

## WASHINGTON TOWNSHIP

### ZONING BOARD OF ADJUSTMENT

#### Meeting of February 14, 2011

The Washington Township Zoning Board of Adjustment was called to order by the solicitor, Timothy D. Scaffidi at 6:13 PM.

#### **1) Flag Salute**

#### **2) Sunshine Law**

This is the reorganization and regular meeting of the Washington Township Zoning Board of Adjustment Meeting. Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings. In addition, notice of this meeting was given to the Township Clerk.

#### **3) Roll Call**

- a. **Members Present:** Mrs. Gardiner, Mr. Pietrafesa, Mr. Powers, and Mr. Sauter.
  - i. **Members Absent:** Mr. D'Orazio, Mr. Mello, and Mr. Hatala.
- b. **Alternates Present:** Mr. Coppola and Mr. Guidotti
  - i. **Absent:** None
- c. **Council Liaison:** Mr. Christopher DelBorello (7:07 PM)

#### **4) Swearing in of Professionals**

##### **Mr. Scaffidi then swore in the Professionals**

- a. Mr. Petrongolo, CLA, RLA, PP, Board Professional Planner
- b. Richard Fini, P.E., Board Environmental Engineer
- c. John M. Pettit, P.E., P.P., C.M.E., Board Engineer
  - i. **Not in attendance:** Frank J. Seney, PE, PP, CME, Board Professional Traffic Engineer

## 5) Applications:

- a. **Bruster's**, 305 Greentree Road, 54/6, Escrow #920, Signage. Mr. Steven Henry was sworn in and testified that he wants to take half of the existing canopy paint it green and reflect Nathan's Hot Dogs as an additional sign. He stated that no changes will be made to the dimensions of the canopy. Also, would like to add Nathan's to the monument sign again no change to the dimensions. There will be change to the Drive Thru sign to add a side panel to reflect Nathan's menu. The dimensions of the panel are 21.75' x 56.3'. Vice Chair Sauter asked if there would be changes to the seating area and Mr. Henry responded in the negative. Mr. Petrongolo, CLA, RLA, PP, Board Professional Planner, referred to his report date 1/28/2011 and stated he had no objection to the signage proposed. Richard Fini, P.E., Board Environmental Engineer and John M. Pettit, P.E., P.P., C.M.E., Board Engineer had any comments or submitted any reports on the subject application. The meeting was opened to the public and no one came forward to comment on the subject application. Mr. Powers made a motion to approve the application/2<sup>nd</sup> Mr. Pietrafesa. Roll call: 6 Affirmative, 0 Objections and 0 Abstain. Motion Carried.
- b. **Nesmith**, 429 Hurffville-Grenloch, 198/14.01, Escrow #919, Site plan. Mr. J. Timothy Kernan, P.E., P.P., C.M.E., represented the applicant and stated that they were here tonight for the site plan to construct a tennis court as they had previously been granted the use variance for same. Mrs. Gardiner asked for the location of the tennis court and was given that information. Mr. Kernan stated that they had appeared for a work session on February 2, 2011 and agreed to the Professionals comments. He stated that the netting was to prevent the tennis balls from entering the road way. He stated it would only be raised during play and will have retractable posts. There is to be decorative fencing of 4'. Mr.

Sauter inquired about 17' and Mr. Petrongolo stated 15' is allowed by code for fencing. Mr. Pietrafesa inquired about the height of cypress trees, Mr. Kernan responded could grow to 20'. Mr. Petrongolo, CLA, RLA, PP, Board Professional Planner, submitted a report dated 1/21/2011. Had concerns for the safety of the site; 17' netting will add security to safety of the roadway for travelers. He requested for additional information regarding the netting, Mr. Kernan agreed to supply. Tennis court will not be lit and this will be a condition of approval. Mr. Petrongolo then discussed sidewalks. Mr. Kernan stated that due to this being a previously approved sub-division sidewalks were not required on this side of Pine Ridge and requested a waiver from sidewalk installation and the in-lieu of payment. Mr. Petrongolo stated the it was up to the Board to allow for this. Mr. Sauter then advised the Board that this could be a separate motion. Mr. Guidotti then made a motion to waive sidewalks on Hurffville Grenloch Road and/or the in-lieu fee/2<sup>nd</sup> Mr. Pietrafesa. Roll Call: Members Guidotti, Pietrafesa, Gardiner, Powers and Coppola voted in the Affirmative. Mr. Sauter objected stating every project has always required this and he felt this should be no different. Waiver granted. 5 Affirmative, 1 Objection, 0 Abstain. Mr. Nesmith was then sworn in and testified that the sidewalks would be a hardship, that the netting would only be raised during play and down at all other times. He was advised that if there is a COAH fee he must pay it. Richard Fini, P.E., Board Environmental Engineer submitted a report dated 2/3/2011. He is requiring a cut and fill estimate for soil removal. Must have a Certified Clean Soil certificate for any soil brought on site. Tree preservation ordinance requires compensation (\$2100.00) for 3 trees being removed. A conservation easement is requested. Mr. Kernan requested a waiver of this. Ms. Lafferty stated it is difficult to enforce without written documentation. Mrs. Gardiner asked if property is sold if easement remains. Mr.

Petrongolo stated conservation easement is perpetual. Mr. Fini responded affirmatively. Mr. Kernan stated Mr. Nesmith will maintain plantings; that no formal easement is necessary. Mr. Powers made a motion for no formal easement/2<sup>nd</sup> Mr. Guidotti. Roll Call: 6 Affirmative, 0 Objections, 0 Abstain. John M. Pettit, P.E., P.P., C.M.E., Board Engineer, submitted a report dated 2/1/2011. He recommended submissions waivers requested. Mr. Kernan agreed to the balance of his report. Mr. Kernan agreed to work out additional details and add to the plan. Mr. Kernan requested performance bonds be waived. Mr. Petrongolo and Mr. Pettit objected to waiver of bonding and construction escrow. Mr. Pettit asked if the netting required to be removed if no one is playing will be a condition of approval. Mr. Nesmith stated his house will look nice and netting would be an eyesore if left standing and resolved it would not. Bonding would be required only for landscaping, fencing and ancillary improvements. Mr. Powers made a motion to make recommendation to Township Council/2<sup>nd</sup> Mr. Pietrafesa. Roll Call: 6 Affirmative, 0 Objections, 0 Abstains. Mr. Scaffidi will write recommendation to Council. The Professionals had no other comments or submitted any other reports on the subject application. The meeting was opened to the public and no one came forward to comment on the subject application. Mr. Powers made a motion to approve application including all votes and comments/2<sup>nd</sup> Mr. Guidotti. Roll call: 6 Affirmative, 0 Objections and 0 Abstain. Motion Carried.

- c. **Suters**, 317 Pine Street, 181/1.01, 1.03, 1.07 through 1.10, Escrow #917, Use variance. **Postponed until March 14, 2011. Announcement made by Solicitor.**

6) Open Meeting to the Public:

- a. Mr. Sauter made a motion to open meeting to the public/2<sup>nd</sup> Mr. Guidotti. Roll Call: All in favor. John Szczerbinski inquired if Zoning Board has the jurisdiction to waive RSIS standards. Mr. Petrongolo responded that the Board cannot. No other participation. Mr. Powers made a motion to close meeting to the public/2<sup>nd</sup> Mr. Pietrafesa. Roll Call: All in favor.

7) Old/New Business -

- a. Mr. Sauter made a motion to go into closed session to discuss Puglia vs. WTZB litigation/2<sup>nd</sup> Mr. Guidotti. Roll Call: All in favor. Mr. Sauter made a motion to resume meeting/2<sup>nd</sup> Mr. Powers. Roll Call: All in favor.

8) Minutes -

- a. December, 2010 – Mr. Guidotti made a motion to approve minutes/2<sup>nd</sup> Mr. Powers. Roll Call: Mr. Powers, Mr. Sauter and Mr. Guidotti Affirmative, Mrs. Gardiner, Mr. Pietrafesa and Mr. Coppola Abstained. 3 Affirmative, 0 Objections, 3 Abstained. January, 2011 – Mr. Powers made a motion to approve minutes/2<sup>nd</sup> Mr. Pietrafesa. Roll Call: Mr. Pietrafesa, Mr. Powers, Mr. Sauter, Mr. Coppola and Mr. Guidotti Affirmative, Mrs. Gardiner Abstained. 5 Affirmative, 0 Objections, 1 Abstain.

9) Resolutions -

- a. **R15-2011** – Closed session to discuss Puglia vs. WTZB litigation. Mr. Sauter made motion to memorialize resolution/2<sup>nd</sup> Mr. Powers. Roll Call: All in favor.

10) Adjourn

- a. Mr. Powers made a motion at 8:03 PM to adjourn the meeting/2<sup>nd</sup> Mr. Pietrafesa. Roll call: All in favor. Meeting adjourned.

**These minutes are a brief summary of the proceedings that took place on 2/14/2011 and should not be taken as verbatim testimony.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Rose Ann Lafferty".

Rose Ann Lafferty

Zoning Board of Adjustment Secretary

Cc: Mayor  
Business Administrator  
Council  
Township Clerk  
Tax Assessor  
Director of Community Affairs  
File