

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**BOARD OF ADJUSTMENT MINUTES**  
**November 28, 2006**

**Roll Call:** Cioni, Eller, Hurley, Mangiacotti, Post, and Truman – 6 Present.

**Absent:** Nienstedt, Semonche

**Vacancy:** Alternate #1 – One Vacancy

**Also Present:** Stuart Ours, Esq., Board Attorney  
Rudy Bescherer, Zoning Officer  
Ann Kilduff, Clerk

Chairman Cioni led the members of the Board in the flag salute and read the Open Public Meetings Act into the Record.

**MINUTES:**

**Regular Meeting – October 24, 2006**

Chairman Cioni entertained additions or corrections to the minutes. Hearing none, it was moved by Post, seconded by Truman, that the minutes of the regular meeting held October 24, 2006 be approved as submitted.

Roll Call: Cioni, Eller, Hurley, Mangiacotti, Post and Truman –  
Ayes: 6, Nays: 0, Abstained: 0  
Motion carried.

**RESOLUTIONS:**

**Case #2006:19 – Susan McArdle – 31 Nunn Avenue**

It was moved by Post, seconded by Hurley, that the resolution be adopted as approved at the October meeting for the paving and expansion of a driveway and parking area.

Roll Call: Cioni, Eller, Hurley, Mangiacotti, Post and Truman –  
Ayes: 6, Nays: 0, Abstained: 0  
Motion carried.

**Case #2006:20 – Erin and Andrew Noreen – 19 Lambert Street**

It was moved by Post, seconded by Mangiacotti, that the resolution be adopted as approved at the October meeting for the construction of a deck.

Roll Call: Cioni, Eller, Hurley, Mangiacotti, Post and Truman –  
Ayes: 6, Nays: 0, Abstained: 0  
Motion carried.

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**Case #2006:21 – Edward France – 11 Vannatta Street**

It was moved by Post, seconded by Truman, that the resolution be adopted as approved at the October meeting for the identification of this property as a two family dwelling.

Roll Call: Cioni, Eller, Hurley, Mangiacotti, Post and Truman –  
Ayes: 6, Nays: 0, Abstained: 0

Motion carried.

**APPLICATIONS:**

**Case #2006:22 – Joyce and Ruben Lopez – 56 Grand Avenue – Block 14.01 Lot 1 – R2 Zone**

This application is filed for the purpose of replacing a 10'x10' shed with a 12'x20' shed and to add a 2<sup>nd</sup> floor addition to the W. Johnston Street side. In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-37B and 94-76 B2 of the Municipal Zoning Ordinance for the following reason(s): The minimum distance of any accessory building to a property line shall be 5 feet and there shall be a front yard of not less than 30 feet.

Attorney Ours reviewed the notices of service and affidavit of publication and found everything to be in order. The Board has jurisdiction to hear this application. The Oath was administered to Joyce and Ruben Lopez for their testimony.

Mr. Ours asked why the applicants were looking for a larger shed. Mrs. Noreen stated that they need more storage space and that the current shed is beginning to fall apart. Mr. Cioni asked if the applicants had a garage and what the base of the shed would be. Mr. Noreen stated they do not have a garage and the shed would have a gravel base. Ms. Truman asked what the current shed is based on. The applicants replied that there is no base, just plywood flooring.

Mr. Hurley asked how far the shed is from the property line. It is currently one foot. The Noreens stated that the chain link fence around the property is their fence. They are looking to replace a metal shed with a wooden shed. Mr. Ours told the applicants they should leave at least two feet to allow for mowing and painting the shed. The Noreens agreed to leave two feet from the side and rear of the shed.

Mr. Eller noted that the shed would be 12 feet east to west and 20 feet north to south. He asked if the shed would be barn style to store things up top. The applicants replied that it is not.

Mr. Cioni asked if there would be any trees in the area that would be affected. The reply was no. Mr. Cioni asked if they would be building or buying a shed and what would the height of the shed be. The applicants replied they will be buying a shed and it will be 12 or 16 feet at the peak. They agreed to Mr. Ours' request of not exceeding 16 feet in height.

The Noreens explained that the second floor addition would consist of a bedroom and laundry area, bathroom and walk-in closet. They do not have drawings of the addition as they are waiting for the approval of the project. The addition would be built over the existing family room and would not go any closer to the front.

Mr. Eller asked if the stairs to the 2nd floor would remain and if there would be any stairs added to the outside of the house. The Noreens replied the inside stairs would remain and no additional steps would be added outside. They stated they would be hiring someone to do this addition rather than doing the work themselves.

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Ms. Truman asked if this addition would change the view for any of their neighbors. The Noreens said it wouldn't.

Chairman Cioni noted that there was no one present in the audience to ask any questions of the applicant.

Hearing no further discussion from the Board, a motion was made by Eller, seconded by Hurley, that the Board approve Erin and Andrew Noreen's request to replace their 10'x10' shed with a 12'x20' shed due to the fact that the new shed will not be a detriment to the neighborhood and it will not substantially impair the intent and purpose of the zone plan. The new shed must be no higher than 16 feet at its peak. Two feet shall remain on the side and rear of the shed.

Roll Call: Cioni, Eller, Hurley, Mangiacotti, Post, and Truman  
Ayes: 6, Nays: 0, Abstained: 0

Motion carried.

A motion was made by Eller, seconded by Post, that the Board approve Erin and Andrew Noreen's request to add a second story addition to their house due to the fact that the addition would not be a detriment to the neighborhood and it is conducive with a larger size family.

Roll Call: Cioni, Eller, Hurley, Mangiacotti, Post, and Truman  
Ayes: 6, Nays: 0, Abstained: 0

Motion carried.

**Case #2006:24 – Damien McDermott – 7 Carlton Avenue; Block 19.02 Lot 1 OB Zone**

This application is filed for the purpose of operating a window replacement business. In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-82 A of the Municipal Zoning Ordinance for the following reason(s): it is not a permitted use in the OB Zone.

Attorney Ours reviewed the notices of service and affidavit of publication and found everything to be in order. The Board has jurisdiction to hear this application. The Oath was administered to Damien McDermott for his testimony. Mr. Alan Lowcher, Esq, is representing Mr. McDermott.

Mr. Lowcher gave a brief overview of the property. He stated the building was used by Carlton Press for over 20 years. It has a brick frame, garage door and small office. The rest of the inside is an open workshop area. It is not suitable for a residence. Mr. McDermott would like to use the space for a glass replacement business. It an off-site service; the building would be used primarily to store the product. No changes to the building structure, lighting or parking area are anticipated.

Mr. McDermott discussed a presentation (Exhibit A1) which he prepared for the Board Members. The name of his business is Glass Doctor, a company based out of Texas. His business would comprise of 50% car and 50% home/commercial window replacement. He would hire 2-4 employees and the service would be taken to the customer. He picked this area because the building is ideal for the proposed business. It has good inventory storage as well as a good area for receptionist and manager. There will be no fabrication of materials on site. He will need to be able to cut the glass, but it is a small machine that doesn't make much noise.

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Mr. Cioni asked if the sign needed to look a particular way since this business is a franchise. Mr. McDermott said the company is flexible as long as the logo is used and stated that his sign would comply with the current borough regulations.

Ms. Truman asked how many vans he anticipates parking on the property. Mr. McDermott replied that he would only have one van initially, but eventually hopes to have two. He stated the vans would be stored inside or the employees would take the vans home. Mr. Ours noted the lot has no extra space for parking. Mr. McDermott agreed it is a limitation, but he would be able to work around that.

Mr. Cioni asked where glass would be stored for large projects. Mr. McDermott replied that if the project was too large to store in their space, it would be sent directly to the job site from the supplier.

Mr. Ours asked what would be done regarding trash collection. Mr. McDermott stated that the window packaging would be a modest amount and that he plans on having two dumpsters; one for glass and one for garbage. Mr. Ours reminded him he needs a separate contract to recycle window glass. Mr. Hurley asked if there would be anything expelled or exhausted from the building. Mr. McDermott replied that there wouldn't be.

Mr. Eller asked how many vendors he anticipates. Mr. McDermott anticipates three suppliers at the most, one being more prominent than the others. Ms. Truman asked the applicant how many deliveries he expects. Mr. McDermott believes he will have one deliver per week. Mr. Eller was concerned with the vendors traveling up Belvidere Avenue and making a left-hand turn onto Carlton Avenue. This would put them on the wrong side of the street. His concern is that there is a school on Carlton Avenue. Vendors could be carrying glass over the sidewalk where the children would be walking. If they were to come onto Carlton Avenue from the other direction, he would be putting commercial traffic on residential roads. Mr. Lowcher replied that any person having furniture delivered would have a box truck on a residential road. Mr. McDermott agreed to educate the vendors quickly on the nature of the traffic flow. Ms. Truman suggested perhaps he could schedule deliveries when the children are not present.

Mr. Eller was also concerned with the garage doors being on the alley. He feels that any deliveries or loading has the potential to block the sidewalk or block the vision of people using the alley. Mr. McDermott again realizes the limits and is willing to work around them.

Mr. Ours asked if plans on purchasing or leasing the building. Mr. McDermott stated he is currently the contract purchaser.

Mr. Lowcher closed by saying the building has a limited usefulness for its size. It is currently vacant and would provide local employment if the variance is granted. He stated his client is trying to promote use of land by using what's vacant and not rebuilding. Mr. Lowcher feels this will not be a detriment to the zoning ordinance and that the site is suited to the proposed use.

Mr. John Ahearn, current owner of the property, was sworn in for his testimony. He stated he owned the property for three years and did cosmetic work to the building. Mr. Ahearn said his son had more deliveries as a printing business than Mr. McDermott anticipates. There were many deliveries per day from Fed Ex, UPS and DHL.

Mr. Lowcher stated his client is sensitive to the concerns in the area and is willing to modify plans to be a good neighbor. He will be providing a service to local people.

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Mr. Hurley would like to limit delivery due to the school being so close.

Chairman Cioni noted that there was no one in the audience with any questions of the applicant.

Hearing no further discussion from the Board, a motion was made by Hurley, seconded by Post, that the Board allow Damien McDermott to operate a window replacement business on this property. The operation of this business will not be a detriment to the neighborhood and it will not substantially impair the intent and purpose of the zone plan. All deliveries to the site shall be conducted between the hours of 10:00 a.m. and 2:00 p.m. or between 4:00 p.m. and 6:00 p.m. during the school year. All parking of the business's vehicles will be inside or offsite and the dumpsters should be stored inside the building.

Roll Call: Cioni, Hurley, Mangiacotti, Post and Truman –  
Ayes: 5, Nays: 1 - Eller, Abstained: 0  
Motion carried.

**COMMUNICATIONS:**

The NJ Planner was received and duly noted.

**REPORTS:**

There were no reports at this meeting.

**REMARKS:**

A brief discussion took place regarding a property on Monroe Avenue. Zoning Officer Rudy Bescherer stated the property in question meets the minimum requirements. Mr. Eller stated he has seen a truck parked in the driveway blocking the sidewalk. The driveway cannot fit a full size pick-up truck. Mr. Hurley stated that although it may meet the minimum requirements, whether it works or not would have to be taken into consideration.

Mr. Ours stated the Board can make a recommendation to Council if there seems to be repetition of things not done properly. Mr. Bescherer told the Board he supplies the Borough Manager with a copy of codes he feels need to be amended or adopted based on problems he encounters on an on-going basis. He will supply the Board with a copy of the most current memo at the next meeting.

Hearing no further business to come before the Board, a motion was made by Cioni, seconded by Post, that the meeting be adjourned at 9:50 pm.

Ayes: 6, Nays: 0.  
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary