

# Washington Township Board of Adjustment

## May 7, 2014

Chairman Spina called the regular Meeting of the Board of Adjustment of May 7, 2014 to order at 7:00 p.m.

**MEMBERS PRESENT:** Elliott Averett, Frank Baguiao, Anthony Spina, Robert Bridgman, Geoffrey Price  
**Alternate Members:** Mark Soga  
**Members Absent:** Harvey Ort, Morris Bauer, Dorothy Walter  
**Others Present:** Engineer Leon Hall, Attorney Gail Fraser, Planner David Banisch, Secretary Barbara Margoiese

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT - Adequate notice of this meeting was published in the Observer-Tribune on January 17, 2013 and posted on the Bulletin Board on the same date. Notices were mailed as requested.

It was announced that at the Township Committee meeting of March 17, 2014 new board member Mark Soga was appointed as an alternate member and Mr. Geoffrey Price was appointed as a regular board member. Attorney Fraser swore Mr. Soga and Mr. Price in as members.

Pledge of Allegiance

### **MINUTES**

#### 1. April 2, 2014 Regular Meeting

A motion was made by Mr. Averett to approve the regular meeting minutes of April 2, 2014 as presented, seconded by Mr. Baguiao. A voice vote was taken; all were in favor. The motion carried.

Ayes: Elliott Averett, Frank Baguiao, Anthony Spina, Geoffrey Price, Mark Soga, Robert Bridgman Nays: None Abstentions: None

*The meeting was opened to the public for items not on the agenda.*

*No comments were received and the meeting was closed to the public for items not on the agenda.*

### **RESOLUTIONS**

14-07 Matthew Leff – Block 54, Lot 8.01 – 13 Middle Valley Road – R-5 Zone - .65 Acres  
Front Yard Setback variance

The Board reviewed the resolution. A motion was made by Mr. Soga, seconded by Mr. Price to adopt the resolution as presented. A roll call vote of all eligible voters was taken and the motion carried.

Ayes: Elliott Averett, Frank Baguiao, Anthony Spina, Robert Bridgman, Geoffrey Price, Mark Soga Nays: None Abstentions: None

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### *APPLICATIONS*

1. Brian Cavezza -Block 13, Lot 34 – R-5 Zone – 1.41 Acres 306 Fairview Avenue  
“C” variance application to allow for the construction of a front porch and an addition on an existing dwelling that is entirely in the front yard setback - Completeness Determination

The Board reviewed the Engineer’s report regarding completeness dated May 2, 2014. A motion was made by Mr. Price, seconded by Mr. Soga to deem the application complete and to set the public hearing for June 4<sup>th</sup>, 2014. A voice vote was taken and the motion carried.

Ayes: Elliott Averett, Frank Baguiao, Anthony Spina, Robert Bridgman, Geoffrey Price, Mark Soga  
Nays: None Abstentions: None

2. Anthony Cappuccio – Block 13, Lots 12 & 12.01- Jones Lane  
Original variance approval was granted in 1998. Variance Resolution 98-8 granted approval to Build two homes on Jones Lane which is a non-publically dedicated road. Extension request

It was noted that the applicant had formally withdrawn the extension request and that an application for a variance would be placed on the June 4<sup>th</sup> agenda for completeness determination.

3. Hackettstown Hyundai – Block 4, Lot 7.01 – 40 Route 46 – C-2 Zone – Amended Preliminary and Final Site Plan with “D” Variance – Deemed Complete on 3-5-14 - Public Hearing

It was announced that the applicant had asked to have this matter carried to the June 4<sup>th</sup>, 2014 meeting and that no further notice would be given.

4. Terence Stone & Laurie Campanelli – Block 52, Lot 9 – 31 Sky Top Road – R-5 Zone  
Variance to allow single family dwelling construction on a non-dedicated street & Variances For pre-existing non-conformities (front yard setback, lot width, lot frontage, min. lot size)  
Deemed complete 7-3-13 Extension granted to hear application to 5-7-14  
Representatives present: Mr. William Strazza, Esq. and Mr. Terence Stone

Mr. Baguiao recused himself for this hearing due to a conflict of interest. It was announced by the Board’s attorney that Fire Chief Robert Drake could not be at this meeting because he was on a fire call in Budd Lake. The township’s fire inspector, William Heerwagen told the board that he was aware that the fire department has issues with emergency access to Sky Top Road. He said that the issues particularly are concerning the tree cleared Width of the road, the passing zones on Sky Top Road, and the rating on the bridge with regard to the weight of the emergency vehicles and their access to the road.

The applicant requested that the hearing be carried to the June 4<sup>th</sup> meeting so that the board could hear from the Fire Chief. Attorney Fraser announced that the hearing was being carried to the June 4<sup>th</sup> meeting with no further notice and that the applicant is encouraged to talk with the Fire Department and with neighbors on Sky Top Road about the emergency vehicle access issues. Attorney Strazza stated that the applicant has no objection to granting an extension to hear the application to June 5, 2014.

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The board opened the meeting to the public again for non-agenda items.

Several residents of Sky Top Road stated that they have not had any problems with emergency vehicles getting to their homes on Sky Top Road. Fire Inspector Heerwagen told the residents that the emergency vehicles previously used may have been able to cross the bridge but the newer vehicles are heavier and wider. He stated that the road has not been maintained and that the passing lanes on the road are not in good shape for these apparatus. Mr. Heerwagen said that the trees branches along the road are in the roadway. He encourage the residents to have an agreement to get a certification that the bridge can hold the weight of the new fire truck.

Ms. Marion Vargas, 1 Sky Top Road stated that ambulances have been to her house numerous times as well as the fire department's trucks without problems. She noted that the fire truck had been to her house to help fill water in her pool.

Mr. Baguiao rejoined the board.

5. Charles Weimer – Block 31, Lot 11 – 48 West Springtown Road – R-5 Zone – 2.7 Acres  
Front Yard Setback “C” variance (existing dwelling is in the front yard setback & applicant is proposing to construct an addition to the rear of the dwelling)  
Representatives present: Charles and Heather Weimer, and Architect Cindy Boerner-Lay

Charles and Heather Weimer and their architect Cindy Boerner-Lay were sworn-in. A motion was made by Mr. Price, seconded by Mr. Baguiao to deem this application complete noting that the application is subject to the Highlands Council's approval of Exemption #5. A voice vote was taken and the motion carried.

Ayes: Elliott Averett, Frank Baguiao, Anthony Spina, Robert Bridgman, Geoffrey Price, Mark Soga  
Nays: None Abstentions: None

Mr. Weimer told the board that their home was built in 1170, and that since they purchased the home they done renovations to the home and now they would like to address the home's layout. He stated that the kitchen is outdated and is not functional and that there is no back door to the home. He informed the board that the stairs in the house are steep and the access to the bathroom is through a bedroom. Mr. Weimer stated that he and his wife bought their home fifteen years ago. He stated that he has spoken with his neighbors about the proposed addition and that they were all okay with their plans.

Planner Banisch stated that the existing house is located in the front yard setback. He stated that the proposed addition will be in the rear of the home. Architect Cindy Boerner-Lay stated that the renovations to the home were made in 1880 when an addition was added to the house. She stated that the house has no basement and that two sides of the house are disconnected. She stated that the septic system and wetlands on the property restrict the use of the lot and that the Weimers are requesting a “C-1” hardship variance. She stated that there are no negative detriments that would result from this variance because the neighbors would not be able to see the addition in the rear of the house.

The board addressed Engineer Hall's review letter dated May 1, 2014. Mr. Hall stated that the lot coverage shown on the plans includes the area within Springtown Road. He stated that the township usually asks for the applicants along Springtown Road to give additional right-

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of-way for future widening of the road. Ms. Boerner-Lay noted that having the Weimers give the additional right-of way would obliterate their driveway and their front yard. It was noted that currently this part of Springtown Road has no catch basins in it.

Engineer Hall referred to Ordinance section 175-47b, noting that a conservation easement is required for the protection of wetlands when a property owner with wetlands is before the board with an application. Mr. Hall stated that with regard to the road widening, Springtown Road currently cannot be widened with its current configuration. He stated that it is not conforming as a collector road.

Planner Banisch informed the board that West Springtown Road is a rural historic road and that the policy is to allow modest improvement to the road. He stated that the Master Plan recognizes its historic rural character. Mr. Weimer stated that he does not want cars driving closer to his house because it would be dangerous. Mr. Price noted that the storm drains along West Springtown have been setback for future widening. Mr. Hall noted that he is only asking for a right-of way dedication and not asking for the road to be widened. He noted that the property line for this lot goes to the center line of the road. Ms. Boerner-Lay noted that the applicant's well is in the front yard. Mr. Weimer stated that he has already had his car hit in his driveway along with his mail box.

Engineer Hall stated that there are delineated wetlands on this property and that there is a conservation easement for the wetlands on the adjacent property. Mr. Hall stated that because of the nearby watercourse, this entire property is located within the riparian buffer. Mr. Averett suggested that if the septic system or well fails on this property a provision could be made to allow either to be placed in the conservation easement. Mr. Hall recommended that the conservation easement go along the wooded area on this property. Attorney Fraser stated that a partial waiver could be granted to allow the conservation easement to only cover the wooded area on the property.

The board advised the applicant to have his surveyor contact the board's engineer to describe the metes and bounds description of the conservation easement and to have the engineer and the township attorney review the description. It is to be confirmed that there are no outfalls along this side of West Springtown Road. Mr. Price stated that the existing shed and fire place should be shown on the survey.

A motion was made by Mr. Averett, seconded by Mr. Soga to authorize the attorney to draw-up the resolution of approval with the following conditions; the survey is to be updated, the lot coverage is to be corrected with a confirmation by Engineer Hall, the application is subject to NJDEP approval, a partial waiver is granted for the conservation easement to be located only on the wooded area on this property and that if the, septic system or well fails it can be located in the conservation easement, and the shed and fire place is to be shown on the survey along with the location of the existing septic system and well. A roll call vote was taken; all were in favor. The motion carried.

Ayes: Elliott Averett, Anthony Spina, Mark Soga, Geoffrey Price, Frank Baguiao, Robert Bridgman Nays: None Abstentions: None

Mr. Price rejoined the Board.

***DISCUSSION - CORRESPONDENCE***

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### 1. Vouchers

The motion to approve the submitted vouchers for Anderson & Denzler - \$1914 and Gail Fraser - \$639.50 was made by Mr. Bridgman and seconded by Mr. Soga. A voice vote was taken; all were in favor and the motion carried.

Mr. Bridgman made a motion to adjourn, seconded by Mr. Soga. A voice vote was taken; all were in favor and the meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Barbara Margolese, Secretary