

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
April 22, 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.

MINUTES:

Regular Meeting – March 25, 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 March 25, 2008 be approved as submitted.

Roll Call: Durfee, Mangiacotti, Post, Truman, Vitalos, Eller
Ayes: 6, Nays: 0, Abstained: 0
Motion carried.

RESOLUTIONS:

Case #2008:1 – Robert Migliaccio – N/N S. Lincoln Avenue

It was moved by Post, seconded by Durfee, that the resolution be adopted as approved at the March meeting denying, without prejudice, the construction of a two-family dwelling.

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

Case #2008:3 – Luis Dias – 141 N. Lincoln Avenue

It was moved by Truman, seconded by Durfee, that the resolution be adopted as approved at the March meeting denying, without prejudice, the construction of a garage.

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

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Case #2008:5 – Eric Phillips – 36 Taylor Street

It was moved by Truman, seconded by Post, that the resolution be adopted as approved at the March meeting to approve the removal of a trailer and construct a single family dwelling.

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

Motion carried.

APPLICATIONS:

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

Chairman Eller noted the applicant was not present; the Board will move to the next case.

Case #2008:6 – Cory & Shelby Orlando – 122 Myrtle Avenue – Block 44 Lot 18 – R2 Zone

Chairman Eller noted this application has been postponed until the May 27, 2008 meeting. Mr. Ours stated the applicant will need to re-notice the newspaper.

Case #2008:7 – Matthew Miller – 15 Monroe Street; Block 95 Lot 22 OB Zone

This application is filed for the purpose of increasing the size of the drive apron and parking area. In the Zoning Officer's Refusal of Permit this request is denied for noncompliance with the provisions of Section(s) 94-53 K1, 2 & 7 of the Municipal Zoning Ordinance for the following reason(s): There shall be no parking in the front yard. No driveway shall be located less than five feet from the perpendicular extension of the property line to the curb line. Macadam, concrete or pavers shall be used.

Attorney Ours stated notices are in order. The Board has jurisdiction to hear this case. Mr. Miller was sworn in for his testimony.

Mr. Miller stated he purchased the property on December 31, 2007 as is. In early March 2008 he received notification of the illegal expansion of his driveway. The previous owner was given notification of the same in early December 2007. He was issued a summons in early January 2008 and appeared in court. A month later he was fined by the judge for expanding the parking area without a permit. Mr. Miller provided the Board with a copy of the realtor's property listing. He stated he needs this parking area for off-street parking of his two cars and is willing to do what is needed to follow the code.

Chairman Eller stated the property is very small; the Board needs to consider the longevity of the property and is disappointed the driveway was done in the first place. Mr. Post noted that cars go over onto the sidewalk when parked as is.

Mr. Durfee asked when the driveway was installed. Mr. Bescherer stated the driveway was done two years ago. When the previous owner was notified of the violation, he elected to sell the property rather than correct the problem. Mr. Ours asked the fines imposed. Mr. Bescherer replied there was a \$100.00 fine and \$30.00 court cost and the owner was told to work it out with Mr. Miller. The owner offered Mr. Miller \$100.00 to settle.

Chairman Eller noted that part of the problem is the limited side yard. The porch takes up the front yard and is too close to the road. He feels that removing the porch would allow for better parking. Mr. Miller stated the porch is approximately five feet deep.

Chairman Eller entertained comments from the audience.

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Melissa Balam was sworn in for her testimony. She stated visitors to the property park in the municipal lot. The neighbor on the right side doesn't have a problem with her car hanging over onto the sidewalk by about three inches, as long as her child can pass by. The neighbor to the left put mulch and stone around the driveway to make it look nicer since it's slightly on his property. They were told by the realtor there was parking for two vehicles. Ms. Balam stated they purchased this property as their first house and money is stretched. Removing the porch will be a burden.

Mr. Ours stated the matter will be kept open until the applicant knows exactly what he wants to do. The Board has 90 days to act on the application. Chairman Eller asked the applicant to do some research as to what can be done to remedy this situation and to come back before the Board with a few options. Robert Miller, the applicant's father, stated he has made several phone calls to rent parking spaces but with no success. He doesn't want them to have to walk home in the dark to their own house.

Chairman Eller stated the situation will remain status quo for the time being. This application will be tabled until the May 27, 2008 meeting.

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 and March 25, 2008 meetings.

Mr. Ours stated proper notices had been sent. Mr. Mohammed Abdelhady remains under oath. Mr. Abdelhady provided the Board with pictures and revised plans of the driveway which the Board discussed.

Chairman Eller noted there was no one in the audience in reference to this case. Mr. Ours stated there is an exceptional narrowness of the property and the applicant has an unusually shaped lot. There is a need on the property for two parking spaces for the apartment and two for the dwelling.

It was moved by Post, seconded by Truman, to grant the variance for a 22' x 15' driveway, with one parking space in front of the garage. There is no detriment to the public good based on the plans submitted.

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

Motion carried.

Kenneth Hale – 51 Broad Street – Block 95 Lot 20 – OB Zone

Mr. Hale wished to speak to the Board before filing an application. Mr. Ours stated another attorney would need to be present. He was the attorney when the property was sold to Mr. Hale and therefore there is a conflict of interest. Mr. Ours stated the neighbors and newspaper need to be noticed as usual before proceeding. Mr. Gessner asked if he could give a statement regarding the situation. Mr. Ours replied that he cannot; the case is not being heard at this meeting.

COMMUNICATIONS:

The Board members each received an updated member listing.

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REPORTS:

There were no reports at this meeting.

REMARKS:

Ms. Truman stated she will send a letter to past chairman, Larry Hurley, on behalf of the Board.

Hearing no further business to come before the Board, a motion was made by Post, seconded by Durfee, that the meeting be adjourned at 8:52 pm.

Ayes: 6, Nays: 0.

Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary