

**TOWNSHIP OF WASHINGTON  
PLANNING BOARD**

**RESOLUTION**

PB-19-14

WHEREAS, Immaculate Heart Academy has made an application to the Township of Washington Planning Board for a conditional use for the property located at 500 Van Emburgh Avenue, in the Township of Washington, being Lots 1, 2, 2.01 and 2.02 in Block 1203 on the Township of Washington Tax Assessment Map and Lot 14 in Block 1303 on the Borough of Ho-Ho-Kus Tax Assessment Map;

WHEREAS, the Township of Washington Planning Board has reviewed the following:

- a. An application entitled "Township of Washington Land Development (Zoning) Application, Zoning/Engineering Approval" dated May 9, 2018;
- b. A "Township of Washington, Bergen County, New Jersey, Application for Soil Moving Permit" dated May 9, 2018;
- c. A Memo from the Township of Washington Tax Collector's Office dated May 3, 2018 certifying that the subject property is exempt from taxation;
- d. Correspondence dated May 30, 2019, as prepared by Donald Miceli, of Carella, Byrne, Cecchi, Olstein, Brody and Agnello, P.C., with Affidavit of Service and Certification of Service of notice to property owners attached thereto; and
- e. A set of drawings entitled "Immaculate Heart Academy" containing a total of eight (8) sheets (L-1-L-6, L6.1 & L-7) identified dated March 27, 2018 and revised through April 30, 2019 as prepared by Edward Clark, L.L.A of Flanders, New Jersey.

NOW, THEREFORE, the Township of Washington Planning Board makes the following findings of fact:

1. The applicant has notified all property owners within 200 feet of the subject property.
2. The applicant is for conditional use approval and bulk variance relief as required in connection with the proposed outdoor recreation access route with dedicated viewing area.
3. The property in question is identified on the current Tax Assessment Map as Lots 1, 2, 2.01 & 2.02 in Block 1302 and is situated on the west side of Van Emburgh Avenue approximately 600 feet north of the Township of Washington-Village of Ridgewood Municipal Boundary. The tract is also comprised of lands situated in the Borough of Ho-Ho-Kus (Block 1303, Lot 14). The hardscape and landscape improvements that are the subject matter of the proposed Application For Development are, however, wholly situated within the confines of the Township of Washington which occupies an area of 274,230 s.f. (6.29 acres) of the aggregate parcel containing 794,230 s.f. (18.23 acres).
4. The property in question is located within the "Class AA" Residential Zoning District and is subject to the further requirements for "Conditional Use" as set forth under Article XVI of Chapter 580 (Zoning) of the Township Code.
5. The subject Application for Development is filed with this Board in accordance with the requirements of Chapter 580 (Zoning) - Article XVI (Conditional Uses) - Section 94 (Application) of the Code of the Township of Washington which reads as follows:

The owner of an eligible lot who wishes to develop same, or to modify, alter or expand any existing structures thereon shall cause an application for a conditional use under this Article to be filed with the Planning Board of the Township of Washington in such form as may be fixed by the Planning Board, such application to include renderings and architectural plans for the proposed development, modification, alteration or addition which shall form part or any approval

granted by the Planning Board. Such application shall comply with any ordinance of the Township of Washington governing minor site plan review, as well as being subject to notice and a hearing as described in Article V and VI of Chapter 540, Land Development, of the Code of the Township of Washington. In the case of any owner of any eligible lot who wishes to develop same, such application shall provide data as to the eligibility of the lot under Section 580-93.

NOW, THEREFORE, the Township of Washington Planning Board makes the following conclusions:

1. The application is properly designated as an application for "Conditional Use" as set forth under Article XVI of Chapter 580 (Zoning) of the Township Code, and is hereby approved subject to the conditions set forth below.
2. The applicant's request, pursuant to Township Code Section 242-2 (entitled Definitions), wherein a Minor Soil Permit is defined as any soil permit which allows the movement of not more than 400 cubic yards of soil; 100 cubic yards of soil shall be moved under the subject application, is granted; and
3. The Applicant's proposal for tree removal, as depicted on the site plan marked as L-1 presented at the hearing and as modified during his expert's testimony before the Board on June 6, 2019, is hereby approved subject to the conditions set forth below.

NOW, THEREFORE, the Township of Washington Planning Board hereby grants the application of the applicant as submitted subject to the following:

1. The Applicant shall revise the plans and application documents in accordance with the Findings of the Board and as enumerated in the

body of the reports of Borough Engineer Paul Azzolina, P.E. and as agreed during the hearing. Specifically, applicant will abide by the comments set forth at page four (4) four, section 2 a) through c) of the Township Engineer's Report dated June 3, 2019

2. In the event the one (1) tree designated for removal is in fact removed, the applicant shall submit a plan to the Township Engineer for review and approval, which will designate the types of trees to be planted to replace the one (1) tree that is approved to be removed. Applicant shall replace the number of trees removed in a two (2) to one (1) ratio, replanting two (2) trees for every one (1) tree that is removed.
3. The plan as presented is found to comply with the bulk regulations applicable to this Zoning District, with the following exception, for which departures from the literal requirements of the Township's Zoning Ordinance, the applicant has requested variance relief as follows:

Maximum Impervious Coverage (\$ 580-95-B)

Required: 30.00%

Existing: 31.39% (existing non-conformity)

Proposed: 31.60% (variance condition)

The subject property is bisected by the Municipal Boundary between the Township of Washington and Borough of Ho-Ho-Kus. The Total Tract Area (i.e. Township of Washington Lot Area + Borough of Ho-Ho-Kus Lot Area) is equal to 794,230 s.f. (18.23 Acres). Existing Impervious Coverage is expressed as percentage of the Total Tract Area, i.e.  $249,289 \text{ s.f.} / 794,230 \text{ s.f.} = 31.39\%$ . The proposed Impervious Coverage is expressed as percentage of the Total Tract Area, i.e.  $250,047 \text{ s.f.} / 794,230 \text{ s.f.} = 31.60\%$ . The application, as presented, proposes a de minimis increase in impervious surface coverage to equal to 1,705 s.f.

The applicant's request for a maximum impervious coverage variance by reason of exceptional narrowness, shallowness or shape of the applicant's property and by reason of an extraordinary situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to N.J.S.A. 40:55D-62 et seq. would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the applicant of this property, is granted, so as to relieve such difficulties or hardship; and/or

The purposes of the N.J.S.A. 40:55D-2 would be advanced by a deviation from the zoning ordinance requirement and that the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

4. The Applicant shall conform to all the details of the plans and information as hereinabove set forth and to any revisions made hereto;
5. The Applicant concurs with all of the recommendations set forth in the reports of the Township Engineer dated April 29, 2019 and June 3, 2019 and perform accordingly;
6. As this application is not classified as a "Major Development, the applicant is not required to provide calculations demonstrating the adequacy of the proposed stormwater management system. The applicant was required to provide appropriate surface drainage measures so that removal of surface waters will not adversely affect neighboring properties or the public drainage system. Given the de minimis increase in impervious surface coverage and taking into consideration the existing retention facilities located at or about the northeast corner of the Athletic Field and adjacent stormwater collection and conveyance system located within the northwest corner of the property, the removal of surface waters as

depicted on the above referenced plans will not adversely affect neighboring properties or the public drainage system of the Borough of Ho-Ho-Kus.

7. The applicant shall provide calculations to demonstrate that the amount of soil to be removed from the site is approximately 100 c.y. If the volume of soil to be moved on site is less than the 400 c.y. cutoff figure for a ministerial permit, the application shall be classified as a Ministerial Soil Permit Application.

In accordance with the requirements of Township Code Section 242-7 (Soil Removal Fees), the applicant is required to post the following Fees and Deposits in connection with the subject application for the issuance of a Minor Soil Permit:

a) Application Fee	\$ 25.00
b) Engineering Review & Inspection Fee	\$ 350.00
c) Soil Moving Fee	\$ 25.00 (100 c.y @ \$0.25/c.y.)

The applicant must also obtain the written approval from the Township of Washington Police Department as regards the approved route of travel through the Township of Washington for any construction vehicles entering or exiting this site;

The Applicant shall obtain a Soil Erosion and Sediment Control Plan Certification from the Bergen County Soil Conservation District, if required.

8. The Applicant shall pay the costs of the Township Engineer, the Township of Washington Attorney and/or the Township of Washington Planning Board attorney associated with this application, and deposit sufficient funds for

payment with the Township of Washington  
Treasurer; and

9. The Applicant shall comply with all applicable municipal and governmental regulations affected the proposed development.

BE IT FURTHER RESOLVED, that the Secretary of the Planning Board is hereby directed to mail a copy of this Resolution to the applicants, and file a copy of this Resolution with the Township of Washington Clerk, and to cause a notice of this determination of the Planning Board to be published in the official newspaper of the Township of Washington within ten (10) days of the date hereof and thereafter published according to law.

Dated: June 12, 2019

BY THE BOARD

By:

  
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BRIAN MURPHY, Chairman

Certified to be a true copy of the Resolution adopted by the Planning Board of the Township of Washington at its meeting on June 12, 2019.

  
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BARBARA COLEMAN, Secretary