

**WASHINGTON TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
April 4, 2018
7:05 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.

PLEDGE OF ALLEGIANCE was recited by all.

MEMBERS PRESENT:

Bauer Ort Soga Thauer
 Spina Gorini Price

ALTERNATES PRESENT:

Absent Raes Absent Walter

OTHERS PRESENT:

Attorney Fraser Engineer Hall
 Absent Planner Banisch Secretary Griffith

Regular meeting was called to order by Chairman Spina at 7:05 pm

MINUTES:

Motion by Mr. Soga to approve the January 17, 2018 Reorganization and Regular Meeting minutes.

Second: Mr. Ort

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

Abstain: Mr. Thauer

RESOLUTIONS: None.

OPEN TO THE PUBLIC – ITEMS NOT ON THE AGENDA

None.

CLOSE TO THE PUBLIC – ITEMS NOT ON THE AGENDA

APPLICATION – Completeness Only:

Chairman Spina noted that the order of the agenda will be changed to hear The Life Giving Fountain Romanian Orthodox Church first.

Mr. Iacampo voiced his displeasure with this as he has been on the agenda first for the last several meetings which have all been cancelled due to inclement weather.

Attorney Fraser explained that it is the Chairman's prerogative to change the order of the agenda and due to the nature of The Life Giving Fountain Romanian Orthodox Church application it would not take long.

The Life Giving Fountain Romanian Orthodox Church – 132 Califon Rd., B: 51 L: 31.03, R-5 - height variance - **Completeness only**

Mr. Selvaggi, Esq. representing The Life Giving Fountain Romanian Orthodox Church cited Mr. Hall's report items 12 & 13 if any prior approvals were given for this property, for which an OPRA will be

submitted, and the Tax Collector has already provided verification of tax exemption which will be forwarded to the Secretary. Other technical issues were mentioned and will be addressed before the next meeting for Completeness and Hearing.

Ms. Fraser, Esq noted this application will be deemed Incomplete and will be scheduled for next month.

Motion by Mr. Price to deem The Life Giving Fountain Romanian Orthodox Church – 132 Califon Rd., B: 51 L: 31.03, R-5 - height variance application Incomplete.

Second: Mr. Soga

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

A member of the audience wished to comment on The Life Giving Church application.

Ms. Fraser, Esq noted that this was not a Hearing, it was for completeness only.

Mr. Selvaggi, Esq. explained that they had noticed but were able to pull the newspaper article when they received Mr. Hall's report of incompleteness, although the 200 ft notices all went out.

Ms. Fraser, Esq. explained to those in attendance that the applicant anticipated that their application would be deemed complete tonight and a hearing would be held but after the Board Engineer reviewed the application and found that certain items of completeness had not been satisfied it was deemed Incomplete. Another notice will be sent most likely with the May meeting date.

The process was explained to those residents present that in order for a Hearing to be held certain items have to be satisfied which were not which caused this application to move to the next meeting with a possible Hearing at which time comments can be heard.

Ms. Fraser, Esq. also suggested that those concerned residents have the opportunity to talk to Mr. Selvaggi in the hallway tonight.

A resident raised the question of where the drawings can be viewed as the Zoning department did not know anything about them.

Chairman Spina provided the options of coming in during the Land Use Coordinator's office hours, speaking to Mr. Selvaggi out in the hallway now or reaching out ahead of time to Secretary Griffith to arrange to view the plans.

APPLICATION – Completeness and Hearing: Time is 7:20p.m.

Vincent & Laura Iacampo, 176 Fairview Ave, B: 25 L: 4.01, R-5 – Front yard setback variance for proposed front porch and 2nd story addition

Chairman Spina asked Mr. Hall where we are on completeness for this application.

Mr. Hall mentioned that it was deemed Incomplete at the August 2017 meeting based on a June 12 report requiring the submission of a signed and sealed survey, building elevations, escrow deposit, existing front, side and rear yards setbacks and the completed table of zoning requirements.

Mr. Hall confirmed that those outstanding items have been completed based on his January 9, 2018

report.

Clerk Griffith agreed the application is also administratively complete.

Motion by Mr. Price to deem the Vincent & Laura Iacampo, 176 Fairview Ave, B: 25 L: 4.01, R-5 application Complete.

Second: Mr. Soga

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

Ms. Fraser, Esq. swore in Mr. Vincent Iacampo.

Mr. Iacampo reviewed his variance request and all of the items that will be re-stored/built to the original 1860 architecture. The desire to add a 2nd story over the existing mudroom, remove the chimney which was improperly built and reconstruct the front porch to be open as origin to the house both of which are causing foundation damage. Also, restoring the roof to a slate roof and soffits to what would have been original.

Mr. Hall asked Mr. Iacampo to confirm that his January 9 letter included all of the items just mentioned.

Ms. Fraser, Esq. asked if all of those items required variances.

Mr. Hall noted that this entire house is contained within the 100ft setback so expanding it in anyway triggers a variance even though the existing footprint is not changing.

Mr. Hall questioned whether the home is in the Long Valley Historic District.

Mr. Ort asked Mr. Iacampo if he was restoring it historically correct and esthetically pleasing to the Historic Society.

Mr. Iacampo mentioned he's been in touch with the Long Valley Historic Society and Historic Preservation Committee to get an idea of the architecture appropriate at the time it was built.

Ms. Fraser, Esq. mentioned that in Mr. Banitsch's report of February 6, 2018 he noted the zoning requirements which clearly show the non-conforming conditions have been in existence.

Chairman Spina asked Mr. Hall if the lot coverage changed with the addition of the generator.

Mr. Hall confirmed that the lot coverage is far less than what's permitted in the zone and asked of Mr. Iacampo what fuel type the generator uses.

Mr. Iacampo confirmed that the generator will use natural gas. When asked why the placement was so far away Mr. Iacampo indicated it was the most unobtrusive way for the neighbors and themselves and put it behind the garage.

Mr. Price noticed a few fences in the Right of Way which were questioned whether they were there originally.

Mr. Iacampo believed he took out a construction permit around 2010.

Witness rests 7:33 p.m.

Motion was made by Mr. Soga to approve Vincent & Laura Iacampo, 176 Fairview Ave, B: 25 L: 4.01, R-5 – Front yard setback variance for proposed front porch and 2nd story addition
Second: Bauer

Ayes: Mr. Bauer, Mr. Price, Mr. Ort, Ms. Gorini, Mr. Soga, Mr. Thauer, Chairman Spina
Nays: None
Abstain: None

Attorney Fraser advised Mr. Iacampo that the Resolution will be adopted at the next meeting.

APPLICATION – Completeness and Hearing: Time is 7:37 p.m.

James & Cynthia Thompson, 12 Clearview Drive, B: 34 L: 4.09, R-5 – slope disturbance and ridgeline protection area development

Mr. Scott Eveland, Esq. of Inglesino Webster Wyciskala & Taylor, filling in for Mr. Wyciskala, spoke to the incompleteness issues from Mr. Hall's January letter which had been addressed with an amended application and per Mr. Hall's March 2, 2018 indicated the application is ready for completeness and his other comments will be addressed during testimony.

Mr. Hall recommended the application be deemed Complete from an Engineering perspective.

Clerk Griffith also agreed the application is administratively complete.

Motion by Mr. Price to deem the Vincent & Laura Iacampo, 176 Fairview Ave, B: 25 L: 4.01, R-5 application Complete.

Second: Mr. Soga
A voice vote was taken and all members present voted in the affirmative.

Ms. Fraser, Esq. swore in Mr. Thompson, 41 Beavers Rd, Califon (Tewksbury)

Mr. Thompson stated that he and his wife bought a house in 2003 on East Valley Brook raised a family and grew out of the house then sold and bought Clearview Dr. property in July 2017 having been told by the Realtor that all zoning and building approvals were fine but when filed for building permits were told that the variance approval expired.

Mr. Hall confirmed the Resolution expired in 2002.

Ms. Fraser, Esq. asked if the property had been purchased from the person that obtained the 2000 approval.

Mr. Thompson mentioned that there were multiple owners between the 2000 owner and the current seller, Mr. Crimi.

A mention of this issue not coming up on a Title Search was made.

Ms. Fraser, Esq. noted that in July 2000 the Board did not routinely include the expiration condition which would only have come up in a Title Search if the variance approval was recorded.

Ms. Fraser, Esq. swore in Mr. Sam Freund, 10 Clearview Dr.

Mr. Freund confirmed the items on Mr. Hall's report regarding the neighbors and recommended a driveway access and maintenance agreement with the Thompson's.

Mr. Hall emphasized the need for special language in the driveway access and maintenance agreement with regards heaving equipment on the driveway during construction.

Ms. Fraser, Esq. swore in John McDonough, project planner.

The Board accepted his professional credentials.

Mr. McDonough conducted a standard planning analysis regarding this application and went through the relief requested.

The proposal is for a 4,000 sf home to be compatible with the neighboring home, unlike the prior approval for an 11,000 sf home. Four deviations are requested which can be categorized under C1 hardship and C2 balancing; 1) minimum lot area - existing condition approved in 2000 as a flag lot with a later zone change, 2) ridgeline development approval granted in 2000 with this application being a better zoning alternative by building on the flattest part of the property and compatible with the associated development 3) steep slope disturbance positioning building on the flattest part, 4) fire truck turnaround approval letter dated March 16, 2018 from the Fire Company Chief.

