

WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING MARCH 3, 2014

The regular meeting of the Board of Adjustment was called to order at 7:07 p.m. by Chairman Cooper in the Municipal Court, 44 Mountain Blvd., Warren.

THOSE PRESENT AT ROLL CALL: John Villani, Vincent Oliva, George Dealaman, Frank Rica, Foster Cooper and Scott Bowe, Alt. #1
Also present was Steven Warner, Attorney for the Board.

THOSE ABSENT: Fernando Castanheira, Richard Hewson and Clerio Martins, Alt. #2

THOSE TARDY: None

ANNOUNCEMENT:

Adequate notice of this meeting has been provided by posting Public Notice on the Municipal Bulletin Board on the main floor of the Municipal Building, and sending a copy to the Courier News and Echoes Sentinel, and filing a copy with the Municipal Clerk, all on January 10, 2014.

FLAG SALUTE:

MINUTES: The minutes of the 1/9/14 meeting had been forwarded to members for review.

Mr. Dealaman made a motion to approve, seconded by Mr. Villani. All were in favor, so moved.

COMMUNICATIONS:

Township of Warren ORDINANCE NO. 14-04 establishing the HNB - Historic Neighborhood Business District

November/December 2013 issue of the NEW JERSEY PLANNER

Memo dated 1/17/14 prepared by John T. Chadwick IV, P.P. concerning CASE NO. BA14-01 DAVID SCHLINGLOFF, which will be heard this evening

Memo dated 2/3/14 prepared by Christian Kastrud, P.E. concerning CASE NO. BA14-01 DAVID SCHLINGLOFF

PRIVILEGE OF THE FLOOR PORTION OF THE MEETING

Mr. Cooper asked if any member of the public wished to make a statement, which is unrelated to tonight's agenda.

There was none.

He closed that portion of the meeting.

AGENDA:

CASE NO. BA14-01 DAVID SCHLINGLOFF
BLOCK 107, LOT 7
96 REINMAN ROAD

Application for use and bulk variances to expand a kitchen and add a new deck to the rear of the residential portion of the home...floor area ratio variance required

Mr. Dealaman noted that the file is in order.

David Schlingloff, John Chadwick, P.P. and Christian Kastrud, P.E. were sworn in.

Mr. Schlingloff distributed a packet of nine documents including the proposed plan as well as seven photos of the property. He took these on 10/22/13. One copy was marked into evidence as Exhibit A-1

Mr. Schlingloff stated that he has had a chiropractic business at this location since 1995. Before this, another chiropractor had the same business for 41 years after another had it for ten years.

The office was originally in the house - upstairs. In 1971, an addition was added for the office. That's what you see on Reinman Road today.

The house is currently shaped as a U. It contains one story professional office with a two story single family dwelling along the easterly front property line. There is also a small shed in the southwesterly corner of the lot.

Mr. Schlingloff proceeded to describe the photos. Page 1 shows the plan. Pages 2 through 8 show the back of the property, where the addition and deck will be located. The last page is a sketch of the building with the addition - beautifully drawn by his son, a freshman at WHRHS.

The side yard setback is 20 ft. He is proposing 10 ft. from the property line. The house is on the property line. The perimeter of the proposed deck is indicated by stakes and taping on the photos. There is at least a ten foot side yard setback.

One photo shows his neighbor's garage and house. There is a line of trees, which will block the view of the deck. The neighbors are in full support of the project.

The photo in Exhibit A-1 shows the proposed addition, which would fill in an alcove in the rear of the building. It will provide the family with a larger kitchen.

Mr. Schlingloff explained the need for the small increase in the building and impervious coverage. The impervious coverage increase relates only to the deck and not the kitchen, since the kitchen addition will be constructed on existing pavement. He proposes a relatively minor increase (1.5%) in the existing floor area ratio - which would be only a one floor addition. The existing floor area ratio is 25.8%. It would increase to 27.3%.

Mr. Oliva asked if there was a pre-existing problem with the shed. Mr. Chadwick suggested that the Board may wish to approve the non-conforming shed in the rear. He met with the applicant on several occasions and found him very detailed and accommodating in revising his plans.

Mr. Schlingloff remarked about the percentage of lot coverage by all buildings and impervious coverage. He said it will increase from 41.3% to 43.5%. The limit is 20%. He noted that a large part of the impervious coverage is because of a large parking lot for his office, which he has on the side of the house.

Mr. Chadwick suggested that the trees on the side by the neighbor's property be maintained as landscape screening. Mr. Schlingloff stipulated to it as a condition of approval. Also, he stipulated to investigating the possibility of connecting the roof leaders to an existing storm sewer easement, consistent with comment #3 from Mr. Kastrud in his 2/3/14 memo - noting that the property slopes generally in a southerly direction and Roseland Ave. has storm sewers on it. Therefore, it may be possible to tie the roof leaders into that system.

Mr. Cooper suggested that Mr. Kastrud could work with Mr. Schlingloff.

Mr. Bowen asked if the new addition in the back would have a uniform look. He was told that they will use the same siding. However, he does not plan to change the front or office.

Mr. Bowen mentioned his concern about the Board's possibly setting a precedent for the future. We are considering approving something, which is already non-conforming.

Mr. Cooper stated that each case has to stand and be judged on its own merits.

Mr. Cooper asked for questions from the public
There was none.
He asked for statements from the public.
There was none.
He closed that portion of the meeting.

Mr. Warner read the variances being requested.

DELIBERATIONS:

Mr. Villani said that he looked at the site and has no objections. He saw no detriments. It meets both positive and negative criteria. It is a small addition. He would be in favor.

Mr. Dealaman said he has no objection. It will make the house look better.

Mr. Oliva and Mr. Rica approved.

Mr. Bowen had no comment and no objection.

Mr. Cooper thought the request was de minimus with incremental variances, and the deck doesn't go to the side edge of the property. There is no impact. He would be in favor.

Mr. Warner read a Draft Motion.

Mr. Oliva made a motion to approve, seconded by Mr. Villani.

Roll call vote was taken. "Yes" votes were received from: John Villani, Vincent Oliva, George Dealaman, Frank Rica, Foster Cooper and Scott Bowen.
There were no negative votes. The motion carried.

CASE NO. BA13-14 JAMES & SUSAN GOODLING
BLOCK 48, LOT 3.01
111 MOUNT HOREB ROAD

Application for a height variance to construct a garage with storage, workshop and fitness room

Mr. Villani, who had been noticed, recused himself and left the meeting room

Mr. Dealaman noted that the file is in order.

Mr. Goodling, Mr. Chadwick and Mr. Kastrud were sworn in.

Mr. Goodling said he proposes to build a new detached garage to replace an old dilapidated structure. He tried to fashion it like an old stable that had been on the property in the early 1900's. He wants to fashion it like the house - using a gable theme for the garage style. There is plenty of room for it.

He proposes to replace it with a two story accessory garage with workshop that would be 24 ft. 6 inches. It would have a first floor half-bathroom and a fitness room to the rear with garage space to the front. The second floor will have a wood working workshop to the rear with storage space to the front.

Mr. Goodling remarked that he needs a height variance because what he is proposing - the second floor fitness room could not be constructed in a 20 ft. limitation for an accessory building. He needs 24 ft., 6 inches.

Mr. Chadwick noted that there will be two bathrooms in this structure. He was told that the applicant has to work out all the time, which is the purpose of the fitness room. The small bathroom on the first floor is for convenience. Also, he will spend a great deal of time in the wood working shop. Once again, it would be convenient to have a bathroom close by. The second floor bathroom will include a sink, toilet and shower.

Mr. Oliva was told that the woodworking shop would not fit on the first floor.

Mr. Chadwick said he was concerned about the possibility of another owner (25 years from now) turning the second floor into an apartment. He was told that it will have heat, electricity and sheetrock. Access to the second floor would be through a single access from the back side.

Mr. Goodling stipulated, as a condition of approval, that the accessory structure would not be used for any residential occupancy or dwelling purposes nor would it or any portion of the property be utilized for any commercial purposes be it the manufacturing of wood furniture for sale or otherwise. No kitchen facilities will be installed.

Mr. Goodling stipulated that he would execute a standard form deed restriction prohibiting residential occupancy of the accessory structure for dwelling purposes. It will be prepared by the Township Attorney, and he would record the deed restriction with the Somerset County Clerk's Office.

Mr. Warner was told that Susan Goodling, the applicant's wife, owns the property. He has her permission to bring this application to the Board.

Mr. Cooper asked for questions from the public.

There was none.

He asked for statements from the public.

There was none.

He closed the public portion.

Mr. Warner read a Draft Motion.

Mr. Oliva made a motion to approve, seconded by Mr. Dealaman.

Roll call vote was taken. "Yes" votes were received from Vincent Oliva, George Dealaman, Frank Rica, Foster Cooper and Scott Bowen.

There were no negative votes.

The motion carried.

Mr. Villani rejoined the meeting.

Discussion and/or approval of the 2013 BOARD OF ADJUSTMENT ANNUAL REPORT

Mr. Dealaman made a motion to approve, seconded by Mr. Oliva.

Roll call vote was taken. "Yes" votes were received from John Villani, Vincent Oliva, George Dealaman, Frank Rica, Foster Cooper and Scott Bowen. There were no negative votes. The motion carried.

Mr. Cooper read a Resolution honoring Brian Di Nardo for his many years of service to the Community and his nine years of service to the Board of Adjustment.

Roll call vote was taken. "Yes" votes were received from: John Villani, Vincent Oliva, George Dealaman, Frank Rica, Foster Cooper and Scott Bowen. There were no negative votes. The motion carried.

Mr. Villani made a motion to adjourn, seconded by Mr. Dealaman. All were in favor, so moved.

There being no further business, the meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Kathleen M. Lynch
Clerk