

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
May 25, 2010

Roll Call: Eller, Mangiacotti, Post, Truman, Vitalos – 5 Present

Absent: Durfee – 1 Absent

Vacancy: 3 Vacancies

Also Present: Steven P. Gruenberg, 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 –April 27, 2010

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 April 27, 2010 be approved as submitted.

Roll Call: Mangiacotti, Post, Truman and Eller –
Ayes: 4, Nays: 0, Abstained: 1 (Vitalos)
Motion carried.

RESOLUTIONS:

There were no resolutions at this meeting.

APPLICATIONS:

Case #2008:6 – Cory Orlando – 122 Myrtle Avenue, Block 44, Lot 18 – R2 Zone

Mr. Orlando was present to request an extension of one-year to his previously granted variance which has expired. Mr. Gruenberg stated there is no need to swear in Mr. Orlando. Mr. Eller recapped that a variance was granted in 2008 and highlighted aspects of the variance. He stated Mr. Orlando had one year to complete this project. As time has expired, there is no extension to be granted. Mr. Orlando stated he would need approximately \$2,000 worth of gravel and cannot afford that at this time. He lives on a dead end street and the neighbors do not complain about the parking situation. Mr. Eller stated he understands the situation, but too much time has passed. Mr. Gruenberg agreed that the variance is now null and void and at this point the Board cannot extend the variance because of the time frame. They can, however, accept a variance for an amendment to the resolution. Mr. Post suggested the applicant look into a permit to park on the street. The applicant agreed to request an amendment and will be present at the June meeting.

Hearing no further discussion, a motion was made by Post, seconded by Vitalos, denying the request for an extension to the previously granted variance.

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

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Case #2010:4 – Cathy Nauta – 8 W. Mozart Street, Block 88, Lot 8.01 – R2 Zone

This application is filed for the purpose of operating a beauty salon out of the residence. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-75 C2A of the Municipal Zoning Ordinance for the following reason: The lot area is not less than 17,500 square feet.

Mr. Gruenberg stated he has reviewed the application and found all notices to be in order. The Board has jurisdiction to hear this case. The applicant provided each member of the Board with a presentation packet. She is asking for the home operation of a beauty salon which is a permitted use if all standards are met. It does conform to all standards other than the one needing the variance. Cathy and Dale Nauta were sworn in for their testimony. Mrs. Nauta stated they have lived at this address since 1990 and she has operated her salon off-premises since 1999. They are selling the business property due to economic situations and would like to operate it out of the house. Five spaces of off-street parking are provided. There would only be one employee and equipment will not be heard off of the property. There will not be any non-domestic sewage. Mrs. Nauta noted a variance is not required for the 18x24 sign they would like to use.

Chairman Eller stated he sees no detriment and feels it is a benefit to the town to keep a business. Mr. Post asked if there will be night hours. Mrs. Nauta replied there will be. She would like to be open three nights per week until 8:00. Mr. Post asked how many cars the family has. Mrs. Nauta replied they have four cars and stated there is on-street parking on Board Street. Mr. Gruenberg noted the variance requires off-street parking for customers. He asked if there are any other home occupations on the road. Mrs. Nauta stated there are only three houses on the road and no other home businesses. Mr. Gruenberg marked the testimony packet as A1.

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

A motion was made by Truman, seconded by Post, to grant a conditional use variance for 7,000 square feet vs. the required 17,500 as long as all standards are met and continue to be met per the ordinance for a one-person beauty shop.

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

The Board thanked the applicant for a great presentation.

REPORTS:

Prior to the meeting the board members reviewed information provided by Mr. Gruenberg regarding escrow accounts and fees. The Board discussed the fees of other towns and feel Oxford's fee schedule represents the Borough's needs the best. Chairman Eller stated he feels the burden should shift to the applicant and off of the taxpayer. The Board discussed their options and asked Mr. Gruenberg to prepare a new fee schedule for the Board to review. Mr. Gruenberg stated he will present it first at the Planning Board meeting and then to this Board at the June meetings before presenting it to Council.

COMMUNICATIONS:

A letter from Mr. Gruenberg regarding the Time of Application Law – Senate Bill 82 was received and filed.

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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 Vitalos, that the meeting be adjourned at 9:11 pm.

Ayes: 5, Nays: 0
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary