

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

Roll Call: Durfee, Eller, Mangiacotti, Truman – 4 Present
Post and Vitalos arrived at 8:10 pm

Absent: None

Vacancy: 3 Vacancies

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 – June 23, 2009

Chairman Eller entertained additions or corrections to the minutes. Hearing none, it was moved by Mangiacotti, seconded by Durfee, that the minutes of the regular meeting held June 23, 2009 be approved as submitted.

Roll Call: Durfee, Mangiacotti and Eller
Ayes: 3, Nays: 0, Abstained: 1 (Truman)
Motion carried.

RESOLUTIONS:

Case #2009:8 – Laurie Jozowski – 1 Sunrise Terrace

It was moved by Mangiacotti, seconded by Durfee, that the resolution be adopted as approved at the June meeting approving the expansion of the parking area.

Roll Call: Durfee, Mangiacotti and Eller –
Ayes: 3, Nays: 0, Abstained: 1 (Truman)
Motion carried.

APPLICATIONS:

Case #2009:3 – Kenneth Hale – 51 Broad Street – Block 95 Lot 20 – OB Zone

Mr. Ours stated the applicant's attorney, Mr. Richard Burke, provided the Board with a letter stating his client's intention to withdraw his application.

Board members Post and Vitalos joined the meeting at this point.

Case #2009:10 – John Helgesen – 102 E. Washington Avenue; Block 25.01 Lot 3 B2 Zone

This application is filed for the purpose of converting one of the commercial units into a residential unit. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-18 A1 and 94-81 A1 of the Municipal Zoning Ordinance for the following reasons: A zoning permit is required prior to any construction and dwelling units must be on the upper floor. A variance was granted to convert a single family into one commercial unit and two dwelling units on August 21, 1984.

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Mr. Ours found all notices to be in order. The Board has jurisdiction to hear this application. The oath was administered to John Helgesen for his testimony. Mr. Helgesen stated he lives in South Plainfield, but is the owner of 102 E. Washington Avenue. He purchased the property in the summer of 2003. The previous owner, Norbert Charron, was before the Board in 1984. It was a single family dwelling with a shoe repair shop on the first floor. In 2004, Mr. Helgesen wanted the commercial units on the first floor and the residence on the 2nd floor. There are four parking spaces and a two-car garage. Mr. Helgesen stated he fixed up the building and is trying to eliminate vacant commercial properties. He presented the Board with a letter from the former BID Director, Jim Sheldon, dated October 15, 2007. Mr. Sheldon commended Mr. Helgesen on the appearance of his property.

Mr. Helgesen stated he would like to change one of the first floor commercial units into a one bedroom residential unit. He feels it would be easier to rent than a commercial unit. No construction is necessary to make it into an apartment. The other apartments are upstairs. One is a studio apartment and the other is a large one bedroom, both of which are currently rented to one person each. The garage is rented out to someone else. Mr. Ours noted the zoning ordinance requires two parking spaces per unit.

Mr. Ours stated the previous variance was terminated when the space was changed to a business. He asked if the variance is granted, does the applicant plan on leaving the space residential. Mr. Helgesen stated he plans to convert the space back to commercial in the future. Mr. Post stated he is concerned if the building is sold, the next owner won't change it back to commercial. He is also concerned with the potential of limited parking. Chairman Eller stated the applicant has in fact done a nice job with the property; however, the town needs job opportunities. Chairman Eller asked if there were any violations issued or any issues from the prior owner. Mr. Helgesen stated he is not aware of any. Chairman Eller suggested making the upstairs into one larger apartment and asked for feedback. Mr. Ours feels that would be more likely rented by a family with more cars, creating a parking issue. The board discussed the parking situation.

Chairman Eller entertained comments from the audience.

Penny Shaul, 22 School Street, stated she is concerned with what a new owner would do if the property were sold. Mr. Ours stated the variance goes with the building.

Ms. Truman stated this could encourage other property owners with vacant commercial units in town. The board discussed options and other town buildings. Mr. Ours noted this takes away from the balance of commercial units on the first floor and residential units on the second floor. Mr. Helgesen stated the downstairs apartment would have entrances in both the front and back. He plans to keep the building for years and has ideas of what he would like the building to be in the future. He doesn't want the first floor to be an apartment forever. He cares about this town and would like to stay. He feels the intentions in this town are good and reminded the board he keeps his property well maintained. The board discussed the options of commercial and residential units.

Chairman Eller entertained comments from the board members.

Mr. Durfee feels this is an extension of the past as permitted in 1984; however Mr. Post doesn't remember the space ever being an apartment.

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A motion was made by Post, seconded by Truman, to deny a variance due to lack of parking and the fact it would be a detriment to the public good to make the proposed changes.

Roll Call: Post, Truman and Eller –
Ayes: 3, Nays: 3 (Durfee, Mangiacotti, Vitalos), Abstained: 0

As it was a tie vote, a motion was made by Durfee, seconded by Mangiacotti, to approve the variance to allow an apartment at 102 E. Washington Avenue. It would not be a detriment to the public good and there is enough parking. The space is in move-in condition. No construction is necessary.

Roll Call: Durfee, Mangiacotti and Vitalos –
Ayes: 3, Nays: 3 (Post, Truman and Eller), Abstained: 0

Chairman Eller noted the apartment on the first floor is denied. Commercial units on the first floor are allowed, as are apartments on the second floor. The Board is split. Mr. Ours stated a use variance requires five affirmative votes and therefore the first motion is carried and the variance is denied. The board discussed the split decision.

COMMUNICATIONS:

A memo from Borough Manager Phelan regarding 3rd Round COAH was received and discussed.

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 Truman, seconded by Durfee, that the meeting be adjourned at 9:45 pm.

Ayes: 6, Nays: 0.
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary