

WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING SEPTEMBER 15, 2014

The regular meeting of the Board of Adjustment was called to order at 7:02 p.m. by Vice Chairman Villani in the Municipal Court, 44 Mountain Blvd., Warren.

THOSE PRESENT AT ROLL CALL: John Villani, , George Dealaman, Richard Hewson, Fernando Castanheira, Frank Rica and Scott Bowen, Alt. #1
Also present was Steven Warner, Attorney for the Board:

THOSE ABSENT: Foster Cooper 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. We plan to adjourn at 10:00 p.m.

FLAG SALUTE:

MINUTES: The minutes of the 8/4/14 meeting had been forwarded to members for review.

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

COMMUNICATIONS:

May/June issue of the NEW JERSEY PLANNER

Township of Warren RESOLUTION NO 2014-165 authorizing approval of the Green Development Checklist to be used by Warren Township Planning and Zoning Board of Adjustment

Copy of the Warren Township Low Impact Checklist

Revised Zoning Officer Denial for CASE NO. BA14-05 A. DE TORRES & I. PLASNER

PRIVILEGE OF THE FLOOR PORTION OF THE MEETING

Mr. Villani 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.

Mr. Villani advised Board members that Foster Cooper, Board Chairman, has recently undergone serious heart surgery and is doing well. He asked members to keep him in their thoughts and prayers.

AGENDA:

CASE NO. BA14-06 A. DE TORRES & I. PLASNER
 BLOCK 93, LOT 4
 6 OLD STIRLING ROAD

Application to raze and existing home and construct a new single family dwelling...lot width, one side yard, both side yards, lot coverage and floor area ration variances required

Mr. Dealaman noted that the file is in order

Messrs. De Torres, Plasner, Titus, Madden, Chadwick & Kastrud.

Richard Sasso, Esq. represented the applicants. He said that this is a relatively straight forward application. His clients want to raze an existing home, which is in terrible condition (a dump) and construct a new single family dwelling. The property is a 24,338 sq. ft. lot, which is a narrow and deep triangular lot fronting on Old Stirling Road.

Exhibit A-1 was marked into evidence. It is a compendium of eight photographs, which were taken by Mr. Sasso. They depicted the following: the existing house as viewed from the street, a closer look at the house, the existing driveway as viewed from the street, the lot to the right and behind the hair salon, trees on the front of the property, the lot located to the right, a sewer connection pointing to 10A and a house recently built on Old Stirling Road a few houses away from the subject property. The photos accurately depict the conditions.

Mr. De Torres noted that the existing house has no garage. The building footprint is about 2,387 sq. ft.

Mr. Daeseok Sim residing on lot 1.02 asked if the 20 year old tree located on the joint property would remain. He questioned whether the tree would survive after a lot of its branches would be cut off to accommodate the proposed structure.

Mr. De Torres stated that he would incur any expenses associated with the removal of the tree. However, if Mr. Sim did not want the tree removed, it would not be removed. Mr. Chadwick said that the tree may not survive the construction. Discussion followed.

Exhibit A-2 was marked into evidence. It is a photo taken by Mr. Sasso of a property located at 29 Fairfield Ave. prior to the renovations completed by Mr. De Torres. It had been in a dilapidated condition.

Exhibit A-3 was marked into evidence. The photo showed 29 Fairfield Ave. after the renovations were completed.

Mr. Plasner, one of the applicants, testified that a floor area ratio variance is needed, because they plan to include a "flex room". It would be designated as a guest bedroom on the first floor. The room could be used as a bedroom for an elderly person unable to climb the stairs. It would be advantageous for a family with an elderly parent residing there. If not, it could be used as a den or office.

Mr. Sasso distributed architectural plans. He said the project would be a significant improvement and consistent with the neighborhood.

Exhibit A-4 was marked into evidence. It is an aerial map of the surrounding properties.

Mr. John Madden was called to testify. He has appeared before this Board on many occasions. He was accepted as an expert in Professional Planning. He testified that from an aesthetic perspective, a larger setback would be preferable. However, moving the dwelling so that the front yard setback was approximately 100 ft. rather than 220 feet as proposed, would not be unreasonable. Also, 100 foot setback would be consistent with the setback of other properties in the area. In addition, a setback of 100 feet should not interfere with the existing maple tree in the front yard, so long as there is adequate space between the dwelling and the tree's drip line. He suggested that the applicants should be required to build the house at an appropriate distance off the drip line.

The Board raised the issue of whether a 100 foot setback would align the new construction with existing structures on lots adjacent to the property.

Exhibit A-5 was marked into evidence. It is a copy of the Yosen Resolution regarding lot 6 adopted by the Board ten years earlier.

Mr. Madden testified that the setback for lot 6 - two lots to the north of the proposed house - was 100 feet.

Exhibit A-6 was marked into evidence. It is a compendium of six photographs taken by Mr. Sasso today. Five of the six photos depict: the existing residential structure, a view of the property taken from the curb line, the Warren Commons driveway, the residential structure located on lot 6 built in 2011, existing properties with setbacks consistent with the zoning regulations. The last photo was not identified. The Board asked why a smaller house with a setback of 100 ft. was not proposed. Mr. Madden said that the house could not be constructed any narrower, because the property is very narrow. Also, although the F.A.R. exceeded the permitted .125, the inclusion of an additional 462 sq. ft. was de minimus.

Mr. Leland Titus was called to testify. He has appeared before the Board on numerous occasions. He was accepted as an expert witness in the field of Civil Engineering. He described the property as narrow and deep and somewhat hourglass shaped, since the property is 60 ft. wide in the front, 58 ft. wide toward the middle and 70 ft. wide in the rear. The coverage was 28%. The new plan reduces the coverage to about 23%.

Mr. Titus noted that there is a septic system currently in place. He did not know whether an existing sewer connection could be utilized. Trenches would have to be dug. However, the gas and water lines could go into the same trench. Electrical lines could be placed underground.

Mr. Madden said the proposal was to improve the lot and reduce the necessity of variance. The construction would not be detrimental to the neighborhood. In addition, this would not be the only property for which variances of this sort would be sought due to the narrow nature of the surrounding lots.

The applicants stipulated that the front yard setback will be determined by the location of the maple tree located in the front yard. The structure will be located at an appropriate distance from the drip line of the maple tree, so the tree won't be damaged.

Mr. Villani asked from questions from the public.

There was none.

He asked for statements from the public.

There was none.

He closed the public portion.

DELIBERATIONS:

Mr. Hewson had no big problems with it. He suggested that they set the house between the two trees.

Mr. Rica saw no problems, no detriment, and it would enhance the neighborhood.

Mr. Bowen said he likes the house. This is what we want to see in Town. He has no problem with the placement of the house. He'd like to help the neighbor save the tree.

Mr. Castanheira said it was a nice house - a good design. He would have designed it differently. He is ok with it. It is a great improvement to the neighborhood. Let it be more in line with the other houses.

Mr. Dealaman said that the applicant has a good track record. He would support the project.

Mr. Villani said they meet the positive and negative criteria. It will enhance the neighborhood. He mentioned sliding it forward between the two trees. Discussion followed.

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

Roll call vote was taken. "Yes" votes were received from: John Villani, George Dealaman, Richard Hewson, Fernando Castanheira, Frank Rica and Scott Bowen. There were no negative votes. The motion carried.

CASE NO. BA14-06 PAUL MUROWSKI
 BLOCK 88.03, LOT 4
 16 MAGNOLIA LANE

Application to install an in-ground pool...bulk variances required

Mr. Dealaman noted that the file is in order.

Mr. & Mrs. Murowski, John Chadwick and Christian Kastrud were sworn in.

Mr. Chadwick noted that this is an unusual lot in an unusual zone. The property is located at the end of a dead end street. The street stops. The rear goes out to Penny Lane. This is an affordable house. There are garden apartments to the rear beyond a landscaped buffer area. There is no house across the street.

Mr. Murowski that he wants to install an in-ground pool. His contractor recommended that the pool be placed within ten feet from the rear yard setback. It would be 12x26 .

Mr. Chadwick explained that the ten foot setback would be conforming in this zone for a principal structure, but an accessory structure requires a 25 ft. rear yard setback.

Mr. Murowski told Mr. Chadwick that the contractor would be able to access the property from Magnolia Lane.

Mr. Murowski told Mr. Kastrud that the survey submitted, although twenty years old, accurately depicts the conditions as they currently exist on the property. Also, the utilities, including the drywell, are located in the front of the property.

Mr. Murowski stipulated to Mr. Warner that he would install a fence around the pool. He stated that his closest neighbor is to the north - about 60 to 80 ft. away.

Mr. Villani asked for questions from the public.
There was none.

He asked for statements from the public.
There was none.
He closed the public portion.

DELIBERATIONS:

Mr. Dealaman said he had no problem. It is a dead end lot.

Mr. Castanheira thought the project was good. He wished the applicants good luck.

Mr. Bowen was good with it.

Mr. Rica wished them good luck.

Mr. Hewson and Mr. Villani thought it was fine. They were both in favor.

Mr. Warner read a Draft Motion.

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

Roll call vote was taken, "Yes" votes were received from: John Villani, George Dealaman, Richard Hewson, Fernando Castanheira, Frank Rica and Scott Bowen. There were no negative votes. The motion carried.

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

There being no further business, the meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Kathleen M. Lynch
Clerk