

**WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT**

**REGULAR MEETING JULY 7, 2014**

The regular meeting of the Board of Adjustment was called to order at 7:04 p.m. by Chairman Cooper in the Municipal Court, 44 Mountain Blvd., Warren.

**THOSE PRESENT AT ROLL CALL:** George Dealaman, Richard Hewson, Foster Cooper, Scott Bowen, Alt. #1 and Clerio Martins, Alt. #2  
Also present was Steven Warner, Attorney for the Board.

**THOSE ABSENT:** John Villani, Fernando Castanheira and Frank Rica

**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 6/2/14 meeting had been forwarded to members for review.

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

**COMMUNICATIONS:**

Township of Warren ORDINANCE NO. 14-16 amending ORDINANCE NO. 12-19 concerning the established fee exemption by extending the Economic Incentive Waiver for business owners within the Township

**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. BA14-04                      PETER CAMPOS  
    BLOCK 52, LOT 1  
    70 BROADWAY ROAD**

Application to raze an existing garage and construct a new 3 car garage on an undersized lot containing an existing single family dwelling...front yard variance - required 75ft. vs 50 ft. proposed

Mr. Dealaman noted that the file is in order.

Because he had been noticed for the hearing, Mr. Dealaman recused himself and left the meeting.

Peter Campos, Kevin Page, John T. Chadwick IV, P.P. and Christian Kastrud, P.E. were sworn in.

Mr. Cooper warned the applicant that there are only four members present. We can proceed with the case and see how the Board feels.

Kevin Page, who has appeared before this Board on many occasions, was accepted as an expert witness in Engineering and Planning. He said that the lot is undersized, like all the surrounding lots. The applicant could not buy any land from his neighbors.

Mr. Page introduced Exhibit A-1, which was marked into evidence. It is a portion of the Township Tax Map, with the property highlighted in yellow. He described the lot as unique, since it is a pre-existing undersized and oddly shaped (triangular). It is a corner lot with the depth diminishing greatly from north to south. The existing single family dwelling is located near the north end of the property.

The small garage, located toward the south of the property, two sheds located to the rear of the garage, a fenced enclosure and metal container would all be removed. The applicant stipulated to this.

Mr. Page introduced Exhibit A-2, which was marked into evidence. It is sheet #2 of his plot plan. He highlighted the front, side and rear yard setbacks. He said that there is no room to locate the proposed garage without deviating from one or more of the setback requirements. He stated that the proposal meets all of the other bulk requirements for the zone.

Mr. Campos, the applicant, stated that he utilized his home address as his business address and has resided there since 1999. He admitted that, while the property has been cited for operating as a business at his residential location in the past, there are no outstanding zoning violations or citations.

Mr. Campos said that the proposed garage would be finished with a stone veneer on all sides along the bottom approximately 3 ft.. The balance will be vinyl siding. The exterior condition of the garage will be architecturally and visually pleasing. The garage doors will be residential in character rather than commercial in appearance. He stipulated to this.

Mr. Campos said he would like to store one work van, which is approximately 20 ft. long in the garage along with his personal use vehicle and a small lawn tractor. He stipulated that the garage would not be used in conjunction with the operation of a commercial enterprise - nor would it be used for the storage of commercial fleet vehicles. Also, the garage would not be used primarily for the storage of HVAC or any other equipment for use of a commercial enterprise. The work van will be parked in the garage at all times.

Mr. Kastrud was told the applicant stipulated to performing soil logs and permeability testing prior to the design of the drywell system to ensure that the drywell is the proper method to control storm water runoff. In addition, the applicant stipulated that he was aware that the application will be subject to review by the WT Engineering Dept. under the Soil Movement Ordinance during the construction process.

Mr. Page noted that there will be minimal viewing of the property from the adjacent neighbors. The neighbor to the east fronts on Mountain View Road and the majority of the property across the street is undeveloped wetlands. The property to the south is a substantial distance from the proposed garage. The bulk of those viewing the property will be passing motorists.

Mr. Page admitted that the garage could be slid further back a few feet closer to the dwelling, but it could not come close to having a conforming 75 ft. setback.

Mr. Cooper asked for questions from the public.

Ms. Janeen Pisciotta of 188 Mountain View Road approached the podium. She began by asking questions. However, it was decided she should be sworn in as an opponent to the application. She owns the adjoining property immediately to the east or rear of the property. She testified that the proposed new garage is as big as the existing dwelling. She mentioned that there was no rear elevation or rear view of the proposed garage provided by the applicant.

Ms. Pisciotta introduced Exhibit O-1, which was marked into evidence. It is a photo of the existing garage, that she took from her backyard patio around April of 2009. This photo constitutes an accurate depiction of the present condition of the existing garage.

Exhibit O-2 was introduced and marked into evidence. It was a copy of Exhibit O-1 in which she blocked out what she estimated would be the size of the proposed new garage. She noted that the existing six foot fence does not screen as much of her view as one ordinarily would expect, since her property slopes down toward the applicant's property and Mountain View Road.

The applicant stipulated, as a condition of approval, to planting a staggered row of mature evergreens or similar landscape buffering approximately 8 to 12 ft. at planting. The landscape screening will be subject to the review and approval of the Township Planner. He will also remove the existing gravel drive located immediately to the north of the proposed garage & in between the garage and the existing single family dwelling.

Both Mr. Page and Mr. Campos said that no trees would be removed during the construction process.

Mr. Page explained what he perceived to be the need for a large circular driveway. Both lots across the street have similarly large circular driveways to accommodate additional parking. Offsite parking along Mountain View Road is very dangerous, because of the narrow width of the street. It is a major road with many cars traveling at higher rates of speed.

Mr. Cooper closed the public portion.

#### **DELIBERATIONS:**

Mr. Hewson said he had no problem with it.

Mr. Bowens said he was not really in favor of it.

Mr. Martins said he thought it would be an improvement.

Mr. Cooper said he has a structure on his property, which is approximately the same size. This is closer to the road. When finished, it must blend in with the principal structure. The structure is good. It will get the truck, personal vehicle and small lawn tractor out of sight. Getting rid of the sheds, fence etc. will be an improvement. He is concerned with the screening. He will leave it to Mr. Chadwick. He suggested that the neighbors talk to each other. He is ok with it.

Mr. Warner read a Draft Motion.

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

Roll call vote was taken. "Yes" votes were received from: Richard Hewson, Foster Cooper and Clerio Martins.

"No" vote was received from Scott Bowen.

The motion carried.

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Mr. Hewson made a motion to adjourn, Seconded by Mr. Martins.  
All were in favor, so moved.

There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Kathleen M. Lynch  
Clerk