

**Washington Borough
Board of Adjustment Minutes
November 21, 2005**

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

Roll Call: Hurley, Semonche, Mangiacotti, Cioni, Post, Eller and Kramer.
Present – 7.

Absent: Nienstedt – Absent – 1.

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

Chairman Eller led everyone in the flag salute.

MINUTES:

Regular Meeting – October 25, 2005

Chairman Eller entertained additions or corrections to the minutes of the regular meeting held October 25, 2005.

Hearing none, it was moved by Hurley, seconded by Post that the minutes of the regular meeting held October 25, 2005 be approved as presented.

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

Motion carried.

RESOLUTIONS:

Case #2005:3 – J.H. Van Cleef, Rt. 31, North, Blk. 37, Lots 4 thru 6

It was moved by Post, seconded by Mangiacotti that the resolution approved at the October meeting be adopted granting the necessary bulk variance and use variance for an age restricted community.

Roll Call: Hurley, Post, Eller, Cioni and Mangiacotti - Ayes: 5, Nays: 0.
Abstained: Kramer and Semonche.

Motion carried.

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

It was moved by Post, seconded by Hurley that the resolution approved at the October meeting be adopted granting the necessary variance to enclose their porch.

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

Motion carried.

Case #2005:15 Henry Riewerts – 10 Flower Ave., Blk. 70, Lot 6

It was moved by Hurley, seconded by Cioni that the resolution approved at the October meeting be adopted granting the necessary variance for a two-family use.

Roll Call: Hurley, Eller, Cioni and Mangiacotti – Ayes: 4, Nays: 0.
Abstained: Kramer, Semonche and Post.

Motion carried.

OLD BUSINESS:

Case #2005:19 – Muhsin Muheisen, 258 Wyoming Avenue, Blk. 2.05, Lot 23

This case was carried from the October meeting agenda.

This application is filed for the purpose of adding a family room to the house. This property is located in the R-1 Zone.

In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-76 B3 of the Municipal Zoning Ordinance for the following reasons:

There shall be two side yards of not less than 6 feet.

Attorney Ours reviewed the notices of service to the property owners and affidavit of publication and found all to be in order. The Board has jurisdiction to proceed with this application.

Mr. Muhsin Muheisen was administered the Oath by Attorney Ours.

Mr. Muheisen testified that he wanted to construct a family room on his home to increase the living space of his home to house his parents, wife and four children. Due to the size and shape of his lot the existing house is presently non-conforming. The addition he proposes is 11' x 30'. He cannot meet the side yard requirements because of the placement of the house on the lot.

The Board members asked several questions of the applicant.

There was no one in the audience that had any questions or comments regarding this application.

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

It was therefore moved by Semonche seconded by Post that a variance be granted to Muhsin Muheisen to allow him to construct a family room to his property 11 feet deep and 30" wide, providing that the addition keeps within the existing side yard which is in noncompliance due to exceptional size and narrowness of this lot. 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: Cioni, Mangiacotti, Eller, Post, Semonche, Hurley and Kramer.

Ayes: 7, Nays: 0.
Motion carried.

Case #2005:20 – Sean Duffy, 64 W. Warren St., Blk. 16.01, Lot 7

This case was also carried from the October meeting agenda.

This application is filed for the purpose of adding a 6' x 12' addition to the west side of the house. This property is located in the R-3 Zone.

In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-77 B 3 of the Municipal Zoning Ordinance for the following reasons: There shall be a side yard of no less than 6 feet.

Attorney Ours reviewed the notices of service to the property owners and affidavit of publication and found all to be in order. The Board has jurisdiction to proceed with the application.

Stuart Ours administered the Oath to Mr. Sean Duffy.

Mr. Duffy explained to the Board what he was proposing to do to improve the quality of life for his family in his small home. The home existed prior to zoning and is an undersized lot and encroaches on the westerly side line of the property. Mr. Duffy explained that he would like to remove a small existing porch which is too small to be of any significant use and he would then like to construct 6' x 12' addition to the rear of his home which will square off the rear of his property. Aesthetically the addition will improve the appearance of the house and give them much needed living space.

The Board members discussed the proposed addition with him at length.

It was noted for the record there was no one in the audience who had any questions or testimony with regard to this application.

Attorney Ours reviewed the criteria necessary for the approval of this variance.

It was therefore moved by Hurley, seconded by Kramer that Mr. Duffy be granted permission to remove the existing porch and a variance be approved for a 6' x 12' addition to the rear of his home, this variance can be granted due to the exceptional shallowness of his lot and that the addition come no closer than the existing sideline of the pre-existing house. This variance can be granted without substantial detriment to the public good and it will not impair the intent and purpose of the zone plan. The addition to the house will greatly enhance its appearance and the neighborhood as well.

Roll Call: Mangiacotti, Cioni, Eller, Post, Semonche, Hurley and Kramer.

Ayes: 6, Nays: 0.
Motion carried.

2006 Proposed Municipal Budget

The Board agreed to submit the same budget as they proposed last year with the exception that the educational line item be increased due to proposed mandatory education. Also, the Clerk did not know the exact cost of renewal of the NJ Planner at this point in time but would get the correct amount for insertion in the proposed budget. (Proposed 2006 Budget attached to the Minutes).

NJ Planner

The NJ Planner was acknowledged, received and filed

Escrow/Review/Inspection Fees for Site Plans handled by the Board of Adjustment

The present Zoning and Land Development Ordinance does not specifically address setting up escrows for review/inspection fees when the Board has to consider site plan applications in conjunction with a Use Variance such as the Van Cleef application.

A motion was made by Post, seconded by Semonche that the attorney write a letter to the Mayor and Council or Planning Board, whichever appropriate, and request that there be an amendment to the Zoning and Land Development ordinance which would include escrow accounts to be set up for the Board of Adjustment as is presently provided in the ordinance for the Planning Board to cover fees charged by the professions who review the Board's applications.

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Roll Call: Kramer, Hurley, Post, Semonche, Eller, Cioni and Mangiacotti.

Ayes: 7, Nays: 0.
Motion carried.

Hearing no further business to come before the Board, it was moved by Post, seconded by Semonche that the meeting be adjourned at 9:15 PM.

Ayes: 7, Nays: 0.
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary