

Chairman McGroarty called the regular meeting of September 10, 2007 of the Washington Township Planning Board to order at 7:40 p.m.

MEMBERS PRESENT

- CLASS IV: Charles DiSalvo, William Leavens, Kathleen McGroarty, Geoffrey Price, Howard Popper
- ALTERNATES: Sam Akin, Lou Mont
- CLASS I: Eric Trevena
- CLASS II:
- CLASS III:
- OTHERS ABSENT: Bauerlein, Monahan, Nedd
- STAFF PRESENT: Clerk Kesper, Engineer Hall, Attorney Buzak

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 August 22, 2007 Regular Meeting

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

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.

RESOLUTIONS

07-16Target Corporation – Block 4, Lot 7.05 – Route 46 – C-2 Zone 29.27 Acres – Approval of request for Amendment to Resolution 06-25 and 07- (Approval of Preliminary and Final Site Plan for large scale retail facility) for relief from resolution conditions

Mr. Buzak reviewed the resolution.

Mr. Leavens made a motion to adopt resolution 07-16 as amended this evening. Seconded by Mr. Price. A roll call vote was taken:

Ayes: Leavens, McGroarty, Popper, Price, Akin

Nays: None Abstentions: None Absent: Bauerlein, Monahan, Nedd

Ineligible: Trevena, DiSalvo, Mont

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. Boorman/Marlot – Block 28, Lot 20 – 40 East Mill Road – Request for Waiver of Site Plan for change in use from apartment to office

Leona Harrington, Applicant

Ms. Harrington was sworn in by Attorney Buzak.

The waiver of site plan was reviewed.

Ms. Harrington stated that the tenant is currently using space on the first floor, which the Pilate's gym would like to use. The massage therapist office and studio would use the space upstairs on the second floor that is currently used as an apartment. This change would leave the building with one apartment, a massage therapist studio and the Pilate's gym/studio.

Ms. Harrington answered the board that there would be no exterior changes and she met all requirements of the waiver of site plan under item C.

Mr. Popper made a motion to approve the Waiver of Site Plan as presented, seconded by Mr. Leavens.

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

2. Target Corporation – Block 4, Lot 7.05 – Route 46 – C-2 Zone 29.27 Acres – Request for Amendment to Resolution 06-25 and 07-15 (Approval of Preliminary and Final Site Plan for large scale retail facility) for relief from resolution conditions

Nancy Lottenville, Applicant's Attorney
Joseph Mele, Applicant's Engineer
Donald Scietta, Applicant

Ms. Lottenville reviewed the application for the export of soil and permission to continue work.

Joe Mele and Donald Scietta were sworn in by Attorney Buzak.

Mr. Mele stated that at the last meeting the applicant had three outstanding permits, sewer, water and DOT and that as of today only the water permit is outstanding and DEP has told him that it is finished technical review and is in supervisory review, which should be the last step to issuing the permit. There are no other outstanding permits.

Mr. Mele addressed the soil disturbance permit. He stated that there are no changes to the import of soil part of the permit but that the applicant was now asking for permission to export 1300 cubic yards of topsoil from the site.

Mr. Mele referred to Mr. Hall's report of September 6, 2007 and stated that regarding Section A, fees and bonds will be posted prior to export; Section B, the discrepancy in the time frame is that in one place the dates referred to were for the entire job, the soil and earth work would take place from September to December for both import and export of soil. He answered Mr. Hall that this was enough time to complete the soil work. The exported soil destination is the Piacosta site in Liberty Township, Warren County (the same as where some of the fill is coming from, and therefore, the truck route is Route 46 out of the Township. The Piacosta site is a quarry and would not need a special permit to receive the soil. He stated that because the soil is being deposited outside the Township number 4, testing, is not applicable. He agreed to item 5 regarding traffic signs.

Mr. Hall answered Mr. Scietta that temporary stabilization of phase one would control when the applicant could start phase two.

Mr. Mele reviewed Mr. Hall's letter of August 24. 06-25 – item Q prior to soil importation – he stated that the testing has been completed and submitted to Mr. Norton. Five sites will be used, two of which are quarry sites. He noted Mr. Norton's approval letter of September 4, 2007.

Mr. Hall stated that the applicant has the required approvals to start the soil import.

Mr. Hall concurred with Mr. Mele that the conservation easements are on the plans.

Mr. Mele stated that the Fire department comments were addressed in July 2007. He stated that he would forward a set of the next revisions to the fire department. He would make the revisions requested with Mr. Banisch's memo of September 10, 2007. He stated that he is working with Dr. Keller in the field regarding the trees and islands.

Mr. Mele answered Mr. Akin that the soil needs to be exported because it is not acceptable soil for compacting under structures and parking lots. He stated that the area has a high water table, which makes the soil unsuitable for use on the site.

Mr. Hall concurred.

The meeting was opened to the public for questions and comments, there were no questions or comments and the meeting was closed to the public on this application.

Mr. DiSalvo made a motion to approve the soil disturbance permit amendment and the continuation of work on the site without signed plans. Seconded by Mr. Price. A roll call vote was taken.

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

- 3. US Homes – Greenbriar at Riverview – Block 19, Lots 5, 6 & 7 – Schooley's Mountain Road and Newburgh Road – Request for amendment to the Minor Subdivision, Preliminary Site Plan and Final Site Plan Approval granted with Resolution 05-17 and 06-22 – Previously Heard August 22, 2007 – Public Hearing Continued

Ms. McGroarty announced that the application had been adjourned at the applicant's request to September 26, 2007.

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

2. RO-26-07 Amend Chapter 217 with regard to the number of buildings permitted on a lot

The proposed ordinance was reviewed.

Ms. Kesper explained the ordinance was at the request of Morris County Agricultural Development Board to allow two principal structures on one lot on farmland preserved property, which currently is prohibited by Township Ordinance.

Mr. Akin presented his concerns with this ordinance but stated that he would address them to the Township Committee.

The remainder of the board did not have objections to the ordinance.

Mr. Trevena made a motion that the board found that this ordinance was not inconsistent with the Master Plan, seconded by Mr. Popper. A voice vote was taken; all were in favor and the motion carried.

Laura Akin - East Mill Road – stated that she was a member of the Morris County Agricultural Development Board and she clarified the need for ordinance amendment.

3. Tiena Cofoni Correspondence RE: Scudese Litigation regarding August 6th Appellate decision upholding the Superior Courts affirmation of the Boards Preliminary and Final Approval as well as dismissal of the challenge to Washington Township’s cluster ordinance and easement over TM Group’s property

Mr. Buzak stated that this concludes the litigation on the TM group subdivision approval and in the end all actions of the Board were sustained.

3. ANJEC Seminar – October 12 Seminar – “The Heat is On –What to do Now?”

Noted for the record.

Mr. Leavens made a motion to adjourn, seconded by Mr. Price. A voice vote was taken; all were in favor and the meeting was adjourned at 8:35 p.m.

Virginia R. Kesper, Clerk