

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
MAY 23, 2006**

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

Absent: Semonche – 1 Absent.

Vacancy: One (1) Alternate

Also Present: Stuart Ours, Esq., Board Attorney
Linda L. Hendershot, Clerk
Ann Kilduff, Clerk-Elect

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 – April 25, 2006

Chairman Cioni entertained additions or corrections to the minutes. Hearing none, it was moved by Hurley, seconded by Kramer that the minutes of the regular meeting held April 25, 2006 be approved as submitted.

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

Motion carried.

RESOLUTIONS:

Case #2006:8 – Jennifer Sofield, 122 Sunrise Terrace

It was moved by Mangiacotti, seconded by Eller that the resolution be adopted as approved at the April meeting for the construction of a deck and in ground pool.

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

Motion carried.

Case #2006:8 – Canal Run, Rt 31

Prior to entertaining a motion to adopt this resolution the Board discussed its content. They suggested that the resolution be amended to read that the sub-division be approved conditioned upon receipt of the revised site plan.

It was therefore moved by Kramer, seconded by Nienstedt that the resolution be adopted as approved at the April meeting with the revised language the Board suggested that the sub-division be approved conditioned upon receipt of the revised site plan.

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

Motion carried.

APPLICATIONS:

Case #2006:10 – Eric Newton, 72 Alvin Sloan Ave., Washington, NJ, Blk. 2.12, Lot 15 – R-1 Zone

This application is filed for the purpose of constructing a 8' x 28' deck.

In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-75 B 4 of the Municipal Zoning Ordinance for the following reasons: There shall be a rear yard of at least 35 feet.

Attorney Ours reviewed the notices of service and affidavit of publication and found everything to be in order. The Board has jurisdiction to hear this application.

The Oath was administered to Eric and Anne Newton for their testimony.

Mr. and Mrs. Newton testified that they would like to construct an 8' x 28' deck on the rear of their home. The rear yard setback required is 35' and with the addition of this deck they only have a 34' rear yard setback. A variance is required for the additional foot. The Board questioned why an 8' wide deck?

Mr. Newton provided pictures which show that the adjacent decks on both sides of their home are 8' and would be keeping with the average deck of the adjacent properties. This size deck would fit the needs of his family and allow them to place deck furniture on it comfortably. Their property backs up to the open space area and would not be a detriment to any of their neighboring properties.

Board member Hurley noted that a deck less than this width would not be worth building and it would be unrealistic to ask them to build it any less than what they are proposing.

Attorney Ours noted that the majority of applications that have come before the Board have been in this same location overlooking the Pohatcong Creek in the open space area.

Chairman Cioni noted that there was no one present in the audience to ask any questions of the applicants.

Chairman Eller noted that this deck does fit in with the neighborhood.

Hearing no further discussion from the Board a motion was made by Nienstedt, seconded by Kramer that the Board grant a variance to Mr. and Mrs. Newton to construct a 8' x 28' deck on the rear of their property due to the fact that they have decks immediately adjacent to them on both sides that are the same size, the construction of this deck will not be a detriment to the neighborhood and it will not substantially impair the intent and purpose of the zone plan.

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

Motion carried.

COMMUNICATIONS:

A communications via fax was received regarding Eminent Domain. Attorney Ours briefly discussed the issue of eminent domain. The communication was acknowledged, received and filed.

Board member Mangiacotti inquired as to the status of the Canal Run project. The Board has been given to understand that Mr. Serelis, who presently still owns the property on Rt. 31, is trying to back out of the contract with Mr. Van Cleef. The Board will be apprised of any new developments when available.

Hearing no further business to come before the Board a motion was made by Post, seconded by Nienstedt that the meeting be adjourned at 8:40 PM.

Ayes: 7, Nays: 0.
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary

