

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
MAY 24, 2016

Frank Mangiacotti, Secretary, 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, Eller – 7 Present

Absent: None

Vacancy: Regular Board member, Alternate

Also Present: Steven Gruenberg, Board Attorney

Gene Weber, Board Engineer

Chris Dochney

Patricia Titus, Clerk

MINUTES:

Regular Meeting – April 26, 2016:

No discussion. It was moved by Mangiacotti, seconded by Carroll, that the minutes of the meeting held on April 26, 2016, be approved as presented.

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

Ayes: 4, Nays: 0, Abstained: 3 (Turner, Vitalos, Eller)

Motion carried

RESOLUTIONS: None

APPLICATIONS:

Application 2016:1 – Everwill Properties, LLC – public hearing

The applicant was represented by Alan Lowcher. Kevin Perna, owner, and Wayne Ingram, Engineer, were present. The building is two stories with 2 empty office on the first floor and residential on the second floor. The applicant is proposing residential for the first floor. A variance is needed as first floor residential is not allowed in the zone. Parking would be off-site. The application was deemed complete on April 26, 2016. Attorney Gruenberg stated that the proof of service and notice were in order.

Wayne Ingram, Professional Engineer, was accepted as an expert in engineering and planning. They are requesting use variance relief and a planning variance due to no off street parking. Chris Dochney stated that they will need a variance for the front yard setback.

Mr. Perna, owner of Everwill Properties, came forward to discuss the site.

Exhibit A-1: floor plan and rendering.

The first floor was the former Biggs Engineering office. There is no access to the back of the property except for a sidewalk on the side. Proposing two apartments on the first floor. (One 2-bedroom and one 1-bedroom)

Exhibit A-2: photos – front elevation, back elevation and side with access.

The property has been listed for commercial use but there has been no interest. This is why they are proposing residential. Utilities are adequate and garbage cans are kept on the side of the building. A buffer will be put in front. Setbacks are consistent with the area. Access to the backyard will be back doors. There are other nonconforming residential units in the area.

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Exhibit A-3: photos of 123 E. Washington Ave.
Exhibit A-4: photos of 125 E. Washington Ave.
Exhibit A-5: photos of 127-129 E. Washington Ave.
Exhibit A-6: photos of 111 E. Washington Ave. (single family)
Exhibit A-7: photos of 107 E. Washington Ave.

Mr. Eller asked about parking for the other residents in the area. Mr. Perna stated that they have their own parking. Mr. Turner asked if any commercial upgrades were done. Mr. Perna stated no. No questions from the public as there were none in the audience.

Wayne Ingram, Engineer, discussed the plan.
Exhibit A-8: site plan
Exhibit A-9 – Borough tax map

Parking – will need to get access easements if done on site. Maybe three cars at most will fit. There is a municipal parking lot 200 ft. away. Easement exists for the back of the property from the prior owner. Mr. Lowcher stated that he did not find an access easement on the property to the west.

Variance relief proofs:

Hardship – no commercial units in area. Commercial units would be intrusive in the area.

No detriment to the public – more suited for residential based on the surrounding buildings. Would be a benefit to the community.

Negative – no impact on other properties since it would be residential

There was a discussion on the municipal parking. No further questions. No public in attendance.

Mr. Lowcher summed up the application: suited for residential, this block in the B2 zone is mainly residential, the property is removed from the central business district, and the municipal lot is near the property and permits are available. Mr. Turner asked if the applicant can make only one residential unit instead of two. Mr. Lowcher stated that the applicant would agree to amend the application to one dwelling unit on the first floor with a maximum of three bedrooms.

Exhibit B-1 – Gene Weber’s review letter
Exhibit B-2 – Susan Gruel’s review letter

Mr. Lowcher stated that after another discussion with his client they are staying with the original plan.
Motion to close public hearing. All in favor.

Attorney Gruenberg stated that residential units are not permitted on the first floor in the B2 zone. A use variance is needed. The applicant must prove hardship reasons and positive land use reasons. Negative reason of no detriment to the public. Attorney Gruenberg explained positive and negative criteria.

Motion by Mr. Eller to deny the use variance due to the lot size would be overused, no parking and there are existing businesses in the area. The motion was seconded by Mr. Turner.

Roll Call: Turner, Carroll, Durfee, Mangiacotti, Post, Vitalos, Eller
Ayes: 7, Nays: 0, Abstained: 0
Motion carried. Use variance denied.

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NEW BUSINESS: None

COMMUNICATIONS: None

REPORTS:

There were no reports at this meeting.

REMARKS: This is Nathan Carroll's last meeting

ADJOURNMENT:

Hearing no further business to come before the Board, a motion was made and seconded that the meeting be adjourned at 9:00 pm. All in favor.

Ayes: 7, Nays: 0
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary