

**Washington Borough
Board of Adjustment Minutes
May 24, 2005**

Vice Chairman Hurley declared that at quorum was present to conduct the meeting in accordance with the "Open Public Meetings Act".

Roll Call: Hurley, Schlader, Post, Mangiacotti, Nienstedt, and Cioni
Present 6
Absent: Eller, Semonche, Kramer – Absent 3
Also Present: Stuart Ours, Esq., Board Attorney
Patricia Titus, Clerk

Vice Chairman Hurley led everyone in the flag salute.

MINUTES:

Meeting of April 26, 2005 – Vice Chairman Hurley asked the Board if there were any additions or corrections to the minutes of the regular meeting held April 26, 2005. He noted typos found and asked the Clerk to provide a corrected copy to Linda Hendershot for changes.

Therefore, it was moved by Mangiacotti, seconded by Schlader to approve the minutes with changes.

Roll Call: Hurley, Schlader, Mangiacotti, Nienstedt – Ayes: 4; Nays: 0
Abstained: Post and Cioni
Motion carried.

RESOLUTIONS:

Case #2005:5 – New Jersey American Water Company:

No discussion on the resolution. Therefore, it was moved by Schlader, seconded by Nienstedt to approve the resolution as written.

Roll Call: Hurley, Schlader, Mangiacotti, Nienstedt – Ayes: 4; Nays: 0
Abstained: Post and Cioni
Motion carried.

Case #2005:6 – Paul Cioletti:

Ron Schlader made a motion to approve, however, Attorney Ours noted that he voted against the application and should not vote. Therefore, it was moved by Nienstedt, seconded by Mangiacotti to approve the resolution as written.

Roll Call: Hurley, Schlader, Mangiacotti, Nienstedt – Ayes: 3; Nays: 1
Abstained: Post and Cioni
Motion carried

APPLICATIONS:

Case #2005:7 – Santosh & Sheeba Varghese:

Attorney Ours stated that the notices were in proper order. Mr. Varghese was sworn in. In absence of an affidavit, Attorney Ours asked Mr. Varghese if notices as posted in the paper were sent. Mr. Varghese stated yes.

A deck is proposed with 8 ft on one end and 11 ft on the other due to the shape of the house. 32 ft rear yard after deck is completed. Applicant is requesting a variance of 3 ft.

Mr. Post asked if there was an updated survey and perhaps a variance may not be needed. Mr. Varghese stated his traveling has prevented him from hiring a surveyor. Attorney Ours noted that at the southerly end of the deck there will be a 33 ft. setback. The northerly end will be 36 ft. The southerly corner will not conform. Mr. Post asked if the applicant would consider shortening the deck by 2 ft. Mr. Cioni asked if there were any homes behind the house. Mr. Varghese stated no and that an easement and Kinnaman Ave were behind his home. No homes would be obstructed by the deck.

Mr. Rodney Adams, neighbor, came forward and stated that there would be no infringement on any other properties.

Mr. Post asked about hardships. Attorney Ours stated that the applicant could conform but would end up with a smaller deck. The statute would permit the Board to grant the variance. The problem is how the house is positioned on the lot. No detriment to public or zoning ordinance – “peculiar exceptional practical difficulty”.

Motion by Nienstedt to grant variance due to no detriment to neighborhood and due to the fact that the location of the house on the lot is through no fault of the applicant.

Roll Call: Hurley, Schlader, Post, Mangiacotti, Nienstedt, Cioni –
Ayes: 5; Nays: 1
Abstained: 0
Motion carried.

Ron discussed the Planning Board oversight. The builder built to full envelope and this is why many homeowners are coming in for variances. Rudy stated that the builder caused the problem with the placement of the home on the lot. Mr. Cioni stated that most homeowners in this area are building patios.

Case #2005:8 – Robert Garcia:

Attorney Ours stated that he had reviewed the notices and found them to be in order. Mr. Garcia was sworn in. Mr. Garcia presented pictures as evidence. They were marked by Attorney Ours. The pictures were shown to the Board.

Mr. Garcia stated that he had purchased the home over a year ago. Driveway was already there. He would like to pave the apron. Originally wanted only curb to be done. Mr. Post asked if they survey shows the driveway. Mr. Garcia stated that he did not notice. No public present.

Rudy, zoning officer, stated that Mr. Garcia came to him first. He told him that he needed a depressed curb. Rudy stated that he saw that the curb had been cut and issued a summons. He told Mr. Garcia that he needed a variance.

Ron Schlader stated that he wants to know that Mr. Garcia will do the work as required by the zoning officer. Mr. Hurley noted that the Borough frowns upon doing work without the proper permits. Mr. Garcia stated that the street is narrow and that there is no parking on his side of the street.

Mayor Van Deursen commented that the Borough encourages off-street parking if the opportunity arises as long as it is done properly.

Attorney Ours reviewed the criteria necessary for granting variance. No detriment to zone ordinances or public.

Therefore, it was moved by Schlader, seconded by Post to approve the variance due to the narrowness of the property and street and to construct a 10 ft wide apron according to code.

Roll Call: Hurley, Schlader, Post, Mangiacotti, Nienstedt, Cioni
Ayes: 6; Nays: 0
Abstained: 0
Motion carried

COMMUNICATIONS:

Mr. Mangiacotti stated that he attended the training session on purchasing. Does not pertain to the Board. Linda has a good handle on the purchasing policy.

REPORTS: None

REMARKS:

Ron Schlader stated that Rudy's presence during the meeting is needed for background information on the applications. Rudy noted that Mr. Garcia's case goes to trial tomorrow.

Mayor VanDeursen discussed an issue that she wanted to bring to the Board's attention. There will be a case coming before the Board in June or July – St. Joseph's Catholic Church – proposing a daycare center in the old church on Belvidere Ave. Several Board

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members are parishioners of that church and Council may need to appoint two Planning Board members temporarily. Rudy stated that daycare facilities are exempt and licensing is handled by the State. Therefore, temporary members would not be necessary. Attorney Ours stated that situation would go in reverse if the Planning Board needed a quorum.

ADJOURNMENT:

Hearing no further business to come before the Board, it was moved by Post, seconded by Schlader that the meeting be adjourned. The meeting ended at 9:00 p.m.

Respectfully submitted,

Frank Mangiacotti, Secretary