

WASHINGTON TOWNSHIP LAND USE BOARD

PUBLIC MEETING MINUTES

JUNE 25, 2008, 7:30 p.m.

CALL TO ORDER and PUBLIC NOTICE

Chairperson 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: Evan Howell, Kerry Kirk Pflugh, Mark Rossi, Leonard Artigliere (late), Chris Cavazzini, Committeeman Strunk, Jon Grdovic (late)

Absent: Mayor Dempski, Jim Vergos, Efrem Zaret, Robert Klingel

Professionals: Walter N. Wilson, Esq.; William Gleba, P.E., Scarlett Doyle, P.P.

APPROVAL OF MINUTES

Motion to approve the minutes of June 11, 2008 was made by Mark Rossi and seconded by Chris Cavazzini.

Members in favor: Evan Howell, Kerry Pflugh, Mark Rossi, R. J. Strunk, Chris Cavazzini

The minutes of the meeting of 6/11/08 were approved.

RESOLUTIONS

Skyline Equipment, #2008-14, Block 66, Lot 20.07

Final site plan approval.

Members eligible to vote: Mayor Dempski, Evan Howell, Efrem Zaret, Mark Rossi

Mr. Artigliere arrived at 7:40 p.m.

Mr. Wilson summarized key points at the request of Ms. Pflugh. Mr. Artigliere noted he preferred a copy of the sign plans be attached to the resolution of approval for future reference.

Motion to grant final site plan approval was made by Evan Howell and seconded Mark Rossi.

Members in favor: Evan Howell, Mark Rossi.

ANNOUNCEMENT

Hunter, 2008-03, Block 3, Lot 13.06

Alan Lowcher, Esq., attorney for applicant, Hunter, has sent written confirmation that applicant is withdrawing his application.

COMPLETENESS ITEMS

Fire Department, #2008- , Block 19, Lot 9

Applicant seeks variance relief for a storage shed currently on the property.

Evan Howell recused himself.

Alan Lowcher, Esq., introduced himself on behalf of the applicant. He said the she, i.e., accessory structure, is located too close to the primary structure and within the front yard set back.

Mr. Lowcher referenced Mr. Gleba's review letter and agreed to the terms cited therein.

Motion was made and seconded to grant waivers and deem the application complete. Members in favor: Kerry Kirk Pflugh, Mark Rossi, Leonard Artigliere, Chris Cavazzini, Committeeman Strunk

Public hearing is scheduled for July 30.

PUBLIC HEARING ITEMS

Christensen – #2008-08, Block 88, Lot 3

Applicant seeks variance relief to construct an addition on a pre-existing, non-conforming dwelling.

Application was deemed complete on May 14, 2008.

Requisite application fees having been paid and jurisdiction established,

Mike Gronsky, project architect, introduced himself on behalf of the applicant. Mr. Gronsky was duly sworn.

Mr. Gronsky explained that the addition is comprised of approximately 300 sq. ft. Side yard, Front yard and lot coverage variances are required.

Mr. Gronsky described the site and proposed addition. He explained this is a two-story addition that does not encroach any further. The existing house is non-conforming. Front and side yard setbacks measure 24 feet.

Question was raised as to surrounding properties. Mr. Gronsky described the properties although he was unaware of the exact setbacks. It was noted most of the lots in the neighborhood are non-conforming.

Ms. Pflugh invited members of the public to question the applicant. No one raised questions. Ms. Pflugh then invited members of the public to comment on the application.

Shannon Tubman, of 53 Butler Park Road, was duly sworn, and spoke in favor of the application. Ms. Tubman expressed that she thought the addition would be a positive for the neighborhood.

Motion was made by R. J. Strunk and seconded by Mark Rossi to close the public hearing. All members concurred. Public hearing was closed.

Mr. Wilson summarized the variance relief sought, noting this is a C variance.

Motion to approve was made by R. J. Strunk and seconded by Mark Rossi.
Members in favor: Kerry Kirk Pflugh, Mark Rossi, Leonard Artigliere, Chris Cavazzini, Committeeman Strunk
Abstaining: Evan Howell

Warren Properties -- #2008-02, Block 46, Lot 13

Applicant seeks minor site plan approval with a variance.
Application was deemed complete on May 28, 2008-06-14

Requisite escrow fees having been paid and jurisdiction established, Bruce Samuels, Esq., introduced himself on behalf of Warren Properties.

Mr. Samuels described the plan for the property, including new lighting, landscaping and new imaging of the sign.

Mr. Samuels said he would be calling:
Matthew Harding, President of Levin Management and
Steve Coppola, P.E., of Bohler Engineering. Mr. Coppola's credentials were

accepted by the Board.

Matthew Harding and Steve Coppola were duly sworn.

Mr. Coppola testified the site is located on Rt. 57. He described the neighboring properties, including commercial and residential. Mr. Coppola introduced a colored version of the site plan dated 6/23/08, which was marked A-1.

The site consists of 59,000 sq. ft. building with 305 parking spaces offering 3 access points along Rt. 57. There are currently 9 pole mounted lights on the property. Lights are randomly spaced according to Mr. Coppola.

Mr. Coppola noted some lights are 45 degree flood lights to illuminate the parking lot in addition to wall lights. The pole mounted lights are 23' in height. Applicant proposes to remove the pole mounted lights. Applicant proposes 15 new lights – 20' tall and downward facing. He described the preferable nature of the proposed lights as relates to minimizing light pollution.

Mr. Coppola referenced Mr. Gleba's letter of June 24. He noted evening lighting would be turned off one hour after stores closed, and the security lights would go on at that time. Mr. Coppola contended the proposed lighting would better serve the parking lot and pedestrians. Off-site impacts would be in compliance with the ordinance according to Mr. Coppola.

There is an existing free standing sign on the property. Mr. Coppola described its location in the northwest area of the site. Applicant proposes simply to re-image the sign. Applicant proposes to use the existing sign structure. No increase in square footage is proposed. The proposed sign will be re-painted and internally illuminated.

Building size will be verified.

Applicant proposes adding landscaping. There are two large trees blocking the signage. Mr. Samuels said applicant proposes to remove one and trim the other. Board requested identification of the trees. Applicant proposes street trees along the driveway. Applicant plans to install tree wells in the parking lot to plant shade trees.

R.J. Strunk asked about the total height of the lights. The total height would be 20'. Ms. Doyle asked about exit doors and proposed lighting. Ms. Doyle pointed out that the wall mounted lights should be shown on the map. Mr. Gleba will work with the applicant regarding the lighting plan.

Mr. Gleba recommended that a specific time to turn off the lights should be set.

As to the sign, it was confirmed that it would not be resized. The existing sign is 337 sq. ft. Ms. Doyle asked about the intentions of the applicant for the sign. Applicant does not propose any modification of the size.

Applicant contends site work, i.e., lighting and landscaping, would improve the appearance of the property.

No questions were posed as to landscaping. Ms. Doyle asked about shopping carts with corrals. Mr. Matthews testified that shopping carts are not currently indicated for the tenants.

Questions were invited from the public. No one from the public spoke in favor or against the application.

Subsequently, comments from the public were invited.

Thomas Prisk of 5 Osprey Court introduced himself. Mr. Prisk said he thinks this a wonderful opportunity to fill the space on an eyesore property.

Mr. Samuels said applicant's engineers are inclined to work closely with Mr. Gleba as to the lighting design.

Mr. Gleba suggested plans should be revised and re-submitted. Hours of operation should be clarified.

Application was rescheduled for July 30.

At 8:55 p.m. Chairperson Kerry Pflugh called a 5-minute break.

Meeting reconvened at 9:05 p.m.

Garcia -- #2008-07, Block 66, Lots 2, 6 and 17.01

Applicant seeks minor subdivision approval.
Application was deemed complete on June 11, 2008

Requisite application and escrow fees having been paid and jurisdiction established, Dominick Santini, Esq., introduced himself on behalf of the applicant.

He said three lots currently exist. Mr. Garcia seeks to reconfigure the lots. Variances are sought for the slope of the property.

Thomas Bodolsky, P.E., engineer, and Robert Garcia, owner, were duly sworn. Mr. Bodolsky is a licensed engineer and planner, and his credentials accepted by the Board.

Mr. Bodolsky described the project. Mr. Bodolsky introduced map entitled Proposed Minor Subdivision, dated 7/9/07, which was marked drawing A-1. Mr. Bodolsky said the property consists of 22 acres, which is quite irregular in shape. Three lots

currently exist. Road frontage on Cemetery hill Road is 650'. Two lots have no road frontage. Applicant receives three tax bills. Mr. Bodolsky explained applicant seeks to reconfigure so that each lot has road frontage.

After applying the slope reduction ordinance, the property effectively is 11.7 acres. Twelve acres would allow a conforming subdivision. The gentlest slopes occur close to the road. Below the stone row the land becomes progressively steeper.

Lot 7.02 becomes 3.4 acres after slope reduction.

Lot 6 becomes 3 acres after slope reduction.

Lot 2 becomes 5.3 acres after slope reduction.

Mr. Bodolsky explained the slope reduction ordinance.

He referenced sheet 5 and described the location of the slopes.

Mr. Bodolsky marked development plans A-2. He confirmed this is a modification of sheet 6 prepared June 25, 2008. He noted all of the development is occurring on the gentle slopes. The steep slopes remain undisturbed. Further, Mr. Bodolsky testified applicant proposes a conservation easement of 5.8 acres encompassing the steep slope areas.

Mr. Bodolsky testified this is a better planning option because of the conservation easement protecting the steep slopes.

He noted the other lots in the area are smaller than the ordinance provides. The variance of .3 acre proposed by applicant is diminimus.

Mr. Wilson noted the three lots are included in one deed although they are billed on three tax bills. Mr. Wilson queried Mr. Bodolsky regarding the easements of record.

Mr. Bodolsky described the easements. Initially, he explained the location of a gas easement where a gas main had been constructed. The easement is now a fiber optic easement.

In addition there is a water line easement related to Lot 5 for a 1" pipe to a spring fed pond. Mr. Bodolsky confirmed Lot 5 has an individual well.

A right of way easement benefits Mr. Garcia's property. The easement runs from Lincoln Ave. to the Garcia property.

Regarding wetlands, Mr. Bodolsky testified he is referencing a map marked A-3, Wetland Coring Locations. Mr. Bodolsky conducted vegetation inventory and corings confirming no wetlands. He said the spring referenced in Mr. Cilo's letter is a great distance away from the applicant's property.

Ms. D'Amico, representative of John Cilo's office, commented that a LOI would not be a huge issue for the applicant. She also noted the need for stream encroachment determination. Mr. Bodolsky contends this is a non-regulated feature not requiring an LOI. The Board seeks field verification of Mr. Bodolsky's contention. Mr. Bodolsky indicated it could take a year for DEP to respond to an application for LOI.

Mr. Bodolsky acquiesced to field verification. He seeks to avoid application for an LOI. The Board engineer seeks to review field verification to be provided.

Area of disturbance issues are raised. Ms. D'Amico insists that Mr. Bodolsky address the areas of disturbance. Mr. Bodolsky noted deed restriction would apply.

Ms. Pflugh emphasized the need for stormwater management planning

OLD BUSINESS

NEW BUSINESS

Reports of Officers and Committees

1. Ms. Pflugh referenced the decisions made recently on COAH. She observed that the Mayor had written a letter to COAH. Ms. Doyle said there is a meeting on COAH on 6/26. Ms. Doyle will attend the meeting of 6/28 in Hunterdon.

2. Ordinance Review – Ordinance 08-12

The Township Committee requests Board feedback for the meeting of July 15.

Mr. Artigliere and Mr. Rossi recuse.

Board is charged with determining the consistency of the ordinance with the Master Plan. Mr. Wilson said the grocery store use had been permitted initially. This ordinance is intended to clarify that the grocery store use is permitted in both the village core area and the non-village commercial area.

Reference is made to the master plan re-examinations adopted in January 1998 and Oct. 31, 2001. Mr. Wilson summarized the provisions.

Ms. Doyle said 1998 and 2001 are almost identical. Mappings did not show the sub-districts. She said this was a broad recommendation.

Ms. Doyle concludes this ordinance is not inconsistent with the master plan.

Lloyd Tubman, Esq., by way of supplementary information, said 1998 master plan recommended a planned village development, including highway retail and office. She noted the 2001 language is essentially a repeat. Identifying the applicable map

has to date been impossible since the color and black and white maps differ. She noted there was no discussion of the PUD zone, which is therefore, not included in the maps.

Motion indicating the Board has reviewed for consistency and finds the ordinance not inconsistent with the master plan was made by Chris Cavazzini and seconded by Jon Grdovic.

Members in favor: Chris Cavazzini, Jon Grdovic, Kerry Pflugh, Evan Howell

Members opposed: R. J. Strunk

ADJOURNMENT

Meeting adjourned at 10:35 p.m.

These minutes were approved July 9, 2008.

Alice Oldford, Secretary to the Board