

Mayor Short and Chairman DiSalvo opened the Special Township Committee Meeting and the Washington Township Planning Board regular meeting of November 9, 2009 to order at 7:35 p.m.

MEMBERS PRESENT

TOWNSHIP COMMITTEE:

Mayor Ken Short, Committeeman, Committeeman Howard Popper, Committeeman James Harmon, Committeeman William Roehrich  
Absent: Kevin Walsh

PLANNING BOARD:

CLASS IV: Mark Bauerlein, Charles DiSalvo, William Leavens, Kathleen McGroarty, Eric Trevena

ALTERNATES:

CLASS I: Ken Short  
CLASS II: Patrick Monahan  
CLASS III: James Harmon  
ABSENT: Sam Akin, Lou Mont, William Beute

STAFF PRESENT: Clerk Kesper, Engineer Hall, Planner Banisch, Attorney Cofoni

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 18, 2009 and October 1, 2009 posted on the Bulletin Board on the same date. Notices were mailed, as there were requests.

**\*\*NO NEW CASES OR WITNESSES SHALL BE HEARD SUBSEQUENT TO 10:30 PM\*\***

Pledge of Allegiance

**MINUTES**

- 1. Minutes from the October 28, 2009 Regular Meeting

Mr. Trevena made a motion to approve the minutes, seconded by Ms. McGroarty. A voice was taken; Mr. Beute and Mr. Bauerlein abstained, all others were in favor and the motion carried.

**RESOLUTIONS**

09-17 Washington 46 Retail Condominium, Inc. – Block 4, Lot 7.05 – CO2 – 68 US Route 46 West – C-1 Zone – Approval of Request for a Second One Year

Extension of Final Approval for Retail A / Unit 2 Granted with Resolution 06-25 (NJSA 40:55D-52 (a)& (c))

Ms. Cofoni reviewed the minor changes in the resolution from the draft distributed to the board with the agenda and the copy on the Dias this evening.

Mr. Leavens made a motion to adopt the resolution as amended seconded by Mr. Short. A roll call vote was taken:

Ayes: DiSalvo, Leavens, Monahan, Harmon, Short, McGroarty, Trevena

Nays: None Abstentions: Absent: Mont

Ineligible: Beute, Akin, Bauerlein

***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.***

***PUBLIC HEARING/APPLICATIONS -***

1. Rosewood Communities – Block 13.17, Lot 11 – 15 Squire Hill Road – R-5 Zone - 2.16 Acres- Request for Ridgeline Certificate of Compliance

Kimberly Hooper Dunn, Applicant

Frank Dunn, Applicant

James Hay, Applicant's Attorney

Mr. Hay stated that they are before the board for a Ridgeline certificate of compliance.

Mr. Hall reviewed the ordinance for the board.

Kimberly Hooper Dunn and Frank Dunn were sworn in by Attorney Cofoni.

Ms. Dunn stated that they wanted to build a single family home on Squire Hill Road. She stated that the house is placed on the lot to minimize visibility. She pointed out the location of the existing well and perc tests for the septic system. She stated that as per the ordinance, they would use earth tone colors for the roof and siding to further minimize any view of the home from other areas in the Township.

Mr. Hall reviewed his letter of November 6, 2009. He noted that you can see Squire Hill Estates from Ridgeline and Chancellor Drive and East Mill Road. He

recommended a buffer along the frontage of the lot, along the septic system and between the house and septic system. He suggested that the home be moved about 10' – 20' back from the road. He stated that the applicant is also disturbing steep slopes and if it is more than 1000 s.f. the applicant would need a lot grading plan.

Ms. Dunn distributed photographs which were marked A-1 a-b-c-d which consisted of four sheets. She referred to the photographs and stated that you can see some of the homes in the neighborhood which are white or beige. She stated that if they push the house further back on the lot it will be higher and possibly more visible.

Mr. Hall stated that some cuts in grade could be made in the rear.

Mr. Dunn stated that pushing the house back will limit the back yard.

Ms. Dunn stated that they want to buffer the house from the power lines by maintaining the existing rock wall and large trees.

Mr. Hall answered Ms. McGroarty stated that moving the driveway would take out the wall.

Mr. Dunn stated that by flipping the house design as suggested by Mr. Trevena would then have the windows of the home facing the power lines.

Mr. Hall reviewed his reasons to push the house back was to provide an area for a buffer. It was his opinion that you would see this house from across the valley.

Mr. Dunn stated that they would plant additional trees in the shade tree buffer. He answered Mr. Hall that there is a 20' setback from the septic for vegetation.

Mr. Hall stated he would speak with the shade tree committee chairman regarding the required buffering.

Mr. Banisch stated that septic system could be moved.

Mr. Dunn stated that they could move the septic at least 5' from the area now shown and agreed that this is where ever green trees could be planted.

Ms. Dunn stated that the proposed home and location would fit better within the existing neighborhood.

Ms. Dunn pointed out for Ms. McGroarty and the Board where the proposed house would be.

Ms. McGroarty noted that this house is buffered in the spring and summer and noted that this applicant is just putting one house in an area where a subdivision exists that already can be seen from across the valley.

Mr. Hall answered Ms. McGroarty that you would see the proposed house from Chancellor Way. He was suggesting 8' tall trees planted 15'- 20' on center and that the trees would grow in over time and mitigate the view.

Ms. Dunn answered the board that this is the next to last lot in the subdivision.

Mr. Short did not see the purpose of the trees with the shade trees and the trees already on the site. He would like to see the stone row protected.

Ms. Dunn stated that the stone row is in the power line easement and they would protect it during construction.

Mr. Hall stated that a steep slope delineation has to be done.

The meeting was opened to the public for comments and questions. There were none and the meeting was closed to the public for questions and comments on this application.

Mr. Trevena made a motion to grant a ridgeline certificate of compliance with the following conditions:

1. conservation easement on stone row where it does not conflict with the power easement – no metes and bounds required
2. slope delineation
3. move the septic system back 5' – 10' for some additional buffering of deciduous trees planted off center from the existing shade tree easement as determined by the township engineer.

The motion was seconded by Mr. Short.

Ms. McGroarty objected to the need for a buffer.

A roll call vote was taken:

Ayes: Bauerlein, DiSalvo, Leavens, Monahan, Harmon, Short

Nays: McGroarty                      Abstentions: Trevena              Absent: Akin, Beute, Mont

1. Draft Regional Master Plan Element (Module 5) to Washington Township Master Plan, Draft Highland Ordinances (Module 6), Fair Share Plan (comparison of certified plan affordable housing requirement to those under the Highland's build out numbers) (Module 3)

Mr. Banisch referred to his reports of October 28 and November 7 and maps that he distributed this evening. He explained that the maps (HUC 14). He explained that map marked Figure 1 showed the land use capability of Washington Township and the lines indicated the sub-watersheds and that the table on the page identified each HUC 14 by number and on the right hand column you tie

the yield to the individual HUC 14 on the map to see how the density of the 101 additional build out units are to be distributed under the Highlands Council build out. In subsequent maps you begin to see the preservation area yield of 38 septic systems for the 87% of the Township in the preservation area. He referred to the table out of the module 2 report which identifies how the Highlands Council calculated the yield. He explained that this number does not include those properties that are exempt in both the preservation and planning area. He stated that he has not calculated the number of lots in the Township that are exempt.

Mr. Banisch referred to the next section of his report regarding map adjustments and noted that these were previously discussed with the board this year during the master plan reexamination report and highlands initial assessment report. He referred to pages two and three and the proposed map adjustments discussed previously by the board and explained that the numbers in the report correspond to the numbers on the map (third map) for those areas where the Township will be requesting through plan conformance.

Mr. Banisch stated that these map adjustments include the request re-designate the Black Oak Golf course from protection zone to existing community; the OR/I zone on Newburgh Road from protection zone to existing community zone; Mine Brook golf course from existing community zone to protection zone; Land on Route 46 and Drakestown Road in the Township OR and commercial zone along Route 46 from protection to existing community; Newburg and Schooley's Mountain Road to allow for some limited non-residential growth such as professional offices to support the residential area; The new elementary school on Naughtright Road and high school on Bartley Road to existing community; Municipally owned property in the center of Long Valley to existing community; Beattystown area where there is non-residential employment generating use in an existing sewer service are to existing community zone; CIC on Parker and Combe Land South on Parker Road to be designated redevelopment sites.

Mr. Banisch discussed the existing neighborhoods. He stated that the plan calls for redevelopment and growth within the areas designated existing community zones, shown in blue on the map. This policy would be applied to these existing neighborhoods if the Township petitions to have these areas changed to existing community zones. He stated that that these areas are also protected by the exemptions in the Highlands Act and asked if this is an area that we wanted to seek a change. He stated that in the initial assessment report the board wanted to have those areas that are neighborhood communities be called what they are, existing community zones instead of in the protection zone. He explained that they were probably put in the protection zone because of the tree cover that has grown and be maintained. He referred to the last chart in the hand out and noted that the protection zone has 22/27 minimum lot size and the conservation zone 9/10 acre lot size. He answered Mr. Popper that he did not see any real difference or consequences to the Township between the two designations. He answered Mr. Harmon that he did not think it would not make a difference to the home owner either.

The Board reviewed this map designation and stated that they would leave it as a recommendation to change to existing community zone as a discussion item with the Highlands Council.

Mr. Short noted that the Cuccinella school property as shown includes the adjoining farm and needs to be changed.

Ms. McGroarty questioned why we would want the classification changed on the golf course.

Mr. Banisch stated that the initial recommendation for this change was concern for the clubhouse and that the highlands plan polices would argue against the clubhouse approved by the board (25,000s.f.). The clubhouse had to be scaled back significantly because no sewer can be extended to it in a protection zone, where in a community zone sewer could be allowed. He noted that this could be of some concern if the golf course/clubhouse goes away.

Mr. Banisch explained the recent application before the Board of Adjustment for a different location for the turf care center.

Mr. Banisch stated that the proposed change could open the township up to dense residential development in this area. He explained that the density with public sewer would be not less then 2 dwelling units per acre for single family and if multifamily 6 dwelling units per acre.

The Board discussed the changing of the classification on the golf course.

Mr. Short suggested that only the area around the golf course be community zone.

Mr. Banisch stated that the exposure would be the density on the eight acres.

Mr. Banisch answered Ms. McGroarty that if one property is changed from more restrictive to less protective it has to be compensated in making another area more restrictive. He stated that this is the beginning of a dialog with the Council.

Mr. Banisch answered Mr. Popper about when the adjustments have to be finalized. He stated the strategic approach the board has discussed is putting forth a petition for plan conformance in the preservation area which is mandatory and the planning are which is voluntary and at the same time you put forth the petition without committing the town to conforming to the planning area attached to that a series of changes the Board and Committee find desirable in terms of map adjustments that have that discussion with the Highlands Council as part of the planning area plan conformance agenda which could be part of the resolution and petition to be submitted in December.

The board discussed submitting the petition with or without the map adjustments.

Mr. Banisch answered Ms. McGroarty that the Township does not have to be put in the petition with the suggested map adjustments at this point. He stated that submitting them does not commit us to them. He answered Mr. Hall that these map adjustments would be part of the Towns dialog with the Highlands council through plan conformance, submit them with them with the petition submit with the draft master plan and ordinances, the Township knows they have to conform in the preservation area.

Mr. DiSalvo summarized that based on what Mr. Banisch has stated, if the map adjustments are submitted with the petition they become part of the dialog with the Council and the Township would, during the conformance process, be able to back off any one of the recommendations but this gives the Township the opportunity to discuss them with the Highlands Council.

Mr. Banisch stated that was correct.

Mr. Banisch answered Mr. Popper that until the Council starts the review he did not know what would be involved in backing off a recommendation until we hear from the Council their reaction to the Township requests.

Mr. Popper had concerns and questions in this one area, and possibly just designating part of the golf course.

Mr. DiSalvo stated that if the Township is silent and submits the petition without the map adjustments he thought there was a bigger risk without it versus then submitting it with the map adjustments with a potential for modification in the future – getting nine out of ten right and one wrong is better then submitting zero.

Ms. McGroarty disagreed.

Mr. Popper asked bound are we to this document once it is annexed to the Township Committee resolution how simple will it be to change or amend it if we need to in the future.

Mr. Banisch stated that it was his opinion that it would be simple to change or amend it as part of the dialog.

Mr. Leavens stated that it seems it boils down to asking for permission or asking for forgiveness and at this point we were going with asking for permission we don't have to go with what we are requesting.

Ms. McGroarty stated that this does not have to be done at this time.

Mr. Banisch agreed with Ms. McGroarty that the Township that this does not have to be done at this time but answered Mr. DiSalvo that it was his opinion that that there is a benefit to doing it now for several reasons. One of which is a number of towns are looking at the planning area and not having a serious dialog about it and he thought that the first through the door stating that they are taking a look a plan conformance in the planning area and we have these issues that we have identified on our map in so far as the Highlands designation go and we want to have a dialog with the council.

Mr. DiSalvo stated the earlier the Township identifies the need for a dialog the more likely it will be for the Council to listen to us.

Mr. Banisch stated that this will prompt a useful dialog for the Board and Committee with the Council to consider whether there are any options for change or not ant that it is early enough n the process that the Council will be motivated to have a sincere discussion about it. If the Council takes a hard line that they are absolutely committed to the land designations shown on the land use capability map and they will not entertain the change requests or they give us what Ms. McGroarty stated that the Township has to identify areas that we are willing to change to be more restrictive to compensate for the for the land that was more restrictive and that can't be done then the map adjustment requests end right there.

Mr. Banisch answered Mr. Popper that this would be a response to the submission, an opening of the dialog and that the land swap would happen probably as a condition of re-designation. He answered Mr. Popper and Ms. Kesper that he did not know if the land designation swap could be between preservation and planning area but thought they were looking at sub-zone land classifications.

Mr. Banisch stated that he sees these map adjustments and changes in sub-zone land use categories as the intersection between the Highlands Regional Master Plan and conflicts between our zoning and master plan and it is a discussion about those conflicts and resolve them where possible. It was his opinion that the adjustments proposed were fairly modest and conservative changes.

Mr. Banisch answered Mr. Trevena that you could probably not use preserve farmland as part of the land designation swap.

Mr. Banisch answered Mr. DiSalvo that of the 11 recommendations all but one, the Mine Brook Golf Course, would be from more restrictive to less restrictive. He stated that is 100 acres.

Ms. McGroarty stated that it was her opinion if we do not identify areas that could be made more restrictive to compensate for our request for less restrictive the Township would look foolish.



Mr. DiSalvo stated that the Mine Brook Golf Course would compensate for a lot of the land if we only ask for the acreage around the club house to be changed.

Ms. McGroarty stated that this is not getting a definitive answer.

Mr. Banisch stated that once a dialog was opened the choices will become more clear without having this conversation on exchange in a vacuum without putting forth requests.

Mr. Banisch answered Ms. McGroarty and Mr. Popper that the township can make the request later, at any time.

Mr. Banisch answered Mr. Harmon that it was his expectation that the council would come out to Washington Township and actually talk to the Town officials and say either what Kathleen stated – they want acre for acre exchange of land to change designations or they can see areas of adjustment that would not require an exchange of land. He would hope for a face to face discussion on what is possible or not possible or maybe if the Highlands don't see it as possible it will show up in the form of a letter. It was his opinion that there would not be any repercussions on the areas we are proposing for map changes by putting a spotlight on them. It was his opinion that the map adjustments proposed were modest and a conservative.

The board discussed the 11 map change recommendations.

A straw vote was taken to keep the map change for the golf course as in Mr. Banisch's report and make the other map change recommendations in conjunction with the Highlands Petition:

Yes: Bauerlein, Popper, Roehrich, Harmon, Short, DiSalvo, Leavens, Monahan  
No: McGroarty, Trevena

Mr. Banisch reviewed the status of each of the seven modules for Plan conformance on page 3.

Mr. Banisch reviewed the section on Module 6, page 4 – 11, and stated the ordinances included permitted, prohibited and conditional uses, designation of highlands area districts, density and intensity of development, highlands resource area regulations, highlands general regulation, planned residential development, development review procedures, appeals, waivers and exceptions and briefly reviewed each category.

Mr. Banisch reviewed the exclusions, on page 5, in the planning area which are essentially the exemptions under the preservation area and briefly reviewed them. He explained that these exclusions are just for the planning are and if the township chooses not to conform and decides to conform in ten years the exclusions would apply at that time to development that follow from that time.

Mr. Banisch reviewed the permitted uses in all highlands zones and sub-zones which are applicable to new development. This ordinance is a supplement to the Township Ordinances and any current use that the township allows would continue, unless prohibited by this section. He stated that it was his opinion that the initial build out number of 101 arrived at by the Highlands Council is a very conservative number and that it will increase during the review period. He referred to page 8 of his report and explained what is considered expanded – which is new home construction (an increase in the number of residential units), not an expansion of a home to more bedrooms and that non-residential an expansion is based on the additional water usage or demand for septic system yield. He stated that the majority of the township is in the Agriculture Resource Area. He noted that Washington Township has permitted agriculture in all zones for years and that our current ordinances on agriculture should continue to be what the Township will use in the future without detailing the permitted agricultural uses as requested in the highlands ordinance, he has left them as general uses. He stated that other restrictions such as carbonate rock and recharge areas that the Township Ordinances already consider.

Mr. Banisch reviewed the prohibited uses in the ordinances (page 7-8) and minor and major potential contaminant sources. Conditional uses are still allowed unless they conflict with the Highlands prohibited uses. He noted that current Township ordinances do not encourage the prohibited uses.

Mr. Banisch reviewed the density and intensity of development and the Highland septic densities (page 8) in the preservation and planning area. He reviewed the equivalent uses calculations provided by the Highlands Council for the planning area listed on pages and 8 & 9. He reviewed the density calculations that would be used by the Highlands Council for development in the planning area and referred to the nitrification dilution model he reproduced on page 9 of his report. He explained how our current R-5 conservation district zone calculates yield by eliminating environmentally sensitive lands from the total land calculation. The Highlands Option A would penalize landowners with poor soils. Under the table would be treated uniformly regardless of the quality of the land because it is a sub watershed wide density that has been identified. The questions becomes for the board do you want the density be tied to the individual tract as it comes forward to calculate the unit yield or do you want to generalize in the watershed. He answered Mr. Popper that it was his opinion that the table is the way to go. In the preservation area the yield is 88 acres forested or 25 acres with no exception. It is in the planning area that the board is faced with choices.

Mr. Banisch answered Mr. Hall that these are decisions under basic conformance. He stated that at the end of the evening the board will be looking at different it does not bind the Township to plan conformance for the planning area the only thing that binds the Township to plan conformance for the planning area is the adoption of the ordinances that implement those regulations in the planning area.

Mr. Banisch answered Mr. Short that he did not have the number of lots of ten acres or more in the planning area, but that could be calculated if necessary.

Mr. Banisch answered Mr. Hall stated that our hands are not tied at this time because we can opt out of the plan for the planning area at any time. He reiterated that when you look at the table on page 9 the Highlands Council said in the document we will give you the existing community zone density for lots served by individual septic systems, but they haven't done that yet. The difference in the nitrate dilution factor is 5% so he thinks it will be about 5% smaller than the conservation zone lot size – 7.5 - 8 acre lot for the existing community zone.

Mr. Banisch answered Mr. Harmon that the Highlands Council has released a technical document on how they reached the HUC 14 numbers.

Mr. Banisch reviewed the mandatory clustering standards on page 10. He stated that the Board would have the option of lot size averaging as well, which this board has used in the past for developments in the Township. He stated what is mandatory is 80% open 20% developed in the Planning Area. The preservation area also includes a total of 3% maximum impervious coverage.

Mr. Banisch reviewed to the last hand out and the Module 7 Municipal Plan Conformance Petition that needs to be submitted by December 8<sup>th</sup> and the check list requirements to be submitted with the petition for plan conformance. He reviewed the draft municipal assessment report he prepared. It is more or less a status report of where we are in the process. He reviewed all the information that would be submitted with the petition.

Mr. Banisch reviewed the Municipal Self Assessment Report by each of the eight sections of the report the completed draft municipal assessment report. Under 1 – the township has completed and submitted modules 1 and 2.

Mr. Banisch reviewed item 2 – Housing Element and Fair Share Plan he explained that as we are certified we can rely on our current certification. He explained that he has to supply information regarding the status of the items in our current plan. He stated that if the Board wanted to participate in the transfer of housing requirements by either send or being a receiving zone that this should be included with the petition for plan conformance.

Mr. Banisch stated the item 3 – the ERI has been submitted. Item 4 is the Highlands element of the master plan which the board had a copy of and had been through and is ready to be submitted. Item 5 – Highlands land use ordinances – the text portion of the ordinances are finished, but a number of maps have to be completed and submitted. Item 6 – Redevelopment and rehabilitation plans – we do not have one but we have flagged it in the map adjustment section. Item 7 – Management Plans and Ordinances – he stated that the township is in a unique position as Washington Township were one of the pilot programs for a wastewater management plan outside of the state wide

process for that. He reviewed the completeness checklist to be supplied with the petition.

Mr. Banisch reviewed the resolutions for the Township Committee to adopt, one for the preservation area, one for the planning area and if the Township Committee chooses to petition for both at this time with the understanding that they are not committing the township to plan conformance but committing to additional level of investigation finding out more information about then they would adopt both of these resolutions.

Mr. Popper stated that he could not support the first recital whereas.

The Board agreed and reviewed the resolution of petition.

Ms. Kesper stated that the three resolutions were in the agenda package.

Mr. Banisch answered Mr. Short that they do not have to submit the resolution as worded. He noted that changing the resolution doesn't matter for the preservation area as the Township must conform or the Council will take control of the Township zoning and it has to be submitted. It was his opinion that the Highlands Council would accept any wording.

Mr. Trevena stated that it was better to strike out what the board does not agree with.

Mr. Popper asked whether they would have to do two resolutions one for planning and one for preservation.

Mr. Banisch stated that the one for preservation are absolutely. The planning area resolution is optional.

Ms. Kesper stated that there is a sample resolution which was sent out by the Highlands Director, Eileen Swan, in the agenda package which is a resolution for both the planning and preservation area if that is the way the Board/Committee decides to go.

Mr. Short stated that it was his understanding that any action taken would be non-binding, that we would simply be moving the process forward as highlighted by Ms. Swan's e-mail. More investigation and when we get the actual COAH numbers and nitrate dilution numbers then we can make a decision whether or not the Township wants to 100% opt in or not.

Mr. Short asked Ms. Kesper to give a copy of the resolutions to Ms. Gallets for distribution with the Township Committee work session agenda. He answered Mr. Banisch that he did not need to attend the Township Committee Work session and stated that Mr. Banisch had done a great job and thanked him for all the work.

Ms. Kesper answered Mr. Short that she had not read anything that the planning board had to take any action on the petition but she suggested that because of all the work the Planning Board had done, the Planning Board would want to make a recommendation to the Township Committee of action as to preservation alone or preservation and planning.

The meeting was opened to the public for questions and comments.

David Shoop – Camp Washington Road. He stated that he has lived in the Township since 1965. He stated he that the 25/88 acres was by applying a nitrate dilution number that is stricter then our rain water. He stated that we have a new governor who has promised to review all DEP regulations, the Highlands Council could have radical changes as well as the regulation as a result of his election and his promises also to gut COAH. He reviewed the proposed septic regulations that the Highlands Council put out and pulled back, which in his opinion are frightening and will affect all homeowners. He noted that they have been pulled back at this time. He asked that the Board not make a recommendation to opt in because of impact on the Planning area property and possible future lawsuits that the Township will be part of as a defendant and if the Township loses, they get the bill. It was his opinion that the waste water flow requirements is flirting with the 14<sup>th</sup> amendment. He stated that there are on going lawsuits attempting to have the highlands act overturned and he is one of nine persons involved in these lawsuits. It was his opinion that by opting in the township would be devastating the net worth of farmers and property owners and that this was a deliberate action by government to strip net equity form private landowners and it devalues the town. He stated that we have lost roll back taxes and farmers will walk away from their land. The N.J. farm bureau reports that 82% of the farm value is the development potential which will be gone. He hoped the Planning Board would opt in for the planning area and for the preservation area it is a mandate and he did not think the Township should put their fingerprints on this action.

There were no further comments and the meeting was closed to public for questions and comments.

Mr. Banisch stated that the board may wish to make a recommendation that they should petition for just preservation, for preservation and the planning or the alternative view that the public put forth that the Committee should not do anything. He noted that the Board is not required to take action, it is their pleasure.

Mr. Short asked Mr. Banisch what would happen if the Township Committee did nothing.

Mr. Banisch stated that ultimately the Highlands Council would assume local land use decisions.

Mr. Banisch answered Mr. Short that the resolutions distributed by the Highlands Council are samples/models the Highlands Council does not say adopt these verbatim. He noted that the resolutions that accompanied the grant requests to the Highlands Council did not always follow the sample resolutions and they were received and honored by the Highlands Council. He stated that the Township Committee can amend the sample resolutions that they do not have to be submitted as proposed by the Highlands Council.

Mr. DiSalvo asked for a motion.

Mr. Short asked the members of the Township Committee to abstain from the vote.

Mr. DiSalvo made a motion that the Planning Board recommends to the Township Committee that the Committee that a Petition for plan conformance to the Highlands Water Protection and Planning Council for land in both the preservation and planning area recognizing that at this point the petition for the planning area is not binding. The motion was seconded by Mr. Bauerlein.

The board discussed the motion and that it included all the background work the board has done and that the wording of the resolution would be left to the Township Committee and that the motion was to petition for both the preservation and planning area.

Ayes: Bauerlein, DiSalvo, Monahan

Nays: McGroarty, Trevena

Abstentions: Leavens, Harmon, Short

Absent: Mont, Beute, Akin

Ms. Cofoni stated that the motion passed.

Mr. Short requested Ms. Kesper send a memo to the Township Committee with the recommendation of the planning board, indicating that it passed with a split vote.

Mr. DiSalvo thanked Mr. Banisch for his effort.

<p style="text-align: center;"><b><i>DISCUSSION / CORRESPONDENCE</i></b></p>
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1. Vouchers

The vouchers were reviewed. Mr. Leavens made a motion to approve the vouchers reviewed by the Chairman and found in order and send them on for payments. Seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the motion carried.

2. Tewksbury

Mr. Short stated that he received a phone call from Tewksbury township that Tewksbury denied an application by JCP&L to build a new power substation that was overturned by the Board of Public Utilities unless other locations could be found by Tewksbury. He explained that Tewksbury has approached him about the CIC or Combe land fill property in Washington Township.

Mr. Short stated that he did not know if this would be a tax ratable for the Township or not but noted that both these properties owe the Township considerable taxes and if JCP&L would pay the back taxes perhaps they would be good sites. He stated that they could possibly be a new tax ratable for the Township and he said he would speak to the Tax Assessor about the amount of possible revenue

Mr. Banisch did not know if they would pay taxes, how much or if they were exempt.

Mr. Short stated that if an application came before the board, one of the requirements is that the taxes must be current he asked if the applicant would have to pay the taxes in order to hear the application. He asked Mr. Banisch to look into this..

Mr. Monahan made a motion to adjourn the planning board meeting, seconded by Mr. Trevena. A voice vote was taken; all were in favor and the meeting was adjourned at 10:00 p.m.

Mr. Popper made a motion to adjourn the Township Committee meeting, seconded by Mr. Walsh. A voice vote was taken; all were in favor the meeting was adjourned at 10:00 p.m.

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Virginia R. Kesper, Clerk