

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
APRIL 25, 2006**

Roll Call: Hurley, Cioni, Eller, Mangiacotti, Ninestedt, Semonche, Kramer – 7 present.

Absent: Post – 1 absent.

Vacancy: One (1) Alternate

Also Present: Stuart Ours, Esq., Board Attorney
Joe Modzelewski, Borough Engineer
Patricia L. Titus, Clerk

Chairman Cioni led the members of the Board in the flag salute and read the Open Public Meetings Act into the Record.

MINUTES:

Regular Meeting – March 28, 2006

Chairman Cioni entertained additions or corrections to the minutes. Mr. Hurley noted a typo on Page 4 under Roll Call – correction to the spelling of Kramer. No further comments.

Therefore, it was moved by Hurley, seconded by Kramer to approve the minutes as corrected.

Roll Call: Hurley, Cioni, Eller, Mangiacotti, Kramer – Ayes: 5 – Nays: 0.
Nienstedt and Semonche – Abstained: 2
Motion carried.

RESOLUTIONS:

Case #2006:3 – JB Properties, 50 Prosper Way:

Chairman Cioni reviewed the conditions. Attorney Ours noted that the grading plan is based on the Board Engineer's approval. He then read from the resolution. Two conditions are drainage and grading plan approval. No further discussion.

Therefore, it was moved by Eller, seconded by Hurley to adopt the resolution as presented.

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

Board of Adjustment Minutes – April 25, 2006

Page 2

Case #2006:5 – Cingular Wireless, PCS, 91 Route 31:

No discussion on the resolution. Therefore, it was moved by Kramer, seconded by Hurley to adopt the resolution as presented.

Roll Call: Hurley, Cioni, Eller, Mangiacotti, Kramer – Ayes: 5 – Nays: 0.
Nienstedt and Semonche – Abstained: 2
Motion carried.

Case #2006:6 – Douglas Bloom, 12 Valley View Terrace:

No discussion on the resolution. Therefore, it was moved by Eller, seconded by Hurley to adopt the resolution as presented.

Roll Call: Hurley, Cioni, Eller, Mangiacotti, Kramer – Ayes: 5 – Nays: 0.
Nienstedt and Semonche – Abstained: 2
Motion carried.

APPLICATIONS:

Case #2006:8 – Jennifer Sofield, 122 Sunrise Terrace, Washington, NJ, Blk 66.02, Lot 3 – R1 Zone

Jennifer Sofield and Brian Lauden were sworn in. They purchased the property in 2003 with an existing in-ground pool and rear deck. They would like to build a deck over the existing patio area. Attorney Ours stated that the notices were in order.

The new deck would come up to the back door and abut the existing deck. They received a permit last year to build a fence. The house was built in 1972.

Mr. Eller stated that he worked on this house before the applicant owned it. The pool was existing and the owners at that time built the deck. He does not feel the deck to be a problem. Applicant stated the new deck will be house level and step down to existing deck. A railing will be constructed around the entire deck. Mr. Eller agreed that the new deck would be safer than the concrete steps presently there and feels application should be approved.

There were no comments from the audience.

Attorney Ours reviewed conditions for the variance. He stated that there was an extraordinary situation with the existing pool and deck. There is also the applicants' desire for safety to consider. There is no negative impact in covering the existing patio. Mr. Eller asked what the size of the patio was. Ms. Sofield stated that it was 16.5 ft.

Board of Adjustment Minutes – April 25, 2006

Page 3

Therefore, it was moved by Eller, seconded by Semonche to grant the variance for failure to meet setbacks due to hardship and to approve construction of a 16.5 ft deck with railing for safety.

Roll Call: Hurley, Cioni, Eller, Mangiacotti, Nienstedt, Semonch, Kramer –
Ayes: 7 – Nays: 0 – Abstentions: 0
Motion carried.

Case #2006:9 – Canal Run, Rt. 31, Washington, NJ, Blk 37, Lot 4

Attorney Ours reviewed the notices and found them to be in order.

Alan Lowcher, Esq., represented the applicant. He stated that the applicant received preliminary site plan approval in February. They are requesting subdivision to separate contaminated portion of lot. Applicant considered donating new lot to the Borough or Morris Canal Commission. The County stated that they were not interested. Mr. Serelis will keep lower portion of property. He is considered an innocent party in regard to the contamination issue. Mr. Van Cleef would not be considered an innocent party if he purchased the contaminated lot. They investigated where to send water runoff and have received preliminary acceptance from DOT for runoff to Rt. 31 drains.

Attorney Ours stated that he was concerned with an orphaned lot. He spoke with Dick Cushing who advised that this would not necessarily happen. The Borough would have no responsibility for this lot. He feels there is no issue. Attorney Ours also stated that he has concerns with the modification to the site plan due to the change in drainage. Attorney Lowcher stated that they intend to come back to the Board with a revision to the site plan.

Mr. Van Cleef was sworn in. Mr. Eller asked why Mr. Serelis would be considered an innocent party. Mr. Van Cleef stated that Mr. Serelis purchased the property before it was deemed contaminated. Mr. Semonche asked what the applicant's liability would be if the subdivision was not approved. Mr. Lowcher stated that they do not know. There is currently no cleanup plan. Mr. Semonche asked if the project would be scrapped if the subdivision was not approved. Mr. Van Cleef stated that this may happen.

Mr. Van Cleef discussed the drainage. He stated that water will be redirected and the contaminated site would dry up. New drainage plan would not increase problem.

Exhibit A-22 – Proposed Minor Subdivision dated 4/12/06: Mr. Van Cleef would purchase 8 acre tract with 1.33 acres staying under Mr. Serelis's ownership.

Exhibit A-23 – Mr. Lowcher read letter stating Mr. Serelis's intent to sell off 8 acres.

Board of Adjustment Minutes – April 25, 2006

Page 4

Mr. Lowcher stated that conditions can be put in the resolution. The Borough does not have to act on the contaminated lot if taxes are not paid on it. Borough will benefit with the approval of the 8 acre lot and project. Attorney Ours agreed and stated that the 1.33 acre lot is considered backland and is not a buildable lot.

Mr. Kramer asked why this application has come before the Zoning Board. Attorney Ours stated because of the use variance. Mr. Hurley noted that the positives outweigh the negatives. Chairman Cioni stated that the 1.33 acre lot is landlocked and will not collect much tax revenue. He agrees that the positives outweigh the negatives.

Mr. Lowcher noted Bob Miller's review letter dated 4/24/06. Applicant agrees to all items/conditions in the letter.

No comments from the audience.

Mr. Eller stated that Mr. Serelis's track record is not good but the lot is not buildable. Sees not detriment to the public. Mr. Hurley stated that subdivision/project would be better than the eyesore that is there now.

Attorney Ours discussed conditions. Bob Miller's review letter would suffice but would also need to incorporate conditions of site plan approval. Mr. Lowcher gave his comments to be added to the conditions – obtaining amended preliminary site plan approval and Warren County Planning Board approval.

Therefore, it was moved by Eller, seconded by Hurley to approve the subdivision with the conditions reviewed, no detriment to the public and lot being a non buildable lot.

Roll Call: Hurley, Cioni, Eller, Mangiacotti, Nienstedt, Semonch, Kramer –
Ayes: 6 – Nays: 1 – Abstentions: 0
Motion carried.

COMMUNICATIONS: No comments

REPORTS: None

REMARKS:

The Board thanked Joe Modzelewski, Engineer, and Pat Titus, Clerk, for filling in for this meeting.

A reminder regarding the submission of financial disclosure statements from Board members was noted.

Board of Adjustment Minutes – April 25, 2006

Page 5

Hearing no further business to come before the Board, it was moved by Hurley, seconded by Kramer that the meeting be adjourned at 8:56 p.m.

Ayes: 7 – Nays: 0
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary