

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**BOARD OF ADJUSTMENT MINUTES**  
**July 24, 2007**

**Roll Call:** Durfee, Eller, Hurley, Mangiacotti, Semonche, Truman – 6 Present.

**Absent:** Nienstedt, Post, Vitalos – 3 Absent

**Vacancy:** None

**Also Present:** Stuart Ours, Esq., Board Attorney  
Rudy Bescherer, Zoning Officer  
Ann Kilduff, Clerk

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

**MINUTES:**

**Regular Meeting – June 26, 2007**

Chairman Hurley entertained additions or corrections to the minutes. Hearing none, it was moved by Mangiacotti, seconded by Truman, that the minutes of the regular meeting held June 26, 2007 be approved as submitted.

Roll Call: Eller, Mangiacotti, Semonche, Truman, Durfee and Hurley –  
Ayes: 6, Nays: 0, Abstained: 0  
Motion carried.

**RESOLUTIONS:**

**Case #2007:8 – Jose Cruz – 35 S. Wandling Avenue – (Revised)**

It was moved by Truman, seconded by Eller, that the resolution be adopted as approved at the May meeting for the construction of a 13' x 13' extension to the house and a 15' x 20' deck.

Roll Call: Eller, Mangiacotti, Semonche, Truman, Durfee and Hurley –  
Ayes: 6, Nays: 0, Abstained: 0  
Motion carried.

**Case #2007:11 – David Martinez – 42 Nunn Avenue**

It was moved by Eller, seconded by Durfee, that the resolution be adopted as approved at the June meeting for the allowance of a 22' drive apron.

Roll Call: Eller, Mangiacotti, Semonche, Truman, Durfee and Hurley –  
Ayes: 6, Nays: 0, Abstained: 0  
Motion carried.

**APPLICATIONS:**

**Case #2007:10– ALPS Properties (Cara Parmigiani)  
274 E. Washington Avenue – Block 70 Lot 7 – OB Zone**

This application is filed for the purpose of converting a single family dwelling into a two family dwelling. In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-77 B5 of the Municipal Zoning Ordinance for the following reason(s): There shall be a minimum lot area of 11,250 square feet for a two family dwelling in the R3 Zone. Per 94-82 Office Business (OB) Zone – this zone permits dwellings as permitted and regulates in the Residence Zone (R3).

Since the meeting could not be held in the Courtroom, there will be no verbatim recording of the meeting.

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 John Parmigiani, managing member of ALPS Properties, for his testimony.

Mr. Parmigiani stated he purchased the property in the late 1980's. When purchased, both the first and second floors had a kitchen, bathroom and bedroom. The owner had a separate space for a family member. Mr. Parmigiani added a wall and discontinued its two family use. As units became vacant, he gutted them and hired an architect to re-do the floor plan. Renovations were completed by 1991.

Mr. Parmigiani has eight units and only unit 274 was ever used as a two family. He had it on the market as an individual unit, but was told by a broker there is more of a need for a two family dwelling. It is different from the other units as it has its own driveway and garage. In trying to keep with the spirit of the area, Mr. Parmigiani feels one bedroom per floor limits overuse of the property; however, the lot size is an issue.

Ms. Truman asked if the unit is listed as a one family dwelling on the master deed. Mr. Parmigiani replied that it is. Mr. Eller asked what would happen when unit 274 is sold. Mr. Parmigiani stated the garage goes with that unit. Mr. Parmigiani stated that when originally purchased, there was a narrow row of garages set up for carriages. The structure was leaning; he thought they were dangerous and removed them. Mr. Ours asked if a concrete pad is there now. Mr. Parmigiani replied that there is.

Mr. Eller asked the applicant how he proposes two families get along with one driveway and one access way. He feels that type of driveway wouldn't work with two families where one would have to park behind the other. He noted there is no parking allowed in front of the property. Mr. Parmigiani stated that might limit who would be interested in purchasing the dwelling.

Mr. Eller asked if the attic or basement could create another bedroom. Mr. Parmigiani stated the attic has no sheetrock, just rafters and the basement consists of walls and a cement floor. He doesn't see this happening because there is no access for a fire exit. If a tenant was to build a basement bedroom, the fire inspectors would catch it on their yearly inspections. Mr. Durfee asked how he accesses the basement. Mr. Parmigiani stated there are bilco doors leading outside and also stairs from the kitchen. The attic is accessed via a stairway.

Mr. Ours asked how the applicant plans on working the entrance to the second unit. Mr. Parmigiani responded the tenants of the second unit would access the front door off the porch and enter a door to the right inside the premises. The plans were then discussed as to how the units would look. Mr. Parmigiani stated he would be converting the dining room into a bedroom. Ms. Truman asked if the master deed would need to be changed. Mr. Ours replied that it would.

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Mr. Ours asked if other tenants could use the driveway of unit 274. Mr. Parmigiani replied that they can't because it's the private driveway of unit 274. Mr. Hurley asked how it would be decided as to who gets the driveway and who parks in the back if made into a two family. Mr. Eller suggested giving the driveway to the first floor tenant as they have access to the back door. The second floor tenant can only access the unit through the front door.

Mr. Parmigiani stated the utilities are shared with one meter. He has no plans on changing this. The front and back yards are common ground.

Mr. Eller stated he looked into the town records and there is no record since 1990 that it was a two family dwelling and asked the applicant if he had any documentation. Mr. Parmigiani replied that he didn't. He just observed how the previous tenants were living in the space when he purchased the property.

Mr. Semonche noted that with eight full units, there is the potential for sixteen cars and asked if the back yard can handle them. The applicant replied that he's never had a parking issue in the twenty years he's owned the property. Mr. Eller asked Mr. Ours if there are any driveway sight triangle issues. Mr. Ours replied that there are not.

Chairman Hurley asked Mr. Bescherer for his input. Mr. Bescherer stated that if granted there is to be no on-street overnight parking permits granted for E. Washington Avenue. Parking would have to be in the rear. Mr. Bescherer stated the attic cannot be used as a bedroom. He also sees a problem with an egress being required on the second floor apartment.

Mr. Hurley stated that two people with separate spaces may be the vision, but in reality, people pack the houses. Mr. Eller feels a two-family dwelling is not desirable to the neighborhood. The applicant shows no proposal in splitting of the services and the driveway doesn't accommodate two families.

Mr. Parmigiani stated he appreciates the attitude, input and suggestions of the Board and thanked them for their time. He too doesn't want overcrowding, but feels one bedroom per floor would eliminate that. He would like to see this project go forward as he put a lot of work into the building.

Mr. Eller stated he appreciates the work the applicant has done. The property looks much better than years ago. Mr. Hurley told Mr. Parmigiani he did a great job presenting his case. The application was done very professionally.

Chairman Hurley noted there was no one in the audience to ask any questions of the applicant.

Mr. Ours stated the applicant has a non-conforming structure and the Board needs to find exceptional undue hardship in order to grant this variance. He stated the property was never a two family dwelling, but if it was, it would have been abandoned when the tenants left. It is currently a single family dwelling.

Hearing no further discussion from the Board, a motion was made by Eller, seconded by Semonche, that the Board deny ALPS Properties' request to convert a single family dwelling into a two family dwelling. The property was never legally a two family dwelling; it was a mother-daughter. There is an issue with the driveway and the lot size is deficient. The structure is non-conforming and it has no split services for a two family dwelling.

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Roll Call: Eller, Mangiacotti, Semonche, Truman, Durfee, and Hurley  
Ayes: 6, Nays: 0, Abstained: 0  
Motion carried.

**COMMUNICATIONS:**

A letter from Mr. Baucom to Mr. Beschere was received and duly noted. Per Mr. Gesner's request, the property at 51 Broad Street, Block 95 Lot 20, was returned to the previous zoning status (Case #2007:3).

A copy of the zoning map and an updated board member listing was received and duly noted.

**REPORTS:**

There were no reports at this meeting.

**REMARKS:**

There were no remarks at this meeting.

Hearing no further business to come before the Board, a motion was made by Semonche, seconded by Durfee, that the meeting be adjourned at 9:12 pm.

Ayes: 6, Nays: 0.  
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary