

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
August 28, 2007

Roll Call: Durfee, Hurley, Mangiacotti, Nienstedt, Post, Semonche – 6 Present.

Absent: Eller, Truman, Vitalos – 3 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.

MINUTES:

Regular Meeting – July 24, 2007

Chairman Hurley entertained additions or corrections to the minutes. Hearing none, it was moved by Semonche, seconded by Durfee, that the minutes of the regular meeting held July 24, 2007 be approved as submitted.

Roll Call: Mangiacotti, Semonche, Durfee and Hurley –
Ayes: 4, Nays: 0, Abstained: 2 – Nienstedt, Post
Motion carried.

RESOLUTIONS:

Case #2007:10 – ALPS Properties – 274 E. Washington Avenue

It was moved by Semonche, seconded by Durfee, that the resolution be adopted as approved at the July meeting denying the conversion of a single family dwelling into a two family dwelling.

Roll Call: Mangiacotti, Semonche, Durfee and Hurley –
Ayes: 4, Nays: 0, Abstained: 2 – Nienstedt, Post
Motion carried.

APPLICATIONS:

Case #2007:13 – William Coleman

166 N. Lincoln Avenue – Block 6 Lot 69 – R3 Zone

This application is filed for the purpose of constructing a 12' x 15' deck. In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-77 B4 of the Municipal Zoning Ordinance for the following reason(s): There shall be a rear yard of at least 25 feet.

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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. Mr. Ours asked if anyone was in the audience in reference to this case. Hearing no one, the Oath was administered to William Coleman for his testimony.

Mr. Coleman stated he has a small backyard. He had a pool and decking at one time and some of the poles are still there. He provided the Board with pictures of how his yard looked previously. He would like to change the dimensions of his deck from 15 feet to 18 feet. He stated he has owned the house since July of 1977.

Mr. Post asked how far is it from the end of the deck to the property line. Mr. Bescherer responded there is 16 feet from the angle. Mr. Post asked what the second deck is for. Mr. Coleman replied he plans on placing his patio furniture there. The deck would be three steps off of the ground. Mr. Post asked what is behind the applicant's property. Mr. Coleman stated his backyard backs up to the power substation. There is the canal, the power company and a small piece of his neighbor's property.

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

Mr. Semonche asked if there is a door along the back of the house. Mr. Coleman replied there are two doors - one door on one side and a sliding door on the other that would open onto the deck.

The Board recommended Mr. Coleman put the deck along the whole back of the house, rather than his current design, giving the family more space. Mr. Semonche stated he prefers the rectangular size with a maximum of 12' x 35'.

Mr. Nienstedt asked if the steps would be on the back or side of the deck. Mr. Coleman replied that he is not sure. He will have to re-plan.

Mr. Ours stated the applicant has a narrow and undersized lot with limited space in the backyard. His property backs up to the end of a vacant, undeveloped lot.

Hearing no further discussion from the Board, a motion was made by Semonche, seconded by Post, that the Board approve William Coleman's request to construct a deck in his back yard. This will allow a 20' rear yard in the R3 Zone. The deck is to be a maximum of 12' x 35'. This five foot variance is granted due to the narrowness and undersized lot. There will be no detriment to the public good or zoning plan.

Roll Call: Mangiacotti, Nienstedt, Post, Semonche, Durfee, and Hurley
Ayes: 6, Nays: 0, Abstained: 0

Motion carried.

Case #2007:14 – Charles Wetenhall
356 N. Prospect Street – Block 6 Lot 7.01 – R2 Zone

This application is filed for the purpose of constructing a 24'D x 36'W x 23'H garage. In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-37 C of the Municipal Zoning Ordinance for the following reason(s): Accessory buildings shall not exceed 15 feet in height.

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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. Mr. Ours asked if anyone was in the audience in reference to this case. Hearing no one, the Oath was administered to Charles Wetenhall for his testimony.

Mr. Wetenhall stated he has owned the house for two years and stated he would like to construct a garage with one office on the top level. He will also have one office in the house as both he and his wife work from home. They currently work in either the kitchen or living room, but having young twins makes this difficult. He provided the Board with a picture of the proposed building. Chairman Hurley noted the only issue is the height of the building. Mr. Wetenhall stated he has a 2½ story house with a walk up attic. The house would still be higher than the garage. He stated it would be a pre-fab construction and likes the residential look of the garage. Mr. Durfee agreed the garage would fit the look of the house.

Mr. Ours asked if there is any garage there now. Mr. Wetenhall replied there is a pad there now and the garage would be built where that pad ends. More concrete may need to be added to the width of the pad. Mr. Ours asked if there is any residence on the southerly side where the garage would be. The applicant replied there is a single family house on the right and left. Near his half fence is an apartment complex and wooded area.

Chairman Hurley asked if the footprint of the garage could be changed and not necessarily have the office upstairs. Mr. Nienstedt asked the applicant how big of an office he was looking to have. Mr. Wetenhall replied he would like a 12' x 24' room size.

Mr. Post asked if the applicant worked from home or is he starting a business. Mr. Wetenhall replied that he works from home; his company is headquartered in Maryland.

Mr. Post stated he would have liked it if the applicant had researched other types of garages. Mr. Semonche stated that since a bigger building could be put in that space, he feels inclined to neither approve nor deny this application and request the applicant look into other alternatives. Mr. Wetenhall responded he has already given a down payment to the company. Mr. Semonche stated he doesn't want him to lose his down payment. Mr. Post agreed. No variance would be necessary if the garage could be refigured.

Chairman Hurley stated he likes the design of the building, but would also like the applicant to explore other options. As it stands, the Board has no reason to grant the variance.

Hearing no further discussion from the Board, a motion was made by Post, seconded by Semonche, that the Board table this application until the next meeting in order for the applicant to research other options.

Roll Call: Mangiacotti, Nienstedt, Post, Semonche, Durfee, and Hurley
Ayes: 6, Nays: 0, Abstained: 0

Motion carried.

Chairman Hurley told Mr. Wetenhall he did a nice job of putting everything together. Mr. Ours stated there is no need to re-notice for the next meeting as it will just be a continuation.

Case #2007:15 – Ronald Carvallo

91.5 W. Johnston Street – Block 14.02 Lot 1 – R3 Zone

This application is filed for the purpose of constructing a 20' x 27' deck, to add a second drive apron and parking pad, and to add a 6' high fence along the deck and alley. In the Zoning Officer's Refusal of Permit this

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request is denied for noncompliance with the provisions of Section(s) 94-77 B3, 53 K9, and 47 of the Municipal Zoning Ordinance for the following reason(s): There shall be a side yard of at least 6 feet; no more than one driveway opening is permitted; and fences in the front yard shall not exceed 4' in height and must be at least 50% open.

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 Ronald Carvallo for his testimony. Mr. Carvallo's niece was present to translate for him.

Mr. Carvallo stated he has been the owner of the property for the past eleven months. He currently has a 3-car garage which is used for storage of wood, tools, and furniture. He stated he has a small house and needs space for storage. Mr. Carvallo provided the Board with additional pictures which they discussed with the applicant. He would like the driveway in the rear of the house. He has two cars and a company truck. The garage doors open out onto Johnston Street. He currently parks on a gravel area or on the street. He would like to have off-street parking. Mr. Carvallo stated he has already received a warning from Mr. Bescherer for parking on the grass.

Chairman Hurley entertained comments from the audience. Guy Burd, Sr. of 91 W. Johnston Street was sworn in for his testimony. He stated that there is a water puddle in front of his garage. He is concerned with drainage if a driveway is permitted. He showed Mr. Ours on the survey where the problem is. Water would go into the alley from the applicant's property and go onto his property. Mr. Semonche stated that if there is a puddle there now, a 20' x 20' paved area would make the matter worse.

Mr. Post asked if the material in the garage could be moved. Mr. Carvallo replied he has no room in the house for his things. Mr. Carvallo stated there is a neighbor of his that has a 3-car garage with two driveways and feels he should be able to do the same. Mr. Semonche stated it is very rare that the Board grants two driveways unless there are exceptional circumstances. Mr. Post feels there is no need for another driveway and the garage is usable if storage is done differently. Chairman Hurley suggested possibly putting items in a shed to free up space in the garage. Mr. Carvallo stated it would be a great expense to fix the garage as it currently has a dirt floor. Mr. Ours stated a variance is not needed to add a concrete floor because they would be fixing an existing building. Mr. Carvallo asked if one driveway could be made to fit two cars. Chairman Hurley stated it depends on circumstances. The applicant has a very small piece of property.

Mr. Semonche stated he would prefer a gravel driveway rather than blacktop to limit the amount of property that is covered. The pad should be 10' in width and the length of the garage, placed immediately adjacent to the garage. A discussion of driveway alternatives took place.

Chairman Hurley noted the deck would be going between the house and the garage. He asked the applicant how much useable yard will be left with the exception of the patio. Mr. Carvallo replied much of his yard would remain. The applicant stated the sidewalk is not even and water is going into the basement. New pavers will be added to remedy this. Mr. Ours asked if the deck would be made out of wood. Mr. Carvallo replied it would be and it would not be elevated. Chairman Hurley asked if the deck would be even with the house. The applicant replied it would be. Chairman Hurley asked the applicant if he would be agreeable to building the deck closer to the garage and keep it even with the garage; then no variance would be needed. Mr. Carvallo replied he would agree to that.

Mr. Ours stated that if the fence is placed 6' off the property line, the deck would be in compliance. The fence is to run from the house to the garage.

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Hearing no further discussion from the Board, a motion was made by Mangiacotti, seconded by Nienstedt, that the Board grant variances to allow a solid privacy fence to be 6' from the property line and 6' in height due to the unusual circumstances of three front yards. The gravel driveway shall be 10' wide to the end of the garage. This driveway is to be placed on the easterly side to the north end of the garage. This variance is granted because of the unusualness of the three front yards.

Roll Call: Mangiacotti, Nienstedt, Semonche, Durfee, and Hurley
Ayes: 5, Nays: 1 - Post, Abstained: 0
Motion carried.

Mr. Nienstedt asked Mr. Carvallo if he understood what needs to be done. Mr. Carvallo stated he is concerned with not paving the driveway and asked if bushes could be added. The applicant was told he could add bushes as long as they are on his property. The applicant is concerned with his neighbor parking on his property.

COMMUNICATIONS:

The NJ Planner was received and duly noted.

REPORTS:

There were no reports at this meeting.

REMARKS:

There were no remarks at this meeting.

Hearing no further business to come before the Board, a motion was made by Post, seconded by Semonche, that the meeting be adjourned at 10:06 pm.

Ayes: 6, Nays: 0.
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary