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Zoning Board of Adjustment
Township of Washington
Municipal Building
350 Hudson Avenue
Township of Washington, New Jersey 07676

August 11, 2020

Re: Lorraine Rubino
Proposed Single Family Dwelling & Lot Consolidation
Block 4308 - Lot 19 (#397 Fern Street)
Block 4308 - Lot 50 (Walnut Street)
Township of Washington
Our File No. WT-2582

Dear Board Members:

With respect to the above referenced Application for Development, please be advised that we are in receipt of and have reviewed the following items:

- Township of Washington, Bergen County, New Jersey, Zoning Board of Adjustment, Application For Variance (Form B) with attachments thereto identified as Addendum # 1 – 3, as received by the Township on June 24, 2020;

- Certification of Payment of Taxes dated June 25, 2020, as prepared by the Township of Washington Tax Collector's Office,

- An architectural drawing entitled "New Residence for Ms Lorraine Rubino 397 Fern Street, Township of Washington, Bergen County, New Jersey Lot 19 Block 4308" dated June 5, 2020, as prepared by John J Gilchrist Architect, of Montvale, New Jersey,

- A drawing entitled "Boundary and Topographic Survey, Lorraine Rubino, Block 4308, Lot 19, Township of Washington, Bergen County, New Jersey" dated December 20, 2019 and revised through May 4, 2020, as prepared by David Jamiolkowski, NJ P.L.S. of Costa Engineering Corporation, of Hackensack, New Jersey,

- A set of drawings entitled "Site Plan Lorraine Rubino Block 4308, Lots 19 & 50 9-11 East Passaic Street, Township of Washington Bergen County, New Jersey" consisting of:

Sheet #	Title	Date	Revision
1 / 5	Title Sheet and Area Map	04-21-20	-
2 / 5	Site Grading Plan	02-03-20	04-21-20
3 / 5	Lot Consolidation Plan	04-21-20	05-04-20
3 / 5	Soil Erosion & Sediment Control Plan	02-03-20	04-21-20
4 / 5	Construction Details	02-03-20	04-21-20

all as prepared by Costa Engineering Corporation, of Hackensack, New Jersey,

Pursuant to our review of the above referenced document and plan submittals in combination with our recent site visit; we offer the following comments at this time:

I. Location/Description of Tract

1. The properties in question are located within the "Class B" Residential Zoning District and are identified on the current Tax Assessment Map as Lots 19 and 50 in Block 4308. Lot 19 has a street address of #397 Fern Street and is classified as an "Interior Lot", being situated along the east side of Fern Street approximately 450.00 feet north of the intersection with Lincoln Avenue. Said lot has a rectangular configuration (50'wide x 100' deep) and occupies an area of 5,000 square feet (0.11 acres).

2. Lot 50, being surplus property formerly owned by the Township of Washington was recently conveyed to the applicant by the Township. Said lot is also classified as an "Interior Lot", being situated along the west side of Walnut Street approximately 475.00 feet north of the intersection with Lincoln Avenue. The subject property has a rectangular configuration (25' wide by 100' deep) and occupies an area of 2,500 square feet (.06 acres).

3. As accurately depicted on the "Lot Consolidation Plan", the northerly half of the consolidated parcel shall have frontage along two streets and is therefore classified as an irregularly shaped (i.e. having six sides) "Through Lot", whereby its primary street frontage shall be along Fern Street and its secondary street frontage shall be along Walnut Street. .

4. In accordance with an earlier application to the Township of Washington Planning Board for demolition approval (granted January 29, 2020), the existing 1 ½ Story dwelling and ancillary site improvements that were once situated on Lot 19 have been razed and all resultant debris has been properly removed from the site.

5. The site has been rough graded in an east to west direction and partially improved with the installation of approximately 175 linear feet of a low height (approximately 2' -3' high) conventional segmental retaining wall structure situated along the southerly and easterly limits of the consolidated parcel.

6. The Site Grading Plan must therefore be revised to accurately depict the limits and height of this structure as well as any proposed grading, landscape or fencing improvements to be situated on the former Lot 50.

II. Jurisdictional Issues

1. Notwithstanding the applicant's recent acquisition of the Walnut Street property correcting the Lot Area deficiency, the subject property retains its classification as a nonconforming lot with respect to the required Street Frontage.

2. The proposed redevelopment of this site is therefore subject to regulation under Article VI (Conditional Uses) of the Zoning Ordinance of the Township of Washington. In accordance with the requirements of § 580-92 of the Township Code, the lot in question is rightfully classified as an "Eligible Lot", which is defined at as follows:

   Eligible Lot – A lot which satisfies each of the requirements set forth in § 580-93, or a lot which has been developed, but which is presently nonconforming with the land use restrictions set forth in the Code of the Township of Washington.

3. Notwithstanding the fact that the Township Code Section 580-94, mandates that the owner of an "Eligible Lot" who wishes to develop the same shall cause an application for "Conditional Use" under Article XV to be filed with the Planning Board, we note that the when the proposed conditional use does not comply with all of the conditions, jurisdiction over such use lies solely with the Zoning Board of Adjustment, which must in this case determine whether or not to grant a variance pursuant to:

   - NJSA 40:55D:70.d.(3) – *deviation from a specification or standard pursuant to Section 54 of P.L. 1975, c.291 (C.40:55D-67) pertaining solely to a conditional use and*

   - NJSA 40:55D:70.d.(6) – *a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure. A Variance under this subsection shall be granted only by affirmative vote of at least five members in the case of a municipal board .....*

III. Applicant's Proposal

1. The applicant proposes to re-develop this property by constructing a new 2 ½ Story, 2,669 s.f., single family dwelling with a 17'-0 " x 6'-0" Open Covered Porch along the northerly portion of the front elevation of the dwelling and an attached (basement level) front–loading, one-car garage. In connection therewith, the applicant also proposes certain ancillary site improvements including, but not limited to:

   - new steps and landing providing the means of access between the driveway and the front entrance to the dwelling;
   - new stairs and platform along the rear elevation of the dwelling;
   - a segmental retaining wall system situated along a portion of the southerly boundary of the property and the northerly limits of the proposed driveway and
   - a Concrete Paver driveway.

IV. Zoning

1. The subject parcel is located within the Class "B" Residential Zoning District and subject to the further requirements for "Conditional Use" as set forth under Article XVI of Chapter 580 (Zoning) of the Township Code.

2. Given the dimensions of the property in its recently expanded configuration, the Zoning Schedule accurately identifies the following Preexisting Non-Conformities with respect to the requirements of the "Class B District":

   a) Minimum Street Frontage

Required:	75 feet (Section 580-22)
Existing & Proposed:	50 feet at Fern Street
	25 feet at Walnut Street

3. The proposed site design is found to comply with the applicable Bulk and Dimensional setbacks of this Zoning District, with certain exceptions, for which departures from the literal requirements of the zoning ordinance, the applicant is seeking Variance relief as follows:

   a) Maximum Building Height

   Permitted: 16.67 feet (Section 580-95C) – See Note 1.
   Existing: N/A
   Proposed: 31.0 – See Note 2.

   *Notes:

   1) For Conditional Uses, per Code section 580-95C, Maximum Height permitted is reduced by factor that is proportional to its street frontage: i.e. i.e. 50'/75' x 25' = 16.67'.
   2) 136.0' (Proposed Roof Peak) – 105.0' (Proposed Average Grade) = 31.0'. The proposed average grade was correctly stated as the arithmetic mean of the spot elevations accurately depicted at 10' intervals on the Site Grading Plan.
   3) The height of building, as presented, is noted to exceed by 6.0 feet (i.e. 24%) the maximum height permitted within the district (i.e. 25 feet) but is, however, noted to be substantially nonconforming when compared to the reduced building height standard of 16.67 feet associated with any such application for Conditional Use. **Applying the reduced building height standard** to the subject Application for Development shall then cause the magnitude of relief required in this regard to exceed by 14.33 feet (approximately 86%) of the maximum height permitted for a principal structure in connection with any such application for Conditional Use approval.
   4) In this same regard, we do, however note that the proposed roof peak elevation (136.0) is also approximately 9 (nine) feet above the ridge elevation (126.92) of the dwelling that was once situated on this property prior to its recent demolition.

b) Maximum Impervious Coverage

Required: 30% (Section 580-95B)
Existing: N/A
Proposed: 30.47%
*Notes:
1) Conditional Uses, Maximum Impervious Coverage as per Code Section 580-95B.

4. Pursuant to our review of the designs presented in the above referenced Architectural Drawings, we note the following additional non-conformity (i.e. Variance Condition) associated with the square footage of the proposed garage.

a) Minimum Garage Floor Area

Required: 500 s.f. (Section 580-84D)
Existing: N/A
Proposed: +/- 264 s.f.

*Notes:
1) A 1 car garage is permitted within the Class B District, however as per Code Section 580-84.D: *The total square footage of all garages, regardless of the number thereof, shall be within a permissible minimum and a mandatory maximum size. The permissible minimum shall be 500 square feet.*
2) In this regard we do, however, note that stated permissible minimum area is typical of a larger 2 car garage as opposed to the 1 car capacity otherwise permitted within the zoning district.

V. Lot Consolidation Plan

1. The above referenced "Lot Consolidation Plan" depicts the proposed removal of the boundary line separating Existing Lots 19 and 50, both located within Block 4308, whereby the consolidated parcel shall occupy an area of 7,500 s.f. (0.172 acres) and is to be identified as Lot 19.01 in Block 4308, subject to the further review and approval of the Township Tax Assessor.

2. We note that the encroachments depicted on this plan, including but not limited to: portions of a railroad tie planter, portions of a paver patio, a stone stabilized slope and a small section of 6' high vinyl privacy fencing have been recently removed.

3. The applicant's attorney is asked to apprise the Board as to the current status of any Deed previously filed or to be filed describing the limits of any such consolidated parcel consistent with the Descriptions of Property dated May 4, 202, as prepared by David Jamiolowski, PLS,

of Costa Engineering Corporation, which Descriptions were e–mailed to this office on May 5, 2020. .

VI. Site Grading Plan Review Comments

1. We have reviewed the subject application for compliance with the requirements of Chapter 540 (Land Development), Chapter 565 (Soil Removal) and Chapter 580 (Zoning) of the Township Code and find the plans to be generally complete as presented.

2. We offer the following comments with the respect to certain critical aspects of the proposed site design:

A) Stormwater Management

1. The subject parcel has an area of 7,500 square feet and as such the maximum area of disturbance shall be less than one acre. Given the limited area of disturbance, the subject development is not classified as a "Major Development" as defined under the Residential Site Improvement Standards (RSIS)

2. Accordingly, the applicant is not required to address the groundwater recharge and stormwater runoff quality standards as enumerated in the RSIS.

3. The applicant is, however, required to provide appropriate surface drainage measures so that removal of surface waters will not adversely affect neighboring properties or the public drainage system.

4. In this regard, we note that the plans indicate that the applicant is proposing to control stormwater runoff from the rooftop areas with the installation of 6" PVC conveyance piping system and a lawn inlet collecting overland flows within the northerly side yard area, both discharging to a single StormTech SC-740, to be constructed at or about the northeast corner of the property.

5. With respect to the design of this system, our files contain an Engineer's Report entitled "Drainage Calculation for Lorraine Rubino…" dated February 10, 2020 as prepared by Robert L. Costa, PE, which Calculations confirm the adequacy of the proposed system design with respect to the volume of storage provided.

6. Pursuant to our review of these "Drainage Calculations", we find the design of the proposed stormwater management system to be satisfactory.

B) Tree Removal and Landscaping

1. Pursuant to our recent site visit we note that a single 9" tree was removed from Lot 19 in connection with the earlier demolition operations and that 3 (three) additional trees (2 at 6" and 1 at 24") as depicted on the Lot Consolidation Plan have also been removed.

2. The plan, as presented does not currently depict any proposed landscape improvements. It is however, reasonably assumed that the redevelopment of this site shall also include the same.

3. The applicant's engineer is therefore asked to provide specific testimony as regards any proposed replacement tree plantings as required pursuant to Township Code Section 465.5B, or conversely if Waiver relief is requested in this regard.

C) Existing Building Sewer

1. Pending the Board's approval of the subject Application for Development, given the age of the existing building sewer connection, it is required that a closed circuit television inspection of the same be made at the time of construction.

2. The purpose of this investigation is to confirm that the existing building sewer remains structurally sound and without significant horizontal or vertical deflection and the flows within the same are without obstruction caused by tree roots, grease deposits or other solid matter. Any such inspection shall originate at the existing sewer lateral which is now capped at the property line and terminate at the wye connection to the sewer main in Fern Street.

3. A digital copy of any such inspection made shall be provided to this office prior to the issuance of a certificate of occupancy.

D) Concrete Sidewalk Replacement

1. Based on a recent inspection of the site, the existing sidewalk along the entire street frontage of both Fern Street and Walnut Street are noted to be in a generally poor condition at this time.

2. The plan must therefore be revised to indicate the removal and in-kind replacement of the concrete sidewalk along the entire limits of both street frontages.

E) Soil Movement

1. As per our initial calculations, the volume of soil to be moved in connection with the construction of the proposed dwelling, retaining wall structure and stormwater

management system is estimated to be less than the 400 cubic yard threshold value associated with a Major Soil Moving Permit.

2. As such, pending the granting of the requisite Conditional Use approval by the Zoning Board of Adjustment, a separate application for the issuance of a Ministerial Soil Moving Permit shall be filed with the Office of the Township Clerk in accordance with the application procedure set forth under Township Code Section 565-5.

VII. Applications to Other Agencies

Approvals or waivers therefrom, must be obtained from the following governmental or quasi-governmental agencies:

Township of Washington

- Police Department (Route of Travel for vehicles used in soil import/export operations)
- Construction Official (Building Permits)
- Azzolina & Feury Engineering, Inc.

If there are any questions, please feel free to call.

Very truly yours,

AZZOLINA & FEURY
ENGINEERING INC.

Paul Azzolina, PE, CME.
Zoning Board Engineer

DOC: WT-2582-Rubino-SPR1-08-11-20

cc: Barbara Coleman, Planning & Zoning Secretary *(via e-mail)*
Joe Setticase, Zoning Officer *(via e-mail)*
Susan Witkowski, Township Clerk *(via e-mail)*
Gary Giannantonio, Zoning Board Attorney, *(via e-mail)*
Costa Engineering Corporation *(via e-mail)*
John J Gilchrist Architect *(via e-mail)*
Lorraine Rubino c/o Joseph Mecca, Esq. *(via e-mail)*