

Board of Adjustment

March 23, 2004

Chairman Eller opened up the meeting and declared that a quorum was present to conduct the meeting in accordance with the 'Open Public Meetings Law'.

Roll Call: Eller, Post, Schlader, Mangiacotti, Woykowski and Hurley.
Present: 6.

Absent: Semonche and Nienstedt – 2 Absent.

Also Present: Stuart Ours, Esq., Board Attorney
Clay McEldowney, P.E., filling in for R. Miller, P.E.
Linda L. Hendershot, Clerk

The Chairman led everyone in the flag salute.

MINUTES:

Regular Meeting – February 24, 2004

Chairman Eller entertained additions or corrections to the minutes of the regular meeting held February 24, 2004.

Hearing none, it was moved by Post, seconded by Hurley that the minutes of the regular meeting held February 24, 2004 be approved as presented.

Roll Call: Eller, Post, Schlader, Hurley and Woykowski – Ayes: 5,
Nays: 0. Abstained: Mangiacotti.

Motion carried.

RESOLUTIONS:

Case #2004:1 – Adam Long, 51 W. Stewart St., Washington, NJ 07882

It was moved by Post, seconded by Woykowski that this resolution be adopted denying Mr. Long his request to install a driveway and apron pad.

Roll call: Schlader, Post, Eller and Woykowski – Ayes: 4
Nays: 0. Abstained: Hurley and Mangiacotti.

Motion carried.

APPLICATIONS:

Case #2004:3 – NORWESCAP (Head Start), 2 Pohatcong Ave., Washington, NJ, Block, 79, Lot 1 (Represented by James Swick, Esq.)

This application originated with the Planning Board in October. The Planning Board determined that the use was not a permitted one, and the expansion of it would necessitate obtaining a variance, in addition to a Site Plan.

The applicant is applying to expand the present facility by adding a modular structure that will provide more room and add a classroom for the Head Start Programs.

Attorney Ours reviewed the notices of service to the property owners and affidavit of publication and found everything in order to proceed.

Attorney Ours noted that a “D” variance is required and it would require five (5) affirmative votes of the six (6) members present.

James Swick, Esq. who was representing Head Start conferred with his client and they wanted to proceed with the application this evening.

Clay McEldowney, Engineer was present sitting in for Bob Miller, Engineer who had another conflict this evening. Based on Mr. Miller’s report he recommended that the site plan be deemed complete, subject to the two recommendations in his report are complied with. The scale is not indicated on the plans and proposed contours at 2’ intervals.

It was therefore moved by Schlader, seconded by Post that the site plan be deemed complete based on the engineer’s report of 3-19-04, subject to the two recommendations in his report.

Roll call: Eller, Post, Schlader, Mangiacotti, Woykowski and Hurley.

Ayes: 6, Nays: 0.

Motion carried.

Melanie Erbeau, Project Manager for NORWESCAP (Head Start) was administered the Oath for her testimony.

Ms. Erbeau described the Head Start Program which covers daycare and early education of 3 and 4 year old children. They have been utilizing this building which was the former American Legion building since 1985 and rented from the Pfauth’s. They recently purchased the building in October, 2003. They wish to expand the area by bringing in a modular building which will provide them with an additional classrooms. The number of children will remain the same.

It will give them more space to provide better services. The building will be 1,400 Square Feet and will contain two classrooms, a meeting room and office.

The children are all bussed in so there is no need for additional parking. They have a staff of twelve and presently are proposing seventeen (17) parking spaces.

The only problem that they have been made aware of is parking in the rear of those properties which are adjacent to their property. There is a deed restriction since 1979 from the American Legion which shows a right-of-way 15' x 185' long. This area was to be utilized by them and others, however, it is on NORWESCAP's parcel. There was no prior use variance granted for the use of this property.

Discussion took place with regard to buffering and what was presently there. The applicant is requesting exceptions to the buffer requirements, Environmental Impact Report and Site Triangle requirements. It was thought that a 30' x 30' site easement could be put on Pohatcong Ave. on the northerly side only.

The Chairman entertained questions from the audience.

Helen Carson, 100 Park Avenue pointed out to the Board that on the Tax Map is shows the strip between her property on NORWESCAP's property as an easement. On the deed it shows it as a right-of-way. The right-of-way shows that it comes into her property. She questioned what the difference was between a right-of-way and easement?

John Bolt, Architect was administered the Oath and addressed the site plan. He reviewed the buffering proposed and what was presently there. The Board suggested deleting the white pines and planting the arbravitas only.

The lighting was also discussed. Two fixtures are proposed for Pohatcong Avenue. The Board felt that the lighting could be limited time wise perhaps 6 AM – 6 PM. The contours must also be placed on the map. Mr. Bolt noted that the right-of-way shown on the maps is to be utilized by emergency purposes only. This area is presently being utilized by the residents for parking.

Circulation was discussed and it was suggested that the circulation run clockwise in and out of the parking lot.

Robert J. Clerico, Civil Engineer was administered the Oath and addressed the Stormwater Analysis report. They are proposing six drywells on the property. The overflow would go into the existing storm drain on the corner of Park Avenue and Pohatcong Ave.

It was noted by the Board that paving is required of the parking lot.

Chairman Eller entertained comments and testimony from the audience.

The Oath was administered to Joe Fox, 96 Park Avenue. Mr. Fox testified that there has been an on-going stormwater problems from this property for twenty-five (25) years. He has built his property up over the years approximately 18” to try and divert the water away from his property. He also was concerned with where they were going to be allowed to park. It appears that there is not going to be enough parking for all the residents who live in this area. The plans show four (4) spaces.

Mrs. Helena Carson, 100 Park Avenue was still confused over this strip of land, whether it was a right-of-way owned by the applicant or an easement? Some clarification was needed here.

Paving was discussed with the applicant and the Board and the Board may entertain a downgrading of the specs to 4” stone, 3” base and 1-1/2 black-top. The soil condition in this area is very poor.

Ms. Erbeau noted that this project is federally funded and they did not fund any monies for paving.

Discussion followed at which time the Board suggested that the applicant revise their site plan to comply with the engineer’s report and to address some of the issues brought up this evening with respect to the lighting, buffering, storm-water run-off and drainage, paving and the parking area.

It was therefore moved by Post, seconded by Mangiacotti that the Board grant a use variance for an additional modular building on the property, this request will not substantially impair the intent and purpose of the zone plan, nor will it be a detriment to the public good as it has been in existence for a number of years; this request being conditioned upon the approval of the necessary site plan addressing the issues raised at this meeting.

Roll Call: Woykowski, Hurley, Post, Schlader, Eller and Mangiacotti.

For clarification the following issues warrant significant changes to the plan.

The revised site plan should indicate the parking of the residents. The paving of the parking lot. The Board may entertain an alternate proposal. Lighting to conform to the ordinance, buffer planting on the northerly boundary with arbravitas, no white pines. The site triangle to be 30’ x 30’ on the northerly side.

The next Board meeting will be April 27th at 8 PM.

COMMUNICATIONS:

None.

Hearing no further business to come before the Board, it was moved by Post, seconded by Hurley at the meeting be adjourned at 10:20 PM.

Ayes: 6, Nays: 0.
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary