

Application for amended final site plan approval for a modification of a Resolution, with reference to Condition #2, pertaining to the COAH housing units – which the applicant seeks to transfer to another facility at 130 Mount Bethel Road, Warren.

Mr. Di Nardo recused himself and left the dais.

Mr. Cooper stated that he believed we completed the case at the last meeting. All that is left for the Board tonight is to deliberate and vote. He was told that all the Board members, who are here, are eligible to vote.

DELIBERATIONS:

Mr. Villani said that, after hearing the facts, he doesn't see any problem in moving the units from one to the other. It doesn't make any difference to the Town. There are no positive or negative criteria problems involved. One is as good as the other. He would be in favor.

Mr. Martins stated that he feels the same way.

Mr. Castanheira said he agrees. It sounds more like an administrative error than anything else. He is in favor.

Messrs. Dealaman, Oliva and Hewson agreed.

Mr. Cooper felt the same way. He said it may work out well for the benefit of the Township. He has no issue with the transfer.

Mr. Warner read an abbreviated Draft Motion.

The units at the Special Needs property would be increased from 11 to 18 units.

Mr. Chadwick mentioned that there are a couple of technical conditions, which should be part of the Resolution. There is an affordable housing plan attached to the Autistic housing. It should now be amended. Filings with the County will now have to take place in regard to the affordables. It should be put into this Resolution.

Mr. Villani 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, Fernando Castanheira, Foster Cooper and Clerio Martins. There were no negative votes. The motion carried.

CASE NO. BA13-11GERALD & SHIRLEY CARMODY
BLOCK 39, LOT 6
5 RED HILL ROAD

Application for front and side yard variances to construct an addition to a single family dwelling... existing home is non-conforming in front & side yard requirements

Joel Cohen, an Attorney represented the applicants.

Mr. Di Nardo returned to the Board.

Roger Winkle, an Architect, Gerald Carmody, John Chadwick and Christian Kastrud were sworn in.

Mr. Cohen said that the Carmodys are long time residents. They spend half of the year in Florida and half in Delaware. At one point, the residence was going to be sold. It is occupied by

his daughter and son-in-law. It was discovered that there was some construction, which was done, without permits. There are two setback violations present, which must be resolved.

Mr. Carmody said that this is a nostalgic return for them. They came to Warren in 1973 and stayed until 1989. Three generations have lived in the house. He named them.

Mr. Carmody said he purchased the house, because his daughter was having financial problems. He wanted to help the family. They did the renovations. He wasn't there.

The house went on the market last year, because his daughter was forced to relocate to Chicago, for a new job.

The sale of the house was not concluded. The family has moved back. She must make weekly trips to Chicago for work.

Roger Winkle, a Licensed Architect, was called to testify. He gave his background and credentials and was accepted as an expert witness. He visited the site and submitted Exhibit SP1, which was what was submitted to the Board. It does not have to be marked into evidence. It shows a plot plan dated 6/8/09. The left side shows the existing plot plan. The right shows the proposed.

If you look at the front yard setback, you'll see that the existing front yard is 66.8 ft. The proposed front porch is 58.8 ft.

The second part of the addition is to the left rear side of the home. It aligns with the left side of the home. The rear of the setback would be 20.3 ft. The required setback is 25 ft.

When the home was purchased, it was already non-conforming. It gets slightly smaller as you get to the back.

Mr. Winkle said that he looked at several other homes in the area. He mentioned the lots and mentioned the front yard setbacks. He said that the two adjacent dwellings have an average front-yard setback of approximately 72 ft., while the average front yard setback for all five of the nearest dwellings is approximately 67 ft. The new front yard setback of 58.8 ft. was only about 8 ft. less than the average front yard setback of the nearest dwellings to the property. The applicants stipulated, as a condition of approval, to utilize the existing detached garage for storage of all personal vehicles, because the previously existing attached two car garage was converted to a kitchen as part of the renovation project.

Exhibit A-1 was marked into evidence. It is a Google Earth photograph of the dwelling prior to the renovation additions.

Exhibit A-2 was marked into evidence. It is a photo taken today of the dwelling as it presently exists. He thought that, from an architectural perspective, the post-renovation dwelling is significantly more aesthetically pleasing than before the renovations.

Exhibit A-3 was marked into evidence. It is a survey dated 10/29/1963 of the property. Mr. Winkle and Mr. Chadwick agreed that by comparing the 1963 survey with the 2008 survey submitted with the application documents, it was clear that sometime between 1964 and 2008, the dwelling was extended by approximately 10 ft. to the westerly side, probably by converting the then existing one car attached garage to a two car attached garage.

Mr. Carmody believed that the house had permits. When he tried to sell the home, he found that the permits were still open.

Mr. Bowen joined the meeting at this point - 7:40 p.m.

Mr. Chadwick said that Mr. Heiss will make the applicant open up walls. They are speaking and working with Mr. Heiss.

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.

DELIBERATIONS:

Mr. Castanheira said that he is in favor. He is not happy about how it got here.

Mr. Di Nardo agreed. There is no negative impact. It is what it is.

Mr. Dealaman had no problem with it. It looks good.

Mr. Oliva said he is OK with it.

Mr. Hewson was not happy with how it got here. He is in favor.

Mr. Cooper wasn't happy how it got here either. He agreed that it is di minimus. It fits into the neighborhood.

Mr. Warner read a Draft Motion.

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

Roll call vote was taken. "Yes" votes were received from: John Villani, Vincent Oliva, Brian Di Nardo, George Dealaman, Richard Hewson, Fernando Castanheira and Foster Cooper. There were no negative votes. The motion carried.

CASE NO. BA13-12MATTHEW & NOELLE MORTILLO
BLOCK 86.01, LOT 33.02
114 MOUNT BETHEL ROAD

Application to live in an existing single family dwelling, while constructing a new home on the lot...old home will be razed upon completion of the new home d variance required

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

Mrs. Mortillo said she has lived in Warren since 1996 and Matthew since 2001. They are living in a house, which her great-grandfather built. She gave a history of her ancestors in Warren.

The house is 850 sq. ft. and in need of repairs. It is more efficient and cost effective to tear it down. They plan to build a three bedroom 2,500 sq. ft. house. They want to live in the present home, while building the new. They have a child in Central School and don't want to move.

Mr. Cooper said that a 2,500 sq. ft. home is a nice modest sized home in the area. He was told that the new foundation's closest point to the existing home is 20 ft. They will catty-corner the house for a better view and utilize the property as much as possible.

Mr. Chadwick mentioned a letter from the EPC, which stated that the proposed location of the house did not interfere with the wetlands transition.
Discussion followed.

Mr. Chadwick testified that the variance plan shows a portion of the lot is located within a wetlands area even though the proposed area of disturbance for the proposed improvements are not within the freshwater wetlands area. The Township Ordinance requires a conservation easement, However, he recommended that the Board exercise its discretion to locate the boundary line of the easement within the rear yard dwelling and permit limited disturbance within the boundaries of the conservation easement. The applicants stipulated, as a condition of approval, to provide a conservation easement to the Township. The easement documentation

will be drafted by Township Attorney, signed by the applicants and recorded in the Somerset County Clerk's office. The boundary line will be subject to the discretion of the Township Planner and Engineer within the rear yard of the proposed dwelling. There shall be no clearing of trees or vegetation or location of any structures within the conservation easement, the applicants will be permitted to utilize it for limited purposes - such as gardening.

Mr. Chadwick didn't think that the Board needs to require a LOI.

Mr. Scott was told that, when they remove the house, they will remove the garage and shed also.

Mr. Chadwick suggested that 90 days after the CO should be sufficient to razing the house etc.

Mr. Bowen mentioned the heating oil tank, above ground, which will have to be removed.

Mrs. Mortillo said she will get the building permits as soon as she gets approval. They are ready to go.

Mr. Cooper asked from questions from the public. There was none. He asked for statements. There was none.

Mr. Bowen was told that they are looking into gas to heat the new home.

DELIBERATIONS:

Mr. Dealaman thought it was great, while Mr. Di Nardo thought it was good and favorable.

Mr. Castanheira said he went through this process seven years go. He expressed his sympathy.

Messrs. Villani, Oliva, Hewson and Martins were OK with it and had no problem.

Mr. Bowen wanted to make sure that all the structures were taken down. He was in favor.

Mr. Cooper thought it was a great plan.

Mr. Warner read a Draft Motion.

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, Brian Di Nardo, George Dealaman, Richard Hewson, Fernando Castanheira and Foster Cooper. There were no negative votes. The motion carried.

Memorialization of Resolution for CASE NO. BA13-10 ATUL & SEEMA SETHI

Mr. Castanheira made a motion to approve, seconded by Mr. Di Nardo.

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

Memorialization of Resolution for CASE NO. BA13-07 RICHARD & LYNN MORAN

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

Roll call vote was taken. "Yes" votes were received from: Brian Di Nardo, George Dealaman,

Fernando Castanheira, Foster Cooper and Clerio Martins.
There were no negative votes. The motion carried.

Memorialization of Resolution CASE NO. BA13-08 CLIFFORD & STEPHANIE LURIE

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

Roll call vote was taken. "Yes" votes were received from: Brian Di Nardo, George Dealaman, Fernando Castanheira, Foster Cooper and Clerio Martins.
There were no negative votes. The motion carried.

Memorialization of Resolution CASE NO. BA13-09 CHARLES & TRACIE HILL

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

Roll call vote was taken. "Yes" votes were received from: Brian Di Nardo, George Dealaman, Fernando Castanheira, Foster Cooper and Clerio Martins.
There were no negative votes. The motion carried.

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

There being no further business, the meeting was adjourned at 8:28 p.m.

Respectfully submitted,

Kathleen M. Lynch
Clerk