

**WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES December 4, 2017**

MEETING CALLED TO ORDER: 7 p.m.

ROLL CALL:

Mr. John Villani
Mr. George Dealaman
Mr. Richard Hewson
Mr. Fernando Castanheira
Mr. Frank Rica
Mr. Donald Huber
Mr. Foster Cooper
Mr. Scott Bowen, Alt. #1
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 November 6, 2017 meeting were forwarded to members for review. Motion to approve was made by Mr. Villani, seconded by Mr. Rica

Roll Call

For: Mr. Villani, Mr. Dealaman, Mr. Hewson, Mr. Huber, Mr. Cooper, and Mr. Bowen.
Against: None.

COMMUNICATIONS:

PRIVILEGE OF THE FLOOR PORTION OF THE MEETING

Does 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.

Chairman Cooper stated that the Roseland Avenue case, BA 17-15, Ioannou, would not be heard that night. It will be carried to the next public hearing in 2018, February 5, 2017.

Board of Adjustment Minutes
December 4, 2017
Page 2

AGENDA Case Applications:

Case BA 17-14 Landvest, LLC
70 King George Road
Block 68, lot 5
Preexisting variance –undersize lot and lot width

Mr. Richard Sasso came forward as the attorney for the applicant. The property is at 70 King George Road, block 68, lot 5, in the R-65 zone. John Madden was the planner for the case. Deborah D'Amico was the Professional Engineer, and the client Peter Santos was present. Paul Rodek was also present, the architect for the project.

There is a home on the property currently. It has been purchased by Peter Santos who proposes razing the house and putting a new home on the lot. The lot does not have sufficient width. It is 147.25 ft vs. 150 ft required. The other variance is for the lot area, which is 39,278 SF vs. 65,340 SF. There was no FAR variance requested.

Mr. Steve Warner, the Board Attorney, swore in John Madden, Professional Planner for the applicant, Deborah D'Amico, the applicant's engineer, Mr. John Chadwick, the Township Planner, and Christian Kastrud, the Township Engineer. Mr. John Madden presented his credentials and was accepted by the Board. Mr. Sasso asked him to explain the application. Mr. Madden explained the application/property, Block 68 lot 5 on the east side of King George Road and the surrounding properties going north. It is about 60 ft above (in elevation) from Washington Valley Road. Houses get larger going north as well as the lots. The subject property has a house on it that was built in 1930. The house next to it (lot 4) was built in 1939 and they are both small homes. Across the street the lots are conforming to the 1.5-acre zoning. Mr. Madden found it interesting that lot 5 is a break point to larger homes. There are nice views as you go north. Mr. Madden felt the proposed home would fit in. Exhibit A-1 was brought in and it is a photo board that Mr. Madden took December 1, 2017 and it is an accurate portrayal of 8 photos of King George Road and adjacent lots to lot 5, and a house on Cotswold.

There are two variances, one the insufficient lot area and the other is lot width. Lot 5 is dedicating right of way of 4242 SF, so it makes the lot more non-conforming. The lot went out to the centerline of King George Road. The lot width is 2 ¾ ft insufficient. The properties adjacent could not give any land or they would increase a non-conformity. Mr. Madden stated the variances would be a C1 or a C2 variance. The C1 hardship is they are pre-existing nonconforming. There is no negative impact, or substantial detriment to the public good. The house will be more representative of most of the houses in the neighborhood. There is no detriment to the zoning plan, it is close to Warren ordinance, 16-5.23 which is developed lots in CR130/65, the dot pattern on the zoning map where

Board of Adjustment Minutes
December 4, 2017
Page 3

preexisting smaller lots are protected from the need to obtain a variance. This particular lot is not in the area of the dotted sections of the R-65 zone.

The other nonconforming issue is lot width and is pre-existing condition. The C2 proofs of benefits outweigh the detriments was discussed and the setbacks exceed the setback requirements, and the land use law is promoted with conforming setbacks. The house adjacent is very close to the property line. This side yard is proposed at 62Ft so it exceeds the 25-ft. setback and helps the neighboring property. This proposal provides sufficient space for residents, and promotes a desirable visual environment by having a new modern home. There is no substantial detriment to the public good with the dedication of right of way. The lot area is consistent with the adjacent lots. Mr. Madden feels the new home upgrades the neighborhood character. Mr. Sasso asked about the building coverage, the maximum coverage is 7.5%, the proposal is 4.8%, and FAR maximum is .125, the proposal is .08.

The board asked some questions concerning the roadway dedication, it is measured to the new right of way for setbacks. Mr. Chadwick asked about the buy/sell letters. There were no responses. The letters were brought into record, Exhibit A-2 and A-3.

Mr. Chadwick asked if there was a specific house designed yet. There were architectural drawings submitted. Mr. Chadwick suggested the applicant agree to a minimum of 50Ft side yard, and the applicant agreed. Mr. Chadwick asked about the sheds and concrete at the back of the lot. Mr. Chadwick suggested moving the shed for setback requirements. They agreed.

Ms. Deborah D'Amico the engineer for the applicant came forward, and she was accepted by the board. She said the shed will be removed, chain link will be removed, and the paver patio will be removed. The applicant would like to restore the garage to use. The plans will be revised but there will not be a coverage or FAR issue, and a survey will be submitted. The house is on sewer and will continue on sewer as well as public water

Mr. Scott Bowen asked about the garage and why it is needed. Mr. Peter Santos, the applicant came forward and was sworn in by Mr. Warner. Mr. Santos testified he would like to use the garage for a hobby shop. He will put a new roof and siding on it. It is a concrete structure but he will ensure it looks similar to the home. There is no plumbing in the garage; it is a 3-car garage, 1 story. There will not be a driveway to it.

The house is vacant now. Mr. Santos will live in the new home.

Board of Adjustment Minutes
December 4, 2017
Page 4

Mr. Warner asked about an existing well and a concrete circle. The engineer did a search on the DEP records and did not find anything and that search was provided to Kevin Sumner, in the Health Department. Mr. Chadwick went over the procedure for a permit and that it goes through the departments, including Health. Mr. Warner asked Mr. Madden front yard setback and it is consistent with the lots on both sides of the property.

Mr. Huber asked about an oil spill in 1986. The engineer did a record search and an OPRA request and did not find any records at the state. The house is now on gas not oil.

Mr. Cooper asked if anyone from the public had questions for the witnesses. Ms. Ellen Zagey from 71 King George Road came forward and she lives across from the property and has lived there for decades. She said it does have well water and it used to be on oil. She asked about the back of the lot and Maple Avenue and if they could have gained property from that lot. Mr. Chadwick stated there isn't any way to gain property and not create a variance. Ms. Zagey also asked why the driveway would be moved. Ms. D'Amico said it had to do with grading. Ms. Zagey asked about the concrete wall that is to be removed and the grading.

Mr. Jay Jenkins came forward from 68 King George Road and he has concerns with the storm water. Ms. D'Amico told him there would be a reduction in storm water from the property. Mr. Jenkins asked if any trees would be removed. There will be some trees along the driveway.

Ms. Jessica Jenkins from 68 King George Road asked about the owner of 68 King George Road not being Blendolf but Mr. and Mrs. Jenkins. The notice was mailed to 68 King George Road. There was discussion concerning the letter that did not get to the Jenkins.

There were no more questions. Mr. Cooper asked if anyone had comments.

Ms. Ellen Zagey came forward from 71 King George Road; she is happy a new house is going up but was curious why it was listed for sale if the owner was going to live there. She also thought there should be some buffer/landscape. Mr. Jay Jenkins from 68 King George Road came forward and he said he is living in his first house purchased. They looked for a small charming neighborhood. They make a modest living and having a house next to them is not what they had pictured. He also asked why the house is moved forward instead of back because it will be close to them.

Mr. Sasso explained that they comply with zoning. The house will be 2300SF, and is under all the zoning requirements. Mr. Cooper suggests some landscaping along the driveway for a buffer. No one else had comments.

Board of Adjustment Minutes
December 4, 2017
Page 5

The board went into deliberation. Mr. Warner explained the application of a proposed demolition of an existing house and construction of a new home on a preexisting undersized lot and lot width. There are two C variances. The applicant put forward a case for the C1 and C2 variances. It would be a vote of 4 out of 7 for passage. Mr. Cooper said there is no landscaping plan in the packet but asked if the applicant would consider submitted a plan to go over with the Zoning Officer/Planner. The applicant agreed. The board discussed. Mr. Huber still had some concerns but the health department will address those issues. The garage will be similar to the home. The rest of the board was agreeable to the application. Mr. Cooper wanted to clarify that the garage will have an architecturally similar finish over the block of the garage not just painted.

Mr. Warner read a motion to approve the application. A motion was made by Mr. Huber, seconded by Mr. Hewson to approve the application.

Roll Call

For: Mr. Villani, Mr. Dealaman, Mr. Hewson, Mr. Castanheira, Mr. Huber, Mr. Cooper and Mr. Bowen

Against: None

Case BA17-15 Ioannou

5/7 Roseland Ave.

Block 98 lot 9

Minor subdivision creating FAR variance of existing dwelling, and lot coverage, and setback variance

Carried to February 5, 2018

MEETING ADJOURNED: 8:05 P.M.