

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
FEBRUARY 25, 2014

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

Roll Call: Carroll, Durfee, Mangiacotti, Post, Noone, Eller, Vitalos – 7 Present

Absent: None

Vacancy: None

Also Present: Steve Gruenberg, Board Attorney
Gene Weber, Board Engineer
Chris Dochery, Board Planner
Patricia Titus, Clerk

MINUTES:

Reorganization Meeting – January 28, 2014

Chairman Vitalos entertained additions or corrections to the minutes. No comments on the minutes. It was moved by Eller, seconded by Carroll, that the minutes of the reorganization meeting held on January 28, 2014, be approved as presented.

Roll Call: Carroll, Durfee, Mangiacotti, Post, Noone, Eller, Vitalos
Ayes: 6, Nays: 0, Abstained: 1 (Post)
Motion carried

RESOLUTIONS: None

APPLICATIONS:

Application #2013:3 - Stefan & Elena Diaconu – public hearing

Mr. & Mrs. Diaconu came forward. Attorney Gruenberg stated that they were previously sworn in. At the last meeting, they were asked to provide a court order and survey. These items were not submitted. Mr. Diaconu provided two pictures of where their daughter parks. Exhibit A-1 & Exhibit A-2 were written on the back of the pictures. The pictures were passed around to Board members. Attorney Gruenberg stated that if a court order stipulates the property line then the Board needs to see where the line is located. The Board needs to know the measurements to be able to grant relief, if any is needed.

Mr. Diaconu stated that they have an appeal for taxes to be heard in Trenton. Attorney Gruenberg again stated that the Board needs to see the court order and survey. He asked the applicant if they wanted more time to submit the requested documents. Chair Vitalos stated that the case was not moving forward. Attorney Gruenberg asked the interested party about the date of the court order. Mr. Vaca stated that it was dated July 2008. Additional pictures were submitted to the Board.

Exhibit A-3 – picture of rocks; Exhibit A-4 – gentleman dumping rocks; Exhibit A-5 – gas line; Exhibit A-6- right of way.

Motion by Post, seconded by Carroll to close public hearing. All in favor. Attorney Gruenberg recapped the purpose of the application. Chair Vitalos stated the Board could deny without prejudice which would give the applicant the opportunity to come back before the Board with the requested documentation. Motion by Carroll, seconded by Noone to deny the application without prejudice.

Roll Call: Carroll, Durfee, Mangiacotti, Post, Noone, Eller, Vitalos
Ayes: 6, Nays: 0, Abstained: 1 (Post)
Motion carried

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Attorney Gruenberg explained to the applicant that they can file again once documents are received.

Application 2014:1 – Redeemed Christina Church of God – completeness and public hearing:

Alan Lowcher represented the applicant. The application was presented last year but the bank loan fell apart. Reapplying since new bank loan. Gene Weber stated that the applicant submitted the same application as last year and has no problem deeming complete. Therefore, it was moved by Mangiacotti, seconded by Durfee to deem the application complete.

Roll Call: Carroll, Durfee, Mangiacotti, Post, Noone, Eller, Vitalos
Ayes: 7, Nays: 0, Abstained: 0
Motion carried

Alan stated that the applicant is a small church with 25-30 members mostly from the Washington/Hackettstown area. They are looking for a permanent home. They want to use the site as it was previously. 36 seats proposed. Variance shows 12 on-site parking spaces with street parking and also a handicap space on Belvidere Avenue. Services to include Sunday, Tuesday, prayer and outreach services. Outside lighting to be turned off 30 minutes after departure. Requesting bulk variance and conditional use. Two witnesses to be heard.

Jess Symonds, Engineer, was sworn in and accepted as an expert witness. Plan dated 3/4/13 sheet 2 of 2 was discussed. Three streets, Belvidere Ave., W. Warren St, and Cherry Alley, border site. Mr. Symonds described the plan. Proposing 12 parking spaces. There is an existing fence and two lights (north & south). They cannot meet the 15 ft buffer. The shrub on corner should be removed to increase site distance. Gene Weber asked if there was pavement under the play area. Mr. Symonds stated if not, will have to replace. Don Eller noted that he believes the pavement is still there. Nate Carroll asked if there was a sidewalk from the parking lot to the front of the building. Mr. Symonds stated yes. Chair Vitalos asked if there was enough parking. Gene stated the requirement is 1 space per 3 seats. 12 spaces are enough.

Frank Banish, Planner, was sworn in and accepted as an expert witness.

Exhibit A-1 – property tax map

Exhibit A-2 – 3 photos of the building, aerial photos (total of 5 images)

Mr. Banish stated that he was involved when Catholic Charities applied but not the daycare center. Setbacks are 11.15 ft on W Warren and 24.08 ft on Belvidere Ave. The building is 44 ft in height. Variance criteria: positive is that the use is permitted; no negative criteria. Gene asked if there was a dwelling associated with the church. Mr. Banish stated no.

Public hearing opened. Exhibit B-1 – Gene Weber’s review letter; Exhibit B-2 – Heyer Gruel review letter.

Larry Durfee asked what activities would entail on Friday nights. M. Aruko, representative of church, stated there is no music or neighbor interference.

Close public hearing. Motion by Carroll, seconded by Post. All in favor.

Motion by Eller, seconded by Mangiacotti to grant variance and design waivers and meet conditions in Exhibits 1 & 2 with shrub removal, Friday night services with no neighbor disturbance, and paving.

Roll Call: Carroll, Durfee, Mangiacotti, Post, Noone, Eller, Vitalos
Ayes: 7, Nays: 0, Abstained: 0
Motion carried

Short break. The meeting reconvened at 9:20 pm. All Board members present.

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Application 2014:2 – Barbieri Builders Corp:

Gene Weber noted that for completeness he was waiting for property tax payment verification. This was received before the meeting. Motion by Carroll, seconded by Durfee to deem the application complete.

Roll Call: Carroll, Durfee, Mangiacotti, Post, Noone, Eller, Vitalos
Ayes: 7, Nays: 0, Abstained: 0
Motion carried

Attorney Phil Robertson represented the applicant. The as-built was done and the CO issued. It was discovered that a 2nd floor overhand exceeded the setback as well as the setback for the front porch.

Attorney Gruenberg stated that proof of service and notice was adequate to proceed with the hearing. Mr. Robertson explained the events that led to the variance application. The site has an irregular shape. Witnesses are Peter McCabe, Engineer, and David Maski, Planner. Don Eller stated that he did not recall that overhangs needed variances. Attorney Gruenberg stated that it does require variance relief.

Peter McCabe, Engineer, was sworn in and accepted as an expert witness.

Exhibit A-1 – Final plat dated 1/26/05 with subject property highlighted. Meets lot width and area. Gene Weber asked if the CO was issued. Attorney Robertson stated yes.

Exhibit A-2 – Certificate of Occupancy. Josephine Noone asked if there were any other issues with completed homes. Attorney Robertson stated no.

David Maski, Planner, was sworn in and accepted as an expert witness. The applicant is requesting two variances. Considers an exceptional hardship case. Positive criteria would be no impact to site access, not visible to the naked eye and the house is in character with the neighborhood. Negative criteria would be a 4% deficiencies. There is enough size to the property to mitigate any detriment. Don Eller voiced his opinion that the variance should be granted for the back but the front should be fixed. The numbers are so small.

Julian Alicea came forward. He is the purchaser of the property and thanked the Board for the relief in the back. He stated that they selected this lot due to its size for his children to play. Don Eller asked if the front porch roof needed a variance. Gene Weber stated that is was not clear in the ordinance but should get a variance.

Public hearing closed. Motion by Post, seconded by Noone. All in favor.

Motion by Post, seconded by Carroll to grant rear and front yard setbacks and comply with the review letter dated 2/19/14.

Roll Call: Carroll, Durfee, Mangiacotti, Post, Noone, Eller, Vitalos
Ayes: 7, Nays: 0, Abstained: 0
Motion carried

Attorney Gruenberg stated that he had received a resolution from the applicant's attorney but will need to change it. A letter can be issued to the applicant for the lender stating the variance was granted.

NEW BUSINESS:

None

COMMUNICATIONS:

No comments.

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REPORTS:

There were no reports at this meeting.

REMARKS: None

ADJOURNMENT:

Hearing no further business to come before the Board, a motion was made and seconded that the meeting be adjourned at 10:05 pm. All in favor.

Ayes: 7, Nays: 0
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary