

WASHINGTON TOWNSHIP LAND USE BOARD

PUBLIC MEETING MINUTES

November 29, 2017, 7:30 p.m.

CALL TO ORDER and PUBLIC NOTICE

Chairman Artigliere called the meeting to order at 7:32 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, Ralph Fiore, Stephen Swinton, Maureen O'Donnell, Brian McCatharn, Leonard Artigliere, James Vander Horn, Michael Lum

Absent: Evan Howell, Erich Sodtalbers, Gretchen Foley

Professionals Present: Steven P. Gruenberg, Esq., Eugene Weber, P.E., C.M.E., Scarlett Doyle, P.P.

APPROVAL OF MINUTES

A motion was made by Swinton, seconded by McCatharn to approve the minutes of the regular meeting held on November 8, 2017. Members in favor: Stephen Swinton, Brian McCatharn, Maureen O'Donnell, Leonard Artigliere, Michael Lum. Members abstaining: Robert Klingel, Ralph Fiore, James Vander Horn

COMPLETENESS

Village Supermarket, Inc., Application #2017-04, Block 65.01 Lot 1 C0003, Zone PVD

Attorney, Alex Lehrer, appeared for the applicant and discussed Mr. Smith's completeness review letter dated November 29, 2017 stating that a new tax certification had been submitted and the applicant would comply with Mr. Smith's recommendations. Mr. Smith discussed that the application was to move a sign from one side of the building to another which technically required the applicant to amend the site plan and recommended that the application be deemed complete and the Board set a hearing date.

A motion to grant the waivers and deem the application complete was made by Fiore, seconded by McCatharn. Members in favor: Robert Klingel, Ralph Fiore, Stephen Swinton, Maureen O'Donnell, Leonard Artigliere, James Vander Horn, Michael Lum.

Mr. Gruenberg stated that the meeting dates for 2018 would be approved at the January 3, 2018 reorganization meeting and that the applicant would need to wait for those dates to be scheduled or could notice at their own risk.

COMPLETENESS

Velez Sandra, Application #2017-06, Block 82 Lot 1 C0003, Zone PVD

Attorney, Michelle Corbett-Rivielle, appeared for the applicant and discussed Ms. Parks November 16, 2017 completeness memo adding that photos and an aerial were submitted as well as the tax certification provided today and that a sealed survey would be provided. Ms. Corbett-Rivielle discussed requested waivers stating that providing additional survey work to show the existing trees, hedges and fencing, etc. would be an expense for

the applicant stating that the aerial photograph depicted the location of the sheds in relation to the surrounding lots adding that there were 3 sheds, 2 of which were existing with 1 shed being recently placed on the property.

Mr. Artigliere stated that the location of these items were important features to be shown for the Board. Mr. Gruenberg discussed the completeness items. The applicant agreed to: Waivers for completeness only for items 3, 4, 9, 11, 12, 13, 16, 20, 24 & 25. Permanent waivers for items 14, 17 & 18 and checklist items deemed not applicable for #23 and checklist items provided for #2 & 21.

A motion to grant the waivers as discussed and deem the application complete was made by Fiore, seconded by McCatharn. Members in favor: Robert Klingel, Ralph Fiore, Stephen Swinton, Maureen O'Donnell, Brian McCatharn, Leonard Artigliere, James Vander Horn, Michael Lum.

COURTESY REVIEW

Warren County Community College, Application #2017-05, Block 69 Lot 1, Zone ED

Attorney Gruenberg discussed that this was a courtesy review by the Board.

Attorney, Douglas Steinhardt, appeared for the applicant and discussed the proposed project for Warren County Community College (College) to construct a 5,989 square foot one story auxiliary Annex building to the main campus to provide a lecture hall and administrative offices which would be connected by a 630 square foot enclosed walkway.

Attorney, Adrienne L. Isacoff, appeared and introduced the applicant's architect, Frank Warr, engineer, Paul Sterbenz and the president of the College, Dr. William Austin.

Mr. Sterbenz discussed a copy of the site plan marked as Exhibit A-1 including the site implications with some minor exterior construction including some storm drainage, sidewalk & curb construction and noting that the proposed building would be in the same location of the temporary trailer which had been removed. Mr. Sterbenz stated that no landscaping or lighting was proposed and no new parking would be added to the existing 700 parking stalls which was sufficient for the site with the addition of the new building to meet the ordinance requirements which was approximately 650 stalls and that there was no increase in the impervious coverage. Mr. Sterbenz stated the applicant had received Warren County Soil Conservation approval and received conditional approval from the Warren County Planning Board which required a letter from the Township engineer regarding the stormwater for the project. Mr. Sterbenz stated that the project complies with all ordinance standards in the ED zone and was a conforming use.

Public questions.

Linda Magyar, 11 Birchwood Avenue, asked how much of the building would dedicate to classroom. Mr. Warr explained that approximately 2,000 sf would be classroom. Ms. Magyar stated that the parking was not adequate now and asked why the parking spaces were not increasing. Mr. Sterbenz stated that the number of parking spaces were in compliance. Mr. Steinhardt stated that the existing student body enrollment would not be increasing.

Ms. Doyle asked the distance from the bank of handicap stalls to the lecture hall. Mr. Sterbenz explained noting that no changes to the handicap stalls were proposed.

Mr. Warr discussed a rendering of the architectural plan marked as Exhibit A-2 showing the building layout and connecting enclosure noting that the façade would be similar to the existing buildings on site and discussed the elevations renderings.

Dr. Austin discussed the use of the new building with a large lecture space which would be cost effective for the students and residents noting that the bathrooms in the new annex building would be more in compliance with ADA standards and would include a room for privacy for nursing mothers. Dr. Austin stated that the building would also include an open computer lab and added that the long connecting hallway was planned for a single entry to the entire facility in response to the recent school shootings. Dr. Austin explained that the parking issues had been addressed in that the noncredited classes were now all located on the Phillipsburg campus adding that the College currently had 1300 credited students which was far below the 7,000 at the height of enrollment.

Public questions.

Abby Zola, 3 Maplewood Lane, asked for clarification of the lactating room. Dr. Austin explained.

Joseph Cunningham, 15 Birchwood Lane, asked for clarification of classroom space versus lecture space. Dr. Austin explained.

Charles Magyar IV, 11 Birchwood Lane, asked the student capacity of the lecture hall and stated his concern over the effectiveness of a large classroom. Mr. Warr & Dr. Austin discussed.

Leith Larson, 238 Washburn Avenue, asked if a door could be added on the east side of the building for an exit. Mr. Warr explained.

Mr. Steinhardt provided a summary.

Mr. Gruenberg asked if the College needed a letter from the Board. Mr. Steinhardt explained that a letter was needed and should be addressed to Dr. Austin.

A motion to authorize Ms. Parks to prepare a letter to Dr. Austin was made by Swinton, seconded by McCatharn. Members in favor: Robert Klingel, Ralph Fiore, Stephen Swinton, Maureen O'Donnell, Leonard Artigliere, James Vander Horn, Michael Lum.

8:35 p.m. Mayor Klingel and Committeeman Fiore were recused and did not return to the meeting

8:35 p.m. The Board recessed.

9:00 p.m. The Board returned.

PUBLIC HEARING

New Jersey American Water Company, Inc.

Application #2017-03, Block 48, Lot 78, Zone VR

Attorney Gruenberg stated that the applicant had provided the affidavit of service and publication with the intention to move forward into a public hearing and found that the Board had jurisdiction to proceed with this application as he had reviewed all of the items.

Amanda Curley, Esq. appeared and discussed a letter from David R. Pierce, Esq. dated November 29, 2017 requesting that the hearing be adjourned stated that all of application documents were not made available for inspection by her clients. The applicant's attorney, Guliet Hirsch, discussed her response which included that all documents were delivered to the Township on November 14, 2017 which was at least 10 days prior to the hearing as required and stated that all witnesses for the application present today would be available at subsequent meetings to allow time for review of the documents. Mr. Gruenberg opined that the Board had jurisdiction to proceed. Mr. Artigliere agreed with counsel and stated that all materials would be available to the objectors and any interested parties.

The applicant's attorney, Guliet Hirsch, appeared and discussed the application to construct a 110 foot, 400,000 gallon water tower to provide adequate water supply and pressure for fire protection for the Township and Borough stating that the application was for a d(1) use variance for a public utility which was not permitted in the VR zone, a d(6) variance for a proposed height of 110 feet where 35 feet is permitted, a front yard setback variance and preliminary and final site plan. Ms. Hirsch discussed that the proposed water tank was an inherently beneficial use and discussed that as utilities provide public services in the State, under the MLUL there was a special appeal process where if the applicant was not satisfied with the local Board's decision the appeal could go straight to the BPU. Ms. Hirsch discussed that the application was exempt from the Highlands Act as an upgrade of public utility service. Mr. Gruenberg stated that the applicant may need a letter from the Highlands Council as a condition of any approval. Ms. Hirsch stated she would contact the Highlands Council.

Ms. Hirsch listed the witnesses, Frank Hadley, of New Jersey American Water Company, Brian Slota, P.E., hydraulics engineer, Susan Bracefield, P.E., and Daniel Block, P.P. Frank Hadley and Brian Slota were sworn in for testimony.

Mr. Hadley stated that there were 7 water systems in the Washington area for which he was responsible where the local system included the Township, Borough and parts of Franklin Township with a 16 inch main connected to Oxford. Mr. Hadley discussed a fire that broke out on August 26, 2006 in an antique shop on Main Street in the Borough which brought the water system including the existing water tank on Brass Castle Road to a dangerously low level where he had to ask the fire chief to cut back drawing water on the hydrants. A letter to NJ American Water asking for an explanation why the supply tank dropped to a precarious level dated February 21, 2007 from the Borough of Washington was entered as Exhibit A-1 where he explained that the system needed more storage. Mr. Hadley stated he met with the Washington Township Fire Department where they requested an additional water tank. Mr. Hadley stated that the next year in 2007 and 2 years later other fires created the same situation noting that if there was zero water in the tank it would vacate the mains. Mr. Hadley stated that an additional storage tank was needed to not draw down the wells in a similar situation.

Mr. Vander Horn asked if it there would be a greater value to have the tank at a higher elevation. Mr. Hadley explained that the proposed tank was at a similar level and to have another tank at the opposing end of town was more effective as it was harder to bring the water from farther away. Mr. Vander Horn asked what the psi was at the elevation and how the volume was determined. Mr. Hadley stated that was a question for the next witness.

Mr. McCatharn asked why not put another tank or expand the existing tank instead of a new tank at the proposed location. Mr. Hadley explained that immediate access to water in that part of town was needed.

Mr. Artigliere asked what other options there were if this site was not available could another well be added or additional well pumps. Mr. Hadley explained.

Public questions.

Ms. Curley asked if there was any written evidence from the Township Fire Department that this was requested. Mr. Hadley stated that he had provided his testimony.

Bill Crampton, 173 Washburn Avenue, stated that the fires in the Borough and Franklin were mentioned and asked if any fires were in the Township that had the same situation happen. Mr. Hadley explained that there were fires in the Township. Mr. Crampton asked the capacity of the tank at the height of the fire and asked why another tank was needed when the existing tank was not filling to capacity. Mr. Hadley explained.

Diane Brons - 28 Fairview Street, stated that the fires were in 2006-2007 and asked why it has been so long to propose the new tank and asked why it was needed since the fire was in 2006 and the residents have been living here perfectly fine without the additional tank. Mr. Hadley stated that the additional tank had been in progress.

Linda Magyar, 11 Birchwood Avenue, asked why there was not an option to increase the existing tank or add another tank in that location. Mr. Hadley explained.

Ms. O'Donnell asked why it would not be better to increase the existing tank. Question for the next witness.

Joel Schnetzer, 240 Cemetery Hill Road, asked where the existing system stopped and if there were plans to extend the system further. Mr. Hadley explained that an extension to the 'Hunter Lodge' area along Route 57 west into Franklin was planned as well as an emergency connection to Mansfield so that they can mutually assist.

Matthew Davis, 172 Washburn Avenue, asked if this application would connect to Mansfield. Mr. Hadley stated that it was not proposed yet but would be connected eventually to Mansfield.

Charles Magyar, 11 Birchwood Avenue, asked what caused the low level of the tank and if there was a drought situation and if there was a minimum level that would cause residents to conserve water. Mr. Hadley explained.

Randy Harrison, 75 Springtown Road, asked if the water company should be filling the tank when there was water usage drawing down the capacity, how old the system was and if any upgrades to the system on Montana mountain could be done. Mr. Hadley explained.

Mr. Russurreicao, resident, asked how many gallons of water the Township used per week and asked if those numbers could be provided. Mr. Hadley stated that it was all one system that cannot be differentiated by town. Mr. Slota stated that summer and winter peak usage could be provided for the Township.

Joseph Cunningham, 15 Birchwood Lane, asked if the system could be combined with Mansfield and not build the tower. Mr. Hadley stated that the connection with Mansfield would be for water supply emergencies. Mr. Cunningham asked if that would be a fire emergency and why have another tank when the 500,000 gallon existing tank was sufficient. Mr. Hadley explained.

Addy Browning, 13 Bense Court, asked what was a catastrophic event regarding the connection to Mansfield. Mr. Hadley explained.

Sarah Armbrecht, 22 Park Hill Road, asked where the water supply was coming from and if it would be coming from a contaminated site. Mr. Hadley explained.

Justyna Davis, 170 Washburn Avenue, stated that if it was not for the fires 10 years ago and the connection to the Ryan homes in Mansfield, the system would be fine. Mr. Hadley stated that the system would be connected to Mansfield but not for fires, for water emergencies. Ms. Davis asked why it was stated that the purpose of the water tower was just for fires when there were other purposes. Mr. Hadley stated that there were no other purposes to his knowledge.

Jaroslaw Rinnyk, 251 Washburn Avenue, asked about providing enough output for a fire and how low the water level went during the 2006 fire and how many gallons were in the tank. Mr. Hadley explained. Mr. Rinnyk asked how long it took to recover water in the tank and if the applicant had looked into increasing the size of the pumps on the 4 existing wells. Mr. Hadley explained that the DEP allocates the maximum number of gallons that can be pumped by the wells per minute. Mr. Rinnyk stated his concern of the tower as an eye sore and asked if the height could be decreased. Question for the next witness.

Sarah Armbrecht, 22 Park Hill Road, asked how would the 4 wells fill two tanks when they were struggling to fill one tank. Mr. Hadley explained. Ms. Armbrecht asked if the allowance by the DEP was per Township and per Borough separately. Mr. Hadley explained that the allotment was per public water system adding that the second tank was needed to stay ahead of a reduction in capacity. Ms. Armbrecht asked if the 4 wells supplied the entire system. Mr. Hadley explained.

Linda Magyar, 11 Birchwood Avenue, asked since the fires were 11 years ago, are fires fought differently now with the changes in fire equipment. Mr. Hadley stated that he could not speak to fire department methods.

Randy Harrison, 75 Springtown Road, asked if there was anything in writing from the Washington Township Fire Department asking for more the tank. Mr. Hadley explained.

Ms. Curley asked how many times the fire department made the request over the years and when the last time there was a discussion and who made the request. Mr. Hadley explained.

Charles Magyar, 11 Birchwood Avenue, asked what determined the amount of water going into each tank and if each tank be able to reach capacity. Mr. Hadley explained.

Mr. Gruenberg asked that if the level of the tank fluctuated from 350,000 – 500,000 gallons was there any way to maintain a higher level. Mr. Hadley explained. Mr. Gruenberg clarified that during the fire in 2006 Mr. Hadley told the fire department to not draw down water from the hydrants and had to use a tanker shuttle system to fight the fire and asked how many tankers were used. Mr. Hadley explained he was not watching how many adding that it was an even better reason to have two tanks to be self-sufficient instead of relying on a tanker shuttle.

Mr. Smith asked if the balance of the system was being used during the fires. Mr. Hadley stated that water was still be used by residents for usual water consumption.

Ms. O'Donnell asked that if the DEP regulated the water, if in an emergency, if the allotment could be waived. Mr. Hadley explained that it could not be waived.

Mr. Gruenberg announced that the public hearing on this matter would be continued at the December 13, 2017 meeting at 7:30 p.m. and that no further notice would be provided.

PUBLIC CONCERNS AND COMMENTS

None.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

Hearing no further comments, a motion was made by Swinton, seconded by Howell to adjourn the meeting at 10:35 p.m. All were in favor.

Respectfully Submitted,

Eileen Parks
Secretary to the Board

These minutes were approved on January 3, 2018