

Washington Township Planning Board February 9, 2015

Vice Chairman Eric Trevena called the regular meeting of February 9, 2015 of the Washington Township Planning Board to order at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: William Leavens, Kathleen McGroarty, Charles DiSalvo, Eric Trevena, Mark Bauerlein, Louis Mont (arrived at 7:52 p.m.)

ALTERNATES: Howard Popper

CLASS I: William Roehrich

CLASS II: Roger Read

CLASS III: Matthew Murello

ABSENT: Sam Akin

OTHERS PRESENT: Engineer Leon Hall, Attorney Tiena Cofoni, Planner David Banisch, Clerk Barbara Margolese

Adequate notice of this meeting was sent to the Observer-Tribune on January 30, 2015 and posted on the Bulletin Board on the same date. Notices were mailed as requested.

MINUTES

Minutes from the January 5, 2015 Reorganization and Regular Meeting

Mr. DiSalvo made a motion to approve the minutes as presented, seconded by Mr. Popper.

A voice vote was taken and the motion carried.

Ayes: Bauerlein, McGroarty, Trevena, Murello, Roehrich, Leavens

Nays: None Abstentions: Read, DiSalvo, Popper

PUBLIC COMMENT ON NON AGENDA ITEMS

The meeting was opened to the public for items not on the agenda. There were no questions or comments from the public and the meeting was closed to the public.

RESOLUTIONS

15-07 Enclave of Long Valley (Formerly Regency) – Block 28, Lot 46 & 47 – Extension request for final major subdivision and site plan approval for a 50 lot age restricted subdivision

The Board reviewed the resolution. A motion was made by Mr. DiSalvo, seconded by Mr. Popper to adopt the resolution of approval. A roll call vote was taken and the motion carried.

Ayes: Bauerlein, McGroarty, Trevena, Leavens, Read, DiSalvo, Popper

Nays: None Abstentions: Murello, Roehrich

DISCUSSION / CORRESPONDENCE

1. Eric Jania – Block 56, Lot 26.05 – 56 Turtle Back Road – R-5 Zone – Request to have condition from Resolution 84-37 removed

Mr. Eric Jania was sworn-in along with his engineer Nicholas Wunner. For the record, it was noted that Mr. Wunner was representing Mr. Jania as his engineer, planner and surveyor. Mr. Wunner stated that Environmental Specialist David Krueger was hired by the applicant to do a wetlands study of the subject property. Mr. Wunner stated that the subject property is located in the Highlands Preservation

area and that they have received an Exemption #2. Mr. Wunner stated that slope restrictions for slopes over 20% also affect this property. Mr. Wunner referred to Exhibition "A-1", slope constraint map for Block 56, lot 26.05, dated 1/26/15. He referred to Exhibit "A-2", minor subdivision plat created by Harley Wilson, 1984 (revised 6/22/84) for Harold and Helen Ferrante.

Attorney Cofoni stated that this property has a deed restriction regarding to the building and to shade trees on the property. She stated that the deed restriction was granted to the Township of Washington. Attorney Cofoni noted that the Township Committee would have to also have grant relief from the restriction. Planner Banisch stated that the restrictions on this property make it physically impossible to place a house on the property.

Engineer Hall stated that back in 1984 it was noted by Engineer Carl Denzler that the first quarter acre of this property contains Cokesbury soils. Mr. Hall recommended that the applicant have his engineer review the Shimel report regarding soils in Washington Township to see what soils are located on this property. Mr. Hall referred to his 2/6/15 review letter, noting that the applicant must provide as a condition Board of Health approval.

Mr. Wunner stated that they did soil logs where the house is going. He noted that the proposed house does not have a basement but will be on a slab. Engineer Hall stated that soil logs would then not be needed. Mr. Hall stated that in the deed restriction it states that no septic system will be placed within 600 feet of the property line.

The Board opened the discussion up to public questions. No public questions were asked and the public section was closed. Mr. Mont arrived at 7:52 p.m.

A motion was made by Mr. DiSalvo, seconded by Mr. Leavens to direct the Board's attorney to draft a resolution to amend the approval granted in resolution 84-37 to eliminate the requirement of the deed restriction based upon Engineer Hall's 2/6/15 review letter with the conditions 1, 2 and 4 noted within that letter. A roll call vote was taken and the motion was carried.

Ayes: Bauerlein, McGroarty, Trevena, Leavens, Read, DiSalvo, Popper, Murello, Roehrich

Nays: None Abstentions: Mont

Mr. Mont took over as Chairman for the meeting.

2. Preliminary Investigation to determine whether Block 30, Lots 70, 70.01, 70.02 AND 71.03 is a redevelopment area according to the Criteria set forth in N.J.S.A. 40A:12A-5 1.

Mr. Leavens, Mr. Roehrich, and Mr. Murello recused themselves for this matter. Mr. Leavens left the meeting as he must recuse himself for the next agenda item as well. Planner Banisch stated that the conditions for redevelopment do exist. He announced to the public that future plans for this property were not going to be discussed at this meeting. Mr. Banisch proceeded to report on the findings regarding the redevelopment of the subject property. Mr. Di Salvo noted that Lot 71.03 was not considered as meeting the criteria for redevelopment at the December Board meeting. Mr. Banisch stated that the fact that Lot 71.03 has only had 2 acres of new agriculture introduced to it for a substantial period of time and that in the OR/I Zone the agricultural use is not what the zone had not been intended as the principal use meets the criteria for redevelopment. It was noted that there is a dwelling on the property that is occupied periodically.

The hearing was opened to the public. Attorney Anthony Sposaro stated that he represents the Martini Foundation which owns Lot 71.03. Mr. Sposaro stated that Lot 71.03 has access through a right-

of-way access easement which connects to Esna Drive. He stated that Esna Drive is a private road. Mr. Sposaro pointed out that the unimproved land is vacant and that this is not the same as being unused. Mr. Banisch agreed stating that the farmland on the property is unimproved. He stated that the dwelling on the property is an apartment which is part of a barn structure. Mr. Sposaro stated that the Martini Foundation would like the barn structure carved out of the redevelopment plan.

Mr. Fred Smith, 167 Kings Highway, asked about the criteria that need to be met in N.J.S.A 40:12A-3 regarding the definition of redevelopment and rehabilitation. He asked the Board to proceed in a reasonable and intelligent manner.

Engineer Hall stated that Block 30, lots 2 and 21 on Esna Drive are privately owned and have the access easement for Lot 71.03. He stated that the traffic ability rights would have to be granted to Lot 71.03 if they do not already have them. Mr. Banisch stated that a title search may be needed with regard to the access easement. Mr. Sposaro stated that there is a right of way used by Lot 71.03 and that he will provide the back title to the Right-of-way to the Board's attorney, planner and engineer for their review.

The attorney for Kings Highway Investments, LLC, Michael Selvaggi told the Board that there is an easement for Elastimold and other entities off of Esna Drive. He stated that the Elastimold property does not qualify for redevelopment. Attorney Cofoni stated that Lot 71.03 is the subject of the redevelopment review not the other properties and that the barn is okay to include in the redevelopment of Lot 71.03 and that this matter will be placed on the agenda for the March 9th, 2015 meeting.

3. Musconetcong Age-Restricted Overlay Zoning Ordinance (Heath Village) –revised conceptual plans Block 19, Lots 5, 6, and 7 – Schooley's Mountain Rd. & Newburgh Rd.

In attendance for the applicant were Engineer Ed Bogen, Architect and Planner Dave Danton. Mr. Danton reintroduced the project and stated that there will be approximately 29 affordable housing units which are proposed to be a part of the old campus. Mr. Banisch stated that he has reviewed the proposed setbacks for the property and that the setback with the adjacent industrial property does not meet the ordinance requirement; however he would recommend the change in setback to the Township Committee. Mr. Danton stated that they have attempted to maintain the open space at the corner of Newburgh Road and Schooley's Mountain Road and that some kind of deed restriction could be created. Mr. Danton stated that Heath Village would not like to lose a road of houses because of the open space and asked if the open space area could be 7 acres instead of 7.5 acres. Mr. Danton stated that buffer averaging possibly could be used which could result in more housing. Mr. Banisch stated that he will look into the open space area for the next meeting. It was announced that this matter will continue at the March 9th meeting.

DISCUSSION/CORRESPONDENCE

1. Vouchers

Mr. DiSalvo made a motion to approve the vouchers reviewed by the Chairman and found in order and send them on for payment, seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

Mr. DiSalvo made a motion to adjourn, seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Barbara J. Margolese, Clerk