

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
March 25, 2008

Roll Call: Eller, Durfee, Mangiacotti, Post, Truman, Vitalos – 6 Present.

Absent: Semonche – 1 Absent

Vacancy: 2 Vacancies

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

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

NOMINATIONS

Appointment of the Board Engineer

Chairman Eller explained that there are two possible candidates for the Board's engineer. The first is William Gleba of Finelli Consulting Engineers, Inc. Bill is currently the Planning Board Engineer and his office is located in Washington. The second is Andrew Holt of Suburban Consulting Engineers, Inc. Andrew is currently the Borough Engineer and has an office located in Annandale.

In an effort to stay consistent with Planning Board rulings and because he is with a local business, it was moved by Truman, seconded by Post, that **William Gleba of Finelli Consulting Engineers, Inc.** be appointed **Board of Adjustment Engineer** for 2008.

Roll Call: Durfee, Mangiacotti, Post, Truman, Vitalos and Eller –
Ayes: 6, Nays: 0, Abstained: 0

Motion carried.

MINUTES:

Regular Meeting – February 26, 2008

Chairman Eller entertained additions or corrections to the minutes. Hearing none, it was moved by Post, seconded by Truman, that the minutes of the regular meeting held February 26, 2008 be approved as submitted.

Roll Call: Mangiacotti, Post, Truman, Vitalos, Eller
Ayes: 5, Nays: 0, Abstained: 1 (Durfee)

Motion carried.

RESOLUTIONS:

Case #2008:4 – Joseph Magyar – 14-16 E. Washington Avenue

It was moved by Truman, seconded by Post, that the resolution be adopted as approved at the February meeting denying the operation of a bar.

Roll Call: Mangiacotti, Post, Truman, Vitalos, Eller –
Ayes: 5, Nays: 0, Abstained: 1 (Durfee)

Motion carried.

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APPLICATIONS:

Case #2008:1 – Robert Migliaccio – N/N S. Lincoln Avenue; Block 98 Lot 29.01 R3 Zone

This application is filed for the purpose of constructing 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): The minimum lot area of a two-family dwelling shall be 11,250 square feet. This application has been tabled from the January 22, 2008 meeting.

Chairman Eller noted Mr. Migliaccio was not in the audience and the Board will move to the next applicant.

Case #2008:2 – Asmaa Ahmed – 3 Hillcrest Avenue – Block 86 Lot 3 – R2 Zone

This application is filed for the purpose of expanding the parking area and not removing the curb.

In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section (s) 94-53K 7 & 10 of the Municipal Zoning Ordinance for the following reason(s): Macadam pavement shall be required on a 6" soil aggregate and the maximum size of the drive apron shall be 15'. This application has been tabled from the February 26, 2008 meeting.

Mr. Ours stated proper notices had been sent. Mr. Mohammed Abdelhady was sworn in for his testimony.

Chairman Eller stated the Board wanted to see drawings of his proposed project. Mr. Abdelhady explained the pictures he submitted as evidence. A discussion took place as to where the cars would be parked. It was determined the parking situation should be two cars parked straight back and one across the front. Chairman Eller shared the discussion with the board members and reviewed it with Zoning Officer Bescherer.

Mr. Ours asked how wide a parking space should be. Mr. Bescherer replied it should be a minimum of 10'. Mr. Ours asked Mr. Bescherer to go to the applicant's property and stake out what needs to be done and asked the applicant to attend the next meeting with a drawing showing how much depressed curb there is from the edge of steps. Chairman Eller provided Mr. Abdelhady with a drawing of what the Board requires. This will determine if any curb work is required.

It was moved by Post, seconded by Truman, to table this application until the April 22, 2008 meeting.

Roll Call: Durfee, Mangiacotti, Post, Truman, Vitalos, Eller –
Ayes: 6, Nays: 0, Abstained: 0

Motion carried.

Chairman Eller asked the applicant to draw where it is on his survey. Mr. Ours reminded him it needs to be to scale on the survey.

Case #2008:3 – Luis Dias – 141 N. Lincoln Avenue; Block 6 Lot 33 R3 Zone

This application is filed for the purpose of constructing a 22' x 26' garage. In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-37 A and 77 B2 of the Municipal Zoning Ordinance for the following reason(s): Any accessory building must adhere to the yard requirements for the principle building and there shall be a front yard of 20 feet. This application has been tabled from the January 22, 2008 and February 26, 2008 meetings.

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Attorney Ours stated prior notices were in order. Mr. Dias and Mr. Christian Belotto as an interpreter for Mr. Dias remain under oath.

Chairman Eller asked the applicant the reason for wanting the garage. Mr. Dias replied it would be used to park cars and store tools. Chairman Eller stated this is the third meeting Mr. Dias is attending and asked the applicant if he brought his survey showing where the garage would be located as was requested of him at the February meeting. Mr. Dias replied he does not have that. Chairman Eller stated that not only did the applicant not do what the Board asked of him, but the drawings submitted at this meeting are different than the ones previously submitted. He feels the plans represent living space on the second floor. The garage was originally planned to be detached; however, the plans submitted tonight show it is attached to the house. The dimensions are also different than those previously submitted.

As stated at the last meeting, Chairman Eller suggested Mr. Dias seek help as the plans submitted were insufficient and incomplete. Mr. Post suggested Mr. Dias enlist the help of another interpreter since they both are not understanding what needs to be done. Chairman Eller explained Mr. Dias needs to show on the survey where the garage will be from the property line. The applicant needs to tell the Board exactly what they would like to do with the garage.

Chairman Eller noted there was no one in the audience in regards to this application.

Mr. Ours explained to the Board the timeframe for hearing this case is coming to an end. The Board discussed having Mr. Dias return to the next meeting for the final review or denying the application without prejudice. It was moved by Durfee, seconded by Post, to deny this application without prejudice in order to give the applicant more time to prepare.

Roll Call: Durfee, Mangiacotti, Post, Truman, Eller –
Ayes: 5, Nays: 0, Abstained: 1 (Vitalos)
Motion carried.

Mr. Ours stated the applicant will need to re-notice the newspaper and property owners before appearing before the Board.

Case #2008:1 – Robert Migliaccio – N/N S. Lincoln Avenue; Block 98 Lot 29.01 R3 Zone

Chairman Eller noted there was no one in the audience for this application.

Mr. Ours noted the timeframe for a decision on this case is coming to an end. Since Mr. Migliaccio was not in attendance at the meeting, it was moved by Truman, seconded by Durfee, to deny this application without prejudice.

Roll Call: Durfee, Mangiacotti, Post, Truman, Eller –
Ayes: 5, Nays: 0, Abstained: 1 (Vitalos)
Motion carried.

Mr. Ours stated the applicant will need to re-notice the newspaper and property owners before appearing before the Board.

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Case #2008:5 – Eric Phillips – 36 Taylor Street – Block 31 Lot 2 – R3 Zone

This application is filed for the purpose of removing a trailer and constructing a single family dwelling on the lot.

In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-77 B5, 77 B2 and 53 K2 & 10 of the Municipal Zoning Ordinance for the following reason(s): Minimum lot size shall be 6,250 square feet. There shall be a front yard of at least 20 feet. No driveway shall be located less than five feet from the property line and no drive apron shall be greater than 15 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 Phillips for his testimony.

Mr. Phillips stated he lives next door to the property in question. He is looking to remove the mobile home and construct a single family dwelling for himself. He has an undersized lot and would like to have off-street parking.

Mr. Ours asked if there is a driveway there now. Mr. Phillips replied there is and he is proposing a driveway going straight into the garage. Chairman Eller asked if the applicant is looking for two driveways. Mr. Phillips replied he is not, just a wider driveway to accommodate off-street parking. Mr. Bescherer explained the existing driveway is in front of the mobile home and is to be removed. The new driveway will be along the south of the property to the edge of the garage door opening. Mr. Bescherer further explained the 24' drive apron is requested to ensure vehicles can be moved without parking a car on Taylor Street. It is very close to Taylor Street School and is a heavy traffic area. It would also deter cars from parking near the corner.

Mr. Ours stated this property has previously been before the Board. The property at 30 Taylor Street has a two family dwelling. There is 8,000 total square footage between the two properties, which is not enough parking for either one. Mr. Phillips stated the property has been split; he is responsible for 36 Taylor Street and his father maintains 30 Taylor Street. Mr. Vitalos asked to see a copy of the house plans. Mr. Phillips provided the Board with a copy which Mr. Ours submitted as evidence.

Parking issues were discussed. Chairman Eller asked if he can replace the older mobile home with another. Mr. Bescherer replied that he cannot as it is a pre-existing, non-conforming use.

Chairman Eller entertained comments from the audience. Julie Pitha of 41 Taylor Street was sworn in for her testimony. Ms. Pitha stated she would like to see the trailer removed and a nice house there. She sees this as an improvement and feels it will be a benefit to the town. Ms. Pitha feels the plans were well thought out and feels the house would blend in well with the neighborhood.

Mr. Phillips feels he is presenting the minimum for a three bedroom house. Mr. Ours noted there have been some problems in the past with parking for 30 Taylor Street however; the neighbors don't seem to have a problem with parking issues at 36 Taylor Street since they are not present at the meeting. Chairman Eller noted that a father and son currently own the properties, but if ever sold a potential problem is created. He suggested a fence between the two properties for future owners. Chairman Eller also noted that if approved, 36 Taylor Street would have off-street parking at the expense of on-street parking for 30 Taylor Street. Mr. Phillips stated he has no problem installing a fence.

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Chairman Eller noted there were no further audience members for this application.

Mr. Post stated he is concerned with parking and feels another house proposal could be presented. Chairman Eller asked if there was any other use for the property at 36 Taylor Street. Mr. Ours replied it could only provide parking for 30 Taylor Street.

Chairman Eller asked if the driveway could be on the other side of the house. Mr. Phillips replied that it could and didn't see a problem with that. Chairman Eller stated the fence would not be necessary if that was done.

Hearing no further testimony before the Board, a motion was made by Vitalos, seconded by Post, that the Board grant the variance for the construction of a single-family dwelling. The driveway shall have a 24' drive apron as it will be better for the neighborhood to provide off-street parking. Because of the narrowness of the lot the side driveway can be one foot off the property line. The front yard setback will be conducive with existing houses. The driveway and garage will be on the northerly side of the dwelling.

Roll Call: Durfee, Mangiacotti, Post, Truman, Vitalos, Eller –
Ayes: 6, Nays: 0, Abstained: 0

Motion carried.

Mr. Phillips will provide the Board Clerk with a copy of the new plans.

COMMUNICATIONS:

Financial Disclosure Statements for 2008 were received.

Copies of the Guide to Planning Boards and Zoning Boards of Adjustment as well as a copy of Zoning and Land Development were 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 Durfee, seconded by Post, that the meeting be adjourned at 10:13 pm.

Ayes: 6, Nays: 0.
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary