

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
June 22, 2010

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

Absent: Durfee – 1 Absent

Vacancy: 3 Vacancies

Also Present: Steven P. Gruenberg, 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 – May 25, 2010

Chairman Eller entertained additions or corrections to the minutes. Hearing none, it was moved by Post, seconded by Mangiacotti, that the minutes of the regular meeting held May 25, 2010 be approved as submitted.

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

Motion carried.

RESOLUTIONS:

Case #2008:6 – Cory Orlando – 122 Myrtle Avenue

It was moved by Truman, seconded by Vitalos, that the resolution be adopted as approved at the May meeting, denying the extension of a variance.

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

Motion carried.

Case #2010:4 – Cathy Nauta – 8 W. Mozart Street

Ms. Truman noted the application number needs to be added to the top of the resolution. It was moved by Truman, seconded by Post, that the resolution be adopted as approved at the May meeting, granting the operation of a beauty salon out of the residence.

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

Motion carried.

APPLICATIONS:

Case #2010:5 – Raj Rathod/Krauszers – 41-43 W. Washington Avenue, Block 95, Lot 1 – B2 Zone

This application is filed for the purpose of lighting a back-lit sign which is not allowed per section 94-62 of the Municipal Zoning Ordinance. The applicant has bypassed the Zoning Officer.

Board of Adjustment Minutes
June 22, 2010

Mr. Gruenberg stated he has reviewed the application and found notices were not done properly. Sections of the municipal zoning ordinance were not referenced and not all notices were served. The Board does not have jurisdiction to hear this case per NJSA 40:55 D-12. Mr. Gruenberg instructed the applicant to re-do the newspaper ad, referencing the appropriate sections and re-mail the notices. He offered to review the letter for the applicant beforehand. Mr. Rathod feels he is being misguided as he was told he needed an attorney present, but he does not. He feels he is being discriminated against. Mr. Rathod provided Mr. Gruenberg with copies of certified return receipt mailings which were not handed in previously with the others. Upon further review, Mr. Gruenberg still found several people not notified properly. Chairman Eller explained to the applicant notices need to be done properly before the application can be discussed. Mr. Rathod stated he will not turn off the sign light in the meantime. Mr. Gruenberg recommended the Board deem the application complete but reschedule for the next meeting. Mr. Vitalos asked if the 90-day completion rule starts this evening. Mr. Gruenberg replied that it does.

Hearing no further discussion, a motion was made by Post, seconded by Truman, deeming the application complete and reschedule for the July 27th meeting.

Roll Call: Mangiacotti, Post, Truman, Vitalos and Eller –
Ayes: 5, Nays: 0, Abstained: 0
Motion carried.

Evelyn Morrison stated she is a concerned citizen and has helped Mr. Rathod complete his application. She stated she understands the letters need to be mailed or served personally and the newspaper ad re-done. Once completed, she would like Mr. Rathod's case heard unbiased.

Mr. Ken Chambers, 64 Grand Avenue, stated he is looking for a copy of zoning ordinance 94-62. Mr. Gruenberg directed him to the borough office in regards to Ordinance 3-2008.

Case #2010:6 – Lakshmi Tadikonda – 94 Alvin Sloan Avenue, Block 2.12, Lot 4 – R1C Zone

This application is filed for the purpose of constructing a 16' x 20' upper deck. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-75 B4 of the Municipal Zoning Ordinance for the following reason: uncovered decks may be constructed in the rear yard, provided that a rear yard of not less than 35' shall be maintained.

Mr. Gruenberg stated he has reviewed the application and found all notices to be in order. The Board has jurisdiction to hear this case. A motion was made by Post, seconded by Truman, deeming the application complete.

Roll Call: Mangiacotti, Post, Truman, Vitalos and Eller –
Ayes: 5, Nays: 0, Abstained: 0
Motion carried.

Lakshmi and Uday Tadikonda were sworn in for their testimony. Mr. Tadikonda stated their yard is 47' and the deck will be on the upper level. He would like to have more space for his family and furniture to fit comfortably. They own a corner property with a catch basin behind them. Chairman Eller asked why they are building two decks. Mr. Tadikonda replied the lower deck is for the pool. It is a smaller, 6' deck. Mr. Gruenberg asked the applicant if they were requesting a variance for the pool. Mr. Tadikonda replied they are not. They have a letter from the Zoning Officer that the pool and lower deck are to code. Only the upper deck requires a

Board of Adjustment Minutes
June 22, 2010

variance. Chairman Eller asked if there was a better way to plan the space to conform to the zone plan. Mrs. Tadikonda replied moving the pool would block the door to the walk-out basement.

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

Mr. Post asked where the steps will be. Mrs. Tadikonda replied they will be towards the lower deck. Mr. Vitalos stated he sees no detriment to the zone plan or neighbors, but sees no hardship. Mr. Tadikonda stated he would like to have more space for the family to spend time together and agrees there is no detriment to the neighbors. Chairman Eller noted all but one neighbor have a deck and pool, so their property would conform to the neighborhood. Chairman Eller asked the side yard setback. Mr. Gruenberg replied it is 10'. The Board discussed different options with the applicants.

Hearing no further discussion, a motion was made by Truman, seconded by Mangiacotti, to grant a variance for the upper deck due to the easement on the property. No one is behind them. There is no detriment to the neighbors and conforms visually to the neighborhood.

Roll Call: Mangiacotti, Truman, and Eller –
Ayes: 3, Nays: 1 (Post), Abstained: 1 (Vitalos)
Motion carried.

REPORTS:

Chairman Eller stated he agrees with what was presented by Mr. Gruenberg in respect to escrow accounts and fee issues for the Board. Mr. Gruenberg stated the Planning Board has approved this at a prior meeting.

A motion was made by Post, seconded by Truman, to approve the fees as submitted and request the Board Clerk submit same to Council and recommend it be submitted for approval.

Roll Call: Mangiacotti, Post, Truman, Vitalos and Eller –
Ayes: 5, Nays: 0, Abstained: 0
Motion carried.

COMMUNICATIONS:

A fax from First Energy Corp re: JCP&L Utilities and Variances was received and filed.

The May/June NJ Planner was received.

REMARKS:

There were no 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 8:52 pm.

Ayes: 5, Nays: 0
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary