

**WASHINGTON TOWNSHIP LAND USE BOARD**

**PUBLIC MEETING MINUTES**

**January 27, 2010, 7:30 p.m.**

***CALL TO ORDER and PUBLIC NOTICE***

Chairman Mark Rossi called the meeting to order at 7:30 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, James Vergos, Samir Elbassiouny, Robert Klingel, Evan Howell, Erich Sodtalbers, Robert Christine, Robert Finke, Louis Accetturo

Absent: Leonard Artigliere

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

***APPROVAL OF MINUTES***

Motion to approve the minutes of January 13, 2010, was made by James Vergos and seconded by Robert Klingel.

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

Abstaining: Erich Sodtalbers

***APPOINTMENT OF ATTORNEY***

Motion to appoint Steven Gruenberg attorney for the Land Use Board for 2010 was made by Samir Elbassiouny and seconded by James Vergos.

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

***RESOLUTIONS***

**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.

***DELIVERY OF DEEDS***

Todd Greene, Esq., introduced himself on behalf of applicant, Bruce Apgar. Mr. Greene delivered the deeds for execution by the Board.

Mr. Gruenberg and Mr. Gleba have reviewed the draft copies of the deed supplied by Mr. Greene and found them to be acceptable and appropriate for signature by the Board.

***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.

Since there was no notice, this matter is adjourned and carried to 2/10/10 subject to receipt of appropriate notice and proof of publication.

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

Application for soil removal permit

Hearing was commenced on January 13, 2010.

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

Mr. Santini indicated that applicant had agreed to have the trees marked as requested by

the Board. Applicant has provided a map with the trees 6" and larger delineated thereon. Map was marked Exhibit A-6 – partial tree location survey.

Applicant's engineer, Thomas Bodolsky was re-called and remains under oath. Mr. Bodolsky described the tree location survey. He noted it also includes trees in the right of way or close to the properties on Ridge Lane. He indicated there are 150 trees shown that are 6" and above. Two trees are in the right of way, and 14 are on private property.

Mr. Bodolsky explained the vast majority of the trees are in or close to the stone row. Mr. Bodolsky indicated he spoke to a neighboring property owner, Mrs. Foley, who made a request to preserve some of the trees. According to Mr. Bodolsky the few trees close to the right of way on Cemetery Hill Road are not specimen quality.

The chairman announced a ten-minute recess.

The Board reconvened, and Mr. Bodolsky addressed Ms. Doyle's report of 1/22/10. Ms. Doyle recommended that the Board retain a certified tree expert to evaluate the trees along the road as to the impact of the soil removal. Mr. Bodolsky disagreed with the recommendation. He referenced one of the photos and its condition. Mr. Bodolsky noted the applicant is proposing to build a berm with no malice toward the trees.

Ms. Doyle's report dated 1/22/10 was marked B-2. Ms. Weaver referenced the report and noted that Ms. Doyle recommends some of the healthy trees be preserved. Consequently, Ms. Doyle is recommending a tree expert to identify which trees should be saved. Mr. Bodolsky pointed out they are before the Board for a soil removal permit.

Mr. Gleba clarified the Board is looking to hear from Mr. Bodolsky what trees are proposed to be removed and what trees saved.

Mr. Bodolsky addressed Mr. Gleba's recommendation to have a geotechnical review. Mr. Bodolsky noted that applicant had done 4 soil logs, and a number of grave sites had been excavated with no evidence of limestone. He referenced a report, which had been marked A-3. Mr. Bodolsky described the analysis completed, and noted gneiss rock, i.e. bedrock, as opposed to limestone. He contended there is no concern of a sinkhole. Therefore, Mr. Bodolsky contended there is no need for a geotechnical review. Mr. Gleba explained the reason for the item in the review letter and indicated he had spoken to Mr. Bodolsky. Mr. Gleba confirmed the soil logs would indicate carbonate rock is not an issue.

Mr. Gleba highlighted slope stability issues. He recommended a geotechnical expert on site during the excavation of the detention basin. Mr. Bodolsky agreed with this protocol. Mr. Gleba requested a technical repair detail be shown on the plans.

Mr. Bodolsky noted the rest of the comments are technical in nature. He indicated applicant preferred to revise the plans when the Board has provided its preferences.

Mr. Rossi invited member of the public to question Mr. Bodolsky.

Walter Luers, Esq., introduced himself on behalf of Lydia Schmidt. He said he planned to pose questions regarding stormwater drainage.

Mr. Luers asked whether the drainage basin is a dam. Mr. Bodolsky testified a portion is a dam, class 4. Mr. Luers asked why not a class 1? Mr. Bodolsky noted it required a certain drainage area and high risk consideration to be classified as class 4. Mr. Luers referenced A-2 as to where the dam would be located. Mr. Luers asked the consequences should the dam fail, would there be a loss of life. Mr. Bodolsky indicated he had not done any analysis as to the consequences of failure. However, he opined that he did not believe this to be a class 1 dam. Mr. Bodolsky noted the State has a Dam Safety Division that would classify the dam.

Mr. Luers asked about the cross drain. Mr. Bodolsky explained it is an existing drain.

Mr. Luers asked about the outflow of the drainage basin. Mr. Bodolsky pointed out there is an outflow basin, which would control the flow out of the basin. He described the working of the drainage basin. Mr. Bodolsky confirmed the design meets the State standards. He noted the flow is reduced.

Mr. Luers asked whether the existing drain is able to handle all flows. Mr. Bodolsky indicated it is not able to handle all flows, and applicant does not propose to do anything additional except to reduce the flow from the cemetery property. Mr. Bodolsky contended there are issues off site, which are not of applicant's making.

Mr. Luers asked what provisions had been made for the case of the outlet structure being blocked. Mr. Bodolsky explained there are 3 possible points of entry. Mr. Luers asked about the wall thickness of the inlet. Mr. Bodolsky indicated he would do this computation.

Mr. Luers asked how long it would take the drainage basin to drain. Mr. Bodolsky testified it would probably be 36 hours to drain.

Mr. Luers referenced the October 2009 storm water management report. Report was marked Objector 1 – 01. Mr. Luers asked for an explanation of Tables I and II. Mr. Bodolsky explained Table I is an inventory of existing land use conditions. Table II is an inventory of future land use conditions. Mr. Bodolsky described TC, time of concentration. The lower the number, the faster the water travels.

Mr. Luers asked if there was significant blockage, what provisions were made to drain the pond. Mr. Bodolsky noted no provision had been considered at the moment.

Louis Cicalese was called and sworn. Mr. Cicalese testified he is the president of the cemetery association, and the purpose of the land is to be a place of burials. Mr. Cicalese indicated he had had discussions as to leaving some trees in the stone row, and he would

be willing to plant some trees on the property. Mr. Cicalese indicated making the cemetery beautiful is part of his job, and he is receptive to including trees. Mr. Cicalese noted he had not been faced with buffering issues in the past.

Mr. Cicalese noted there is a fund to maintain the cemetery. He testified there are no setbacks except for a mausoleum. He pointed out the gravesites have been laid out and recorded. This is an old cemetery dating to the 1850's.

The need to build the detention basin is the reason for removal of trees. He indicated his job is to maximize the use of the land for gravesites. He indicated he believed there are additional burdens placed on the cemetery, which are inappropriate. This is a non-profit organization.

The detention pond is necessitated to handle increased flow generated as a result of tree removal. Mr. Cicalese had no idea how many trees had been removed. He described the balance between making gravesites and retaining trees. He testified there were 2 trees he believed should have been saved, but the purchasers did not want the trees to remain.

Cemetery act required registration in 1972. Mr. Cicalese observed maps were filed several years ago.

Mr. Gruenberg asked when the map dedicating the property was first filed with the State. Mr. Cicalese noted it was filed in 1972. Asked why a revised map was filed recently, Mr. Cicalese explained the lay-out of the graves was changed. Asked about a comparison of the maps, Mr. Cicalese said he did not have the originals. Asked whether there were graves located on this portion of the cemetery property, Mr. Cicalese said there were. Mayor Elbassiouny indicated maps had been requested. Mr. Cicalese contended he supplied whatever maps he had.

Mr. Santini clarified cemetery requirements are governed by the State Cemetery Board.

Mr. Gruenberg noted there are issues between the Township and the Cemetery. He explained the only thing before this Board is the soil removal permit. Mr. Gruenberg pointed out that there are notices of violations pending in Municipal Court.

Mr. Cicalese confirmed burials have been ongoing in this area since the 70's.

Mr. Rossi invited members of the public to question Mr. Cicalese on his testimony.

Mr. Luers introduced himself on behalf of Ms. Schmidt. Mr. Luers asked whether people bring items to gravesites, and Mr. Cicalese confirmed things are left at the gravesites and sometimes there are fires.

Marie Thorsen introduced herself. She asked how many gravesites there are in the established part of the cemetery. Mr. Cicalese said he did not know. He suggested perhaps 10,000. On the remaining portion, Mr. Cicalese would not conjecture how many

gravesites.

Thomas Prisque of 5 Osprey Court asked how large the cemetery. Mr. Cicalese said it is approximately 21 acres with 14.7 acres in the Township.

Thomas Thorsen asked whether it is the intent to remove all the trees. Mr. Cicalese said the intent is to remove the majority of the trees, retaining the larger trees.

David Foley, Ridge Drive, asked whether it is the intention to clear all the trees in the area of the detention basin. Mr. Cicalese confirmed that it is the intent to clear most of the trees except for the larger specimen trees.

There were no additional questions.

Mr. Santini asked for a clarification as to the need for a tree expert. Mr. Gruenberg indicated he had not heard the intent for actually keeping trees. Mr. Cicalese testified it is the intention of keeping 18" trees as delineated on the tree survey. In addition, Mr. Cicalese will retain the trees on the stone row.

The Board asked for the trees that are to remain to be specifically identified. Mr. Santini indicated it was his understanding that the applicant should retain a tree expert to accomplish this.

Mr. Gruenberg noted the Board is looking for a plan. Mr. Cicalese indicated applicant had been rushed to appear before the Board.

Applicant will present a tree preservation and buffering plan. It was recommended that applicant hire a State forester to prepare a plan and attend the meeting to offer testimony.

The hearing is continued to February 24, 2010, with no further notice required.

### ***EXECUTIVE SESSION***

Motion to go into executive session to discuss litigation was made by James Vergos 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 at 9:55 pm.

### ***OLD BUSINESS***

***NEW BUSINESS***

Board will entertain sign ordinance review at the next meeting.

***ADJOURNMENT***

The meeting was adjourned at 10:00 pm.

These minutes were approved 2/24/10.

Alice Oldford, Secretary to the Board