

**Washington Borough
Board of Adjustment Minutes
June 28, 2005**

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

Roll Call: Hurley, Kramer, Eller, Nienstedt, Post, Semonche and Cioni
Present: 7

Absent: Schlader and Mangiacotti – Absent: 2

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

Chairman Eller led everyone in the flag salute.

MINUTES:

Regular Meeting – May 24, 2005

Chairman Eller entertained additions or corrections to the minutes of the regular meeting held May 24, 2005.

Hearing none, it was moved by Hurley, seconded by Cioni that the minutes of the regular meeting held May 24 2005 be approved as submitted.

Roll all: Cioni, Post, Hurley and Nienstedt – Ayes: 4, Nays: 0.
Abstained: Eller, Semonche and Kramer – 3.
Motion carried.

RESOLUTIONS:

Case #2005:7 - Santosh & Sheeba Varghese, 70 Alvin Sloan Avenue

It was moved by Nienstedt, seconded by Hurley that the resolution approved at the May meeting be adopted granting permission to Mr. & Mrs. Santosh Varghese to construct a deck on their house.

Roll Call: Nienstedt, Hurley, Post and Cioni – Ayes: 4 Nays: 0.
Abstained: Kramer, Semonche and Eller – 3.

Motion carried.

Case #2005:8 – Robert Garcia, 15 E. Stewart St.

It was moved by Cioni, seconded by Post that the resolution approved at the May meeting be adopted granting permission to Mr. Garcia to construct a driveway apron for his property.

Roll Call: Nienstedt, Hurley, Post and Cioni – Ayes: 4, Nays: 0.
Abstained: Kramer, Semonche and Eller – 3.

Motion carried.

APPLICATIONS:

Case #2005:9 – Erika Williams, 67 Park Ave., Blk. 82, Lot 37

This application is filed for the purpose of constructing a 11' x 18' deck onto the rear of the house.

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

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

Attorney Ours administered the Oath to Erika Williams.

Mrs. Williams summarized for the Board what she and her husband proposed to do. They would like to construct a 11' x 18' deck off the rear of their home. The property slopes downhill from Park Avenue. An addition was added to their home which infringes on the side yard due to the narrowness of the lot which is a non-conforming lot. This deck would be constructed off the back of the house where the addition was constructed. They utilize this room as their den. Due to the narrowness of the lot this is the only location the deck can be constructed off the den.

Mrs. Williams noted that her neighbor appeared before the Board for approval and added a deck to the rear of her property which will be parallel to their deck also if approved.

The Board members had minimal questions and it was noted for the record that there was no one in the audience with questions or objections to this application.

Attorney Ours reviewed the criteria necessary for the granting of this variance for the Board's consideration.

It was therefore moved by Hurley, seconded by Semonche that the Board grant this "C" variance or hardship variance to Mr. & Mrs. Williams due to the extreme narrowness of this lot and it being a pre-existing non-conforming lot, for the construction of a 11' x 18 deck off the rear of their home, 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.

Roll Call: Cione, Eller, Post, Semonche, Hurley, Kramer and Nienstedt.

Ayes: 7, Nays: 0.
Motion carried.

Case #2005:10 – Rex & Lyn Hartman, 251 Belvidere Ave., Blk. 6, Lot 80

This application is filed for the purpose of replacing an existing shed at the same location on the property.

In the Zoning Officer's Refusal of Permit this request is hereby denied for noncompliance with the provisions of Section 94-37 B of the Municipal Zoning Ordinance for the following reasons:

The minimum distance of an accessory building to a property line shall be five (5') feet.

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

Attorney Ours administered the Oath to Mr. Rex Hartman.

Mr. Hartman explained for the benefit of the Board what he would like to do. He explained that he has two out buildings on his property and the one is in an extreme state of disrepair and is unsightly. He would like to remove it and place another shed on the same concrete pad which is in good shape. Unfortunately the concrete pad does not meet the 5' feet setback. He does not want to have to remove the concrete pad. The existing shed is approximately 8' x 13'. To remove it would be very difficult and costly. Mr. Hartman would like to replace it with a 10' x 10' shed on the same pad.

The Board members had minimal questions and it was noted for the record that there was no one in the audience with questions or objections to this application.

Attorney Ours reviewed the criteria necessary for the granting of this variance for the Board's consideration and deemed it a C-2 variance.

It was therefore moved by Semonche, seconded by Post that the Board grant a C-2 variance to replace a pre-existing non-conforming structure due to the fact that its removal will improve the neighborhood and make it aesthetically more pleasing, this variance can be granted without substantial detriment to the public good, nor will it substantially impair the intent and purpose of the zone plan.

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

Ayes: 7, Nays: 0.
Motion carried.

Case #2005:11 – Russell Zadlock and Dane Pellettiere, 18 Sunrise Terrace, Blk. 44, Lot 4

This application is filed for the purpose of adding a second floor to the house.

In the Zoning Officer's Refusal of Permit this request is hereby denied for noncompliance with the provisions of Section 94-37 B3 of the Municipal Zoning Ordinance for the following reasons:

No side yard shall be less than 10 feet.

Attorney Ours advised the Board that during the year of 2001 he represented Mr. Zadlock when he purchased the property. He asked if the Board had a problem with this fact. The Board did not feel there was any conflict and requested Attorney Ours to proceed.

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

Attorney Ours administered the Oath to Mr. Russell Zadlock.

Mr. Zadlock explained to the Board what he wanted to do. The house was built somewhere around 1947 and is a pre-existing, non-conforming structure. Due to the small size of the house he would like to raise the roof and add a second story to the house. He presently only has 720 square foot of living space and the addition would give him somewhere between 1400 to 1500 square feet of living space. The majority of houses have undertaken additions to their homes in his neighborhood as well.

The Board members had minimum questions and it was noted for the record that there was no one in the audience with questions or objections to this application.

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

It was therefore moved by Post, seconded by Kramer that we grant a variance to Mr. Zadlock for this second floor addition to his home as per his plans to increase the living space in his single family home, this request can be granted without substantial detriment to the public good, nor will it substantially impair the intent and purpose of the zone plan.

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

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