

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

Roll Call: Durfee, Eller, Mangiacotti, Post, Truman – 5 Present

Absent: Vitalos – 1 Absent

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 – September 22, 2009

Chairman Eller entertained additions or corrections to the minutes. With changes noted, it was moved by Mangiacotti, seconded by Durfee, that the minutes of the regular meeting held September 22, 2009 be approved with the changes made.

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

Motion carried.

RESOLUTIONS:

Case #2004:13 – Sam Hicks – Harrison Street / Garfield Street

It was moved by Truman, seconded by Mangiacotti, that the resolution be adopted as approved at the September meeting granting a 60-day extension to the existing variance.

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

Motion carried.

Case #2009:12 – Domestic Abuse & Sexual Assault Crisis Center – 29A&B Broad Street

It was moved by Truman, seconded by Durfee, that the resolution be adopted as approved at the September meeting approving the renovation of the rear building for office space.

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

Motion carried.

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APPLICATIONS:

Case #2009:11 – Brian Olson – 51 W. Stewart Street; Block 12.01 Lot 4 R3 Zone

This application is filed for the purpose of constructing a 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 of the Municipal Zoning Ordinance for the following reason: No driveway shall be located less than 5' from the perpendicular extension of the property line to the curb line.

Mr. Ours found all notices to be in order. The Board has jurisdiction to hear this application. The oath was administered to Brian Olson for his testimony. Mr. Olson stated he is the owner of the property which he purchased in February of this year. Mr. Olson stated the main reason he would like this variance is the fact that he lives with a visually impaired parent and considers this a safety issue. Mr. Ours informed the applicant that if all papers are in order, he could apply to Council or a handicap spot in front of the house. Mr. Ours noted there is a garage in the rear of the property and that although there is space available for parking in the rear, the variance is for parking in the front and the distance to the property line. Mr. Olson stated only the apron is used for parking. He submitted a photo showing the house originally had a driveway on the property. Chairman Eller asked the applicant if he was aware of the parking issue before purchasing the property. Mr. Olson stated he learned of it around the time of the closing. Mr. Post noted that parking in the driveway would require the applicant to go onto the neighbor's property. He suggested dropping the family member off and then park in the rear of the property.

Chairman Eller entertained comments from the audience.

Lori Colon, 41 N. Lincoln Avenue, was sworn in for her testimony. She has an adjacent driveway to Mr. Olson. She has lived there almost three years. Ms. Colon stated she was told by a realtor that parking where the Olson's are suggesting would decrease the value of her property.

Ms. Truman feels the handicap parking spot would alleviate the problem. Mr. Olson stated there are three drivers in the house for a total of three cars. The garage is used for storage. It needs to be finished and obtain a CO before it can be used. The Board discussed the options. Mr. Olson was hoping that since the driveway was already there in the picture he submitted that it could be grandfathered. Mr. Mangiacotti noted in the minutes from Mr. Long's case in 2004, he testified he broke the curb and installed a gravel driveway. It seems grass has covered the original driveway.

Mr. Ours stated the applicant is seeking a variance which requires the board to make finding of exceptional narrowness, a unique situation affecting the property and find no detriment to the public good or zoning plan. Mr. Olson asked about Ms. Colon's question regarding her property value. Mr. Ours replied the Board cannot answer that, but it could be considered a detriment to the public good.

A motion was made by Post, seconded by Truman, to deny the variance due to the fact there is plenty of parking in the rear of the property as well as a three car garage. He advised the applicant to look into the handicap parking spot. Mr. Post feels there is no hardship, and parking in the front yard would be a detriment to the public good.

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

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COMMUNICATIONS:

A letter from Charles Anthony to the Borough Manager regarding Sam Hick's case was received. Mr. Ours stated Council will need to make a determination on this.

The NJ Planners for September 2009 and September/October 2009 were received.

The NJPO Mandatory Training Programs and Official Ballot were received.

A memo from the Warren County Planning Department re: Warren County Population Estimates, Building Permit/Demolition Data and Countywide Development Review Data was received.

REPORTS:

There were no reports at this meeting.

REMARKS:

Mr. Post requested a letter be drafted to Council clarifying the fact that driveways in the Borough should be 15' deep by 9' wide. Mr. Ours will handle this.

Chairman Eller stated he presented his yearly report to Council. He reminded them we are short on volunteers.

Mr. Ours stated he will be retiring at the end of the year. He has enjoyed his time on the Board. Chairman Eller replied Mr. Ours has been an asset to the Board and he appreciates his service. He will be missed.

Hearing no further business to come before the Board, a motion was made by Post, seconded by Truman, that the meeting be adjourned at 8:50 pm.

Ayes: 5, Nays: 0.

Motion carried.

Respectfully submitted,
Frank Mangiacotti, Secretary