

**Township of Washington
BERGEN COUNTY, NEW JERSEY
Planning Board Meeting
Minutes
November 19, 2014**

Meeting Called to Order at 7:33PM

First Order of Business: Salutation to the Flag

Open Public Meetings Act: Read into the record by the Board Secretary.

Roll Call Taken:

Messrs. Dumaresq (absent), Golick, Murphy (absent), Pinnick, Sabino, Councilman Sears, Mayor Sobkowicz, Chairman Calamari

Also in Attendance: Board Attorney Robert Wertalik; Board Engineer Paul Azzolina; Board Secretary JoAnn Carroll

Approval of Minutes: Pinnick, Councilman Sears
November 5, 2014

Ayes: Golick, Pinnick, Sabino, Councilman Sears, Mayor Sobkowicz, Chairman Calamari

Motion to Open Public Portion: Councilman Sears, Sabino

Ayes: Golick, Pinnick, Sabino, Councilman Sears, Mayor Sobkowicz, Chairman Calamari

No Public Comment

Motion to Close Public Portion: Pinnick, Mayor Sobkowicz

Ayes: Golick, Pinnick, Sabino, Councilman Sears, Mayor Sobkowicz, Chairman Calamari

New Business:

Estate of Florence Konnor, 67 Salem Road, Block 1401.01, Lot 10: minor subdivision application; 3 lots.

Chairman Calamari: introduced the application and asked the representatives of the applicant to come forward.

Mr. Jerome Vogel, Jeffer, Hopkinson & Vogel, represent the estate with respect to the minor subdivision: stated Mr. Robert Weissman, engineer, was in attendance this evening; Mr. Weissman designed the minor subdivision plat; asked for Mr. Weissman to be sworn so he could testify.

Mr. Robert Weissman, Weissman Engineering, Midland Park, NJ: sworn in by Mr. Wertalik; gave his credentials and experience; licensed engineer in the State of NJ.

Mr. Vogel: stated he would like to submit Mr. Weissman as a qualified professional engineer.

Chairman Calamari: stated Mr. Weissman is accepted.

Mr. Vogel: asked Mr. Weissman if he undertook to design the minor subdivision at the request of the estate of Florence Konnor.

Mr. Weissman: stated yes.

Mr. Vogel: asked Mr. Weissman to describe to the Board the nature of the property and how he addressed the proposed minor subdivision.

Mr. Weissman: stated the proposal is to subdivide the property into three conforming lots all fronting on Salem Road; no variances requested; there is an existing dwelling that would be demolished as part of the final organization of the minor subdivision; lots conform in area, setbacks, width and depth; area requirements stated; the blocks and lots would be obtained formally from the Tax Assessor to finalize the subdivision; will finalize and formalize by submission of deeds to the County; will comply with all the items in Mr. Azzolina's letter; straight forward application; no variances requested; no improvements are proposed at this time.

Mr. Vogel: stated Mr. Azzolina mentioned in his report one aspect that needs to be resolved; there are three lots; the house sits on what essentially would be two lots of the three lot subdivision; the driveway is on what would be the third lot if the subdivision was approved; reviewed after the application was filed; there are multiple opportunities that may or may not occur; (1) three lot subdivision, sell the whole property, the house is demolished and someone comes and builds on three lots; (2) someone wants to keep the house and buys the two lots, keeps the house and then moves the driveway off of the third lot

and onto the two lots where the house is; (3) someone wants to just buy the third lot; in that instance the driveway would have to be moved; if granted, the Board could place requirements in the subdivision resolution that states as follows: (1) if the house remains on the two lots that the driveway must be moved before anyone can apply for a permit on the third lot; (2) if someone buys the two lots, they similarly have to remove the driveway from the third lot; in this case the Board would have control over the fact that whatever occurs meets all the requirements of the zoning ordinance; this is the best way he would address the suggestions made by Mr. Azzolina in his report; this is a subdivision that requires no variances; strictly in accordance with the Township's ordinances.

Chairman Calamari: stated the possibilities of what could happen have been covered; asked if the Board had any questions.

Councilman Sears: referred to item #5; spoke regarding only demolishing 50% of the house; asked how 50% could be left up and 50% be taken down; asked for clarification.

Mr. Weissman: stated Mr. Azzolina was just quoting a section of the code; a demolition permit would be required; it would be all taken down at one time.

Mr. Azzolina: stated what he was referring to with the comment regarding demolition is in this town that is actually a separate approval; the question is whether the applicant is applying for that approval at this time as part of this application.

Mr. Vogel: stated the direct answer is someone may come to buy the house and if they want the house they will have to buy both lots if they want to keep the house; there would be no demolition; if someone wanted to buy the two lots and build two houses, they would have to demolish the whole house.

Mr. Azzolina: asked if the purchaser would then come back to the Board.

Mr. Vogel: stated yes, they would have to come back to the Board.

Chairman Calamari: stated he did not know if Mr. Wertalik could include all these different situations in the resolution or just state that if any demolition is to take place it has to come before the Board; it is a given under our ordinance.

Mr. Vogel: stated he has not objection to that; believes it is consistent with the Township's ordinance; the Board will have the opportunity to look at it and also take a look at what will happen on the two lots.

Mayor Sobowicz: stated if someone buys the middle lot and they only want that piece, the driveway would have to be moved; she would prefer the driveway be removed at that time and not wait until someone waits and buys the other lot.

Mr. Vogel: stated that is correct; if someone buys the house and only buys the two lots on which the house is situated, the driveway has to be moved; if someone only buys the third lot the driveway also has to be moved; this comment was made in the review letter.

Mayor Sobkowicz: spoke regarding demolition of 50% of a dwelling and that the Township is very strict in regards to this ordinance.

Mr. Vogel: stated it can be stated in the resolution.

Chairman Calamari: opened up the meeting to the public for comments/questions.

Mr. Joseph Napolitano, 98 Douglas Drive: stated the back of his lot abuts lot #10; does not have a problem with the subdivision with the way it is at this time; concerned about drainage when the lot will be developed; reviewed the plans; PE in NJ; would like to see the drainage system for the lot; 16-17 ft. higher than his property.

Mr. Vogel: stated he had worked with Mr. Napolitano 20-30 years ago; stated he would have no problem with stating in the resolution that when a building permit is applied for on that lot that notice be given to Mr. Napolitano so he would have the opportunity to review the plans and comment on them as well.

Chairman Calamari: stated he believed when someone applies to demolish a house, either because they bought one or two lots, etc., that would all have to take place in front of the Board anyway.

Mayor Sobkowicz: asked if Mr. Azzolina felt there were any drainage situations on the property.

Mr. Azzolina: stated he recognized what Mr. Napolitano was stating; it is factual; there is a difference in elevation from the properties on Douglas in general and the subject property; the subject property is higher; a purchaser would come back to the Board by nature of the Township's ordinances relative to a major soil movement permit; any house of size with a basement would require the movement of more than 400 cubic yards of soil which would precipitate an application to the Planning Board; in any event, the drainage is looked at even if it were only a Building Department application; the drainage would be studied and they would have to adhere to the standards of the RSIS so there is no major impact to the adjoining properties.

Mr. Napolitano: further discussed the storm drainage system and the impervious areas that would be added to the site.

Mr. Azzolina: stated typically the roof areas would be put into a seepage pit system; ideally with an overflow into the municipal storm drain system if available; the rear yard area, assuming they would be landscaped lawn areas, that would be essentially unchanged; if there is additional impervious surfaces in the rear yard, they would have to be controlled as well.

Ms. Nancy Nash, 106/110 Douglas Drive: stated she backs up to both lots; agrees with Mr. Napolitano; has had trouble with water in her backyard; has a seepage pit on her property; believes it is a good idea for the new homes to have seepage pits as well; stated when she purchased the home at 106 Douglas Drive, the Konnors diverted the pipe so it seemed to solve her problem, but it is going into the woods next to Mr. Napolitano's property at this time; asked for an explanation of how the lots could be subdivided if the house is still standing.

Mr. Vogel: stated the intention is to have the availability of the estate to sell it; it is obvious that if the three lots were sold to a developer and he will built three houses you would knock the house down; as stated earlier, what happens if someone comes along and wants to keep the house; that person would have to purchase the two lots; if the subdivision is granted, that house would sit on two lots; if someone buys it they would make it into one lot and take the line out.

Chairman Calamari: stated, for clarification, the application is for a subdivision into three lots; if the Board approves it, it will be subdivided.

Mr. Vogel: stated it will be subdivided, but three lots will only be built on if the house is demolished; as a function of law it would be three lots, but the house would be sitting on two lots; stated he invites to have a provision in the resolution that the neighbors adjacent have a chance to comment on the drainage, etc.

Mayor Sobkowicz: asked what would happen if someone wanted to do that; asked if the lots are put back together.

Mr. Azzolina: stated no; it would be a lot consolidation; it is not a subdivision; handled internally by the Tax Assessor.

Ms. Sharon Spies, 81 Salem Road: stated she abuts one of the lots; spoke regarding the demolishing of the existing home and the building of new homes; asked about setbacks.

Chairman Calamari: asked Mr. Azzolina if an application would have to be made to the Board to build a new house on any one of the lots.

Mr. Azzolina: stated as long as they comply with all the ordinances and the building codes.

Mr. Azzolina: stated chances are they will be applying to this Board for major soil movement in any case; the neighbors would be noticed as part of that application; doesn't know when that would take place.

Mr. Spies: asked about side yard and rear yard setbacks.

Mr. Azzolina: stated it is not the distance from the house but from the property line; then there is a setback on Ms. Spies' property which, with the assumption it is in the same range, the separation between the houses would be 35 ft. minimum.

Mr. Weissman: stated the planner shows the lot line then he shows a building envelope on which the building could be built; shows the area on a lot where a house could be built.

Mr. Spies: stated her home is setback 60 ft. and this conceptual home is 50 ft.

Chairman Calamari: stated, as Mr. Azzolina just said, the development of a house that size would have to come back for a soil movement permit; the neighbors will be re-noticed.

Mr. Azzolina: stated all the major items in his report had been covered; there are some minor technical issues that need to be added to the plan; Mr. Weissman has agreed to take care of them; would like Mr. Weissman to speak regarding the waivers.

(Conversation had at this time between Mayor Sobkowicz and Ms. Spies regarding the setbacks of the properties; Mayor Sobkowicz stated there should be some consistency along the frontage of the homes)

Mr. Vogel: stated that is not what the ordinance provides.

Chairman Calamari: stated the Board has encountered this before; and the applicant usually will try to “not be stuck out in front” of the rest of the block.

Mr. Weissman: stated he doesn’t know what the rest of the block looks like; stated the road is on a curve so it would be difficult to detect a differential of even 10 ft.

Mr. Vogel: stated to make it consistent with the Mayor’s request, the resolution should state that the setbacks of any houses on the three lots are consistent with the setbacks in the neighborhood.

Chairman Calamari: stated it is a good idea, but the Board cannot make ordinances.

Ms. Spies: asked about the 60 ft. setback of other homes in the area.

Mr. Azzolina: asked from where Ms. Spies was citing the measurement of 60 ft.

Ms. Spies: stated from her survey.

Mr. Azzolina: stated what is a 50 ft. setback will appear to be 60 ft. setback; there is 10 ft. between the curb line and the line to which setbacks are measured; doesn’t matter that there are no sidewalks.

Mr. Vogel: stated the resolution should state “consistent” which is not exact, but compatible; no finite number should be stated.

Mr. Weissman: stated de minimus waivers are being requested; requesting relief from depicting all streets, roads and streams and water courses within 500 ft. of the subdivision; no impact on the above; site waiver for the lots lines being non radial/non perpendicular; given the existing horizontal line with Salem Road, this is a reasonable request; waiver from sidewalk construction; no sidewalks in the area.

Motion on the application: Pinnick, Councilman Sears

Ayes: Golick, Pinnick, Sabino, Councilman Sears, Mayor Sobkowicz, Chairman Calamari

Chairman Calamari: thanked the public for their interest; stated the next meeting would take place on 12/3/14; asked Mr. Weissman if he would have the revised plans submitted to Mr. Azzolina in time for a resolution to be adopted on 12/3/14.

Mr. Weissman: stated he expected to have the plans submitted to Mr. Azzolina a week after Thanksgiving.

Mr. Azzolina: stated it would not be a problem if Mr. Weissman submits the revised plans to him on either Monday or Tuesday after Thanksgiving.

Chairman Calamari: stated there needs to be enough time for Mr. Azzolina to review the plans and for the Board Attorney, Mr. Wertalik, to prepare the resolution.

Motion to adjourn: Councilman Sears, Golick

All Board Members present approve Motion to Adjourn.

Meeting adjourned at 8:05PM

Respectfully submitted by:
JoAnn Carroll
Planning Board Secretary
November 20, 2014