

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**BOARD OF ADJUSTMENT MINUTES**  
**February 26, 2008**

**Roll Call:** Eller, Mangiacotti, Post, Semonche, Truman, Vitalos – 6 present

**Absent:** Durfee – 1 absent

**Vacancy:** 2 vacancies

**Also Present:** Stuart Ours, Board Attorney  
Rudy Bescherer, Zoning Officer  
Pat Titus, Clerk (filling in for Ann Kilduff)

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

**MINUTES:**

**January 22, 2008:** Chairman Eller entertained additions or corrections to the minutes. Hearing none, it was moved by Post, seconded by Semonche that the minutes be approved as submitted.

Roll call: Mangiacotti, Post, Semonche, Truman, Vitalos, Eller  
Ayes: 5; Nays: 0; Abstained: 1 (Vitalos)  
Motion carried

**RESOLUTION:**

**Case #2005:6 – Paul Cioletti – N/N Hillcrest Avenue:** No discussion on the resolution. Therefore, it was moved by Semonche, seconded by Truman to approve the resolution as presented.

Roll call: Mangiacotti, Post, Semonche, Truman, Vitalos, Eller  
Ayes: 5; Nays: 0; Abstained: 1 (Vitalos)  
Motion carried

**APPLICATION:**

**Case #2008:2 – Asmaa Ahmed:** The applicant was not present at this time. Next case was heard.

**Case #2008:3 – Luis Dias:** Attorney Ours stated that, at last meeting, proper notice was given and Mr. Dias and his interpreter were sworn in. Chairman Eller asked if the plans submitted are what they intend to use. The plans are short on car storage and not using same dimensions as what was applied for. Only show two car instead of four car. Tina Truman asked what the plan was for behind the wall in the garage. Mr. Dias stated that it was not being used for living space.

Chairman Eller stated that the plans were not consistent and would give the applicant the opportunity to come back with different plans. Tina Truman noted that they need tree line on plans. Mr. Semonche stated that they need to show height on the plans. Attorney Ours commented that the applicant needs to match the plans to the application information. Mr. Dias stated that he would come back next month. Therefore, it was moved by Truman, seconded by Semonche to table the application until next month.

Roll call: Mangiacotti, Post, Semonche, Truman, Vitalos, Eller  
Ayes: 6; Nays: 0; Abstained: 0  
Motion carried

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**Case #2008:4 – Joseph Magyar:** Attorney Ours stated that Mr. Magyar was sworn in and notices were in order. Zoning ordinance permits restaurants but not bars. Mr. Magyar stated that he operated a bar for 31 years called R Place. The bar was in operation when he purchased it. He is relocating the business because the previous bar burned down. Looked elsewhere but found no other viable location.

Attorney Ours stated that to grant a variance the applicant must have justification or special reasons for the request. Mr. Magyar stated that serving food would not be economically viable. Mr. Vitalos asked if the hours of operation on the application aligned with the code. Attorney Ours stated that the only difference would be opening on Sunday at 10 a.m.

Chairman Eller stated that the location is the old Bach's Home Health Supply store. The applicant stated that the hours of operation would be the same as permitted by law. The basement would be locked up. A back door is proposed for emergency use. Storage of alcohol would be on the first floor. Deliveries would be through the front entrance.

Attorney Ours stated that the applicant needs a reason for public good. Chairman Eller asked for audience comment.

Joe Shanahan was sworn in. He owns the building where Frantoni's is located next to the proposed location. Opposes this application: 1) no parking except on street; 2) already two bars on that block; and 3) have two empty storefronts. The bar would hurt business in area. Tenant will not renew lease if a bar is located next door.

Tony Strillacci was sworn in. He has owned Frantoni's for 29 years. Sees many good changes in the Borough. His business is a family business. A bar would hurt his business. Smokers will be outside and loitering near his store.

Tracy Fazzolari was sworn in. She came before the Board two years ago. Owns a business on Belvidere Avenue. Wants new businesses to come to town but feels another bar in such a small area would hurt the effort to attract new businesses.

No further public comment. Attorney Ours stated that the applicant also needs to show no detriment to the public good. Chairman Eller commented that traffic with delivery trucks will be increased. Tina Truman stated that the intersection is very busy and increased traffic could be a hazard. Mr. Vitalos asked if there is any other place that would allow bars. Attorney Ours stated that the applicant would still need a variance since no food would be served. Chairman Eller commented that the Board was not using personal reasons but need to know if this type of business is suitable for this location.

Mr. Vitalos noted the detriments: no special reasons and increased traffic from deliveries. Would need testimony to refute detriments. Mr. Semonche stated that there is no special reason to allow a bar or grant the variance.

Aldona Cornish came forward to speak. Was sworn in. She stated that a restaurant would create increased traffic. There are no other locations available.

Attorney Ours stated that approval for a D variance needs five affirmative votes. Motion to deny D variance due to no special reasons and detriment to the public by Semonche and seconded by Post.

Roll call: Mangiacotti, Post, Semonche, Truman, Vitalos, Eller  
Ayes: 6; Nays: 0; Abstained: 0  
Motion carried

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**Case #2008:2 – Asmaa Ahmed:** Attorney Ours stated that proper notice was given. Mr. Mohamed Abdulhatti was sworn in. Parking area already installed. Had to fix sewer lines. Landscaper widened driveway. Attorney Ours noted that four parking spaces are needed due to rental unit. Mr. Post commented that they could use one space in garage and three outside. Chairman Eller stated that the applicant needs to repair curb and driveway needs a 15 ft opening. Applicant stated that he would put the area back if he needed to. Chairman Eller instructed the applicant to take measurements and pictures so the Board had a better idea of what is there. Applicant to come back to next meeting. No new notification is needed.

**COMMUNICATIONS:** No discussion

**REPORTS:** None

**REMARKS:**

Rudy Bescherer stated that he has someone coming to court but does not own property anymore. The property is at 15 Monroe St. He stated that the Stewart Street property is in foreclosure. Need fence around pool and curb needs to be fixed. Rudy feels that CO's need to be issued when properties sell to make sure there are no code violations. Broad Street property, old Warren Co Auto Parts, coming before the Board for variance. There are currently eight cars inside and walls have been removed.

Chairman Eller noted that some type of recognition for Larry Hurley for his 15 years of service is needed. Attorney Ours to type a letter or proclamation.

**NOMINATION FOR BOARD ENGINEER:** Either Andrew Holt or William Gleba. Want to call them first and find out rates. Tabled to March meeting.

Hearing no further business to come before the Board, a motion was made to adjourn the meeting at 9:59 p.m. Ayes: 6; Nays: 0; Abstained: 0. Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary