

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT
March 24, 2015 Minutes

Meeting Called to Order at 8:01pm

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

Salute to Flag

Roll Call: Messrs. Asfar, Cumming, Kenny, Mouravieff, Rappa, Scuderi, Smith, Miras.

Absent: Mr. O’Connell.

A motion was made by Mr. Mouravieff, seconded by Mr. Rappa to open the Public Portion of the meeting.

Ayes: Messrs. Asfar, Cumming, Kenny, Mouravieff, Rappa, Scuderi, Smith, Miras.

Nays: None.

Absent: Mr. O’Connell.

Rose D’Ambra, 423 Colonial Boulevard – Mrs. D’Ambra spoke about a letter dated December 19, 2014 addressed to the Zoning Board from Huntington Bailey regarding the Covello Properties, which is Pascack Auto, for a petition of confirmation of a non-conforming use. She stated that he parks on the residential side of the property, from corner to corner in the streets, and he is getting away with a lot of stuff. She hopes the Zoning Board doesn’t give him the okay to park on residential property, even though he owns the property. She then read from the letter dated December 19, 2014, which she believes is wrong. She spoke at length with regard to where he is supposed to park, and he should not park on the grass, Pascack Road or on the street where it says no parking. She stated he has been trying for years to make residential property into commercial. She spoke at length to the areas he is parking and also of the letter with regard to non-conforming use. She stated that he using this area as an extra lot. Chairman Miras stated that there is currently no application before the Zoning Board. Administrator Cavallo stated the letter came and there is no formal application therefore it will not come to the Zoning Board. On the Zoning Officer side Mr. Tucker does issue his weekly summons to them and they still have a matter pending in municipal court, possibly going to a higher court. Chairman Miras stated a formal application has not been filed. Mrs. D’Ambra stated she just wants to let the Zoning Board know.

A motion was made by Mr. Cumming, seconded by Mr. Smith, to close the Public Portion of the meeting.

Ayes: Messrs. Asfar, Cumming, Kenny, Mouravieff, Rappa, Scuderi, Smith, Miras.

Nays: None.

Absent: Mr. O'Connell

New Business

A motion was made by Vice-Chairman Miras, seconded by Mr. Scuderi, to nominate Thomas Asfar as Vice-Chairman.

Ayes: Messrs. Asfar, Cumming, Kenny, Mouravieff, Rappa, Scuderi, Smith, Miras.

Nays: None.

Absent: Mr. O'Connell.

Resolution: Laura Searle 595 Willow Street, Block 3208 Lot 1

Applicant seeks a variance to construct a 2nd floor addition over the pre-existing first floor exceeding building coverage and building height restrictions.

A motion was made by Mr. Asfar, seconded by Mr. Rappa to approve the Laura Searle Resolution.

Ayes: Messrs. Asfar, Cumming, Kenny, Mouravieff, Rappa, Scuderi, Smith, Miras.

Nays: None.

Absent: Mr. O'Connell.

WHEREAS, Laura Searle is the owner of 595 Willow Street, Township of Washington, New Jersey (the "Applicant"), and has applied to the Zoning Board of Adjustment of the Township of Washington (the "Board") for variance relief pursuant to N.J.S.A. 40:55D-70(d)(6) for relief from the Township's zoning ordinance to permit the construction additional height of a structure that exceeds the maximum height permitted by 10 feet or 10%. The proposed height is 28.50' where 25.0' is allowed. In addition, the Applicant seeks variance relief pursuant to N.J.S.A. 40:55D-70(c)(2) for relief from the Township's zoning ordinance to permit the construction that will exceed the maximum lot coverage. The proposed lot coverage is 23.10% where 20.0% is the maximum allowed.

The property is designated as Block 3208, Lot 1 on the Township Tax Map, and lies in the Class B Zone; and

WHEREAS, the Board has reviewed the application, testimony and exhibits presented by the Applicant at the hearing conducted on February 24, 2015; and

WHEREAS, the Board has made the following findings of fact and drawn the following conclusions of law:

FINDINGS OF FACT

1. The Applicant, Laura Searle is the owner of 595 Willow Street, Township of Washington, New Jersey, but currently resides at 745 Chestnut Street, Township of Washington, New Jersey. The property is designated as Block 3208, Lot 1 on the Township Tax Map, and lies in the Class B Zone.

2. The Applicant was represented by John L. Schettino, Esq.

3. Laura Searle and her architect, Mr. Albert Martorano were sworn in. Mr. Martorano was accepted as an expert in the field of architecture and presented a plan dated November 1, 2014 entitled "Addition and Alteration to Searle Residence."

4. Ms. Searle and her husband Mr. Dinallo, current residents of the Township, purchased the home, which now sits vacant, with the intent to move into the new home once renovations are complete. The existing home is a cape-cod style residential dwelling. The Applicant proposes a an addition to the home, building a second floor addition over the entire existing home, a two (2) story addition to a portion of the rear of the home, and convert a portion of the existing living area of the southeasterly side of the home into a two-car garage. The plans include a covered porch along a portion of the front of the home, covered porch in the rear of the home, a new patio and walks in the rear yard. Finally, the applicant intends to remove the existing driveway on Willow Street and construct a new driveway on Monroe Avenue.

5. The proposed height is for the tallest point of the two-story addition is 28.50' where 25.0' is allowed. The Architect testified that the first floor is 3.5' above ground level, and that he mitigated the height to the extent that he could without sacrificing the attic space. In addition, the Architect testified to the fact that many homes in the area had heights exceeding the 10% maximum.

6. The proposed lot coverage is 23.10% where 20.0% is the maximum allowed. The lot coverage will increase due to the proposed wrap around porch. The Architect addressed the Board's suggestion that the wrap-around porch's depth might be reduced to 5'. The Architect stated his purposes for designing such a porch was to accommodate the width of two people such that there was enough room for someone to walk-by while one person was seated or standing on the porch.

7. Ms. Searle and Mr. Martorano responded to questions from the Board.

8. The Board had no further questions for the witness. The hearing was opened to questions from the public. There were no questions from the public.

9. No further witnesses appeared to testify and the hearing was opened to comments from the public. There were no comments from the public and the hearing was closed.

CONCLUSIONS OF LAW

1. The addition as proposed does not comply with the requirements for this lot as established by Chapter 245, Article V, Section 245-21. The request to permit the construction of the addition requires the granting of a “d6” variance pursuant to N.J.S.A. 40:55D-70(d)(6).

2. The addition as proposed does not comply with the requirements for this lot as established by Chapter 245, Article V, Section 245-20. The request to permit the construction of the addition requires the granting of a “c2” variance pursuant to N.J.S.A. 40:55D-70(c)(2).

3. Through the testimony and exhibits presented, the Applicant has established that the application:

(a) relates to a specific piece of property, namely the Applicant's premises;

(b) that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, namely the promotion of the public health, safety, morals and general welfare and the preservation of neighborhood character and conservation of neighborhood values;

(c) that the variance can be granted without substantial detriment to the public good;

(d) that the benefits of the deviation would substantially outweigh any detriment and that the variance will not substantially impair the intent and purpose of the zone plan and ordinance.

NOW, THEREFORE, BE IT RESOLVED, on this 24th day of March, 2015, that Laura Searle’s application for a “d6” and a “c2” variance be and hereby is GRANTED, subject to the following conditions:

1. The addition must be constructed strictly in accordance with the plans and testimony presented to the Board; and

2. The Applicant must comply with the obligations listed in the Township Engineer’s January 6, 2015 letter; and

3. The variances granted herein shall not constitute authority to engage in any construction which is not authorized by the Zoning Ordinance of the Township of Washington, except as expressly stated herein.

Resolution: William Pankowski, 184 Fern Street, Block 4502, Lots 24 & 25.

Applicant seeks a variance for an existing storage shed on the property which is in violation of rear yard and side yard setback requirements.

A motion was made by Mr. Asfar, seconded by Mr. Mouravieff, to approve the William Pankowski Resolution.

Ayes: Messrs. Asfar, Cumming, Kenny, Mouravieff, Rappa, Scuderi, Smith, Miras.

Nays: None.

Absent: Mr. O’Connell.

WHEREAS, William Pankowski (the “Applicant”) has applied to the Zoning Board of Adjustment of the Township of Washington for a variance from the zoning code to permit the continued use of an existing shed. The shed is in violation of the local zoning code, Section 245-9 (accessory structures in rear yard) and 245-24 (side yard) at the location known as 184 Fern Street and designated as Lot 24 & 25 in Block 4502 on the Tax and Assessment Map of the Township of Washington; and

WHEREAS, on February 24, 2015 a public hearing was held at which time testimony and arguments were given on behalf of the Applicant; and

WHEREAS, on February 24, 2105, the Board after due consideration and deliberation granted the variance requested to permit the continued existence of the shed in its current location; and

WHEREAS, all Board members who were present voted to approve the Application; and

WHEREAS, pursuant to N.J.S.A. 40:55D-10(g), said decision must be reduced to writing and include findings of fact and conclusions of law based thereon; and

WHEREAS, on March 24, 2015, the Board of Adjustment in an open and public session, does hereby adopt, ratify and confirm the following as its findings of fact and conclusions of law:

1. The Applicant is the owner of the premises known as Lots 24 & 25 in Block 4502 on the tax assessor’s map of the Township of Washington, more commonly known as 184 Fern Street.

2. The property is a single-family home.

3. The Applicant is looking for a variance to permit the continued existence of a shed on the property which is located in the rear corner of the property.

4. A variance is required under Township Ordinance §245-9 (accessory structure in rear yard) and §245-24 (side yard).

5. The Applicant testified that the shed was on the premises at the time he purchased the property, however he admits that upon his own research the shed was installed after the zoning ordinances in the Township of Washington were enacted so that an argument regarding a pre-existing non-conformity is not relevant.

6. The Applicant is seeking these variances under N.J.S.A. 40:55D-70(c).

7. The Applicant relies upon the following:

a. A colorized photograph of the existing shed and neighboring sheds which was marked as A-1.

b. A survey of the property by John S. Greydanus dated July 12, 1976 which includes a graphical depiction of the shed on the premises as well as the Deed transferring the property to the Applicant a month later on August 2, 1976.

8. No members of the public appeared in connection with this Application, which the Board took note of in relation to any complaints about the location of the shed.

9. The Zoning Board having been satisfied with the proofs presented and based upon the foregoing findings of fact hereby conclude that:

1. This Resolution is not intended to be all encompassing, but merely a summary of the testimony, exhibits and other evidence presented and relied upon by the Board during the hearings on this Application.

2. The granting of the variance for the continued use and location of the existing shed is appropriate and approved.

3. Due to the length of time the shed has been in existence on the property, and due to the fact that no neighbors appeared to contest the location of the shed, the Board hereby finds that the granting of the variance far outweighs any detriments and the variance should be granted.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Washington on this 24th day of March, 2015, that based upon the findings of fact previously set forth, the Zoning Board of Adjustment determines that the Application is granted, subject to the Applicants paying all the necessary fees and permit costs to the Township of Washington, complying with all applicable rules, regulations and laws of the Township of Washington.

A motion was made by Vice-Chairman Miras, seconded by Mr. Asfar to approve the December 16, 2014 minutes.

Ayes: Messrs. Asfar, Cumming, Kenny, Mouravieff, Rappa, Scuderi, Smith, Miras.

Nays: None.

Absent: Mr. O'Connell.

A motion was made by Chairman Miras, seconded by Mr. Asfar to approve the February 24, 2015 minutes.

Ayes: Messrs. Asfar, Cumming, Mouravieff, Rappa, Scuderi, Smith, Miras.

Abstain: Mr. Kenny

Absent: Mr. O'Connell

Next Zoning Board Meeting April 21, 2015 at 8:00 pm.

A motion was made by Mr. Asfar, seconded by Mr. Mouravieff to adjourn.

Ayes: Messrs. Asfar, Cumming, Kenny, Mouravieff, Rappa, Scuderi, Smith, Miras.

Nays: None.

Absent: Mr. O'Connell.

Time Noted: 8:25 pm

Respectfully submitted by:

Matthew Cavallo
Acting Zoning Board Secretary