

Chairman DiSalvo opened Regular Meeting of the Washington Township Planning Board of April 12, 2010 to order at 7:45 p.m.

MEMBERS PRESENT

CLASS IV: Mark Bauerlein, Charles DiSalvo, William Leavens, Lou Mont, Eric Trevena  
 ALTERNATES: Sam Akin,  
 CLASS I: Ken Short  
 CLASS II:  
 CLASS III: James Harmon  
 ABSENT: William Beute, Kathleen McGroarty  
 STAFF PRESENT: Clerk Kesper, Engineer Hall, Attorney Buzak, Planner Banisch

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 12, 2010 posted on the Bulletin Board on the same date. Notices were mailed, as there were requests.

**\*\*NO NEW CASES OR WITNESSES SHALL BE HEARD SUBSEQUENT TO 10:30 PM\*\***

Pledge of Allegiance

**MINUTES**

1. Minutes from March 8, 2010 Regular Meeting Table to the April 28, 2010

meeting

**RESOLUTIONS**

10-07 County of Morris – Block 25, Lot 47 -46 Schooley's Mountain Road – R-5 and R-20

Zone - 7.106 Acres – Request for a two lot Minor Subdivision with variances for Long Valley Safety Improvement Project

The resolution was reviewed.

Mr. Leavens made a motion to approve the resolution as written, seconded by Mr. Mont.

A roll call vote was taken:

Ayes: DiSalvo, Harmon, Leavens, Mont, Bauerlein  
 Absent: Beute, McGroarty Abstentions: None

April 12, 2010

Ineligible: Short, Akin, Trevena

***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. Splash (West Mill Associates)  
– Block 34, Lot 53 – 1 Fairmount  
Road – C-1 Zone – Request for

Waiver of Site Plan for 8 tables on patio along side Splash

Matthew Saleeby, Applicant

Matthew Saleeby was sworn in by Attorney Buzak.

Mr. Saleeby explained the location of the proposed new tables. He stated that they have reconstructed the walls. The area is approximately 400 square feet with 8 tables. The lighting will be the existing light on the barn, low voltage lighting and torches. He answered Mr. Hall that the area labeled on the site plan delivery lane is not a delivery lane and has not been used for deliveries. The area of the tables is a step up from what was a delivery lane and it is very narrow. The area where the tables are located is flat. He answered the board that the barn will be used by the development to sell their souvenir items, no other items will be sold.

Ms. Kesper explained that she had previously approved a zoning permit for the use of the barn as stated by Mr. Saleeby as it did not involve changes to the property or additional parking.

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

Mr. Leavens made a motion to grant the site plan waiver with the inclusion of a barrier between the parking lot and tables. Seconded by Mr. Short.

2. Long Valley Brew Pub (West Mill Associates) – Block 34, Lot 53 – C-1 Zone – 1 Fairmount Road – Request for Amended Waiver of Site Plan for outside bar (24 x 36' where 10' x 18' was approved)

Matthew Saleeby, Applicant

Matthew Saleeby was sworn in by Attorney Buzak.

Mr. Saleeby stated that when he was before the board for this use previously he did not have a full design and the bar is larger then he had stated. He presented two photographs that indicated that he would be using fewer tables then previously indicated. He stated that the capacity of the patio will actually be reduced due to the size of the bar. He stated that he has a COA from Historic Preservation which has a cedar roof instead of an awning.

The meeting was opened to the public.

Carol Brackenridge stated that the applicant should go back to the Historic Preservation if it is different then they approved.

Mr. Leavens made a motion to approve the amended waiver of site plan with the condition if it is a different plan then approved by Historic Preservation they should review it again. Seconded by Mr. Bauerlein. A voice vote was taken, all were in favor and the motion carried.

3. Granata – Kings Highway – Block 43 Lot 48.01 and 48.29 – R-5 Zone Request for Lot line adjustment

Andrea Granata, Applicant  
Guisseppa Granata, Applicant

Andrea Granata and Guisseppa Granato were sworn in by Attorney Buzak.

Mr. Granata stated that when the minor subdivision was done they did not change the lot lines as they should have when the subdivision was reduced from three lots to two lots. He stated that he would like to square off the lot lines, no other changes are proposed. He explained that the new lot line runs along the hedgerow. He pointed out on the plan the new and old lot lines. He stated that with this lot line change the conservation easement will be on one lot instead of two.

Mr. Hall referred to his April 1, 2010 report. He noted that the property has the maximum amount of land development on either lot because of stormwater and highlands regulations and asked for a deed restriction to this.

Mr. Hall stated that according to the plan submitted, the quarter acre restriction on impervious coverage was exceeded and that this should be looked at by the surveyor and if in fact they are over a quarter acre of disturbance the applicant must remediate it.

Mr. Granata agreed to address and remediate the impervious coverage issue.

The board discussed deed notification requirements.

The meeting was opened to the public for questions and comments, there were none and the meeting was closed to the public for questions and comments.

Mr. DiSalvo made a motion to authorize the board attorney to draw up a resolution of approval of the application with the conditions of a deed notification and .249% impervious coverage either through remediation or correction by the survey. Seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

4. Barsa – Block 33, Lot 6 – Schooley’s Mountain Road – Request for extension of time to complete conditions of Resolution 09-12

Mr. Buzak reviewed the regulations under which the board could request the extension of time and Mr. Mills letter. Mr. Buzak suggested that any approval be tied to the outstanding Morris County Soil Conservation District approval.

Mr. Mont made a motion to approve the request for an extension of time for a maximum of sixty days after the Morris County Soil Conservation District approval is received. Seconded by Mr. Short. A voice vote was taken; Mr. Bauerlein abstained, all others were in favor and the motion carried.

5. Regency at Long Valley – Black 28, Lots 46.01-46.56, 46.101 and 46.102 (formerly lots 46 & 47) – Fairview Avenue, Welsh Farm Road, Raspberry Lane and Diary Lane Final Site Plan approval and amended preliminary site plan approval for a 45 unit age restricted development to a non-age restricted development – Expires May 7, 2010 – Completeness review and if deemed complete, public hearing

Lawrence Cohen, Applicant’s Attorney  
Jim Majewski, Applicant  
George Ritter, Applicant’s Planner

Mr. Cohen referred to the legislation that allows the conversion from age restricted to non-age restricted housing and that it was his opinion that the applicant meet the requirements.

The file was reviewed for completeness on the amended preliminary and final site plan approval.

Mr. Hall asked about the tax payment and MUA approval of the sewer.

Ms. Kesper confirmed no verification of taxes was received but a letter from the MUA was received dated January 10, 2010.

Jim Majewski was sworn in by Attorney Buzak.

Mr. Majewski stated that he is a divisional senior vice president and represented that the taxes had been paid on this property through May 1, 2010.

Mr. Harmon stated that his brother in law is a vice president at Toll on the West Coast and asked if this were a conflict.

Mr. Buzak stated that this was a conflict.

Mr. Harmon left the meeting.

Mr. Buzak read from the MLUL regarding waiver for completeness of taxes, 40 55 D 39-e, and stated that it could be waived

Mr. Leavens made a motion to deem the application complete, seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried

Mr. Cohen reviewed the act on conversion from age restricted to non age restricted housing and reviewed each of the conditions and stated that the applicant has not sold any of the units nor were they holding any deposits. He stated that the applicant would make 20% of the units affordable housing as required under the statute. He noted that the underlying zoning is industrial with an overlay for senior housing and it was his opinion that the applicant does not need to seek any use or bulk variances.

Mr. Buzak stated that Mr. Cohen fairly represented what the act states. He answered Mr. Mont that the conversion act applies, regardless if it was through a variance or overlay age restrict residential zoning although this fact could be taken into account during the review of the positive/negative criteria. He answered Mr. Short that if the subdivision and site plan has gotten their extensions since 2004, they are protected for three years with two one year extensions. Final subdivision gives three years and two one year extensions.

Mr. Banisch stated that there have been no changes in the overlay ordinance, with the exception of a growth share ordinance for affordable housing.

Mr. Cohen stated that the act supercedes zone changes.

Mr. Buzak agreed.

Mr. Hall asked how the New Jersey state statues such as Flood Hazard, stormwater and RSIS apply.

Mr. Buzak did not have an opinion at this time on those issues.

Mr. Banisch concurred with Mr. Cohen that this property is in the Highlands Planning Area.

An existing conditions map was marked A-1, which is part of the approved site plan.

Mr. Majewski stated the property, as part of the final subdivision, have been given to the Washington Township Land Trust and Morris County Planning Park Commission. He stated that their COAH obligation was to be satisfied by a contribution to the Township of \$375,000. He testified that none of the units have been sold and no deposits are being held. He stated that the developer is willing to dedicate 20% of the homes to affordable housing. He explained that each unit is on it's own lot an the roads are maintained by a homeowners association, which will remain the same under the conversion. The HOA will be cutting grass, landscaping, snowplowing, roofs, siding, windows, etc.

Mr. Majewski stated that they had one deposit taken; that fell through and the person bought a unit in Regency in Denville.

Mr. Short stated that based on the Regency original approval the Township has committed to Homeless Solutions the \$375,000 plus additional monies.

Mr. Cohen stated that the applicant would like to continue this obligation but the conversion bill does not allow that and requires that the units be built on site. He explained another possible avenue would be changes to the Township master plan.

Mr. Buzak concurred, that the statue requires affordable housing on the site and the Board does not have discretion to modify this. He agreed there may be another approach that the township would have to look at in the future.

Mr. Buzak stated that the COAH contribution was an important issue that the Township relied on in the previous resolution and made another commitment for affordable housing the Township is obliged to meet. It was his opinion that this issue was not contemplated by the legislature.

Mr. Short stated that the contribution should still be made (\$375,000) plus the additional eight units required.

Mr. Cohen stated that the payment was based on Certificate of Occupancies not the approval and by meeting the requirement of 9 units they are meeting there requirement.

Mr. Banisch reviewed the resolution and that the previous application was part of the approved fair share plan that was certified by COAH.

Mr. Cohen stated that the developer has a valid developer's agreement with the Township which goes through December 2010 that was granted on December 15, 2008.

George Ritter was sworn in by Attorney Buzak.

Mr. Ritter presented his qualifications as a planner and was accepted by the Board.

Mr. Ritter stated that his firm was the engineers and planners on the original plan as well as the revisions. He summarized that the project was for 45 individual for sale units all

market rate/age restricted and that all of the infrastructure and stormwater controls are in place, as are the improvements to Fairview Avenue. He stated that three units have been constructed which are the model units that are also fully finished. He stated that there are also three additional foundations that have been constructed.

Mr. Ritter explained that the original mix of units was 42 three bedrooms and two-two bedrooms units, all units had two car garages and ranged in size from 1500 s.f. to 2500 sf. He noted that approximately 27 acres of the property have been dedicated for a park (Washington Township Land Trust) and a trail system to Morris County for the completion of the Columbia trail.

Mr. Ritter stated that the conversion will have 20% or nine affordable units. He stated that the orange on the exhibit map showed the modifications to the plan. The proposed amended site plan was marked exhibit A-2 and he pointed out the nine affordable units. He stated that the affordable units would not require any change to the roads or utilities and the approved final subdivision does not change. He stated that the size of the units would reduce the two and three bedroom units to 1144 s.f. and 1290 s.f. and the units would have a one car garage. One of the units will have a two car garage. The affordable unit breakdown would be 4 three bedroom and 5 two bedroom units and no one bedroom units which he stated complies with the COAH requirements. He also stated that this does not increase the number of bedrooms in the development. He said currently the age restricted plan had 42 three bedroom units and 3 two bedroom units. Under the non-age restricted proposal there would be 41 three and 4 two bedroom units. He stated that there would be also some reduction in the impervious coverage from 15.9% to 15.2% and no changes to the stormwater system, the building coverage would be reduced from 6.7 to 6.2% about 6,000' less of building coverage the floor area ratio is 125,296 of gross floor area. Based on this information he stated that the intensity would be slightly reduced.

Mr. Ritter addressed the water and sewer usage from age restricted to non-age restricted and stated that the additional flow was within the usage issued for the project.

Mr. Cohen referred to the letter from the WTMUA that stated that they have sufficient water and sewer capacity.

Mr. Ritter stated that the original development met all RSIS standards and exceeded them. The new plan has both on street parking and parking on the lots for two cars. The current plan meets RSIS as well (108 required 170 provided).

Mr. Ritter stated that on the original plan there was no on site recreation provided. The park and path system is available to the 45 lots. The open market units will have the same use of the park and path system.

Mr. Hall referred to his March 24, 2010 letter regarding recreational requirements.

Mr. Ritter stated that he expects only 13 – 14 school age children, which is based on the Rutgers method of calculation using the bedroom mix testified to. He answered the board that there would also be 9 preschool children. He stated that the market units will be sold at approximately \$390,000. He answered Mr. Hall that it was his opinion that nothing more than a tot lot would be necessary given the open space and trails on the property. The lots will have property beyond the decks and house, but he did not know if the HOA would allow for play equipment on that area.

Mr. Cohen stated that the applicant had no problem putting up a tot lot.

Mr. Ritter pointed out the area at the end of the cul-de-sac where one could be located. He stated that much of the open space is deed restricted to passive use.

Mr. Banisch stated that the statute allows a reduction in the number of units to allow for recreation.

Mr. Cohen stated that the applicant may do that but the statute does not allow the Township to require it.

Mr. Short stated that the two high density developments in the Township do provide active recreation on the site. He noted that the trails are open to everyone and parents of school age children may not allow the children to use them.

Mr. Ritter stated that there is open space in the development that kids could play.

Mr. Short stated that four of the units could be eliminated and active recreation could be provided with a reduction in the number of units by 5 including one less affordable unit.

Mr. Cohen reiterated that the age restricted did not provide active recreation and reviewed the ages of people and time limits on visiting children in the age restricted development.

Mr. Bauerlein asked Mr. Banisch to research the number of children this type of development could have.

The meeting was opened to the public for questions.

Honey Luckhardt -7 & 9 Fairview Avenue asked where the Columbia trail and bridge. She stated that a bridge is still needed on the Frasier Steel property.

Carol Brackenridge – Washington Township Land Trust stated that 17 acres was given to the land trust and asked where the additional open space was.

Mr. Ritter stated that he will have a map that shows all the trails and easements at the next meeting.

Rebecca Lare - 43 Beacon Hill and 13 Fairview Avenue asked how many children are in the Township's Hastings and Peachtree developments and asked if this could be applied to this development. She asked about differences in the amount of traffic.

Paul Smith – 28 Fairview Avenue – Asked who was responsible to put the bridge in.

Mr. Cohen stated that the land was a given to the park commission and the park commission is responsible for the improvements.

Mr. Short asked for an impact statement on market vs. age restriction.

Mr. Cohen stated that the statue does not require an impact statement, and nothing physical is being changed, just the type of persons who may live there.

Mr. Buzak stated that the board relied on reports submitted in 2004 and it is not an inappropriate request to look at that report in 2004 and advise how that report has changed as conversion development and that this was a reasonable request of the Board.

Mr. Cohen stated that information on school kids, traffic, economic impact, etc. would be supplied at the next meeting.

The meeting was adjourned to April 28, 2010.

***DISCUSSION /  
CORRESPONDENCE***

1. Vouchers

The vouchers were reviewed. Mr. Leavens made a motion to approve the vouchers reviewed by the Chairman and found in order and send them on for payments. The motion was seconded by Mr. Akin. A voice vote was taken; all were in favor and the motion carried.

Mr. Short made a motion to adjourn the planning board meeting, seconded by Mr. Trevena. A voice vote was taken; all were in favor and the meeting was adjourned at 11:15 p.m. p.m.

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Virginia R. Kesper, Clerk