

**Washington Borough
Board of Adjustment Minutes
September 27, 2005**

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

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

Absent: Kramer, Semonche and Post – 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 – August 23, 2005

Chairman Eller entertained additions or corrections to the minutes.

One minor correction was pointed out on Page 2. The Clerk so noted. It was therefore moved by Hurley, seconded by Nienstedt that the minutes of the regular meeting held August 23, 2005 be approved with the correction.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTIONS:

Case #2005:15 – Randall Burns, 15 Fillmore St.

It was moved by Schlader, seconded by Mangiacotti that the resolution approved at the August meeting be adopted granting permission to Mr. Randall Burns to construct a wrap-around porch on his property.

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

Ayes: 6, Nays: 0.
Motion carried.

Case #2004:13 – Samuel Hicks, Harrison/Garfield St.

It was moved by Schlader, seconded by Nienstedt that this resolution approved at the August meeting be adopted granting Mr. Hick's a one year extension on his variance for the construction of a new house.

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

Ayes: 6, Nays: 0.
Motion carried.

APPLICATIONS:

Case #2005:3 – J.H. Van Cleef, Rt. 31, North, Blk. 37, Lot 4 thru 6 (Represented by Alan Lowcher, Esq.)

This application is filed for the purpose of applying for a Use Variance for the construction of a 55 + over age/restricted housing development. The parcel is located in the Industrial Zone.

In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-83A of the Municipal Zoning Ordinance for the following reasons: Dwelling units are not a permitted use in the Zone.

Attorney Ours reviewed the notices of service and affidavit of publication and found everything to be in order for the Board to have jurisdiction to begin hearing testimony on this application.

The following expert witnesses will be offering testimony:

Jack Van Cleef, John Chadwick, Frank Tomaino, Robert Ehlenberger, Douglas Polyniak and J. Michael Petry. All were administered the oath by Attorney Ours.

Attorney Lowcher gave the Board a brief overview of the status of this property and its background as approved by the Planning Board. The building was started and never completed and has been an eyesore to the community for the past twenty years. His client, Mr. Jack Van Cleef would like to take this property and construct a building for senior citizen housing in the community. The building will be four stories and will require a use variance and various bulk variances in addition to a major site plan. For the presentation they have used the informal site plan check list for the Board to consider the change in use. All the required fees have been paid and taxes are paid in full to date.

The first witness was Mr. Jack Van Cleef who gave an overview of the project. He was looking for the Board to give him conceptual approval of the project.

The audience was invited to look at the plans but no one stepped forth.

Mr. Frank Tomaino, Architect and professional planner gave the Board his background education and credentials. He described the site on Rt. 31 North. The plan as proposed does fit within the footprint of the site. He described the interior floor plans for each level consisting of four stories. These exhibits were marked A-1 thru A-5. The rendering of the building was marked into evidence as A-6 and the interior of each unit was marked as A7 and A8. 192 units are proposed all of the same size and same layout. Each unit will be 1312 Square feet, four stories high with two entrances into the lobby. He described the layout of each apartment. Each will have only one bedroom and a second room which will be considered as a multi-purpose room. It is not a second bedroom. The complex will house a gym and a indoor swimming pool and spa. The pool is designed to be 40' long. Two general meeting rooms will be in the building and elevators. The two large half buildings will be separated by the recreational facilities. The outside exterior was described as varied colored stucco. Security and maintenance will be on site. The garbage would be handled by way of garbage chutes into a compactor unit. Trash enclosure units would be outside in the parking lot.

Board member Schlader asked if the steel structure that is present on the site now would be removed? It was noted that it would be removed.

Board member Schlader asked what the swimming pool hours would be of operation? It was noted that certain hours would be set.

The outside exterior of the structure was not appealing as presented. The Board would like the outside to keep in line with the historical appeal of the community that the Business Improvement District is striving to achieve. The internal design seems to be very well laid out.

The size of the extra room was 11'4" x 12' and the main bedroom is 14' x 11'4". There are closets in each room but no window in the multi-purpose room.

Chairman Eller asked about security in the building. There would be one person on the ground floor.

Board member Hurley questioned fire protection. The building will have sprinklers and be equipped with smoke detectors.

Chairman Eller asked what the hallway width was going to be? East to West they would be 8' and the center areas would be 12' with walkable space 5'. There would be 24 units on each floor level. Outside maintenance would be done by outside contractors. General storage would be underneath the recreational area. There would be no provisions for the storage of RV's on site.

It was noted for the record that the units would be sold as condominiums. Attorney Lowcher addressed the statutes that outline condominiums. There would be one common fee that would be charged each unit. It was estimated that Mr. Van Cleef would act as the property management for at least two years until the units are sold and then the residents would form their own Association.

The heat proposed would be gas heat.

By-laws of the Association were discussed and it was noted that the Planner would address this question. Attorney Ours noted that the Board would probably want to see these documents beforehand.

It was noted that there would be exterior lighting at the entrance and lights on the porches.

Chairman Eller entertained questions from the audience for the architect. There were none.

J. Michael Petry, Engineer outlined his education and credentials for the Board's information.

Exhibit A-9 showed a composite of the former Washington Business Center that was approved several years ago by the Planning Board. He also showed Exhibit A-10 which was a conceptual site plan reducing the building foot print to accommodate more circulation around the building for this proposed use. He addressed the parking requirements. The ordinance calls for 1.75 spaces per unit and 2.0 spaces for 2-bedroom units. 192 units as proposed with single bedrooms would require 336 spaces and 2 bedrooms 384 spaces. 295 spaces are being proposed with this plan. Mr. Petry noted that the circulation pattern shown would accommodate the resident living on the site as well as emergency vehicles.

A letter dated 9-27-05 from Maser Consulting was marked into evidence attesting to available sewer capacity. Treatment works applications will have to be applied for through the DEP and the use variance would be conditioned upon these approvals.

Chairman Eller questioned the Brownfields contamination on this site. It was noted that the next professional to testify will address this issue.

Parking for service vehicles and garbage pick-up for dumpsters was discussed. The four locations proposed for the pads for the garbage dumpsters will not take up any of the proposed parking spaces. The pads proposed are 12' x 12' pads.

An aerial photo of the site was marked into evidence as A-12.

Chairman Eller was concerned with emergency apparatus and how they would access the site. A second access should definitely be looked into. One entrance is not sufficient for the type of use proposed.

It was noted that the NJ DOT will have to approve the entrance for this project.

It was also noted that a portion of this property is located within the perimeters of the Morris Canal.

Board member Schlader was concerned with the safety of those residents living here. Fire trucks and Emergency apparatus would have to have safe access as well as the residents living there.

Sidewalks were brought up by Engineer Bob Miller, particularly since this project is going to house senior citizens who may want to walk to the downtown. The property has 162' frontage. The applicant would have no problem with constructing sidewalks. Engineer Miller suggested sidewalks all the way down to tie into Jackson Avenue.

Board member Schlader was also concerned with the sloped roof line of the building as proposed.

Chairman Eller entertained questions of the engineer from the audience. There were no questions from the audience.

In the interest of time and the fact that the Board still had other cases to consider this evening the case was adjourned to be continued.

Engineer Bob Miller noted that several important issues were brought forth tonight which bear further investigation and facts. The emergency access, another access other than the one proposed, fire department issues, sidewalks issues and the proposed by-laws. Also, the Morris Canal issue.

The Board adjourned this case at 9:50 PM and agreed to carry this case until the next meeting and begin the meeting at 7 PM.

The Board took a short recess and resumed at 10:05 PM with everyone present.

Case #2005:16 – Mr. & Mrs. Clint Leming, 52 Willow St, Washington, NJ., Blk. 98, Lot 40

This application is filed for the purpose of applying for a variance to construct a 8' x 36' front porch and add a second floor to the house plus two dormers. This property is located in the Industrial Zone.

In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions in Section(s) 94-83 B2 of the Municipal Zoning Ordinance for the following reasons:

There shall be a front yard of not less than fifty feet.

Attorney Ours reviewed the notices of service to the property owners and affidavit of publication and found everything in order. The Board has jurisdiction to hear the application.

Mr. Clint Leming was administered the oath by Attorney Ours.

Mr. Leming explained that his family has outgrown their existing one story home of 864 Square Feet. They would like to build a second story which would provide them with the Master Bedroom and Bath and a family room, half bath, a closet and entrance to the attic. They would like to remove the concrete stoop, remove the pad and put a new porch across the front the house 8' x 36'. They would be 27' feet from the property line. Aesthetically it would look better and the house would better suit the needs of his family.

The Board discussed his request and asked if he would consider reducing the porch to 7' x 36', rather than 8'. Mr. Leming agreed. Mr. Leming noted that there is only three houses on the block and they all have porches. His proposal would better fit in with the scheme of the neighborhood. There is no house that meets the 50' setback from the road.

Chairman Eller asked if there was anyone in the audience that had any questions or testimony of the applicant. There were no audience remarks.

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

It was therefore moved by Hurley, seconded by Nienstedt that the Board grant Mr. Leming a variance to construct a second story to his house as per the plans and to remove the existing concrete stoop and put a new porch across the house 7' x 36' rather than the 8' proposed, this variance can be granted without substantial detriment to the public good as it is still in line with the other homes in that block and it will not substantially impair the intent and purpose of the zone plan.

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

Ayes: 6, Nays: 0.
Motion carried.

Case #2005:17 - Steve Alpaugh, 4 McKinley Ave., Washington, NJ, Blk. 46, Lot 3

This application is filed for the purpose of applying for a variance to construct a 15' x 16' deck and replace the existing shed. This property is in the R-2 Zone.

In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of section(s) 94-76 B 3, 4 and 94-37A of the Municipal Zoning Ordinance for the following reasons:

Side yards shall not be less than 8 feet, rear yards shall be at least 40 feet and minimum distance of any accessory building to a property line shall be 5 feet.

Attorney Ours reviewed the notice of service to the property owners and affidavit of publication and found everything in order. The Board has jurisdiction to hear this application.

Steve Alpaugh was administered the Oath by Attorney Ours.

Mr. Alpaugh explained that because of size of his lot they would like to construct a deck off the rear of their house with a two foot bump-out for their grill. This will increase the enjoyment of their home, given the fact that their lot is extremely undersized. He would also like to replace his existing shed the same size as it is, 8' x 12' and bring it one foot closer to his house.

The Board asked a few questions of the applicant.

Chairman Eller entertained questions or testimony from anyone in the audience. There were no remarks from the audience.

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

It was therefore moved by Schlader, seconded by Hurley that a variance be granted to Mr. Alpaugh to construct a 16' x 15' deck on the rear of his house and that he replace his shed with the same size shed 8' x 12' bringing it in 1' closer to his house, this variance being granted because of the exceptional narrowness and size and shape of the lot and further it will not impair the intent and purpose of the zone plan or be a detriment to the public good.

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

Ayes: 6, Nays: 0.
Motion carried.

The Communications consisting of the 2006 Board of Adjustment Budget and the Warren County Board of Agriculture Re: Impacts of the Highlands Act on Municipalities was tabled until the next meeting.

Hearing no further business to come before the Board it was moved by Nienstedt, seconded by Cioni that the meeting be adjourned at 11:10 PM.

Respectfully submitted,

Frank Mangiacotti, Secretary