

**Township of Washington  
BERGEN COUNTY, NEW JERSEY  
Planning Board Meeting  
Minutes  
January 29, 2014**

**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. **Read Aloud by Board Secretary.**

**Meeting Called to Order at 7:35PM**

**First Order of Business:** Salutation to the Flag

**Roll Call Taken:**

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

**Also in Attendance:** Board Attorney Robert Wertalik, Board Engineer Paul Azzolina and Board Secretary JoAnn Carroll

**Public Portion**

**Motion to Open:** Sears, Murphy

**No Public Comment**

**Motion to Close:** Sears, Murphy

**Approval of Planning Board Minutes:**

December 18, 2013: Sears, Sabino: Roll Call Taken

January 8, 2014: Murphy, Sabino: Roll Call Taken

**All Board members present approve minutes.**

**Mr. & Mrs. Radoslaw Niewiarowski, 651 Colonial Boulevard, Block 3106, Lot 1:** application to open a Real Estate Agency in their home; home occupation.

**Ms. Joanna Niewiarowski:** stated she received information from the Planning Board and the Board Engineer's report as well; information sent to Board Secretary to distribute via email to the Board; she discussed with Engineer the appraisal that she has which shows a different square footage of her whole house and living space.

**Mayor Sobkowicz:** stated she read the information that the applicant sent; in addition, the Mayor was surprised by what was indicated on the assessor's card; stated there was a basement and the main building; stated the home is a split level and asked if there is another story on top of what was described.

**Ms. Niewiarowski:** stated there are three stories to the house; described the layout of the house.

**Mayor Sobkowicz:** asked what the square footage was of the top (third) floor.

**Ms. Niewiarowski:** stated the square footage of the entire home is 2,678.

**Mayor Sobkowicz:** referred to the part of the home that was used for the chiropractor's office; stated there were two rooms and a waiting area and that there is a storage area as well; asked if the storage area will belong to the home occupation space.

**Mr. Paul Azzolina:** stated that according to the documents submitted for review the answer would be no; asked the applicant if she would be using that space for her home occupation.

**Ms. Niewiarowski:** stated that if it was possible she would like to use the whole building for her office; the whole office was permitted in the resolution from 1990 for the chiropractor office; understands that she can only use 450 sq. ft; she can close the one room for her personal storage; then she will be using 456 sq. ft.

**Mayor Sobkowicz:** asked if the applicant intended to have any employees working with her.

**Ms. Niewiarowski:** stated that possibly in two years she would hire a part time secretary; there will not be a lot of people coming to her office; anyone coming to her office would be by appointment only.

**Councilman Sears:** asked if the applicant's business would primarily be run using her computer system with a listing of homes and if she would be the agent that sells the houses or notifies others of the sales.

**Ms. Niewiarowski:** stated she would be using laptops and phones; she does not need a lot of technology in the office.

**Councilman Sears:** asked if the applicant anticipated a lot of traffic coming to her business.

**Ms. Niewiarowski:** responded "not at all."

**Councilman Sears:** asked if any legal staff would be in her office; bonding staff.

**Ms. Niewiarowski:** stated “no”; when she worked in Paramus her visits to the office were only once per month.

**Councilman Sears:** asked if there were existing parking spaces at this time.

**Ms. Niewiarowski:** stated people would not park on the street; she also has three additional spaces just in case.

**Vice Chairman Golick:** asked for a basic characterization as what the applicant foresees her business to be.

**Ms. Niewiarowski:** stated she is the broker of record; she is totally responsible for what happens with this business; she will not have a lot of agents; small agency; she is not a “ReMax” or “Coldwell Banker” business; she just needs a small business to exist.

**Mr. Brian Murphy:** asked for confirmation that she would be the only agent in the office.

**Ms. Niewiarowski:** stated that at this time she is the only one in the office; broker; maybe in the future she would hire another agent to assist if the business grows.

**Mr. Murphy:** asked if any possible agents that the applicant would hire would work out of the office or basically their car.

**Ms. Niewiarowski:** stated they would work using the phone and/or laptop.

**Ms. Rosa D’Ambras, 423 Colonial Boulevard:** asked the applicant if she was a broker.

**Ms. Niewiarowski:** replied “yes.”

**Ms. D’Ambras:** asked if other agents would have to check in with the applicant at least once a month

**Ms. Niewiarowski:** stated that it depends on the broker; when she was an agent she didn’t have to check in; everything is done electronically.

**Ms. D’Ambras:** asked how many square feet will the home office occupy.

**Mr. Azzolina:** stated the square footage in his report was based on the property record which the applicant has demonstrated to him via appraisal reports is incorrect; square footage stated of 2,678 is the total living area of the existing dwelling; which includes this space as well; by code, you are allowed to use 15% of the living area not to exceed 450 sq. ft. so based on the revised square footage of 2,678, the theoretical max would be approximately 400 sq. ft.; recognizes this is an existing space which is 650 sq. ft. when using the outside dimensions that are reflected in the appraisal report; when the math is done it is a 50 sq. ft. difference which is relatively insignificant; the applicant

does have the ability to configure this space to reach whatever number the Board feels is appropriate; maximum is 450 sq. ft. if it was a larger house; 15% of this house, which is 400 sq. ft.

**Ms. D'Ambras:** asked if the applicant would be living in this home.

**Ms. Niewiarowski:** stated "yes."

**Mr. D'Ambras:** asked who would check to make sure the office is limited to the area approved; does not approve of this business in this area.

**Councilman Sears:** stated the Fire Inspection Bureau will do a yearly inspection of the property due to it being a home occupation; inspection is mandatory.

**Ms. D'Ambras:** asked how big the sign would be.

**Vice Chairman Golick:** stated the sign would be 10" x 18".

**Mayor Sobkowicz:** stated the applicant is asking permission of the Board to make part of her house a home occupation; if she were to rent a room that is an expansion of use; she is not renting to another party; she is following the ordinance; the chiropractor's office would have more people coming to the office; the applicant is not contributing to the traffic at all; there are already three spaces in the driveway; not a constant in and out; will be used a lot less than a doctor's office; this is an allowable home occupation.

**Ms. Niewiarowski:** stated she lives in the house and does not want a lot of crowds or traffic in the area.

**Vice Chairman Golick:** stated the engineer's report has been reviewed and he would like to know if the Board members accept all the items in the report.

**Mayor Sobkowicz:** stated the issue is if the applicant can use the storage room as part of her home office space.

**Mr. Azzolina:** stated that is one of the questions; the applicant is proposing to use three rooms; according to the applicant's building sketch there is room 1, room 2 and reception; total of 456 sq. ft.; according to Mr. Azzolina's numbers it is 494 sq. ft.; that is greater than the theoretical maximum of 15% of 2,678 which is 400 sq. ft.; in and of itself this is a deviation from the zoning ordinance; those three rooms would need interior partition walls to achieve that 400 sq. ft. maximum.

**Mayor Sobkowicz:** asked if 402 sq. ft. would be acceptable.

**Mr. Azzolina:** stated the difference would be a square foot or so; when you look at the existing room areas there is no way to say which rooms to use; have to take into account where the existing entrance is; there is a rear entrance; there

are logistical issues; the major decision for the Board is the usage of the space; which of these four rooms are going to be allowed for this home occupation.

**Ms. Niewiarowski:** stated she doesn't want to change anything; the building office space was approved; existing non-conforming; would like to leave the same way; if it can't be left the same way, she will close off one room with the exit outside; storage could be used as personal storage.

**Mr. Azzolina:** stated that more than one room would have to be closed.

**Mayor Sobkowicz:** referred to the applicant's sketch; asked if the exit shown is the exit the applicant wants her visitors to leave from.

**Ms. Niewiarowski:** stated what it means is that she will have to close the door; close the space for the storage; the first room would be a reception area and the second would be a conference room.

**Councilman Sears:** asked if the applicant would be eliminating a fire exit on the first floor.

**Ms. Niewiarowski:** stated she doesn't want to close; she wants to keep the door; if something happens, it is better to have two doors instead of one.

**Mayor Sobkowicz:** asked the applicant if she wants to keep the door closed unless there is an emergency.

**Ms. Niewiarowski:** stated "yes."

**Vice Chairman Golick:** asked if a notation could be placed on the door stating "emergency exit only".

**Councilman Sears:** stated that would be required.

**Mayor Sobkowicz:** stated the other three rooms would equal 456 sq. ft.

**Councilman Sears:** stated this space is existing at this time.

**Ms. Niewiarowski:** stated it is existing from the previous use.

**Vice Chairman Golick:** asked if a notation could be made in the engineer's report relating to isolating that room with the door that says "emergency exit only" that would tell you that it is not part of the home occupation use.

**Mr. Robert Wertalik, Board Attorney:** stated that would be advisable; there could be a supplemental paragraph added addressing this issue.

**Mr. Azzolina:** stated that rather than adding this to his report, it could be made a condition of the approval; this way there is a more permanent record than just an addendum in his report.

**Ms. Niewiarowski:** stated she accepts this condition of the approval of her home occupation.

**Mayor Sobkowicz:** asked if the Board could meet on Monday, February 3<sup>rd</sup> instead of Wednesday, February 5<sup>th</sup> due to the fact the Board Attorney is not available on the 5<sup>th</sup>.

**Ms. JoAnn Carroll, Board Secretary:** stated she would check with the Court Administrator to make sure the courtroom is available; in addition, notice would be published with the new date and time.

**All Board Members present confirm their attendance on Monday, February 3<sup>rd</sup> at 7:00PM.**

**Motion to Approve Application with change discussed:** Sears, Sabino  
**All Board Members present approve application with change discussed.**

**Resolution: BP Products North America, Inc., Property located at 615 Washington Avenue, Block 3203, Lot 33:** approval of soil movement permit application. **Read Aloud by Board Secretary.**

**Motion to Approve:** Sears, Sabino  
**All Board Members present approve Motion to Approve.**

**Motion to Adjourn:** Murphy, Sabino  
**All Board Members present approve Motion to Adjourn.**

**Meeting Adjourned at 8:20PM.**

Respectfully submitted by:

JoAnn Carroll  
Planning Board Secretary  
February 6, 2014