

**Township of Washington
Bergen County, New Jersey
Zoning Board of Adjustment
June 19, 2012
8:00 p.m.**

Call to Order: In compliance with the Open Public Meetings Act of the State of New Jersey, notification of this meeting was advertised in the Ridgewood News, 48 hour notification was sent to the Bergen Record, 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:

Present: Messrs. Asfar, Miras, O'Connell, Sonntag, Ullman, Werfel, Johnson, Ms. Merkle

Absent: Messr. Gerhard

First Hartford Realty Corp., 660-680 Pascack Road, Block 2110, Lots, 6,7,8,9 and 10. As requested by the Applicant, Chairman Johnson seeks motion for adjournment until July 17, 2012.

Ayes: Messrs. Asfar, Miras, O'Connell, Sonntag, Ullman, Werfel, Johnson, Ms. Merkle

1. Sky Trading, L.L.C, Block 3104, Lot 1

Resolution to memorialize vote of May 15, 2012 approving application with modification to site plan.

Mr. Whitaker, applicant's attorney, cites MLUL 45.G1, only board members who voted in favor of the application are allowed to vote on the resolution to memorialize the resolution. After discussion a motion was made by Mr. Sonntag, seconded by Mr. Miras to approve the resolution as read.

Messrs. Sonntag Miras

Ayes:Ms. Merkle, ,Miras Sonntag Asfar.

1. John and Lori DeFina, Block 2412, Lot 24 located at 278 Wilson Avenue.

Attorney Holly Schepisi representing John and Lori DeFina notes that they will be seeking a C1 and C2 variance. She also notes that the previous application was of a much larger scope and has since been modified, and a new application has been filed.

Mr. John DeFina of 278 Wilson Avenue, Twp. of Washington, NJ 07676 is sworn in by **Attorney Baboulis**.

Chairman Johnson requests **Attorney Schepisi** review C1 and C2 requirements. **Ms. Schepisi** replies that a C1 is a hardship variance; C2 the benefit outweighs the detriment of granting the variance. She continues by stating that the relief being sought is minimal and will conform to other homes in the area.

Attorney Schepisi notes that the shed and cantilevers will be removed.

Attorney Schepisi distributes new plan and notes that it was previously provided to Council members.

Attorney Schepisi asks **Mr. DeFina** to explain the proposed addition.

Mr. DeFina notes that the addition is to the back of his garage and that it will not change the look of the front of the house; he refers to the site plan and notes where reductions will be made.

Attorney Schepisi asks **Mr. DeFina** to explain the plan for the back yard.

Mr. DeFina uses the site plan to indicate where the proposed changes will occur.

Attorney Schepisi asks for the purpose of the addition?

Mr. DeFina states that it is additional space for his growing family.

Attorney Schepisi asks if any of **Mr. DeFina's** neighbors have two car garages.

Mr. DeFina responds yes, and distributes a picture of one of the homes.

Mr. Asfar asks for clarification

Attorney Baboulis requests that this picture be marked as exhibit. Exhibit A-1 represents the home on 284 Wilson Avenue.

Attorney Schepisi asks if **Mr. DeFina** knows the lot coverage ratio for that home.

Mr. DeFina responds that he does not know the lot coverage, but their lots sizes are exactly the same size.

Chairman Johnson asks **Attorney Schepisi** if she is going to solicit testimony addressing the requirements of the general purposes of the Land Use Law; which are not only to improve a residence but the betterment of the community.

Attorney Schepisi replies yes.

Attorney Schepisi introduces an additional picture and it is marked as Exhibit A-2 representing a home on Hoover Avenue and asks **Mr. DeFina** to explain the purpose of this exhibit.

Mr. DeFina responds that this picture shows that there are additional homes in his area with two car garages.

Attorney Schepisi introduces an additional picture and it is marked as Exhibit A-3. This exhibit indicates another home within the area with a two car garage.

Attorney Schepisi asks if there is adequate parking

Mr. DeFina responds that it is extremely difficult to park his cars.

Attorney Schepisi seeks confirmation that if the proposed addition is approved, **Mr. DeFina** will have ample room for his vehicles.

Mr. DeFina replies yes.

Attorney Schepisi asks about the square footage of the shed.

Mr. DeFina replies it's an 8x10 shed; therefore 80 feet.

Attorney Schepisi inquires about the shape and condition of the shed.

Mr. DeFina responds that it is rectangular and that it is dilapidated.

Attorney Schepisi seeks confirmation that **Mr. DeFina** currently uses it for storing a variety of items.

Mr. DeFina responds that is where he stores his tools and outdoor equipment.

Attorney Schepisi asks where is the shed located as it pertains to his property line.

Mr. DeFina responds that it's on the northwest corner of his property

Attorney Schepisi seeks confirmation that in response to this application that he will be dismantling the shed.

Mr. DeFina replies yes.

Attorney Schepisi asks about the distance from his property line with the new proposed addition.

Mr. DeFina responds 34.5ft.

Attorney Schepisi inquires if any of his neighbors have ever complained about his shed

Mr. DeFina responds no.

Attorney Baboulis seeks and receives clarification on the 34.5ft.

Attorney Schepisi asks if the Board if they have any questions.

Mr. Werfel seeks confirmation that now that the garage will be 38ft. long, can

Mr. DeFina fit two cars

Mr. DeFina replies yes.

Mr. Werfel seeks clarification on the garage zoning requirements on that part of the Township.

Attorney Schepisi states that the area is zoned for a minimum of one but a recommendation of two.

Mr. Werfel inquires if **Mr. DeFina's** previous testimony can be referenced to for there appear to be some discrepancies between the two applications.

Chairman Johnson asks him to ask his question.

Mr. Werfel notes that during the previous testimony it was noted that an air conditioning unit was installed; with that **Mr. DeFina** wanted to expand to the back to gain additional storage space that was lost. With this application the shed is being removed and there is a need to expand to the back. Why can the shed not be replaced?

Mr. DeFina responds that it could be replaced but is not large enough. In addition he would prefer contained in one unit.

Mr. Werfel responds that he understands; however, he is specifically reviewing the property

Attorney Schepisi adds that there were changes to the application; the size of the garage was reduced to have it be a true garage with storage.

Mr. Werfel adds that in the previous testimony it was noted that **Mr. DeFina** would not use this space as a secondary garage, but rather for storage.

Attorney Schepisi notes that this is a new application with modifications; the site plans have changes; landscape has changed; the coverage ratio has changed; In addition, **Mr. Defina** may not have previously received proper advice; such as what is permissible in the Township.

Attorney Baboulis cautions the Board to make a decision based on what is currently being presented.

Chairman Johnson inquires how is this going to advance the Municipal Land Use Law.

Attorney Schepisi notes that this would be benefiting the neighbors by: Adding trees, less cars on the street, helping in property values, shed are being removed and seepage pit being installed. **Attorney Schepisi** adds that the **DeFina's** are in conformity with every other aspect of the requirements and what they seek is minimal.

Chairman Johnson responds while that may be the case; the Board cannot grant a variance simply due to the fact that it is minimal.

Attorney Schepisi notes that comparable variances have been issued to other homes.

Mr. Werfel notes that what they have done in previous requests have no bearings on this request.

Ms. Merkle inquires if a shed is considered part of the lot coverage.

Mr. Asfar notes that removing cars from the street is for the benefit of the town.

Chairman Johnson concurs and reiterates that they must adhere to the Municipal Land Use Law which requires something more substantial than removing a car off the street.

Attorney Schepisi reads ordinance number 245-77.1

Chairman Johnson notes that the **DeFina** home is not in a zone where two car garages are required.

Attorney Schepisi continues quoting the ordinance on permissible garage sizes and notes that there is a minimum size 500 sq. ft. **Attorney Schepisi** further notes that the ordinance leans towards wanting people to have a minimum of a one car garage and in many zones a two car garage.

Chairman Johnson notes that in this case, **Mr. DeFina** can build a 500 ft. garage and not need a variance.

Attorney Schepisi further notes that for purposes of advancing the Municipal Land Use Law and Twp. of Washington ordinances the request for relief is in conformity and does further what the ordinances allow the town to do.

Mr. Werfel notes that it appears that there is an addition being made to the home and that the population at large will not look at this in terms of advancement of a two car garage. He further notes the current parking patterns at the DeFina's residence.

Attorney Schepisi notes that the driveway is not conducive for a two car garage.

Mr. Werfel notes that it is not required to have a two car garage and that it does not advance it if it's not part of the zoning of that neighborhood.

Attorney Schepisi notes that the requirement is a minimum of one

Mr. Werfel states that it does have one and that it does not appear as if it advances conformity in the neighborhood.

Attorney Schepisi notes that that is a dual argument; when looking to the front, no one will know that an expansion will have occurred. As for the rear, they are not near their property line; the difference will not be visible.

Mr. Werfel notes that it would look different and that it would not look like a two car garage. In addition he adds that the more he reviews the application the more it appears that there is an additional room being added.

Mr. Ullman asks about the garages roof line.

Mr. DeFina responds that the existing roof will be raised; it will be an A framed arch.

Mr. Ullman further inquiries about the roof.

Mr. DeFina notes that the garage will have same pitch as the rest of the home.

Mr. Asfar asks why does it have to go upwards; is it aesthetic purposes?

Mr. DeFina responds yes and adds that the house is 25ft. high and will now have an attic for extra storage space.

Ms. Merkle seeks clarification on the floor plan and how **Mr. DeFina** is going to maneuver the vehicles and outdoor equipment.

Mr. DeFina provides garage/vehicle measurements.

Attorney Schepisi notes that the home is fairly small and that the addition is greater than what it is.

Mr. Werfel asks is there enough lot coverage if the garage went straight back?

Conversation ensues between **Board Members** and **Attorney Schepisi** regarding lot coverage calculations.

Attorney Schepisi notes how the shed and cantilevers would affect the calculations.

Mr. Ullman seeks clarification that there are four vehicles.

Mr. DeFina responds yes.

Chairman Johnson asks **Attorney Schepisi** if she has any more questions.

Attorney Schepisi has none.

Chairman Johnson asks if any **Board Members** have questions.

Ms. Merkle notes that she is not comfortable with the overall lot coverage of 20 verses 23.4.

Chairman Johnson calls for motion to grant the **DeFina's** application; **Mr.**

O'Connell carries the motion and **Mr. Miras** seconds the motion.

Ayes: Miras, O'Connell.

Nays: Asfar, Johnson, Ms. Merkle, Sonntag, Ullman.

Application is denied.

Motion to adjourn is made and agreed by all Board Members.