

The regular meeting of March 24, 2004 of the Washington Township Planning Board was called to order by Chairman Jones at 7:35 p.m.

MEMBERS PRESENT

CLASS IV: Charles DiSalvo, R. Gregory Jones, Kathleen McGroarty, Howard Popper, Kevin Walsh
 ALTERNATES: William Leavens
 CLASS I: Eric Trevena
 CLASS II: Walter Cullen*
 CLASS III: Kim Ball Kaiser
 OTHERS ABSENT: Bauerlein, Price
 OTHERS PRESENT: Engineer Hall, Clerk Kesper, Planner Banisch, Attorney Buzak, Environmental Consultant Keller, Traffic Engineer Maltz

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 16, 2004 and posted on the Bulletin Board on the same date. Five 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 March 8, 2004 Regular Meeting

Ms. Kaiser made a motion to approve the minutes, seconded by Mr. Popper. Minor changes were made. A voice vote was taken; Ms. McGroarty abstained, all others 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 comments from the public and the meeting was closed to the public for items not on the agenda.

1. Cianfracca – Block 47 Lot 11 - Pleasant Grove and Stephensburg Roads – Three lot minor subdivision –Deemed complete January 28, 2004 – Expires May 27, 2004

Mr. Jones announced that this application has been adjourned at applicants request to April 28, 2004.

2. Long Valley Village (Claremont Valley LLC) – Block 28, Lots 17.01, 18 and 18.02 - Request for two lot minor subdivision, lot line adjustment and preliminary site plan for 29,600 sf shopping center - Deemed Complete October 22, 2003 – Previously Heard December 8, 2003 and December 16, 2003 and February 25, 2004 – Public Hearing Continued - Expires – April 30, 2004

Douglas Janacek, Applicant's Attorney
Gary Dean, Applicant's Traffic Engineer
Ronald Kennedy, Applicant's Architect
Jim Baumgartner, Applicant's Engineer

Mr. Jones, Ms. Kaiser and Mr. Leavens stepped down due to conflicts of interest.

Gary Dean was sworn in by Attorney Buzak and presented his qualifications to the Board.

Mr. DiSalvo accepted Mr. Dean as an expert witness in the field of traffic/transportation engineering.

Mr. Dean stated his firm performed the traffic counts on East Mill Road and the traffic report submitted to the Board. He referred to the report and the studies performed and the site. He referred to a site map which was marked A-8 and explained the traffic circulation on site and the fact the driveways are lined opposite the commercial driveways across East Mill Road. Each driveway would allow two way traffic. He referred to previously marked A-7 to further explain the parking and traffic patterns. A truck turning exhibit was marked A-9 – WB 40 and A-10 – WB 50. He stated that a WB 40 and a WB 50 tractor trailer could maneuver within the turning radius shown without going over any curbs. He referred to A-7 and pointed out the pedestrian access. He stated that A-8 has not yet been submitted to the County for their review and approval. He answered the Board that each driveway has its own dedicated left hand turn lane. The reason the parking was provided at a greater amount then required by ordinance was to allow flexibility for tenants and

would allow a restaurant up to 3100 sf or 100 seats. 193 provided and 170 are required for general retail.

Mr. Maltz stated that he received a response letter to his February letter from Mr. Dean this morning. He stated that he had submitted three letters, December, February and March. He stated that he has not done a letter on the report received today but has reviewed it and will respond to it. He stated that he has reviewed the site and the neighboring intersections and reviewed in detail the traffic counts and reports submitted by Mr. Dean and it was his opinion the numbers developed in Mr. Dean's report were accurate. He stated that he has received all the reports and background studies used by Mr. Dean and was satisfied with them. He stated that the left hand turn lanes are a safety improvement, but did not affect the site circulation. It was his opinion that it was appropriate to line the driveways up with the opposite commercial sites. He explained the Schooley's Mountain Road and the East Mill Road intersections and that the cuing will be somewhat worse during the evening rush hour, but that there would not be an impact on Saturdays. He stated that the site distances for the driveways conform to Morris County standards as well as the interior parking spaces and aisle width. The traffic waiting to exit the site will not impair parking. Regarding the dead end parking aisle he recommended that their be an area marked no parking for turn around of cars that may enter the area and not find a parking space.

Mr. Cullen arrived and joined the meeting at 8:25 p.m.

Mr. Maltz suggested some changes to the new plan shown on exhibit A-8. He stated that the open items in his letters had been addressed by the Mr. Dean's testimony,

Mr. Trevena stated that a left hand turn lane should be made for a left turn into Old Farmers Road.

Mr. Dean stated that he would show this on the plan to be submitted to the County.

Donald Sciaretta was sworn in and stated that he would designate the dead end parking aisle for employees only. He stated that he would do this or open up the area for turn around, whatever the board wanted. He will also comply with the requested stripping.

The board wanted the turn around area.

Mr. Sciaretta stated that the sidewalk pavers would be carried through the driveway apron.

Mr. Janacek stated that the sidewalks would be red brick in a diagonal pattern.

Mr. Popper was concerned with cars making left turns out of the applicants' property.

Mr. Maltz stated that it was his opinion that there would not be a problem with these turning moves and that left turn lanes increase safety. He noted that it was the County was the first to recommend the turn lanes.

Mr. Trevena stated that there are a number of rear end collisions on West Mill Road. There has not been many collisions with cars coming out of the shopping centers. Left hand turn lanes would help reduce the rear end collisions.

Mr. Dean answered Mr. DiSalvo that the Old Farmers intersection is currently a level C in the morning and in the evening is currently a level D. The majority of turns out of Old Farmers Road are right hand turns with very little wait . The left hand turns have delays. As a result of this development the level of service would remain at a level D with wait times getting longer. He stated that there is not anything inherently dangerous or unsafe.

Mr. Trevena agreed with Mr. Dean.

Mr. Maltz stated that this would be an acceptable peak hour service. He stated it adds about 8 seconds in delay. He stated that the study also includes a 5% growth in background traffic not caused by this proposed development.

Mr. DiSalvo was concerned that the westerly driveway will be used more because of the circulation behind a building on the easterly driveway.

Mr. Dean answered Mr. DiSalvo that a turning radi of 25' will be provided at both driveways, as long as the County allows it. He noted that state standards is 15'.

Mr. Hall stated that the 25' radi is what is required by ordinance.

Mr. Dean answered Mr. Cullen that the shoulders will remain, but me narrower to allow for the left hand turn lane.

Mr. Cullen wanted to see the speed limit lowered in this area of East Mill Road.

The meeting was opened to the public for questions on Mr. Dean's testimony. There were no questions and the meeting was closed for questions on Mr. Dean's testimony.

Mr. Kennedy referred to an amended site plan which was marked A-10. He stated that the parking has not changed except for the one parking space referred to by Mr. Dean. The existing farmhouse foundation will be reused as a front plaza area with a sign. The drainage has been modified, it is a four bay dry basin with some infiltration.

Mr. Kennedy referred to a landscape plan which was marked A-11. They will be reusing the foundation of the farmhouse that was on the site. He explained how this would be connected to the pedestrian walkways. It is near the center of the property. He agreed to put a plaque with the date of the foundation if they were able to date it.

The courtyard area would have a blue stone flooring. He pointed out the typical building and hanging signs.

Mr. Banisch stated that the resolution would have restrictions to the type of window signs that would be allowed.

Mr. Kennedy referred to a photograph board of six photos, which was marked A-13. Four of the photographs were showing the site and the proposed wall for the detention basin all that is proposed to be from 3.5' to 12' high at the corner of the building then dropping down to 9'. He pointed out the vegetation on the MUA sign. An aerial photo taken in 2002 was marked A-14 and pointed out the detention basin. He was confident that the wall would be well hidden.

Mr. Kennedy referred to A-13 which showed two photographs of a lamp post which has been installed this year at another site of the applicants. He stated that it is shielded within the fixture. The pole would be 12', 15' to the top of the fixture. They propose 32 of the lights on the site. He stated that shoe box lights would have less glow. The applicant proposes to shut the lights off when the business were closed. The east side would probably have the lights out around 10 p.m. and the restaurant area an hour after the restaurant closed.

The Board did not want to see bollards around the light posts.

Dr. Keller suggested changing some of the trees due to the limestone area.

Mr. DiSalvo wanted to see a photograph of the keystone wall that the applicant was proposing.

Mr. Kennedy stated that they would be using on the top of the wall, a post and rail fence with wire on it.

Mr. Dean answered Mr. Hall that the traffic at Old Farmers Road would not meet the warrants for a traffic light.

The meeting was opened to the public for questions on Mr. Kennedy's testimony. As there were no questions, the meeting was closed to the public for questions on Mr. Kennedy testimony.

The application was adjourned to April 20 at 7:30 p.m.

Absent: December 8 – McGroarty, Walsh, Cullen
 December 16 – Popper, Cullen
 February 25 – Bauerlein
 March 24 – Bauerlein, Price (Cullen 45 minutes only)
Ineligible – Cullen, Jones, Leavens, Kaiser

3. Domingues – Block 34, Lot 25.01 – West Valley Brook Road – R-5 Zone – 14.865 acres – Two Lot Preliminary Subdivision with Variances – Previously Heard September 24, 2003 – Expires April 30, 2004

Kevin Hahn, Applicant's Attorney
Harry Metzler, Applicant's Engineer
Gus Domingus, Applicant

Mr. Hahn stated that most of the issues were resolved at the last meeting in September, 2003 except for the driveway.

Mr. Jones stated that there was a site walk after the last meeting that he Mr. Bauerlein and Mr. Walsh attended.

Gaspar Domingus was sworn in by Attorney Buzak.

Mr. Metzler stated that the conservation easement agreed to at the last meeting was at the contour line of 960 on the west side but the applicant has asked for 50' off the existing barn and this is the line shown on the revised plan.

The board did not have a problem with this change.

Mr. Metzler stated that Mr. Domingues has a verbal agreement from the lot owner of lot 25.05 to clear the required vegetation and berm.

The health department letter was reviewed and the requirement to demonstrate a reserve area was waived by the board.

Mr. Domingues stated that the septic systems have been tested.

Mr. Hall stated that the soils on site are suitable soils.

The Board agreed to waive the requirement for a reserve area to be shown on the plan.

Mr. Hall stated that there is a pending grading plan for review and he asked that this be made a condition of approval. He stated that the minor subdivision plan should be revised to show the site easement.

Mr. Banisch stated that he did not see a problem with the board granting the required variances for this application.

Mr. Metzler stated that the new driveway plan eliminates the need for agreement of the adjoining property owner to use part of the driveway.

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

Mr. Walsh made a motion to draw up a resolution of approval based on this evening's discussions including relocating the driveway to be entirely on lot B, sight easement from 25.05, approval of driveway grading plan, cross maintenance agreement, waiver of demonstrating a reserve area for the septic system, accepting conservation easements as shown on plan. Seconded by Mr. Popper. A voice vote was taken; Ms. McGroarty and Mr. Cullen abstained all others were in favor and the motion carried.

Eligible: Trevena, DiSalvo, Jones, Kaiser, Leavens, Walsh, Popper

Absent: 9/26 - McGroarty, Henke, Cullen

3/24 - Bauerlein, Price

4. Mortonhouse Farms, Block 60, Lot 15.02, Black River Road, R-5 Zone Acres - 30 Acres - Request for 6 Lot preliminary subdivision - Deemed Complete December 8, 2003 - Previously Heard December 8, 2003, January 28, 2004 - Public Hearing Continued - Expires March 24, 2004

Mr. Jones announced that the application had been adjourned to April 28, 2004 at the applicant's request

5. Dilling - Block 14, Lot 1 - Drakestown Road - Request for extension of time on Resolution 03-24 Approval of two lot minor subdivision

The request was reviewed. It was noted that the applicant applied for DEP permits in September 2003 and are still awaiting the permits.

Mr. DiSalvo made a motion to extend the resolution of approval for 90 days, seconded by Mr. Walsh. A roll call vote was taken:

Ayes: DiSalvo, Jones, Kaiser, Leavens, Trevena,

Abstained: McGroarty Ineligible: Cullen

DISCUSSION/ CORRESPONDENCE

1. Vouchers
2. Correspondence from E. Buzak RE: Scudese Order to show cause and update on TM Litigation - Board decision upheld by Judge Dumont on March 13, 2004

Mr. Buzak informed the board that the Board's Decision was upheld. The Judge refused the order to show cause. The Board is now out of the litigation. There is still the challenge to the cluster ordinance. He stated that the applicant could still try to amend their compliant to include the challenge to the final

3. Conflict of Interest – March 15, 2004 Correspondence from E. Buzak – Tabled to the work session
4. Discussion on estimates for background studies to implement Master Plan recommendations

To quantify flood plains, wetlands and transition areas and steep slope throughout the township to see what that would do if the definition of density were changed. \$4,500 to \$5,000. Another approach would be to use subdivisions that have been previously approved by the board to see how it would change the lot density. He explained what has happened in other townships. Frenchtown had concluded that easements should not be included in density. Clinton basically re-enacted the pre Manalapan – 1991 ordinances and readopted them.

Mr. Jones stated that he would like to see this get underway and he did not see how a study of the whole township would show us that it would not work.

Mr. Banisch stated that we need to discussion at a work session the master plan recommendations regarding density. He also stated that going to seven acre zoning would not be inconsistent with the Master Plan recommendations. A question to be looked at is a combination of changing density definition and moving to seven acres.

Mr. Jones stated that the Highlands legislation would back up our changes.

Ms. Kaiser stated Highlands legislation will be published on Friday.

Mr. Jones stated it was his opinion we should wait on zone changes to the latest lawsuit is ended and move on the density definition change.

Ms. Kaiser we have already a history of taking conservation easements on steep slopes, wetlands etc. and we should eliminate them from the density calculation.

Mr. Buzak stated the issue is using the same justification for a density change and zone change and there is a relationship between the two.

Mr. Banish stated that we may want to look at environmental zones and agricultural zones.

It was decided to wait and see how the highlands legislation plays out before authorizing funds for a study.

Mr. Walsh will bring a list of large parcels to the next work session.

5. March 5, 2004 Correspondence from MCPB RE: State Stormwater Rules – Noted for the record
6. March 5, 2004 Correspondence from MCPB RE: Cross Acceptance

Committee will be Kaiser, Jones, Walsh.

Ms. Kaiser stated was noted that the committee adopted a resolution participating in this.

7. March 17, 2004 Correspondence form the NJDEP Division of Water Quality
RE: Mining and Quarrying Permits

Noted for the record.

Mr. DiSalvo seconded by Ms. Kaiser. A voice vote was taken, all were in favor and the meeting was adjourned at 11:00 p.m.

Virginia R. Kesper