

**WASHINGTON TOWNSHIP LAND USE BOARD**

**PUBLIC MEETING MINUTES**

**November 18, 2009, 7:30 p.m.**

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

Chairman Leonard Artigliere called the meeting to order at 7:30 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*. 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: Leonard Artigliere, Robert Christine, Evan Howell, Robert Klingel, James Vergos, Erich Sodtalbers, Robert Finke, Efrem Zaret

Absent: Samir Elbassiouny, Mark Rossi

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

***APPROVAL OF MINUTES***

Motion to approve the minutes of November 11, 2009, was made by James Vergos and seconded by Robert Finke.

Members in favor: Robert Christine, Evan Howell, Robert Klingel, James Vergos, Erich Sodtalbers, Robert Finke

Members abstaining: Leonard Artigliere, Efrem Zaret

***RESOLUTION***

***Asbury Farms/Shop Rite***, Application #2009-9 and #2009-10  
Block 65.01, Lot 1 and Block 65, Lots 2 and 4

Mr. Vergos assumed the chair

Recused: Efrem Zaret, Leonard Artigliere

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

Mr. Gruenberg said the resolution had been reviewed by the Board professionals.

Motion to adopt was made by Erich Sodtalbers and seconded by Robert Klingel  
Members in favor: Evan Howell, Robert Finke, Robert Klingel, James Vergos, Erich Sodtalbers, Robert Christine

## **EXTENSION REQUEST**

***Anna McClement/Bay Storage***, Application #2005-11  
Block 40, Lot 14.01

In November 2008, applicant was granted a one-year extension to 1/25/2010.  
Applicant seeks a three-year extension from that date.

Mr. Gruenberg explained only two extensions may be granted. Therefore, in this case one additional one-year extension may be granted.

Mr. Artigliere indicated basis for the request must be provided for the Board to act. Although the Board prefers an appearance by the applicant, the Board could accept a written request. Board Secretary was asked to communicate with Ms. McClement to ask her to provide reasons or preferably an appearance.

Motion to direct the secretary to reach out to the applicant was made by James Vergos and seconded by Efreem Zaret.

Motion was approved on voice vote.

## ***PUBLIC HEARINGS***

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

Variance Plan

Mr. Sodtalbers and Mr. Klingel recused themselves.

Mr. Gruenberg explained there is a consent order of remand from the Court.

Requisite fees having been paid and jurisdiction established, Debra Nicholson, Esq., introduced herself on behalf of the applicant.

This application has been before the Board previously and members have had the opportunity to review the transcripts.

Members eligible to vote: Efreem Zaret, James Vergos, Leonard Artigliere  
Robert Christine, Robert Finke, and Evan Howell must read the transcripts.

Mr. Gruenberg explained that all variances must be approved, including the steep slope ordinance, which was the basis of the appeal.

Ms. Nicholson decided to move forward with the application pending members reading the transcripts.

Mr. Gruenberg read the consent order into the record. (Attach to minutes)

Ms. Nicholson indicated applicant has offered a conservation easement to protect the steep slope. She noted she believed that this addresses the concerns that had been raised. As to the Highlands, according to Ms. Nicholson, this lot is exempt from Highlands regulations.

On initial application it appeared the steep slope ordinance was the primary issue. With the new plans a conservation easement is included. She observed within the area of the conservation easement, a woodland management plan could be implemented.

Ms. Nicholson introduced John Hansen, P.E., who was duly sworn. His credentials were accepted by the Board.

Mr. Hansen offered an overview of the plans, which have been submitted to the Board. Mr. Hansen referenced sheet 2. He indicated plans had been prepared under his direction. This is a land locked parcel served by a long driveway. There are some wetlands on the property. There are percs acceptable for septic installation. Property will be served by well and septic. The disturbance has been diminished. The location of the house has been altered to limit the disturbance.

Applicant proposes a conservation easement on adjoining property. The property consists of 10.7 acres. Mr. Hansen has analyzed the slopes on the conservation easement. He introduced an exhibit marked A-1. Mr. Hansen observed applying the slope ordinance to the conservation easement 4.45 acres remain unconstrained. Effectively this increases the subject property to 7.24 acres. This property would disturb less than 1 acre of land. Certification of Highlands exemption will be provided.

Mr. Hansen was asked about the calculations for increasing the property that is the subject of the application.

He explained since the lot is exempt because it was created prior to the Highland Act. Merging the lots would negate the exemption.

The public was invited to question Mr. Hansen.

Jonathan Knittel, 134 Jackson Valley Rd., asked about the Highlands exemption. He referenced wetlands permits that will be required. Although this is a major development, it will be exempt from Highlands regulations according to Mr. Hansen. Asked about the

regional master plan, Mr. Gruenberg indicated the Township is within the time period for considering the regional master plan. Asked about LOI, Mr. Hansen said applicant had not as yet applied for same. Mr. Hansen explained LOI would be sought if the application is approved. Asked about storm water run-off, Mr. Hansen indicated applicant had agreed to extra storm water measures satisfactory to the Board engineer. Warren County Soil Conservation exempts single lots from soil conservation approvals. Mr. Gleba confirmed that the applicant would have to submit to Warren County Soil Conservation.

Mr. Knittel asked about the continuation of litigation. Ms. Nicholson explained the terms of the court order and the remand. Mr. Knittel asked about mitigating the run off from the proposed building lot. Mr. Hansen explained plans had been revised to handle sediment control and soil erosion. Mr. Knittel questioned re-charge areas. Mr. Hansen explained the applicant's concurrence with the conditions cited in Mr. Gleba's letter.

Erich Sodtalbers asked procedural questions, to which the attorneys responded.

Mr. Vergos questioned maintaining a height of 15' on the trees. Mr. Gleba explained that it will be handled.

Ms. Nicholson explained the conservation easement was the only route to address the Highlands exemption. Mr. Kendra owns the lot on which the conservation easement is proposed. Mrs. Kendra owns the lot on which the residence is proposed.

Approval would include conditions to satisfy outside agencies, including NJDEP and Highlands.

The hearing was carried to December 16.

**Snedeker, Peter**, Application #2009-11  
Block 40, Lot 51

Application seeks relief from front yard setback for proposed porch construction to the existing dwelling. Proposed distance is 28' where 40' are required.

Having paid the requisite escrow fees and jurisdiction having been established

Peter and Sarah Snedeker were duly sworn. Ms. Snedeker disclosed they are proposing to re-construct and extend the front porch. No further encroachment is proposed.

Applicant contended this property is within the planning area and exempt from the Highlands regulations.

Ms. Snedeker indicated other homes in the neighborhood are actually closer to the road than their home.

Ms. Snedeker observed the location of their house is an existing hardship. She noted there are drainage issues, which will be resolved. Mr. Snedeker confirmed that the porch will conform in appearance with the neighborhood. There have been no complaints from the neighbors based on the plans submitted.

There being no questions or comments from the public, a motion was made by Efrem Zaret and seconded by James Vergos that the hearing be closed with all members in concurrence.

Motion to approve with usual conditions was made by Erich Sodtalbers and seconded by James Vergos.

Members in favor: Leonard Artigliere, Robert Christine, Evan Howell, Robert Klingel, James Vergos, Erich Sodtalbers, Robert Finke, Efrem Zaret

### ***OLD BUSINESS***

### ***NEW BUSINESS***

- The Board entertained discussion for requesting professional RFP.

Mr. Gruenberg explained the process options – informal or formal.

Mr. Artigliere commented on this Board's practice. It was noted the Board had not done a formal request in the past. The Board concurred if there is a problem, it should be discussed directly with the professional. Mr. Sodtalbers noted he is satisfied with Board professionals.

Mr. Klingel indicated the Board had done this informally in the past.

There was agreement that consistency with the professionals at this point in time is important.

- Motion to notice meetings for January 6 and January 13 was made by Erich Sodtalbers and seconded by James Vergos with all members in favor.
- As to transcripts in the Kendra matter, Mr. Artigliere will email to Mr. Finke and Mr. Zaret. Mr. Christine took home a hard copy. My Howell will review when the copy comes back to the office.

### ***ADJOURNMENT***

The meeting was adjourned at 9:15 pm.  
These minutes were approved December 9, 2009.

Alice Oldford, Secretary to the Board

