

**Township of Washington
BERGEN COUNTY, NEW JERSEY
Planning Board Meeting
Minutes
December 4, 2013**

Call to Order: In compliance with the Open Public Meetings Act of the State of New Jersey, notification of this meeting has been published in the Ridgewood News, our official newspaper in the Township of Washington, notice has been advertised on the official Township of Washington website, and posted on the bulletin board at Town Hall.

First Order of Business: Salutation to the Flag

Roll Call Taken:

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

Motion to Open Public Portion: Dumaresq, Golick

Roll Call Taken

No public comment.

Motion to Close Public Portion: Pinnick, Sabino

Roll Call Taken

Approval of Planning Board Minutes:

October 2, 2013: Dumaresq, Golick

Ayes: Dumaresq, Golick, Pinnick, Sabino, Chairman Calamari, Mayor Sobkowicz

Abstain: Councilman D'Urso

March 30, 2011: Dumaresq, Golick

April 27, 2011: Pinnick, Golick

Ayes: Dumaresq, Golick, Pinnick, Sabino, Chairman Calamari, Mayor Sobkowicz

Abstain: Councilman D'Urso

July 6, 2011: Pinnick, Golick

Ayes: Dumaresq, Golick, Pinnick, Sabino, Chairman Calamari, Mayor Sobkowicz

Abstain: Councilman D'Urso, Golick

Roll Call Taken

New Business:

Motion to Approve 2014 Meeting Dates: Mayor Sobkowicz, Golick

Roll Call Taken

2014 Approved Meeting Dates:

January 8, 2014/ Reorg. Mtg.	January 29, 2014
February 5, 2014	February 26, 2014
March 5, 2014	March 26, 2014
April 2, 2014	April 30, 2014
May 7, 2014	May 28, 2014
June 4, 2014	June 25, 2014
July 2, 2014	July 30, 2014
August 6, 2014	August 27, 2014
September 3, 2014	September 24, 2014
October 1, 2014	October 29, 2014
November 5, 2014	November 19, 2014*
December 3, 2014	December 17, 2014*

All meetings are held on the First and Last Wednesday of each month, *except as noted. Meetings are held in the Municipal Courtroom, 350 Hudson Avenue and start at 7:30PM.

Ongoing Business:

Jack and Georgette Youssef, 443 Webster Avenue, Block 4519, Lot 7: applicant is seeking approval for a new home construction project.

Mr. & Mrs. Youssef are sworn in by Mr. Robert Wertalik, Board Attorney.

Chairman Calamari: asked for a review of the Youssef's application.

Ms. Georgette Youssef: stated their original application was for an addition on the property and the builder ran into problems; they are now seeking approval for new home construction; revised plans have been submitted.

Chairman Calamari: asked if the Youssef's had received Mr. Azzolina's report.

Mr. Paul Azzolina, Board Engineer: stated he emailed his report to the Youssef's that afternoon.

Mrs. Youssef: stated she had not received an email from Mr. Azzolina.

At this point in the meeting, a copy of Mr. Azzolina's report was given to the Youssef's for them to review; time was given for them to review.

Mrs. Youssef: asked for clarification regarding item #2 on Page 3 regarding proposed footings.

Chairman Calamari: stated that the Board needs to know what the footings will be under the new walls and will they conform to the plans; Chairman Calamari asked Mr. Azzolina for a more detailed explanation.

Mr. Azzolina: stated the earlier plans showed the footings staying in place along with the existing foundation wall; basement wall; current plans show new masonry walls in the cellar area; the question is does the 12 inch block fit on the existing footing or is the proposal for a whole new footing; he discussed this issue with the architect and he was unsure what the Youssef's plans were; plans show a whole new foundation; the earlier plans showed new block in the garage and the crawl space which has been constructed; the new plans show all new work in the main box; if this is not the proposal, the Youssef's need to speak with their architect; not an engineering issue, but an architectural/building code issue.

Mayor Sobkowicz: asked if the footprint building will be the same as it was originally.

Mr. Azzolina: stated the footprint is the same from what was approved by the Board in March; outside dimensions of the home are the same.

Mayor Sobkowicz: stated she had spoken with the Building Department and they were concerned regarding the footprint of the new building being the same.

Mr. Eugene Dumaresq: stated that the Youssef's architect should have been present.

Mrs. Youssef: stated she didn't feel it was necessary for her architect to be present since the only change where the walls being taken down.

Mayor Sobkowicz: asked if the garage on the property will be a 2-car garage and is that what the ordinance states needs to be on the property.

Mr. Azzolina: stated the garage complies with the Township's Ordinance; it is the same as what was originally proposed; it is bigger than what was existing on the property.

Mayor Sobkowicz: asked about a porch that was to be constructed.

Mr. Azzolina: stated the porch is the same as was proposed on the plans in March, but there was not a porch on the existing home; variance condition that setback would be 24.6 ft. as opposed to the requirement which is 30 ft; existing 27.6 ft.

Mayor Sobkowicz: spoke regarding Item D, front yard setback; asked if that was because of the open porch.

Mr. Azzolina: responded "yes."

Mayor Sobkowicz: spoke regarding the wetlands area; asked where the information regarding the wetlands come from; was it delineated that way.

Mr. Azzolina: stated that early in the Youssef's application he recommended the applicant's obtain a Letter of Determination from the DEP to see if their project could be done on the property.

Mayor Sobkowicz: asked if the wetlands area would show up on their land in some way.

Mr. Azzolina: stated that if you were to research the NJDEP IMap the wetlands would show up, but he is not familiar with what the applicant's level of due diligence was when they purchased the property; portion of the property is in the flood hazard area of the brook; a basement could not be put in the rear portion of the property because of the flood hazard area; proposed living space is above and open without a basement; in regards to the wetlands, the Youssef's applied and received a Letter of Interpretation called footprint of disturbance; proposing to construct a new home on the footprint of the existing building plus the deck area; they established a boundary that they were to honor during construction; established by the DEP; Mr. Azzolina's follow up letter to the Building Department and the Township Clerk regarding the soil movement, strongly recommended that the boundary is honored and a fence is erected; for whatever reason this was not done; once this came to his attention, plus the fact the house was taken down, the applicant was directed to install a

fence, which is now up; the applicant was instructed to remove the debris that was temporarily in the transition area; theoretical violation of that permit; upon researching the law further, it is a transition/buffer area that was disturbed, not the wetlands itself; regulations allow temporary disturbance for construction activities; this property has a long history with the Town; the rear yard section of the property was previously disturbed; does not know that the wetlands truly exist to the limits shown on the permit, but didn't matter for what was initially proposed; cannot tell exactly what was in the backyard, but the part that is now delineated wetlands appeared to have a swimming pool at some time; as long as the applicant honors the wetland area from this point on, believes this application can be handled without any further application to DEP, but he advises the applicant that they should adhere to that boundary; any future proposals for the rear yard area, the applicant needs to contact the DEP.

Mrs. Youssef: asked if it was allowable to temporarily disturb the buffer zone.

Mr. Azzolina: stated a temporary disturbance is allowed; a ladder would be permitted but any type of stockpiling would not be allowed; cited the section of the Freshwater Wetlands Act that states what can be done in the non-regulated area.

Mayor Sobkowicz: asked if the previous owner would have had the wetlands delineated on their survey.

Mr. Azzolina: stated "no", the wetlands were never an issue on this property; reason why the property is so infamous is the previous owner submitted a plan that showed frontage less than 100 ft. required which makes this a conditional use under the Town's Ordinance; site plan would have to be submitted; the prior owner did not have a wetlands delineation; the previous owner was not planning on doing any projects in the back of the property; Mr. Azzolina does have wetlands information for the piece of land behind this property; the other owner proposed to subdivide the property; they did a wetlands delineation and this extended onto the Youssef's property.

Mrs. Youssef: asked for clarification if the previous owners applied for a subdivision.

Mr. Azzolina: stated "no", the owner behind the Youssef's property applied for a subdivision.

Chairman Calamari: spoke regarding a survey possibly being required.

Mr. Azzolina: stated that under the uniform construction code, the applicants will be required to submit a foundation as-built to confirm that the structure is in the right setting on the property as shown on the plans; should confirm the

garage is in the right location; recommends that before the applicants get to redoing the foundation, the applicant's confirm what is constructed at the garage area is truly at 9.25 ft. and if they have to adjust, now would be the time to adjust; suggested the foundation location be done coincident with any layout that is done for the new footings and foundation walls.

Mr. Leonardo Sabino: referred to Page 2 of Mr. Azzolina's report, asked if testimony was heard from the applicant as to why the structure was taken down.

Mrs. Youssef: stated that once the construction was started, the walls were supposed to stay up; there was a problem with the wood; the contractor took it upon himself to take it down.

Mr. Sabino: asked how the Board would be ensured that this will not happen again; what is the assurance that the Youssef's contractor would not take it upon himself again to do any other unauthorized construction.

Mrs. Youssef: stated they want to get this project done and she can give her verbal promise that the project will continue as authorized.

Mayor Sobkowicz: stated the building department will be made aware that this is an outstanding issue.

Mr. Azzolina: stated the applicant is the builder as well.

Chairman Calamari: asked if there were any questions and or comments.

Ms. Rosa D'Ambras, 423 Colonial Boulevard: stated the Youssef's house was originally a cape with a breezeway to a one car garage; asked where the two car garage will be located.

Mrs. Youssef: stated the breezeway is going to be a part of the new house; the expansion will be to the right of where the garage was.

Ms. D'Ambras: asked if there would be enough room on each side of the house as to not bother other homes.

Mr. Azzolina: stating the Youssef's are seeking a variance; explained the new garage area; variance sought in March which was received; other side of the house there is a slight non conformity with the porch area; maintaining an existing setback which is a variance; slight deviation on the east side and a greater deviation on the west side of the structure.

Mayor Sobkowicz: asked what the previous owner had between the end of the garage and the end of the property.

Mr. Azzolina: stated the previous owner had 9.25 ft. to the car port; which is an open structure.

Ms. D'Ambras: asked what the garage ordinance was for this property.

Mayor Sobkowicz: stated the zone calls for a two-car garage; ordinance explained.

Councilman D'Urso: stated he is aware the former neighbors had complained to the Council about this property; asked why the applicant took it upon themselves to take the house down.

Mrs. Youssef: stated her husband is not the builder, the builder himself decided to take the house down; she has since fired the builder.

Mr. Azzolina: stated Mr. Youssef is the general contractor; framing contractor took it upon himself to take down the house; course of action would have been to call the Construction Official; would have been decided if it could have been taken down; could have directed them back to the Planning Board or took it upon himself to handle with his authority.

Mayor Sobkowicz: stated that more than 50% of the home was demolished without permission; there are two issues; not getting a permit to knock down more than 50% of the home and not getting a permit to do the work; a CO will not be issued until both violations are rectified.

Mrs. Youssef: stated she does have permits.

Mayor Sobkowicz: stated there was a stop construction order that was put on the property; the Building Inspector stated these violations need to be rectified.

Mrs. Youssef: stated she does have a permit and that permit was on the property at all times; stated she knows the house was in really bad shape and the neighbors were very frustrated and it just seems that they walked into this big mess and they are just trying to move forward, improve the house and move in.

Chairman Calamari: asked for a motion on this application.

Chairman Calamari: asked for a motion to approve this application.

Motion to Approve application: Golick, Sabino
Roll Call Taken

Chairman Calamari: stated a resolution would be prepared for the Planning Board meeting to be held on December 18, 2013.

Motion to Adjourn: Golick, Dumaresq

All Board Members present approve motion to adjourn.

Respectfully submitted by:

JoAnn Carroll
Planning Board Secretary
December 17, 2013