

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
JULY 28, 2015

The meeting started at 8 p.m. to coincide with the applicant's public notice due to an error with the meeting start time.

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

Roll Call: Turner, Carroll, Durfee, Mangiacotti, Post, Vitalos –6 Present

Absent: Eller

Vacancy: Alternate

Also Present: Steven Gruenberg, Board Attorney
Gene Weber, Board Engineer
Chris Dochney, Board Planner
Patricia Titus, Clerk

MINUTES:

Regular Meeting – June 23, 2015

Chairman Vitalos entertained additions or corrections to the minutes. No discussion. It was moved by Turner, seconded by Durfee, that the minutes of the regular meeting held on June 23, 2015, be approved as presented.

Roll Call: Turner, Carroll, Durfee, Mangiacotti, Post, Vitalos

Ayes: 5, Nays: 0, Abstained: 1 (Vitalos)

Motion carried

RESOLUTIONS: None

APPLICATIONS:

Application 2015:1 – DASACC: public hearing

Michael Selvaggi represented the applicant. The application is for an accessory use variance relief. He will bring witnesses forward to address the Board. Attorney Gruenberg stated that proof of service and the publication were in order and the Board had jurisdiction to proceed.

Audrey Schupp, Board President, was sworn in. Ms. Schupp discussed the services that are offered. They serve Warren County victims of abuse. Annually, they serve 300 clients. Services offered are counseling, therapeutic services and transition/shelter. The current building is a duplex and is used for counseling and other services. Currently, there are 10 employees.

The proposal consists of a "holiday shop" for clients on the first floor and a therapeutic sewing room on the second floor. Sewing would be between Monday through Friday – 2 days/week, 10 am to 2 pm, with a maximum of 4 clients. Only clients would attend. Sewing machines have been donated. Many clients have to use public transportation. Statistically 1 out of 4 would have their own transportation. The "holiday shop" would have scheduled times for clients only. It will not be a retail shop as there will be donated items for clients. No money will be exchanged. There will be 1 client at a time with 1 counselor. Early December to start. No signage is proposed.

Attorney Gruenberg stated that the initial interpretation of the application is different from the testimony. Mr. Selvaggi stated that therapeutic services are a form a counseling. Public hearing opened.

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Peter Michel, 28 South Lincoln Avenue, was sworn in. He read a statement to the Board outlining his concerns. Parking will be an issue as the PNC lot is owned by Ray Rice and the building will be demolished shortly. The owner of Allie's Cupcakery, 7 Broad Street, did not receive a notice of meeting. Mr. Gruenberg reviewed the property owner list and noted they were not included on the list. Mr. Gruenberg stated that the applicant can rely on the list given to them by the Borough.

Hernas ValVerde, 7 Broad Street, was sworn in. His property is within 200 ft of the applicants but did not receive a notice. He is also concerned with parking. Chair Vitalos asked Mr. ValVerde if the applicant's testimony that most clients use of public transportation made a difference. Mr. ValVerde stated that it did but added that this may not always be the case.

Ms. Schuppe stated that they have six parking spaces and counseling sessions are scheduled. Attorney Gruenberg stated that he feels the proposed use already falls within the current zoning.

Exhibit B-1: Letter from Heyer, Gruel & Associates dated 7/28/15.

Mr. Michel asked if the use can be expanded down the road. Attorney Gruenberg noted that the Board can approve the variance with conditions. Mr. Selvaggi stated that he did not want DASACC to have to come before the Board every time they change their therapeutic models. The upstairs will be used for therapeutic services with no more than 4 clients at a time and downstairs will be used for therapy, administrative functions and a holiday area.

Jim Sparkman, DASACC, was sworn in. Mr. Turner asked who he had spoken to at the Borough regarding the need for a use variance. Mr. Sparkman answered that he spoke with Rudy Bescherer to inquire about the proposed uses and was told the proposed uses were not allowed.

Attorney Gruenberg outlined possible conditions:

1. therapy upstairs – no more than 4 at a time.
2. downstairs area therapy – up to 10

Public portion closed.

Motion by Carroll, seconded by Turner to approve the application with conditions.

Roll Call: Turner, Carroll, Durfee, Mangiacotti, Post, Vitalos

Ayes: 4, Nays: 2 (Durfee,Post), Abstained: 0

Motion failed

Discussion continued regarding if the applicant actually needs a variance as the uses appear to be already allowed. It was stated that it is not a change of use, but a continuation of services.

Attorney Gruenberg rephrased possible general conditions so the applicant can continue offering services(including new therapeutic models) without having to come before the Board:

1. no retail
2. no signage
3. no public/clients only
4. no change to building

Motion by Carroll, seconded by Turner to approve the application with changed conditions.

Roll Call: Turner, Carroll, Durfee, Mangiacotti, Post, Vitalos

Ayes: 6, Nays: 0, Abstained: 0

Motion carried

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Mr. Turner stated that the zoning officer needs to be more careful. Attorney Gruenberg stated that Mr. Bescherer should get a copy of the resolution.

NEW BUSINESS: None

COMMUNICATIONS:

No discussion on the NJ Planner.

Cell tower memo is a Planning Board matter.

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 9:22 pm. All in favor.

Ayes: 6, Nays: 0

Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary