalvo that if there were a problem after the site is up and lighted Target would have the ability to reduce the lighting. The light level will be measured after the lights are up. He offered to change the acorn type light to a shoe box type.

The board concluded that they wanted the acorn lights changed to shoebox style with modified sides for shielding. As well as the lowering of the one light pole from 38' to 16' to accommodate the resident and which should also be shielded.

Mr. Bailey asked that if a resolution condition item is needed regarding lighting Target would accept a condition that after construction a field inspection be done with their lighting consultant and discuss any mitigation of problems or objections. Target will supply an as-built photometric plan after the lights are up for several months. He stated that the light poles are no longer red. The board concurred with this suggestion.

Mr. Bailey answered Mr. Nedd that this is the size building that target wants in this location. This will be a general merchandise Target store. He described the items that would be offered for sale. There would be no sales outside the store. There would be a Pharmacy and food service area within the store. He explained that the store proposed is a Target model brand. He stated that they have larger stores with a grocery department, but not in New Jersey. Sheet 1 of the architect plans was marked A-5. He pointed out the store entry, sales floor, stock room area, loading dock with three dock doors, which he said is adequate for this store. All turn around of the trucks will be done on site at the loading area. There will be one tractor trailer delivery per day to this store. A fully loaded trailer is brought to the store and left and the empty truck from the previous delivery is removed. Deliveries are made 7 days a week. The holiday season may see more than one delivery per day. There are no refrigerator trucks. Smaller local merchant deliveries would also be in the loading dock area Monday - Friday 8 am to noon, there would be no weekend small truck deliveries. The small truck deliveries take about 30 minutes to an hour delivery time and there would be 8 to 10 trucks each day.

Mr. Bailey stated that the construction time frame. He stated that Target opens open 110 stores a year – three times a year and the projected opening of this store would be March 2008. Target would hope to commence site work in April 2007 with a building pad ready June 2007. October 2007 would be earliest opening. He stated that they may be open longer hours then previously stated during holidays. He stated that Target would employ 200 people, 25% full time. At anyone time the store would have 50 employees and would have staggered work hours. During the Holiday Season they would have 15%-25% more employees. Regard waste, he stated that Target prides itself on reducing waste and recycling; they recycle plastic hangers and wood pallets, cardboard are compressed and picked up by local recyclers. The trash compactor is located at loading dock with access only from the inside. The compactor is serviced once / twice a month and the containers are sealed.

Mr. Bailey stated that besides lighting for security they have cameras and personnel and that communications are hooked up into Minneapolis. He answered the board that they can be hooked into the local police department if the board wanted that. Stocking and cleaning crews are in the store during closed hours. He explained that the Emergency generator will be between them and the retail area and that it is a self contained cabinet which is operated once a week for 30 minutes in the morning. Then generator would operate lights, registers and minimal store operations while power is out. The generator uses natural gas.

Robert Lucius – presented his qualifications as an architect and was accepted by the board

Mr. Lucius referred to the exhibit and explained the facade and referred to the color rendering previously submitted to the board and marked A-8 and explained the design and landscape furniture and plants. He stated that there is 150' lineal feet of glass on the building. The colors are earth tones; browns and tans. The other retail use will be compatible to this design. There is a covered walk way. He stated that the facade signs on the building are minimal – the target logo – which stands 1' above the parapet and the name target and a pharmacy sign.

Mr. Mele stated that in addition to lowering the lamp post in the north west corner the applicant has agreed to provide additional evergreen landscape.

Mr. Mele discussed the pylon sign previously approved at 25' and the fact that Target would like the sign to be 32'. This 32' high sign incorporates three tenant signs for the retail area with two separate tenants and the pad site. The exhibit showing the site approach was marked A-7. The exhibit showed a digital photograph of the site with the target sign overlaid. He stated that the trees in this area are 40 –45 high and the sign is 32', equating to 197 sq. ft. The tenant signs are 21 sq. ft. Previous approval was for 150 sf for one tenant.

The meeting was opened to the public for questions and comments.

Robert Russell – Drakestown Road stated that his property is northwest of the site and he was concerned with the lighting trespassing onto his property. He stated that the applicant has agreed to minimize the lighting in this area. He stated that he gets light trespass from the self storage facility which is an orange glow. He did not believe the landscaping behind the building was necessary because it is currently wooded. It was his opinion that the landscaping in the area of his and other residences would be more appropriate. He asked for a maintenance bond on the trees.

