

Washington Township Board of Adjustment

April 2, 2014

Chairman Spina called the regular Meeting of the Board of Adjustment of April 2, 2014 to order at 7:10 p.m.

MEMBERS PRESENT: Elliott Averett, Frank Baguiao, Morris Bauer, Anthony Spina, Harvey Ort (arrived at 8:00 p.m.), Robert Bridgman, Geoffrey Price

Alternate Members: Dorothy Walter, Mark Soga

Members Absent: -

Others Present: Engineer Leon Hall, Attorney Gail Fraser, Planner David Banisch, 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 17, 2013 and posted on the Bulletin Board on the same date. Notices were mailed as requested.

It was announced that at the Township Committee meeting of March 17, 2014 new board member Mark Soga was appointed as an alternate member and Mr. Geoffrey Price was appointed as a regular board member. Attorney Fraser swore Mr. Soga and Mr. Price in as members.

Pledge of Allegiance.

MINUTES

1. March 5, 2014 Regular Meeting

A motion was made by Mr. Averett to approve the regular meeting minutes of March 5, 2014 as presented, seconded by Mr. Price. A voice vote was taken; all were in favor. The motion carried.

Ayes: Elliott Averett, Frank Baguiao, Anthony Spina, Geoffrey Price, Harvey Ort, Robert Bridgman Nays: None Abstentions: Morris Bauer, Dorothy Walter, Mark Soga

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

14-07 Resolution of Appreciation for Dedicated Service to the Board of Adjustment to Craig Schwemmer

Chairman Spina read the resolution.

A motion was made by Mr. Averett to approve the resolution and to officially present it to Mr. Schwemmer at the next Board meeting, seconded by Mr. Bauer. A roll call vote was taken; all were in favor. The motion carried.

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Ayes: Elliott Averett, Anthony Spina, Harvey Ort, Dorothy Walter, Mark Soga, Geoffrey Price, Frank Baguiao, Morris Bauer, Robert Bridgman

Nays: None Abstentions: None

APPLICATIONS

1. Charles Weimer – Block 31, Lot 11 – 48 West Springtown Road – R-5 Zone – 2.7 Acres Front Yard Setback variance (existing dwelling is in the front yard setback & applicant is proposing to construct an addition to the rear of the of the dwelling) - Completeness Determination

It was announced that the applicant had submitted their application too late to be heard at this meeting. The applicant had sent notice to the newspaper and to property owners within 200 feet of the property and had requested that the board allow the application to be carried with no further notice.

A motion was made by Averett, seconded by Mr. Bauer to deem this application incomplete because it was not submitted in a timely fashion and to carry the hearing on this application to the May 7th 2014 meeting with no further notice.

Ayes: Elliott Averett, Frank Baguiao, Anthony Spina, Geoffrey Price, Harvey Ort, Robert Bridgman, Morris Bauer, Dorothy Walter

Nays: None Abstentions: None

2. Matthew Leff – Block 54, Lot 8.01 – 13 Middle Valley Road – R-5 Zone - .65 Acres Front Yard Setback variance (existing dwelling is in the front yard setback & applicant is proposing to construct an addition to the rear of the of the dwelling)- Completeness Determination & public hearing

The applicant, Mr. Matthew Leff, was sworn-in. The board addressed Engineer Hall's review letter dated March 27, 2014. It was noted that the front elevations were not submitted (Variance Checklist #6). Mr. Hall stated that there are no changes proposed for the front of the house and that the board could consider granting a waiver for this item. It was noted that this application would qualify for Highlands Exemption #5 and that the exemption would have to be obtained or a Highlands Act letter of non-applicability. Engineer Hall stated that it appears that this property has wetlands and is in a flood hazard area according to the Flood Plain Map. Mr. Hall stated that a permit will be needed from the NJDEP to build within the flood hazard area. Mr. Hall stated that waiver will be needed for the creation of a conservation easement. He stated that the lot coverage shown on the zoning table needs to be corrected. He stated that the coverage calculation needs to also include the impervious surface which goes to the centerline of Middle Valley Road as the deed for this property goes to the centerline.

Planner Banisch and Engineer Hall were sworn-in. Mr. Banisch stated that the subject lot is narrow and that this asking the applicant to have a conservation easement

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would be a burden. He stated that the board could waive this requirement because of the many constraints that this lot has.

Mr. Banisch stated that the applicant is proposing to construct an addition to the rear of his existing single family home which will be used for a kitchen and an additional bathroom. He noted that the area for the addition currently has a concrete slab. It was noted that this would be a "C-1" hardship variance and that where the addition is going is the most conforming.

Mr. Leff stated that he has already spoken with the Historic preservation Commission. He provided 12 photographs showing the existing single family dwelling submitted as Exhibit "A-1". Mr. Leff told the board that there is a water course trench which flows towards the Columbia Trail and which is dry during part of the year. He stated that he water never goes over the trench's banks.

Mr. Price asked the applicant about the mounded septic system in the rear of the lot. Mr. Leff stated that the house is on the National Historic Registry as it was built in 1866, so the septic system was designed for this house in its location.

A motion was made by Mr. Bauer, seconded by Mr. Soga to deem this application complete with waivers to create a conservation easement and for the submission of front elevations, and to have the attorney draft a resolution approving this variance application addressing Engineer Hall's March 27, 2014 review letter comments, specifically the condition that the applicant obtain a permit from the NJDEP for building in a flood hazard area and to obtain a Highlands' exemption or to obtain a letter of non-applicability.

Ayes: Elliott Averett, Frank Baguiao, Anthony Spina, Geoffrey Price, Harvey Ort,
Robert Bridgman, Morris Bauer, Dorothy Walter

Nays: None Abstentions: None

3. Terence Stone & Laurie Campanelli – Block 52, Lot 9 – 31 Sky Top Road – R-5 Zone
Variance to allow single family dwelling construction on a non-dedicated street &
Variances for pre-existing non-conformities
Representatives present: Attorney William Strazza, Mr. Terence Stone

Mr. Baguiao recused himself from hearing this application due to a conflict of interest. It was announced that this is a continuation of the public hearing for this application. The applicant's attorney, William Strazza, introduced himself and reintroduced the proposed development. He stated that this a Section 36 appeal to allow the construction of a single family dwelling on a lot that does not abut a public street.

The board discussed the need for further review by the Fire Department with regard to adequate access for emergency vehicles. Attorney Fraser pointed out that the ordinance that addresses passing zones is under the section concerning streets and sidewalks. She stated that the k-turn that is being proposed will require an easement from the applicant's neighbor. She also noted that the passing zones will need to be dealt with by the Fire Department. It was also noted that the Morris County Soil Conservation District will need

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to approve these plans too. Engineer Hall stated that the applicant's proposed k-turn does not meet the ordinance detail requirements Mr. Hall recommended that a meeting be held with the Fire Department and the applicant and that he attend this meeting as well. Ms. Walter noted that this property would be covered by the Schooley's Mountain Fire Department; however, she recommended that all three fire departments in the township attend the meeting about this property.

Attorney Strazza stated that Mr. Stone is not seeking approval this evening. He said that Mr. Stone has a special needs child that would greatly benefit from the seclusion of this private road and that this property works well for his family.

Attorney Fraser encouraged the applicant to meet with the fire department as soon as possible. She announced that this hearing is being carried to the May 7th meeting at 7:00 p.m. without further notice.

Mr. Baguiao rejoined the board. Mr. Ort arrived and joined the board at 8:03 p.m.

4. Hackettstown Hyundai – Block 4, Lot 7.01 – 40 Route 46 – C-2 Zone – Amended Preliminary and Final Site Plan with “D” Variance – Deemed Complete on 3-5-14 Public Hearing
Representatives present: Attorney Michael Selvaggi, Mr. Drew Picon (applicant), Engineer John Hansen

Mr. Price and Mr. Bridgman recused themselves from hearing this application due to a conflict of interest. Attorney Selvaggi stated that the applicant is applying for an amendment of the previously approved preliminary and final site plan. He stated that the previous approval did not permit the delivery of vehicles at this location. Mr. Selvaggi said Hyundai has made corporate changes which require their dealers to have vehicles delivered to the site.

Applicant and property owner Drew Picon was sworn-in. Mr. Picon stated that this site does not have vehicle service and that the hours of operation for the dealership is Monday through Thursday, 9:00 a.m. to 9:00 p.m. and Friday to Saturday, 9:00 a.m. to 6:00 p.m. He stated that this location has 9 employees that work an entire shift. Mr. Picon stated that the original approval allowed for 20 parking spaces which are to be used for new cars and for employees.

Attorney Selvaggi submitted for the record Exhibit “A-1”, a letter from Mr. Mark Marenzana, Senior Manager of Vehicle Distribution, Hyundai Motor America dated 3/5/14 which addresses the delivery of vehicles to the site. He also submitted Exhibit “A-2”, a letter received from Mr. Chris Kwityn, Account Executive from Zurich Direct Underwriters regarding liability coverage dated 3/17/14. Mr. Selvaggi submitted Exhibit “A-3”, a copy of a delivery receipt for vehicles at the site which notes special instructions regarding delivery times.

Mr. Picon told the board that when deliveries arrive it is an estimated time range and an estimated number of vehicles being delivered. He stated that no new cars are being

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delivered to the East Avenue site. He said that used cars are delivered to Lot 1 and not to Lot 7.01. The board was told that there are no vehicles parked in the front lane to allow for delivery on the site rather than on Route 46. Mr. Picon stated that if there are no available parking spaces on site to allow for the front lane to be cleared, the cars can be moved to High Street. Engineer Hall stated that trucks cannot get into the site and have to park on Route 46.

The applicant's engineer, John Hansen, was sworn-in. Mr. Hansen stated that the only site improvements being proposed are to get the car carriers in and out of the site. He said this includes curb cut modifications. He stated that the NJDOT will have approve the curb cuts on Route 46. Mr. Hansen stated that the car carrier can be up to 80 feet in length and that larger radii are being proposed for the driveways. He stated that no cars will be allowed to park in the aisles. Mr. Selvaggi stated that if a car is parked in this front area the car will be moved. He noted that a "no parking" sign will be placed in the aisle area.

Mr. Bauer asked why the writers of the letters submitted as exhibits had not been asked to come to the meeting. He also pointed out that the letters are dated in March and that the delivery changes took place earlier than that. Mr. Picon stated that he had gotten a telephone call earlier than 3/5/14 saying that the cars have to be checked-in within 24 hours of delivery and that they need to be delivered to the dealer's address. Ms. Walter asked how many cars are currently parked on this site. Mr. Picon stated currently there are 30 cars at the site. Engineer Hall stated that at 7:15 a.m. he had counted 37 cars at the site. Mr. Hall stated that the approval was for only 20 cars on-site. He noted that 3 cars were parked in the fire zone.

Planner Banisch stated that the letter from Hyundai references an agreement. He said that it sounds like deliveries could still being made to the High Street location but it would require a greater degree of attentiveness to check them in in a timely manner. Mr. Selvaggi stated that they can have Mr. Marenzana come to the next board meeting.

Mr. Picon stated that he is not selling used cars at the Lot 7.01 site and that no used cars are being delivered to that site. Mr. Banisch asked if the dealership needed 11 parking spaces for new cars and 9 spaces for employees. Mr. Picon stated that they only needed 7 spaces for the employees. He said that the dealership is working on getting the car checked in at 8:00 a.m. Ms. Walter asked if the dealership still deals as a boutique car dealership. Mr. Picon said that they still handle sales through the internet. Mr. Picon told the board that this dealership sells 2000 per year (from both Lot 7.01 and Lot 1).

Mr. Selvaggi stated that the procedures for the staff moving the cars and parking can be memorialized in writing. Mr. Picon stated that most of the time the dealership is not compliant with the number of cars allowed and parking. He said that they will look into this.

Attorney Fraser announced that this hearing is being carried to the May 7th meeting and that no further notice will be given.

Mr. Price rejoined the Board.

DISCUSSION - CORRESPONDENCE

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1. Vouchers

The motion to approve the submitted vouchers was made by Mr. Bauer and seconded by Mr. Baguiao. A voice vote was taken; all were in favor and the motion carried.

Mr. Ort made a motion to adjourn, seconded by Mr. Bauer. A voice vote was taken; all were in favor and the meeting was adjourned at 9:05 p.m.

Respectfully Submitted,

Barbara Margoese, Secretary