

WASHINGTON TOWNSHIP LAND USE BOARD

PUBLIC MEETING MINUTES

May 31, 2017, 7:30 p.m.

CALL TO ORDER and PUBLIC NOTICE

Chair Artigliere called the meeting to order at 7:30 p.m. stating this was the 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 transmitted to the 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.

FLAG SALUTE

ROLL CALL

Present: Robert Klingel, Evan Howell, Stephen Swinton, Erich Sodtaltbers, Maureen O'Donnell, Brian McCatharn, Leonard Artigliere, Michael Lum

Absent: Ralph Fiore, Gretchen Foley, James Vanderhorn

Professionals in Attendance: Steven P. Gruenberg, Esq., Kevin Smith, P.E., C.M.E., Scarlett Doyle, P.P.

APPROVAL OF MINUTES

A motion was made by Klingel, seconded by McCatharn to approve the minutes of the regular meeting held on April 26, 2017. Members in favor: Robert Klingel, Evan Howell, Stephen Swinton, Brian McCatharn, Michael Lum. Members abstaining: Erich Sodtaltbers, Maureen O'Donnell, Leonard Artigliere

PUBLIC HEARING

Warren County Habitat for Humanity, Application #2017-01, Block 22 Lot 3.01

Continued from April 26, 2017

Attorney, Alan Lowcher, appeared stating that the application had been amended to include the owner, The Chapel at Warren Valley (Chapel), as a co-applicant noting that the notice was previously reviewed and deemed sufficient with no new notice being required. Mr. Lowcher stated that a revised site plan has been submitted and that a proposed façade plan was to be added. Manager of redevelopment for the Chapel, Timothy I. Matthews, was sworn in for testimony.

The applicant's engineer, Nevitt Duvneck, still under oath, introduced the revised site plan, entered as Exhibit A-3, last revised May 19, 2017 which included sign details, landscaping and a proposed outside storage area for the Habitat Restore with a gate at the front corner of the building and a fence in the rear of the building to prevent access, Mr. Duvneck stated that after speaking with the fire department, a fire access lane would be delineated with no storage permitted in this area. Mr. Duvneck discussed new handicap parking spaces to be added in proximity of the new doors for the Restore and stated that 3 Norway Spruce were proposed to be planted near this area to provide buffering of the outside storage area noting that where the site plan listed 11 proposed spruce only 3 were proposed and the site plan would need to be revised adding stated that 10 redbuds were proposed along Route 57 which would grow to 25 feet in height under the existing utility lines. Mr. Duvneck discussed the existing wooded areas to remain which would further hide the storage area. A lighting and signage plan was entered as Exhibit A-4, Mr Duvneck stated that the signage area would be same as the

existing with 2 rectangular signs instead of the circle and that for the lighting an additional lamp was being proposed on the northwesterly corner to eliminate a dim area.

Mr. Artigliere stated that the surrounding property to the east with an existing driveway was for sale and asked what zone this property was in and if the wood would remain to provide the buffer. Mr. Smith explained the previous applications for this site along with the environmental constraints.

Mr. Duveneck discussed Mr. Smith technical review dated May 30, 2017 which was marked B-1 noting that where the plans noted 440 seats for the Chapel parking calculation the actual number was 490 seats which was listed on all construction permits for total of 259 parking spaces required. Mr. Duveneck discussed his letter dated May 31, 2017, entered as Exhibit A-5, which included the revised parking calculation and addressed Mr. Smith's review letter. Mr. Duveneck stated that the applicant could not comply with the proposed parking plan in Mr. Smith's letter due to the location of septic field expansion on the site which was under new pavement as indicated on the aerial photo. Mr. Duveneck stated that the parking requirement was conforming when it was used as the old Shoprite. Mr. Smith stated that the revised plans stated that 162 parking spaces would be sufficient for both uses and suggested that the site could function with 50 less spaces adding that he did not know what landscape standards were in place at the time of the Shoprite site plan approval or if a variance was granted. Mr. Duveneck stated that the applicant could beautify that site without taking away 29 spaces as proposed in Mr. Smith's review letter and suggested that the spaces in the area of the handicap parking could be made compact car only instead of a landscape island to provide the proper grading for the ADA spaces.

Mr. Smith asked if the proposed variance was a C1 or C2 hardship variance noting that the parking variance was caused by the Chapel not the Habitat use. Mr. Lowcher stated that it was a C2 variance which Mr. Duveneck would provide testimony. Mr. Gruenberg stated that Mr. Duveneck had not been qualified as a professional planner. Mr. Lowcher stated that he did not know why the Board was pushing landscaping where the applicant had made concessions to add street trees and agreed to work with the Board professionals. Mr. Gruenberg stated that the applicant was asking for variances from standards which would need legal proofs to be provided.

Mayor Klingel stated that the application already had a deficit of parking where adding the suggested landscaping plan in B-1 would further increase this variance. Mr. Artigliere stated that when the Chapel was operating on Sunday 164 spaces would be required when the Restore not open. Mayor Klingel asked if the Chapel would have events on days when the Restore was open. Mr. Gruenberg discussed that the site plan indicated that for special events the Chapel would limit the event to 200 guests requiring 57 spaces for the Chapel use. Mayor Klingel questioned whether the Chapel could limit an event to a certain number of guests. Mr. Duveneck stated that the existing location of the Restore never overfilled the parking lot and stated that even with 300 guests parking would not be a problem noting that 90% of the time both the Chapel and the Restore were not open at the same time. Mayor Klingel asked why the landscape plan would not work if there was sufficient parking.

Mr. Lowcher stated that if the applicant would agree to find a way to lose 9 parking spaces from 212 to 203 total noting that the Chapel did not want to reduce the parking any further where 203 spaces would be the parking required for a future use of retail for the entire building.

Ms. Doyle asked if the C2 variance could link the benefits of landscaping with the parking variance and asked why this could not work to benefit the Township.

Mr. Sodtalbers stated his concerns with reducing parking during an event where cars would be parking on the street and suggested there be no more beautification where there was a safety concern for traffic.

Mr. Gruenberg stated that there was a note on the plans that limited a special event to 200 guests. Mr. Duveneck stated that this note was in error and was supposed to be an example only adding that the Chapel did not want to put a limit on guests. Mr. Smith asked if any future retail use would be operating on Sunday and stated that the future retail use would either agree not to conflict with the Chapel on Sunday or come back to the Board as a condition of approval. The Board discussed. Ms. Doyle asked how many parishioners were currently attending the church and what expansion was expected.

Pastor Timothy Hoff was sworn in for testimony. Mr. Hoff stated that the attendance of the church was 170-200 currently and anticipated 25% growth and would hope to fill to capacity.

Mr. McCatharn stated that when the site was used as a Shoprite there was always enough parking at the busiest times. Mr. Artigliere asked if it would be sufficient to remove the 8 spaces and add landscaping islands adjacent to the existing marked pedestrian walkways as agreed to by the applicant to reduce the parking to 203 spaces. Mr. Smith explained.

Mr. Gruenberg suggested that any future retail use not be open on Sunday without further Board approval. The Chapel agreed to this condition. Mr. Gruenberg clarified that note 6(b) would be removed from the plans. Applicant agreed.

Mayor Klingel stated that the Restore had a weekend flea market going on now and asked if this would be proposed for this site. Mr. Duveneck stated they would like to keep the flea market and agreed to not have it on a Sunday.

Mr. Smith asked if the applicant would provide any testimony on the C2 proofs. Mr. Lowcher read the required proofs and discussed the additional items in B-1 including ADA compliance, the relief necessary for the site lighting agreeing to a night light test, landscaping to be revised to the satisfaction of the Board professionals and fencing and materials in the storage area per the fire department.

Ms. Doyle's review letter dated May 21, 2017 was marked as B-2. Mr. Lowcher discussed the letter including Exhibit A-2 of the proposed façade plan which was adopted by Habitat with a maximum height of 34 feet and not to include a spire or steeple with muted colors of light gray plaster and dark gray trim for the Chapel and a blue sign for the Restore. Mr. Duveneck stated that the freestanding sign as discussed would be in the existing location, with 2 rectangular signs internally lit on the same post with all façade signage to conform to the ordinance. Mr. Duveneck stated that planter boxes were proposed between columns which would be maintained as a condition of any approval all other site landscaping to the satisfaction of Ms. Doyle. Mr. Duveneck stated that the proposed landscape islands would be curbed and requested a variance to not enclose the trash area noting that the applicant would restrict access to the storage area. Ms. Doyle stated that this was a unique site with an existing condition to remain. Mr. Smith asked if there was enough of a barrier to deter going around the gate at the building corner. Mr. Duveneck explained. Mr. Duveneck discussed the existing 12 parking spaces within 10 feet of the westerly sideline to remain as a preexisting condition.

Mr. Artigliere open the hearing to the public, hearing none. Mr. Lowcher summarized the variance requested for the minor site plan and condition of any approval.

A motion to close the public hearing was made by Klingel, seconded by Swinton. Members in favor: Robert Klingel, Evan Howell, Stephen Swinton, Brian McCatharn, Michael Lum.

Mr. Gruenberg summarized the application for minor site plan with variances as delineated for parking, landscaping and lighting. Subject to conditions of the storage of materials issue to the satisfaction of fire

department, no retail use on Sunday without further Board approval, landscaping to the satisfaction of the Board's planner, night light test as a condition of occupancy, in lieu of foundation plantings, planter boxes to be installed and maintained and compliance with B-1 and B-2 and all other usual conditions.

A motion to grant the variances and approve the minor site plan was made by Klingel, seconded by McCatharn. Members in favor: Robert Klingel, Evan Howell, Stephen Swinton, Brian McCatharn, Michael Lum, Mr. Gruenberg stated that all other members present would abstain since they were not present at the April 26, 2017 hearing and not eligible to vote.

DISCUSSION

Township Ordinance 17-09: Amending and Supplementing Chapter 123-7 Titled "Zoning Map" to Change the Boundary for the VR Zone to Remove Block 28, Lots 5.01 Through 5.08 and Change the Boundary of the R40 Zone to Include these Aforementioned Lots.

Ms. Doyle discussed the ordinance and stated that the Board was required to determine if the ordinance was not inconsistent with the Master Plan and opined that not only was it not inconsistent but would go further to say that was consistent and recommended that it be adopted as written.

Mr. Sodtalbers asked when this change was added to the Master Plan. Ms. Doyle explained that the recent Master Plan adopted in February 2017 included a suggested study of this site. Mr. Sodtalbers stated that this would reverse what was done years ago. Mr. Sodtalbers noted an error in the Block number in the Ordinance to be corrected.

A motion to recommend to the Township Committee that Ordinance 17-09 was consistent with the Master Plan and recommend that the Ordinance be revised to correct the block number was made by Howell, seconded by Klingel. Members in favor: Robert Klingel, Evan Howell, Stephen Swinton, Maureen O'Donnell, Brian McCatharn, Leonard Artigliere, Michael Lum. Members not in favor: Erich Sodtalbers

PUBLIC CONCERNS AND COMMENTS

None.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

Hearing no further comments, a motion was made by Swinton, seconded by McCatharn to adjourn the meeting at 9:10 p.m. All were in favor.

Respectfully Submitted,

Eileen Parks
Secretary to the Board

These minutes were approved on June 28, 2017