

Chairman McGroarty called the Washington Township Planning Board Work Session meeting of January 16, 2007 to order at 7:30 p.m.

MEMBERS PRESENT

- CLASS IV: Charles DiSalvo, Kathleen McGroarty, Howard Popper, Geoffrey Price
- ALTERNATES: Sam Akin, Lou Mont
- CLASS I:
- CLASS II: Eric Trevena
- CLASS III: Kevin Nedd
- OTHERS ABSENT: Bauerlein, Leavens, Mont
- STAFF PRESENT: Clerk Kesper, Planner Banisch, Engineer Hall
- OTHERS PRESENT: Mayor Walsh, Committeeman Short

\* Arrived at 7:50

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 12, 2007 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 December 11, 2006 Regular Meeting  
Mr. Popper made a motion to approve the minutes, seconded by Mr. Nedd. A voice vote was taken; all were in favor and the motion
2. Minutes from the January 8, 2007 Reorganization and Regular Meeting  
Mr. DiSalvo made a motion to approve the minutes, seconded by Mr. Popper. A voice vote was taken; Mr. Price abstained, all others were in favor and the motion carried.

**RESOLUTIONS**

07-07 Alcock – Block 17, Lot 6 – 679 Bartley Road – Approval of Request for Wavier of Site Plan to use existing cottage for farm labor housing

The resolution was reviewed.

Ms. Kesper stated that she spoke with Ms. Alcock who had no comments on the resolution and asked that it be adopted by the board.

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Mr. DiSalvo made a motion to adopt resolution 07-07, seconded by Mr. Nedd. A roll call vote was taken:

Ayes: DiSalvo, McGroarty, Nedd, Popper, Price, Akin

Nays: None Abstentions: Absent: Bauerlein, Leavens, Mont

07-08 DeFilippo – Block 62, Lot 12 – 180 Black River Road – Approval of Request for Wavier of Site plan for apartment in existing barn for farm labor housing

Ms. Kesper stated that she had not yet heard from the applicant regarding this resolution. The resolution was tabled until the next meeting.

***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**

None

**DISCUSSION / CORRESPONDENCE**

- 1. Committee Assignments

Adjourned to the next meeting.

- 2. JCP&L - Mount Olive – Block 8400, Lot 3 – 6 Naughtright Road - Public Notice regarding proposed new electrical substation

Noted for the Record.

- 3. Vouchers

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

#### 4. Review of Highlands Master Plan

Mr. Banisch stated that as the plan is written the protection areas will have the most stringent controls. The two tiers of control are protection and conservation, with the conservation areas being somewhat less restrictive. He explained that the density and standards are not in this plan that will come six months after the Highlands Master Plan is adopted. It was his opinion that if the DEP standards are any indication they will be very stringent.

Mr. Banisch answered the Board that regarding the Township opting in or out of the plan for the Planning area, it was his opinion the board needs to see the regulations before making a decision.

He reviewed the draft regional master plan map of the township and pointed out the conservation, planned community and protection zones of both the previously designated Preservation and Planning areas. He explained that the Highlands Master Plan now have different layers of protection zones in the planning area which were previously unregulated.

He referred to page six of his memo and the questions/discrepancies he would like to see the Planning Board make comments on which were:

- (1) More than one-half of the Planning Area in the southerly portion of the Township is designated Conservation Zone, which includes preserved farmland, developed residential neighborhoods and several large farmland lots that remain undeveloped;
- (2) Black Oak Golf Course (approved site plan) is located in the Protection Zone in the Preservation Area portion of the Township;
- (3) The floodplain portion of the Mine Brook Golf Course (Block 3, Lot 21; 151-acres) is located in the Preservation Area, and is designated Planned Community Zone / Specially Planned Areas; The easterly portion of the parcel, which includes steep slopes, is designated Protection Zone;
- (4) The large lot adjoining the Mine Brook Golf Course to the north (Block 3, Lot 15; 157.27 acres-Haverstone Farms, including 12.8-acres of commercial assessment and 142-acres of farm qualified assessment) is designated Protection Zone in the Preservation Area;
- (5) OR Zoned lands situated along Route 46 in the Planning Area are predominantly designated Protection Zone;

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- (6) OR/I – SCHO Zoned lands bound by Newburgh Road and Schooley's Mountain Road are designated Conservation Zone;

He stated that the council is looking for mapping in accuracies. We should make it clear that the Route 46 area should be looked at. The golf course area should get a conservation designation vs. preservation.

Mr. Banisch explained that part of the conformance process, after the Highlands Council adopts the master plan, will be reviewing and amending the township master plan.

Mr. Banisch stated that it was his opinion that the council would listen to inconsistencies and errors in the maps.

Mr. Short the Highlands presentation will be about one and half hours. After which the Committee Board and Committee members present could ask questions or make comments. It was his opinion that after the presentation the Board and Committee should write a comment letter to the Highlands Council under Mayor Walsh's signature. He noted that the public comment period has been extended to March 2<sup>nd</sup>.

Mr. Banisch referred to the land use map and pointed out the different designations. He read the definitions of the designations as:

**1. Protection Zone:** The Protection Zone consists of high resource value lands that are important to maintaining water quality, quantity, and other significant ecological processes. Land acquisition is a priority in the Protection Zone. Any development activities will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands and may only occur via redevelopment of existing developed areas. The Highlands Council used 640 acres or 1 square mile as the minimum mapping threshold for identification of a Protection Zone.

**2. Conservation Zone:** The Conservation Zone consists of areas with significant agricultural lands and interspersed environmental features that should be preserved when possible. Development potential is limited in area and intensity due to infrastructure constraints and resource protection goals, although opportunities exist for low impact, clustered development. The Highlands Council used 640 acres or 1 square mile as the minimum threshold for mapping a Conservation Zone.

**3. Planned Community Zone:** The Planned Community Zone consists of areas with concentrated development signifying existing communities. These areas tend to have less environmental constraints, and have existing infrastructure that may support development provided that it is compatible

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with the protection and character of the Highlands environment, at levels that are appropriate to maintain the character of established communities. Areas exhibiting development patterns characteristic of the Planned Community Zone, but ranging in size from 100 acres through 640 acres, or located in the Preservation Area were assigned as Specially Planned Area designation.

4. The **Specially Planned Area** shares similar characteristics of the Planned Community Zone, but occurs in a smaller and a more discrete manner. The Specially Planned Area functions as a subset of the Planned Community Zone.

Mr. Banisch gave his power point presentation, which displayed various Highlands Master Plan maps with an enlargement of the Washington Township area. The maps shown and discussed were:

- Land Use Capability Map - The light area is the Planning area. The remainder is in the preservation area.
- Consumptive / Depletive Water Use – Most of the Township was shown in the depletive area which the board did not agree with. Mr. Banisch stated that the council is looking at sub-water sheds and assigning different carrying capacities to these areas. The Township is in a depleted area. He noted that when the golf course did hydro geology studies there was a lot of water, contrary to what the highlands map shows. Mr. Akin stated that the MUA has information on all their wells which are contrary to the map and Mr. Price stated that the golf course has data from their investigations that are also contrary to this map
- Net Water Availability
- Water Availability Constraints – The Township was shown as being in a Current Deficit Area, Existing Constrained Area and Source Water Area – The board thought that this was inaccurate and conflicting data.
- Prime Recharge Area
- Impaired Waters Overall Assessment – Most of the Township was shown as impaired, which the board disagreed with
- Wellhead Protection Areas – The Board was of the opinion that the well head protection areas were extremely large
- Median Nitrate Concentrations - Mr. Banisch stated that Nitrate concentration is moderate, but without knowing what level of pollution they are willing to accept we don't know what that designation means.
- Soil Suitability For Septic Systems – Most of the Township as shown with very limited soil suitability for septic systems.
- Highlands Open Waters
- Riparian Area
- Watershed Values
- Riparian Integrity
- Steep Slope Protection – Slopes 20% and greater development is not allowed

- Significant Natural Areas – Almost no areas shown in Washington Township, which the board disagreed with and noted that the following map was contradictory as it showed most of the Township in a Critical Habitat Area
- Critical Habitat Resource – Township shown as mostly critical habitat resource
- Conservation Priority Area – Township shown as a mix of low to high priority areas
- Agricultural Resource Area – The majority of the township was shown as being in the Agricultural Resource Area – including our Office Research/Industrial/Commercial areas on Route 46 and Newburgh Road
- Agricultural Priority Area – Township shown as a mix of low and high priority areas Highlands Public Community Water Systems
- Highlands Domestic Sewerage Facilities

The board discussed the fact that developed areas such as Capital Estates, Merry Brook, etc. was in a conservation and protection zone, yet it is fully developed with sewer and water, which they thought should be in the zone Planned Community Zone/Specially Planned Areas indicated by purple. It was noted that some of these areas are in the PCZ zone and others not. It was decided that this was not important as it is developed.

The Board discussed the structure of the January 24<sup>th</sup> meeting after the presentation. It was decided that Mr. Banisch should lead the questions and concerns discussion.

The Board directed Mr. Banisch to draft a list of concerns and comments prior to the meeting. This memo should also be sent to the Open Space, Agricultural Development, Environmental Commission, WTMUA After the meeting written comment letter will be sent to the Highlands Council.

Mr. Walsh stated that he would reach out to Mr. Borden of the Highlands Council to find out what the format is and let him know that we will have questions and ask how we get questions answered and maps changed.

The Board had the following questions /comments for the Highlands Council to be part of Mr. Banisch's comment letter:

- Lack of municipal boundaries on most of the maps makes it very difficult to review.
- The scale of the maps is too large.
- Point out the maps with large discrepancies such as the maps dealing with water quantity and impairment.
- If Washington Township does not opt into the plan will the DEP stop issuing permits in the planning area (It was noted that the golf course was stopped at the permitting stage)

- Clarify if the Township would still receive money from the Highlands Council to revise our master plan and ordinances if the Township doesn't opt into the plan.
- What are the opportunities to get some of the land use designations changed so our township goals can be met.
- Priority to put golf course in conservation zone to allow for its development, especially in light of the fact that the State is currently buying golf courses for open space.
- What and when will money be available for purchasing the land / and compensation for property devalued
- Mine Brook Golf course is to be in preservation/protection zone (limestone, wells, flood plains, etc.) not the Conservation or Planned Community Zone
- How will the Highlands Master Plan affect our Township COAH requirement
- The 300' stream corridor buffer required under the Highlands Master Plan for the number of streams would have over 300,000 acres preserved
- The Route 46 corridor should remain in planning as a specialty planned zone.
- The US Homes site should be in the planned community zone
- What happens to already developed residential and commercial property within the protection zone
- What does the Highlands Council mean when they say they want to be blind to the line – treat everything as it is in preservation?. We need to find out what this means residential lots after master plan

Mr. DiSalvo made a motion to adjourn the meeting, seconded by Mr. Akin. A voice vote was taken; all were in favor and the meeting was adjourned at 9:00 p.m.

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Virginia R. Kesper, Clerk