

**WASHINGTON TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
October 3, 2018
7:07 p.m.**

Adequate notice of this meeting was published in the Daily Record on January 23, 2018 and posted on the Bulletin Board on the same date. Notices were mailed as requested.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

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

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT:

Bauer Ort Soga Thauer

Spina Gorini Price

ALTERNATES PRESENT:

Raes Walter

OTHERS PRESENT:

Attorney Fraser Engineer Hall

Planner Banisch Secretary Griffith

MINUTES:

September 5, 2018 Regular Meeting Minutes

[Ort, Price are not eligible to vote due to absences]

Motion by Mr. Bauer to approve the September 5, 2018 Regular Meeting minutes.

Second: Mr. Soga

Abstain: Mr. Price, Mr. Ort

A voice vote was taken and all members present voted in the affirmative.

OPEN TO THE PUBLIC – ITEMS NOT ON THE AGENDA

CLOSE TO THE PUBLIC – ITEMS NOT ON THE AGENDA

RESOLUTIONS:

ZB-18-04 - Agro Foods – B: 19 L: 3 & 4 – 481 Schooley’s Mountain Rd – Proposed dwelling and Change of Use Variances

Ms. Fraser, Esq. noted a few minor corrections to the Resolution requested by Mr. Banitsch. The updated version had been distributed.

Motion was made by Mr. Bauer to memorialize Resolution 2018-11 for application ZB-18-04 - Agro Foods – B: 19 L: 3 & 4 – 481 Schooley’s Mountain Rd – Proposed dwelling and Change of Use Variances

Second: Mr. Soga

Ayes: Ms. Gorini, Mr Bauer, Mr. Soga, Chairman Spina

Nays: None

Abstain: Mr. Price, Mr. Ort

APPLICATIONS:

ZB-18-06 – Tara Cascarelli – B: 15 L: 25.07 – 9 Laketown Rd. – steep slope variance – **Hearing**

Representatives present: Tara Cascarelli, owner, Jeff Careaga of Careaga Engineering

Ms. Fraser, Esq. swore in Tara Cascarelli

The Board accepted Mr. Careaga as a Professional Engineer.

Mr. Careaga described the projects details and property with regards to the impact to applicable ordinances.

Mr. Hall agreed with everything Mr. Careaga stated and that the site is severely limited by NJDEP regulated areas with only one area suitable for a home to avoid NJDEP permits and avoid steep areas. There is only a minor encroachment into the steep slope. The proposal does come with proposed minor stormwater control and conforming driveway. The Board of Health must approve the well and septic.

Mr. Careaga stated the applicant will be persuing an NJDEP permit in the future but is agreeable to a conservation easement.

Mr. Banisch agreed with the characterization of the limitation of the buildable area. It was suggested that a Highlands Exemption Determination be required which should be granted under Exemption #2 and in addition a deed restriction is required, at the filing of the map, identifying the amount of disturbance.

Mr. Hall recommended additional conditions, Board of Health approval, submission for minor stormwater control approval, driveway application and approval, extraordinary soil erosion and sediment control measures as deemed necessary by the Township Engineer as a result of the impacts from development on a steep slope.

Mr. Banisch suggested a site inspection and supplemental landscaping if deemed necessary by the Board Engineer.

Chairman Spina opened the floor to the public

Craig Fleishman, 7 Laketown Rd.

Ms. Fraser, Esq. swore in Mr. Fleishman

Mr. Fleishman requested some clarification on how this flag lot will impact this property with regards to disturbance of the existing mountainside and the Raritan river.

Mr. Spina shared his perspective with Long Valley having a number of flag lots and normal disturbance will occur during construction, but this site is very suitable for a residence. He explained the Board's role in allowing for improvements with the least amount of interruption to the beauty of the mountainside.

Mr. Banisch stated this applicant is here because of the environmental controls in place with minimal relief required for this application, and the Engineer has requested extraordinary controls with numerous conditions of approval to protect the Raritan River.

Ms. Fraser, Esq. stated that there is also a post construction inspection that was recommended to determine if anything additional might be needed to ensure there is no impact to the viewshed or ridgeline.

Chairman Spina closed the floor to the public

Motion was made by Mr. Soga to approve ZB-18-06 – Tara Cascarelli – B: 15 L: 25.07 – 9 Laketown Rd. steep

slope variance with the following conditions; inspection and landscaping as necessary, conservation easement that permits any activity permitted by NJ DEP, deed of conservation easement and must be reviewed and approved by Township Attorney and Engineer, roof color to be earth tone, confirm calculation of impervious coverage, Highlands Exemption determination with associated Deed restriction to be filed with map identifying amount of disturbance, Board of Health approval, Minor Stormwater control approval, driveway application approval and extraordinary soil erosion and sediment control measures.

Second: Ms. Gorini

Ayes: Mr. Soga, Ms. Gorini, Mr. Bauer, Mr. Price, Mr. Ort, Chairman Spina

Nays: none.

Abstain: none.

ZB-18-08 – Bruce Haskell – B: 38 L: 3.10 – 15 Jordan Court – side yard setback for garage addition, deck and attached greenhouse - **Completeness and possible hearing**

Ms. Griffith confirmed administrative completeness.

Mr. Hall stated based on his last report dated September 28, 2018 updated information has been provided to his satisfaction and recommends deeming the application complete.

Motion was made by Mr. Bauer to approve ZB-18-08 – Bruce Haskell – B: 38 L: 3.10 – 15 Jordan Court – side yard setback for garage addition, deck and attached greenhouse

Second: Ms. Gorini

Ayes: Mr. Price

Abstain: none.

A voice vote was taken and all members present voted in the affirmative.

Representing the applicant: Anthony Sposaro, Esq., Bruce Haskell, applicant and owner

Ms. Fraser, Esq. swore in Mr. Haskell

Mr. Haskell described the home and flag lot property where he lives with his wife and has owned since 2007. He noted there are two conservation easements taking up almost half of the property.

Mr. Haskell further described the proposed three season room addition giving a view of the whole yard.

Mr. Sposaro, Esq. asked if Mr. Haskell had considered putting the addition in the rear to avoid the side yard setback.

Mr. Haskell explained that placement would take away from the rear yard and block the view to the side yard when any of their 5 grandchildren run around the side.

Mr. Haskell went on to describe the garage addition which is currently a workshop for his woodworking hobby with no connection to the home. It was explained that the neighbors have no issues with their proposed changes.

Mr. Hall questioned when the construction of the detached garage addition was done.

Mr. Haskell explained it was built when the original house was constructed.

Mr. Hall asked if the bathroom in the workshop had been approved by the Board of Health.

Mr. Haskell answered in the affirmative.

Mr. Hall asked about the construction impacting any of the utilities or removal of trees.

Mr. Haskell explained there are not utilities in that area and only grass and shrubs.

Mr. Banisch asked for confirmation of the final distance of the structural improvements for the three season room and the garage addition to the property line.

Ms. Fraser, Esq. swore in Casper Huizenga, licensed NJ architect.

The Board accepted his professional credentials.

Mr. Huizenga, referring to Site Plan dated 7/3/18 and Sheet A1-A3 Building Plans dated 6/4/18, explained that the distance from the farthest projection of the three season room to the side yard property line is 37' 6" and 38' 6" to the foundation wall. The workshop setback is 26' with the overhang it would be 25'.

Mr. Banisch suggested a garage setback of 24' and 37' for the 3 season room.

Chairman Spina opened the floor to the public

Ms. Fraser, Esq. swore in John Daily, 17 Jordan Ct. at the north side of the property

Mr. Daily made a positive comment and indicated there would be no encroachment on visibility from the new additions.

Chairman Spina closed the floor to the public

Motion by Mr. Soga to deem ZB-18-08 – Bruce Haskell – B: 38 L: 3.10 – 15 Jordan Court – side yard setback of 24' for the workshop addition and 37' for the 3 season room.

Second: Ms. Gorini

Ayes: Mr. Soga, Ms. Gorini, Mr. Bauer, Mr. Price, Mr. Ort, Chairman Spina

Nays: none.

Abstain: none.

[Break at 8:05pm]

Meeting resumed at 8:14pm

ZB-18-07 – Melissa Svoboda – B: 25.01 L: 1, R-5 – 41 Ranney Rd – front yard setback for pool and fence –
Completeness and possible hearing

Mr. Selvaggi, Esq. explained that at the last meetings the application was deemed Incomplete with a grading plan and easement information requested which were provided in a timely manner and believed it is now complete.

Ms. Griffith confirmed administrative completeness.

Mr. Hall agreed from an engineering perspective.

Motion by Mr. Price to deem ZB-18-07 – Melissa Svoboda – B: 25.01 L: 1, R-5 – 41 Ranney Rd – front yard accessory use for pool and fence Complete.

Second: Mr. Bauer

A voice vote was taken and all eligible members present voted in the affirmative.

Ms. Fraser, Esq. swore in Adam Svoboda, husband of applicant Melissa.

Mr. Svoboda stated they purchased the property in May 2018 and submitted for a pool zoning permit in June. He provided a description of the property with Ranney Rd being circular and on both the front and back sides of the property and the side yard along Naughtright. Mr. Svoboda confirmed the septic system is in front of the home which was built in 1991.

Mr. Selvaggi, Esq. requested only a road frontage variance as the pool is being placed outside of the required setback if it was considered a rear yard.

Mr. Hall asked that the applicant respond to Mr. Banisch's report comments 5, 6 and 9, the steep slope variance is not required in this case. A minor stormwater plan needs to be provided since the applicant stated the soil disturbance area is 5,990 sf, with 5,000 sf being the maximum before stormwater requirements are triggered. The increase in impervious coverage is approximately 1700 sf which 2,000 sf triggers the stormwater requirements.

Mr. Selvaggi, Esq. stated that it can be left as a condition and they will work to reduce the area of disturbance.

Chairman Spina opened to the public

Chairman Spina closed to the public

Motion was made by Mr. Soga to approve ZB-18-07 – Melissa Svoboda – B: 25.01 L: 1, R-5 – 41 Ranney Rd – front yard accessory use pool and fence variance requiring a minor stormwater plan or reduction of disturbance to 5000 sf or less, along with standard conditions.

Second: Ms. Gorini

Ayes: Mr. Soga, Ms. Gorini, Mr. Bauer, Mr. Price, Mr. Ort, Chairman Spina

Nays: none.

Abstain: none.

Mr. Selvaggi, Esq. asked for the ability to begin construction at the applicants own risk without a memorializing resolution.

Ms. Fraser, Esq. advised that Ms. Griffith notify the Construction office that the Board has no objection to the applicant proceeding with construction at their own risk before the memorializing resolution is approved.

Mr. Hall requested the minor stormwater issue be addressed within 30 days.

ZB-18-02A – Life-Giving Fountain Romanian Orthodox Church – B: 51 L: 13.03 – 132 Califon Rd - Site Plan –
Completeness and possible hearing

Mr. Selvaggi noted that plans were submitted in September with Mr. Hall comments provided on October 1, 2018.

Ms. Griffith confirmed that the application is Administratively complete.

Mr. Hall referred to his report of October 1, 2018 with all items either provided to his satisfaction or recommending waivers be granted.

Mr. Selvaggi, Esq. confirmed there are no new signs being requested.

Motion by Mr. Price to deem ZB-18-02A – Life-Giving Fountain Romanian Orthodox Church – B: 51 L: 13.03 – 132 Califon Rd - Site Plan Complete.

Second: Mr. Bauer

A voice vote was taken and all eligible members present voted in the affirmative.

Ms. Fraser, Esq. swore in Emanuel Vasilescu and the Board accepted his Engineering credentials as he previously testified during the height variance.

Ms. Fraser, Esq. swore in Father Ionut Voicu, Priest of the Life Giving Fountain Orthodox Church

Father Voicu explained the worship schedule being Sundays at 10am to 12:30-1pm, with two or three special celebrations depending on the month. A week before Easter, services are everyday around 5:30p for 35-40 minute services concluding with an Easter service at midnight Saturday for 2 1/2 to 3 hours. There are 82 members this year, 97 last year as stated during the previous application.

Mr. Selvaggi, Esq. asked the future of the existing church if approval is given to build the new church.

Mr. Banisch asked if they would allow outside organizations to use Festivities Hall.

Father Voicu explained that Festivities Hall/Cultural Center will be for coffee hour. The church Board will have to determine whether to allow the buildings to be used by the public at large.

Ms. Fraser, Esq. swore in Marcel Pirtea, Church Council Secretary

Mr. Pirtea confirmed that they would not solicit other uses of Festivities Hall but if approved it would be considered.

Mr Vasilescu stated that the name for Festivities Hall was changed to Cultural Center with a very specific list of activities shown on the plan.

Father Voicu explained these buildings will not be used for parties or to make money but may be available to accommodate a community civic group once the by-laws are reviewed and it has had Church Board consideration.

Mr. Hall confirmed that the two buildings will never be occupied at the same time.

Mr. Banisch asked for clarification regarding coming back on Sunday after their Easter celebration for services.

Father Voicu stated for a short ceremony at 11am.

Chairman Spina expressed his concern having an influx of attendance being that this church is so special.

Father Voicu stated that currently they have only been getting about 50 people attending services.

Mr. Banisch noted that it is difficult to plan for extraordinary circumstances that occur in other churches occasionally.

Chairman Spina opened to the public

Chris Kurelja, 255 Pleasant Grove Rd.

Mr. Kurelja asked if anyone was living in the existing church as he believed had been living there between July 23 until a month ago being there after 10pm.

Father Voicu confirmed that no one was living there, only a parishoner's vehicle had broken down and left at the church for a few weeks in August.

Chairman Spina reassured Mr. Kurelja that this will be a condition of this resolution.

Chairman Spina closed to the public

Mr Vasilescu displayed Site plan last revised 9/17/18.

Mr Vasilescu reviewed the site plan changes since the last version and showed the new low voltage feature lighting and solar mushrooms for the parking lot.

Mr. Hall requested a lighting plan and asked for confirmation that a lighting design waiver is being requested since it will not meet our design requirements.

A parking discussion was held regarding the building access points and traffic flow.

Mr Vasilescu mentioned that the existing building is currently functioning without exterior lighting.

Ms. Fraser, Esq. stated that the existing lighting condition is based on the prior church approval.

Mr Vasilescu also noted that the driveway width is 24,' with 25' being required, and explained that increasing the driveway width would encroach on the septic.

Chairman Spina asked if a fire truck would be able to get in.

Mr Vasilescu stated he spoke to the Fire Official and explained how firefighting would work being that the steeple is so high and would create a hazard for fire trucks.

Mr. Hall recommended that the Board receive a recommendation from the Shade Tree Commission as a shade tree waiver is being requested.

Mr. Price requested that something be obtained from the Fire Department as well.

Mr. Price asked about marking the spaces on the gravel lot.

Mr. Vasilescu stated stakes would be used to mark spaces.

Mr. Banisch confirmed that the justification for the parking design waiver is the applicant hopes that attendees frequenting the church will learn the parking program.

Mr. Vasilescu reviewed the stormwater management plan.

Mr. Banisch questioned flow of water across this parcel to adjoining lot 31.02 currently and proposed.

Mr Vasilescu showed on the Site Plan existing and new conditions resulting from several discussions with the Board Engineer to will divert 80% of the water by running it underground.

Mr. Hall agreed that the stormwater runoff rate achieves the required reductions. A stormwater component called water quality must achieve an 80% reduction in total suspended solids, which the detention basin/infiltration basin

does except for a portion of the driveway off of Califon Rd to a high point which is not being treated, therefore the reduction rate has not been achieved for the whole property.

Mr. Vasilescu produced Exhibit A-1 Drainage Report Addendum and Exhibit A-2 a standalone map pertaining to the driveway area contained within Exhibit A-1

[Break at 9:39pm]

Mr Vasilescu apologized for this last minute plan and explained the purpose of A-1 and A-2 intended to address Mr. Hall's report items D9, 10 and E1.

Mr. Hall mentioned on his report Page 3 item E2, the plan is to run a drain pipe down to the intersection of Pleasant Grove Rd. There may be issues with deeds of the properties in between and whether those properties are to road center line unless there is a dedicated right of way. It was requested that this be researched and accurately detailed on the plans.

Mr. Selvaggi went through the balance of Mr. Hall's comments which have already been or will be addressed.

Mr. Hall requested the calculation, showing that the berm can accommodate the 100 year storm to the proposed inlet at the front left property corner, confirming the 80% runoff reduction.

Chairman Spina opened to the public for questions

Robin Kurelja, 255 Pleasant Grove Rd wanted clarification of previous meeting discussion regarding the berm extending to the end of the road and questioned the fence that was previously mentioned.

Mr Vasilescu stated that the berm now extends to the road and at the end of the berm is an inlet to catch the runoff water. With an existing row of trees on the north side of the property no fence was believed to be required.

Ms. Fraser, Esq. cited findings on Page 10 Paragraph 7 of the prior Resolution 'additional fencing and drainage improvements will be given consideration at the time of Site Plan.

Mr. Kevin Connors, 140 Califon Rd. wanted to understand how the drainage pipe will get to the intersection of Pleasant Grove Rd.

Mr. Selvaggi, Esq. explained the deed issue that was discussed earlier. If a Right of Way exists that work can be done along each homeowners property.

Ms. Fraser, Esq. swore in Mr. Connors

Mr. Connors pointed out his property on the Site plan and explained since the recently installed septic field he gets a stream of water into the back of his property and into his basement. He asked what recourse he would have after the new work is done if this is still an issue.

Mr. Selvaggi, Esq. stated that will be remedied by the proposed improvements.

Chairman Spina closed to the public

Chairman Spina announced this hearing will be carried without further notice to November 7 at 7pm.

DISCUSSION – CORRESPONDENCE

Next meeting November 7

Mr. Hall mentioned an incomplete application for a retaining wall at North Mt. Lebanon Rd. from Mr. Sardeira submitted 6 to 8 months ago. In November 2017 he went to trial and was found guilty of not complying to Washington Township's zoning laws and was given 60 days to submit a complete application which would have been February 2018.

Mr. Hall recommended the Board write a letter to Mr. Sardeira, just as was done in the Spring of 2016, giving him 30 days to submit a complete application or the Board will dismiss the case.

Motion by Mr. Bauer to send a letter to Mr. Sardeira giving him 30 days to submit a complete application or the Board will dismiss his application at the November 7 meeting.

Second: Mr. Soga

A voice vote was taken and all eligible members present voted in the affirmative.

VOUCHERS

Motion by Mr. Soga to approve payment of vouchers

Second: Mr. Ort

Voice Vote: All members present voted in the Affirmative

ADJOURNMENT

Motion by Mr. Price to adjourn at 10:34 p.m., which was seconded by Mr. Soga.