

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
July 27, 2010

Roll Call: Durfee, Eller, Mangiacotti, Post – 4 Present

Absent: Truman, Vitalos – 2 Absent

Vacancy: 3 Vacancies

Also Present: Steven P. Gruenberg, Esq., Board Attorney
William Gleba, Board Engineer
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 – June 22, 2010

Chairman Eller entertained additions or corrections to the minutes. Hearing none, it was moved by Post, seconded by Durfee, that the minutes of the regular meeting held June 22, 2010 be approved as submitted.

Roll Call: Durfee, Mangiacotti, Post, and Eller –
Ayes: 4, Nays: 0, Abstained: 0

Motion carried.

RESOLUTIONS:

Case #2010:6 – Lakshmi Tadikonda – 94 Alvin Sloan Avenue

It was moved by Mangiacotti, seconded by Eller, that the resolution be adopted as approved at the June meeting, granting the construction of a 16' x 20' upper deck.

Roll Call: Mangiacotti and Eller –
Ayes: 2, Nays: 0, Abstained: 2 – Durfee and Post

Motion carried.

APPLICATIONS:

Case#2010:8 – Praful Patel/P&P of Washington – 66 Route 31 North, Block 56, Lot 1 – B1 Zone

This application is filed for the purpose of expanding the commercial building 10' in the rear. In the Zoning officer's Refusal of Permit, this request is denied for the non-compliance with the provisions of Section(s) 94-30B and 73.3 of the Municipal Zoning ordinance for the following reasons: Site plan approval is required for all development when site plan exempt is not met and no lot shall have more than one principle use on it.

Mr. Gruenberg stated Mr. Lowcher, attorney for Mr. Patel, sent correspondence today stating he and his client will not be attending tonight's meeting per Mr. Gleba's completeness review. Mr. Lowcher takes no exception that this application is incomplete.

A motion was made by Post, seconded by Mangiacotti, deeming the application incomplete.

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Roll Call: Durfee, Mangiacotti, Post and Eller –
Ayes: 4, Nays: 0, Abstained: 0

Motion carried.

Mr. Gruenberg stated there have been some concerns in regards to work being done on the property. This Board deals with the application, not enforcement. Therefore, it has been brought to the attention of the Borough Manager and Borough Attorney as it would relate to permits issued or needed. The south side of the building seems to be completed, but not the east side. Work can be done on the original part of the property, but it would be inappropriate to do any work in the extension.

Mr. Gleba stated he was at the May Planning Board meeting when this case was discussed, and it was determined the applicant should be heard before this Board instead. He asked if anyone had any questions in regards to his report. There were no questions for Mr. Gleba.

Mr. Gruenberg stated that although notices were sent referencing this meeting, it is his legal recommendation the applicant be made to re-notice once the application is deemed complete. Noticing for the next meeting would be done at their own risk.

Sandy Cerami, BID Director, was in the audience and noted no residents were in the audience in regards to this case. She feels the town is struggling to get business, but understands procedures need to be done properly.

Hearing not further business in regards to this application, Mr. Gleba left the meeting at this point.

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. The application was deemed complete at the June 22nd meeting, however, notices needed to be re-done.

Mr. Gruenberg stated he has reviewed the notices and one mailing was sent to the wrong address. He recommends the applicant only notice the one done improperly and continue this application at the next meeting. Mr. Gruenberg offered assistance to Mr. Rathod should he have any questions.

A motion was made by Post, seconded by Durfee, to continue the public portion of the meeting on August 24th. The only notice necessary is to the Bergenback family.

Roll Call: Durfee, Mangiacotti, Post and Eller –
Ayes: 4, Nays: 0, Abstained: 0

Motion carried.

The Clerk will provide Mr. Rathod with a blank letter and the name and address of the person needing proper notification.

Case #2010:9 – Pasquale Dattolo – 6 New Street, Block 18, Lots 4 & 5 – R3 Zone

This application is filed for the purpose of enlarging the parking area at the roadway. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-53D and 53 K10 of the Municipal Zoning Ordinance for the following reasons: off-street parking areas containing 6 or more spaces shall have a concrete curbing around the perimeter and the maximum size of the drive apron shall be 15'.

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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 Durfee, seconded by Mangiacotti, deeming the application complete.

Roll Call: Durfee, Mangiacotti, Post and Eller –
Ayes: 4, Nays: 0, Abstained: 0

Motion carried.

Mr. Philip Dattolo, who will be speaking on behalf of his father, was sworn in for his testimony. Mr. Dattolo stated they have had tenants for several years and have heard complaints about the parking situation. They currently have two lots consisting of five dwellings. They have three parking spaces and would like to provide off-street parking. Mr. Post noted the paper street on the south side of the properties. He suggested parking might be able to be put there. He is concerned if the lots are sold in the future, the house would become inaccessible. Chairman Eller showed the applicant how it could be planned out. Chairman Eller noted there is no reference on the paper street as to the property line, other than where it exists. The tree near house number three would need to be removed. Chairman Eller explained the paper street belongs to the town; however, they don't maintain it. It could be requested it be put in the deed. He feels three more spots would be enough and noted the Cherry Street alley is only 12' wide.

Mr. Pasquale Dattolo was sworn in for his testimony. The Board discussed the paper street with the applicant. Mr. Pasquale Dattolo suggested subdividing the properties. Mr. Gruenberg agreed that could be another option. The case would then go before the Planning Board.

Mr. Gruenberg recapped the two options the applicant has: 1) withdraw the application based on the conversation or 2) continue to pursue application. Chairman Eller suggested the applicant see the tax map and note the property lines. Chairman Eller requested the applicants bring information on the paper street if they choose to continue with their application. Mr. Gruenberg suggested they sit with an engineer and ask for input on their options. Mr. Philip Dattolo stated they wish to table the discussion until the August 24th meeting.

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

Mr. Gruenberg advised the public the meeting will continue at the August 24th meeting at 8:00 pm. There will be no further notices given.

Case #2010:10 – Eric Phillips – 36 Taylor Street, Block 31, Lot 2 – R3 Zone

The applicant is requesting an extension to his variance, Case #2008:5.

Mr. Gruenberg noted the applicant has requested an extension and provided notices of hearing for the variance. Although the variance has expired, the Board can consider this as a re-approval of the application. Mr. Gruenberg stated the notices are in order and the Board has jurisdiction to proceed.

Mr. Eric Phillips was sworn in for his testimony. Mr. Phillips stated he was delayed due to economic times and would now like to start again. He wants to put everything in order before applying for a loan. He has not lost interest in the project. He has made an attempt to satisfy the town by removing the trailer. The concrete piers on the property hold the pins from the survey that was done. He would like to build on the property and remain in Washington.

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Mr. Gruenberg noted from the previous resolution that he is looking to construct a two story, three bedroom home with a 10' x 30' driveway. A neighbor had testified the property was an eyesore and was strongly in favor of a house being built on the property. The lot is an undersized lot. Chairman Eller asked the applicant if his plans are exactly the same as in 2008. Mr. Phillips replied they are.

Chairman Eller entertained questions or comments from the audience. Ms. Evelyn Morris, 20 Madison Avenue, asked as a new application, is it procedure to refer to the old one. Mr. Gruenberg replied he did that to refresh the memory of the Board members and to establish history. Ms. Morris stated she supports the efforts of Mr. Phillips and asked if the Board would want to see the property. All members of the Board replied that they did in fact see the property.

A motion was made by Mangiacotti, seconded by Post, to close the public portion of the meeting. All were in favor. Motion carried.

A motion was made by Post, seconded by Mangiacotti, to deny the request for an extension but to instead grant a variance for an undersized lot with exceptional narrowness, the same as set forth in the 2008:5 application for the same reasons.

Roll Call: Durfee, Mangiacotti, Post and Eller –
Ayes: 4, Nays: 0, Abstained: 0
Motion carried.

Mr. Phillips asked the timeframe. Mr. Gruenberg stated a resolution will be memorialized at the August meeting and he will have one year from then.

REPORTS:

There were no reports at this meeting.

COMMUNICATIONS:

The 2010 case listing to date 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 Durfee, that the meeting be adjourned at 9:23 pm.

Ayes: 4, Nays: 0
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary