

PLANNING BOARD

Township of Washington
BERGEN COUNTY, NEW JERSEY
Planning Board Meeting
Minutes
July 31, 2013

APPROVAL DATE 8 28 13
SECRETARY J. Canale

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

Approval of Planning Board Meeting Minutes for June 5, 2013: Golick, Sabino

Roll Call Taken:

Ayes: Golick, Sabino, Sears, Chairman Calamari, Mayor Sobkowicz
Abstain: Murphy

Public Portion:

Motion to Open: Golick, Murphy

Roll Call Taken

No Public Discussion

Motion to Close: Sears, Sabino

Roll Call Taken

New Business

Mr. John Ferrara, 609 Woodland Court, River Vale, NJ, Application for Tentative Approval of Preliminary Minor Subdivision, 1154 Washington Avenue, Block 1102, Lots 7.01 & 8.01: applicant would like to construct house or sell lots to builder depending on market conditions.

Mr. Robert Wertalik, Board Attorney, swore in Mr. John Ferrara.

Chairman Calamari: stated that Mr. Christopher Statile, Engineer, will be substituting for the Board's regular Engineer for the Ferrara application.

Mr. John Ferrara: discussed his preliminary application for the property located at 1154 Washington Avenue; property consists of 2 lots and is about 61,000 square feet; zoning in that area is ½ acre; there is currently an older home on the front lot which was built in the 1950s which looks overgrown from the outside but is basically in good shape; the proposal is to leave the front lot with the existing house and put a house in the rear; access would be through a driveway that the two homes would share with a 48 inch diameter turn around area; an evergreen buffer would be added between the driveway and the homes that are on the west side of the property; the proposed house would be roughly about a 3,500 square foot home or whatever the market yields; would improve the property in the front lot and the home; he has contacted the owner of the home and has a contract with them pending the review by the Planning Board.

Chairman Calamari: asked if Mr. Ferrara had reviewed Mr. Statile's engineering report.

Mr. Ferrara: stated he had not received a copy. (Mr. Statile handed Mr. Ferrara a copy at this point in the meeting. Time was taken for Mr. Ferrara to review.)

Chairman Calamari: asked Mr. Ferrara's thoughts on Mr. Statile's proposal of side by side lots instead of front and back lots.

Mr. Ferrara: asked if this was an option or what would need to be adhered to.

Chairman Calamari: stated that Mr. Statile presented two alternatives and the side by side lots appear to be a better alternative because there would be virtually no variances required of any significance where the one alternative would require a street frontage variance, but with Mr. Statile's alternative he would have to demolish the house.

Mr. Ferrara: stated that he did not feel it was a necessity to take down the home on the front lot due to the structure of the home; the house is approximately 2,200 sq. ft. with a detached 2-car garage; a house of 3,500 sq. ft. was proposed for the back lot; the back lot is oversized for the area.

Chairman Calamari: stated that all three of the Township's emergency services like to avoid long driveways, and generally problems arise due to whose driveway is it and who is responsible for clearing off snow, etc. With that said, if a long driveway can be avoided, it should be.

Mr. Thomas Sears: stated the he, the Fire Director, reviewed this application along with the Fire Department and found it would be difficult to provide the tower ladder to the site and the whole street would have to be blocked off and no other emergency services would be able to get to the site. The length that they need to drop hose would be a problem. Once they are committed up that

driveway, no other emergency service vehicle would be able to get to the site. Mr. Sears referred to Exhibit B of Mr. Statile's report and the original proposal in Mr. Ferrara's application.

Mayor Sobkowicz: stated that she is in favor of the proposed two lots with 100 ft. frontage each with their own driveway. It is an opportunity for us to plan correctly. In addition, there is a sign on the property at this time that is not a real estate sign and that sign needs to be removed immediately.

Mr. Ferrara: stated the homeowner placed the sign on the property but he will let the homeowner know to remove it immediately. In addition, Mr. Ferrara stated that he was looking for an option so as to not demolish a perfectly good home.

Mayor Sobkowicz: stated the long driveway is not good planning and she has a problem with it.

Chairman Calamari: asked if any of the Board members had any questions for the applicant. He also suggested that Mr. Ferrara might want to take another look at this application and the alternatives suggested by Mr. Statile and try to make the project work with the lots side by side instead of the long driveway.

Mr. Ferrara: stated the economic situation plays a role in his decision; asked if a fire truck arrives at the current home, wouldn't it have to go down the driveway.

Mr. Sears: stated that the fire truck can come in straight from the street and the tower ladder could reach up to the street and it wouldn't have to try to make the bend; discussed how a rescue would be executed with the different plans proposed.

Mr. Ferrara: stated he appreciated the Board's time and its comments.

Chairman Calamari: stated that Mr. Ferrara can think over his proposal and come back in front of the Board.

Mr. Leonardo Sabino: asked if, as a Board, we were recommending Exhibit A.

Chairman Calamari: stated that the feeling is, even with a separate driveway, it would be difficult for an emergency vehicle to reach the back lot.

Mr. Ferrara: stated that Exhibit B could be revised to have an 80 ft. radius which is a standard cul de sac.

Ms. Rosa D'Ambra, 423 Colonial Boulevard: asked how long the driveway would be; who would be responsible for clearing the snow from the driveway and would there be a fire hydrant placed near the proposed home.

Mr. Ferrara: stated the driveway would be 200 ft. from the main road.

Mr. Sears: stated a hose would have to be dropped at the nearest hydrant and the applicant would have to pay a monthly fee to have a hydrant at the bottom of the street.

Chairman Calamari: stated the owner would be responsible for the cleaning of the driveway.

New Business:

Body Empathy, Mr. & Mrs. Tod Thorgersen, Washington Town Center, Block 3402, Lot 18/19/20: Application to open store in the Washington Town Center. (Therapeutic bodyworks and reflexology business.)

Mr. & Mrs. Thorgersen reviewed Engineer's report.

Chairman Calamari: asked the Thorgensens if any items in the Engineer's report looked like it would be a problem.

Mr. Thorgersen: stated "no."

Chairman Calamari: asked for Mr. Thorgersen to present his application.

Mr. Thorgersen: explained the business and that his wife is qualified to work in both China and the United States; they would like to provide the services to her clientele by having their own business; they will be offering 4 major types of services: table massage, foot sauna, foot reflexology and chair massage. The popularity of massage therapy has increased in the last ten years. Mr. Thorgersen explained how they chose the name of their business.

Chairman Calamari: referred to the Engineer's report, specifically page 3, item 9; asked for the four services to be defined and asked what the days and hours of operation would be.

Mr. Thorgersen: stated their business would be open 7 days a week from 10AM-9PM Monday through Saturday and 10AM-6PM on Sundays; they would like all their services to be by appointment only, but would accommodate walk ins if a therapist was available; the space will have 5 rooms which would conceivably have five massage tables; 4-6 people could receive foot massages at one time; if their business was fully booked, there would be 11 clients at one time but they are not anticipating this at the beginning; they will have a

receptionist working during all business hours, but will hire between 2-3 receptionists to cover the hours, but there will only be one receptionist at a time; not knowing what type of reception they will have, they are anticipating having three therapists to start and will hire more if the business proves to be busy; as of September 2012, NJ requires their therapists to be licensed; earlier they only needed to be certified; only licensed therapists would work at their business.

Chairman Calamari: asked if the Thorgensen's were in agreement with all of Mr. Dan Levy's (Township Health Officer) requests in his memo. The Thorgensen's provided a copy of their reply to Mr. Levy's memo to Mayor Sobkowicz, Mr. Robert Wertalik and Chairman Calamari.

Mr. Thorgersen: discussed the disinfecting of equipment and supplies; they will be selling no products; just services that encompass washing of sheets which will always be replaced after each client; they will be installing a washer and dryer on the premises; the stones used for the stone application to the body are washed after each use and alcohol is also used to disinfect them; therapists are instructed to wash their hands and arms after each patient to be thoroughly disinfected; they plan to wipe down, vacuum and clean their premises at least once per day; they have protocols in place for the disinfecting of items used on the premises; they attest to the fact that they will not perform any services other than what is listed in their business plan; they will submit, if warranted, a written statement expressing their willingness to have inspections done of any nature; therapist's licenses and their business license will be prominently displayed.

Mayor Sobkowicz: stated there was a lot of repetitiveness in the Body Empathy business plan. The Mayor further asked for the requirements necessary to qualify for a license as a massage therapist.

Mr. Thorgersen: stated there are currently three ways to become a licensed massage therapist; fulfill at least 600 hours of education; pass a national exam; have a license in another state and have it transferred to NJ.

Mayor Sobkowicz: referred to Mr. Thorgersen's business plan where he cites the most recent census which states that the Asian population is the second largest group in the Township by race, and the impression Mr. Thorgersen was giving was that the Asian population was a large portion of the Township when in fact it only makes up 6.5% of the population. The Mayor further discussed Mrs. Thorgersen's personal liability insurance and that she might have to give some information regarding how much the insurance is; the medical profession has been working with reflexology as of late; how would the Blue Laws affect their business.

Mr. Thorgersen: stated he has spoken to both Mr. Azarian and some of the merchants in the Washington Town Center and he was told that the government has not bothered any business to close down on Sunday since Hurricane Sandy. Mr. Thorgersen further stated that Massage Envy is open on Sundays.

Mayor Sobkowicz: stated that Mr. Thorgersen stated in his business plan that the Township is the center of Bergen County and that makes it convenient for customers to come to them from all over Bergen County, and this fact does not make it a more desirable application in her opinion.

Mr. Sabino: asked if either Mr. Thorgersen or his wife would be on the premises at all times during the hours of operation.

Mr. Thorgersen: stated their intention at the beginning of their business would be to have either himself or his wife on site.

Mr. Sabino: regarding the use of solvents and if they would be considered flammable and/or hazardous.

Mr. Thorgersen: stated that not all of Washington Town Center is equipped with a sprinkler system but his location is.

Mr. Sears: asked what type of chemicals would be used on the premises.

Mr. Thorgersen: stated that natural oils would be used.

Mr. Sears: stated the Fire Prevention Bureau is reviewing the application at this time.

Chairman Calamari: stated he does not want to hold up this application if the Board is satisfied with the information given.

Mr. Sears: stated he doesn't see any major issues that would hold up this application.

Ms. Rosa D'Ambra, 423 Colonial Boulevard: stated she is happy this business is coming to the Town; asked if each person working at the business will be licensed and that Mr. Dan Levy would check to make sure the proper people are working there.

Chairman Calamari: stated that Mr. Levy would be able to walk in anytime to make sure the proper people are working there.

Chairman Calamari: asked for a Motion to approve this application subject to approval by the Fire Prevention Bureau and by the Health Officer.

Requested a Motion to approve subject to approval by the Fire Prevention Bureau and the Health Officer: Sabino, Sears
Roll Call Taken: All members present approve application.

Chairman Calamari: asked what the anticipated opening date would be.

Mr. Thorgersen: stated he would like to open his business between September 15, 2013 and October 1, 2013.

New Business:

Fidelity Cemetery Association of Bergen County, NJ, Beth El Cemetery-Garden of Memories-Building 8, Pascack/Soldier Hill Road, Block 3702, Lot 1: application is for an addition to the existing mausoleum buildings; two story additions; 1st level: 23,317sq. ft.; 2nd level: 23,567 sq. ft.; Total: 46,884 sq. ft.

Mr. George Dougherty, Katz & Dougherty, attorney for applicant: introduced himself and Mr. Vincent Sweatlock, Engineer for the Cemetery.

Mr. Robert Wertalik, Board Attorney, swore in Mr. Sweatlock.

Mr. Dougherty: stated that Mr. Sweatlock has testified many times as an engineer and gave Mr. Sweatlock's credentials.

Chairman Calamari: stated that Mr. Sweatlock was accepted as an expert for the applicant.

Mr. Sweatlock: stated the application is for a 47,884 sq. ft. addition; this is the first application with a 2 story addition; discussed the footprint of the building and that it will be to the east of the existing mausoleum complex designated as Block 1 on his drawing; crypt count of the whole complex will be increased to 18,592 by the addition of 6,342 crypts; drainage; not connecting to the internal cemetery storm drain system; all run off will be retained at an underground retention system; during the numerous rainstorms recently, there has been almost zero runoff that is visible on the site; the site is exceptionally sandy and well drained and the drainage that is proposed is adequate and meets the requirements for the reductions and they will have zero possibility of overflow; the system has worked very well over the last ten years; parking situation; proposing to stripe an un-striped portion to provide ten new spaces plus 2 new accessible spaces; total would be 45 parking spaces at the site stretching from in front of building 1 to building 8; waiver from site lighting; one of the buildings has an exterior light; hours are such that there are very few visitors ever in the dark; only lighting visible are the interior emergency lights which are on a 24 hour basis; another item that he would like to ask for a waiver on

is the performance guarantee; it is an expense that is not insignificant to the cemetery; the bond requirements cost the cemetery approximately \$15,000; the cemetery has a long history of completing these projects within their property line; nothing they are doing affects the Township; it is in the cemetery's interest to get their work done; Paramus has waived the bond; posted soil movement and inspection fees; does not disagree with any minor revisions that were inadvertently left off the site plan.

Mr. Paul Azzolina, Board Engineer: asked for confirmation that the case law previously cited by former attorney is still applicable.

Mr. Dougherty: stated that pre-existing cemeteries are exempt from zoning.

Mayor Sobkowicz: asked if Mr. Azzolina thought the system in place for water retention was adequate.

Mr. Azzolina: stated that he believes the system is more than adequate.

Mr. Sears: asked for an explanation of the modification of the internal roadway.

Mr. Sweatlock: stated the roadway is approximately 25 ft; will reduce it to 22 ft. so there is a buffer for the new building to have a utility room; this road is not the primary road for funerals.

Mr. Sears: stated Fire Prevention needs to look at the application; it will be dark and he is concerned about no lighting around the building.

Mayor Sobkowicz: mentioned the performance guarantee.

Mr. Azzolina: recommends the performance guarantee.

Mr. Dougherty: stated that performance bonds are for applications that affect public roads; this plan does not affect traffic or any other issue that the Township has concerns for; the bond would guarantee the performance of this work; there are already many guarantees; if the job is not done, the CCO will not be issued; if not completed, the State Cemetery Board will also be after them; there will never be a time when a citizen will call and he/she is upset the cemetery has not finished their project; asked that the Council examine the bond issue.

Mr. Sweatlock: stated in previous applications there was no bond required; would like the bond to be reconsidered; nothing the cemetery will do will affect the outside of their gate line; there is no benefit for the Township to enforce the bond for the cemetery.

Mr. Azzolina: asked Mr. Sweatlock to explain the phases of construction.

Mr. Sweatlock: walked the Board through the construction process; he expected a continual construction sequence; would seek to occupy after Phase 1 is completed.

Chairman Calamari: asked how much of Phase 1 the project is.

Mr. Sweatlock: stated over 50%.

Chairman Calamari: asked what the timeframe was for the entire project.

Mr. Sweatlock: stated they would be actively under construction for two years.

Chairman Calamari: asked if the same method of temporary crypts would be used as with Building 6.

Mr. Sweatlock: stated “yes.” There is a certain area within the existing complex that is used to temporarily entomb and once the CCO is issued, then the remains are put in the crypts that were purchased.

Mr. Azzolina: regarding the south to north construction, asked if there will be a temporary wall.

Mr. Sweatlock: stated there will be a stucco/metal stud wall that would close off the hallway; the wall follows certain crypt and column lines in the building; there will be 2 exits in Phase 1 immediately after construction.

Mr. Azzolina: asked if there is a sprinkler system in the building.

Mr. Sweatlock: stated there doesn't need to be one; they are close to receiving DCA approval.

Mr. Azzolina: asked if the condition of the parking lot was in fair condition; was any thought given to resurfacing the parking lot.

Mr. Sweatlock: stated there is a road program in the cemetery and the parking lot would be fixed up and made presentable.

Mr. Dougherty: stated the bond money could be used towards the parking lot resurfacing.

Mr. Sweatlock: stated that most of the bonding companies are looking for completion and the cemetery is not a contracting company; the bond has to go through a contracting company.

Mr. Azzolina: offered the alternative of the applicant posting a letter of credit instead of the bond.

Mr. Sweatlock: stated that would be much more acceptable to the cemetery.

Mr. Azzolina: stated that the Township's code does not discriminate the type of performance guarantee that can be posted; as long as the Board and the Board's attorney are okay with the type of performance guarantee, he would be fine with it.

Mr. Azzolina: discussed the lighting, specifically at the immediate entrance.

Mr. Sweatlock: stated there are no exterior wall sconces and no up lighting; there is lighting under the overhang at the entrance.

Mr. Azzolina: asked if there is lighting by the proposed ramp.

Mr. Sweatlock: stated there are other ramps on the site that do not have lighting. In addition, Mr. Sweatlock stated the Cemetery feels lighting attracts vandalism.

Mr. Azzolina: asked if lighting could be on a timer system so it can be controlled.

Mr. Sweatlock: stated the Cemetery feels that the lack of lighting benefits them.

Mr. Sears: stated that for emergency services, lighting is beneficial.

Chairman Calamari: asked how many emergency service calls are made in one month's time at the Cemetery.

Mr. Sears: stated there have been six calls in the past four years, one being a lost child. Mr. Sears feels a motion detector would solve the problem. In addition, Mr. Sears asked if there is a fire alarm.

Mr. Sweatlock: stated he believes the other mausoleum is alarmed and has central service, but will check and provide that information.

Mr. Azzolina: asked for a discussion regarding the major soil movement application.

Mr. Sweatlock: stated that any soil removed will be relocated on the Cemetery grounds; typically any soil movement is done with one or two dump trucks internally in the site; no off site impact in terms of trucking or dirt being moved off the site.

Mayor Sobkowicz: asked for clarification regarding the lighting.

Chairman Calamari: regarding having six emergency calls in four years, he doesn't feel that many calls over that space of time would warrant lighting, but that is his opinion and the lighting issue would be up to the Board and a separate vote could be taken.

Mr. Dougherty: stated the bond would only drain money and the motivations for the Cemetery to finish their project are abundant.

Chairman Calamari: stated that the issue of a bond needs to be directed to the Township Attorney, and depending on his answer, the Board will take a separate vote regarding that waiver.

Mr. Dougherty: stated this is an exceptional case because the public street is not touched; all the work to be done will be internal.

Mayor Sobkowicz: stated she will speak with the Township Attorney regarding the bond issue.

Chairman Calamari: stated the applicant should have their chance to speak with the Township Attorney as well.

Mr. Bernard Golick: asked if there was any impact to the neighbors, i.e. unsightly appearance, etc.

Mr. Sweatlock: stated the opposite side of Soldier Hill Road is in Paramus; the trees on the Paramus side are already at a height were they are blocking any view; the majority of the homes are in Paramus; if site lighting is introduced, neighbors might complain about the lighting.

Chairman Calamari: asked if there was any reason why he would not be able to contact the Township Attorney by next week's meeting. If no, then the application will be carried over to next week's meeting.

Mr. Rosa D'Ambra, 423 Colonial Boulevard: asked where the new mausoleum will be located.

Mr. Sweatlock: stated if you are by the wetlands, you would hardly be able to see the development; the development is 158 ft. away from the property line.

Mayor Sobkowicz: stated she wanted to make the Board aware that Golden Orchards will be presenting in front of the Hillsdale Planning Board on August 14th seeking final approval; she has met with Northgate and the Township Attorney and Golden Orchards does not feel they need to come in front of the Township, but they do because they do have 4.5 acres in the Township; Mr.

Ken Poller is preparing to let Golden Orchards know that they need to come in front of the Township.

Chairman Calamari: asked if Golden Orchards has done anything in Hillsdale regarding water and Northgate.

Mayor Sobkowicz: stated she doesn't know and that Mr. Poller and she are attending the August 14th Hillsdale Board meeting.

Chairman Calamari: asked if they are using the old water system.

Mayor Sobkowicz: stated she doesn't know. In addition, Mayor Sobkowicz stated that the Town should be able to receive revenue because of the way the houses are situated; the Master Bedroom determines who gets the taxes.

Chairman Calamari: asked if the reason Golden Orchards felt they did not need to come to the Township is because none of their construction was being done on Township property.

Mayor Sobkowicz: stated that some of the construction is being done in the Township and just wanted to make the Board aware of the Golden Orchards situation.

Chairman Calamari: thanked the Mayor for the information.

Motion to Adjourn: Golick, Sabino

All Board members present approve motion to adjourn.

Respectfully submitted by:

JoAnn Carroll
Planning Board Secretary
August 6, 2013