

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**BOARD OF ADJUSTMENT MINUTES**  
**June 23, 2009**

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

**Absent:** Truman – 1 Absent

**Vacancy:** 2 Vacancies

**Also Present:** Stuart Ours, Esq., Board Attorney  
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. Before beginning the meeting, Chairman Eller asked the members and audience to observe a minute of silence in memory of board member Ron Semonche who passed away earlier this month.

**MINUTES:**

**Regular Meeting – May 26, 2009**

Chairman Eller entertained additions or corrections to the minutes. Hearing none, it was moved by Post, seconded by Vitalos, that the minutes of the regular meeting held May 26, 2009 be approved as submitted.

Roll Call: Durfee, Mangiacotti, Post, Vitalos and Eller

Ayes: 5, Nays: 0, Abstained: 0

Motion carried.

**RESOLUTIONS:**

**Case #2009:5 – Edward Steele, Jr. – 47 Ophelia Street**

It was moved by Mangiacotti, seconded by Durfee, that the resolution be adopted as approved at the May meeting approving the repair of the driveway.

Roll Call: Durfee, Mangiacotti, Post, Vitalos, Eller –

Ayes: 5, Nays: 0, Abstained: 0

Motion carried.

**Case #2009:6 – Lana & Tim Shanahan – 23 Lambert Street**

It was moved by Post, seconded by Durfee, that the resolution be adopted as approved at the May meeting approving the construction of a deck.

Roll Call: Durfee, Mangiacotti, Post, Vitalos, Eller –

Ayes: 5, Nays: 0, Abstained: 0

Motion carried.

**APPLICATIONS:**

**Case #2009:3 – Kenneth Hale – 51 Broad Street – Block 95 Lot 20 – OB Zone**

Due to only five members being present, this application has been tabled until the July 28, 2009. Mr. Ours stated there is no need to re-notice.

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**Case #2009:7 – Muhsin Muheisen – 30 Route 31; Block 80 Lot 13 B1 Zone**

This application is filed for the purpose of operating an indoor and outdoor flea market. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-80A of the Municipal Zoning Ordinance for the following reasons: Outdoor and indoor flea markets are not permitted in this zone. This application was not turned in and therefore rescheduled for the August 25<sup>th</sup> meeting.

**Case #2009:8 – Laurie Jozowski – 1 Sunrise Terrace; Block 39 Lot 6 R2 Zone**

This application is filed for the purpose of expanding the parking area by 10' x 27'. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-53 K1 of the Municipal Zoning Ordinance for the following reason: There shall be no parking in the front yard, except in an approved parking space.

Mr. Ours found all notices to be in order. The Board has jurisdiction to hear this application. The oath was administered to Courtney and Laurie Jozowski for their testimony. Mr. Ours stated they already have a good size macadam driveway with a two car garage. Ms. Jozowski's father, Dennis Nardone, owns the property. They are the last house on a dead end street. Chairman Eller noted the driveway is wider than is allowable. Mr. Jozowski replied he made the driveway smaller than it originally was. Ms. Jozowski stated she was told she can't park in the parking pad because of it being a front yard. She drives a school bus and parks it there during the school year. She parks her car there in the summer so the children can have easier access to their bikes and toys. They maintain the property next to them. Mr. Durfee noted it is hard to turn around with the curb the way it is. Ms. Jozowski stated both they and the neighbor directly across from them back into each other's driveway for easier exiting. Mr. Post stated the Zoning Officer is concerned with the drive apron and how it extends to the front of the house. Ms. Jozowski stated they shortened the apron by 4' to comply; however, it's still an issue because they are parking in their front yard. The board discussed issues with the apron.

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

Mr. Ours stated that on the tax map, Sunrise Terrace runs straight though to Route 31. Chairman Eller noted it's not very likely the road will be extended to exit onto Route 31. If the board is in favor and the road does go through at some point, Chairman Eller feels it would be appropriate to have the applicant made to vacate the issue. Mr. Ours stated this is a unique situation as it is the end of a cul-de-sac and there is no provision for turning around.

A motion was made by Mangiacotti, seconded by Durfee, to grant a variance due to the uniqueness of the property. A 10' x 27' gravel parking pad shall be located 4' from the Belgium block curbing. There is no detriment to the neighborhood or zone plan. If the borough extends Sunrise Terrace in the future, the variance will become null and void.

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

Motion carried.

Mr. Durfee noted their landscaping is beautiful and feels what they will do with the parking pad will look nice as well.

**COMMUNICATIONS:**

An updated member listing as well as the May/June 2009 New Jersey Planner was received.

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**REPORTS:**

There were no reports at this meeting.

**REMARKS:**

Mr. Mangiacotti asked if the Board could borrow a Planning Board member should we need a quorum. Mr. Ours replied that we could in the event there is a conflict of interest.

Chairman Eller feels the Planning Board, Zoning Board and Council are all here for the same reasons – to make the community better. He would have liked a representative from Council attend one of our meetings or request the presence of a board representative at a council meeting when discussing the possibility of a combined Land Use 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 9:00 pm.

Ayes: 5, Nays: 0.  
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary