

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
May 22, 2007

Roll Call: Durfee, Eller, Hurley, Mangiacotti, Nienstedt, Semonche, Truman, Vitalos – 8 Present.

Absent: Post – Absent

Vacancy: None

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

Chairman Hurley led the members of the Board in the flag salute and read the Open Public Meetings Act into the Record. New board members, Lawrence Durfee and Christopher Vitalos were sworn in by Mr. Ours.

MINUTES:

Regular Meeting – March 27, 2007

Chairman Hurley entertained additions or corrections to the minutes. Hearing none, it was moved by Semonche, seconded by Truman, that the minutes of the regular meeting held March 27, 2007 be approved as submitted.

Roll Call: Mangiacotti, Semonche, Truman and Hurley –
Ayes: 4, Nays: 0, Abstained: 4 (Eller, Nienstedt, Durfee, Vitalos)
Motion carried.

RESOLUTIONS:

Case #2007:6 – Shaun Heimall – 102 Taylor Street

It was moved by Mangiacotti, seconded by Semonche, that the resolution be adopted as approved at the March meeting for the expansion of front yard parking.

Roll Call: Mangiacotti, Semonche, Truman and Hurley –
Ayes: 4, Nays: 0, Abstained: 4 (Eller, Nienstedt, Durfee, Vitalos)
Motion carried.

APPLICATIONS:

Case #2007:7– Jack Kriebel – 19 W. Johnston Street – Block 21 Lot 7 – R3 Zone

This application is filed for the purpose of constructing a 4’ and 6’ fence along Cherry Street. In the Zoning Officer’s Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-47 and 94-61 of the Municipal Zoning Ordinance for the following reason(s): Fences shall not be higher than 4’ in the front yard or in any required sight triangle.

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Mr. Eller stepped down due to a conflict of interest. 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 Jack Kriebel for his testimony.

Mr. Ours asked the applicant how long he owned the property. Mr. Kriebel replied he owned the property since 2001. Mr. Ours stated the concern is that his property is a corner lot and the ordinance requires a 35' sight triangle in each direction. Mr. Kriebel has an unusual property which is a corner lot with two front yards.

Mr. Kriebel provided the Board with pictures of where he would like the fence to be placed. He stated he has no real rear yard and would like it fenced in for safety reasons. He has had vandalism to his property more than once and would like extra security for his children. The fence along Johnston Street would be a 4' high picket fence and the fence along Cherry Street would be a 6' standard stockade fence for privacy. The taller fence would start halfway down the alley.

Ms. Truman asked if the current hedges would be removed. Mr. Kriebel replied that they would be. Mr. Nienstedt asked the size of the neighbor's fence. Mr. Kriebel stated it is 4' to 6' along the back.

The Board discussed the survey dimensions with the applicant. Mr. Durfee noted the only problem is Cherry Street. Mr. Ours stated Cherry Street is a narrow alleyway and no front yards face Mr. Kriebel's Cherry Street front yard. Mr. Semonche explained that since Cherry Street is considered a front yard, the ordinance states there can't be a 6' fence on a front yard and it would need to be 50% open.

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

Mr. Semonche stated he would like to reference the picture of the top view of the property as to the work that will be done. The pictures were numbered as Evidence A1 thru A6. Picture A6 will be referenced in the resolution.

Mr. Ours stated the Board should require as a condition that a deed be executed to grant the Borough a site easement to the sight triangle.

Hearing no further discussion from the Board, a motion was made by Semonche, seconded by Nienstedt, that the Board approve Jack Kriebel's request to allow a 30" high, 50% open, fence erected as shown on picture A6 (red line) and to allow a 6' tall stockade fence, not 50% open, to be erected as shown in picture A6 (blue line). There is an undue hardship due to the fact that the property is a corner lot and the Board finds no detriment to the public good or zoning ordinance. The deed shall be changed to allow a site easement to sight triangle.

Roll Call: Mangiacotti, Nienstedt, Semonche, Truman, Durfee, Vitalos and Hurley
Ayes: 7, Nays: 0, Abstained: 0

Motion carried.

Mr. Ours instructed Mr. Kriebel to bring the deed to his office and he will record it for him. Mr. Eller returned to the meeting.

Case #2007:8- Jose Cruz - 35 S. Wandling Avenue - Block 98 Lot 48 - R3 Zone

This application is filed for the purpose of adding an 11' x 12' extension to the house and a 9' x 18' deck. In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of

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Section(s) 94-77 B2 and 94-77 B3 of the Municipal Zoning Ordinance for the following reason(s): There shall be a front yard of 20' and a side yard of at least 6'.

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 Jose Cruz for his testimony.

Mr. Cruz stated he would like to change the dimensions of his addition to 13' x 13' and make the deck 15' x 20'. Mr. Ours asked if he was adding onto the second floor. Mr. Cruz replied he is only adding a family room onto the first floor. The wrap around porch will be partially removed.

The Board discussed the drawings with Mr. Cruz. Chairman Hurley asked if the addition will square off the front section. Mr. Cruz replied that it would. Mr. Hurley feels the addition will improve the look of the house.

Chairman Hurley asked if the change in dimensions for the deck is an issue. Mr. Ours stated the width is not a problem, just the depth. Mr. Ours asked if the deck could be on the right side of the house rather than the left. Mr. Cruz replied the door to the basement is on the left. There would also be less privacy if done that way. Mr. Eller noted a variance would still be required if the deck was moved near the basement doors.

Mr. Ours asked the applicant if the neighbor's houses are the same distance from the road as his. Mr. Cruz replied that they are.

Mr. Bescherer stated there is virtually no traffic on nearby Aphelia or Mechanic Streets. He feels it will be a big improvement to the property and the family would have privacy with the deck located in the back.

Mr. Ours stated the location of the house predated the zoning ordinance. There is not much the applicant can do, but is attempting to improve the property and make it more useable. Although the addition would still be an infringement to the front yard setback, he feels the applicant will be doing so in an attractive manner.

Chairman Hurley noted there was no one 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 Truman, that the Board approve Jose Cruz's request to construct a 13' x 13' one-story addition to be built no more than the existing site plan on the front and side. The Board also grants a variance for a deck to be built 15' in depth and 20' in width no further than the northern site line of the house due to the existing non-conforming house location. There is no detriment to the public or zoning ordinance. These changes will be beneficial to the family and make the house conducive to the property.

Roll Call: Eller, Mangiacotti, Nienstedt, Semonche, Truman, Durfee and Hurley
Ayes: 7, Nays: 0, Abstained: 1 (Vitalos)
Motion carried.

COMMUNICATIONS:

A flyer from Councilman Cioni regarding Volunteer Day at Borough Park was distributed. The event will be held on June 2, 2007 and Chairman Hurley asked the board members to do their best to participate.

REPORTS:

There were no reports at this meeting.

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REMARKS:

Mr. Eller welcomed the two new board members and told them their thoughts will be well received. He thanked Mr. Ours for explaining things as the meeting progressed for their benefit.

Chairman Hurley welcomed the new members as well.

Hearing no further business to come before the Board, a motion was made by Eller, seconded by Durfee, that the meeting be adjourned at 9:07 pm.

Ayes: 8, Nays: 0.
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary