

**TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY  
ZONING BOARD OF ADJUSTMENT  
June 18, 2013  
8:00PM, Court Room  
Minutes**

**CALL TO ORDER**

**Open Public Meeting Act Statement** - Open Public Meeting Act Statement – In compliance with the Open Public Meetings Act of the State of New Jersey, notification of this meeting has been sent to The Ridgewood News, our official newspaper in the Township of Washington and notice has been posted on the bulletin board at Town Hall.

**First Order of Business:** Salutation to the Flag

**ROLL CALL**

Messrs. Asfar, Gerhard, Dr. Merkle, Messrs. Miras, O’Connell, Sonntag, Ullman (Absent), Werfel, Johnson

**New Business:**

**Mr. Joseph Horn, 525 Jackson Avenue, Block 2305, Lot 2:** applicant seeks a C-1 variance to change the existing two-car garage on the basement level into two bedrooms and storage. As per 245-77.1, for Residential Zone AA, a two car garage must be maintained.

**Mr. Horn sworn in by Board Attorney, Ms. Donna Baboulis.**

**Mr. Lawrence Guthartz, Applicant’s Architect, sworn in by Board Attorney, Ms. Donna Baboulis.**

**Chairman Johnson:** explained the purpose and the function of the Zoning Board.

**Mr. Horn:** discussed his application; stated he is seeking a variance to close a two car garage and work with his architect to transform it into living space; Mr. Horn further stated that at this time the closed off garage was not being used as livable space.

**Exhibit A-1: Manila folder containing 4 photographs of the house the way it presently appears.**

**Mr. Horn:** stated he believes the application is straight forward and that he is looking to utilize the now garage space as usable space. He further stated that he understands the purpose of the Borough Ordinance to have a garage on the property and he believes he has taken steps to improve the value of the property.

**Mr. Thomas Asfar:** asked where the existing garage was located.

**Mr. Horn:** stated that the garage had already been closed off but that he did receive permits for both roofing and siding.

**Mr. Asfar:** asked what is currently in the garage.

**Mr. Guthartz:** stated the garage is still in existence but the garage doors were removed.

**Chairman Johnson:** asked when the work had been done to the house.

**Mr. Horn:** stated the work had been done last June.

**Mr. Asfar:** asked if the Town noticed when the inspection was done that the garage doors had been removed.

**Mr. Horn:** stated "yes."

**Mr. Michael Werfel:** asked if there was a permit for the closing of the garage doors.

**Mr. Horn:** stated "no."

**Mr. Asfar:** asked why the garage doors were removed and the siding and windows were put in its place.

**Mr. Horn:** stated the work was done in anticipation to convert the garage area into livable space.

**Mr. Werfel:** asked if anyone had seen the plans the architect had drawn up for the work to be done inside the home at this time.

**Mr. Horn:** stated "no."

**Mr. Asfar:** asked if the interior prints were done before the violation.

**Mr. Horn:** stated "yes." Mr. Horn further stated he did not know he needed a variance to close his garage, but he was aware he needed to have permits to do the construction and work in the garage.

**Ms. Laura Merkle:** asked for confirmation that the walls have already been put up in place of the garage doors.

**Mr. Horn:** stated that the garage has been closed up so the siding could be placed on top of it. Mr. Horn further stated that he did take the steps to get permits for the roofing and siding.

**Ms. Merkle:** asked if the closed off walls were included in the siding permit.

**Mr. Horn:** responded “no.”

**Ms. Merkle:** asked if the closing of the garage doors was included in the siding permit received.

**Mr. Horn:** responded “no.”

**Ms. Merkle:** asked for confirmation of the fact that Mr. Horn received permits for roofing and siding and in addition went ahead and closed off his garage.

**Mr. Horn:** confirmed this statement.

**Mr. Asfar:** asked for clarification of the actual size of the garage.

**Mr. Werfel:** stated that the Board is accustomed to reviewing plans that show the existing conditions and the proposed project.

**Mr. Guthartz:** explained the proposed indoor plans of the house.

**Ms. Baboulis:** asked for clarification of the project and for Mr. Guthartz to possibly draw out the plans he was discussing.

**Mr. Asfar:** asked how the architect knew to use egress windows for the bedroom wall if permits were not applied for.

**Mr. Guthartz:** stated that was standard procedure.

**Mr. Asfar:** was questioning why Mr. Guthartz, as an architect, did not know that the garage could be closed up without a variance and/or permit.

**Mr. Horn:** stated that responsibility was on him.

**Chairman Johnson:** stated that Mr. Horn’s request for a variance is to at least have a two car garage on the property, and as it is now, there is no garage on the property, which is non-compliant. Chairman Johnson further stated that he would like Mr. Horn to introduce evidence to justify why the variance should be granted and that Mr. Horn needs to demonstrate a hardship.

**Mr. Horn:** discussed Form B, page 3 of his Appeal Application; the traffic pattern due to the nature of the street and the street also being used as an “unofficial” drop off/pick up location for the local school by parents.

**Chairman Johnson:** stated that an alternative would be to put the garage back the way it was and then find another way to expand the home.

**Ms. Baboulis:** asked if there was a way to expand the house without putting the house back the way it was.

**Mr. Miras:** stated that the backyard of this home was huge and the house could be expanded in that direction.

**Mr. Guthartz:** stated that expanding the home using the backyard space was not a possibility because right now it is 35 feet from the street on the right hand side of the property.

**Mr. Miras:** stated that it is impossible to make this determination because the Board does not have a site plan from the applicant. Mr. Miras further stated that he could come in off of School Street with a single lane and a detached garage in the back, or put it all back. One curb cut would be exchanged for another and there would be no impact on School Street.

**Mr. Werfel:** stated the entrance is not an official school entrance and the path is maintained by the Town. In addition, Mr. Werfel stated that Mr. Horn cannot have a self-imposed hardship.

**Chairman Johnson:** agreed with Mr. Werfel's statement.

**Mr. Horn:** stated that his family did have a personal hardship being his wife's grandmother was currently residing at an unassisted living facility and they were planning to have her move in with their family in the Township.

**Chairman Johnson:** stated that a hardship is not a personal hardship, but deals with the nature of the plot. Chairman Johnson further stated that, while he is empathetic to Mr. Horn's family situation, he does not see that Mr. Horn has put forth any evidence that shows his hardship. In addition, there is no site plan the applicant has provided that the Board could review.

**Mr. Asfar:** stated that a survey would also have been helpful.

**Mr. Miras:** stated that building a garage on the property would be cheaper construction than adding on to the back of the house.

**Mr. Asfar:** discussed the 37 foot long driveway; encroachment of the side and the property being on a corner property.

**Mr. Miras:** stated the applicant could remove the driveway now present, fill it with soil, close the curb cut and make a new curb cut on the side street to a detached garage out in the back.

**Mr. Werfel:** stated that the Board was not trying to make a decision for Mr. Horn but to try to come up with possible solutions.

**Chairman Johnson:** asked if the applicant wanted the Board to vote on his application or did he want to come back with more evidence for the Board to review.

**Ms. Baboulis:** stated the application needed to be voted on depending on its merits and that it is up to the Board if the applicant met the criteria. In addition, Ms. Baboulis stated that if the applicant did come before the Board again, she suggested them having a plot plan.

**Please note: Mr. Michael Ullman has joined the meeting at this time.**

**Mr. Horn:** stated he would like the Board to vote.

**Ms. Baboulis:** recommended that in the future, the architect provide signed, sealed plans for the Board to review so the Board has a point of reference.

**Ms. Merkle:** stated that the property is located in a AA Zone which requires a two car garage, where there is none at this time, which is in violation. Ms. Merkle further stated that she does not feel a hardship has been proven and that the garage doors being removed and siding put on without including it in the permit is, by itself, unethical.

**Chairman Johnson:** asked if there were any questions from the public. (There were no questions from the public).

**Motion to Approve Application:** Werfel, O'Connell

**Vote to Approve Application:**

Ayes: O'Connell

Nays: Asfar, Merkle, Miras, Sonntag, Werfel, Chairman Johnson

Abstain: Gerhard

**Application Denied.**

**Approval of Zoning Board Minutes:** Asfar, Miras

September 18, 2012      May 21, 2013      July 17, 2012

November 20, 2012      June 19, 2012

**Mr. Michael Ullman:** asked how minutes differ from transcripts.

**Ms. JoAnn Carroll, Board Secretary:** explained that the minutes are a synopsis of the meeting, not verbatim as transcripts are. In addition, Ms. Carroll stated that she does use the transcripts, when available, to prepare minutes for the meetings in addition to the taped recording.

**Vote to Approve Minutes:**

Ayes: Asfar, Gerhard, Merkle, Miras, Sonntag, Ullman, Werfel, Chairman Johnson

Abstain: O'Connell

**Ongoing Business:**

**Day Pitney:** Motion to carry Cingular Wireless and Omnipoint Communications application open until September 30, 2013.

**Motion to Carry Application:** Werfel, Gerhard  
**All Board members present in favor to carry application.**

**First Hartford Realty Corp. – 660 -680 Pascack Road, Block 2110, Lots 6,7,8,9,10** - Motion to carry CVS application open until July 31, 2013.

**Motion to Carry Application:** Ullman, Gerhard  
Ayes: Asfar, Gerhard, Merkle, Miras, O’Connell, Sonntag, Ullman, Chairman Johnson  
Abstain: Werfel

**Chairman Johnson:** stated that as long as there is a quorum at the July meeting the CVS application can be carried again, providing the applicant provides a letter stating that request.

**Old Business:**

**Resolution: John and Stacy Paquin, 110 Ridgewood Road, Block 2506, Lot 6:** approval of a C1 variance to be permitted to build a two-story addition and wrap-around porch to the northerly side of the existing two-story dwelling. Property is situated on a corner lot. Read aloud by Board Secretary.

**Motion to Adopt Resolution:** O’Connell, Ullman  
Ayes: Asfar, Gerhard, Merkle, Miras, O’Connell, Ullman Werfel, Chairman Johnson  
Abstain: Sonntag

**Chairman Johnson:** asked if any Board members had an issue(s) they would like to discuss.

**Mr. Miras:** stated that political mailings were received by him and Town residents for the June 4<sup>th</sup> primary making the work at Pascack and Washington Avenues a political topic. In addition, the mailings made the reference of “them vs. us”. Mr. Miras further stated that he feels the integrity of the Zoning Board is being questioned.

**Ms. Baboulis:** stated the Zoning Board is independent from any political activities and the Board makes decisions by what is put in front of it.

**Chairman Johnson:** stated the Board is bound by the rules of the Municipal Land Use Law and the Board votes accordingly; the Board votes on the evidence presented. In addition, Chairman Johnson stated that he does not pay attention to such items like the information that was sent out during the

election. Chairman Johnson stated that in his time on the Board, the current Board is the best Board he has sat on; the members are engaged, pay attention, and make decisions to the best of their knowledge and ability.

**Mr. John O'Connell:** regarding a letter he read in the Pascack Press by Mr. Werfel favoring one of the candidates. Mr. O'Connell felt it was out of line for Mr. Werfel to sign the letter "Zoning Board member." In addition, Mr. O'Connell stated that the Board is not to discuss applications outside of the courtroom and reiterated that "Zoning Board member" should not have been added to the letter. Mr. O'Connell further asked for the Chairman to advise the Board on such a matter.

**Chairman Johnson:** suggested that, in the future, a disclaimer should be made stating that the views are that as a citizen, and not as a member of the Zoning Board.

**Mr. Miras:** stated that it was in poor taste for the candidates to put in writing their opinion that the Board was controlled by a source other than the Board itself and mail it to the entire town.

**Chairman Johnson:** stated that it was poor judgment on their part and they did an injustice to the Zoning Board.

**Mr. Ullman:** wanted to advise the Board that he is a candidate for Council in November as an Independent and he believes he can be impartial and can remain on the Zoning Board and wanted to make everyone aware and welcomed comments from the Board regarding his candidacy.

**Chairman Johnson:** stated that personally he has no problem.

**Motion to Adjourn:** Gerhard, Ullman

**All Board members present approve motion to adjourn.**

Respectfully submitted by:  
Ms. JoAnn Carroll  
Zoning Board Secretary  
June 24, 2013