

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
BOARD OF ADJUSTMENT MINUTES  
SEPTEMBER 22, 2009**

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

**Absent:** None

**Vacancy:** 3 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.

**MINUTES:**

**Regular Meeting – August 25, 2009**

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 August 25, 2009 be approved as submitted.

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

Motion carried.

**RESOLUTIONS:**

There were no resolutions at this meeting.

**APPLICATIONS:**

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

Mr. Ours noted this application was started last month when it was noticed the residents were not properly notified. The Board did not have jurisdiction to hear the case. The applicant had been advised to re-notice everyone. Mr. Muheisen has since advised the Clerk that he will be postponing his application until further notice.

**Case #2009:13 – Jeff Domenic – 351 N. Prospect Street; Block 2.06 Lot 6 R2 Zone**

This application has been moved to the October 27<sup>th</sup> meeting.

**Case #2004:13 – Sam Hicks – Harrison Street/Garfield Street; Block 61 Lot 10**

Attorney Alan Lowcher was present on behalf of the applicant and was sworn in for his testimony. Mr. Lowcher explained that the Board granted relief to construct a house on the property in 2004. He provided the Board with a timeline of events since then. Mr. Hicks contemplated selling the property but the deal didn't happen. He is currently working to obtain water approval. A letter from Borough Manager Phelan was also given to the Board. His client has been diligent in pursuing things needed and is asking for a one year extension. Mr. Post asked why work listed in a letter dated 5/5/08 from NJ American Water was not done. Mr. Lowcher explained Mr. Hicks was in contract to sell the property at the time; however, the two parties did not agree. Council's approval is needed to install a water service line. Mr. Post noted that the water has been the

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problem for the past three years and nothing has been done about it. Mr. Lowcher explained nothing could be done until the Fire Department and Water Company agreed. The now do, so Mr. Hicks is ready to move forward. Mr. Lowcher added he would accept a six month extension.

Chairman Eller entertained comments from the audience. Mr. Charles Anthony was sworn in for his testimony. Mr. Anthony stated he owns the adjoining property at 140 and 150 Boulevard. He has concerns regarding the water problem and how the work Mr. Hicks is looking to do will affect his own site plan. He agrees with Mr. Post that nothing has been done in the past few years. He does not approve of this variance and is concerned potential property owners are not being told about the issues. Mr. Lowcher stated the work mentioned will not affect Mr. Anthony's property in any way. Mr. Hicks was encouraged to work out a maintenance agreement with Mr. Anthony, which was done. Mr. Post would like this to go before Council before granting another extension. The board discussed a shorter extension. Mr. Lowcher noted it may take months to get a response from the Water Company.

A motion was made by Truman, seconded by Durfee, to grant an extension of 60 days based on the approval from both Council and the Water Company.

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

Mr. Lowcher stated he will copy Mr. Ours and Ann Kilduff on any correspondence.

**Case #2009:12 – Domestic Abuse/Sexual Assault Crisis Ctr – 29 A&B Broad St; Block 95 Lot 14 OB Zone**

This application is filed for the purpose of renovating the rear building for office space. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 84-73.3 of the Municipal Zoning Ordinance for the following reason: No lot shall have erected on it more than one permitted principal use or one principal building.

Mr. Ours found all notices to be in order. The Board has jurisdiction to hear this application. Mr. Stiles stated he is present on behalf of the Domestic Abuse and Sexual Assault Crisis Center. Also in attendance were Mary Trubeck, the architect who provided the drawings and Pam Farago, Director of DARC. Both women were sworn in for their testimony. Mr. Stiles stated they are here because they would like to have two uses on the lot and there is not sufficient parking per the zoning ordinance. He provided the Board with a letter from Borough Manager Phelan regarding parking permits.

Ms. Trubeck stated she has been a licensed architect in the state of NJ since 1975. Other than making changes to the ramp to allow for handicap access to the second floor, the building will remain the same. There are five parking spaces on site; however, an additional ten spaces are required. The front of the building will be a residence and the back will be offices. The floor plans show office/conference rooms and library spaces. There will be seven offices. Six will be on the second floor and one will be on the first floor. They will be adding a lift for handicap accessibility between the two floors. Chairman Eller asked if there will be any assigned parking spaces. Ms. Trubeck replied there will be general parking in the municipal lot. Mr. Post is concerned with the parking permits as they may not be able to guarantee a parking spot in the lot. Chairman Eller asked if there will be a stairway or ramp from the municipal lot to the building. Ms. Trubeck replied there will not be. The outside of the building is remaining the same except for a few windows being added. There will be one exit on each level.

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Ms. Farago stated she has been the Director of DARC for almost four years and was present to explain the use of the building. The front of the building will be housing while the rear will be used for office space as well as storage of donations of furniture, dishes, etc. Mr. Vitalos questioned dedicated lighting of the five parking spaces for night activities. Mr. Stiles feels the lights on the front and back of the building will also illuminate the parking spaces and that should be sufficient. He would ask the construction official to find an appropriate light. Mr. Vitalos asked how the variance would affect traffic on Broad Street. Ms. Farago replied traffic will be minimal as they have five staff members.

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

Chairman Eller would like to limit this variance to this applicant and feels it should not exist if the building is sold. The Board discussed options. Mr. Ours stated the language would have to be recorded in the deed. This application falls under the inherently beneficial use to society.

A motion was made by Durfee, seconded by Truman, to grant a variance for dual use and extra off-site parking. It will be beneficial to the area as they will be paying a monthly fee for ten parking spaces in the municipal lot and using local establishments for lunch. This variance is granted for this owner only and language reflecting this must be added to the deed. The granting of this variance does not hurt the intent and purpose of the zoning plan.

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

The Board discussed lighting for those walking from the five parking spots at night. Mr. Stiles assured the Board he will look into lighting that will not be a detriment to the neighbors. Chairman Eller feels the north side of the building needs to be illuminated.

**COMMUNICATIONS:**

A memo regarding Case #2008:7 for Matthew Miller was received and discussed. The Board feels a letter needs to be sent to Council stating there needs to be clarification that driveways should be 9' wide x 15' deep.

A memo from the Warren County Planning Department was received.

2009 NJPO Fall Training and Mandatory Training Programs were received.

**REPORTS:**

There were no reports at this meeting.

**REMARKS:**

There were no additional remarks at this meeting.

Hearing no further business to come before the Board, a motion was made by Post, seconded by Truman, that the meeting be adjourned at 9:55 pm.

Ayes: 6, Nays: 0.  
Motion carried.

Respectfully submitted,  
Frank Mangiacotti, Secretary