

WASHINGTON TOWNSHIP LAND USE BOARD

PUBLIC MEETING MINUTES

March 11, 2009, 7:30 p.m.

CALL TO ORDER and PUBLIC NOTICE

Chairman Leonard Artigliere called the meeting to order at 7:35 p.m. Mr. Artigliere 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: Leonard Artigliere, Samir Elbassiouny, Barry Mueller, Robert Klingel, Evan Howell, Mark Rossi, Erich Sodtalbers, James Vergos, Robert Christine, Gordon Wallace

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

APPROVAL OF MINUTES

The minutes of the meeting of February 25, 2009, were approved on motion of Erich Sodtalbers, seconded by James Vergos.

Members in favor: Barry Mueller, Len Artigliere, Robert Klingel, Mark Rossi, Erich Sodtalbers, James Vergos, Robert Christine, Efrem Zaret, Gordon Wallace

Members abstaining: Samir Elbassiouny, Evan Howell

RESOLUTION

Apgar -- #2006-04

Block 17, Lots 6.01 and 6.01Q

Motion to grant an extension of time to perfect the subdivision approval to 5/31/09 was made by Erich Sodtalbers and seconded by Mark Rossi.

Members eligible to vote: Leonard Artigliere, Samir Elbassiouny, Barry Mueller, Robert Klingel, Mark Rossi, Erich Sodtalbers, James Vergos, Robert Christine, Efrem Zaret, Gordon Wallace

Members in favor: Leonard Artigliere, Samir Elbassiouny, Barry Mueller, Robert Klingel, Mark Rossi, Erich Sodtalbers, James Vergos, Robert Christine, Gordon Wallace

COMPLETENESS ITEMS

Opdyke, Floyd, Application #2008-19
Block 67, Lot 58, 59, 60

Minor subdivision/lot line adjustment with variance relief.

This matter was last reviewed for completeness on October 8, 2008.

Alan Lowcher, Esq., introduced himself on behalf of the applicant.

Applicant has owned this property since 1960. Applicant seeks to merge and then subdivide the land of 3 lots. Bulk variance is required for one lot which is non-compliant.

Applicant's engineer, Kurt Hoffman, P.E. has met with Mr. Gleba. Information has been requested as to classification. It was noted that an error had been made on the slope analysis.

Mr. Lowcher discussed Checklist A:

As to page 6, item #7 soil logs must be referenced

On page 8, item #20 there is no plan for a proposed dwelling; however, applicant will provide the information

On page 6, item #16 comment 4, a waiver is recommended

Mr. Lowcher noted other items can be waived for completeness

Request was made to classify this application as a minor subdivision with variance relief

Motion to grant the waiver was made by Robert Klingel and seconded by Samir Elbaissouny

Members in favor: Leonard Artigliere, Samir Elbassiouny, Barry Mueller, Robert Klingel, Evan Howell, Mark Rossi, Erich Sodtalbers, James Vergos, Robert Christine, Efrem Zaret, Gordon Wallace

Mr. Gleba noted applicant understands what must be provided, and application may be deemed complete. According to Mr. Gleba the primary issue is the area of lots.

Motion to grant waivers as recommended in Mr. Gleba's letter for completeness purposes only and classify the application with items to be provided in one week in order for the hearing to commence was made by Erich Sodtalbers and seconded by Robert Klingel.

Members in favor: Leonard Artigliere, Samir Elbassiouny, Barry Mueller, Robert Klingel, Evan Howell, Mark Rossi, Erich Sodtalbers, James Vergos, Robert Christine, Gordon Wallace

Public hearing was scheduled for April 8.

Grodkiewicz, Jeffrey, Application #2008-09
Block 64, Lot 8

Applicant seeks preliminary site plan approval + variance relief to construct a one-story addition to the existing building. In addition, applicant proposes to connect that building with a one-story building currently on the premises.

This matter was last reviewed for completeness on May 28, 2008, at which time attorney for applicant noted the application should be deemed incomplete based on Mr. Gleba's review letter. Further, it was agreed that applicant's professionals would meet with Mr. Gleba to define the issues.

Alan Lowcher, Esq., introduced himself on behalf of the applicant. He said the property is located in the highway commercial zone. This is a veterinary hospital that has existed in this location for 20 years.

Members recused: Leonard Artigliere, Evan Howell, Robert Klingel, Samir Elbaissouny

Mr. Sodtalbers continued as chairman. Board members were requested to be present for this hearing because of the number of members recused.

Mr. Lowcher explained that there is a residence at the site for employees. A free standing sign currently exists. Further, no change to parking and driveway is proposed. Applicant will continue to use public water and expand the existing septic. Applicant proposes an addition to the building with a sign proposed to be displayed on the building. Mr. Lowcher noted there is a difference in the calculation as to the area of the sign. He indicated a variance will be required for the sign.

Mr. Lowcher described the pre-existing non-conformities: lot area, frontage and side yard. He observed that nothing that is proposed will exacerbate the pre-existing conditions. The sign has existed in its location for 20 years, and no change is proposed.

Mr. Lowcher addressed specific completeness items:

Clear aerial map must be provided + USGS map.

Reference was made to Mr. Gleba's completeness review letter of 3/9, pg. 6, No. 5, item 8. Aerial map will be provided together with additional information to address item #27C.

Checklist B, pg. 6, item #4 will be addressed by aerial map.

Checklist E, pg. 7, item #13 will be addressed by aerial map.

Waivers for completeness for all the other items are sought. Application can be classified with D and bulk variance relief.

Motion to grant waivers in Mr. Gleba's correspondence of March 9 and deem the application complete was made by James Vergos and seconded by Mark Rossi. It was noted that items identified to be provided must be submitted within one week. Board is considering a preliminary major site plan with use variance.

Members in favor: Mark Rossi, Erich Sodtalbers, James Vergos, Robert Christine, Barry Mueller, Gordon Wallace

Ms. Doyle requested to meet with applicant prior to hearing. Board concurred.

Phase I carbonate rock study was recommended by Bill Gleba. Applicant offered to have a geologist on site rather than preparing a study.

Request was for the Board to waive study was made. Testimony must be provided at hearing.

Public hearing was scheduled for April 8.

OLD BUSINESS

NEW BUSINESS

Mayor, chairman and attorney excused themselves.

- Highlands/COAH discussion.

Scarlett Doyle, Board Planner, addressed the Highlands plan conformance. She explained the Township received an extension for COAH consideration. Ms. Doyle observed that little can be done in the preservation area. Query: is the Township in the planning area. It is unknown at this time where Township falls.

Ms. Doyle explained that the Highlands Council is underwriting her work in this matter. The first module relates to current conditions and build-out analysis. Ms. Doyle gave the report to the chairman. Module #2 relates to land use and resource capacity analysis. The third module relates to the COAH plan. The fourth module addresses Highlands environmental resource inventory. The fifth module relates to Highlands master plan element. The sixth module promulgates Highlands regulations. The seventh module relates to municipal self-assessment, implementation plan and petition.

Ms. Doyle explained Module 1 is instructive and represented by the Township report given to the Board. GIS provides detailed information and map overlays. Ms. Doyle will check whether Highlands is placing it on their website for public view.

Ms. Doyle will attend a meeting at month's end regarding Module 2. Information provided may or may not be relevant since the regulations are not yet in place. Highlands are interested in cutting out sewers and preserving land. There are many flaws in the COAH plan. Highlands should provide a revised analysis subsequent to submission in Module 1.

Highlands Committee members can attend a meeting with their presentation as to what is going on. It was noted plan will come from the Committee based on Land Use Board recommendations. Joint meeting was discussed. Ms. Doyle suggested this be done between Module 4 and Module 5.

If the Township does not go along with the planning area requirements, then the Township will need to come up with a COAH plan according to the original rules by December 9, 2009. Ms. Doyle suggested in the next couple of months, there will be analysis of the COAH units that exist. All parameters will be discussed. Ms. Doyle noted the Township should try to prioritize and meet the number. There was discussion as to the rules that apply. It was clarified that 25% of COAH units can be age restricted.

Formation of a subcommittee was recommended. Ms. Doyle will email the chart and Board secretary will forward to members. Volunteers will be sought for the subcommittee. Ms. Doyle said there should be consideration that municipal land that can handle high density development. Ms. Doyle encouraged questions. Ms. Doyle will develop a sample for the spreadsheet. Group homes provide more credits because of the number of bedrooms.

When affordable eligibility ceases after 15 years, the Township has the right to re-sign the units. Attorney must handle this. The Board authorized Mr. Gruenberg to handle this.

- Mr. Gleba will produce copies for Board members.
- It was observed that members of the public need to be noticed and aware of the proposed joint meeting.
- Email has been received from Hawke Point regarding the wastewater management plan. No discussion was undertaken in light of the pending litigation. Professionals will discuss prior to Board consideration. Further, Hawk Pointe escrows must be current prior to discussion. Professionals will provide an estimate. Mr. Artigliere noted Township will prepare a wastewater management plan. Steve Gruenberg will discuss the logistics with Counsel for the Committee.

PUBLIC COMMENT

Frank Cregan introduced himself. He asked that the street address of applications under consideration be included in the agenda listing.

Tom Prisk asked about the issue of recusing from a hearing. If the number of members is reduced, there is recourse. Ethics rules are becoming more stringent according to Mr. Gruenberg.

ADJOURNMENT

Motion for adjournment was made and seconded with all members in concurrence. Meeting was adjourned at 9:15 p.m.

These minutes were approved April 8, 2009.

Alice Oldford, Secretary to the Board