

WASHINGTON TOWNSHIP LAND USE BOARD

PUBLIC MEETING MINUTES

MARCH 12, 2008, 7:30 p.m.

CALL TO ORDER and PUBLIC NOTICE

Chairwoman Kerry Kirk Pflugh called the meeting to order at 7:35 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 (late), Leonard Artigliere, Chris Cavazzini, Evan Howell, Bob Klingel, Kerry Pflugh, Mark Rossi, Jim Vergos, Committeeman Strunk

Absent: Efrem Zaret

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

APPROVAL OF MINUTES

Motion to approve the minutes of February 27, 2008 was made by Chris Cavazzini and seconded by Jim Vergos
Members in favor: Leonard Artigliere, Chris Cavazzini, Evan Howell, Bob Klingel, Kerry Pflugh, Jim Vergos
Members abstaining: Mark Rossi, Committeeman Strunk

The minutes of the meeting of 2/27/08 were approved.

RESOLUTION

KENDRA

The Kendra resolution was tabled until the next meeting.

DISCUSSION ITEM:

M. Spann/Heron Run – # 2005-01

Request for discussion of conditions set forth in Resolution of Approval for Preliminary Major Subdivision for Block 82, Lot 17 located at 146 E. Asbury Anderson Road. This resolution was previously approved January 18, 2006.

Lawrence Cohen, Esq., introduced himself on behalf of the applicant.

The Resolution with preliminary approval for 20 lots was made on January 18, 2006.

Mr. Cohen said applicant seeks clarification and relief from conditions on page 14 and 15 of the resolution.

According to Mr. Cohen, Mr. Spann would like to preserve the property. To do so, it is necessary to get the approved map. There are issues remaining. There is a requirement for a Phase II geotechnical study. Mr. Cohen said the problem is in the timing for this requirement. Mr. Cohen noted that Mr. Spann is in negotiation to preserve the property, which would obviate the need for the study. Mr. Spann is willing to agree not to disturb the property until the study is done. Prior to any disturbance, the Phase II study will be conducted. This is item K of the resolution.

Item No. H relates to the maintenance bond for a sink hole. Mr. Cohen requests that the bond be posted at the time of final approval.

As to item No. I, the affordable housing requirement, Mr. Cohen requested that this be deferred to final approval.

Request is made for the homeowners association cited in item J to be deferred to final approval.

Mr. Cohen said Item O, developer's agreement, will be provided. Applicant requests that the performance bond should be deferred until final approval is rendered.

Item P regarding developer's fee, i.e., affordable housing fees, is requested to be deferred until final approval.

Mr. Gruenberg clarified that these matters are amendments to the resolution and should be done on public notice.

This matter was carried to April 9, and applicant will make notice.

PUBLIC HEARINGS

Skyline Equipment, LLC –# 2007-18, Block 66, Lot 20.07
339 Route 31 South

This is a continuation of public hearing for a use variance and preliminary major site plan.

Ms. Pflugh requested a 5 minute break for scheduling consultation.

Mayor Dempski, Committeeman Strunk and Mr. Vergos recused themselves.
Mr. Gruenberg also recused and Mr. Wilson filled in for him.

Members eligible to vote: Mr. Klingel, Mr. Pflugh, Mr. Cavazzini, Mr. Howell, Mr. Rossi.

Donald Scholl, Esq., introduced himself on behalf of the applicant.

He indicated he would be completing engineering testimony of Thomas Decker and calling planning expert, David Zimmerman.

Mr. Decker was recalled. Mr. Wilson summarized the testimony previously provided by Mr. Decker.

Mr. Decker introduced Exhibit A-5 revised March 3, 2008, which is a compilation of site plan, landscaping and grading. He referenced original approval for the driving range and miniature golf course as well as the grass strip and finally batting cages. What was actually constructed was a larger mini golf area and no batting cages. He noted effectively the impervious coverage was swapped.

Trailer storage would be relocated in order to reduce the gravel area. Mr. Decker discussed the buffer area. The existing driveway is within the buffer area. Mr. Decker explained the buffer area regulations were adopted subsequent to the original approval.

He noted the lighting remains the same. Lighting for the driving range exists on very tall poles. Applicant proposes the make this lighting comply with Township regulations. Light fixtures on the poles to the north would be shoebox lights, and the poles would be cut down to 18'.

Trailer area storage would be delineated with cut off light poles laid on the ground.

Landscape plantings have been shown including street trees and trees to the rear of the property as well as shrubs in the parking area.

The shed has been relocated to be conforming.

Mr. Decker addressed the engineering reports. Mr. Artigliere expressed concern as to the use of the buffer area for trailer storage.

Question was raised as to whether use of the buffer area was previously approved. Mr. Gleba clarified that the approved plans did not show the driveway as installed. Mr. Scholl noted this had been discussed among the professionals.

Ms. Pflugh noted the Board looked to approve plans that are compliant with State regulations. It was suggested that the applicant submit the plan to NJDEP as suggested.

As to the Finelli report, Mr. Decker noted the applicant had submitted the plan to the fire officials for comment. Mr. Gleba noted the access way must be kept clear for emergency vehicles.

As to the building architecture, Mr. Decker introduced an exhibit marked A-6 – sample building elevation dated 3/10. He said this is an enlargement of exhibit A-1. Mr. Decker confirmed this is a Morton building.

As to Item Nos. 3, 4, and 5, Mr. Decker said applicant will comply.

Items 6 and 8 were covered previously

As to Item No. 9 pertaining to the drywell, concern was expressed regarding limestone in the area. Mr. Gleba noted he thought minimum limestone exists in the area.

As to Item No 10 regarding trailer display, Mr. Decker said this was previously discussed.

Mr. Decker noted the DEP issued a permit for the driving range and parking area within the 100-year flood plain.

Mr. Decker noted all the equipment is on wheels and as such can be moved.

Mr. Decker introduced Exhibit A-7, colored display entitled trailer display area. Striped area can accommodate 55 trailers. An additional 30 trailers are shown in the gravel area + 55 trailers to the rear of the property. On existing T boxes display of 9 trailers is proposed. A total of 149 trailers are proposed for the site.

Mr. Spencer testified all the trailers on the site are for display.

Item #11 pertains to delivery and had been addressed previously.

Mr. Decker referenced items #12 regarding DOT permits. He said research showed that the peak hourly and daily rate was not exceeded. It is calculated to 9 trips per hour.

As to the 50' roadway easement, #13, Ms. Doyle pointed out that the master plan road in the area is not viable. She recommended that the Board make a finding in this regard. Mr. Decker noted it is an easement rather than defined as a road. Ms. Doyle suggested it be resolved. Mr. Gleba confirmed if the road is no longer part of the

master plan, it is in the Board's purview to make a finding. There was considerable discussion as to the master plan road.

As to Item #14, stabilization of grass, Mr. Decker contended no stabilization is necessary.

Mr. Decker agreed to comply with 15 – 18. As to item #19, this was discussed previously.

Mr. Decker agreed applicant would comply with items #20 – 23.

Item #24 references the soils report. As to lighting #25, a site test was proposed.

Mr. Decker agreed applicant would comply with item #26.

Ms. Doyle had lighting comments. She queried whether lights would be overhead or underground. Mr. Decker said existing wires are overhead and the intent is to use those. Ms. Doyle observed the ordinance requires placement underground. She asked for clarification as to security lighting. Mr. Decker pointed out security lighting would be building mounted lights. Lights to the north and west along existing utility poles will be turned off at the close of business. The latest lights would be on is 8 p.m. for front lighting. Parking lot lights would be on till 9 p.m. Illuminated sign will be left on all the time.

Ms. Pflugh invited questions from the Board, professionals and public. Frank Cregan, 62 Merlin Drive, referenced conditions from the golf driving range. He asked about the conditions approved for the paintball operations. Mr. Decker said no site modifications had been approved.

As to lights in the T box area, Mr. Cregan asked whether lights needed to be on for extended hours. As to security lighting Mr. Cregan asked whether the lights could be dimmed. Parking lot lights would be turned off at 9 p.m.

Thomas Prisk, 5 Osprey Court asked about the netting. According to Mr. Decker, it will all be removed. In addition, Mr. Prisk asked what is proposed for the fencing. Mr. Decker said no fencing is proposed. As to the mini golf surface, Mr. Decker said it will remain stone.

Liz Scovill, 5 Osprey Court, asked about appearances. Mr. Decker confirmed the T box area is a concrete slab. Asked about the height of the gravel lot, Mr. Decker noted it was approximately 2 feet. Ms. Scovill asked whether the buildings could be the same color. He said yes, they would be painted to match.

Mr. Prisk asked about the driving range and location of trailers.

Ms. Doyle referenced establishing a limit line so that the site is not a hodge podge.

She noted an exhibit could be a benefit to the Board file. Ms. Doyle asked the terms of the conservation and greenway easement.

No questions were raised by the Board.

P. David Zimmerman, P.P., was called and sworn and his credentials accepted by the Board.

Mr. Zimmerman explained the property is in the HC zone, which permits a variety of retail commercial uses. As a conditional use, contractor's equipment is permitted.

Five conditions are required by ordinance. Two are not provided

No equipment shall be stored in front yard areas with the exception of machinery for sale. This is a hardship because the building exists, and the best use of the property is to park the equipment on the paved area. Standards to apply: Site will accommodate the use. This is a hardship. Mr. Zimmerman noted the topography of the site lends toward storage of the equipment. He suggested this is a good use of the property.

In addition, variance is required for 5' encroachment in the buffer area for side and rear yards. Fence will be 6' and solid so there will be no visual impact on the neighboring property. Mr. Zimmerman explained the use to the north is a self-service storage.

Mr. Zimmerman says there will be no negative impact on the adjacent properties, master plan or zoning ordinance. Ms. Doyle noted a 6' high solid fence is required by the ordinance. She pointed out the road is 13' higher. She asked for further landscaping in the front. Mr. Zimmerman said if it is reasonable, the client would agree.

Members of the public were invited to question the witness. No questions were raised.

The proposed sign is compliant.

Public comment was invited. No comments were made.

Motion was made and seconded to close the public hearing with all members in favor.

The relief sought was summarized:

C variances: 6' fence and minimum landscape buffer area of 20'.

Use variance: does the site reasonably permit the proposed use with no detriment to the public good, master plan or zone plan.

Design waiver: no impervious surface for westerly paved area and design waiver for overhead utility wires.

Motion to approve design waivers was made by Robert Klingel and seconded by Mark Rossi.

Members in favor: Chris Cavazzini, Robert Klingel, Mark Rossi, Kerry Pflugh, Evan Howell.

C variances: 15' buffer whereas 20' is required. This is considered minimal impact since the adjacent property is a commercial property, namely a storage center.

Motion to approve was made by Chris Cavazzini and seconded by Mark Rossi.

Members in favor: Chris Cavazzini, Robert Klingel, Mark Rossi, Kerry Pflugh, Evan Howell

Six foot fence is proposed whereas 3' is required. Applicant contends 6' fence is more appropriate and beneficial to the public.

Motion to approve was made by Mark Rossi and seconded by Chris Cavazzini

Members in favor: Chris Cavazzini, Robert Klingel, Mark Rossi, Kerry Pflugh, Evan Howell

Use variance to allow the use in the zone. Site can accommodate the use as intended, i.e., the storage and display of trailers in the front yard.

Conditions will apply.

Master plan roadway is acknowledged, and the Board notes the roadway is unlikely to be built in the next year. No buildings or structures are located in the roadway.

March 10 report of Scarlett Doyle will be incorporated as well as March 11 report of Bill Gleba; wastewater system is adequate. Gravel drive will be located outside the 300' buffer area as allowed by NJDEP. No used trailers will be permitted on the site except in the building or fenced storage area. Hours of lighting will apply. Buildings will be painted a consistent color as depicted.

Motion to approve in accordance with the conditions discussed was made by Robert Klingel and seconded by Mark Rossi.

Members in favor: Chris Cavazzini, Robert Klingel, Mark Rossi, Kerry Pflugh, Evan Howell

Applicant requested preliminary and final site plan approval, but it was noted that application for final has not been submitted.

Final approval is required prior to issuance of a building permit.

Motion to approve preliminary major site plan was made by Evan Howell subject to discussion and conditions, and seconded by Chris Cavazzini.

Members in favor: Chris Cavazzini, Robert Klingel, Mark Rossi, Kerry Pflugh, Evan Howell

J. Justo Realty, LLC - # 2005-33, Block 74, Lot 5

Continuation of a public hearing for a Preliminary Major Subdivision application for Block 74, Lot 5 at 81 West Asbury Anderson Road.

Application was declared complete on 4/11/07. Public hearings were held: 5/9/07, 6/27/07, 9/12, 11/28

Members will listen to tapes and certify so as to be eligible to vote.

Mr. Gruenberg noted four members in attendance are not eligible to vote because they have not been present at each hearing.

He said we can proceed or adjourn and provide members the opportunity to listen tapes.

Mr. Bohn introduced himself on behalf of the applicant. He said it is applicant's intention is to proceed. The comments are technical and can be agreed. Mr. Bohn noted there are four policy questions:

Variance for lot depth for tail lot;
Two 8 acre lots should be restricted;
Underground water tank
Uses

Mr. Murphy was called. He said no phasing is planned for the project. Corrections have been made to the plan, #2 and #3. Mr. Murphy noted #4 is the Fire Dept's request for an underground water tank, which applicant is disinclined to do. Item #5 is a request for an easement. Mr. Murphy noted when there is an approval, the easement will be prepared. Item #6 is a restriction on future subdivision and permitted uses. Applicant's position is that there is no basis for these restrictions. County Planning Board issues will be dealt with by Warren County.

Items #9-12 are agreeable. No sidewalks are proposed.

Item #13 relating to utilities will be provided.

Items #14 -18 environmental and geotechnical issues are agreeable.

Items #19-23 technical conditions will be resolved between the engineers and the County.

Item #24 remains open.

Item #25 will be provided.

Item #26 is a technical issue and plans will be corrected.

Items #27 and 28 will be provided.

Item #29 will be provided at the time of plot plan for individual homes. Phase II geotechnical investigation will be a condition of preliminary approval.

Item #30 on lot infiltrator system is a technical issue.

Items #31 – 35 are agreeable.

Applicant's engineer will work with the professionals to address item #36.

Items #37 and 38 are acceptable.

Items #39 – 42 are acceptable.

As to item #44 applicant will comply with the affordable housing ordinance.

Item #45 references a time limit for conditions. Applicant notes a 3-year time should apply. Mr. Gleba recommends getting revised plans in and setting a time limit, i.e., 90 days for resubmission.

Item #46 relates to outside approvals. Mr. Murphy noted wetlands LOI has been provided, requirements of Warren County Planning Board and Soil Conservation are not yet provided. DCA requirements are a diminimus exception. With agreement to exceed, there is no DCA requirement.

As to Scarlett Doyle's report referencing the tail lot, appropriate landscaping will be provided. Item E suggests submission to the Board engineer because of the coordination pattern.

As to Item F species selection are according to ordinance according to Mr. Murphy.

As to street lights, Ms. Doyle noted 3 street lights are required.

As to policy issues, lot depth is required for Lot 5. The unusual shape of the lot creates the need for the variance. No construction would be permitted on the tail piece. No major subdivision is proposed, which will avoid requiring that variance. Mr. Murphy pointed out that the building portion complies. Conservation easement will be provided.

Bus stop has been requested and will be provided.

Request has been made for a 30,000 gallon underground water protection tank. Mr. Murphy observed this is an ordinance requirement for a 20-lot subdivision. Since this subdivision is smaller, applicant is not inclined to provide the tank.

Applicant is not agreeing to a restriction from further subdivision. This applies to two 8-acre lots.

The final issue relates to farming. It was noted that farming is a permitted use; riding academies and nursing homes are permitted as conditional uses.

Mr. Vergos observed that he wished the applicant would reconsider adding the fire protection tank. Mr. Gleba recommends providing the fire protection tank.

The minutes of 9/12 note that Len Artigliere was not present, and in fact, he was in attendance.

Public was invited to ask questions. No one from the public raised questions.

This application was adjourned to 4/30/08 with no further notice required. There will likely be a further revision of the plans according to Mr. Bohn.

OLD BUSINESS

Mayor Dempski discussed the meeting with Marcia Karrow. She has introduced the legislation regarding affordable housing, which if adopted will benefit the Township...

There is a proposal to reserve affordable for Washington Township residents in emergency services. That is bill # A622.

Bill has been introduced to modify regional contribution, namely to continue that provision. That is bill #A625

Finally, proposal is made to limit obligations in Planning areas 4 and 5. That is bill #A626

NEW BUSINESS

Budget meeting with the Committee has been set for 3/15/08. Ms. Pflugh will attend. She is requesting a member of the Board to attend as well. Mr. Cavazzini will also attend.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Motion for adjournment was made and seconded with all members in concurrence. Meeting was adjourned at 11:20 p.m.

These minutes were approved 3/26/08.

Alice Oldford, Secretary to the Board