

WASHINGTON TOWNSHIP LAND USE BOARD

PUBLIC MEETING MINUTES

January 13, 2010, 7:30 p.m.

CALL TO ORDER and PUBLIC NOTICE

Chairman Mark Rossi called the meeting to order at 7:45 p.m. Mr. Rossi 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*. 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: Mark Rossi, Samir Elbassiouny, Robert Klingel, Evan Howell, Robert Christine, Robert Finke, Louis Accetturo, James Vergos

Absent: Leonard Artigliere, Erich Sodtalters

Professionals: Steven Gruenberg, Esq.; Nevitt Duveneck, P.E.; Scarlett Doyle, P.P.

APPROVAL OF MINUTES

Motion to approve the minutes of December 16, 2009, was made by James Vergos and seconded by Evan Howell

Members in favor: Samir Elbassiouny, Robert Christine, Evan Howell, Robert Klingel, Robert Finke, James Vergos, Mark Rossi

Motion to approve the minutes of January 6, 2010, was made by Robert Klingel and seconded by Robert Christine

Members in favor: Robert Christine, Evan Howell, Robert Klingel, Robert Finke, Louis Accetturo, James Vergos, Mark Rossi

Abstaining: Samir Elbassiouny

APPOINTMENT OF GEOTECHNICAL CONSULTANT AND ALTERNATE

Motion to appoint Joe Fischer of Geoscience Services as geotechnical consultant and Jeffrey Schaumberg of Dynamic Earth as alternate geotechnical consultant was made by Samir Elbassiouny and seconded by James Vergos.

Members in favor: Robert Christine, Evan Howell, Samir Elbassiouny, Robert Klingel, Robert Finke, Louis Accetturo, James Vergos, Mark Rossi

RESOLUTIONS

Kendra, Mark, Application #2007-1
Block 40, Lot 109
Variance Plan

Members eligible to vote: Evan Howell, Robert Finke, James Vergos, Robert Christine, Leonard Artigliere

Mr. Gruenberg noted there are a couple of typos, which will be corrected.

Motion to approve was made by Robert Finke and seconded by James Vergos
Members in favor: Evan Howell, Robert Finke, James Vergos, Robert Christine

Hess, Application #2009-4
Block 64, Lot 16.01, 323 Route 31S

Application for minor site plan and sign variance.

Members eligible to vote: Samir Elbassiouny, Robert Christine, Evan Howell, Robert Klingel, James Vergos, Erich Sodtalbers, Robert Finke

Consideration of this resolution is deferred to allow resolution of client's escrow dispute.

COMPLETENESS

Gill Petroleum, Application #2009-3
Block 78, Lots 5, 6 and 7.03

Minor site plan and sign variance.

Attorney for applicant has noted applicant is not prepared to proceed at this time. Therefore, this matter remains incomplete.

PUBLIC HEARINGS

Christine Mand, Application #2009-13
Block 47, Lot 9.07
82 McCullough Road

Applicant seeks a front yard setback variance to reconstruct and extend a covered front porch and construct a three season room on the side of the existing home. Existing and proposed front yard setback is 15.8' whereas 75' setback is required.

This matter was deemed complete on December 14, 2009.

Proofs of publication and mailing are not available.

Motion to open the hearing was made by Robert Finke and seconded by Evan Howell.
All members concurred on voice vote.

This hearing is continued to 1/27/10 pending receipt of proofs of publication and mailing.

Washington Cemetery Association, Application #2009-7
Block 4, Lot 67

Application for soil removal permit

Requisite fees having been paid and jurisdiction established, Dominick Santini, Esq., introduced himself on behalf of the applicant.

Application is for a soil removal permit. Mr. Santini indicated his client, being unaware of the ordinance requirements, had moved soil prior to making application for the appropriate permit.

Mr. Santini called Thomas Bodolsky, PE, who was duly sworn. Mr. Bodolsky's credentials as professional engineer and planner were accepted by the Board.

Mr. Bodolsky introduced an aerial photo, which was marked A-1. He testified this is the western portion of the site abutting Ridge Lane. Mr. Bodolsky explained that the area that is the subject of the application is outlined on the exhibit. Applicant was cited by the zoning officer for clearing land without approvals. Sheet 1 of the plans, Grading/Soil Moving was marked A2. Mr. Bodolsky highlighted the limit of disturbance on the plan. He indicated he had prepared a soil erosion and sediment control plan. Mr. Bodolsky noted it has been approved by Soil Conservation District and implemented.

Subsequently, applicant was made aware of the local ordinance. Mr. Bodolsky noted storm water management has been addressed. He explained the measures taken in this regard. As a result, the applicant seeks approval for run off on the aggregate 8.5 acres. Mr. Bodolsky pointed out that there is a portion of the property in Washington Borough. The cemetery property consists of approximately 24 acres.

Mr. Bodolsky contended that 7 acres have been cleared and stabilized. Mr. Santini explained that this is an approved cemetery.

Mr. Gruenberg pointed out that there are pending zoning violations. The current application before the Board is for a soil removal permit. Mr. Gruenberg explained to the Board that it may take into consideration the following factors:

Soil erosion by water and wind; surface and/or subsurface water drainage; soil fertility;

lateral support of abutting streets and lands; public health and safety.

Mr. Gruenberg advised the Board that there may be other issues involved, which the Township Committee may have jurisdiction to consider.

Mr. Santini noted Mr. Bodolsky had met with Mr. Gleba related to the review letter of 12/8. Mr. Bodolsky indicated there are two items requiring Board discussion. Mr. Duveneck confirmed that there had been no revisions to the plan as a result of Mr. Gleba's letter.

Mr. Gleba's correspondence of 12/8 was marked B1. Letter of Pequest Engineering dated 1/11/10 was marked A-3. Mr. Bodolsky noted this letter supports applicant's waiver request. Mr. Bodolsky testified that applicant had provided topography on the area of disturbance. As to Lot 3, according to Mr. Bodolsky, applicant has submitted a survey. Further, he pointed out it is of no consequence to the application before the Board. As to topographic grid layout, Mr. Bodolsky indicated applicant had provided documentation.

As to trees, Mr. Bodolsky noted some had been removed, and applicant has not done a survey of the remaining trees. Waiver has been requested from counting trees as being a costly endeavor. Mr. Duveneck observed that perhaps the Board may wish to consider some buffering. Mr. Gruenberg noted there may be larger trees that the Board may wish to preserve. Ms. Doyle confirmed that for the Board to make a decision applicant should submit the data as to the trees.

Mr. Bodolsky noted the applicant would like to discuss whether the buffering is appropriate. Applicant seeks to clear cut the remaining trees. Mr. Bodolsky observed the Township does not have a tree removal ordinance. Mr. Gruenberg advised the Board the requirements of the ordinance.

Mr. Bodolsky testified as to additional waiver requests. He noted 5900 cubic yards of cut. Fill on site is projected to be 5376 cubic yards.

Elevations will be provided as requested by Mr. Gleba.

Mr. Duveneck indicated the only issue is the location of the trees on the site. The other waivers could be granted. Ms. Doyle confirmed that the location of trees should be provided.

Mr. Bodolsky addressed his letter of 1/13 entitled Hand-out at meeting of 1/13. He said there is no ordinance for tree removal. Further, he testified that the balance of the property is currently cleared to the property line. He referenced cemeteries that demonstrate how applicant seeks the cemetery property to look, which is clear. He observed there are no trees and no buffering.

Mr. Klingel noted some buffering on the exhibits presented by Mr. Bodolsky. Mr. Bodolsky observed there is a tree row on the various exhibits rather than formal

buffering. He indicated there would be some vegetation along the roadway.

Mr. Duveneck confirmed that the Board needs documentation as to what exists on the property.

Mr. Christine referenced the huge drop off of the cemetery property.

Mr. Bodolsky was requested to clarify the area of disturbance as depicted on the map and Exhibit A1.

Ms. Doyle expressed concerned about danger to the trees in the public right of way. Mr. Bodolsky introduced Exhibit A5, sight line over detention pond. He discussed the proposed berm.

Ms. Doyle emphasized the need for a tree inventory. Further, she noted that applicant should indicate how many trees in the right of way would be put at risk.

The Board requested a site visit by Ms. Doyle to ascertain the type and size of trees.

Hearing will be continued to Jan. 27.

Mr. Rossi announced a five-minute recess.
Board reconvened.

EXECUTIVE SESSION

Motion to go into executive session to discuss personnel was made by Robert Klingel and seconded by Robert Finke with all members in concurrence.

The Board went into Executive Session.

RETURN TO OPEN SESSION

Motion was made and seconded to return to open session with all members in concurrence.

The Board returned to open session 10:40 pm.

OLD BUSINESS

NEW BUSINESS

Ordinance review. The Sign Committee has requested Board review of the sign ordinance.

Board recommended that counsel review the ordinance in light of the article in NJ Planner regarding recent Court decision. Legal opinion is sought.

Memo to Committee with a copy to Mr. Strunk will recommend that the Committee hold consideration of the ordinance until it has been examined by counsel.

ADJOURNMENT

The meeting was adjourned at 10:45 pm.

These minutes were approved 1/27/10.

Alice Oldford
Secretary to the Board