

Washington Township Board of Adjustment

July 2, 2014

Chairman Spina called the regular Meeting of the Board of Adjustment of July 6, 2014 to order at 7:00 p.m.

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

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.

Pledge of Allegiance

MINUTES

1. June 4, 2014 Regular Meeting

A motion was made by Mr. Soga to approve the regular meeting minutes of June 4, 2014 as presented, seconded by Mr. Bauer. A voice vote was taken; all were in favor. The motion carried.

Ayes: Elliott Averett, Anthony Spina, Morris Bauer, 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

14-10 Brian Cavezza – Block 13, Lot 34 – 306 Fairview Avenue – C Variance

The Board reviewed the resolution. A motion was made by Mr. Bauer, seconded by Mr. Soga to adopt the resolution as presented. A roll call vote of all eligible voters was taken and the motion carried. Ayes: Anthony Spina, Robert Bridgman, Morris Bauer, Mark Soga

Nays: None Abstentions: None

APPLICATIONS

1. Manny Fuel - Block 59, Lot 30.01 - 359 Fairmount Road – Proposed Canopy over existing fuel pumps - Site Plan with “D” Variance for expansion of a non-conforming use & “C” Variance for front yard setback - Completeness Determination

Mr. Averett recused himself for this application due to a conflict of interest. The Board reviewed Engineer Hall’s report dated June 27, 2014. Mr. Hall had noted in his report that because the existing use is a non-conforming use an expansion would require a D variance and the ordinance prohibits applications for a minor site plan to have a D Variance and, therefore, must be heard as

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a major site plan application. It was acknowledged that the applicant would need to apply for a preliminary and final major site plan approval.

A motion was made by Mr. Bauer, seconded by Mr. Bridgman to deem this application incomplete because the proper application documents for a major site plan had not been submitted.

Ayes: Anthony Spina, Morris Bauer, Mark Soga, Robert Bridgman

Nays: None Abstentions: None

Mr. Averett rejoined the Board.

2. John Capezza - Block 20.08, Lot 20 – R1R2 Zone – .92 Acres - “C” Variance Application - Replacement of front stoop with porch & wood deck which will extend into the front yard setback – Completeness Determination & public hearing

Mr. John Capezza was sworn-in. He stated that his existing front porch was in need of repair and he is requesting variance relief from the front yard setback requirements so that he can replace it.

The Board reviewed Engineer Hall’s report dated June 30, 2014. It was noted that the required front yard setback in the R1R2 Zone is 75 feet and that the existing front yard setback for this dwelling is 53.2 feet and the proposed front yard setback will be 40.5. It was noted that the applicant had filled-out the Highlands Questionnaire and that the applicant was claiming exemption #5.

A motion was made by Mr. Bauer, seconded by Mr. Soga to deem the application complete.

Ayes: Elliott Averett, Anthony Spina, Morris Bauer, Mark Soga, Robert Bridgman Nays: None
Abstentions: None

The Board’s secretary noted that the notices were satisfactory. Engineer Hall asked the applicant to confirm that no changes had been made in the five years since the survey had been done for the property. Mr. Capezza stated that no changes had been made to his property within the five years. Engineer Hall recommended that a signed and sealed as-built survey be provided to the Engineer for his review after the improvement is built. Planner Banisch stated that the variance has been satisfactorily addressed and that adding the porch will result in a positive aesthetic impact.

The hearing was opened to public comments and questions. No comments or questions were offered from the public and the public portion of the hearing was closed.

A motion was made by Mr. Soga, seconded by Mr. Bauer to grant the front yard setback variance with the condition that a revised zoning table with corrections be submitted to the Engineer and that after construction and as-built survey is to be submitted to the Engineer for his review.

Ayes: Elliott Averett, Anthony Spina, Morris Bauer, Mark Soga, Robert Bridgman Nays: None
Abstentions: None

3. Allan Gordon – Block 45, Lot 25 – 170 Old Turnpike Road - R-20 Zone - Acres - “C” Variance - Proposed second level for one-story addition which had received front yard and side yard setback variance in 2010– Completeness Determination & public hearing

The applicant Allan Gordon and Ms. Sandy Walsh were sworn-in. Mr. Gordon stated that the existing dwelling has one bedroom and that he would like to move the bedroom to the proposed upstairs addition and make the existing bedroom into an office. Engineer Hall stated

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that the application is complete. It was noted that public notice for this application's hearing was satisfactory.

A motion was made by Mr. Bauer, seconded by Mr. Averett to deem the application complete.
Ayes: Elliott Averett, Anthony Spina, Morris Bauer, Mark Soga, Robert Bridgman Nays: None
Abstentions: None

It was noted that a first floor addition for this dwelling had received variance approval in 2010 and that the applicant is requesting relief for the second story addition to the original first floor addition. The Board reviewed Engineer Hall's June 30, 2014 report. It was noted that the applicant has applied for variances for front, side and rear yard setbacks. Mr. Gordon stated that the addition will not result in any additional impervious surface on the property. Engineer Hall noted that the addition will also not result in any topographical change to the property which would affect storm water. Attorney Fraser stated that an as-built should be provided after the addition is built showing all of the yard setbacks. Planner Banisch addressed his June 28, 2014 review letter stating that because of the proposed balcony the variance is needed because the rear yard setback will be decreased an additional 8 feet and therefore, will only provide a 21 foot rear yard setback as opposed to the 29 foot rear yard setback that was approved for the first floor addition in 2010.

The applicant submitted Exhibit "A-1", a photograph taken from the roof of the neighbor's house showing their view of the addition, dated July 2, 2014. It was noted that no neighbors were in attendance at the meeting. It was noted that the Board of Health had stated in their letter that no more than one bedroom would be allowed in this home.

Mr. Gordon stated that he had spoken with his neighbors and that they had said they thought the addition would add value to the neighborhood. The applicant a submitted Exhibit "A-2", a photograph dated July 2, 2014 showing the view of the rear yard. He stated that this photo shows the limited amount of space on this lot. Planner Banisch stated that arborvitae shrubs could be required which could be field located. Engineer Hall stated that trees could not be located within 10 feet of the septic field. Mr. Bauer noted that he was not concerned with requiring shrubs for this property.

The hearing was opened to public comments and questions. No comments or questions were offered from the public and the public portion of the hearing was closed.

A motion was made by Mr. Averett, seconded by Mr. Soga to grant the 19 foot front yard setback variance, the 20.5 foot rear yard variance and the 1.1 foot side yard variance with the condition that after construction and as-built survey is to be submitted to the Engineer for his review and that the dwelling is to be limited to only one bedroom as noted in the Board of Health's letter.
Ayes: Elliott Averett, Anthony Spina, Morris Bauer, Mark Soga, Robert Bridgman Nays: None
Abstentions: None

4. Barbara Beaver – Block 59, Lot 54 – 198 Beacon Hill Road – R-5 Zone - Acres – "C"
Variance - Proposed construction of a detached garage within the required side yard setback–
Completeness Determination & Public hearing

Applicant Barbara Beaver was sworn-in. Ms. Beaver's attorney Anthony Sposaro informed the board that this property is located within the Ridgeline, View shed, hillside protection area. Mr. Sposaro stated that the applicant is asking for an accessory structure side yard setback variance

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for the construction of a new garage which will be used to replace an existing garage. The existing garage is also located within the required accessory structure side yard setback of 25 feet. The proposed garage will have a side yard setback of 9.9 feet.

The board reviewed Engineer Hall's June 30, 2014 report. It was noted that the zoning table had been submitted. For the record, it was noted that the Highlands Questionnaire had been submitted and that the applicant has claimed that Highlands exemption #5 applies for this application to which the board agreed. It was noted that public notice for this application's hearing was satisfactory.

A motion was made by Mr. Soga, seconded by Mr. Averett to deem the application complete. Ayes: Elliott Averett, Anthony Spina, Morris Bauer, Mark Soga, Robert Bridgman Nays: None Abstentions: None

Ms. Beaver informed the board that she had bought this property in October 2011 and that the property contains her house, a studio, a separate dwelling and a garage. She stated that the existing garage is 16.5feet by 12 feet and that the proposed garage will be a 2-car garage with dimensions of 26 feet by 26 feet. She added that the new garage will be 1 ½ stories which will allow for room for storage. Ms. Beaver agreed to deed restrict the use of the garage so that the garage could not be used as a residential structure. Ms. Beaver stated that the new garage will be located to the left of the existing garage and will put the garage in view from the road. She stated that this will avoid the area where the septic field and well are located on her property. She noted that the new garage location will also help to avoid an existing rock wall and rock garden and will allow trees to remain on her property that would have had to be removed if the garage were placed straight back on her property.

Ms. Beaver stated that she had spoken with her neighbor regarding the proposed garage and that he had no problem with it. She noted that the view of her garage is very limited from the neighbor's property and that the side facing my property has a lot of existing vegetation. She told the board that she did not approach her neighbor about obtaining additional property from him because his lot is undersized and this would make his lot smaller.

The board reviewed photographs of the existing side property line area that were submitted with this application. It was noted that the proposed garage would have no impact on the ridgeline, view shed, hillside area. Engineer Hall asked if the existing studio on the property is connected to a well and/or septic system. Ms. Beaver said the studio is not connected to water or septic system but it does have electric. She stated that the studio is used as an office and a TV room not a dwelling. Engineer Hall stated that in accordance with ordinance 217-38f (6) view shed views from all public roads are to be provided. Mr. Hall stated that he drove Fairmount Road, Beacon Hill Road, and West Valley Brook Road and that he has determined that the proposed garage will not be seen from any of these roads. Planner Banisch stated that this is not the type of application that the ridgeline ordinance was meant to address. He added that the color of garage should be like the house; white.

Engineer Hall addressed the need for a right-of-way dedication for this property. Mr. Hall stated that it is recommended that the applicant a half right-of-way to the Township for road purposes and that the new road side line be located 10 feet behind the existing curb line. He stated that the dedication will result in right-of-way widths from 15 to 20 feet. He stated that a licensed professional land surveyor needs to create the dedication and that the new lot area must be calculated by the surveyor exactly. This dedication will result in a lot area variance being required. He stated that this lot area will become a part of the resolution of approval. Mr. Hall

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noted that the dedication will result in the need for a front yard variance because the new setback will be from 66 feet to 69 feet while the required front yard setback is 100 feet.

Mr. Banisch stated that the front yard variance will be impacted by the right-of-way dedication. Mr. Banisch listed the variances for the application as: 1. ridgeline, view shed, hillside protection area variance, 2. a 66 foot front yard setback variance for the garage, 3. a 66 foot front yard setback variance for the primary dwelling unit, 4. a 9.9 foot side yard setback variance for the garage, and 5. a lot area variance.

The hearing was opened to public comments and questions. No comments or questions were offered from the public and the public portion of the hearing was closed.

A motion was made by Mr. Averett, seconded by Mr. Bridgman to authorize the board's attorney to draft a resolution of approval for the noted variances with the following conditions: 1. The approval is subject to a deed restriction that the garage is not to be used as a dwelling unit, 2. A right-of-way dedication is to be provided by the applicant and the setbacks and lot area are to be set by a new Jersey Licensed Professional Land Surveyor and the property survey should be revised to reflect these new measurements.

Ayes: Elliott Averett, Anthony Spina, Morris Bauer, Mark Soga, Robert Bridgman Nays: None
Abstentions: None

5. Hackettstown Hyundai – Block 4, Lots 1 & 7.02 – 28 Route 46 – C-2 Zone- Prelim. & Final Site Plan with “D” Variance – Completeness Determination

Mr. Bridgman recused himself for this application due to a conflict interest. Engineer Hall reviewed his letter of June 30, 2014. He noted that site plan application checklist items 10, 11 and 12 were deficient and that the application should be deemed incomplete.

A motion was made by Mr. Soga, seconded by Mr. Averett to deem the application incomplete.
Ayes: Elliott Averett, Anthony Spina, Morris Bauer, Mark Soga, Robert Bridgman Nays: None
Abstentions: None

6. Hackettstown Hyundai – Block 4, Lot 7.01 – 40 Route 46 – C-2 Zone- Prelim. & Final Site Plan with “D” Variance – Deemed Complete on 3-5-14 – Request to carry Public Hearing to 9-10-14 – Extension granted to hear through 9-3-14

Attorney Fraser announced that Hackettstown Hyundai is working with the Hyundai Corporation to decide where deliveries will be made for this site and that the applicant has asked that the public hearing be carried to the September 3rd meeting.

7. 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 8-6-14

The Board was informed by Secretary Margolese that the applicant had requested to have the public hearing carried to the August 6 meeting because of family matters that continued to require Mr. Stone to be in Maine. She informed the Board that the applicant had granted an extension to hear this application though August 7, 2014. It was noted that the applicant's escrow

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account still needs to be immediately replenished. It was also noted that the applicant had still not met with the Fire Dept. Chief prior to this meeting as had been agreed upon. The Board noted that this would also need to be done prior to the August meeting. Attorney Fraser announced that this public hearing is being carried to August 6, 2014 and that the applicant would have to renotice for the August 6th meeting.

Mr. Bridgman rejoined the Board. The Board had a brief discussion regarding the need to increase initial escrow amounts. It was decided that a recommendation would be made in the Board's yearly report.

Mr. Price rejoined the Board.

DISCUSSION - CORRESPONDENCE

1. Vouchers

The motion to approve the submitted vouchers for Anderson & Denzler - \$468 and Gail Fraser for \$249 and Banisch Associates for \$1976 was made by Mr. Averett and seconded by Mr. Soga. A voice vote was taken; all were in favor and the motion carried.

Mr. Soga made a motion to adjourn, seconded by Mr. Bauer. A voice vote was taken; all were in favor and the meeting was adjourned at 9:08 p.m.

Respectfully Submitted,

Barbara Margolese, Secretary