

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**BOARD OF ADJUSTMENT MINUTES**  
**January 27, 2009**

Prior to the Roll Call, the **Oath of Office** was administered to **Frank Mangiacotti**.

**Roll Call:** Eller, Durfee, Mangiacotti, Post, Semonche, Truman, Vitalos – 7 Present.

**Absent:** Turner – 1 Absent

**Vacancy:** 1 Vacancy

**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 OF OFFICERS FOR 2009**

It was moved by Post, seconded by Semonche, that **Donald Eller** be appointed **Temporary Chair** to conduct the nominations of Officers for 2009.

Roll Call: Durfee, Mangiacotti, Post, Semonche, Truman, Vitalos and Eller –  
Ayes: 7, Nays: 0, Abstained: 0  
Motion carried.

Nominations were entertained from the floor for **Chairman**. It was moved by Post, seconded by Semonche, that **Donald Eller** be nominated as **Chairman**.

Roll Call: Durfee, Mangiacotti, Post, Semonche, Truman and Vitalos –  
Ayes: 6, Nays: 0, Abstained: 1 (Eller)  
Motion carried.

Nominations were entertained from the floor for **Vice-Chairman**. It was moved by Truman, seconded by Mangiacotti, that Charles Post be nominated as **Vice-Chairman**.

Roll Call: Durfee, Mangiacotti, Semonche, Truman, Vitalos and Eller –  
Ayes: 6, Nays: 0, Abstained: 1 (Post)  
Motion carried.

Nominations were entertained from the floor for **Secretary**. It was moved by Truman, seconded by Durfee, that **Frank Mangiacotti** be nominated as **Secretary**.

Roll Call: Durfee, Post, Semonche, Truman, Vitalos and Eller –  
Ayes: 6, Nays: 0, Abstained: 1 (Mangiacotti)  
Motion carried.

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**Appointment of the Clerk for the Calendar Year 2009**

It was moved by Truman, seconded by Mangiacotti, that **Ann Kilduff** be appointed as **Clerk of the Board** for the Calendar Year of 2009.

Roll Call: Durfee, Mangiacotti, Post, Semonche, Truman, Vitalos and Eller –  
Ayes: 7, Nays: 0, Abstained: 0  
Motion carried.

**Appointment of the Board Attorney**

It was moved by Semonche, seconded by Truman, that **Stuart Ours, Esq.** be appointed as **Board Attorney**:

Roll Call: Durfee, Mangiacotti, Post, Semonche, Truman, Vitalos and Eller –  
Ayes: 7, Nays: 0, Abstained: 0  
Motion carried.

**Appointment of Board Engineer**

It was moved by Truman, seconded by Post, that **William Gleba of Finelli Consulting Engineers, Inc.** be appointed as **Board Engineer**:

Roll Call: Durfee, Mangiacotti, Post, Semonche, Truman, Vitalos and Eller –  
Ayes: 7, Nays: 0, Abstained: 0  
Motion carried.

**Resolution 2009:1 - Open Public Meetings Act**

The following resolution regarding the Open Public Meetings act for 2009 was moved by Semonche, seconded by Truman and adopted.

**RESOLUTION – 2009:1**  
**OPEN PUBLIC MEETINGS ACT**

**WHEREAS**, pursuant to the Open Public Meetings Act, P.L. 1975, C.231, the Borough of Washington is required to file and post certain notices of public meetings of the Board of Adjustment of the Borough of Washington; and

**WHEREAS**, among the obligations imposed upon the Board of Adjustment is the obligation to file the said notices with the newspaper of general circulation in the Borough of Washington.

**WHEREAS**, the Star Gazette is designated as such newspaper; and

**WHEREAS**, the Schedule of Regular Meetings must be prepared, posted and filed within seven (7) days of the date of the Annual Reorganization Meeting of the Board of Adjustment, **NOW, THEREFORE**,

**BE IT RESOLVED**, by the Authority aforesaid, that the attached Schedule of Regular Meetings be furnished to any member of the public requesting the same, upon the payment of such person of the sum of \$1.00 to the Borough of Washington, said charge to cover the cost of duplicating the sum and the administrative expense of compliance with the request, all as required by the **OPEN PUBLIC MEETINGS ACT**.

A copy of this Resolution shall be published in the Star Gazette as required by law within ten (10) days of its passage.

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Roll Call: Durfee, Mangiacotti, Post, Semonche, Truman, Vitalos and Eller –  
Ayes: 7, Nays: 0, Abstained: 0

Motion carried.

**2009 Meeting Schedule**

It was moved by Semonche, seconded by Truman, to accept the 2009 Meeting Schedule as presented.

**BOARD OF ADJUSTMENT**  
**SCHEDULE OF REGULAR MEETINGS**  
**WASHINGTON BOROUGH, WARREN COUNTY, NEW JERSEY.**  
(4<sup>th</sup> Tuesday of Each Month)

January 27, 2009	July 28, 2009
February 24, 2009	August 25, 2009
March 24, 2009	September 22, 2009
April 28, 2009	October 27, 2009
May 26, 2009	November 24, 2009
June 23, 2009	December 22, 2009

Re-organizational Meeting: January 26, 2010

All meetings will be held at 8:00 p.m. on the dates listed in the Council Chambers, 2<sup>nd</sup> Floor, Washington Borough Municipal Building, 100 Belvidere Avenue, Washington, NJ 07882.

Copies of this schedule are available to the public from the Borough Clerk upon payment of the sum of \$1.00 to the Borough of Washington.

Roll Call: Durfee, Mangiacotti, Post, Semonche, Truman, Vitalos and Eller –  
Ayes: 7, Nays: 0, Abstained: 0

Motion carried.

**MINUTES:**

**Regular Meeting – November 25, 2008**

Chairman Eller entertained additions or corrections to the minutes. Hearing none, it was moved by Truman, seconded by Semonche, that the minutes of the regular meeting held November 25, 2008 be approved as submitted.

Roll Call: Durfee, Mangiacotti, Post, Semonche, Truman, Vitalos and Eller  
Ayes: 7, Nays: 0, Abstained: 0

Motion carried.

**RESOLUTIONS:**

There were no resolutions to adopt at this meeting.

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**APPLICATIONS:**

**Case #2009:1 – Connie & Leroy Thompson – 222 W. Washington Avenue – Block 2.03 Lot 10 – R2 Zone**

This application is filed for the purpose of erecting a 4' high fence and to obtain a variance for the expansion of the drive apron and parking area. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-53 K2 & 10 and 94-37B of the Municipal Zoning Ordinance for the following reasons: No driveway shall be located less than 5' from the perpendicular extension of the property line. The maximum size of the drive apron shall be 15'. The minimum distance of any accessory building to the property line shall be 5'.

Mr. Ours found all notices to be in order. The Board has jurisdiction to hear this application. The oath was administered to Connie Thompson for her testimony. Ms. Thompson stated she applied for a fence permit and was informed her shed and drive apron were not to code. The larger parking area was to allow for room for an extra car. The front of the house is on a hill. There is no garage and off-street parking was needed for four cars. Chairman Eller noted there are many three or four car garages in that area. It is very consistent with everyone having large drive aprons.

Ms. Thompson stated the fence is a picket fence. The Board agreed they have no issue with the fence. Ms. Thompson stated the shed has been there since 2001 and is 2-3' from the property line. Chairman Eller feels there is no need to move the shed as it is up against the neighbor's garage. The distance between the shed and alley is sufficient. Maintenance can be done around the shed as needed.

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

Ms. Thompson thanked the Board for understanding the situation. Mr. Ours stated the Board needs to base their decision on the unique situation affecting the property.

A motion was made by Semonche, seconded by Post, to grant a variance to allow a 45' x 25' wide parking pad and grant a variance for the parking pad to be within 2' of the side yard. A variance will also be granted to allow the existing shed to be within 3' of the property line due to the topography and narrowness of the lot. There will be no detriment to the public good.

Roll Call: Durfee, Mangiacotti, Post, Semonche, Truman, Vitalos and Eller –  
Ayes: 7, Nays: 0, Abstained: 0

Motion carried.

**Case #2005:6 – Paul Cioletti – N/N Hillcrest Avenue; Block 88 Lot 12 B1 Zone**

Mr. Paul Cioletti was sworn in for his testimony. Mr. Semonche asked how many extensions the board can legally grant. Mr. Ours replied there doesn't seem to be a limit, but becomes sensitive when there is a change to the property or neighborhood. There have been no changes to this particular case.

Mr. Cioletti stated he received the engineering plans in October 2008. He stated the pump will remain on the property of the house. He will run a trench to another line through the property behind his. Chairman Eller noted it will stay on the property instead of accessing the corner house property. The property owner of 182 Broad Street has the deeded right of way. Mr. Cioletti stated he thought about building a commercial business, but would prefer a single family home because of the times.

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Mr. Post stated he is concerned the house will not be built, the lot sold and the Board will need to go thru this again. Mr. Ours replied the variance will go with the lot. The variance is for a one-family house. The Board discussed the septic and sewer lines in the area.

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

Hearing no further discussion from the Board, a motion was made by Post, seconded by Truman, that the Board grant a one-year extension to the existing variance.

Roll Call: Durfee, Mangiacotti, Post, Semonche, Truman, Vitalos and Eller –

Ayes: 7, Nays: 0, Abstained: 0

Motion carried.

**COMMUNICATIONS:**

A memo from the Boro Manager regarding COAH Scarce Resource Restraint was received and discussed. Mr. Ours doesn't feel it will be much of an issue for this board.

A case review was received from Zoning Officer Rudy Bescherer. The property is in conflict with the Boro ordinance because the driveway was seeded and converted it into a portion of the front yard. A concrete slab is 12' from the sidewalk up. It was previously stone and now grass. The board discussed options. Mr. Bescherer stated the property owner was given a copy of the ordinance when the permit was approved. He provided the Board with pictures of before and after the driveway was altered. The owner bought the property in March of 2008. The neighbor has a 5' easement into said property. He has a 5' easement into the neighbor's property. He is not prohibiting the neighbor from using the easement. Mr. Bescherer asked the Board if the property owner violated the Boro ordinance. Mr. Ours stated the Board doesn't have jurisdiction to render advice. Mr. Bescherer stated he would like an opinion. Mr. Semonche and Mr. Post both feel it is an illegal driveway. Mr. Ours feels the owner may have a pre-existing non-conforming use. Modification did not lead to the abandonment of the use. Mr. Bescherer asked about the void of the driveway and parking area. Mr. Ours replied the burden is on the property owner to prove it was a pre-existing and non-conforming use prior to 1962. Mr. Post asked if it needs to be paved. Mr. Ours replied it does not. Mr. Bescherer stated he confronted the property owner and issued a summons for utilizing an unapproved parking area. The prosecutor did not see it as a problem and dismissed the summons against Rudy's objections. Mr. Bescherer feels the use was changed to a yard. The judge gave the owner four months to resolve the issue. The owner wants to keep the area seeded.

The December 2008/January 2009 New Jersey Planner was received.

The NJPO Winter/Spring 2009 Mandatory Training Program listing was received.

The NJPO winter/Spring 2009 Traditional Advanced Training listing was received.

**REPORTS:**

There were no reports at this meeting.

**REMARKS:**

There were no remarks at this meeting.

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Hearing no further business to come before the Board, a motion was made by Durfee, seconded by Truman, that the meeting be adjourned at 9:14 pm.

Ayes: 7, Nays: 0.  
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary