

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**BOARD OF ADJUSTMENT MINUTES**  
**June 24, 2008**

**Roll Call:** Durfee, Mangiacotti, Post, Semonche, Vitalos – 5 Present.

**Absent:** Eller, Truman – 2 Absent

**Vacancy:** 2 Vacancies

**Also Present:** Stuart Ours, Esq., Board Attorney  
Ann Kilduff, Clerk

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

**MINUTES:**

**Regular Meeting – May 27, 2008**

Mr. Post entertained additions or corrections to the minutes. Mr. Mangiacotti noted a correction on the last page. It was moved by Mangiacotti, seconded by Durfee, that the minutes of the regular meeting held May 27, 2008 be approved with the correction.

Roll Call: Durfee, Mangiacotti, Semonche, Vitalos, Post -  
Ayes: 5, Nays: 0, Abstained: 0  
Motion carried.

**RESOLUTIONS:**

**Case #2008:8 – Cathy Witte – 91 S. Lincoln Avenue**

It was moved by Semonche, seconded by Durfee, that the resolution be adopted as approved at the May meeting denying the construction of a two-family dwelling.

Roll Call: Durfee, Semonche, Vitalos, Post –  
Ayes: 4, Nays: 0, Abstained: 1 (Mangiacotti)  
Motion carried.

**Case #2008:9 – Kenneth Hale – 51 Broad Street**

It was moved by Semonche, seconded by Mangiacotti, that the resolution be adopted as approved at the May meeting denying the performance of automotive repair and storage.

Roll Call: Durfee, Mangiacotti, Semonche, Vitalos, Post –  
Ayes: 5, Nays: 0, Abstained: 0  
Motion carried.

Before the first application was heard, Mr. Ours explained to Mr. Grasso that his application can be deferred since there are only five board members present. After a brief discussion, Mr. Grasso decided to present his case at this meeting.

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**APPLICATIONS:**

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

This application is filed for the purpose of providing a parking area off the original driveway at the rear of the house. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-53K1, 7, 9 & 10 of the Municipal Zoning Ordinance for the following reason(s): There shall be no parking in the front yard, parking area and driveway shall be macadam, concrete or pavers, no more than one driveway and the maximum driveway width shall be 15 feet.

Mr. Ours stated he has reviewed the notices and all are in order. The Board has jurisdiction to hear this case. Mr. Cory Orlando was sworn in for his testimony.

Mr. Ours stated the applicant's application was very vague as to what he wants to do. Mr. Orlando stated he lived in the Borough for 20 years and is proud of the town. His children are grown and have their own automobiles. He put a temporary gravel driveway in his yard so as to not park in the street. He is hoping to keep it temporary to revert back when his children leave the house, but will pave it per the Zoning Officer's request. He now has a total of four cars and needs to park off-street legally.

Mr. Ours noted there is a narrow driveway on the property with a shed. Mr. Orlando stated the shed is used as a garage and workshop. Mr. Ours asked Mr. Orlando if he could have additional parking if cars were parked at an angle between the house and shed. Mr. Orlando replied if he had the money he could cut down the tree and do that. Mr. Ours asked the ages of his children. Mr. Orlando replied his children are 19 and 16. He actually has a total of five vehicles if you count his work van as he is a carpenter by trade.

Mr. Durfee asked Mr. Orlando if his property was the second to last on a dead end street. Mr. Orlando replied that it is. Mr. Durfee asked if it would ever cease being a dead end. Mr. Orlando replied people have tried to develop the property before but it never went through.

Mr. Post asked the length of the driveway. Mr. Orlando replied it is 100 feet starting at the garage. Mr. Orlando stated he doesn't want to park in the street for safety reasons. Mr. Semonche asked if the applicant would be interested in parking in the back if the area was not paved. Mr. Orlando stated he would be interested but they would still have a narrow driveway to exit. Mr. Semonche stated the Board is reluctant to put two driveways in the front yard. Mr. Ours stated the Board cannot set precedence for two driveways.

Mr. Orlando stated he would like to remove the tree and park in the backyard. He prefers that because he can put four cars there with room to turn around. He would take the tree down, frame it and put stone there. Mr. Ours asked if the applicant was cited in Municipal Court. Mr. Orlando replied he wasn't, only by the Zoning Officer. Mr. Ours stated the Board would need to provide a timeframe to have the front driveway removed.

Mr. Post noted there was no one in the audience in reference to this case.

It was moved by Semonche, seconded by Vitalos, to allow construction of a temporary parking pad in the rear of the house. The pad need not be macadam, concrete or pavers. The Board will allow it to be gravel since it is temporary. The existing driveway shall be demolished by November 1, 2008. There will be no detriment to the public good to allow this parking pad.

Roll Call: Durfee, Mangiacotti, Semonche, Vitalos, Post –  
Ayes: 5, Nays: 0, Abstained: 0

Motion carried.

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**Case #2008:10 – Maureen Grasso – 60 E. Washington Avenue; Block 24 Lot 19 B2 Zone**

This application is filed for the purpose of operating a Gaming Center Club. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-81A and 23-6A of the Municipal Zoning Ordinance for the following reason(s): Amusement devices are not permitted in this zone or within 200 feet of a church or school.

Mr. Ours stated he has reviewed the notices and all are in order. The Board has jurisdiction to hear this case. Mr. Art Grasso and Mr. Mark Dressel were sworn in for their testimony.

Mr. Grasso provided the Board with a business summary deemed A1. Cyberdome is a console gaming center. There are currently three locations - Europe, California and Palmer Township. Mr. Grasso explained parents can bring their children for \$5.00 and hour after a \$25.00 per year membership fee. Games are networked and there are special events such as teams and tournaments, birthday parties, senior citizens, and corporate events. The average age of members is thirty-three. It is a comfortable warm room with a place for parents to sit. Children can also be left while parents run errands or parents can stay and play with their children. Cyberdome provides the community with a clean, safe environment.

Mr. Vitalos asked if headsets are used to control sound. Mr. Grasso said they use speakers, but the volume is kept low. Mr. Vitalos stated he is concerned the noise may affect the neighbors to the sides and upstairs.

Mr. Dressel stated he owns the Cyberdome in Easton which opened on March 1<sup>st</sup> of this year. They don't allow children to touch the volume. The staff sets games up for the children and adjusts the volume. Children can bring their own gaming headphones.

Mr. Ours asked the intended hours of operation. Mr. Grasso stated they plan to be open Monday thru Thursday from 12:00 noon until 10:00 p.m., Friday and Saturday from 12:00 noon until 12:00 midnight and on Sunday from 12:00 noon until 6:00 p.m. Mr. Vitalos stated he is concerned with loitering. Mr. Dressel stated that if children are not playing they are not in the store. They can watch their friends but they must stay together. Mr. Dressel stated he currently has one staff member that handles up to 28 children.

Mr. Grasso stated he spoke to the Police Chief regarding the loitering. He was told by the Chief to call the department if there is a problem and they will come down. Mr. Grasso stated that if the rules are not obeyed, the membership will be terminated.

Mr. Dressel stated that some of the parents at his location use Cyberdome as a disciplinary reward system where children receive hours of play for good grades. Mr. Vitalos asked if patrons can bring in their own games. Mr. Dressel stated they can, but Cyberdome is not responsible and they must not go above the approved rating levels. Mature games are played in a separate room.

Mr. Durfee asked Mr. Grasso if he would be taking a hands-on approach. Mr. Grasso explained that either he or his wife would be there at all times. Mr. Semonche noted there is an 11:00 p.m. curfew and asked Mr. Grasso if he would be able to change his hours. He recommends closing at 10:30 p.m. in order to give children time to get home. Mr. Dressel stated children at his location are looking for him to stay open longer. "Lock-ins" are a big revenue maker where people stay for twelve hours of gaming. Children don't leave without parents coming inside for them. Mr. Semonche wants to be sure this will not be violating the curfew ordinance. Mr. Post is concerned with the residential area upstairs from the proposed business. Mr. Semonche stated the Police Chief told him you couldn't hear traffic with the windows closed. The noise abatement in the apartments is excellent.

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Mr. Post entertained comments from the audience.

Pat Post questioned the adult to child ratio and asked if there is a law as to the number of children per adults in regards to supervision. She is also concerned with loitering and feels it is not controlled in town. Mr. Dressel stated when children play video games they are “in the zone” and arguments are rare. Mrs. Post stated she is not against the store in town, but not right on the main street. Mr. Dressel stated this is not an arcade which seems to lead to hanging out and loitering. Arcade games typically last two to three minutes and then the children loiter and there is no control or management. The township where Mr. Dressel’s store is located sees his business as a day care and therefore has daycare insurance.

Mr. Ours stated the applicants did a good job of explaining the concept and understands them wanting to be in that building. They are required to show special reasons to grant the variance and explain why that building is more suited than another.

Mr. Grasso sees this as a perfect opportunity. People can walk in, traffic for visibility is excellent and the building is in an excellent location with a parking lot, food and gym all nearby. There is existing surveillance on the building. He has been working with Jim Sheldon of the BID and Council as already given their approval.

Mr. Ours asked Mr. Post if he feels he needs to step down after hearing his wife’s comments. Mr. Post replied that he would step down and not vote on this application.

Mr. Semonche stated he is concerned with the comment in the information provided concerning the fact that hours may change to accommodate planned functions. He feels if hours are set they should not be flexible. Mr. Grasso gave corporate events as an example where they may need to adjust the hours of operation.

Mr. Post stepped down and therefore there are not enough board members to hear this application. Mr. Post suggested visiting the Easton store. Mrs. Post was sworn in for her testimony and confirmed that all of her prior comments have been truthful and honest. This case will be tabled until the July 22<sup>nd</sup> meeting.

Mr. Vitalos stated it seems Cyberdome is providing recreation for children in areas where resources are limited. Mr. Grasso requested further clarification on the curfew and questioned the business’s responsibility for those who break curfew. Mr. Ours will provide Mr. Grasso with this information prior to the July meeting.

Mr. Semonche stated he is not against the store, he just wants to be sure it is run well. Mr. Sheldon of the BID stated if children are stopped after curfew and have a reason for being out late, a school dance for example, then that is acceptable. Attendance can be confirmed at the store. Mr. Durfee suggested that children affected by the curfew can be set to leave by curfew.

A motion was made by Semonche, seconded by Durfee to table this application until the July 22, 2008 meeting.

Roll Call: Durfee, Mangiacotti, Semonche, Vitalos, Post –  
Ayes: 5, Nays: 0, Abstained: 0

Motion carried.

Mr. Sheldon also recommends a site visit. He feels this business will do well in this town and thanked the Board for their time.

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**COMMUNICATIONS:**

A letter was received from Matt Miller requesting an adjournment and granting the Board and additional 45 days to decide on his application. A motion was made by Mangiacotti, seconded by Semonche to grant this adjournment.

Roll Call: Durfee, Mangiacotti, Semonche, Vitalos, Post –  
Ayes: 5, Nays: 0, Abstained: 0  
Motion carried.

A letter regarding Sam Hicks' application was received and duly noted. This case will be discussed at the July 22<sup>nd</sup> meeting.

**REPORTS:**

There were no reports at this meeting.

**REMARKS:**

Hearing no further business to come before the Board, a motion was made by Durfee, seconded by Semonche, that the meeting be adjourned at 9:28 p.m.

Ayes: 5, Nays: 0.  
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary