

**WASHINGTON BOROUGH PLANNING BOARD
MINUTES OF SPECIAL JOINT MEETING WITH COUNCIL
HELD ON
JUNE 29, 2005**

The special meeting of the Washington Borough Planning Board and Council was called to order by Mayor Van Deursen and then by Chairman Miller at 8:05 P.M. in the second floor Court Room/Council Chambers of the Borough Hall. Mr. Miller read the following statement into the record: "The requirements of the "Open Public Meetings Law", P.L. 1975, Chapter 231, have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of the Borough Hall stating the time, place and purpose of the meeting as required by law." Chairman Miller led the Pledge of Allegiance.

ROLL CALL FOR COUNCIL: Conducted by Linda Hendershot

ROLL CALL FOR PLANNING BOARD: By Planning Board Clerk

Present:	Turner, Post, Gleba, VanDeursen, Sheola, Boyle, Miller
Absent:	Schlader, Opdyke
Also Present:	Robert Miller, Board Engineer Stuart Ours, Board Attorney Carl Hintz, Planner

Chairman Miller stated that Ron Schlader was on vacation and Bob Opdyke was recused from meeting due to a conflict of interest.

Mayor Van Deursen welcomed the public and read a prepared statement outlining the background and lawsuit involving Baker Residential. The proposed settlement was read to the public. The steps that Baker must take to proceed was also read to the audience.

The *Whispering Woods* hearing was opened. Carl Hintz described the original proposed Baker plan. He discussed the 2003 Master Plan as well as the concerns with Ridge Top Terrace access, tree protection, main access, access to Washington Township, steep slopes and the adjacent zoning in the Township with lower density.

The current proposed plan would include 162 units with 18 affordable units consisting of 9 low income and 9 moderate income. The density would be 1.3/acre. Carl displayed the proposed concept plan dated 2/15/05 sheets 1 and 2 which will be part of the proposed settlement. Carl explained the difference between a concept plan and an actual site plan.

Mayor and Council opened public hearing.

Motion by Sheola, seconded by Post to open public hearing for Planning Board.

ROLL CALL: Turner, Post, Gleba, VanDeursen,
Sheola, Boyle, Miller
Ayes: 7; Nays: 0; Abstentions: 0
Motion carried.

Steve Alpaugh (former fire dept chief) – 4 McKinley Ave, Washington Borough:
Handed out and discussed a report regarding fire safety concerns. (will be attached to minutes)

Victor Cioni – 129 Alvin Sloan Drive, Washington Borough:
Stated that he agreed with the settlement and that there would be fewer school children and more open space with the proposed concept plan.

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Gina Appleby – 28 Willow Street, Washington Borough:

Feels information being kept from public. Does not feel facts are correct in the Mayor's opening statement. Considers the \$265,000 offered by Baker to be an embarrassment and a payoff. She discussed many flaws with the original plan. Pointed out water recharge issues and railroad crossing safety.

Scott McDonald – 342 North Prospect, Washington Borough:

Disagreed with the railroad crossing being endorsed as well as the use of a homeowner's association.

Harlin Parker – 30 Lenape Trail, Washington Borough:

Feels the plan does nothing for the Borough. Feels cost of defending the lawsuit would be less than the costs involved with the completed development.

Damiano Fracasso – 112 Canal Way, Hackettstown:

He announced that he was running for Freeholder and wants to reinforce that all Board members take into consideration all comments made by residents. Traffic issues and fire safety are important. He cautioned to look at the long term.

Larry Cohen – represents Warren/Washington Associates:

Attorney Cohen discussed the M3 zone. Has participated in this litigation and has not seen anything to make the Borough think it would be defeated. No viable access to this property. Wants to know what has changed in the year and a half to make Council change its mind about the zoning.

Flaws with the settlement:

Baker is obligated to provide affordable housing. Recreation contribution and money towards legal fees is illegal. If settlement is accepted, there will be more fees. Feels original denial was viable. Wants the Board to take its time in making a decision.

Break at 9:40 p.m.

The meeting was reconvened at 9:50 p.m. Council roll call. Planning Board roll call. All Planning Board members in attendance.

Public hearing continued.

Karen Merring – 108 Lenape Trail, Washington Borough:

Concerned with ground water, additional taxes and traffic (pedestrian and vehicular).

Lauren Shade – 87 Mill Pond Road, Washington Township:

Feels \$40,000 not enough to sell out Borough. Considers it irresponsible for Boards to allow this plan.

Joseph Cashin – 243 West Washington Ave, Washington Borough:

Moved to Washington from Edison. Traffic is horrendous now. It will be worse if development is approved.

Denise Cashin – 243 West Washington Ave., Washington Borough:

Grew up in Clinton. Came here because it was too crowded in Clinton. Does not agree with settlement. Considers it not "hometown friendly".

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Michael Franks – 43 Nunn Ave., Washington Borough:

Lived in Borough for 19 years. Feels this plan will create increased drainage problems. Will also impact wildlife on that site.

Barbara Serridge – 30 Nunn Ave, Washington Borough:

14 year resident. Concerned with railroad crossing and increase in traffic.

Tracy Newlander – 6 McKinley Ave., Washington Borough:

Concerned with fire safety.

Gary Pohorley – 115 Wayne Street, Washington Borough:

Feels plan should not be locked to 162 units. May find at planning time that lower number of units would be better due to site constraints. Feels need recreation near the site. Has issue with wetlands preservation. Wants open space use for all residents not just those in development.

Candy DeFillippis – 116 Broad Street, Washington Borough:

Concerned with the number of additional school children.

Martha Potter – 33 Belvidere Ave., Washington Borough:

Does not agree with plan. Feels no safety for children walking to school. Concerned with increase in taxes.

Diana Pell – 80 Lenape Trail, Washington Borough:

Concerned about area near Lenape Trail with increased pedestrian traffic. Has problems now with people using her property as a short cut.

Edward Pell – 80 Lenape Trail, Washington Borough:

Feels \$265,000 not enough for the amount of money that the developer is going to make.

Joseph Kreshefski – 35 South Lincoln Ave., Washington Borough:

Concerned with railroad safety.

Steven Brozka – 27 Willow Street, Washington Borough:

Does not agree with the settlement.

Jerry Giamis – Washington Garden Apartments #1010, Washington Borough:

Stated the site has no access. Will make current residents' homes not affordable due to increase in taxes.

Mark Murray – 54 Kinnaman Ave., Washington Township:

Interested in wetlands protection. Does not want road going through area. Feels plan is not good enough. Could be better.

End of public comments.

Carl addressed questions and concerns noted by the public. Many are site plan issues.

Dick Cushing explained the process to the public. Lawsuit extensions have been given by Judge Coyle. He wants the case settled. Compromise is key to settlement.

Time of decision rule: whatever ordinance is in affect at the time of the first application, will be the ordinance used if Baker prevails. COAH regulations were adopted in the Fall of 2004.

Requires set aside.

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Attorney Cushing disagreed with Attorney Cohen regarding the monetary contributions being illegal. He wants the Boards to consider Mr. Cohen's intentions.

Planning Board: Motion by Turner, seconded by Sheola to consider the Reexamination Report.

ROLL CALL: Turner, Post, Gleba, VanDeursen,
Sheola, Boyle, Miller
Ayes: 7; Nays: 0; Abstentions: 0
Motion carried.

Carl described the need for the report. Last reexamination was in 2003 to recommend the M3 zone. Must be reexamined to recommend settlement. Two typos noted: \$220,000 should be \$225,000 (pg4, para 3) and planning area not preservation area (pg 5, para 1 & 2 and pg 6, 2nd line).

Motion by VanDeursen, seconded by Sheola to adopt reexamination report.

ROLL CALL: Turner, Post, Gleba, VanDeursen,
Sheola, Boyle, Miller
Ayes: 5; Nays: 2(Gleba,Boyle); Abstentions: 0
Motion carried.

Motion by VanDeursen, seconded by Sheola to adopt resolution in support of settlement and adoption of ordinance.

ROLL CALL: Turner, Post, Gleba, VanDeursen,
Sheola, Boyle, Miller
Ayes: 2; Nays: 5(Turner,Post,Gleba,Boyle,Miller);
Abstentions: 0
Motion denied.

Some Council members expressed the need to settle but want to look into further. Some agreed with the settlement. Chairman Miller asked the Planning Board if anyone had changed their minds or wanted to discuss further. Bill Gleba stated that he wanted more details. Rich Sheola stated that he supported Council. No further comments from Planning Board members.

Dick Cushing stated that the public hearing for the ordinance should be tabled. Another joint meeting between the Planning Board and Council was proposed. Andrew Turner suggested the Planning Board meet first before a joint meeting is scheduled.

Public hearing on Ordinance #15-2005 was tabled by Council.

The meeting was adjourned at 11:55 p.m.

Respectfully submitted by: Patricia L. Titus, Planning Board Clerk