Mr. Bailey stated that the lighting for Target is a white light.

Mr. Mele stated that the applicant is agreeable to moving the landscaping if agreeable to the board.

The board did not want to remove the landscaping but asked for some additional landscaping and taller trees by Mr. Russell's property.

The applicant agreed to the supplemental landscaping.

There were no further comments and the meeting was closed to the public for questions and comments.

Mr. Mele answered the board that the pylon sign is internally lighted and that the light would be turned off by 11:30 p.m. He agreed to add the time lights would go off to the plans.

Mr. Hall referred to his letter and open issues.

Mr. Mele stated that final site plan approval is not being granted for the bank and this will be added to the plan that this is just a "place holder". The secondary retail architecture will be consistent with Target.

Mr. Mele stated that they will comply with Dr. Oweis's requirements prior to construction. The car dealership will not impact their drainage plan. All other comments in Mr. Hall's letter will be complied with.

Ms. Cofoni stated that the Township new steep slope ordinance does not apply because of the protection afforded under the preliminary approval previously granted.

Mr. Mele stated that the stormwater report would be revised and submitted as requested by Mr. Hall.

Mr. Mele the applicant will comply with Habitat by Design Letter.

Mr. Mele the applicant will comply with Hamal Associates letter, including the bank location.

Mr. Banisch reviewed his letter of August 23rd.

Mr. Hall explained the soil disturbance condition of testing of soil and he would like the board soil consultant to review the soil testing.

John Speer presented his qualifications as a planner and was accepted as an expert witness.

Mr. Speer reviewed the variances for parking, sidewalks and internal walkways and stated that the conditions have not changed since the previous granting of the variance under the previous application. He reviewed new variances for the awnings.

Mr. Speer stated that for the applicant to meet the requirement of 20' staggered fronts would disturb more area and require additional fill in the flood plain and more impervious coverage. Regarding the architectural treatment requirements of the ordinance it was his opinion that the applicant has met the intent of the ordinance

Mr. Speer stated that it was his opinion that the granting of the requested variances and waivers would not impact the zone plan or be a detriment to the public good.

Mr. Banisch concurred that the applicant met the requirements of the MLUL.

Mr. Speer reviewed all of the variances and design waivers referred to during Mr. Mele's testimony and presented testimony on each of the variances and waivers.

Mr. Banisch no objection to design waivers requested.

The meeting was open to the public for questions and comments on this application. There were no questions or comments from the public and the meeting was closed to the public.

Mr. DiSalvo made a motion to authorize the board attorney to draw up a resolution of approval amending the preliminary and final site plan and granting of the waivers and variances requested based on this evenings discussions. Seconded by Mr. Nedd.

A voice vote was taken; all were in favor and the motion carried.

The resolution will be read on October 9, 2006.

Eligible: Bauerlein, DiSalvo, Kaiser, Leavens, McGroarty, Nedd, Popper, Price, Akin, Mont

Absent: Trevena

3. Southern Hill (Rand Homes) – Block 33, Lot 87 – West Springtown Road - Request for Extension of Time on Resolution 05-23 which granted Preliminary Subdivision Approval of 10 lots

The request for extension of time was reviewed.

Mr. Price made a motion to grant the requested one year extension of time on the preliminary subdivision approval. Seconded by Mr. DiSalvo. A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, Kaiser, Leavens, McGroarty, Nedd, Popper, Price, Akin, Mont
Nays: None Abstentions: None Absent: Trevena

***DISCUSSION /
CORRESPONDENCE***

1. Vouchers

Mr. Leavens made a motion to approve the vouchers reviewed by the Chairman and Vice Chairman and send same on for payment. Seconded by Mr. Mont. A voice vote was taken; all were in favor and the motion carried.

2. Review of Proposed changes to the C-1/C-2 Zone

Discussion adjourned to the next meeting.

3. Review of Waiver of Site Plan

Discussion adjourned to the next meeting.

Mr. Leavens made a motion to adjourn, seconded by Mr. Bauerlein. A voice vote was taken and the meeting was adjourned at 12:30 p.m.

Virginia R. Kesper, Clerk