

**Washington Borough
Board of Adjustment Minutes
April 26, 2005**

Chairman Eller declared that a quorum was present to conduct the meeting in accordance with the ‘Open Public Meetings Law’.

Roll Call: Mangiacotti, Eller, Schlader, Hurley, Nienstedt and Kramer.
Present 6.

Absent: Post, Cioni and Semonche – Absent 3.

Also Present: Stuart Ours, Esq., Board Attorney
Robert Miller, C.M.E., Borough Engineer
Linda L. Hendershot, Clerk

Chairman Eller led everyone in the flag salute.

MINUTES:

Regular Meeting – March 22, 2005

Chairman Eller entertained additions or corrections to the minutes of the regular meeting held March 22, 2005.

Hearing none, it was moved by Hurley, seconded by Schlader that the minutes of the regular meeting held March 22, 2005 be approved as submitted.

Roll Call: Mangiacotti, Eller, Schlader and Hurley – Ayes: 4, Nays: 0.
Abstained: Kramer and Nienstedt.

Motion carried.

RESOLUTIONS:

None.

APPLICATIONS:

**Case #2005:5 – New Jersey American Water Company, 38 Vannatta, St.,
Washington, NJ, Blk. 94, Lot 23** Represented by James C. Richardson, Esq.)

This application is filed for the purpose of constructing a 24’ x 24’ garage at their existing water treatment facility located at their Vannatta Street Station.

In the Zoning Officer’s Refusal of Permit this request was denied for noncompliance with the provisions of Section(s) 94-30A of the Municipal Zoning Ordinance for the following reasons: Site plan approval is required for all developments which do not meet the definition of “site plan” exempt.

The applicant filed and appeared before the Planning Board for their February 14th meeting and it was deemed that the application should be heard by the Board of Adjustment.

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

Mr. Richardson, attorney for the New Jersey American Water Company introduced Mr. Victor Sestokas, Senior Project Engineer for the Water Company and Craig Stires, Engineer.

The first order of business was to request the Board's consideration of a waiver from the Circulation Plan and Natural Resource Plan.

Mr. Sestokas and Mr. Stires were administered the Oath by Board Attorney, Stuart Ours.

Drawing A-1 was submitted to address the Circulation Plan and Natural Resource Plan. The professionals offered testimony indicated that everything on the site was going to remain as is. The existing building was going to be upgraded for the use of its seven employees. The garage is being built for their equipment. The natural resources will remain the same. Bob Miller, Borough Engineer recommended that the Board approve the requested waivers.

It was therefore moved by Mangiacotti, seconded by Hurley that the Board grant both waivers for the circulation plan and natural resource plan.

Roll Call: Nienstedt, Kramer, Hurley, Schlader, Eller and Mangiacotti.

Ayes: 6, Nays: 0.
Motion carried.

Mr. Richardson stated for the record the reason for this application. The existing site is a pre-existing non-conforming use. The existing building will be remodeled for the comfort and use of the employees and the new garage will be utilized for storage of equipment meters, fittings, etc.

In addition to the use variance the proposed building is going to be built at a height of 17' 3". The Borough's ordinance calls for 15' height for accessory buildings.

The reasoning behind the height of this building is that aesthetically it will fit in better with the neighborhood.

Board discussion ensued. The engineer also noted that this site is located adjacent to the Shabbecong Creek. This stream has been designated as a Category I Stream. There will be DEP approval required and buffers.

Board member Eller questioned why they did not just add on to the existing building. It was noted that they could not match the existing panels to the garage that is there now.

Attorney reviewed the criteria necessary for the granting of the “D” variance and a height variance that would also be required.

A motion would also be in order to approve their site plan.

It was moved by Schlader, seconded by Hurley that the Board grant a use variance for the expansion of a pre-existing non-conforming use to build garage on the site to store the equipment utilized by the New Jersey American Water Company, subject to any conditions required by the DEP this variance can be granted without substantial detriment to the public good, nor will it impair the intent and purpose of the zone plan..

Roll Call: Mangiacotti, Eller, Schader, Hurley, Kramer and Nienstedt.

Ayes: 6, Nays: 0.

Motion carried.

It was further moved by Schlader, seconded by Nienstedt that the Board grant a “C” variance for the roof height of 17’ 3” as shown on the plan.

Roll Call: Mangiacotti, Eller, Schlader, Hurley, Kramer and Nienstedt.

Ayes: 6, Nays: 0.

Motion carried.

Case #2005:6 - Paul Cioletti, Hillcrest Avenue, Washington, NJ, Blk. 88, Lot 12

This application is filed for the purpose of constructing a single family residential home on a vacant lot.

In the Zoning Officer’s Refusal of Permit this request was denied for non-compliance with the provisions of Section(s) 94-8 A of the Municipal Zoning Ordinance for the following reasons: Single family dwelling is not permitted in the B-1 Zone.

Attorney Ours reviewed the notice of service to the property owners and affidavit of publication and found everything to be in order for the Board to proceed.

Mr. Cioletti was administered the oath by Attorney Ours.

Mr. Cioletti testified that the property in question he purchased is presently in the B-1 Zone across the street from Smith Motor Company.

The lot was recently sub-divided and now shows on the tax map as a separate lot. It was formerly in the R-3 Zone and now falls into the B-1 Zone. Mr. Cioletti testified that it was his opinion that a residential dwelling would better fit in the scheme of the neighborhood on that particular side of the street as there is residential homes built on either side of this lot and a hairdressing salon on the corner of Rt. 57 and Hillcrest.

The engineer recommended that the front yard setback remain at 25' since both zones require this setback.

Chairman Eller opened up the hearing for the audience for their comments.

Jack Smith, Smith Motor Company was administered the Oath.

He also testified that a house would look better on this lot than an empty lot. The only drawback he could see is that there could possible be complaints lodged as a result of his business on the opposite side of the street. There are trucks that utilize the other side of the street for his deliveries.

Chairman Eller noted that any additional activity on this lot such as a deck, pool, shed, etc would require the applicant to come back to the Zoning Board again. This street is a very busy neighborhood and is in fact noisy at times.

Chairman Eller suggested perhaps a two story house. The engineer noted that it would be difficult to meet the 25' rear yard set back.

Martha Bray, a nearby resident had no negative comments on this application.

Attorney Ours reviewed the criteria necessary for the granting of this variance for the Board's consideration.

It was therefore moved by Hurley, seconded by Nienstedt that a "D" variance or a special use variance be granted for the construction of a single family house because special reasons do exist. The property is adjacent to the R-3 Zone and the applicant shall meet the R-3 setback of 25' front and rear yard and 6' side yards; the use will fit in with the make-up of the neighborhood and it will not be a substantial detriment to the public good, nor will it impair the intent or purpose of the zone plan.

Case #2005:6 – Paul Ciolette
(Continued)

Roll Call: Nienstedt, Kramer, Hurley, Eller and Mangiacotti - Ayes: 5,
Schlader – Naye.

Motion carried.

COMMUNICATIONS:

The following communications were entered into the record:

- 1) NJ Highlands Council – Invitation to Meeting
- 2) The NJ Planner

The communications were acknowledged, received and filed.

Hearing no further business to come before the meeting, it was moved by Hurley, seconded by Nienstedt that the meeting be adjourned.

Respectfully submitted,

Frank Mangiacotti, Secretary