

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
April 28, 2009

Prior to the Roll Call, the **Oath of Office** was administered to **Andrew Turner**.

Roll Call: Eller, Durfee, Post, Truman, Turner, Vitalos – 6 Present.

Absent: Mangiacotti, Semonche – 2 Absent

Vacancy: 1 Vacancy

Also Present: Stuart Ours, Esq., Board Attorney
Ann Kilduff, Clerk

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

MINUTES:

Regular Meeting – January 27, 2009

Chairman Eller 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 January 27, 2009 be approved as submitted.

Roll Call: Durfee, Post, Truman, Vitalos and Eller
Ayes: 5, Nays: 0, Abstained: 1 (Turner)
Motion carried.

RESOLUTIONS:

Need for Legal Representation and Engineering Services

It was moved by Turner, seconded by Truman, that the resolution be adopted as approved at the January meeting awarding contracts to Stuart C. Ours and William Gleba of Finelli Consulting Engineers.

Roll Call: Durfee, Post, Truman, Vitalos, Turner, Eller –
Ayes: 6, Nays: 0, Abstained: 0
Motion carried.

Case #2005:6 – Paul Cioletti – Hillcrest Avenue

It was moved by Post, seconded by Durfee, that the resolution be adopted as approved at the January meeting granting a one year extension to the use variance previously granted on January 22, 2008.

Roll Call: Durfee, Post, Truman, Vitalos, Turner, Eller –
Ayes: 6, Nays: 0, Abstained: 0
Motion carried.

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Case #2009:1 – Connie and Leroy Thompson – 222 W. Washington Avenue

It was moved by Post, seconded by Truman, that the resolution be adopted as approved at the January meeting granting permission for a parking pad and shed.

Roll Call: Durfee, Post, Truman, Vitalos, Turner, Eller –
Ayes: 6, Nays: 0, Abstained: 0

Motion carried.

APPLICATIONS:

Case #2009:2 – April Gallagher – 207 Belvidere Avenue – Block 19.02 Lot 2 – OB/R3 Zone

This application is filed for the purpose of constructing an 8'x10'6" deck off the kitchen. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-77 B2 of the Municipal Zoning Ordinance for the following reasons: there shall be a front yard of at least 25'.

Mr. Ours found all notices to be in order. The Board has jurisdiction to hear this application. The oath was administered to April Gallagher for her testimony. Ms. Gallagher stated she is replacing the steps on the side yard with an 8'x10' deck. She is not going beyond the kitchen. The bushes that are there will remain. There will be a small step down onto the deck. Chairman Eller feels the deck would add a negative look to the home. He would be in favor of the deck in a more useful area, perhaps a little lower, to make it more aesthetically pleasing. Ms. Gallagher stated there is no way to remove the slab of cement steps that are currently there. The deck needs to be built above it and cannot be any lower. Mr. Post noted there will only be 2" added on to the steps. He feels this is a unique situation because of the carport location. Mr. Turner stated there are not many options and has no issue with the plans as they are proposed.

Chairman Eller noted there was no one in the audience in regards to this application.

Mr. Ours stated this is a unique, problematic situation. It is a corner lot and the stoop is crumbling. This is an extraordinary situation uniquely affecting the property. There doesn't seem to be any detriment to the zoning plan. Ms. Gallagher noted the stoop is lifting away from the house and feels the deck will improve the look.

A motion was made by Post, seconded by Truman, to grant a variance to construct an 8'x10'6" deck. There will be no detriment to the public good. It is a unique situation limited by the carport location.

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

Motion carried.

Case #2009:4 – Thomas Domen – 30 Fisher Avenue; Block 76 Lot 5 R2 Zone

This application is filed for the purpose of constructing a two-story addition (16'x22'). In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-76 B2 of the Municipal Zoning Ordinance for the following reasons: there shall be a front yard not less than 30'.

Mr. Post stepped down as he is a neighbor of the applicant. Mr. Ours found all notices to be in order. The Board has jurisdiction to hear this application. The oath was administered to Thomas Domen for his testimony. Mr. Domen stated the house is on a corner lot and he wants to add a two-story addition. There are rooms on the left side of his front door and wants to add the addition onto the right side. Chairman Eller noted the house is

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located on the left side of the property, 2.5' away from the property line, and feels the proposed location is ideal. The addition would be 3' over the acceptable setback. Chairman Eller asked how many bedrooms are in the house. Mr. Domen stated he now has three but would have five with the addition. The two rooms on the first floor of the addition would be a recreation room and exercise room. Chairman Eller noted the applicant has parking for more than two cars. There is a gravel common alley used as parking for three houses. Mr. Domen stated there are bushes that could be taken down if more parking is needed. Mr. Ours noted the zoning ordinance does not specify parking per bedroom, just by dwelling. Mr. Turner feels this is the best solution for what is proposed. There were no setbacks when the house was built. Other houses in the neighborhood are in violation of the setback ordinance. Mr. Domen has a corner lot with two front yards. There is no other way to expand. Chairman Eller noted with the addition, there would be enough room to build a garage in the future if desired and still have enough yard space.

Chairman Eller noted there was no one in the audience in regards to this application.

Mr. Ours stated this is a unique situation. It is a corner lot which was most likely intended as two separate lots. The house is on one side of a large lot. Adjacent houses are set closer to the street and there would be no detriment to the scheme of the neighborhood.

A motion was made by Turner, seconded by Truman, to grant a variance to construct a two-story addition. There will be no negative impact on the neighborhood due to the locations of the existing house on the property.

Roll Call: Durfee, Truman, Vitalos, Turner and Eller –
Ayes: 5, Nays: 0, Abstained: 0

Motion carried.

Mr. Durfee stated the application presented was excellent and made the board's job much easier. All board members agreed. Mr. Post returned to the meeting.

COMMUNICATIONS:

A memo from the Borough Manager regarding the possible creation of a Municipal Land Use Board was received and discussed. Chairman Eller entertained comments from the board members. Mr. Vitalos stated he prefers the existing structure and feels there is value in maintaining two separate boards as both have separate focus and outlooks. Mr. Turner stated he spent four years on the Planning Board which makes the rules the Zoning Board enforces and feels there is not enough potential savings. He agrees that two separate boards is a better balance for the community. There are many valuable volunteers on the Zoning Board. Ms. Truman stated serving on the Planning Board is not usually time consuming as the borough is essentially planned out. She feels both boards are separate and distinct and agrees they should remain so. Mr. Durfee agrees there should be two separate boards run by two separate groups of people. He feels the public would not be getting the same service if combined. Mr. Post feels it will be more time consuming if the boards are combined and meetings increase to twice per month. He doesn't see a tremendous savings. Mr. Ours stated Washington Township and Oxford have both combined their Planning and Zoning Boards. Mr. Vitalos feels this will be an inconvenience to the public. Mr. Ours stated the meeting could be longer. Mr. Durfee feels this will make it harder to find volunteers. Mr. Turner stated if the ordinance is taken as written, the borough will lose many years of expertise. He feels the Land Use Board should be made up of by a majority of Board of Adjustment members as this is where the need will arise in the future. Since the borough is essentially planned out, changes would be on individual lots and possible sub-divisions. Mr. Ours stated the way the ordinance is written is due to the statute of a consolidated Land Use Board. To recap, Chairman Eller stated the Board has no interest in combining and sees no benefit to it. Mr. Ours will draft a letter in response to the Borough Manager's memo.

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An updated member listing was received.

The March/April 2009 New Jersey Planner was received.

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 Durfee, that the meeting be adjourned at 8:41 pm.

Ayes: 6, Nays: 0.
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary