

Dr. Israel Plasner, Mr. Aristede DeTorres, Mr. Daesock Sim, Mr. Christian Kastrud (Township Engineering), and John Chadwick (Township Planner) were sworn in.

Mr. Sasso asked Dr. Plasner what happened after the application was approved. Mr. Plasner stated he met with Mr. Sim and went over the location of the approved location of the home and Mr. Sim felt he wouldn't have the same privacy that he does now because the location of the home would be very close to Mr. Sim's home. Dr. Plasner is asking to change the approved location to be closer to where it was proposed originally. Mr. Sim is also concerned with two large trees also on the property. The lots are the second and third lots going north on Old Stirling Rd on the east side. Dr. Plasner stated that they are trying to be a good neighbor even though it will cost a bit more for utility installation. The variances will not be as great as the approved location. The cars exiting the condo offices across from the property lights would shine in the windows but with it farther back it will not be as noticeable. There will be less soil disturbance with the house at the approximate same location as the current home. The new house is proposed to be six feet closer to the front property line than the existing house. It is 130 feet back from where it was approved.

Mr. Chadwick brought up the large tree that was a concern at the last meeting.

Dr. Plasner recapped that Warren will gain a new rateable, both families will have privacy, there will be less soil disturbance, going to a wider portion of the property so it lessens the variance on setbacks (sideyard), and it will improve the appearance of the property.

Mr. Villani asked about the landscaping and Mr. Sasso stated they would agree to whatever landscaping is suggested. Mr. Chadwick discussed the clearing limits and there won't be any additional clearing. He felt you probably won't see this house driving up the road. The driveway will be macadam as the current driveway is now.

Mr. Warner asked if this hearing was noticed. The applicant did notice and the board received the affidavit of service and green cards. Mr. Warner stated that the requested amendment does not impact the previous approved Floor Area Ratio D variance, so the vote can have a simple majority for modification of condition of approval.

Mr. Bowen asked John Chadwick about the setbacks along Old Stirling. Mr. Chadwick stated the houses are pretty much in line, mostly 35 to 40 feet off the road, although the zone requires 50. If all houses are lined up 25 feet or greater you can go to that distance. Mr. Chadwick felt the relationship of the new home and Mr. Sim's was not fully explained at the previous hearing.

Mr. Sim came forward and explained he has lived in Warren about six years and Mr. Sasso asked some questions. Mr. Sim talked about the deterioration of the property next store. Mr. Sim explained he was concerned with the trees he had, but when he heard where the house was going to be located and Mr. Sim's backyard would be near the back windows of the new home; Mr. Sim then asked Dr. Plasner to go back to the board and ask for the house to be situated farther back.

Mr. Sasso stated the issue is straight forward and it is consistent with many houses and some of the houses setbacks varies.

Mr. Warner stated that there may be a condition or two and they may ask the applicant to stipulate to those conditions, especially with concern for Number 5 and 6 of Mr. Kastrud's report dated November 12, 2015. Mr. Kastrud continued stating that 6 will be a requirement when they get to the construction of the home, they have to submit a soil movement application. Due to the discussion of tree removal during construction, there must be some mechanism to protect these trees, (Number 5) orange construction fencing around the drip line.

Mr. Warner asked Mr. Sasso if his position is if the proposed change was not approved they would still have the previous approved. Mr. Sasso agreed, and Mr. Warner also agreed.

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. Cooper went over that this vote would be on an amendment on the prior approval moving the house back the 100 plus feet, 243 feet from the front property line. Mr. Warner pointed out that this would lessen the side yard setback variance.

Mr. Bowen had no issues with the proposal.

Messrs. Hewson, Dealaman, Martins and had no objection.

Mr. Villani felt it did not affect anything, and Mr. Cooper was fine with it as well.

Mr. Warner read a Draft Motion to grant the amended approval mentioning the required conditions.

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

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

CASE NO. BA14-10 ALLESANDRA DI NUZZO
 BLOCK 93, LOT 5
 8 OLD STIRLING ROAD

Application to construct a new single family dwelling in the R-20(v) zone - minimum lot width, minimum side yard, minimum both side yards, floor area ratio 0.125% vs. 0.15% proposed

Mr. Dealaman noted that the file was in order.

Mr. Joseph DiNuzzo, Mrs. DiNuzzo, and Mr. Stephen Considine (architect for applicant), Christian Kastrud (Township Engineer), and John Chadwick (Township Planner) were sworn in. Mr. DiNuzzo introduced himself and stated he has been a resident for 30 years, his children went to school and he would like to have a son buy a house here and the intent is that his son may buy this house.

Mr. Considine started and gave his qualifications as a licensed architect and he has a Master's degree in Urban Planning from Pratt Institution, and has given testimony to many Board of Adjustments, including Warren. He has been accepted by this board.

Mr. Chadwick stated he has discussed the application with the applicant numerous times and the FAR is a use variance, and the architect has a license in architecture and not planning. Mr. Chadwick is not sure it is proper for the architect to provide testimony dealing with planning. Mr. Chadwick had advised that the case would have to deal with the planning aspects of this case/variance. He did not feel it was fair to go through the process without mentioning this. There was discussion on how to speak to the planning aspects.

Mr. Cooper gave a few minutes for the applicant and the architect to speak about how to go forward.

Mr. Cooper called the meeting back into order. Mr. Considine was not aware they needed a planner, and did not want to put his clients at a disadvantage. Mr. Cooper felt it made sense to continue the hearing to another meeting. The applicant granted an extension until the end of April, and it will carry to April without further notice.

CASE NO. BA14-14 CHRISTOPHER LAURENT
 BLOCK 50, LOT 23
 55 BROADWAY ROAD

Application for an amended variance approval (CASE NO. BA09-09) to use the existing square footage over the garage as living space for a home office - no soil disturbance, no bathroom or water

Mr. Dealaman noted that the file was in order.

Mr. Dealaman recused himself from the case.

Ms. Patricia Casamo, Mr. Christopher Laurent, Mr. John Chadwick, and Mr. Chris Kastrud were sworn in.

Mr. Cooper invited Mr. Laurent to address the board. Mr. Laurent asked for a change to a condition of a previous variance that he was issued in 2009. He was granted variance relief to build a home on Broadway Road. The variance was issued for a nonconforming lot and for building in a riparian zone. The setbacks are conforming. Condition number three in the previous resolution stated that he would build a home that was presented or a similar home plan. The condition did not mention specific square feet but the minutes of the meeting mentioned the 2717 SF home that he presented. He broke ground in 2014, five years later. It is on the footprint that was presented, he had photos and they were brought into evidence as A-1. Mr. Laurent did change the front roof and porch. He is proposing to finish the room area above the garage, which is approximately 500 SF.

The original plan had the area as unfinished attic space. He is now married and his wife has two beautiful daughters. The area above the garage would be a good office for his wife who works from home one to two days a week, it would not be used for commercial use. The downstairs office from the 2009 plan is now a family room. He would also like to add closet space in the new area, as the closet space in the master bedroom is inadequate. It does not alter the exterior appearance, or the footprint, but there would be an additional 500 SF of conditioned space. The total SF does not exceed the FAR.

Mr. Chadwick spoke about the house plan and it was referenced in the resolution therefore Mr. Chadwick would not give the permit for this proposed space. There were also other issues in town where new space was finished and it did exceed FAR.

Mr. Laurent went through the pictures and showed the area where they would finish off the area above the garage, and showed the unfinished space currently.

Mr. Warner asked if the applicant would stipulate that the area would not be used for commercial space, only home office, and they agreed to that, and agreed with all previous stipulations of approval, (other than one change to condition three). Mr. Warner reminded the board that even though the FAR does change, there was not an

FAR variance at issue in the prior approval, and there is not one now. Therefore, simple majority will suffice for passage.

Mr. Cooper asked for questions from the public. There were none.
He asked for statements from the public. There were none.
He closed the public portion.

DELIBERATIONS:

The board members had no issues with the change and are happy with the house that is going up now, and appreciate that they came before the board.

Mr. Warner read a Draft Motion.

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

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

Respectfully submitted,
Maryellen Vautin , Acting Clerk