

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**BOARD OF ADJUSTMENT MINUTES**  
**September 28, 2010**

**Roll Call:** Durfee, Mangiacotti, Truman, Eller – 4 Present

**Absent:** Post and Vitalos – 2 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 – August 24, 2010**

Chairman Eller entertained additions or corrections to the minutes. Hearing none, it was moved by Truman, seconded by Mangiacotti, that the minutes of the regular meeting held August 24, 2010 be approved as submitted.

Roll Call: Durfee, Mangiacotti, and Truman –  
Ayes: 3, Nays: 0, Abstained: 1 (Eller)  
Motion carried.

**RESOLUTIONS:**

**Case #2010:5 – Raj Rathod / Krauszers – 41-43 W. Washington Avenue**

It was moved by Mangiacotti, seconded by Durfee, that the resolution be adopted as approved at the August meeting, granting approval to light a back-lit sign.

Roll Call: Durfee, Mangiacotti and Truman –  
Ayes: 3, Nays: 0, Abstained: 1 (Eller)  
Motion carried.

**APPLICATIONS:**

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

Mr. Gruenberg stated the professionals met regarding this application and the applicant will be requesting a minor subdivision. He advised the public that this meeting will be continued on October 26, 2010 at 8:00 pm. No further notices need to be given.

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

Mr. Gruenberg stated the applicant has decided to withdraw his application. A motion was made by Mangiacotti, seconded by Truman, to allow Mr. Dattolo to withdraw his application without prejudice.

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

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**Case #2010:11 – Richard Allen – 14 Nunn Avenue, Block 97.02, Lot 10 – R6 Zone**

This application is filed for the purpose of constructing a new garage 42' deep, 56' wide, and 23' high. In the Zoning Officer's Refusal of Permit, this request is denied for non-compliance with the provisions of Section(s) 94-37C of the Municipal Zoning Ordinance for the following reason: Accessory buildings may not exceed 15' in height and may not occupy an area of more than 25% of a required rear yard or a maximum of 900 square feet, whichever is smaller.

Mr. Gruenberg stated he reviewed the notices and found them to be in order. The Board has jurisdiction to proceed. Mr. Richard Allen was sworn in for his testimony. Chairman Eller asked the height of the walls. Mr. Allen stated they will be 14' high with a 12' door. He discussed pictures he had submitted with the Board. The foundation of the garage will be retaining walls. He feels the garage will not be higher than his house. Mr. Durfee noted the property is just shy of an acre and the 900 square feet will be the issue as he is within 25% of his rear yard. Construction cannot be done behind his property as it is the railroad tracks. The neighborhood is zoned industrial. Mr. Gruenberg clarified that height is defined as the vertical distance measured to the highest part of the building from the average elevation of the finished grade 5' from the foundation. It was determined there is 23' from the finished floor to the peak of the garage.

Chairman Eller noted there are no curbs on the street and asked the applicant if he gets any run-off from the street. Mr. Allen replied he repaired this already by adding a swale on top of the driveway. The drain will be in front of the garage. Mr. Allen stated he currently keeps his recreation vehicles in storage units in two towns and it is becoming costly. He is looking to get everything onto his property, but if left in the driveway there is no place for snow removal and it looks unsightly. He feels the proposed garage is more visually pleasing. The building will be done as close as possible to the color of the house, will be built by either Morton or Kissler, have a metal roof and siding and have a concrete floor. He will remove the sheds which he feels are an eyesore. No other sheds will be added as he feels one building is more aesthetically pleasing than two. Mr. Gruenberg questioned the reason for the proposed height. Mr. Allen stated his camper is 10'8". The next size door is 12' with 14' inside clearance. The peak will not be greater than 23'.

Chairman Eller entertained questions or comments from the audience. Mr. Ken Frutchey was sworn in for his testimony and stated he lives next door to the applicant's west side. He stated he would be the neighbor to have the most issues and feels the applicant should be able to do as he pleases. He noted the property is already paved.

Mr. George Wagner was sworn in for his testimony. He stated he lived there a few years less than Mr. Allen and would prefer Mr. Allen remove the two sheds and construct one garage. He has no issues with what is proposed. A motion was made by Truman, seconded by Mangiacotti, to close the public session of the meeting. All were in favor. Motion carried.

A motion was made by Truman, seconded by Mangiacotti, to grant the variance from the square foot and height standards with the condition the two sheds be removed and no more added without relief from the Board and the height shall not be greater than 23'. Mr. Durfee stated this is a special case because of the slope of the property. The benefits of granting the variance outweigh any detriment. Chairman Eller noted the retaining wall will be kept as the other one is deteriorating.

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

Motion carried.

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The Board discussed the flow of applications with Mr. Gruenberg.

**REPORTS:**

There were no reports at this meeting.

**COMMUNICATIONS:**

An E-mail from the Borough Manager re: Religious Land Use and Institutionalized Persons Act was received.

The September/October New Jersey Planner was received.

**REMARKS:**

Chairman Eller suggested bringing to Council's attention that background checks be done on volunteers and they be set to the same standards as coaches. Mr. Gruenberg stated he has never heard of this being an issue in regards to prior convictions.

Hearing no further business to come before the Board, a motion was made by Truman, seconded by Durfee, that the meeting be adjourned at 9:08 pm.

Ayes: 4, Nays: 0  
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary