

Washington Township Board of Adjustment
May 4, 2016

Chairman Spina called the regular Meeting of the Board of Adjustment of May 4, 2016 to order at 7:00 p.m.

MEMBERS PRESENT: Anthony Spina, Mark Soga, Derrick Thauer, Robert Bridgman, Geoffrey Price, Harvey Ort
Alternate Members: Eric Raes, Dorothy Walter
Members Absent: Morris Bauer
Others Present: Engineer Leon Hall, Attorney Gail Fraser, Secretary Barbara Margolese

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT - Adequate notice of this meeting was published in the Observer-Tribune on January 21, 2016 and posted on the Bulletin Board on the same date. Notices were mailed as requested.

Pledge of Allegiance

MINUTES

1. **April 6, 2016** regular meeting

Minutes of April 6, 2016 were reviewed. A motion was made by Mr. Bauer, seconded by Mr. Soga to approve the minutes as presented. A voice vote was taken and the motion carried.

Ayes: Anthony Spina, Mark Soga, Derrick Thauer, Robert Bridgman, Geoffrey Price, Eric Raes, Dorothy Walter Nays: None Abstentions: Harvey Ort

*The meeting was opened to the public for items not on the agenda.
No comments were received and the meeting was closed to the public for items not on the agenda.*

RESOLUTIONS

2016-07 Matthew Leff – Block 54, Lot 8.01 – 13 Middle Valley Road – “C” Variances for a proposed in-ground pool

The Board reviewed the resolution. A motion was made by Mr. Price, seconded by Mr. Bridgman to adopt the resolution as presented. A roll call vote was taken of the eligible voters and the motion carried.

Ayes: Geoffrey Price, Eric Raes, Mark Soga, Derrick Thauer, Dorothy Walter, Anthony Spina, Robert Bridgman Nays: None Abstentions: None

APPLICATIONS

1. Schooley’s Mountain Road Associates (OMG Burger) – Block 33, Lots 2, 3, and 4 – 141 Schooley’s Mountain Road – Use & “C” Variances & Preliminary/Final Major Site Plan

It was announced that the applicant had asked for the hearing to be carried to the June 1st meeting because the Board’s Traffic Engineer could not attend this meeting. It was announced that the hearing is being carried to the June 1st 2016 meeting and that no further notice will be given.

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2. Heritage Senior Living – Block 8, Lot 8 – 67 Drakestown Road - Use variance for 36 bed Assisted living Facility – Completeness Determination Only
Representative present: Michael Selvaggi, Esq.

It was determined that the application was complete. A motion was made by Mr. Price, seconded by Mr. Raes to deem this application complete. A roll call vote was taken and the motion carried. Ayes: Geoffrey Price, Eric Raes, Mark Soga, Derrick Thauer, Anthony Spina, Robert Bridgman, Harvey Ort Nays: None Abstentions: None

3. Gerry and Dale Adickes – Block 50.01, Lot 2 – 345 Pleasant Grove Road – “C” Variance for side yard setback – Completeness Determination Only

The Board reviewed Engineer Hall’s letter of May 4, 2016. A motion was made by Mr. Soga, seconded by Ms. Walter to deem the application incomplete as per Engineer Hall’s May 4, 2016 review letter. A voice vote was taken and the motion carried. Ayes: Geoffrey Price, Eric Raes, Mark Soga, Derrick Thauer, Anthony Spina, Robert Bridgman, Harvey Ort, Dorothy Walter Nays: None Abstentions: None

4. Daniel & Susan Russell – Block 40, Lot 25 – 326 Fairmount Road – “C” Variance (side yard setback) for garage addition – Public Hearing
Representatives present: Daniel Russell, Susan Russell

Daniel and Susan Russell were sworn-in. Ms. Russell stated that they are hoping to enlarge their home by using the existing garage as part of the home’s living space and building a two-car garage. Engineer Hall asked the Russells if the pavement left of the garage will stay after the garage is built. The Russells said it will stay. Engineer Hall stated that the side yard setback is required to be 25 feet and the applicant is proposing a 14.3 foot side yard setback. It was recommended that a 14 foot setback be allowed for this application. The Russells stated that the sloped property in the rear of the property prohibits the building to be situated in the rear.

The hearing was opened to the public and no comments or questions were offered. A motion was made by Mr. Soga, seconded by Mr. Bridgman to approve the 14 foot side yard setback variance.

Ayes: Geoffrey Price, Eric Raes, Mark Soga, Derrick Thauer, Anthony Spina, Robert Bridgman, Harvey Ort, Dorothy Walter Nays: None Abstentions: None

5. Sardeira/Viera – Block 47, lot 23.05 – 40 North Mount Lebanon Road – R-5 Zone “C” Variance for height of retaining wall (existing) built over 6 feet maximum height allowable and Soil Disturbance Permit application
Representatives present: Ms. Viera, Fausto Simoes, Esq., Bahman Izadmehr, P.E.

Attorney Simoes stated that the applicant has hired a wetlands specialist, Amy Greene, and that the NJDEP has visited the site already. He stated the NJDEP plans to make another site visit soon. Mr. Simoes stated that he had received Amy Greene’s letter today regarding the request for an exemption from the Highlands Council. Mr. Simoes stated that he understood that the applicant’s former engineer had misunderstood what needed to be submitted with regard to the Conservation and Shade Tree Easement documents. He told the Board that he now has the correct documents to submit to the Board.

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The Board reviewed Engineer Hall's letter of May 2, 2016. It was noted that item #1, the deeds for the conservation easement and the Shade Tree easement and the right of open discharge had not been provided. Item #2, the three slope categories needed to be shown on the plan and areas of 15% or greater have not been shown. Mr. Bahman Izadmehr, P.E. introduced himself to the Board as the applicant's new engineer. He stated that he will have to contact the applicant's surveyor to get that information. Item #3, Highlands Exemption has not been received. Item #4, soil disturbance has now been shown to reflect 2700 cubic yards of soil being brought in to the site. Engineer Hall noted that the generator of the soil has not been provided and has been listed on the application as unknown. Mr. Hall stated that Norcon requires 11 sample tests to be run on the soil. Mr. Izadmehr stated that Brinkerhoff thought that the cubic yards were less than 2500 and that that is why they only did 5 samples. Engineer Hall referred to Joe Norton's (Norcon) review letter stating that Joe has stated that the soil used for the area near the retaining wall is contaminated. Mr. Hall stated that a map of the test locations is also required. Mr. Simoes stated that they received that information today. Engineer Hall noted that Mr. Norton thought that this application should also be deemed incomplete. Mr. Hall stated that a wetlands Letter of Interpretation, a wetlands permit, and a flood hazard area permit are required from the NJDEP. Mr. Izadmehr stated that the non NJDEP issues can resolved in 2 months. He stated that they need to seek advice about the soil contamination, and the 1 to 2 feet of soil that has been placed on the existing septic field.

The Board discussed the matter of completeness. It was noted that the applicant has been given a large amount of time to provide the information that will make the application complete. Mr. Ort stated that he sees that the applicant is making a genuine attempt. Mr. Raes noted that the NJDEP will be reviewing the information and will be making decisions on the noted issues. A motion was made by Mr. Bridgman, seconded by Mr. Soga to deem the application incomplete. A voice vote was taken and the motion carried.

Ayes: Geoffrey Price, Eric Raes, Mark Soga, Derrick Thauer, Anthony Spina, Robert Bridgman, Harvey Ort Nays: None Abstentions: None

A motion was made by Mr. Bridgman, seconded by Mr. Soga to dismiss this application due to a lack of prosecution by the applicant. A roll call vote was taken and the motion carried.

Ayes: Mark Soga, Derrick Thauer, Anthony Spina, Robert Bridgman

Nays: Geoffrey Price, Eric Raes, Harvey Ort Abstentions: None

6. James Townsend – Block 61, Lot 13 – 40 Parker Road – “C” Variance for front yard setback for second story addition on first story addition that had received a variance in 2006. Completeness determination and public hearing
Representatives present: James Townsend

Ms. Walter recused herself due to a conflict of interest. Mr. Townsend was sworn-in. Engineer Hall recommended that the application be deemed complete. A motion was made to deem the application complete by Mr. Soga, second by Mr. Bridgman. A voice vote was taken and the motion carried.

Ayes: Geoffrey Price, Eric Raes, Mark Soga, Derrick Thauer, Anthony Spina, Harvey Ort, Robert Bridgman Nays: None Abstentions: None

Mr. Townsend stated that in 2006 a variance for a front yard setback had been approved for the first floor addition and now he would like to add a second floor to that addition. He stated that

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the addition will be 860 square feet. Engineer Hall noted that there are some discrepancies between the plat submitted and the zoning table that was submitted that should be corrected. Engineer Hall stated that the Construction Official should make sure that the structural bracing for the second floor is okay. A motion was made by Mr. Soga, seconded by Mr. Thauer to approve the side yard setback variance with the noted conditions that the plat and zoning table match and that the construction official makes sure that the structural bracing is satisfactory for the second floor addition. A roll call vote was taken and the motion carried.

Ayes: Geoffrey Price, Eric Raes, Mark Soga, Derrick Thauer, Anthony Spina, Harvey Ort, Robert Bridgman Nays: None Abstentions: None

Ms. Walter rejoined the Board.

7. Anthony Cappuccio – Block 13, Lot 12.01 – Jones Lane – Variance to allow single family dwelling on a non-publically dedicated street

Representatives present: Jess Symonds, P.E. (Biggs Engineering), Anthony Cappuccio, Michael Selvaggi, Esq.

Engineer Jess Symonds was sworn-in. He stated that the latest plans show a change in the area of the dwelling, the driveway, access to the pool and the size of the storm water basin. Mr. Bob Drake from the Fire Department stated that the Fire Department worked off of the December 14, 2015 plans. A motion was made by Mr. Ort, seconded by Mr. Soga to deem the application complete with the waiver regarding the latest set of plans not being submitted be granted for completeness only. A voice vote was taken and the motion carried.

Ayes: Geoffrey Price, Eric Raes, Mark Soga, Derrick Thauer, Anthony Spina, Harvey Ort, Robert Bridgman, Dorothy Walter Nays: None Abstentions: None

Attorney Selvaggi stated that a Section 36 Variance for no frontage on a non-publically dedicated to street. Engineer Symonds stated that his office designed the driveway from Jones Lane. He stated that the subject property contains 30 acres and that the driveway is in conformance with the ordinance. The driveway 12-foot-wide and has a K-Turn at the end and has passing areas and a turn-out added. Mr. Symonds stated that he will address the comments noted in the Health Department's letter dated March 31, 2016. Mr. Symonds noted that the Fire Department memorandum has asked for Jones Lane to be widened. Mr. Selvaggi stated that the Home Owners Association agreement addresses improvements made to Jones Lane.

Deputy Fire Chief of Long Valley #1, Bob Drake, was sworn-in. Mr. Drake stated that there is no way that a fire truck can get in and out of Jones Lane. He stated that the pool is worthless for fire protection as the hose has to go over a fence. He said that the truck cannot get to Block 13, Lot 12.01 and that Jones Lane has to be widened to 10 to 12 feet wide. Mr. Drake stated that the truck would have problems especially when it is snow covered. He stated that the height of the tanker and aerial ladder requires a 15-foot clearance and a 14-foot-wide clearance. Mr. Drake stated that he would rather see a 10,000 gallon or larger water storage tank in the front yard, right near the road.

Engineer Hall noted that some of the pull-offs that had been installed on Jones Lane need some freshening. Mr. Hall stated that for 3 or more homes the road should be 16-foot-wide; with a minimum of 12 foot wide. The Board took a break from 9:50 p.m. to 9:58 p.m.

The Board opened the hearing to the public. Mr. Dave Romenok (19 Jones Lane) stated that the road never used to be in bad shape until the road took a lot of abuse from construction

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vehicles. He stated that Mr. Cappuccio is responsible for the road damage. He stated that the Home Owners Association Agreement says that if you damage the road you repair it. Mr. Romenok stated that most of the people living on Jones Lane are retired with fixed incomes. He stated that the residents cannot afford to fix the road. He stated that if this application is approved a \$25,000 bond for road repairs. He recommended that the township engineer inspect the road every three months and make recommendations for its maintenance, and if the repair work is not done, a stop work order should be done and before a Certificate of Occupancy is issued all conditions regarding the road must be met.

Mr. Roger Freiday (7 Jones Lane) stated that the Board has allowed flag lots off of flag lots and that he hopes the Board denies this application. He said that the Jones Lane residents used \$4000 of their own money to repair their road and the end of Jones Lane is much less of a road and that is as far as their maintenance of the road has been maintained.

It was decided that the Board needs the latest set of plans to be submitted for their review (15 sets) and that the Fire department is to provide the clearance for the trees for the trucks by height and width on Jones Lane. The Board agreed that the applicant should provide a water storage tank rather than sprinklers and that a pool is not an acceptable option over the tank. Mr. Drake stated that he prefers the tank rather than the sprinklers as well. Attorney Fraser stated that the revised plans should reflect the use of a tank. It was announced that the hearing will be carried to the June 1st meeting with no further notice being given.

DISCUSSION/CORRESPONDENCE

1. Vouchers

A motion was made by Ms. Walter, seconded by Mr. Soga to approve the vouchers. A voice vote was taken, all were in favor and the motion carried.

A motion was made by Mr. Soga, seconded by Mr. Ort to adjourn the meeting at 10:30 P.M. A voice vote was taken all were in favor and the meeting adjourned.

Respectfully Submitted,

Barbara Margolese, Secretary