

**Washington Borough  
Board of Adjustment Minutes  
August 23, 2005**

Chairman Eller declared that a quorum was present to conduct the meeting in accordance with the 'Open Public Meetings Act',.

Roll Call: Eller, Mangiacotti, Schlader, Post, Semonche, Kramer, Cioni, Nienstedt and Hurley – Present 9.

Also Present: Stuart Ours, Esq., Board Attorney  
Robert Miller, C.M.E., Borough Engineer  
Linda L. Hendershot, Clerk

Chairman Eller led everyone in the flag salute.

**MINUTES:**

**Regular Meeting – July 26, 2005**

Chairman Eller entertained additions or corrections to the minutes.

Board member Schlader pointed out a correction on Page 4. Mrs. Detlefs was concerned with the privacy of her neighbor, not her property.

It was therefore moved by Semonche, seconded by Hurley that the minutes of the regular meeting be approved with the correction noted on Page 4.

Roll Call: Mangiacotti, Cioni, Eller, Post, Semonche, Schlader, Hurley and Kramer – Ayes: 8, Nays: 0. – Abstained: Nienstedt.

Motion carried.

**RESOLUTIONS:**

**Case #2005:12 – Jeffrey & Inger Zabriskie, 125 Railroad Avenue**

It was moved by Schlader, seconded by Post that the resolution approved at the July meeting be adopted granting permission to Mr. and Mrs. Zabriskie to construct a third floor story addition to their home.

Roll Call: Kramer, Hurley, Semonche, Eller, Cioni and Mangiacotti.  
Ayes: 6, Nays: 0. – Abstained: Nienstedt, Schlader and Post.

Motion carried.

**Case #2005:13 – Rose Todd, 18 Fisher Avenue**

It was moved by Semonche, seconded by Hurley that the resolution approved at the July meeting be adopted granting permission to Mrs. Rose Todd to re-build her home lost to a fire.

Roll Call: Cioni, Mangiacotti, Post, Schlader, Semonche, Hurley, Kramer and Eller – Ayes: 8, Nays: 0 – Abstained: Nienstedt.

Motion carried.

Chairman Eller deviated from the order of business to discuss **Case #2005:14.**

**Case #2005:14 – Ruben Lopez, 56 Grand Ave., Blk. 14.01, Lot 1**

This application is filed for the purpose of enclosing an existing screen porch and expanding an existing deck. The property is located in the R-2 Zone.

In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-76 B 2 of the Municipal Zoning Ordinance for the following reasons:

Attorney Ours, in his review of the notice to the property owners, found that everyone had not been served ten days prior to the hearing date. Mr. Lopez was advised that he would have to re-notice the property owners and place another notice of the hearing in the Star Gazette for the September 27<sup>th</sup> meeting.

**Case #2005:3, J.H. Van Cleef, Rt. 31, North, Blk. 37, Lots 4 thru 6 (Represented by Peter U. Lanfrit, Esq.)**

This application is filed for the purpose of applying for a Use Variance for the construction of a 55 + over age/restricted housing development. The parcel is located in the Industrial Zone.

In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions in Section(s) 94-83A of the Municipal Zoning Ordinance for the following reasons: Dwelling units are not a permitted use in this zone.

Attorney Ours, in his review of the notice to the property owners, questioned why the white certified receipts were not stamped by the Post Office. Mr. Ours also could not find where the NJ Department of Transportation was served. The green cards acknowledging that service was accepted were also not available for the file.

Mr. Lanfrit did not feel that it was necessary to serve the NJ DOT for the Use Variance portion of this application. They would have to be served with respect to the filing of the site plan application because the state would be interested in the ingress and egress from and to this site from State Highway 31.

Chairman Eller noted that the Board just turned one applicant away for lack of proper service and completeness. He did not feel that it was fair to deem this application complete to proceed forthwith with testimony given the fact it appears notice was not in proper order.

Mr. Lanfit noted again that they are only before the Board for the change in use. In addition to the site plan they will also be applying for a sub-division of the area which has been identified as being contaminated. There are many agencies involved and it could take years to resolve this issue. With this sub-division, it would allow the applicant to develop the remainder of this parcel.

Discussion ensued at which time the Board deemed that the application be deemed incomplete and that the attorney serve the NJ DOT. The Chairman announced that this case is carried for the next meeting, September 27<sup>th</sup>.

The Board also wanted a certification from the Tax Collector that all the property taxes on this parcel are paid to date.

Testimony will be heard next month from the architect, site engineer, a geologist and professional planner.

**Case #2005:15 – Randall Burns, 15 Fillmore St., Blk. 49, Lot 9**

This application is filed for the purpose of constructing a seven (7) foot wrap around porch. This property is located in the R-2 Zone.

In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-76 B2 of the Municipal Zoning Ordinance for the following reasons:

There shall be a front yard of not less than 40 feet.

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

The Oath was administered to Mrs. Lynda Burns for her testimony.

Mrs. Burns testified that she and her husband would like to replace their existing porch with a wrap around porch that would come out 5' 10" from the front of their home. The reason they would like the porch is that her mother lives with them and this porch would be accessible to her on the first floor. She is handicapped and may be confined to a wheel chair a good part of the time. This porch would improve her quality of living and give her the freedom to move from the first floor of the house out onto the porch.

Due to the unusual shape and size of the property they are proposing that the porch be 5' 10" wide on the front of the house on the Fillmore side and 7' 10" wide on the westerly side of the house.

Chairman Eller asked if there were any questions or testimony from the audience regarding this application. There were none.

Board discussion followed at which time Attorney Ours reviewed the criteria necessary for the granting of this hardship variance.

It was therefore moved by Schader, seconded by Post that the Board grant this variance for a wrap around porch at 15 Fillmore Street as per their drawing, 5' 10" wide on the front of the house and 7' 10" wide on the westerly side of the house, this variance can be granted without substantial detriment to the public good, nor will it impair the intent and purpose of the zone plan.

Roll Call: Mangiacotti, Eller, Post, Semonche, Schlader, Hurley and  
Nienstedt – Ayes: 7, Nays: 0. Abstained: Kramer and Cioni.

Motion carried.

### **Samuel Hicks, Harrison/Garfield Street – Case #2004:13**

A letter was received from Alan Y. Lowcher, Esq. representing Mr. Hicks. Mr. Hicks was granted a variance to construct a home on his property September 28, 2004. This variance expires on September 28, 2005. Due to a hold-up of the approvals for water and sewer connection to this property Mr. Hicks has not been able to begin construction on this house. He is requesting an extension of one year on his variance.

It was moved by Mangiacotti, seconded by Nienstedt that the Board grant Mr. Hicks a one year extension beginning September 28, 2005 until September 28, 2006 for his property located on Harrison/Garfield Street known as Block 61, Lot 10.

Roll Call: Nienstedt, Hurley, Post, Semonche, Schlader, Eller and  
Mangiacotti – Ayes: 7, Nays: 0. – Abstained: Kramer and Cioni.

Motion carried.

**COMMUNICATIONS:**

**Memo from Manager's Office RE: Purchasing Policies**

This memo was acknowledged, received and filed by the Board.

**NJ Planner**

The NJ +Planner was acknowledged, received and filed.

Hearing no further business to come before the Board, it was moved by Post, seconded by Schlader that the meeting be adjourned at 8:30 PM.

Respectfully submitted,

Frank Mangiacotti, Secretary