

**WASHINGTON TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
October 4, 2017
7:07 p.m.**

Adequate notice of this meeting was published in the Daily Record on January 26, 2017 and posted on the Bulletin Board on the same date. Notices were mailed as requested.

PLEDGE OF ALLEGIANCE –

MEMBERS PRESENT:

 X Bauer **A** Ort **X** Soga **A** Thauer

 A Spina **X** Bridgman **X** Price

ALTERNATES PRESENT:

 A Raes, **X** Walter

OTHERS PRESENT:

 X Attorney Fraser **X** -Engineer Hall

X Planner Banisch **X** Secretary Lyons

MINUTES:

1. September 6 , 2017 Regular Meeting Minutes

Motion to approve as amended: Mr Price

Second: Mr Soga

Voice Vote: All Members present voted in the affirmative.

OPEN TO THE PUBLIC – ITEMS NOT ON THE AGENDA Timeis 7:10 PM

No comments.

CLOSE TO THE PUBLIC – ITEMS NOT ON THE AGENDA Time is 7:10 PM

RESOLUTIONS: None

APPLICATION TO BE DEEMED FOR COMPLETENESS: None

APPLICATION: Time is 7:10 PM

Cindy Boerner-Lay, 6 Squire Hill Road, B 13 L: 45 R5 Zone Use Variance – Convert the existing 2 story building currently used for a work shop and a home office into a home office on the first floor and a 2 bedroom second floor dwelling. Deemed complete September 6, 2017 – Public Hearing

Prior to the start of the hearing Ms Fraser reminded Ms Boerner-Lay that this is a Use Variance and five affirmative votes are required. Given the number of absences this evening and that only five Members are present did she wish to proceed.

After a brief recess to consult with her Professional, Ms Boerner-Lay stated she wanted to proceed with the hearing.

Applicant Cindy Boerner-Lay and Planner John Sazab were then administered Oaths to Testify.

Ms Boerner-Lay testified as Applicant and Witness. Ms Boerner-Lay is a Professional Architect and drew the plans for the proposed barn changes. As a witness Ms Boerner-Lay was requested to present her Professional Credentials. The Board accepted the Witness.

Attached are Ms Boerner-Lay's prepared comments and list of Exhibits presented.

Mr Banish noted that other examples of in-law suites, mother-daughter apartments, do not set precedence. Each case is judged separately onto its merits and criteria.

Mr Banish commented that the change to the Septic Plan seems commonplace and not unique to this application.

Mr Hall reported that today he spoke with Health Officer Cristiana Cook-Gibbs regarding this application and referred to a August 29, 2017 email he received from Ms Gibbs noting that the existing dwelling on the property cannot be occupied or represented in excess of three bedrooms until and unless a conforming septic system is permitted and installed. In addition the cesspool which currently services the barn must be replaced with a compliant septic system.

Mr Hall questioned if Ms Boerner-Lay was willing to make this a condition of the Variance.

Ms Boerner-Lay accepted.

In addition, Mr Hall referred to this letter dated August 31, 2017 specifically Item # 6 :
'is any disturbance proposed within a NJDEP riparian zone or NJDEP wetlands transition area? Appropriate expert to address'.

Ms Boerner-Lay stated that both her Engineer Greg Yannacone and Health Officer Gibb agreed it is Permit by Rule. Mr Hall stated that this was not conveyed to him today during his 3:00 PM telephone call with Ms Gibbs.

Time is 7:52 PM – Recess.

Hearing resumes 7:54 PM

Questions from Board Members of the Witness:

Mr Price – What is the current Bedroom count in the Main House? Ms Boerner-Lay answered there are three bedrooms occupied , but a total of five rooms could be bedrooms. At this time there are no bedrooms in the barn. Hence, the septic is being designed for a seven bedroom system.

Ms Walter – With space available in the Main House for aging parent why create bedroom space in the barn. Ms Boerner-Lay indicated her Mother would prefer her own kitchen and other rooms available in the Main house are currently utilized for other purposes. In addition the stair well in the Main House is narrow for a chair lift. Stairwell in the Barn will be four feet wide to accommodate a chair lift.

Discussion followed regarding “family” occupants. Ms Boerner-Lay indicated that the reason for this project is for the aging Mother, however if in the future her daughter would like to occupy the space it should be permitted. Ms Boerner-Lay is receptive to a Deed Restriction noting this space would not be rented or occupied by non family members.

Hearing no other questions for the Witness, Ms Boerner-Lay was questioned if she want to continue with Planner given the number of absences. By deferring the Planner, absent Members could hear tonight’s meeting and be eligible to participate and possibility vote at next month’s meeting.

Time is 8:08 PM. Recess is granted to Applicant to confer with Planner.

Time is 8:14 PM

Ms Boerner-Lay inquired if Planner testifies next month, can Neighbors present this evening testify tonight? Board had no objection.

Vice Chair Bauer then proceeded to open the hearing to the Public for any questions of the Witness. Hearing none. The following Witnesses were recognized, administered Oath to Testify and heard.

Tom Noonan, 8 Squire Hill Road, - Mr Noonan is a the neighbor to the left of the property and he has reviewed the concept plans and has no objections.

Kevin Colqhoun, 7 Squire Hill Road- Mr Colqhoun resides directly across the street. Mr Colqhoun had no objection when 5 Squire Hill installed additional living quarters and has no objection with this Plan. Mr and Mrs Lay have done a tremendous amount of work to improve the property and know this proposal will be same quality. In addition Mr Colqhoun noted his brother resides at 9 Squire Hill Road and could not be here tonight but requested that I express his support for the Application.

Greg Forsbrey, 78 Naughright Road- Mr Forsbrey believes this is good for the Community to keep families together and the work is within an existing structure. Favors removal of the cesspool sooner than later.

8:35 PM. Testimony rests.

Matter will carry to the November 1, 2017 meeting at 7:00 PM without further Notice.

Hearing concludes at 8:49 PM

DISCUSSION:

2018 Reorganization Meeting

Previously advertised is that the 2018 Board of Adjustment Meeting date is January 17. However, it might be that Township Committee will meet earlier and therefore date could be moved earlier in the month. This date will be confirmed for the November meeting, as well as the Annual Report Draft will be ready for review.

It was agreed to incorporate Radio Frequency Expect Dr. Bruce Eisenstein with Annual Professional Services Resolution.

Only Holiday conflict with 2017 meeting dates is July 4. Chairman Spina suggested that this date remain on the schedule and would be canceled at a later date.

CORRESPONDENCE:

July/August NJPO Newsletter

VOUCHERS:

Motion to authorize payment of the Bills List totaling \$2,006.34- Mr Soga

Second: Mr Bridgman

Voice Vote: All Members present voted in the affirmative

ADJOURNMENT: Time is 8:50 PM

Motion to Adjourn: Mr Soga

Second: Ms Walter

Voice Vote: All Members present voted in the affirmative

Respectfully submitted,

Teresa Lyons, Secretary



October 4, 2017 Agenda Documents

September 6 2017 Minutes

6 Squire Hill – Application Documents

Note: Escrow Balance is \$1,244.85 and Taxes are current.

Below documents were previously distributed:

- June 14, 2016 Denial email from former Zoning Officer Ryan Conklin
- Variance Part B Check List
- Variance part A Application Form
- Highlands Checklist Ordinance Determination
- June 15, 2017 Certified List of Property Owners
- Copy of Tax Map framing parcel
- Applicant's Commentary for need for Use Variance
- May 23, 2000 Survey, Prepared by Eldon D. Allen Licensed Land Surveyor
- Three Sheets – Site Drawings Received June 21, 2017
- July 12, 2017 letter from Leon Hall
- Attached to July 12, 2017 letter are:
- Private Sanitary Sewer Easement dated March 11, 1997
- Deed dated August 25, 1993 between Patricia Wolvenstot and Township of Washington
- Map of Proposed Sanitary Sewer Easement prepared by Frank Kowalick w/ supporting documents
- Deed dated October 15, 2000 between Micah Lay and Cindy Boerner [H/W] and Township of Washington
- Construction Permit # 20080139 issued February 15, 2008
- Septic Site Plan
- May 23, 2000 Survey, Prepared by Eldon D Allen License Surveyor, revised August 7, 2017
- July 19, 2017 letter from Washington Township Health Officer
- August 31, 2017 letter from Leon Hall, PE

Bills List – To be distributed at the meeting.