

Chairman McGroarty called the regular meeting of March 12, 2007 of the Washington Township Planning Board to order at 7:40 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, William Leavens, Kathleen McGroarty, Howard Popper, Geoffrey Price

ALTERNATES: Sam Akin

CLASS I:

CLASS II:

CLASS III: Kevin Nedd

OTHERS ABSENT: Mont, Trevena, DiSalvo

STAFF PRESENT: Clerk Kesper, Attorney Buzak, Planner Banisch, Engineer Hall

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 February 28, 2007 Regular Meeting

Mr. Popper 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

NONE

DECISIONS ON COMPLETENESS

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.

PUBLIC HEARING/APPLICATIONS

1. Washington Township – Block 34 Lot 2 – Fairmount Road - Capital Review of Proposed Dog Park

Wayne Resotka – 20 Windswept Way
Steve Smith, 104 East Springtown Road

Wayne Resotka and Steve Smith were sworn in by Attorney Buzak.

Mr. Resotka reviewed the history of the history of the dog park, the committee that was formed to investigate it and the volunteers that have agreed to run and maintain a Long Valley Dog Park. He explained that the location of the park on Fairmount Road is Township Property that was previously the Peter Carroll Baseball Field, which has not been used for many years. He stated that they have Green Acres Approval of this change of use. He stated that the Township Planner, Mr. Banisch, has stated it is consistent with the Township Master Plan. He referred to a hand drawn site plan and dog park five year plan that he distributed to the board. He stated that he has drawn up the plan himself and that he has tried to draw it to scale with all proposed improvements. There will be no buildings or utilities brought to the site. Improvements will consist of repairing the current fences and adding landscaping. He referred to the proposed rules of the park which had been distributed to the board . He noted the concerns of the adjoining property owner Hope Greenfield.

Mr. Smith stated that dog parks are popular all around the country and that this was not an exotic use of the property and did not require a change of use under green acres. He quoted from page V-2 of the Washington Township Master Plan regarding diversified park uses. He stated t hat any pollution would be insignificant as the people are required to pick up after their dogs and that this would be a low impact use of the property, probably 10 -12 people and their dogs would use the park each day. He confirmed that they do not plan any lights, utilities or even more stone on the driveway.

Mr. Resotka referred to a photo board that was marked A-1 which were photos of Peter Carroll Field. He stated that the proposed hours of operation would be dawn to dusk. He stated that they already have 35 volunteers to “police” the park. He explained that special dog tags would be issued to each user and that

is the way most dog parks are run. Dog owners are responsible to look after their dogs.

Mr. Resotka stated that he would comply with Lt. Monahan's letter and that the Road Department would be taking care of the right of way in front of the park. He stated that the county has also approved the sight distance.

Mr. Hall stated that he spoke to Mr. Christopher Fitz of the Morris County Engineering Department who confirmed that there is 500' of sight distance looking to the south and 560' looking north towards the valley. He stated that the sight distance is adequate as it exists today, without the removal of brush along the roadway agreed to by Mr. Resotka. He stated that NJDOT will have to review the stop sign requirement.

Mr. Banisch reviewed his memo of February 28th regarding this capital review and the need for a consistency review with the Master Plan. He concluded that this use is consistent with the Washington Township Master Plan and referred to his memo for his reasons. He addressed a landscape berm, which he stated that Mr. Frech, Superintendent of the DPW stated they would put in when given a location. He recommended that the board recommend to the Township Committee that this berm be staked out in the field and also ask the adjoining neighbor to walk the property at that time.

Mr. Resotka stated that there is an existing berm and he stated he wanted to extend the berm another 20' – 30' so that the dogs could not see the horses.

Mr. Smith answered Mr. Banisch that his group was willing to put in white pines on the berm.

Mr. Resotka answered Mr. Banisch that the reason for crown vetch is because it holds the dirt very well and that there are very steep slopes behind the dog park area, but that he would ask Dr. Keller what ground cover should be used instead of the crown vetch if this was an area to be concerned about it being an invasive species. He answered Mr. Banisch that there would be a fence in front of the berm.

Mr. Banisch reviewed his recommendations in the plan and that the board could make recommendations to the Township Committee along with their determination of consistency with the Washington Township Master Plan.

The board reviewed the application.

Mr. Resotka stated that they would not open the park before 8:00 a.m.

Mr. Smith answered Mr. Akin stated that they will not be doing snow removal on the road as the park will be closed during inclement periods. He explained that the infield will be mulched the remainder will remain grass and the volunteers will be cutting the grass. He stated that they would be planting rye

grass that would not need fertilizer and pesticides. They would not apply anything without permission from the DPW.

Mr. Resotka reviewed for Mr. Nedd the costs of the park and referred to the five year plan he handed out to the board. He answered Mr. Nedd that there will be no maintenance responsibility for the township. The DPW will remove some trees and the berm will be put in with dirt the DPW has on another location that they must move.

Mr. Nedd wanted a list of the in-kind expenses that will be put into this park when it is presented to the Township Committee.

Mr. Buzak stated that the funds and in-kind services to be used is a Township Committee decision.

Mr. Resotka answered the Board that volunteers have done the clearing that has been completed so far and that volunteer work will continue. The fence will be purchased from and installed by a professional fencing company. The dog park committee would be paying for the fencing. He explained how the Township Recreation Committee and Dog Park Committee are handling the funding of the dog fence. He stated that the insurance being provided is under a Township Recreation umbrella policy paid for by the sports organizations.

It was discussed among the Board members that current township ordinances would cover the hours of operation of this park and fines if people use the parks after hours.

Mr. Resotka answered Mr. Leavens that the park would not be limited to Township residents but non-township residents would be charged a larger fee.

Mr. Smith stated that one of the largest dog parks in the area is in Morris County's Lewis Morris, which has no fees, and he has not seen more than ten people at one time. The Peter Carroll field parking area will hold about 18 cars.

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

Attorney Michael Ligorano – stated that he was representing the adjacent property owner, Hope Greenfield and stated that they have a professional planner to present their objections. They disagreed with the costs of the design and maintenance presented by the Dog Park Committee.

Nancy Weaver Smith was sworn in by Attorney Buzak and presented her qualifications to the board. She referred to a report she previously submitted to the Township Committee, which was distributed to the board and marked R-1. She referred to a photograph board, which was marked R-2. She stated that the berm needed is much longer than 20' – 30'. She stated that no budget has been prepared for this project and that her investigation has shown that an average park costs a Township between \$150,000 – \$200,000. It was her opinion that a

detailed plan, not a sketch of the project should be submitted to the Township and Planning Board. She did not disagree that this was within the recommendations of the Washington Township Master Plan, but it should be better planned.

Mr. Ligorano stated that during the review of the Sixteen Hands Farm detailed plans and reports were required and many hearings were held. He stated that this proposal was a hostile use next to a preserved farm. The applicant still objects to the dog park in this location. He answered Mr. Leavens that the horse farm is a commercial agricultural use.

Harliyn Parker – Naughright Road spoke about cost estimates and stated that he purchased and installed trees for much less then the objectors' planner suggested.

Steve Zaikowski – Washington Township Shade Tree Committee Chairman stated that the cost of installing a tree is about half the cost of the tree.

Dorothy Walter – 157 Black River Road – Stated that when the current baseball field was proposed it was her opinion that it was a bad location for it and noted that the field was put in with volunteer time. She stated that the path to the park is not in good condition, especially for a senior citizen. She did not see a problem with it being a dog park, given that 130+ residents have answered a questionnaire that they would use one.

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

Mr. Buzak reviewed the Municipal Land Use Law regarding a capital review. He stated that the Board must make a recommendation on consistency with the Washington Township Master Plan and has the authority to make recommendations if the board felt necessary.

Mr. Popper made a motion that the Board finds the dog park proposal at Peter Carroll field not inconsistent with the Washington Township Master Plan. Seconded by Mr. Price.

The board made the following recommendations:

- As a detailed plan was not submitted the proposed berm, landscaping and fence along the property line should be staked out in the field
- The Plant list and type of ground cover materials should be reviewed by Dr. Keller.
- The hours of operation should be 8:00 a.m. to dusk
- Pesticides and Fertilizers, if applied, should be done by a licensed professional and approved by the Township DPW.

- A detailed cost/capital estimate, including in-kind services, should be submitted to the Township Committee
- The neighbor, Ms. Hope Greenfield, should be contacted when the berm and landscaping is staked out so she may also be on site

A roll call vote was taken on the motion and recommendations:

Ayes: Akin, Bauerlein, Leavens, Nedd, Popper, Price, McGroarty

Nays: None Abstentions: None Absent: DiSalvo, Mont, Trevena

Exhibit R-2 was taken back by the applicant.

2. Lang - Block 9, Lot 14 – Drakestown Road – R-5 Zone – Request for extension of time on Resolution 06-09

Michael Selvaggi, Applicant’s Attorney

Geoff Price stepped down due to a conflict of interest.

Mr. Selvaggi reviewed the application that was approved by the Board in February 2006. He explained that the applicant had difficulties obtaining MCSCD approval. He sought a previous extension in August 2006, but that has expired. They obtained MCSCD in October 2006. He asked the board for an additional extension of time. He further explained that there was a delay in the preparation of the deeds and MCSCD. He asked for an extension of sixty days from today – or 120 days from January 12, 2007.

Mr. Leavens made a motion to grant an extension of time to file the deeds to June 1, 2007, seconded by Mr. Bauerlein. A roll call vote was taken:

Ayes: Akin, Bauerlein, Leavens, Nedd, Popper, McGroarty Nays: None

Abstentions: None Absent: DiSalvo, Mont, Trevena

Ineligible: Price

3. Carlson – Block 20.10, Lot 43 – 158 Flocktown Road – R-1/R-2 Zone - Request for Waiver of Site Plan for horse farm to offer therapeutic Riding and Equine Assisted Activities

Elizabeth Carlson, Applicant

Michael Carlson, Applicant

Elizabeth Carlson and Michael Carlson were sworn in by Attorney Buzak.

Ms. Carlson stated that the property is nine acres, which was previously farmed. She stated that when they moved in they brought in their horses and fenced in the area. She explained that she is in the process of being certified as an instructor in therapeutic and handicapped riding.

Ms. Carlson explained therapeutic activities, touch therapy and horseback riding for senior citizens.

Ms. Carlson testified that this would be a small horse farm, four horses and a donkey. She will be the only instructor with occasionally two volunteer assistants. She informed the board that she they plan to eventually apply for non-profit status. She referred to the plan and pointed out the parking areas. She stated that there would be no more than five cars one the premises at one time involved in the riding instruction. Riding will be by appointment only.

Ms. Carlson answered the board regarding her proposed hours of operation. She explained that the horses have to be rested which limits the amount of hours lessons can be given. They will provided handicap accessibility. She explained the certification she and the facility will have to meet. There is outside lighting at this time, but not for riding. She would not have any evening night lessons. Copy the number of hours from the e-mail. She answered the board that it could be Monday – Saturday 10 – 7.

Ms. Carlson stated that her barn could only support five horses. She does not anticipating growing beyond what she has testified too.

Mr. Nedd made a motion to approve the waiver of site plan as presented with the condition that no more than five cars (staff and patrons) would be on site at any one time with regard to the riding instructions/therapy. Seconded by Mr. Bauerlein.

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

4. Zaikowski – Block 15, Lot 11 – 212 Bartley Road – R-5 Zone – 5.274 Acres – Request for side and rear setback variances, structure in flood plain and expansion of non-conforming structure for furnace room

Stephen Zaikowski, Applicant

Stephen Zaikowski was sworn in by Attorney Buzak.

Mr. Zaikowski stated that he has received approval from the Board of Adjustment for the setback variance. He reviewed the maps and photographs submitted to the board for a structure in a flood plain / way .

Ms. Kesper explained to the board why this applicant had to go before both boards, that the Township Ordinance reads that only the Planning Board can give review floodplain issues and that as this was not a land use ordinance it did not have the ability to hear the bulk variance.

Mr. Buzak reviewed for the Board the reason for the applicant's appearance for relief under Section 92 of the Township Ordinances. He read from the ordinances.

Mr. Zaikowski explained the first floor of the 6 x 10 addition will be a utility room that will house the furnace, which is currently in the basement that floods during heavy rains. He referred to the plans that showed even during Hurricane Floyd the water did not come up to the first floor. This addition would displace 168 gallons of water. He referred to the FEMA maps submitted with the application and explained how the water flows around his property. Access to the basement will be from inside the house.

Mr. Banisch referred to his report and that this is a de minimus amount of fill and solves an existing flooding problem.

Mr. Hall agreed that the impact on the floodway was de minimus and did not object to the application as meets the requirements under the ordinance for a waiver.

Mr. Akin made a motion to approve the application as submitted. Seconded by Mr. Leavens. A roll call vote was taken:

Ayes: Akin, Bauerlein, Leavens, Nedd, Popper, Price, McGroarty

Nays: None Abstentions: None Absent: DiSalvo, Mont, Trevena

***DISCUSSION /
CORRESPONDENCE***

1. Vouchers

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

2. February 28, 2007 Correspondence from Attorney Cofoni RE: Scudese Litigation- Oral Argument before Appellate Division

Noted for the record.

3. Highlands Regional Master Plan

Mr. Banisch reviewed his March 10, 2007 memo and maps. He explained that he has concluded that the developed areas of the township that are served by the HMUA and WTMUA should be in the especially planned community designation. He explained that after reviewing the plan, this designation would

allow existing homeowners the greatest freedom from the Highland Regulations.

The board concurred with Mr. Banisch.

Mr. Banisch did not recommend Parker Acres in this area because it is adjacent to the planning area.

The Board disagreed with Mr. Banisch and were of the opinion that Parker Acres should be part of the specially planned community area.

The Board concurred that the Long Valley Village, Stephensburg Village, Beattystown Village and Middle Valley area depicted in the maps distributed by Mr. Banisch should also be in the specially planned community areas.

The board discussed at length the zone classification of the Mine Brook Golf Course. The majority of the board wanted the area classified as protection zone.

Mr. Banisch stated that this can be supported because of the floodplain, riparian corridor, wetlands and steep slopes on the property.

The board wanted a support statement for the redevelopment of Heath Village as part of the document going to the Highlands Council.

The board concurred with the remainder of Mr. Banisch's letter.

Mr. Banisch was directed to have a draft of the letter to the Township Committed for their review at this Wednesday, March 14, meeting.

The Board will review the final draft on March 28th.

2. Board Agenda

The Board cancelled the work session scheduled for March 20th.

The meeting was adjourned at 10:20 p.m.

Virginia R. Kesper, Clerk