

**WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES May 1, 2017**

**MEETING CALLED TO ORDER: 7 p.m.**

**ROLL CALL:**

Mr. John Villani  
Mr. George Dealaman  
Mr. Richard Hewson  
Mr. Fernando Castanheira (excused)  
Mr. Frank Rica (excused)  
Mr. Donald Huber  
Mr. Foster Cooper  
Mr. Scott Bowen, Alt. #1 arrived at 7:07 p.m.  
Mr. Clerio Martins, Alt. #2 (excused)  
Steve Warner, Esq.

**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 19, 2017. We plan to adjourn by 10:00 p.m.

**FLAG SALUTE:**

**MINUTES:**

The minutes of the 4/3/17 meeting were forwarded to members for review. Mr. Warner had a couple of corrections that were made. A motion was called for approval of the amended minutes.

Motion was made by Mr. Hewson, seconded by Mr. Huber to approve. All in favor.

**PRIVILEGE OF THE FLOOR PORTION OF THE MEETING**

Mr. Foster Cooper, board chairman asked if any member of the public wish to make a statement, which is unrelated to tonight's agenda?

Seeing no one come forward, this portion of the meeting was closed.

## **CLOSE THE PRIVILEGE OF THE FLOOR PORTION OF THE MEETING**

### **AGENDA Case Applications:**

CASE NO. BA17-0134 WASHINGTON VALLEY, LLC  
Block 61, lot 2  
34 Washington Valley Road

Variance for 3 story residential dwelling. Mr. Warner, the board attorney, went over the variance, it is not a D variance. It is a bulk variance with a majority vote for passage, 3 out of 5 would approve. Mr. Donald Whitelaw, the attorney for the applicant came forward. Mr. Warner swore in their two witnesses, Mr. Kevin Sempervive, from 2 Nicole Lane, Warren, Mr. Mark Stefanelli, the applicant's architect, and Mr. Chadwick, the Planner for the Warren Township.

Mr. Whitelaw went over the application, a C2 variance, a hardship variance for bulk standards. It is in the R-65 zone, sometimes they call this type of variance a flexible variance for the benefits versus burdens. This is a better planning alternative than some other addition to the property that would be permitted without a variance. Mr. Whitelaw introduced Kevin Sempervive, the husband of the owner of the property, the owner of the LLC, Lori Sempervive. He is a construction manager for their construction business. Mr. Sempervive and his wife submitted the application together. They have a construction business and a landscape business. The property was purchased by Unlimited Holdings LLC, of which Lori Sempervive is the sole member. Mr. Whitelaw asked Mr. Sempervive to describe the property. Mr. Sempervive described it as an older home, approximately 70 to 80 years old. His company does many projects like this in the area. To keep the integrity of the property Mr. Sempervive suggests that they do not disrupt what is there, it is best to take a bedroom from the second floor and put it on the third floor with a master bedroom on the second floor and update the house to make it more conducive to today's market. The house currently has four bedrooms and the proposal is four bedrooms. It is 1.5 baths currently and proposed for 3.5 baths. Mr. Sempervive continued to describe the house with smaller rooms and less closet space. Today's buyers desire larger rooms and larger closets.

Mr. Whitelaw asked about the property; the outside is very wooded and a large lot explained Mr. Sempervive. They do not propose a lot of tree removal and the addition is a bump out or dormer style addition, not a foundation addition. It doesn't increase the footprint.

Mr. Cooper, the Board of Adjustment Chairman, asked if the board had any questions for Mr. Sempervive. Mr. Villani asked if it was an investment property; it is. How many means of ingress/egress does the third floor have. There is an egress stairway and there will be an egress window. There was discussion on the egress window and possible requirements for fire suppression. The property is almost 2 acres and Mr. Villani confirmed they are not expanding the house but want to have a third floor. Mr. Sempervive feels if they expand the house, they would knock it down and put a larger home on it. If the applicant is not approved then they will most likely tear down and build a large home, although Mr. Sempervive felt the third floor would be quicker, with less tree removal and keeping the integrity of the house would be good.

Mr. Cooper asked about the earlier reference to a hardship case. Mr. Sempervive said it was not a hardship case. It is a C2 variance. Mr. Cooper asked about the large size of the lot and the fact that the town does not permit third floors, he asked why they want to go up instead of out. Mr. Sempervive said there is room out back but they would need to take trees down, there is a garage in the rear also.

Mr. Whitelaw said they could move the house back and take down trees and put up a larger home. They looked at the purposes of zoning. This is a four bedroom house currently and they propose a four bedroom house. One of the land use purposes is controlling population densities. This does that with improvement of the property.

Another purpose is maintaining open space. This does not take away from open space. This is more limited scope of construction. Mr. Chadwick asked if the next witness, the architect, was a licensed planner in the state of New Jersey. He is not. Mr. Chadwick stated a licensed architect does not provide professional planning testimony. Mr. Whitelaw said he would not provide professional planning but from an architectural prospective can discuss conditions and burdens under the law. There was further discussion on who would support the proofs for the variance.

Mr. Bowen asked about the extra load with a third floor, the applicant said the architect would address that. Mr. Dealaman asked what is on the third floor now. There is a walk up attic, and attic space with a dormer. There were no more questions for the witness from the board. Mr. Cooper opened the case to the public for questions only on the testimony given.

Barbara Robb came forward from 35 Washington Valley Road, across the street from the subject property. Ms. Robb asked why the case is a hardship. It is not a hardship. Ms. Robb asked about the statement the applicant said earlier--if unable to get this variance you would raze the house and build. She has lived in her house for 54 years. Ms. Robb would come forward later during the comments portion of the case.

Mr. Whitelaw had Mark Stefanelli, an architect for the application, introduce himself to the board and he was accepted. He has been accepted as an expert in many other cases. Mr. Whitelaw asked Mr. Stefanelli about the plans dated December 16, 2016, the most current. He explained the house is on a large lot. Everything conforms except the existing front yard setback of 75 ft. where it is an existing 61.06 ft setback that will remain. The addition will be on the back of the house. The proposed 3rd floor is an attic with existing walk up stairs, and by definition would be considered a story already. The first floor has a kitchen, a small powder room, a staircase down to the basement, a staircase up, a large living room and dining room.

The second floor has four bedrooms currently, and one bathroom. It is difficult for a modern family. It does have a basement that will be cleaned up and finished around the perimeter. The second floor proposed addition is 84 SF addition of an existing foundation and does go down to the basement (the foundation). In his opinion the foundation can support the proposal. One of the bedrooms from the second floor will be moved to the attic space. So a nice master bedroom can be put on the second floor with its own bathroom. The two bedrooms left will have a bathroom to share.

The existing attic is non-livable currently. The existing staircase would lead to the bedroom. It has a 7 foot ceiling height, which is the requirement and the egress window, and the egress down the stairs. There will be another bathroom on that level. So it would be a four bedroom, 3.5 bathroom home.

Mr. Stefanelli talked about the first floor and adding a bedroom there and that there was no good space for it. It would obstruct other areas of the house. The front elevation will not change, the right side and left side show the addition over the small bump out in the back. This will fit in with the lot and the neighborhood. They wanted to keep it simple and improve the livability. Keep it simple and aesthetically pleasing.

The exhibit A-1, 8 photos, was brought into the hearing, taken off Google, of the house and neighborhood and they present current condition. It shows the school down the street. The houses in the neighborhood are substantially larger, and they are trying improve the home to keep up with the market. Mr. Whitelaw asked Mr. Stefanelli if he knew they were asking for a C2 variance and in his opinion was it a better planning alternative than an addition that would not require a variance. Mr. Warner stated that perhaps from an architectural aspect he could answer that. The applicant took a few minutes to discuss privately.

Mr. Whitelaw came back and asked to carry the case to the next meeting. They asked if there were any questions for the architect. Mr. Stefanelli stated that from an architectural viewpoint any first floor addition would have a greater impact on the building itself, the way it looks, and an impact on the site as opposed to this modest 2<sup>nd</sup> floor addition and the existing attic. This is an existing attic that they are turning into habitable space. The attic exists currently, so it is turning it into a habitable attic with an egress window and egress stair and keeping it within the roof height.



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Motion was made by Mr. Hewson, seconded by Mr. Huber to adopt the resolution.

Roll Call

For: Mr. Hewson, Mr. Huber, and Mr. Cooper  
Against: None.

Motion was made by Mr. Villani, seconded by Mr. Cooper to adjourn. All in favor.

**MEETING ADJOURNED: 7:45**