

WASHINGTON TOWNSHIP LAND USE BOARD

PUBLIC MEETING MINUTES

JANUARY 9, 2008, 7:30 p.m.

CALL TO ORDER and PUBLIC NOTICE

Chairwoman Kerry Kirk Pflugh called the meeting to order at 7:40 p.m. Ms. Pflugh said this is a regular meeting of the Land Use Board of the Township of Washington. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a Notice was published in *The Star Gazette* and *Express Times*. Notice was posted on the municipal bulletin board in the Township Administration Building in Washington Township, New Jersey, and notice was filed with the Township Clerk.

ROLL CALL

Present: Mayor Dempski, Committeeman Strunk, Robert Klingel, Kerry Pflugh, Efrem Zaret, Leonard Artigliere

Absent: Chris Cavazzini, Jim Vergos, Evan Howell, Mark Rossi

Professionals: Steven Gruenberg, Esq.; William Gleba, P.E.; Scarlett Doyle, P.P.

ANNOUNCEMENT

1. Robert Benbrook, Esq., representing **ADPP #2007**-requested that this matter be **rescheduled** for 2/27/08. Mr. Gruenberg announced that the matter will be adjourned to 2/27 with no further notice required.
2. Mr. Gruenberg announced **Skyline Equipment, LLC # 2007-18** is rescheduled for 1/30/08 with no further notice required. This is a use variance and preliminary major site plan for Block 66, Lot 20.07, located at 339 Rt. 31 South.

APPROVAL OF MINUTES

The minutes of the meeting of 1/2/08 were approved as amended on motion of Robert Klingel, seconded by Efrem Zaret. All members were in favor on voice vote.

CONCEPT PLAN

Jolly Singh proposes a used car lot on the site of the former Wayfarer Restaurant. He has been advised by the Zoning Officer that this is a conditional use.

Alan Lowcher, Esq., introduced himself on behalf of the applicant. He said this is a highway commercial zone, and the use is conditional. The lot is undersized, and road frontage is insufficient. No increase in impervious coverage is proposed. Mr. Lowcher explained the applicant intends to use the lot as it exists.

The applicant requests relief from site plan review. Mr. Lowcher suggested there is a different impact from the restaurant use, which has significant traffic.

Mr. Gruenberg explained the Board has previously done this type of concept review. Nothing said by either side is binding. This is a D variance. Mayor Dempski recused himself.

Asked about the square footage of the building, Mr. Lowcher said it has not been calculated.

Further, Mr. Lowcher pointed out that the building is intended for an office use rather than display.

The Board noted that there had been a similar request in that area, which was denied. Mr. Lowcher said he would look into it. It was noted the minimum building size has been treated strictly in the past. Ms. Doyle explained that the Township had a vision for a more permanent appearing business. She said the ordinance provides for a showroom.

According to Mr. Lowcher, cars would be displayed in front of the building.

Ms. Pflugh asked questions about the property. Mr. Lowcher did not have answers.

Mr. Lowcher explained no repair services are proposed. Landscape details have yet to be considered.

Applicant understands that the septic would need to be repaired or replaced. There is no knowledge regarding the well.

As to the location of the premises in question, the Robert W. Lee building is located to the north, and Petro Plaza is located to the south. To the rear of the property, the land is owned by the Anema family, and it is farmed.

Ms. Doyle asked whether the applicant could purchase additional property in an effort to present a more conforming application. Mr. Lowcher said the applicant would look into that.

Mr. Gruenberg noted the project is out of compliance with many conditional use standards. Further, this type of application has been denied previously, twice.

PUBLIC HEARING ITEMS

J. Hackett – # 2004-26, Block 43, Lot 23
8 Morris Canal Trail
Public hearing for a use variance application.

This hearing has been continued from November 28, 2007.
Robert J. Benbrook, Esq., introduced himself on behalf of the applicant. He noted there are not 5 eligible members.

Mr. Benbrook asked for a continuance to February 27.

Mr. Benbrook requested that the hearing be opened to public comment so that citizens do not have to return for a subsequent hearing.

The Board agreed the public could have an opportunity to speak. Ms. Pflugh noted the public should be aware that they could return after testimony has been given.

The meeting was opened to members of the public

Jane Mohan of 6 Morris Canal Trail was sworn. She said she had lived her whole life at this address. Ms. Mohan noted Mr. Hackett had been a good neighbor, maintains the roads, and improved the property. Ms. Mohan said the building had never been intended for a residence. She said she is aware of the business Mr. Hackett conducts. Applicant's attorney pointed out that applicant would be storing equipment, gravel and stone as well as contracting materials + 12 trucks. Ms. Mohan did not object to outside storage. She confirmed there was no visual of the property from her home.

Wendy Boyce of 7 Morris Canal Trail was sworn. She affirmed Ms. Mohan's testimony.

Both neighbors emphasized they preferred to see the property occupied.

Richard Paszkowski of 101 Morris Canal Trail was sworn. He noted there is no noise, and Mr. Hackett has been a good neighbor and improved the property. Mr. Paszkowski said Mr. Hackett has helped with his private road.

Mr. Artigliere explained that a variance runs with the land, and a new neighbor may not be as conscientious as the applicant.

No one else appearing to speak, Mr. Benbrook requested adjournment to 2/27 and requested that the Board members who are absent listen to the tape.

OLD BUSINESS

NEW BUSINESS

I. COAH Regulations

Ms. Doyle asked to explain what is in store with the COAH third round obligations. She distributed charts, including Draft 12-2007 and Draft 8-2005. She explained the charts, focusing on square feet. She directed the Board to Draft 8-2005. Ms. Doyle explained for every 8,000 sq. ft. building, the Township must provide one unit. There is a change: for every 5,000 sq. ft. office building, the Township must provide one unit. For every 16 jobs, one unit must be provided. Jobs have been reduced from 25 jobs to 16. She gave other examples.

Comparing 05 to 07 is a huge difference. Round 1 and 2 only included residential. Round 3 also includes commercial buildings.

How does COAH know that a municipality is compliant? Data from the Construction Code official that is submitted to the State is transmitted to COAH.

Ms. D spoke about the COAH rules. She emphasized the need for a representative of the Township to attend public hearing. Mayor Dempski noted certifications are due in September.

See summary of COAH draft rules attached.

Ms. Pflugh observed the master plan up-date is in the works. The Township wants to maintain rural character. She pointed out that the Township does not have the infrastructure.

Once a person is qualified, a change in circumstances is not considered by COAH.

Ms. Doyle recommended the Township pick its arguments.

Public hearing is scheduled in Flemington at the County Complex on February 5, 4 – 8 p.m.

Ms. Doyle observed that the League of Municipalities and developers are opposed to the proposed regulations.

Municipal taxpayers will be taking on the burden of the additional costs.

Committee and Land Use Board should work together to develop objections. In addition, joining other municipalities to object seems to be a good strategy. Asked what other Counties are doing, Ms. Doyle said there are municipalities seeking County response for Hunterdon.

Ms. Doyle encouraged legislators to be involved.

Mayor Dempski will reach out to the County Planning Board and encourage a response to the COAH regulations. Ms. Pflugh suggested the Committee and Board discuss potential comments for the public hearing.

Go to COAH website, and click on Rules and Public Hearings. Mr. Artigliere suggested a joint resolution.

Ms. Pflugh noted there are State government concerns about COAH.

Mr. Zaret requested this be posted on the website in laymen's concerns.

The following action plan was developed:

Mayor Dempski will contact the County as to a response. He will get back to the Board with Mr. Dech's comments for the next meeting, 1/30.

The Committee and Land Use Board need to determine what statements to make. The Mayor will work with the Committee at its next meeting. A Land Use Board subcommittee should help strategize. Ms. Doyle will work with the subcommittee. Mayor Dempski, Ms. Pflugh and Mr. Artigliere will work on a subcommittee. Ms. Doyle observed this is an extraordinary tax burden for municipalities. Mayor Dempski suggested a hostile atmosphere has been created toward COAH. The Mayor has reached out to Marcia Karrow and others for cooperation.

Ms. Doyle pointed out an Appellate decision of 1/25/07 prompted the changes in rules.

II. *Budget*

Some increases were proposed: secretary's salary, file cabinet, and voice mail for the office phone line.

COAH housing officer should be provided by the Township staff. This is not a Land Use Board obligation. Ms. Doyle explained the necessity for monitoring reports.

Third round petition response is the portion for the Land Use Board. The amount proposed is \$18,000.

As to budget item #6, it was noted the master plan re-examination has been completed. Additional master plan amendment work remains to be done. Ms. Doyle noted she would like to see a Circulation Element.

Mayor Dempski noted salary increase must be capped at 4%.

Fee for mandatory DCA training was estimated at \$50/person.

Miscellaneous Expenses can be reduced to \$4,750.

Ms. Pflugh observed there should be no misunderstanding as to the Land Use Board secretary's hours and availability. Secretary is working remotely. Public hours are posted.

Motion to adopt was made by Efrem Zaret and seconded by Dave Dempski. Members in favor: Mayor Dempski, Committeeman Strunk, Bob Klingel, Kerry Pflugh, Efrem Zaret, Leonard Artigliere

III. ***Master Plan***

There was discussion as to withdrawal of the Town Center designation from the Township.

IV. ***Geotechnical Expert***

Proposal has been submitted by Geoscience Services. Questions were raised as to the travel rate, 15% + cost and 30 day payment. This has been tabled pending analysis of last year's budget agreement.

PUBLIC COMMENT

Tom Prisque commented in support of the Secretary's salary.

Mr. Prisque addressed the appearance of businesses on Route 31.

Frank Cregan asked about the extra hours for purging files.

ADJOURNMENT

Motion for adjournment was made and seconded with all members in concurrence. Meeting was adjourned at 10:15 p.m.

These minutes were approved January 30, 2008.

Alice Oldford
Secretary to the Board

