

## **Board of Adjustment Minutes**

**February 24, 2004**

Prior to the Roll Call the **Oath** was administered to John Nienstedt by Stuart Ours, Esq., prior to the Roll Call.

Roll Call: Hurley, Schlader, Post, Eller, Nienstedt, Semonche and Woykowski – 7 Present.

Absent: Mangiacotti – 1 Absent.

Vacancy: One Alternate

Also Present: Stuart Ours, Esq., Board Attorney  
Linda L. Hendershot, Clerk

Chairman Eller opened up the meeting and declared that a quorum was present to conduct the meeting in accordance with the ‘Open Public Meetings Law.’”

### **MINUTES:**

#### **Reorganizational Meeting – January 27, 2004**

Chairman Eller entertained additions or corrections to the minutes of the organizational meeting of January 27, 2004.

Hearing none, it was moved by Post, seconded by Semonche that the minutes of the organizational of January 27, 2004 be approved as presented.

Roll Call: Semonche, Post, Eller, Schlader and Woykowski – Ayes: 5,  
Nays: 0. Abstained: Nienstedt & Hurley. Motion carried.

### **RESOLUTIONS:**

#### **Case #2004:2 – Paul & Karina Rosillo, 141 N. Lincoln Avenue, Washington, NJ**

It was moved by Post seconded by Schlader that the Board adopt this resolution as approved at the January meeting for a swimming pool and extension of the deck on this property owned by Paul & Karina Rosillo, 141 N. Lincoln Avenue, Washington, NJ.

Roll Call: Woykowski, Schlader, Eller, Post and Semonche.  
Ayes: 5, Nays: 0. Abstained: Nienstedt & Hurley.

Motion carried.

**APPLICATIONS:**

**Case #2004:1 – Adam Long, 51 W. Stewart Street, Washington, NJ, Blk. 12.01, Lot 4**

This application is filed for the purpose of installing a driveway and apron.

In the Zoning Officer's Refusal of Permit this request is denied for non-compliance with the provisions of Section(s) 94-53 K (2) of the Municipal Zoning Ordinance for the following reasons:

No driveway shall be located less than five (5') feet from the perpendicular extension of the property line to the curb-line.

Attorney Ours reviewed the notices of service and affidavit of publication and found everything to be in order to proceed with the application.

The Oath was administered to Mr. Long.

The applicant testified that he broke the curb and installed a gravel driveway in his front yard. His next door neighbor's driveway abuts his driveway also. The driveway is approximately 9' wide, and 26' feet in depth. The applicant testified that it is a hardship and inconvenience to park in the rear of his property and walk to the house. The other driveway adjacent to his has been there for years.

It was determined that Mr. Long's property is 170' deep but the house sits relatively close to the front property line.

The Board discussed this driveway with Mr. Long and determined that he had ample room in the rear of his property for either a parking area or garage. Mr. Long testified that in the future he plans on building a garage and also a swimming pool. The garage, however, was not going to be used to house his vehicles but to be utilized for storage only.

It was noted for the record that there was no one in the audience regarding this case.

Attorney Ours outlined the criteria necessary for the granting of this variance.

The Board discussed this request and noted that the ordinance clearly does not entertain driveways in the front yard, particularly when Mr. Long has a large piece of property that could be utilized for either a garage or large a large parking area.

Board member Post did not see this case as a hardship when there was ample property to park in the rear of this property.

It was therefore moved by Post, seconded by Semonche that the Board deny Mr. Long's request for an approved driveway and apron in the front yard of his property, based on the fact that the Board could not find any criteria necessary to deem it a hardship, it would also impair the intent and purpose of the zone plan given that the ordinance does not permit parking in the front yard.

Roll Call: Woykowski, Semonche, Post and Schlader – Ayes: 4,  
Nienstedt, Eller and Hurley – Nays: 3.

Motion Carried to Deny Variance.

(Resolution Annexed to the Minutes)

**COMMUNICATIONS:**

The following communications were entered into the record and acknowledged, received and filed.

1. Certified copies of Ordinance Amending Chapter 94 of the Code (Ord. #17-2003-Ord. #3-204 and Ord. #4-2004.
2. NJ Planning Officials Membership & Planning & Zoning Programs;
3. Minor Site Plan Approval – Richard & Steven Fischer – Letter from A. Loweher, Esq. in response to R. Miller's letter of 1-23-04; and
4. 2004 Updated list of members

**REPORTS:**

None

**AUDIENCE REMARKS:**

Mr. Gene Martel, 91 Park Avenue was present for the NORWESCAP application. The Clerk noted that the application was not received for the January meeting. Notices were supposed to have been sent to the property advising them that the case would not be considered for the January meeting.

Hearing no further business to come before the Board, it was moved by Post, seconded by Nienstedt that the meeting be adjourned at 8:45 PM.

Ayes: 7, Nays: 0.  
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary

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