

Washington Township Board of Adjustment

July 6, 2016

Chairman Spina called the regular Meeting of the Board of Adjustment of July 6, 2016 to order at 7:00 p.m.

MEMBERS PRESENT: Anthony Spina, Morris Bauer, Mark Soga, Derrick Thauer, Geoffrey Price, Harvey Ort, Robert Bridgman
Alternate Members: Eric Raes
Members Absent: Dorothy Walter
Others Present: Engineer Leon Hall, Attorney Gail Fraser, Secretary Barbara Margolese, Traffic Engineer Harold Maltz

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT - Adequate notice of this meeting was published in the Observer-Tribune on January 21, 2016 and posted on the Bulletin Board on the same date. Notices were mailed as requested.

Pledge of Allegiance

MINUTES

1. June 1, 2016 regular meeting

Minutes of the June 1, 2016 meeting were reviewed. A motion was made by Mr. Bauer, seconded by Mr. Soga to approve the minutes as presented. A voice vote was taken and the motion carried.

Ayes: Anthony Spina, Mark Soga, Derrick Thauer, Geoffrey Price, Eric Raes, Morris Bauer

Nays: None Abstentions: Harvey Ort, Robert Bridgman

The meeting was opened to the public for items not on the agenda.

No comments were received and the meeting was closed to the public for items not on the agenda.

RESOLUTIONS

2016-10 Gerry & Dale Adickes – Block 50.01, Lot 2 – 345 Pleasant Grove Road – “C” Variance for side yard setback

The Board reviewed the resolution. A motion made by Mr. Soga, seconded by Mr. Price to approve the resolution as presented. Roll call vote taken of eligible voters and motion carried.

Ayes: Bauer, Soga, Thauer, Price, Spina, Raes Nays: None Abstentions: None

2016-11 Schooley’s Mountain Road Associates (OMG Burger) – Block 33, Lots 2, 3, and 4 – 141 Schooley’s Mountain Road – Use & “C” Variances & Preliminary/Final Major Site Plan

The Board reviewed the resolution. It was noted that the word “live” would be removed with regard to the music being played in the outside dining area. On page 24, the word “initially “ was to be removed, and on page 28, the size of the parking spaces is to be set at 9.2 feet width. In condition #7, it is to state that a long term escrow account shall be established to handle engineering inspections which are to determine the necessity for valet parking on the site. This condition is also to state that “in the absence of an agreement between the Township Engineer and the applicant, the Board of Adjustment will have jurisdiction over this matter”.

A motion made by Mr. Soga, seconded by Mr. Price to approve the D(1)Use Variance and the D(6) height variance. A roll call vote taken of eligible voters and motion carried.

Ayes: Bauer, Soga, Thauer, Price, Spina, Raes Nays: None Abstentions: None

Washington Township Board of Adjustment
July 6, 2016

A motion made by Mr. Soga, seconded by Mr. Thauer to approve the bulk variances for this application. A roll call vote taken of eligible voters and motion carried.

Ayes: Bauer, Soga, Thauer, Price, Spina Nays: Raes Abstentions: None

A motion made by Mr. Soga, seconded by Mr. Thauer to approve Resolution 16-11 with the noted changes. A roll call vote taken of eligible voters and motion carried.

Ayes: Bauer, Soga, Thauer, Price, Spina Nays: None Abstentions: None

APPLICATIONS

1. Kevin Peach – Block 43, Lot 63.03 – 87 Old Turnpike Road – Steep Slope Variance & Ridgeline Protection Area Certification for the construction of a garage - *public hearing*
Representatives present: Randall Peach, Esq., Kevin Peach, David Fantina, P.E.

The applicant, Kevin Peach was sworn-in. He identified that there is a single family dwelling and a shop building currently on the subject property. He stated that he is proposing to construct a detached garage to store his antique car collection. The application, he noted, is for a Ridgeline Certificate of Compliance because the property is in the Ridgeline protection Area.

Exhibit “A-1” was presented by the applicant, dated 7-6-16, showing the excavation that was done on the site in January 2016. Mr. Peach stated that this exhibit shows that the 1000 cubic yards of soil was placed behind the existing shop building. Exhibit “A-2” was presented, dated 7-6-16, showing the depiction of the site, and the stair which goes to the existing shop. Exhibit “A-3”, dated 7-6-16 was presented showing the location of the car trailer and the shop on the site.

Planner Banisch noted that the applicant is proposing to use the same roofing and siding on the garage that was used on the shop building. He noted that cedar siding is being used. Exhibit “A-4” was presented, showing the existing 2800 square foot driveway. The architectural drawings prepared by Architect Tom Robinson were referred to as Mr. Peach stated that there are no plans for plumbing in the building and that it not be used as living area or as an accessory apartment.

Mr. Peach stated that the garage will have a front overhand light and recessed down lighting that will be fit into the building’s soffit. He stated that the lighting will not be visible from neighbors’ properties. Engineer Hall noted that this property is not visible from any neighbors’ properties when the leaves are on the trees. It was noted that all soil excavated on the property will remain on the property.

Engineer David Fantina was sworn-in. He stated that another location was considered for the garage; however, it was much more problematic and impractical. Mr. Fantina stated that a storm water management plan has been prepared which uses drywells connected to the roof leaders. Mr. Fantina stated that in lieu of using a retaining wall, a rock wall will be used which has been certified by the Morris County Soil Conservation District.

Planner Banisch stated that this accessory building’s size makes it not subordinate to the size of his dwelling and that a variance would be required.

Washington Township Board of Adjustment
July 6, 2016

The Board decided that the resolution of approval must be recorded with the Morris County Clerk's office, and that the fill will be stabilized by 11-1-16 regardless if the building is built.

A motion was made by Mr. Raes, seconded by Mr. Soga to have the Board's attorney draft a resolution approving the variance relief for the building not being subordinate to the principal structure and to approve the Ridgeline Protection Area Certificate of Compliance. It was noted that no further notice would be given for this application and that this matter will be heard at the August 3rd Board of Adjustment meeting. A voice vote was taken and the motion carried.

Ayes: Bauer, Soga, Thauer, Price, Spina, Bridgeman, Ort, Raes Nays: None Abstentions: None

3. Anthony Cappuccio – Block 13, Lots 12 & 12.01- Jones Lane - Variance to allow single family dwelling construction on a non-dedicated Street – *Public Hearing continued*
Representatives present: Michael Selvaggi, Esq., Anthony Cappuccio

Attorney Selvaggi stated that a 10,000 gallon water tank will be installed as was recommended by the fire department. He said that access for emergency vehicles will be provided. Mr. Selvaggi told the Board that revised plans will be submitted to the Board reflecting those two changes. Engineer Hall stated that a clear, unobstructed passageway with a 15 foot height and a 14 foot width must be provided according to the fire department. Mr. Hall also stated that the passing zone which were required in 1998 must be freshened-up. Mr. Hall stated that the Morris County Soil Conservation District approval will be needed and the Health Department's March review letter needs to be addressed.

The hearing was opened to the public. Mr. Dave Eromenok, 19 Jones Lane, was sworn-in. He stated that he has concerns with regard to the road widening. He said that he already has drainage problems which he does not want to see exacerbated by road widening. Mr. Eromenok stated that the Home Owners Association president Dan Hoffman has given him permission to speak on behalf of the HOA. He stated that the HOA would like the following items to be addressed: 1. The pavement located at the entrance of Jones Lane and Fairview Avenue needs to be repaired 2. A \$20,000 road bond is to be put in place to handle road repairs 3. An inspection is to be done by the Township Engineer every 3 months for possible repairs and if not done a stop work order will be issued 4. The Certificate of Occupancy is not to be issued until all repairs are made to Jones Lane. Engineer Hall stated that a maintenance bond can only be required when a soil disturbance permit is being issued as per the ordinance. Attorney Fraser stated that this is a private dispute and the Board has no right to impose a road bond. Attorney Selvaggi stated that Mr. Cappuccio will join the HOA for Jones Lane for Lot 12.01.

A motion was made by Mr. Raes, seconded by Mr. Soga to have the Board attorney draft a resolution of approval requiring that Jones Lane meet the requirement that it has an improved width of 12 feet, and a clear passageway of 14 feet wide and 15 feet high, and that all of the passing zone areas along Jones that were created as part of Mr. Cappuccio's 1998 approval be freshened-up. A voice vote was taken and the motion carried.

Ayes: Bauer, Soga, Thauer, Price, Spina, Bridgeman, Ort, Raes

Nays: None Abstentions: None

It was announced that this matter will be continued at the August 3rd meeting and that no further notice would be given.

The Board recessed from 9:45 to 9:55 p.m.

Washington Township Board of Adjustment
July 6, 2016

4. Heritage Senior Living – Block 8, Lot 8 – Use Variance – 67 Drakestown Rd. – Use Variance for 36-Bed Assisted Living Facility – *Public hearing*

Representatives present: Michael Selvaggi, Esq., Sameer Jani

Mr. Sameer Jani, principle of Heritage Senior Living was sworn-in. Mr. Jani stated that the facility will look like a single family dwelling and that the rules they are guided by are from the NJ Department of Health and Human Services for Assisted Living memory care. Mr. Jani stated that Heritage Senior Living had to show the State a need for this facility to be built. He stated that there will be 36 residents and a possibility of 10% Medicaid beds (3 beds). He said that there will be up to 30 employees with 20 nursing aides, 2 kitchen staff, 2 housekeeping staff, and 5 administrative staff. Mr. Jani presented Exhibit “A-1”, showing a colorized version of the submitted building elevation plan. He discussed with the Board the elevator access for stretchers. The Board decided that the elevator should be able to fit a stretcher for emergency purposes. It was noted that no further notice would be given for this application and that this matter will continue to be heard at the August 3rd Board of Adjustment meeting.

DISCUSSION/CORRESPONDENCE

1. **Vouchers**

A motion was made by Mr. Bauer, seconded by Mr. Soga to approve the vouchers as reviewed by the Chairman. A voice vote was taken, all were in favor and the motion carried.

A motion was made by Mr. Soga, seconded by Mr. Raes to adjourn the meeting at 10:55 p.m. A voice vote was taken all were in favor and the meeting adjourned.

Respectfully Submitted,

Barbara Margolese, Secretary