

WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING FEBRUARY 1, 2016

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

THOSE PRESENT AT ROLL CALL: John Villani, George Dealaman, Fernando Castanheira, Foster Cooper and Scott Bowen
Also present was Steven Warner, Attorney for the Board.

THOSE ABSENT: Richard Hewson, Frank Rica, Donald Huber & Clerio Martins, Alt. #2

THOSE TARDY: None

THOSE RECUSED: 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 15, 2016. We plan to adjourn at 10:00 p.m.

FLAG SALUTE:

MINUTES: The minutes of the 1/14/16 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:

None

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. BA15-05 OLGA FERREIRA
 BLOCK 86.01, LOT 15.01
 9 ISABELLA WAY

Application to renovate and create a room in the attic, thereby creating a third story home.... nothing will be changed on the outside... bulk variance required

Mr. Dealaman noted that the file is in order

Olga Ferreira, the applicant, and John Chadwick P.P. were sworn in.

Ms. Ferreira represented herself at the hearing. She stated that, a few years ago, she applied for permits to finish her basement and attic. She did finish the basement but due to unfortunate circumstances, she did not finish the attic. Her permit expired and the ordinance was changed prohibiting the third floor room. That is why she is here tonight seeking the variance.

She mentioned that the existing home was constructed with a stairway to the attic. Also, electric and heat have already been provided. There will be no bathroom or kitchen on the third floor. She understood that the attic could not be used as a bedroom.

Mr. Chadwick noted that the applicant secured permits for the basement and attic over five years ago. He said that the half story issue has been a nightmare. That is why it was eliminated. He noted the small homes in Plainfield Gardens. Had the applicant not let the permit expire and the change in the ordinance not taken place, the applicant would not need Board approval for the finishing of the attic.

The applicant previously received a building permit, the Fire Marshal and other building and construction departments already would have reviewed and approved the application. If approved, the applicant must start the process again and the same representatives will review the new plans in connection with the issuance of a new building permit.

Mr. Bowen was told that the only window is on the stairs.

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 advised the Board of the variance being sought.

DELIBERATIONS:

Mr. Bowen said he is fine with it.

Mr. Dealaman said it was approved by the Township departments.

Mr. Castanheira said that, as long as it is safe, he would have no problem with it.

Mr. Villani noted that the zone was changed. He had no problem with it.

Mr. Cooper mentioned that he is fine with it. He's glad that she came back to finish the job.

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

Roll call vote was taken. "Yes" votes were received from: John Villani, George Dealaman, Fernando Castanheira, Foster Cooper and Scott Bowen. There were no negative votes, the motion carried.

CASE NO. BA16-01 NALIN RANASINGHE
 BLOCK 87, LOT 8
 22 HILLCREST BLVD.

Application to live in an existing single family dwelling while building a new home on the same lot. Existing home will be razed upon completion of the new home.

Mr. Dealaman noted that the file is in order.

Nalin and Gunjan Ranasinghe, the applicants and John Chadwick P.P. were sworn in.

Mr. Ranasinghe explained that he and his wife own the property at 22 Hillcrest Blvd. He is requesting that they be permitted to rent the existing home on the property while they construct a new single family dwelling on the lot. The variance is for the temporary existence of two dwellings on one lot, which is not permitted.

At present, they are living with his wife's parents on Isabella Way. They are expecting a baby in two months. Her family will help with care for the baby. Both of them are physicians and have enormous student loans. Temporarily renting the existing home will help them with loan payments. They propose to build a 5,000 sq. ft. home.

Mr. Chadwick stated that a previous owner of this property came before the Planning Board seeking a subdivision approval. They wanted to keep the home on approximately one half acre portion and subdivide the balance (about 3 ½ acres) into a separate lot on which they intended to build a new home. The Planning Board denied the request. Also, there are very steep slopes in the southerly portion.

The applicants stipulated that the new single family dwelling will be located no greater than 450 ft. setback from the Hillcrest Blvd. right-of-way.

Mr. Bowen mentioned insurance requirements. If this existing home is a rental, they must be careful about liability.

Mr. Chadwick said it depends upon how they finance the project.
Mr. Ranasinghe mentioned that they're working with Unity Bank.

The applicants stipulated, as a condition of approval, to complete the construction of the new home and to demolish and clear debris from the existing home within two years from the issuance of a building permit for the new home. Also, they agreed that the existing home shall be demolished no later than 60 days following the issuance of the final Certificate of Occupancy.

Mr. Chadwick mentioned the review memo submitted by Christian Kastrud dated 1/27/16. The applicants stipulated to comply with items 1, 4, 5 and 6.
A signed and sealed survey must be submitted. Mr. Ranasinghe agreed to provide it.

The applicants agreed to resolve any tenancy issues with respect to the existing home to be razed prior to its demolition. Neither the Board nor the Town will have any responsibility or liability.

The applicants agreed to submit amended plans to comply with item #4 of Mr. Kastrud's memo as well as items #9,10,12,13,14,17 and 24.

In addition, the applicants agreed to provide the Township with a conservation easement, along the steep slopes along the southern end of the property. It will be prepared by the Township Attorney and signed and recorded by them at the Somerset County Clerk's Office.

Mr. Cooper asked for questions from the public.

Noreen Merainer of 7 Isabella Way asked where the construction entrance would be.

Both Mr. Chadwick and Mr. Ranasinghe agreed that access to the proposed new dwelling would from Hillcrest Blvd. on the right (west) side of the property.

Mr. Cooper asked for statements from the public.

Ms. Merainer was sworn in. She testified in support of the application. She explained what she perceived to be a similar situation that she went through with her prior application for 42 Hillcrest Blvd. She wondered why she was unable to rent the existing dwelling prior to its demolition on her property.

Mr. Chadwick explained that her dwelling was on a septic system, while this home is not. She would have needed further approval from the Board of Health.

Mr. Cooper closed the public portion.

Mr. Warner read and explained the variance being requested.

DELIBERATIONS:

Mr. Dealaman explained that it is usually the owners, who live in the home while constructing a new home. He has no problem with tenants living there temporarily.

Mr. Castanheira said he went through this in 2000. He can understand and sympathize with the hardship. He advised them to get a firm contract with the tenants.

Mr. Villani agreed.

Mr. Bowen said he liked the idea of having a new house in Town. He would be in favor, as long as the Town has no liability. He wouldn't rent the home to someone with children.

Mr. Cooper explained that he was at first opposed, because he didn't see a hardship. Now, with a baby on the way and all the circumstances, he is ok with it. However, he doesn't like making a habit of this.

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

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

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

There being no further business, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Kathleen m. Lynch
Clerk