

**WASHINGTON TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
June 6, 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.

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

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT:

_x_Bauer _A_Ort _A_Soga _x_Thauer

_x_Spina _A_Gorini _x_Price

ALTERNATES PRESENT:

_A_Raes _x_Walter

OTHERS PRESENT:

_x_Attorney Fraser _x_Engineer Hall

_x_Planner Banisch _x_Secretary Griffith

MINUTES:

May 2, 2018 Regular Meeting Minutes

[Bauer, Ort, Thauer, Walter are not eligible to vote due to absences]

Mr. Spina noted Mr. Banisch's name should not have a 't' in it.

Motion by Chairman Spina to approve the May 2, 2018 Regular Meeting Minutes with revisions as noted.

Second: Mr. Price

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

Abstain: None

OPEN TO THE PUBLIC – ITEMS NOT ON THE AGENDA

Mr. Kevin Connors, 140 Califon Rd., brought up a drainage issue related to septic work that was done at the church.

Ms. Fraser, Esq. explained that his concerns should be brought up during the hearing on that application.

CLOSED TO THE PUBLIC – ITEMS NOT ON THE AGENDA

RESOLUTIONS: None

APPLICATIONS:

ZB-18-01 - Marco Sardeira & Isabel Vieira – B: 47 L: 23.05, R-5 - 40 N. Mt. Lebanon Rd – retaining wall variance – Completeness only

Motion by Mr. Bauer to deem Marco Sardeira & Isabel Vieira – B: 47 L: 23.05, R-5 - 40 N. Mt. Lebanon Rd – retaining wall variance Incomplete.

Second: Ms. Walter

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

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

Mr. Sposaro requested this hearing be carried to August 1 meeting due to only 5 Board members present for this use variances application.

ZB-18-03 - Jennifer Gorini – B: 42.03 L: 2 – 114 Hacklebarney Rd. –Addition Front Yard Setback Variance – Completeness and Possible Hearing

Ms. Fraser, Esq. swore in Mr. Gorini.

Clerk Griffith confirmed administrative Completeness.

Mr. Hall, P.E. confirmed technical Completeness.

Motion by Mr. Bauer to deem Gorini – B: 42.03 L: 2 – 114 Hacklebarney Rd. –Addition Front Yard Setback Variance – retaining wall variance Complete.

Second: Mr. Thauer

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

Hearing at 7:16pm:

Mr. Gorini explained the application for a new bedroom addition due to a growing family and front porch covering for functional reasons. Asking for front yard setback variance and impervious coverage variance due to a significant portion of Hacklebarney Rd. being part of lot.

Mr. Hall reviewed his 5/31/18 report comments questioning the setback calculations and lot coverage going from 19.2% to 19.8% with new improvements.

Mr. Hall’s suggested allowing some wiggle room in the Resolution for the setbacks due to the calculations having been done by an architect and homeowner. Former lot coverage approval was for 19.2% increasing to 19.8% which is too minuscule for any kind of stormwater management requirement.

Mr. Hall noted that due to the pond and street being part of the property NJ DEP approval will be required perhaps a permit by rule can be sought.

Mr. Hall asked if the siding and shingles will match the current home.

Mr. Gorini confirmed that all siding, windows and roofing will match existing home.

Mr. Banisch expressed that he feels this is a classic hardship variance that will not cause any aesthetic issues.

Mr. Price asked about BOH approval .

Mr. Gorini stated that the current septic is sized for a four bedroom home while there are currently only three bedrooms.

Ms. Walter asked where the stream that feeds the pond is in relation to the residence.

Mr. Gorini explained it is on the left side opposite side of where the work is being done.

Motion by Ms. Walter to grant hardship variance approval to **Jennifer Gorini – B: 42.03 L: 2 – 114 Hacklebarney Rd.** for two front yard setbacks, for bedroom addition and porch cover, and impervious coverage.

Second: Mr. Bauer

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

ZB-18-05 – John Hall – B: 18, L: 14 – 24 Coleman Rd – Proposed Second Story Addition Setback Variance - Completeness only

Mr. Hall recommended deeming application Complete.

Clerk Griffith confirmed administrative completeness.

Motion by Mr. Price to deem **John Hall – B: 18, L: 14 – 24 Coleman Rd – Proposed Second Story Addition Setback Variance Complete.**

Second: Mr. Thauer

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

Ms. Fraser, Esq. requested the Board consider having a hearing or carrying this application since the applicant handed Clerk Griffith his Proof of Service tonight.

All agreed.

Hearing at 7:31pm:

Ms. Fraser , Esq. swore in Mr. Hall.

Mr. John Hall explained his house is small with a growing family while home values have sunk, by adding a second floor in hopes of adding value to the home. No side yard setback variance is required just adding a 19 foot side porch with 3 steps requiring a front and rear setback variance and lot coverage since own part of the road.

Mr. Hall indicated a revised plan was submitted on 5/21/18 addressing his 5/16/18 report comment #1.

Mr. Banisch requested an explanation of exterior finishes.

Mr. John Hall stated he will be re-siding the whole house and change some windows.

Mr. Banisch expressed his belief that these aesthetic improvements would improve neighborhood character and there would be no detriment to zoning.

Mr. John Hall stated the BOH had previously approved this plan which is on file with the existing two bedrooms staying as two bedrooms.

Mr. Thauer asked about exterior lighting being that a second story is being added.

Mr. John Hall stated only over the front door.

Mr. Leon Hall cited the BOH approval of June 22, 2017 should be a condition of approval which our resolution should include.

Motion by Mr. Thauer to grant front and rear yard setbacks and impervious coverage to improve a non-conforming lot variance approval to **John Hall – B: 18, L: 14 – 24 Coleman Rd** for a Proposed Second Story Addition and porch.

Second: Ms. Walter

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

Chairman Spina polled the Board to have Clerk Griffith talk to administration regarding allowing building permits to be issued prior to the Resolution adoption.

Ms. Fraser, Esq. explained to Mr. John Hall the process and risks for starting improvements before memorialization.

ZB-18-02 - The Life Giving Fountain Romanian Orthodox Church – 132 Califon Rd., B: 51 L: 31.03, R-5 - height variance – Hearing Continuation – 7:41p

Mr. Selvaggi provided additional Exhibits from a survey of Township church steeples, Township Website photos (A5) and Historical Society Tour document published December 10, 2016 showing the Highlands Presbyterian with a steeple at 100 ft. (A6)

Ms. Fraser noted that this applicant approves moving forward with only 5 Board members available to vote of which three listened to the audio from the last meeting.

Mr. Valesco presented revised plans based on resident concerns from last meeting specifically regarding Mr. Pappas patio and pool view of the steeple, parking and wildlife issues.

A7 Line of Site Profile dated 6/6/18 developed by Capricorn Engineering –Pappas residence -

A8 Landscaping plan dated 6/6/18 addressing drainage issue using 70' long berm of plantings

Mr. Spina asked how long will it take the trees to grow to maturity.

Mr. Valesco stated evergreens will start at 8 ft but was not sure how long it would take to grow to maturity with the various varieties of vegetation.

Mr. Hall suggested having a landscape expert review this plan.

Mr. Banisch asked Mr. Valesco to show the placement of the proposed 6' chain link fence with green privacy slats along the rear of the property and confirmed the placement is based on citizen comments.

Mr. Valesco stated that fenceline plantings are to meet Twp residential buffer requirement to screen neighbors vantage points.

Mr. Banisch suggested as Mr. Hall suggested the landscape architect and checking into Rutgers Deer resistant conifers and deciduous species list.

Mr. Selvaggi stated the details of the landscape plan and all other concerns will be addressed as part of a future Site Plan application.

Mr. Hall asked where the water where the berm ends go.

Mr. Valesco testified that the amount of water will be minimal and dissipate at that point.

Mr. Banisch noted the applicant is trying to mitigate the publics concerns and are demonstrating compliance but are currently only applying for height variance.

Witness rests at 8:16pm

OPENED TO PUBLIC

Kevin Connors, 140 Califon Rd. expressed his concern over the drainage as the current septic work has already caused flooding in his basement and asked if the berm could be extended to divert water runoff and extend the fence along the berm to reduce light pollutions.

Mr. Valesco explained that based on the 100 year storm calculations all of the water will be kept on site with the proposed work.

Patrick Farrente, 15 Califon Rd, wished to view the plan for parking and traffic.

Chairman Spina stated that there will be additional hearings dealing with traffic and parking.

Robin Kurelja, asked for clarification of what could be seen from her home which is the property adjacent to church.

Mr. Valesco showed the site line survey showing the anticipated views.

CLOSED TO THE PUBLIC

Ms. Fraser, Esq. swore in Mr. Gary Segal, Architect and Licensed Professional Planner.

The Board accepted Mr. Segal’s credentials as an Architect.

Mr. Segal explained the uniqueness of a church of this faith is the proportions. Gothic church window shape is based on how we hold our hands when praying and the church must be built in the contours of the cross. The proposed church is a replica of the northern parts of Romania and a clear representation of Eastern Europe churches.

Mr. Segal showed a side view façade of the church (sheet PLA-7) citing the components of the steeple where 45% of the tower is within the building while only the narrow spear is above the roofline, therefore there will be no detrimental impact. The traditional architectural Maramures style in Romania has an average steeple size of 180 ft. with none less than 100 ft.

Mr. Banisch asked how authentic in detail is this church.

Mr. Segal stated it is about 90% as the interior will be replicated as well further explaining that there is a Catholic church in Germany with a 280 ft. steeple for the same reason of the faith.

OPENED TO PUBLIC

None

CLOSED TO PUBLIC

Ms. Fraser, Esq. swore in Mr. Phillips of Phillips Price, Professional Planner

The Board accepted his credentials.

Mr. Phillips explained the property is in an R-5 conservation zone with houses of worship being permitted with a steeple height ordinance limit of 75 ft and height to ridgeline is 35 ft. Churches are considered to have universal good for the community citing Case Grass vs. Spring with regards to a height variance, applicant must show site can accommodate any impacts associated with height and demonstrate height has no detriment to the neighboring areas. Special reasons for the additional steeple height is theological and symbolic. Placement of the church in the center of the property to maximize separation with adjacent properties with larger buffer to active adjoining residential lots which are relatively large lots.

Seeking variance for very narrow steeple portion only with precedence in Washington Township with current churches with taller steeples surrounded by residential properties. Considering use is inherently beneficial, small footprint with iconic architecture.

Mr. Hall questioned the proposed vegetation buffering with an unknown maturity schedule not being a detriment to the surrounding property owners.

Mr. Phillips stated that any neighboring residences would be no closer than 200 ft. and the general

recognition that churches have steeples and precedent that there has been partial of full view by surrounding residents.

Mr. Price noted that the neighboring residences would be no closer than 200 ft.

Ms. Walter mentioned that these same concerns have come up with cell towers but after construction it was not as noticeable as anticipated and might this be the case with this church steeple.

Ms. Fraser, Esq. confirmed that the height variance ordinance does include the ridgeline as well as the steeple.

OPENED TO PUBLIC

Patrick Ferrante, 15 Califon Rd. asked if this is for the height only or if the architectural character is a concern.

Ms. Fraser, Esq. explained that this application is only addressing the steeple height while the subsequent application will be when other concerns can be voiced.

CLOSED TO PUBLIC

Testimony rests at 9:21pm

Mr. Spina asked about possibly working with Sprint on putting a cell antenna on the church steeple versus building the proposed cell tower at Centenary.

Mr. Lavery, Esq. explained that the corporate council and professionals can discuss it so see if it will work.

OPENED TO PUBLIC for general comments

Ms. Fraser swore in Mr. Connor, 140 Califon Rd. passed out images (Exhibit O-1) depicting a site line off his back deck on April 16 and expressed his concern of having this church looming over his home would substantially negatively affect his quality of life and impact resale.

Mr. Banisch questioned the distance which was roughly calculated at 400 ft away.

Mr. Connor explained that at an informal discussion with Father John after the April meeting it was stated that they would receive a substantial financial gift from the Romanian Church.

CLOSED TO PUBLIC

Chairman Spina offered his perspective regarding the steeple height with a better understanding of the metamures style hearing during testimony.

Mr. Price noted that this is a diminishing height situation.

Ms. Walter believes this is a small town that has churches with steeples and people enjoy seeing

steeple while driving along. It is a steeple that everyone will get used to seeing and forget about it being a height detriment as it is a proponent of a faith.

All other members confirmed their comfort enough to vote positively.

Motion by Mr. Bauer to grant height variance of 105 ft to top of steeple and 45 ft to ridgeline for **Life-Giving Fountain Romanian Orthodox Church** – 132 Califon Rd., B: 51 L: 31.03.

Second: Mr. Price

Ayes: Mr. Bauer, Mr. Thauer, Mr. Price, Ms. Walter, Mr. Spina

Nays: None

Abstain: None

DISCUSSION – CORRESPONDENCE - None

Chairman Spina asked about addressing an attendance process at next meeting and publishing the audio

VOUCHERS

Motion by Mr. Bauer to approve payment of vouchers

Second: Ms. Walter

Voice Vote: All members present voted in the Affirmative

ADJOURNMENT

Motion by Mr. Bauer to adjourn at 9:45pm

Second: Ms. Walter

Voice Vote: All members present voted in the Affirmative