

**WASHINGTON TOWNSHIP LAND USE BOARD**

**PUBLIC MEETING MINUTES**

**December 16, 2009, 7:30 p.m.**

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

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*. 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, Samir Elbassiouny, Robert Christine, Evan Howell, Robert Klingel, James Vergos, Erich Sodtalbers, Robert Finke, Mark Rossi

Absent: Efrem Zaret

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

***APPROVAL OF MINUTES***

Motion to approve the minutes of December 9, 2009, was made by Erich Sodtalbers and seconded by James Vergos.

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

***RESOLUTIONS***

***Floyd Opdyke***, Application #2008-19  
Block 67, Lots 58, 59 & 60

Extension of 190 days from November 19, 2009, to perfect the minor subdivision.

Members eligible to vote: Leonard Artigliere, Robert Christine, Evan Howell, Robert Klingel, James Vergos, Erich Sodtalbers, Robert Finke, Samir Elbassiouny, Mark Rossi, Efrem Zaret

Motion to approve extension was made by Erich Sodtalbers and seconded by Robert Klingel.

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

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

One-year extension to 1/25/2011 of preliminary site plan approval.

Members eligible to vote: Leonard Artigliere, Evan Howell, Robert Klingel, James Vergos, Erich Sodtalbers, Robert Finke, Samir Elbassiouny, Mark Rossi, Efrem Zaret

Motion to approve second extension of preliminary site plan approval was made by Mark Rossi and seconded by Robert Klingel.

Members in favor: Leonard Artigliere, Evan Howell, Robert Klingel, James Vergos, Erich Sodtalbers, Robert Finke, Samir Elbassiouny, Mark Rossi

### **Highlands Resolution**

Ms. Doyle explained the purpose of the resolution, which was prepared as a result of the joint meeting with the Committee regarding the Highlands initial analysis.

Language was revised: "Now therefore, Land Use Board urges the NJ State Legislature and Governor-Elect Christie to suspend the restrictions . . .

Typos were noted and revisions proposed and agreed.

Ms. Doyle will make the revisions.

Motion to approve was made by Erich Sodtalbers and Robert Finke

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

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

Minor site plan and sign variance

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

Mr. Gruenberg noted there is an escrow issue raised by applicant. Consequently, he has not prepared the resolution. Counsel for Hess has extended the time for the Board to act to January.

***COMPLETENESS***

***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.

Aaron Zizzo appeared on behalf of the applicant. Mr. Gruenberg referenced the review letter.

Motion to deem the application complete was made by James Vergos and seconded by Robert Klingel.

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

This matter was scheduled for public hearing on January 13, 2010.

***PUBLIC HEARINGS***

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

Variance Plan

Mr. Sodtalbers, Mr. Klingel and Mr. Elbassiouny recused themselves.

This is a continuation of hearing commenced on November 18, 2009.

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

Ms. Nicholson introduced herself on behalf of the applicant.

Initially, Ms. Nicholson commended the Board on their careful consideration of the impact of the Highlands regulations on the Township.

Ms. Nicholson said her presentation was concluded on November 18, 2009.

She noted contiguous land has been dedicated as a conservation easement. Because of Highland issues, the lands cannot be merged.

Mr. Hansen, P.E., was introduced and remained under oath to answer questions.

Ms. Nicholson provided the driveway easement as a result of Ms. Doyle's report.

Mr. Gruenberg marked the easement as Exhibit A-2. Easement must be recorded if the application is approved.

There were no questions from members of the Board.

The public was invited to give testimony. Erich Sodtalbers, Jackson Valley Road, was duly sworn. Mr. Sodtalbers testified this lot is constrained with steep slopes and wetlands. The land was not remediated from prior use. He indicated these issues should be considered. As to the road access agreement, he asked whether there is a second easement across Mr. and Mrs. Kendra's property. Mr. Sodtalbers asked that the conservation easement be annexed should the Highlands regulations be repealed so that the Kendras cannot build additional homes.

Mr. Hansen and Board professionals noted that an annexation would require a lot line adjustment.

Ms. Nicholson noted that applicant would agree that the area within the easement would not be a part of any future lot for the sake of subdivision.

Mr. Sodtalbers observed that the size of the proposed home had been diminished. He indicated he would like the size of the home to be restricted.

Jonathan Knittel, Jackson Valley Road, was sworn. Mr. Knittel first said that he commended the Board's resolution regarding the Highlands. He expressed his frustration with the Highlands restrictions.

Mr. Knittel testified that he understands that the home is for the Kendra family use and he respects that use. He expressed the wish that the Board make a conscientious decision regarding the constrained land.

Ms. Nicholson noted this has been a long and painful process for the applicant as well as the neighbors. Mr. Artigliere observed that the Board makes decisions based on the land and not the owners.

The Board was primarily concerned with the steep slope ordinance and constraints. Ms. Nicholson observed that granting a conservation easement makes the proposal viable.

Motion to close the public hearing was made by James Vergos and seconded by Robert Finke with all members in concurrence.

According to Mr. Gruenberg three variances are involved.

Mr. Artigliere noted this is a remand to the Board based on litigation. Based upon the

concessions made by the applicant, Mr. Artigliere believes that the Township's chance of success in pursuing the litigation would be minimal.

Motion to approve the variance from minimum lot frontage on an approved road was made by Robert Christine and seconded by Evan Howell.

Conditions:

Footprint of the home is restricted to 3000 sq. ft. No further request for expansion.

Conservation easement should contain language that the area is not to be included as bulk area for any further subdivision.

Forestry management plan, exclusive of clear-cut, should be implemented on the conservation easement.

Members in favor: James Vergos, Leonard Artigliere, Robert Christine, Robert Finke, and Evan Howell.

Motion to approve a variance to permit one existing accessory structure, the largest designated on sheet 3 of 5 was made by James Vergos and seconded by Robert Finke.

Members in favor: James Vergos, Leonard Artigliere, Robert Christine, Robert Finke, and Evan Howell.

Motion to grant relief from the steep slope ordinance was made by Robert Finke and seconded by Robert Christine.

Members in favor: James Vergos, Leonard Artigliere, Robert Christine, Robert Finke, and Evan Howell

Ms. Nicholson will submit a stipulation of dismissal when the resolution is memorialized.

Report of Scarlett Doyle dated 12/1/09 and report of Bill Gleba dated 11/18/09 will be included.

***OLD BUSINESS***

***NEW BUSINESS***

Mr. Artigliere thanked the members of the Board for their service.

***ADJOURNMENT***

The meeting was adjourned at 8:40 pm.  
These minutes were approved 1/13/10

Alice Oldford, Secretary to the Board

