

**TOWNSHIP OF WASHINGTON, BERGEN COUNTY
PLANNING BOARD – MEETING MINUTES
June 26, 2019 7:30 PM**

CALL TO ORDER – Vice-Chairman, Tom Sears

SALUTE TO THE FLAG

OPEN PUBLIC MEETINGS ACT

Welcome to the regularly scheduled Public Meeting of the Township of Washington Planning Board. Adequate notice of the meeting was given in accordance with the Open Public Meetings Act to the Bergen Record newspaper and The Ridgewood News. This notice has been posted on the Township Bulletin Board and on the Township Web Site.

Please notify the Planning Board Secretary for any disability requirements necessary for attendance at Planning Board meetings. The fire exits are located through the double doors to your right and through the door on your left. Please silence all cell phones.

ROLL CALL: Mr. Pinnick, Mr. Sabino, Mr. Sears, Mr. Vinagre, Councilman Cumming, Mayor Calamari

Also present: Board Engineer-Paul Azzolina, Board Attorney – Louis Lamatina, Esq.

MOTION TO OPEN THE PUBLIC PORTION:

Motion: Vinagre Second: Councilman Cumming

ROLL CALL: Mr. Pinnick, Mr. Sears, Mr. Vinagre, Councilman Cumming, Mayor Calamari.

Vice-Chairman Sears asks if any member of the public wishes to speak.

Diane Grimaldi: 441 Van Emburgh Avenue. I was wondering if there has been any scheduling for the discussion of the Master Plan.

Mr. Sears advises July 31, 2019 will be the public discussion on the Master Plan.

Seeing no one else, Mr. Sears as for a motion to close the public portion.

MOTION TO CLOSE PUBLIC PORTION:

Motion: Vinagre Second: Councilman Cumming

ROLL CALL: Mr. Pinnick, Mr. Sears, Mr. Vinagre, Councilman Cumming, Mayor Calamari.

NEW BUSINESS:

JEFFREY PICINIC: RE: 669 Jacquelyn Road

Application of Jeffrey Picinic of 669 Jacquelyn Road, Block 2108/Lot 3, seeking “after the fact” approval as required to permit demolition of wood wall framing and construction of a new single-family dwelling atop the remaining portions of the pre-

existing, non-conforming structure with additions to the building footprint, together with retaining walls, new and expanded driveway areas, a roof drain collection system and a 1,000 gal. seepage pit.

Jeffrey Picinic, address 4 Colonial Boulevard, Twp. of Washington is sworn in by Mr. Lamatina.

Mr. Sears: Before we go further, I want to address the March 1, 2019 report of Mr. Azzolina – Item No. 6. – it does state – we do note, however, note that the Applicant’s Soil Moving Permit fee has not been paid. Has that been paid?

Mr. Picinic states that it has been paid.

Mr. Sears: Item No. 8 – did you remove any trees prior?

Mr. Picinic: No.

Mr. Sears: Would you please give us a synopsis of what you are planning to do?

Mr. Picinic: I am putting an addition on the current foundation of the existing and adding out and adding a 2nd floor.

Mr. Sears: Was the issue of the foundation and the walls taken care of – removing more than what the original plans stated? Has that been resolved?

Mr. Picinic: Not yet. That’s why I am here today.

Mr. Sears: But have you already removed portions of it?

Mr. Picinic: Yes, we have. There is 1 wall standing which is 38 feet – that I plan on taking down when I get to proceed.

Mr. Sears: So, prior to that – reading the report of Mr. Azzolina, your framer made a statement that he had to remove the walls – there was no notification to Mr. Azzolina prior to this?

Mr. Picinic: No. Yes, when we started the demolition, the existing walls were rotted and there was poor sheeting on the exterior, and for that reason it must have accumulated moisture over the years, so they ended up removing most of the walls that were supposed to stay existing.

Mr. Sears: And there was no notification to Mr. Azzolina that was being done?

Mr. Picinic: No.

Mr. Sears: Did you receive Mr. Azzolina’s report for tonight’s meeting?

Mr. Picinic: Yes, I have that in front of me.

Mr. Sears: Do you agree with it?

Mr. Picinic: Yes.

Mr. Sears: Paul, could you please give us a review?

Board Engineer: I refer my report to the Board dated June 21, 2019 – you should have received it by email. Section 1 is the history of the application – the application was originally submitted through the Building Department and received engineering approval from my office on October 29, 2018. Subsequently, Zoning approval on November 1, construction permits were issued on March 4 and ministerial soil moving permit on March 4, 2019. As part of the original approval, the Applicant's original plans and architectural drawings indicated that he was removing 57 ft. 8 in. of the perimeter of the 1st floor perimeter walls. Obviously, he went beyond those limits. On March 25, 2019 a stop work order was issued by the Construction Official. Just one correction – he would not have to notify me for framing issues – he should have notified the construction officials – that's who is in charge of – regulates the site. His framer should have been aware of that. That's why he is here – he is seeking, under our ordinance you are required Planning Board approval to demolish more than 50% of any existing dwelling. He is obviously beyond that limit, so now he is seeking an "after the fact" approval to allow that – which would be removing that one remaining wall on the north side of the dwelling, and then he proposes to maintain the existing foundation. So, the structure in its present location is non-conforming with respect to the front yard setback – it is deficient by approximately 8 inches. It is supposed to be fifty feet off the street line – it is 49 ft. and change. So, he is seeking to maintain, at the first-floor level, that existing setback of 49'8". Part of the discussions that I had with the Applicant and his architect during the initial review was, he could have left that in its place under the original application, but the second floor had to be setback at fifty feet. That was the plan back in October – to step back the second floor approximately a foot or so, so that, on the 2nd floor level, the new construction would comply with the 50 ft. setback. He is maintaining that design under the current proposal, but he would now require this variance to basically put back at 49.13 feet – he wants to re-establish the first floor – it is only a portion of the first floor. It is the northwest corner on the drawings. (Engineer asks Applicant if he has the architectural drawings with him – he does not.) I see the Board did receive the architectural drawings, so, the area that I am talking about... If you refer to sheet A-3 of the submittal, basically the living room is that portion of the dwelling that extends, encroaches upon the existing front yard setback of 50 ft. – that foundation wall. So, it is just for a length of approximately 20 ft. or so.

Mr. Sears asks Mr. Picinic if he agrees with the Engineer's assessment? Mr. Picinic replies that he does.

Board Engineer: As with all new construction, he is proposing certain site amenities – some retaining wall construction, he is re-doing the driveway, he has a stormwater management system that we find to be adequate. The one addition to this plan that was not depicted on the original plans – certain tree removals, which is another reason he needs to be before this Board. He is proposing to remove 6 mature trees from the property, so they were depicted on the revised plan from about a month ago,

and then supplemented yesterday with a tree replacement plan. The six trees that are to be removed – there are 3 in the front of the property, and 3 in the rear.

Mr. Sears: On the Tree Preservation and Landscaping under the Site Plan Review Comments, under Section 3 – “given the proposed removal of 11 trees”...

Board Engineer: That would be a typo on my part if it states that. It should say 6.

Mr. Sears: Okay – thank you for correcting that. So, you are well within the conforming of 2 to 1 replacement.

Board Engineer: The 6 trees to be removed are depicted on the site plan drawing – the 3 in the front are 2-36” oak, a 52” oak, and in the rear of the property – a 42” oak, a 36” oak and an 18” beech. Actually, the beech tree is to remain – there is another 60” oak in the vicinity of the proposed covered deck that is to be removed in the rear yard, so, 3 in the front and 3 in the rear – all very mature trees, some of which are in close proximity and would overhang the proposed dwelling. The Applicant has amended the application to include the 2 to 1 replacement. Obviously, they are smaller trees than what we are talking about. He is proposing to plan 4 white pines, 3 pin oaks, 2 red maples and 3 Norway Spruce. So basically, you have 5 deciduous and 7 evergreen-type trees. The building height is found to be compliant. One recommendation that I make is that, prior to advancing beyond the sheathing on the roof, that the Applicant be required to prepare a certification as to the height of the structure – because he is not at 30 ft. here – he’s at 26.79 ft. He has less than 17.5 ft. side yards, which would be required for a 30 ft. tall structure, so he needs to confirm that he is at that conforming elevation. The other recommendation in my report on Page 5 of 6, is the Building Sewer Connection is to perform a video inspection of the existing building sewer to confirm that it is still in good condition – you are going to have much larger demand with the number of bathrooms in the house, as compare to existing. And, just for the Applicant’s information – I don’t know if you are proposing this standby emergency generator, but if you are there, there are certain requirements of the Code that you would need to comply with if that is your intention – just be aware of that. Page 6 – Ministerial Soil Moving Permit is in effect and currently valid. If for any reason you need to open up the road for an increased size of service, then you would need to apply for road opening permits.

Mr. Sears: Do the Board members have any questions?

Mayor Calamari: Were any pictures taken of these walls that came down to show that they were in poor condition?

Mr. Picinic: I can take pictures of the existing walls that are standing...

Mayor Calamari: I have seen that one already...

Mr. Sears: The walls that you have taken down?

Mr. Picinic: No, I do not have any photos.

Mayor Calamari: My second question is – and I don't mean to put you on the spot, but I am going to. How can you assure the Board that you weren't just trying to do this work all along and... you know – without pictures, without notifying us - that you weren't planning on doing this and just hope to not get caught?

Mr. Picinic: My plan was to keep the existing walls and, under my direction, I told him to continue because I did not know it was going to be an issue with the Building Department. Yes, it was my mistake.

Mayor Calamari: I'm mostly okay with it. Obviously, I don't like to see mature trees going, where under the original one they would have stayed. Other than that – thank you.

Councilman Cumming: Who determined that the walls were not good enough to be kept?

Mr. Picinic: The framer, because he had to build up and additional foot on top of these walls, and...

Councilman Cumming: What are the framer's qualifications to make such a judgment.

Mr. Picinic: I just know from his previous work – other construction he has done in the past.

Councilman Cumming: Who is he?

Mr. Picinic: His name is Marcello.

Councilman Cumming: Does he have a last name?

Mr. Picinic: I do not know his last name?

Councilman Cumming: You do not know his last name?

Mr. Picinic: I do not know his last name - no.

Councilman Cumming: And Marcello told you these walls were not good?

Mr. Picinic: Yes.

Councilman Cumming: Do you have any experience that qualifies you to say that these walls are not sold or good enough?

Mr. Picinic: No.

Councilman Cumming: This Board has too often addressed mistakes of tree removal contractors, and now mistakes of framing contractors, whose name we don't know, who has no experience – less than this Board, less than anyone walking the street, and yet we are supposed to go ahead and give clearance to this kind of thing,

which will happen to us continually. Now there are Codes in the State of New Jersey – one Code is for renovation, where you leave a certain wall, and you are given more latitude, and freedom – right Mr. Azzolina? (he responds “yes”) – for the rebuilding of the existing dwelling. That’s what it’s for – it was brought in after [Hurricane} Sandy, so that people could have an easier time of it, and what we are doing is taking advantage – I take a dim view of that. I took a dim view of the tree removal for convenience on White Birches, and I take a dim view of this appeal of yours tonight. I think you think you are smarter than this Board, and you probably are.

Mr. Sears: Do you have an arborist’s report for the trees?

Mr. Picinic: I do not.

Mr. Sears: Can you supply this Board with the full name of the framer and their company so we can have it on record?

Mr. Picinic: Okay.

Mr. Sears: That was one my first questions asked of you, is how does the framer make a decision that he is going to take everything down without permission... and if he’s been in the business, he’s got to know the Code.

Councilman Cumming: He may be using the Code to his advantage, because it is less stringent than the New House Code.

Mr. Sears: I agree with you 100%, Mr. Cummings, that this needs to be stopped. Now – were there any fines issued over this?

Mr. Picinic: Just a “stop work” order.

Mayor Calamari: Tom, my understanding is fines may still be levied – that hasn’t been worked out yet, but it’s not like none will be levied.

Mr. Sears: So that is an open issue – the fines with the Building Department. Any other questions from Board Members. At this time, I would ask for a Motion to approve the Applicant’s request for construction on 669 Jacquelyn Road, including the variance – noting that there could be possible penalties issued for the removal of the walls, and we don’t have an arborist’s report for the trees – we would need that before any trees are taken down.

Board Attorney: Paul, is that accurate – the arborist’s report?

Board Engineer: If that’s the Board’s pleasure – yes.

Mayor Calamari: Well, he is claiming that the trees are diseased or anything?

Mr. Sears: We don’t know – we don’t have any report, so, we could go forward with the Applicant’s request – but he can’t remove any trees until we get back her and see the arborist’s report. That’s a decision the Board would have to make at this time. If we do enter an approval of the Applicant, that would have be a key item in the

Applicant's Certification to go forward, along with the name of the framer and his business, so we could have it on record, so we don't come into this scenario that they are just taking walls down without properly going through the Code.

Mayor Calamari: In addition to the name, can we also request that he tell us on his business letterhead, at least, that by whatever criteria he used, he deemed those walls to be "not repairable"?

Mr. Sears: Agreed.

Councilman Cumming: There's nothing left now. It's all gone in the dumpster, I am sure, and it's gone.

Mayor Calamari: Since he took them down, I would like at least a statement.

Mr. Sears: So, with that...

Board Attorney: Are we approving the removal at this point or not?

Mr. Sears: No, we are not approving until we get the arborist's report.

Board Attorney: So, will he be required to come back, or would Paul review the report?

Mr. Sears: Paul – will you be able to review the arborist's report and send it to us electronically.

Board Engineer: I can certainly review it, but I am not a certified arborist...

Mr. Sears: Well he would have to get a certified arborist report and send it off to you.

Board Engineer: Yes, I can read and understand the findings, but I wouldn't be able to rebut them in any way.

Councilman Cumming: You can forward it to me, and if I can make a reasonable and fair finding on it, I will.

Mr. Sears: I think that is satisfactory.

Board Attorney: So we are leaving the issue of removal up to Mr. Cummings...

Mr. Sears: Mr. Cummings and the Town Engineer.

Mayor Calamari: It would be the Board Engineer.

Mr. Sears: So, at this time, I would ask for a motion pending the additions that we added to the Applicant that he has to fulfill going forward.

MOTION TO APPROVE THE APPLICATION:

Motion: Mayor Calamari **Second:** Mr. Vinagre

ROLL CALL: Ayes: Mr. Sears, Mayor Calamari, Mr. Vinagre.

Nays: Mr. Pinnick, Councilman Cumming

Motion passes

Mr. Sears: So you understand the requirement going forward that you have to fulfill them before you do anything with the trees?

Mr. Picinic: Okay – yes.

Mr. Sears: Seeing no other items on the docket – just a reminder to everyone to review the Master Plan and get back to Barbara – I think everyone did. Thank you for doing that, and we will have that scheduled for July 31st. May I have a motion to close the meeting?

MOTION TO ADJOURN:

Motion: Mr. Pinnick **Second:** Councilman Cumming

ROLL CALL: All Ayes.

ADJOURNMENT – TIME NOTED: 7:58 p.m.

PLANNING BOARD

APPROVAL DATE 10/30/19

CHAIRMAN [Signature]

SECRETARY Barbara Coleman