

WASHINGTON TOWNSHIP LAND USE BOARD

PUBLIC MEETING MINUTES

APRIL 30, 2008, 7:30 p.m.

CALL TO ORDER and PUBLIC NOTICE

Vice Chairman Leonard Artigliere called the meeting to order at 7:35 p.m. Mr. Artigliere said this is a regular meeting of the Land Use Board of the Township of Washington. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a Notice was published in *The Star Gazette* and *Express Times*. Notice was posted on the municipal bulletin board in the Township Administration Building in Washington Township, New Jersey, and notice was filed with the Township Clerk.

ROLL CALL

Present: Mayor Dempski (late), Chris Cavazzini, Evan Howell, Bob Klingel, Jim Vergos, Committeeman Strunk, Efrem Zaret, Leonard Artigliere, Mark Rossi

Absent: Kerry Kirk Pflugh

Professionals: Steven Gruenberg, Esq.; William Gleba, P.E., Scarlett Doyle

APPROVAL OF MINUTES

Motion to approve the minutes of April 9, 2008 was made by Jim Vergos and seconded by Chris Cavazzini.

Members in favor: Chris Cavazzini, Evan Howell, Bob Klingel, Jim Vergos, Efrem Zaret, Committeeman Strunk

Members abstaining: Leonard Artigliere, Mark Rossi

The minutes of the meeting of 4/9/08 were approved.

RESOLUTION

KENDRA

The Kendra resolution was tabled until the next meeting.

COMPLETENESS ITEMS

Anema #2007-05, Block 66, Lot 1.01

Minor Subdivision

Jim Vergos recused himself.

Mr. Gleba explained that this is a single lot minor subdivision application. He noted that he has met with applicant and his professionals.

Mr. Gleba reviewed the application for the Board noting:

- (a) Waiver for completeness is requested for assignment of a lot number.
- (b) Taxes are paid up-to-date.
- (c) Proof of submission to Warren County Soil Conservation has been provided. When construction is undertaken Warren County Soil Conservation approval will be required.
- (d) Engineering details of proposed improvements will be submitted at the time of construction permit application.

Mr. Gleba indicated that the Board could grant waivers for completeness purposes only.

No variance is required.

Motion to grant waivers for completeness and classification was made by Committeeman Strunk and seconded by Mr. Rossi.

Members in favor: Chris Cavazzini, Evan Howell, Bob Klingel, Efrem Zaret, Committeeman Strunk, Leonard Artigliere, Mark Rossi

Mr. Artigliere explained notice requirements.

This matter is scheduled for public hearing on June 11.

Ms. Doyle noted this application did not seem to require a planning review. The Board concurred.

Garcia #2008-07, Block 66, Lot 2, 6 and 17.01

Minor Subdivision

Mr. Gleba recused himself in this matter. John Cilo, Jr., P.E. has prepared a completeness review at the Board's request.

Ms. Doyle sat in for Mr. Cilo. She recommended in accordance with Mr. Cilo's review that the application be declared incomplete.

Motion to deem application incomplete based upon review of John Cilo dated 4/28 was made by Efrem Zaret and seconded by Robert Klingel.

Members in favor: Chris Cavazzini, Evan Howell, Bob Klingel, Efrem Zaret,
Committeeman Strunk, Leonard Artigliere, Jim Vergos, Mark Rossi

DeLuca #2007-04, Block 22, Lots 3, 17 and 2

Minor subdivision/lot line adjustment

Jack Cornish, Esq., introduced himself on behalf of the applicant.

Mr. Gleba addressed applicant's request for waivers for completeness in his review of April 25.

The list of property owners must be provided. It was noted the subject lot is Lot #2, and list of property owners has been provided. List for Lot 3.07 will be waived for completeness.

Items 4, 5a and b can be waived for completeness. Items 7 and 9 are not applicable.

Motion to deem the application complete was made by Jeff Strunk and seconded by Efrem Howell.

Members in favor: Chris Cavazzini, Evan Howell, Bob Klingel, Efrem Zaret,
Committeeman Strunk, Leonard Artigliere, Jim Vergos, Mark Rossi

Public hearing was scheduled for June 11.

Supplee #2008-01, Block 78, Lot 1

Minor subdivision

Alan Lowcher, Esq., introduced himself on behalf of the applicant.

Mr. Lowcher said applicant concurs with completeness review of 4/28 from Bill Gleba. .

Variance relief has been eliminated.

Motion to deem the application incomplete was made by Robert Klingel and seconded by Jim Vergos.

Members in favor: Chris Cavazzini, Evan Howell, Bob Klingel, Efrem Zaret,
Committeeman Strunk, Leonard Artigliere, Jim Vergos, Mark Rossi

Mr. Lowcher requested that this matter be scheduled for completeness and public hearing on the same date.

The matter was scheduled for June 11.

Profita #2008-04, Block 19, Lot 10

Bulk variance to allow applicant to construct an addition to the existing garage

Jim Vergos and Evan Howell recused themselves.

Review letter of Board Secretary recommends that this application be deemed complete. Motion to deem the application complete was made by Jeff Strunk and seconded by Mark Rossi.

Members in favor: Chris Cavazzini, Bob Klingel, Efrem Zaret, Committeeman Strunk, Leonard Artigliere, Mark Rossi

PUBLIC HEARINGS

Profita #2008-04, Block 19, Lot 10

Bulk variance to allow applicant to construct an addition to the existing garage.

Requisite fees having been paid and jurisdiction established, Mr. Profita was called and sworn.

Mr. Profita explained his need for a variance to construct a one bay garage to be attached to the existing garage.

Sketch of proposal was marked A-1.

No living space will be added. Space will be used solely for garage space. The space next to the existing garage is the only realistic place to build a garage. Garage space is scaled as small as possible.

There have been no objections from the neighbors.

The setback requirement has been changed since the time the home was built. Mr. Profita said the garage posed no detriment to the public good.

Two car driveway width had been established previously. No increase in the driveway is proposed.

Mr. Artigliere invited questions and comment from the public. There being no questions or public comment, Mr. Strunk moved and Mr. Zaret seconded a motion to close the public hearing.

It was noted that this is a C-1 hardship variance.

Motion to approve the setback allowing 20.89' where 25' is required was made by Mark Rossi and seconded by Jeff Strunk.

Members in favor: Efrem Zaret, Robert Klingel, Chris Cavazzini, Mark Rossi, Len

Artigliere, Jeff Strunk.

Resolution will be voted 5/15.

Joe Justo #2005-33, Block 74, Lot 5

Continuation of a public hearing for a Preliminary Major Subdivision application for Block 74, Lot 5 at 81 West Asbury Anderson Road.

Members eligible to vote: Howell, Artigliere, Klingel, Rossi, Pflugh, Vergos, Zaret, Cavazzini.

Jay Bohn, Esq., introduced himself on behalf of applicant.

Technical issues have been addressed with revised plans. Mr. Gleba has provided a review dated 4/29.

Ms. Doyle's report of 3/10 is applicable.

Mayor Dempski joined the meeting at 8:15 p.m.

1. Reference was made to Mr. Gleba's report at page 5 regarding installing a 30,000 gallon fire protection tank. Mr. Bohn confirmed that applicant will not comply.
2. Restriction on subdivision. Applicant will not agree to this provision according to Mr. Bohn.
3. Applicant does not agree to restricting lots for other permitted uses.
4. Conditions of approval.
5. County Planning Department approval will be required. This should be a condition of approval. Applicant should represent that items can be met.
6. Mr. Murphy was called to address the sight lines referenced in Warren County Planning Department letter, item #1. He referenced sheet 25 of the map. He indicated he would confer with the County engineer.
7. Mr. Murphy addressed item #2 and noted he would work this out with the County. He contended applicant would provide the required 66'.
8. Sight lines B, C and D are on the plans according to Mr. Murphy, and he will address this concern with the PD.
9. As to #6, Mr. Murphy will provide the information required by the Planning Department.

10. As to #7, Mr. Murphy referenced sheet 28, and indicated he would provide what the County requires.

11. Additional detail will be provided to the County Planning Board.

12. Requirement to relocate stop sign must be met.

Mr. Gruenberg reiterated query to Mr. Murphy asking whether applicant could comply with County requirements. Mr. Murphy contended he could provide the requirements of the County Planning Department.

Should it occur that the County is not satisfied, applicant would be obligated to amend the approval of the Washington Township Land Use Board.

Discussion related to Mr. Gleba's review continued.

Will serve letters should be included as conditions of approval.

Reference was made to geotechnical conditions, and Mr. Murphy confirmed conditions would be met.

As to items 10 – 23, Mr. Gruenberg suggested these items be included as conditions of approval. Mr. Murphy takes no exception to these items.

Items 24-32, Mr. Bohn indicated he wanted to address item 30. He said applicant should be entitled to the 3-year period to file for final. Mr. Gleba noted that environmental conditions tend to change, and applicant risks being subject to a change in the ordinance.

The Board confirmed that MLUL time limits would apply.

Ms. Doyle referenced her letter of March 10. She noted she had not received a response to her report. She referenced sheet 9 as to the landscaping plan. She observed the lack of detail by applicant. BMP landscape plan and planting list should be provided subject to Board planner's approval. Ms. Doyle requested a note on the plot plan. As to the bio-retention basin, she noted there were broad leafed trees. She expressed concern regarding compaction, which could affect functionality of the basin. Applicant agreed to provide the trees as noted by Ms. Doyle. Mr. Gleba noted maintenance must be documented.

Members of the public were invited to pose questions. No questions were raised. Members of the public were invited to comment. No comments were forthcoming.

In summary, preliminary major site plan plus variance for lot depth and exception from RSIS for sidewalk are proposed. Applicant agrees to comply except (1) no underground storage tank, (2) no deed restriction from further development and (3) no deed restriction as to use.

Mr. Bohn noted underground water tank is required for 20-lot subdivision. Further, he contended the condition would be unreasonable since it is unrelated to the variance.

There was some discussion as to the restriction from further development.

Mr. Vergos confirmed that not having a water supply would impact homeowner's insurance premiums. Board expressed surprise that applicant would not voluntarily provide the tank.

Hearing no questions or comment from the public, motion to close the hearing was made by Robert Klingel and Efrem Zaret.

Motion to grant was made by Efrem Zaret and seconded by Robert Klingel with the following:

Waiver for exception from RSIS to not provide sidewalks.

Members in favor: Efrem Zaret, Robert Klingel, Chris Cavazzini, Mark Rossi, Jim Vergos, Len Artigliere, Evan Howell.

Motion was proposed to grant lot depth variance for proposed Lot 5 with conditions. Additional conditions were applied as to restrictions on future development and underground storage tank for fire safety.

Applicant took issue with Mr. Gleba's comment 1-4. The Board concurred they believed applicant should provide the fire protection tank. It was also observed that the ordinance should be changed.

There was discussion as to future subdivision restriction.

Ms. Doyle requested closed session to discuss the fire protection tank. The Board did not agree that closed session would be appropriate.

Motion to deny preliminary subdivision was made by Jim Vergos and seconded by Efrem Zaret. Discussion ensued as to what variance relief was required.

Members in favor: Efrem Zaret, Jim Vergos

Members opposed: Robert Klingel, Chris Cavazzini, Mark Rossi, Leonard Artigliere, Evan Howell.

Motion to grant subject to conditions + a condition for no further subdivision was made by Mark Rossi. Motion was not seconded.

Motion to approve with conditions, including no water tank or subdivision, was made by Chris Cavazzini and seconded by Robert Klingel.

Members in favor: Robert Klingel, Chris Cavazzini, Evan Howell

Members opposed: Efrem Zaret, Mark Rossi, Jim Vergos, Leonard Artigliere

Motion fails

Motion to approve w/ underground storage tank was made by Efrem Zaret and seconded by Jim Vergos.

Members in favor: Efrem Zaret, Robert Klingel, Chris Cavazzini, Mark Rossi, Jim Vergos.

Members opposed: Leonard Artigliere, Evan Howell

Motion to grant Preliminary subdivision approval was made by Efrem Zaret and seconded by Robert Klingel

Members in favor: Efrem Zaret, Robert Klingel, Chris Cavazzini, Mark Rossi, Jim Vergos, Evan Howell

Members opposed: None

Members abstaining: Leonard Artigliere

OLD BUSINESS

Ethics forms are required. Efren Zaret, Chris Cavazzini and Leonard Artigliere have provided same.

NEW BUSINESS

Question was raised as to the Pear Tree Realty development. Trees are dying. Streets have been accepted. Is this subject to the conditions of the resolution? Resolution should be researched. Approval may have been granted in 2003.

Ms. Pflugh requested that a Land Use Board member attend the Scenic by-pass presentation scheduled for the Committee. Efrem Zaret agreed to attend on behalf of the Board.

EXECUTIVE SESSION

Motion to go into executive session was made by Evan Howell and seconded by Robert Klingel.

All members concurred.

Board went into executive session at 9:40 p.m.

RETURN TO OPEN SESSION

Motion to return to open session was made by Efrem Zaret and seconded by Robert Klingel.

All members concurred.

The Board returned to open session at 9:50 p.m.

PUBLIC COMMENT

No members of the public wished to comment.

ADJOURNMENT

The meeting was adjourned at 9:50 p.m.

These minutes were approved May 14, 2008.

Alice Oldford
Secretary to the Board