

WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING MARCH 4, 2013

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: Vincent Oliva, George Dealaman, Richard Hewson, Fernando Castanheira, Foster Cooper, Scott Bowen, Alt. #1 and Clerio Martins, Alt. #2

Also present was Steven Warner, Attorney for the Board.

THOSE ABSENT: None

THOSE TARDY: John Villani and Brian Di Nardo

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 8, 2013.

FLAG SALUTE:

MINUTES: The minutes of the 2/4/13 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:

Memo dated 2/21/13 from John T. Chadwick IV, P.P. concerning CASE NO. BA13-03 IOANNOU, which will be heard this evening

Memo dated 2/24/13 from Christian Kastrud, P.E. concerning CASE NO. BA13-03 IOANNOU

Memo dated 2/28/13 from Christian Kastrud, P.E. concerning CASE NO. BA13-01 CHELSEA, which will be heard this evening

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. BA13-03 BILL & ROULA IOANNOU
 BLOCK 98, LOT 4
 19 ROSELAND AVE.

Application to construct and addition to an existing single family dwelling... front yard variance, maximum coverage by building & floor area ratio variances required

Bill Ioannou, Steven Considine, A.I.A., Christian Kastrud, P.E. and John T. Chadwick, P.P. were sworn in.

Mr. Di Nardo joined the meeting at this point – 7:10 p.m.

Mr. Considine gave his background and credentials and was accepted as an expert witness in architecture. He said that the property is zoned $\frac{1}{2}$ acre. They have only $\frac{1}{4}$ acre. They are asking for only a little addition to be granted. The applicants purchased this property, which is only two houses down from theirs. They purchased the property with the intention of having Mr. Ioannou's sister and family live there.

Mr. Considine was asked to renovate the house. However, when he examined it, he found that it was in a great state of disrepair. He felt it was better to tear down a portion of it and rebuild so they would have a nice two story one family home. They have a 10,000 sq. ft. lot (instead of the minimum permitted 20,000 sq. ft.), which puts restrictions on the floor area ratio permitted.

Exhibit A-1 was marked into evidence. It is a presentation board comparing the dwelling as proposed with a dwelling that would fully comply with the zoning requirements. He would have to eliminate the living room and one of the two garage stalls. Also, there would be no access to the basement from the first floor living area. He believed that the home, as proposed, is comparable to a fully compliant home with regard to the bulk of the structure and its overall aesthetics. By relocating the driveway from a side entry garage to a front loading garage, he would minimize the impervious coverage on the lot. The addition of a mudroom would allow them to gain access to the basement from inside. Part of the addition is a whole new basement.

The excess of 450 sq. ft. of living space is partially comprised of garage area. It is only one story high. The existing front yard setback is 23 ft., 4.3 in. The deviation will be less than 6 ft. The actual distance to the street would be more than 33 ft., because there exists a right-of-way that extends about 16 ft. into the front yard of the property. They are adding to the first floor only.

The adjacent lots are smaller than this property, and many houses in the area are close, if not closer, to the street.

Mr. Chadwick noted that the ordinance permits the minimum front yard requirement to be the average of the front yard of the existing buildings on the adjacent lots, but on lot less than 25 ft. in depth. Also, there has been a 20 year history of gentrification in the area of Plainfield Gardens, particularly on Fairfield and Roseland Avenues. The proposed floor area ratio for this dwelling would be approximately the same as the floor area ratio for many other dwellings in the area.

The applicants had received a wetlands determination letter from A.V. Agovino Associates, dated 2/18/13, finding that no wetlands or transition areas are present at the site. This wetlands determination supersedes Warren Township watercourse protection regulation.

During the course of the hearing, the applicants stipulated to a number of conditions of approval. They will provide landscape buffering and screening subject to the prior review and approval of the Township Planner. They will ensure that the proposed additions are uniform in exterior condition with the balance of the dwelling, including the same or substantially the same materials, colors & architectural style. They will comply with the items set forth in the Township Engineer's memo of 2/24/13, which includes but not limited to revisions suggested.

Mr. Villani arrived at this point – 7:20 p.m.

Mr. Considine said that the site can accommodate the problems associated with a floor area of 450 sq. ft. greater than that permitted by the Zoning Ordinance. He mentioned the special reasons necessary to satisfy the positive criteria for the floor area ratio variance relief. He noted that some Town's do not include garages in the F.A.R. calculations. This Town does.

Mr. Chadwick was told that the building can comply with the lot coverage. They are still under the impervious coverage. There are existing trees around the perimeter of the property.

underground parking facility serviced with an elevator. The front of the building is located in the BR-40 zone. The back portion is in the CR-130 zone. They have no plans to have an entrance on Mountain Ave. They are proposing 20% COAH. The use is inherently beneficial.

The following people were sworn in by the Certified Court Reporter: Douglas Coleman, Keith Cahill, Herb Helfrich, John Madden and Elizabeth Dolan. Also sworn in were John Chadwick and Christian Kastrud.

Douglas Coleman was called to testify. Mr. Cooper mentioned that Mr. Coleman has appeared before this Board on many occasions. He was recognized as an expert witness. He said that he was the Architect, who brought the original Lakeland application before the Board. He is very familiar with the property and project. Mr. Heflich is a long time client.

Exhibit A-2 was marked into evidence. It is a site plan drawing by Bohler for the Lackland application dated 10/30/01 and last revised 8/21/02. He described the 17,000 sq. ft. office building. There was a large detention basin at the bottom of the property. The lot has a lot of rock on it.

Exhibit A-3 was marked into evidence. It is an aerial photo dated 10/3/12 by Bohler of Chelsea.

They took the location of the original Lackland building and moved it east and south to bring it close to Chelsea and away from a lot of rock. Originally they had a series of retaining walls. By moving the building away, they eliminated all of the retaining walls. They were able to preserve the trees along this area. The only access to the new building is through the existing Chelsea driveway.

There will be underground parking. You can access the building from the parking lot by way of an elevator. People live by themselves. The age is for 65 years and older. These are healthy, active and independent people. They are providing a campus setting.

Memorialization of Resolution for CASE NO. BA12-06 CAMP RIVERBEND

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

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

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

There being no further business, the meeting was adjourned at 10:08 p.m.

Respectfully submitted,

Kathleen M. Lynch
Clerk