

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
October 23, 2007**

Roll Call: Durfee, Eller, Hurley, Mangiacotti, Post, Truman, Vitalos – 7 Present.

Absent: Nienstedt, Semonche – 2 Absent

Vacancy: None

Also Present: Stuart Ours, Esq., Board Attorney
Rudy Beschere, Zoning Officer
Robert Miller, Borough Engineer
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 – September 25, 2007

Chairman Hurley entertained additions or corrections to the minutes. Hearing none, it was moved by Eller, seconded by Truman, that the minutes of the regular meeting held September 25, 2007 be approved as submitted.

Roll Call: Eller, Mangiacotti, Truman, Durfee, Vitalos and Hurley –
Ayes: 6, Nays: 0, Abstained: 1 – Post
Motion carried.

RESOLUTIONS:

Case #2007:16 – Pat & Dorothea Martino – 2 Oak Ridge Road

It was moved by Truman, seconded by Durfee, that the resolution be adopted as approved at the September meeting for the construction of a 10' x 12' shed.

Roll Call: Eller, Mangiacotti, Truman, Durfee, and Vitalos –
Ayes: 5, Nays: 0, Abstained: 2 – Post and Hurley
Motion carried.

Case #2007:17 – JCP&L Company – 111 Kinnaman Avenue

Mr. Ours explained that JCP&L is here to discuss a landscaping plan. The shed has been removed. Boro Planner Carl Hintz would like wording to protect the viewscape of the Morris Canal. Mr. Ours recommended holding the approval of this resolution until testimony has been heard.

Board of Adjustment Minutes
October 23, 2007

Case #2004:13 – Sam Hicks – Garfield and Harrison Streets

It was moved by Eller, seconded by Truman, that the resolution be adopted as approved at the September meeting to grant a variance extension.

Roll Call: Eller, Mangiacotti, Truman, Durfee, Vitalos and Hurley –
Ayes: 6, Nays: 0, Abstained: 1 – Post

Motion carried.

APPLICATIONS:

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. This application was previously discussed at the August 28, 2007 and September 25, 2007 meetings.

Mr. Ours stated for the record there was a shortage of board members who were either present at the last meeting or had heard the tape of the last meeting. Mr. Ours asked Chairman Hurley to assess the quorum. All board members are qualified to hear Mr. Wetenhall's testimony.

Mr. Wetenhall was previously sworn in and will continue under oath. Mr. Ours stated that at the end of the August meeting the applicant was asked to research other options. There was also a question as to the height listed in the plans. Various brochures were distributed among the board members. Mr. Wetenhall stated he would like to remain with Sturdy Built as his contractor.

Mr. Eller asked the height of the house. Mr. Wetenhall replied it is 30' to the peak. This was confirmed by Mr. Bescherer. Mr. Eller noted the drawings are the same as originally submitted and are accurate. It was noted the garage will be approximately 22' in height. Mr. Wetenhall stated the garage will have a brick front and white vinyl siding to match the house. The floor plan and appearance were the deciding factors in choosing this model. Mr. Eller stated he would like to put a restriction on plumbing in the garage. Although the current applicant wants the structure to act as a garage and office, future property owners may want to turn it into an apartment.

Chairman Hurley noted there was no one in the audience in regards to this case.

Mr. Ours stated this could be a justified situation uniquely affecting the applicant's property. The garage exceeds the height requirement but the aesthetic value would outweigh the height of the building. Mr. Eller stated he would rather see a slightly bigger building than another building such as a shed on the property as it limits the action on the property.

Hearing no further discussion from the Board, a motion was made by Eller, seconded by Vitalos, to approve the construction of a 23' high garage. This one story building with dormer is to be used as an office. There is no detriment to the neighborhood and it suits the family's growing needs. There shall be no plumbing installed in the garage or office and no other buildings are to be installed on the property.

Roll Call: Eller, Mangiacotti, Post, Truman, Durfee, Vitalos and Hurley –
Ayes: 7, Nays: 0, Abstained: 0

Motion carried.

Board of Adjustment Minutes
October 23, 2007

Case #2007:17 – JCP&L Company
111 Kinnaman Avenue – Block 6 Lot 48 – R2 Zone

This application is filed for the purpose of constructing a 12' x 13' pad with Assoc. Power Equipment. In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-76 A of the Municipal Zoning Ordinance for the following reason(s): Not a permitted use in this zone. This case was previously discussed and approved at the September 25, 2007 meeting. The Board requested this case return to discuss the conditions of variance approval.

Mr. John Beyel, Esq. was in attendance representing JCP&L and discussed the two conditions of the variance approval. JCP&L stated the shed in question was removed and other clean-up efforts were completed as well. JCP&L met with Boro Engineer Bob Miller and neighbors regarding the buffer landscaping on Belvidere Avenue. Mr. Beyel stated both the neighbors and client are pleased with the plan.

Mr. Dave Philson was sworn in for his testimony. He stated his education and professional experience deeming him qualified to testify as a forestry and landscaping professional. Exhibit A-5 was submitted and the board members received a copy. Mr. Philson met with Mr. Miller and the neighbors. JCP&L has committed to trimming the overhanging limbs over the driveway. Trees will be planted as a buffer. A natural wood line is already along Belvidere Avenue, but the trees lose their leaves in the winter. Evergreens will be planted instead. Some trees will be taken down to provide sunlight to come in for the new plants to grow. These will be deer and drought resistant trees. They will be 5' to 6' tall when planted and will grow into a nice solid buffer. Mr. Philson stated Mrs. Williams and Ms. Diamond requested this type of plant at the meeting and Boro Planner Carl Hintz approved the tree choice. Mr. Philson feels it is better to do the planting in the Spring as evergreens sometimes dry out in the winter. He will get a contractor to do the work and hopes to begin in April 2008. Branch piles and debris will be removed. Four trees will be removed and the stumps will be ground.

Chairman Hurley asked how many trees are to be planted. Mr. Philson stated they will plant approximately 25 trees to produce a buffer quickly. Mr. Beyel stated JCP&L wants to be good neighbors. This is all being done because of pictures brought by residents at last month's meeting. Mr. Miller feels this is an acceptable solution.

Chairman Hurley entertained comments from the audience.

Mr. Ed March, 309 Belvidere Avenue, stated his house is closer to JCP&L's property than those who attended the meeting, but he didn't hear about the meeting or know that anything is being done. He would have liked to have gone to the meeting. Mr. March stated JCP&L's trees grow onto his property and he has to clean up the debris. Mr. Beyel offered to clean up Mr. March's debris when doing other work. Mr. Eller asked Mr. March what he thinks would be appropriate for his property. Mr. March replied three trees would cover his yard and he would like Mr. Philson to take a look at his property. Mr. Philson agreed to do so and will work with Mr. March.

Ms. Courtney Diamond, 317 Belvidere Avenue, stated JCP&L has neglected the area over the years and wants reassurance JCP&L will maintain the property. Mr. Eller stated the Board has no jurisdiction over this. Chairman Hurley suggested the residents speak to the Zoning Officer if there is a problem in the future.

A discussion took place between Mr. Beyel and Mr. Ours concerning the wording of the current resolution. Some of the conditions to be met have in fact already been taken care of.

Hearing no further discussion from the Board, a motion was made by Eller, seconded by Truman, that the Board approve the resolution with the changes discussed by the two attorneys. The buffer shall be completed. The

Board of Adjustment Minutes
October 23, 2007

Board would like JCP&L to contact Mr. March and have three additional trees planted on either his or JCP&L's property. The conclusions shall be noted as per Mr. Ours' notes. Resolution phrasing shall be changed to reflect the work that has been done.

Roll Call: Eller, Mangiacotti, Post, Truman, Durfee, Vitalos and Hurley
Ayes: 7, Nays: 0, Abstained: 0

Motion carried.

COMMUNICATIONS:

The NJ Planner was received and duly noted.

REPORTS:

There were no reports at this meeting.

REMARKS:

Mr. Eller reminded the board members they are permitted to attend the conventions in Atlantic City if they pertain to the Board of Adjustment.

Mr. Bescherer stated there have been discussions regarding a PARIS grant that will put files in digital format. According to the state statute, zoning permits must be retained for ten years. He feels files beyond ten years should be retained as well.

A year end report to Council was discussed. Mr. Ours feels something should be presented to Council regarding impervious coverage.

Hearing no further business to come before the Board, a motion was made by Truman, seconded by Post, that the meeting be adjourned at 9:00 pm.

Ayes: 7, Nays: 0.
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary