

**WASHINGTON TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
September 5, 2018
7:00 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.

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

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT: _x_Bauer _A_Ort _x_Soga _x_Thauer
 _x_Spina _x_Gorini _A_Price
ALTERNATES PRESENT: _x_Raes _x_Walter
OTHERS PRESENT: _x_Attorney Fraser _x_Engineer Hall
 _x_Planner Banisch _x_Secretary Griffith

MINUTES:
August 1, 2018 Regular Meeting Minutes
[Spina, Ort, Soga, Gorini are not eligible to vote due to absences]

Motion by Ms. Walter to approve the August 1, 2018 Regular Meeting minutes.
Second: Mr. Bauer
A voice vote was taken and all eligible members present voted in the affirmative.

***OPEN TO THE PUBLIC – ITEMS NOT ON THE AGENDA
CLOSE TO THE PUBLIC – ITEMS NOT ON THE AGENDA***

RESOLUTONS: None

[Mr. Banisch arrived at 7:09pm]

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

Mr. Hall indicated, based on his report of September 4, 2018 and 2 resubmissions the application should be deemed complete

Ms. Griffith stated the application is administratively complete.

Motion by Mr. Soga to deem Tara Cascarelli – B: 15 L: 25.07 – 9 Laketown Rd. – steep slope variance Complete.
Second: Mr. Raes
A voice vote was taken and all eligible members present voted in the affirmative.

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

Mr. Sposaro requested application be deferred to October 3 based on Mr. Hall's report of outstanding items which will be addressed before that meeting.

Motion by Mr. Soga to deem Bruce Haskell – B: 38 L: 3.10 – 15 Jordan Court – side yard setback for garage addition, deck and attached greenhouse Incomplete.

Second: Ms. Walter

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

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 spoke regarding Mr. Hall's and Mr. Banisch's reports and requested the Board allow the completeness requirements be made conditions of the Resolution. If the owner bears the expense they would like to know the Board will approve the variance relief.

Mr. Hall commented even though this is a unique situation and recommends deeming the application incomplete requiring the checklist items.

Mr. Banisch stated that this lot has extraordinary physical characteristics. This fully developed lot has lightweight concerns for the Board.

Mr. Raes was sympathetic to the economics for the homeowner and would be up for a public hearing.

Ms. Walter disagreed with the Planner and fellow Board members sharing her discomfort with not providing some items related to the steep slope disturbance. This item will have to be provided regardless.

Mr. Selvaggi, Esq. explained that the applicant moved from Long Island who bought a corner lot and wants to put in a pool. Mr. Selvaggi, Esq. indicated they would provide all of the required engineering documents, which the Construction office would require anyway, but requested they be a condition of approval.

Ms. Walter mentioned there was a similar pool application and the Board did require all the engineering documentation.

Mr. Selvaggi, Esq. agreed to go ahead and provide the required engineering documents and asked the Board to deem the application incomplete as a hearing was noticed for.

Motion by Mr. Soga to deem Melissa Svoboda – B: 25.01 L: 1, R-5 – 41 Ranney Rd – front yard setback for pool and fence Incomplete.

Second: Mr. Bauer

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

Ms. Fraser, Esq. announced that this application will be heard on October 3 at 7pm with no further notice with information to be provided addressing Mr. Hall's incomplete items.

Mr. Selvaggi, Esq. spoke regarding the Life Giving Orthodox Church application which had been noticed for in hopes of submitting updated documents for Mr. Hall's review in time for this meeting. New notices will be sent out and advertised for the October 3 meeting.

Mr. Selvaggi, Esq. also spoke to Mr. Cappuccio, regarding the cross easement notation on the plan to meet the Resolution condition. Mr. Cappuccio is concerned regarding the inspection fee which the \$30,000 fire tank is attributed to most of the calculation. He suggested removing the fire tank cost and calculate the inspection fee on the remaining balance of \$43,000.

Ms. Fraser, Esq. pointed out that to deviate from a condition the applicant would have to come back to the Board to request a Resolution modification.

Mr. Bauer asked Mr. Hall what the significance of the cross easement depiction on the plans is.

Ms. Fraser, Esq. stated that the applicant did a cross easement that covers the entire lot instead of a specific area.

Mr. Selvaggi stated the cross easement is filed for both lots.

The Board agreed that Condition 1D can be waived but the inspection fee remains.

ZB-18-04 - Agro Foods – B: 19 L: 3 & 4 – 481 Schooley's Mountain Rd – Proposed dwelling and Change of Use Variances – **Hearing (adjourned from June and August meetings)**

7:48pm

[Mr. Raes recused himself without returning]

Mr. Anthony Sposaro, Esq. stated Mr. Adam Centiner and Mr. Hansen will be representing the application.

Ms. Fraser, Esq. swore in Principle Adam Centiner and Engineer John Hansen, Engineering and Land Planning Assoc.

Mr. Hansen provided a brief summary of the property and surrounding areas on Plan 2 Exhibit A1 dated June 5, 2018 which was recently connected to public sewer and water.

Photo Exhibit A2 showing structures on site previously known as Greenway Florist.

Exhibit A3 more detailed version of existing commercial structures and proposed dwelling, 2,020 sf of retail space, 1,195 sf of office space, 1,050 sf of assembly area with 34 existing parking spaces while only 27 are required. Two spaces for the home, 13 across the front (12 required with conforming access aisle), 8 adjacent to greenhouse and 8 on the far side and another 3.

Exhibit A4 Highlands Council consistency determination letter.

Mr. Centiner described his family business of purchasing dried fruits and nuts in bulk and repackage for distribution to convenience stores and supermarkets. Mr. Centiner pointed to Exhibit where assembly takes place and products are stored. He will use a small cooler that was there from prior florist. Everything will be hand packed and shrink wrapped by 6 employees working 5 days a week 9a-5p, not including himself. Exhibit A2 photos shows the type of vehicle used for deliveries. Purchased wholesale bulk products get picked up with small box truck about once a week. Mr. Centiner previously operated his business in Paterson. In the retail space he would like to sell dried fruits and nuts, gourmet coffees and foods, olive oils, organic vegetables homegrown seasonally but purchased when not in season. Two employees will be working in the small retail store/farmstand which will be open Monday through Saturday 9a-7p and Sunday 9a-5p. The field is currently rented to Parks Farm for corn. Mr. Centiner is desirous of having some goats to make goat cheese in the future, along with chickens and calves.

Mr. Banisch explained that anything produced on the farm and sold is permitted, but the retail packaging of fruits & nuts in the specialty store is not permitted.

Mr. Centiner stated he will sell holiday items which may include flowers, food or agricultural related products.

Ms. Gorini asked what will be produced in the greenhouse.

Mr. Centiner explained organic vegetables will be grown.

Mr. Sposaro, Esq. confirmed with Mr. Centiner that he would like to build a new home which would be for immediate family and farm/retail employee or employee's immediate family would live in the old house.

Mr. Banisch clarified with Mr. Centiner that this application requires relief from the occupancy limit on any farm/retail employee home with a maximum number of 6 in the existing home. The number of farm workers will fluctuate. Mr. Hansen confirmed the parking spaced were calculated based on square footage.

Ms. Fraser, Esq. pointed out that when variances are granted there is a time requirements which Mr. Sposaro stated he would explain to Mr. Centiner.

There was a brief discussion on what the second floor would be used for and determined that storage would make the most sense.

Testimony rests – 8:50pm

Opened to Public

No Comment

Closed to Public

Mr. Hansen reviewed the three D1 variances for additional principal dwelling, wholesale packaging of gourmet foods in the existing structure for distribution inside structure and selling of the gourmet foods to outside as discussed.

Mr. Hansen provided believed validation of the D1 variance criteria and explained the previous use of the property is retail packaging business would help sustain business during the off season.

Chairman Spina asked about signage and lighting.

Mr. Sposaro, Esq. confirmed there is no additional signage or lighting being requested with this application. If any would be required it would be submitted with a Site Plan application.

Mr. Banisch provided his opinion that the preserved farm industry has evolved to needing other means of keeping the farming going like this application is trying to do. He also agreed with Mr. Hansen that there would be no additional traffic created by this proposed use or detriment to the public good.

Open to Public
No Comment
Closed to Public

Mr. Hansen spoke regarding the pre-application meeting where a Site Plan waiver was discussed. At this time there is no proposed increase in impervious coverage until the time when something is being constructed.

Mr. Hall indicated that the Zoning Officer can authorize a waiver of Site Plan if certain requirements are met.

9:12pm [Break]

Mr. Sposaro, Esq. requested approval of the packaging component use variances with a Site Plan application within 60 days and secure approval within 120 additional days for the packaging component to continue.

Mr. Centiner emotionally spoke to his desire to earn a living to support his family.

Chairman Spina shared his feeling on the requested variances for a single family dwelling, wholesale packaging and distribution and retail expressing his support for this use of the site.

Motion by Mr. Soga to grant Agro Foods – B: 19 L: 3 & 4 – 481 Schooley’s Mountain Rd – single family dwelling with occupancy limitations as discussed, wholesale packaging and distribution of dried fruits and nuts, and retail sale of nuts, dried fruits, gourmet foods, pre-packaged with no preparation on site, and agricultural food based products with only the packaging operations to commence in the 1,050 sf area as indicated during testimony.

Seconded by: Mr. Thauer

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

Nays: none

Abstain: none

Absent: Mr. Price, Mr. Raes, Mr. Ort

DISCUSSION – CORRESPONDENCE

[Professionals were excused]

Ms. Fraser, Esq. went through Land Use Excess Liability Training

VOUCHERS

Motion by Ms. Walter to approve payment of vouchers.

Second: Mr. Soga

Voice Vote: All members present voted in the Affirmative

Chairman Spina announced Attorney Fraser's retirement at the end of this year and asked for the Board's agreement for Mr. Spina, Mr. Bauer and Mr. Price to be the subcommittee to review RFP responses. The Township Committee will handle the RFP advertisement.

Next meeting October 3 meeting attendance

ADJOURNMENT

Motion by Mr. Soga to adjourn at 10:50pm.

Second: Ms. Gorini

Voice Vote: All members present voted in the Affirmative