Mr. McDonough stated that the applicant agrees to comply or provide the outstanding items mentioned in Mr. Hall's March 2 review memo.

Testimony ends at 7:58 p.m.

Mr. Spina clarified that the applicant is asking for relief on the fire truck turnaround.

Mr. Hall stated that this Board has no jurisdiction over the driveway design under Ordinance 172-21 so a Waiver must be requested of the Township Committee. The referenced Fire Chief memo only states that a fire truck can get to the house but the current Chief may not be aware of this fire truck turnaround requirement.

Mr. Hall also mentioned that if the Township Committee denies the turnaround waiver the applicant will have to come back with revised plans.

Ms. Fraser, Esq. explained that the Board's variance relief approval is based on the specific plan so if a waiver is not granted by the Township Committee the applicant would have to come back to this Board with a modified plan.

Mr. Hall reminded Mr. McDonough that Ridgeline Hillside protection area relief is required and asked if a visual analysis was done to determine if this home would be seen from any public right of way, parks, or open spaces like athletic fields.

Mr. McDonough stated that this building will not be any different than the building next door and will not create a substantially negative visual impact on the neighborhood.

Mr. Hall stated a Soil disturbance permit may be required if more than 100 cubic yards of soil is imported or exported would require the applicant to return to the Board.

Mr. Eveland, Esq. agreed to this as a condition of approval.

Mr. Hall also noted that historically development on steep slopes the potential of excessive soil erosion occurs not only include a condition that the applicant would be willing to install extraordinary sediment control measures during construction.

Mr. Eveland, Esq. agreed with this condition subject to Mr. Hall's review and satisfaction.

Mr. Hall asked Mr. McDonough regarding the 2000 plans with a larger structure and separate driveway.

Mr. Hall inquired if Mr. McDonough had viewed the 2000 driveway plan.

Mr. McDonough indicated he did not since they had expired and it was for a much larger structure.

Mr. Hall mentioned that it showed two separate driveways in the flags staff so there was no issue with a common driveway.

Mr. McDonough explained that this requires less pavement and less disturbance and a better zoning alternative given the environmental sensitivity.

Mr. Eveland, Esq. pointed out that the existing driveway does not have a K-turn.

Some concerns were raised about the driveway being on both properties.

Mr. Eveland, Esq. suggested that this new proposal will now be formalized into a common driveway with a recorded easement and maintenance agreement.

Mr. Spina asked whether the Ridgeline law changed since 2000.

Mr. Hall confirmed that there have been some revisions but no changes that impact this particular application.

Testimony ends at 8:14 p.m.

Motion by Mr. Soga to approved with the conditions for lot size, ridgeline and steep slope disturbance, common driveway maintenance agreement, Township Committee fire turnaround waiver, soil disturbance permit and extraordinary soil and sediment control.

Second: Mr. Thauer

Some discussion occurred regarding the best option to get approval without having to come back.

8:18 p.m. – Recess.

8:26 p.m. - Meeting resumes.

Motion by Mr. Soga to approved with the conditions for lot size, ridgeline and steep slope disturbance, common driveway maintenance agreement, Township Committee fire turnaround waiver, soil disturbance permit and extraordinary soil and sediment control Health Department and MUA approvals.
Second: Mr. Thauer

Ms. Fraser swore in Mr. John Crimi, 41 Beavers Rd, Califon being best friends of the applicants.

Mr. Crimi spoke about the property and how it came to be the Thompson's.

Amended motion by Mr. Soga authorizing the drafting of a resolution of approval subject to the conditions for lot size, ridgeline and steep slope disturbance, common driveway maintenance agreement, Township Committee fire turnaround waiver, soil disturbance permit and extraordinary soil and sediment control, along with Health Department and MUA approvals.
Second: Mr. Thauer

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

Nays: None

Abstain: None

Absent: None

DISCUSSION – CORRESPONDENCE

- Anderson & Denzler Associates 2017 Housing Construction Report
- January/February 2018 NJ Planner

Mr. Spina asked if it would make sense for the Board to write a letter to the Fire Department making them aware of the ordinances.

Mr. Hall indicated he had tried to reach out to them but never connected with them.

Ms. Fraser, Esq. stated she would reach out the Township Attorney regarding the driveway ordinance that Fire Departments need to be aware of.

Mr. Price asked if there was a road repair plan.

Mr. Hall stated he only makes recommendation to the Township to create a priority list.

VOUCHERS

Motion by Mr. Price to approve payment of vouchers totaling \$2,114.60

Second: Mr. Soga

Voice Vote: All members present voted in the Affirmative

ADJOURNMENT

Time is 8:57 p.m.

Motion by Mr. Bauer to adjourn.

Second: Mr. Soga

Voice Vote: All members present voted in the Affirmative.

Respectfully submitted,

JoAnn Griffith, Secretary