

## **Board of Adjustment**

**April 27, 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, Mangiacotti, Semonche, Hurley, Woykowski, Nienstedt and Schlader – Present – 7.

Absent: Post

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

The Chairman led everyone in the flag salute.

### **MINUTES:**

#### **Regular Meeting – March 23, 2004**

Chairman Eller entertained additions or corrections to the minutes of the regular meeting held March 23, 2004.

Hearing none, it was moved by Schlader, seconded by Hurley that the minutes of the regular meeting held March 23, 2004 be approved as presented.

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

Motion carried.

### **RESOLUTIONS:**

#### **Case #2004:3 – NORWESCAP (Head Start), 2 Pohatcong Avenue**

It was moved by Mangiacotti, seconded by Hurley that this resolution approving the construction on a modular building be adopted as approved at the March meeting subject to the approval of a site plan.

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

Motion carried.

Chairman Eller deviated from the order of business to discuss **Case #2004:5 L.J. Associates.**

Alan Lowcher, Esq. representing L.J. Associates requested that this case be carried until the next meeting. He requested that the notice of service be reviewed and a motion be entertained to carry this application until the next meeting. He was unable to have the Planner available to testimony this evening. The applicant would like to have the Board consider the change in use before a site plan application is presented to the Board. The Planner could offer some expert testimony that would support this application for a change in use.

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

It was announced to anyone interested in the audience that this application would be carried until the next meeting without any additional notices to be served.

It was therefore moved by Schlader, seconded by Woykowski that Case #2004:5 be carried until the next meeting and that no further notices would be required of the applicants upon the property owners.

Roll Call: Nienstedt, Woykowski, Hurley, Schlader, Semonche, Eller and Mangiacotti.

Ayes: 7, Nays: 0.  
Motion carried.

**OLD BUSINESS:**

**Case #2004:3A – NORWESCAP (Head Start) 2 Pohatcong Avenue** Represented by James Swick, Esq.)

A revised site plan has been submitted addressing issues dealing with lighting, buffering, paving, the parking area, site drainage and addressing the right-of-way/easement issues with respect to the residents parking in the rear of their residences.

A revised report was presented from the engineer.

The changes on the site plan were discussed and the revisions were minor in nature. The Stormwater Management Study was revised. The site triangle is shown on the plans and parking for seventeen (17) vehicles.

The buffering was discussed and the parking area in the easement where the residents that abut this property parked. After much discussion it was agreed that the buffering requirements could be waived to give the residents at least 29' feel in which to park. The fifteen (15') shown on the plan would not be enough parking to maneuver their vehicles to park. The lighting as proposed is beneficial for everyone.

The Board discussed some type of low fencing to identify the curbing on the northerly side of the parking area. This will help the neighbors when they park so as not to hit the curbing.

Discussion followed at which time, it was moved by Schlader, seconded by Hurley that the site plan be approved with a waiver being granted to delete the buffering and that some type of fencing be erected to identify the curbing of the parking lot and that further items A thru D listed in the engineer's report be complied with.

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

Motion carried.

(Resolution Annexed to the Minutes)

**Case #2004:4 – Richard & Sara Monus, 53 Lambert St, Washington, NJ, Blk. 2.11, Lot 23**

This application has been filed for the purpose of constructing a covered deck 16' x 20' deck on the rear of the house.

In the Zoning Officer's Refusal of Permit this request was denied for noncompliance with the provisions of Section(s) 94-75 B-4 – No rear yard shall be less than 35'.

The attorney reviewed the notices of service and the affidavit of publication and found the application in order to proceed.

The Oath was administered to Mr. Monus for testimony.

Mr. Monus testified that he would like to build a 16' x 20' covered deck. This would only leave them with a 32 foot rear yard and the ordinance calls for 35'.

Discussion followed by the Board and they questioned Mr. Monus whether he would in fact comply with the rear yard setback and reduce his deck to a 12' x 20' so that he would meet the 35' rear setback. The Board would consider a variance for a covered deck which could not be enclosed at a future date.

There was no one present in the audience in regard to this application.

Attorney Ours reviewed the criteria necessary for the granting of this variance.

It was therefore moved by Hurley, seconded by Semonche that a variance be granted to allow the applicant to cover his deck, and that further he amend his drawing to construct a 12' x 20' deck which would meet the rear yard setback; this variance can be granted without detriment to the public good, nor will it impair the intent and purpose of the zone plan.

Roll Call: Mangiacotti, Eller, Semonche, Schlader, Hurley, Woykowski and Nienstedt.

Ayes: 7, Nays: 0.  
Motion carried.

**COMMUNICATIONS:**

A memo was received from the Manager advising the Board that the public hearing on the budget was scheduled for May 4, 2004 at 8 PM.

Hearing no further business to come before the Board, it was moved by Semonche, seconded by Hurley that the meeting be adjourned at 9:10 PM.

Ayes: 7, Nays: 0.  
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary