

**WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES March 2, 2020--APPROVED**

CALL TO ORDER:

ROLL CALL:

Mr. John Villani
Mr. George Dealaman
Mr. Fernando Castanheira
Mr. Frank Rica
Mr. Donald Huber (excused)
Mr. Michael Galbraith
Mr. Foster Cooper
Mr. Scott Bowen, Alt. #1
Mr. Anthony Paolella, Alt. #2
Amanda Wolfe, 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, sending a copy to the Star Ledger, and filing a copy with the Municipal Clerk, all on January 21, 2020.

FLAG SALUTE:

MINUTES:

The minutes of the February 3, 2020 meeting were forwarded to members for review.

Motion was made by Mr. Villani, seconded by Mr. Castanheira to approve the minutes.

Roll Call

For: All in favor

COMMUNICATIONS:

None.

PRIVILEGE OF THE FLOOR PORTION OF THE MEETING:

Mr. Cooper opened the floor to any member of the public wish to make a statement, which is unrelated to the meeting agenda. Seeing no one come forward this portion of the meeting was closed.

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MEMORIALIZATION OF RESOLUTIONS:

CASE BA19-11 Frank Delgado
 Block 70.03 lot 29.01, 4 Mimi Lane
 Variance front yard setback and pre existing lot size

Motion was made by Mr. Dealaman, seconded by Mr. Galbraith to adopt the resolution.

Roll Call

For: Mr. Villani, Mr. Dealaman, Mr. Galbraith, Mr. Castanheira, Mr. Rica.

Against: None.

DISCUSSION OF DRAFT RESOLUTION:

CASE BA19-03 150 Mount Bethel 150, LLC
 Block 80 lot 11
 P&F Site Plan with FAR and coverage variances

Mr. Richard Sasso, attorney for the applicant, came forward to explain the situation. The application was approved and after the approval the tenant was leaving and the property owner was going to look for another recreational use client to occupy the building. They did find any occupant. There will be changes to the plans of the recreational area and no changes in the rear building. The only changes will be to internal walls, etc. The use is similar. Mr Aidin, the owner, spoke about the project and that he was told after the approval that Tony D'Amato, owner of the Bounce Factory, that the Bounce Factory would be leaving.

Mr. Anthony Mina was the new tenant and he owns the Learning Center, Day Care Center, at 76 Stirling Road and is a resident of town. Mr. Anthony Mina came forward and discussed what the facility will be used for. He would like the facility to be used by pre-schoolers, through teenagers. He will work with the Recreation Department of Warren for multi-use space. It is mostly an in-door family fun center, including rock climbing, and more.

There was discussion on the kitchen and that they would want to be able to use a kitchen to cater for the customers only, and would be kept simple. Mr. Sasso asked about the idea of modern birthdays. They would use multi-rooms that can adapt, there would be flexible partitions to accommodate different size groups. There will videos that can be watched later in the event and they can change backgrounds to take pictures.

All the building area that was approved will be built. Currently the existing facility is under construction for walls, etc.

The different teams in town would get special prices for events, and the educational facilities in town.

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Mr. Chadwick went over the hours of operation that were testified to. Mr. Sasso said that the closing time would stay at 11 p.m. The applicant proposes 9:00 a.m. to 11 p.m. on Saturday and Sunday and during the weekdays open at 10:00 a.m. to 11 p.m. The applicant agrees to all the conditions in the resolution. The parking lot would be constructed before the additional recreational space. There is still a provision for banked parking.

A motion was made by Mr. Deaaman, seconded by Mr. Galbraith to adopt the resolution

Roll Call

For: Mr. Villani, Mr. Dealaman, Mr. Galbriath, Mr. Castanheira, and Mr. Rica, Mr. Cooper, and Mr. Paoella.

Against: None.

AGENDA CASE APPLICATIONS:

CASE BA19-10 William & Roula Ioannou
 Block 98/lots 9 & 10
 Minor subdivision with variances
 Carried from November 4, 2019 meeting, and February 3, 2020 meeting

Ms. Lizette Guzman, attorney for the applicant, came forward and went over the application and revised plans. Exhibit A-3 was brought in and it is the revised Minor Subdivision Plans, dated February 25, 2020. They have agreed to many conditions at previous hearings. The bamboo along Fairfield will be removed.

Mr. Christian Kastrud, the Township Engineer, went over his report dated February 28, 2020.

Exhibit A-4 was brought, a Wetlands Investigation prepared by Acer consulting Associates, LLC dated February 27, 2020. Exhibit A-5 A revised Minor Subdivision plans dated February 25, 2020, stamped received by the board secretary on March 2, 2020.

Mr. Richard Nusser came forward as the applicant's engineer, and was sworn in and was accepted by the board as a professional engineer. Mr. Nusser said that the township engineer's report inquired about possible riparian buffer on the property. Mr. Nusser said there is no wetlands, and no endangered species, and no flood insurance is required. There is more of a ditch at the edge of the property. The NJDEP would require a 50ft buffer from the top of the bank and this is shown on a plan. This shows that it does not go anywhere near any of the structures. This would be permitted through the NJDEP Permit by Rule. A portion of the 50 ft buffer is part of the developed part of the lawn and will be regraded slightly for a new dwelling.

Mr. Kastrud was satisfied with the information provided. This is a minor development and the stormwater will be reviewed with the soil movement application at the time of development. The architecture plans do not match the surveyor plans dimensions. The surveyor numbers look correct and that is what they are asking the variances for.

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As a condition of approval if granted these should match or eliminate the items on the architect plans.

The neighborhood has had issues with drainage but nothing specific to the property in question.

Mr. Cooper asked if there were any questions from the public, seeing no one come forward that portion was closed.

Mr. Edward Kolling, Planner for the applicant, was sworn in and accepted as a professional planner. He went over the minor subdivision with a Floor Area Ratio variance. It is for .297 for proposed lot 9.01, where a maximum FAR of 0.25 is permitted and a rear yard setback of 11 feet to the deck on proposed 9.01, where the minimum required rear-yard setback is 25 feet.

He mentioned that lot 10 is involved in the subdivision, and 3,000SF area of that lot will be incorporated into 9.01, making the lot 9.01, 13,000SF. Lot 10 would be 17,000SF.

Mr. Kolling proposed that the property was unique with the lots having two front along roads. This subdivision would eliminate the reverse frontages on Roseland and Fairfield Avenue. He feels this is a better and more typical layout.

Mr. Kolling said the new home on the new proposed lot would have a FAR of 0.203, a smaller home. If you average the FAR of the existing and the proposed home it is 0.25 so it meets the intent of the zone plan. The lots will fit into the neighborhood.

The rear yard variance will affect the new lot only and the property is owned by the existing lot owner. He proposed it is a c2 variance. He feels that the benefit of the two lots facing roadways outweighs any minor detriment from the rear yard requirement. This also provides a desirable visual environment.

Mr. Cooper asked if the board had any questions. Mr. Castanheira asked about lot 10 and Mr. Kolling went over that 3000SF will be moved to the proposed lot 9.01, and there will only be one new home on proposed lot 9.02. The FAR on the proposed lot 9.02 will be 0.203. Mr. Chadwick mentioned that the average between the lots is 0.25 FAR.

Mr. Christian Kastrud, the Township Engineer, clarified that the Exhibit A-3, called the revised plans, dated 2/25/20 was received on February 28. After that the applicant brought another Exhibit on March 2, 2020, which shows the riparian buffer zone. It should be labeled Exhibit A-5 and it was brought in, it was received March 2, 2020.

The applicant agreed to all the items in Mr. Kastrud's memo. Mr. Chadwick mentioned that they agreed to put street trees in and removal of the fence and bamboo on the property. The metes and bounds for the subdivision and any easements will be subject to the review and approval of the Township Engineering Department. Soil movement application will be submitted for the new proposed home. The applicant agreed to obtain any necessary permits from the NJDEP.

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Mr. Cooper opened the meeting to the public for any questions or comments. Seeing no one come forward, this portion of the meeting was closed.

Ms. Guzman thanked the board and the town professionals for their guidance.

The board went into deliberations on the application for the FAR and the rear setback. The board was satisfied with the application and hearing.

Motion was made by Mr. Dealaman, seconded by Mr. Rica to approve the variance.

Roll Call

For: Mr. Villani, Mr. Dealaman, Mr. Galbraith, Mr. Castanheira, Mr. Rica, Mr. cooper, Mr. Bowen, and Mr. Paolella.

Against: None.

CASE BA19-08 Old Church Road Associates LLC
 Block 96/lot 20
 Major subdivision with variances
 Carried from February 3, 2020 meeting.

Mr. Fred Zelley came forward for the applicant for Old Church Road Associates LLC. They are looking for a d5 variance for density, eleven lots, where only ten would be permitted, the zone is CR130/65 zone. They are also asking for c1 and c2 variances for frontage and lot width, a total of five variances. The lot frontage variance is needed for lots 20.03, 20.07, and 20.08 and lot width for lots 10.02 and 20.03. The Planning Board approved a ten-lot subdivision in April 2017. The applicant decided they would like to increase the number of lots and submitted to the Board of Adjustment for a thirteen-lot subdivision. This was later reduced to twelve lots with ten bulk variances, and then the board suggested eleven lots on December 16, 2019. It was suggested to carry to a later meeting.

Ms. Mueller, the applicant's engineer, was sworn in and accepted by the board at a previous meeting. Ms. Mueller went over the plans with the latest revision date of January 24, 2020 and brought in an Exhibit A-4, a colorized subdivision plan of the plans with revision dated January 24, 2020 that were given to the board in their packets. It showed the variances on the lots. The number of variances has been reduced with going to eleven lots. She went over the variances. They are asking for the variances under the variable lot size provision in the CR30/65 zone. Mr. Kastrud's report will be conditions of the approval.

Mr. Zelley stated they did not want the condition of the dwelling size maximum of 5500SF as they now have less lots. The other conditions are agreed to from the previous meeting. The stormwater Management Report will be revised to provide additional information.

Mr. Kastrud spoke about the island in the cul-de-sac. It can be removed. Mr. Kastrud asked about the adjoining lot and stabilization where the cul-de-sac had been and asked if the land had been deeded back to that homeowner. It was a temporary cul-de-sac and it would have been vacated. There is curbing across that area of the lot, lot 19.07.

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Mr. Cooper asked if any public had comments on this application and seeing no one come forward closed this portion.

The board went into deliberation. The applicant will stipulate to all conditions. The board was in agreement that the applicant has worked with the guidance of the board.

A motion was made by Mr. Castanheira, seconded by Mr. Rica to approve the application.

Roll Call

For: Mr. Villani, Mr. Dealaman, Mr. Galbraith, Mr. Castanheira, Mr. Cooper, Mr. Bowen, and Mr. Paolella.

Against: None.

BOARD OF ADJUSTMENT 2019 ANNUAL REPORT

Mr. Cooper asked about the report and if there would be suggestions for zoning changes due to the report. Mr. Chadwick has some items but wasn't sure they needed to be incorporated into the report. The board decided to wait and perhaps decide to add to the report and present at the next meeting.

NEXT MEETING: April 6, 2020 MEETING ADJOURNED: 8:20 P.M.