

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
NOVEMBER 24, 2009**

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

Absent: None – 0 Absent

Vacancy: 2 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. The Oath of Office was administered to new Board Member, James Chloros.

MINUTES:

Regular Meeting – October 27, 2009

Chairman Eller entertained additions or corrections to the minutes. Hearing none, it was moved by Truman, seconded by Post, that the minutes of the regular meeting held October 27, 2009 be approved as submitted.

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

RESOLUTIONS:

Case #2009:11 – Brian Olson – 51 W. Stewart Street

It was moved by Post, seconded by Truman, that the resolution be adopted as approved at the October meeting denying the construction of a drive apron and parking area.

Roll Call: Durfee, Mangiacotti, Post and Truman –
Ayes: 4, Nays: 0, Abstained: 3 – Chloros, Eller, Vitalos
Motion carried.

APPLICATIONS:

Case #2004:13 – Sam Hicks – Harrison Street / Garfield Street; Block 61 Lot 10

Attorney Alan Lowcher stated he appeared before Council in order to obtain permission to install water service to the property. He was told Mr. Anthony's consent was required. Council discussed the issue but did not take formal action. Rather, Council suggested the parties involved work it out amongst themselves. Mr. Lowcher stated he is willing to discuss other options with Mr. Anthony including a well. The lot is currently vacant. He would like to have the lot approved for a single family home. Storm water run-off is a problem and he feels it could be alleviated if the property was developed.

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Mr. Post stated nothing has been done to this property for years. Mr. Lowcher stated they lost time waiting for an agreement to be made between the Fire Department and Water Company. Mr. Vitalos noted there is water contamination in this area. Mr. Mangiacotti summarized the main concerns between Mr. Anthony and Mr. Hicks as the storm water run-off issue and the interest in the land if the Borough vacates it in regards to the paper road. Mr. Anthony stated the Harrison Street residents had to sign-off on the easement. Feels same should be done for Garfield Street. He stated that in addition to the current water run-off, he would be responsible if the easement was paved since it's on his property. If the street were to be paved, he believes a site plan should be required. If not, there could potentially be problems later on. Mr. Anthony feels the consequences to his property could be severe if this extension to the variance is approved.

Mr. Lowcher stated that Mr. Hicks will comply with whatever the law requires. He stated he is requesting a final six-month extension. If the problems are not resolved in that time period, he will not be back before the Board. Chairman Eller clarified that within the six months, it will be determined if the property would have a waterline through the neighbors property or a well. Chairman Eller asked if the neighbors have changed since the beginning of this variance. Mr. Lowcher stated he is not sure.

A motion was made by Mangiacotti, seconded by Durfee, to grant a three month extension to the variance.

Roll Call: Durfee, Mangiacotti, Truman and Vitalos –
Ayes: 4, Nays: 2 – Eller, Post, Abstained: 1 – Chloros

Case #2009:11 – Patrick Mack – 44 Alvin Sloan Avenue; Block 2.08 Lot 5 R1C Zone

This application is filed for the purpose of constructing a 23' x 28' deck. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-75 B4 of the Municipal Zoning Ordinance for the following reason: Uncovered decks are permitted while retaining a 35' setback.

Ms. Truman stepped down as her property is within 200' of the applicant's.

Mr. Ours found all notices to be in order. The Board has jurisdiction to hear this application. The oath was administered to Patrick Mack for his testimony. Mr. Mack stated he has owned the property for four years. His property backs up to Kinnaman Avenue with an easement area in between. He would like to add a deck onto the back. It would be 2.5' off of the ground with a lower deck. Chairman Eller suggested turning the deck around to be more conforming. Mr. Mack would like to keep his plans as is since there is nothing behind his house. Mr. Ours explained the requirements for a variance to be granted. The Board discussed options. Chairman Eller noted that the Planning Board already gave an extra 5' to houses in that development. He feels they can still accommodate the lower side and, in order to conform better to lot size, work the plan a little differently and still have the same square footage.

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

The Board discussed drawings and dimensions of how the deck could better conform. A discrepancy was noted between the drawings and the survey. Mr. Ours recommended submitting drawings to attach to the resolution. Mr. Mack feels the deck would help with the resale value of his house, improve the quality of his family's time and be a good use of the lot.

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A motion was made by Vitalos, seconded by Post, to grant a variance for the deck with a distance not to exceed 16' from the rear entry door. There is no detriment to the public good and a minimum detriment to the zoning plan.

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

Ms. Truman returned to the meeting.

Case #2009:16 – Robert Howering – 21 E. Stewart Street; Block 29 Lot 4 R3 Zone

This application is filed for the purpose of installing a driveway and apron. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-53 K2 & 1 of the Municipal Zoning Ordinance for the following reasons: There shall be no parking in the front yard and no driveway shall be located less than 5' from the perpendicular extension of the property line to the curb.

Mr. Ours found all notices to be in order. The Board has jurisdiction to hear this application. The oath was administered to Robert Howering of 60 Stephens Mill Road in Hackettstown for his testimony. Mr. Howering stated he has owned the property for eight months as an investment property. He has fixed up the two-family home with the hopes of renting it. He would like to cut the curb and sidewalk to make one single off-street parking space as there is no parking on the house side of the street. Mr. Howering stated he does not have a two-car garage and there is no room to have a driveway in the rear of the building. He feels his request is consistent with what is being done on the street.

Mr. Post asked how many bedrooms there are. Mr. Howering replied there are a total of five. The upstairs apartment has three and the downstairs apartment has two. He stated he bought the house while it was vacant so he is not sure what the previous owner did for parking. Potential renters ask him for off-street parking. Chairman Eller noted there are two issues: no parking in the front yard and not enough space. He feels this could become an issue for the neighbor and feels it is not conducive to the property. Mr. Ours stated we would normally require four parking spaces for this dwelling. Since it's an existing house, it could be considered a hardship. Mr. Vitalos asked the depth of the proposed parking space. Mr. Howering stated it would be 25' from the curb.

Chairman Eller entertained comments from the audience.

James and Arthur Burd of 17 E. Stewart Street were sworn in for their testimony. They own the house next door on the right. Mr. Ours stated for the record that he previously represented Arthur Burd many years ago. The Burd's feel there is not enough room for the driveway. They provided the Board with pictures to show the closeness of the houses. They are concerned with getting water in their basement if the proposed driveway was paved. They are also concerned with snow removal. Ms. Truman asked if a parking permit could be provided to the tenants. Mr. Howering stated he could provide one, but limited parking is available. The property is near Taylor Street School so much of the curbing is painted yellow. Mr. Howering stated he would pitch the driveway away from the neighbor's property. The driveway would be 10' in width with one foot on either side. He could move the driveway over toward the porch if necessary.

Mr. Vitalos noted the case was discussed and denied in 1984. Chairman Eller noted the other driveways on the same side of the street go back deeper than what is proposed. This one has no access to the backyard. He feels it is too close to the property line; however, he does understand the problem with limited parking.

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A motion was made by Post, seconded by Truman, to deny the variance due to the fact there is no parking in the front yard. The property is on too small of a lot and the addition of a driveway would be a detriment to the public good.

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

COMMUNICATIONS:

The Board discussed and approved Mr. Ours' draft of a letter to Mayor and Council re: off-street parking spaces. Mr. Ours will send the letter to Council.

The NJ Planner for November 2009 was received.

REPORTS:

There were no reports at this meeting.

REMARKS:

The Board thanked Mr. Ours for his time and service to the Board and wished him well in his retirement. He will be greatly missed.

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

Ayes: 7, Nays: 0.
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary