

**WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES May 1, 2023**

APPROVED

CALL TO ORDER:

ROLL CALL:

Mr. John Villani
Mr. Michael Galbraith
Mr. Frank Rica (excused)
Mr. Donald Huber (arrived approximately 7:05)
Mr. Scott Bowen
Mr. Anthony Paoella
Mr. Foster Cooper
Ms. Valentina Carleo Alternate # 2
Mr. Mark Peck, 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 Star Ledger, and filing a copy with the Municipal Clerk, all on January 11, 2023.

FLAG SALUTE

MINUTES:

The minutes of the February 6, 2023 and March 6, 2023 meetings

Motion to approve was made by Mr. Villani, seconded by Mr. Galbraith.

ROLL CALL

For: Mr. Villani, Mr. Galbraith, Mr. Paoella, Mr. Cooper, and Ms. Carleo
Against: None.

COMMUNICATIONS:

Letter from Christian Kastrud on Stormwater Education for board members. Mr. Kastrud went over the DEP requirements for land use board members to complete some training on Stormwater. This is to be completed for each member for each term of board membership must take the training. It can be the same training, but there are other training webinars to go through also.

PRIVILEGE OF THE FLOOR PORTION OF THE MEETING:

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

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AGENDA CASE APPLICATIONS:

CASE BA 23-01 Ankur & Kartika Gupta
 Block 71, lot 33, 73 Mount Bethel Road
 Bulk Variances in connection with renovation of dwelling on
 undersized lot

Mr. Ankur Gupta came forward as the applicant and was sworn in, along with Mr. Christian Kastrud, the Township Engineer, and Mr. John T. Chadwick, the Township Planner. Mr. James Mantz, the applicant's engineer, was also sworn in and gave his credentials and was accepted by the board.

Mr. Gupta explained that he planned on doing a partial demolition of the existing dwelling and was going to add extensions to both sides of the dwelling. He needs variance for existing lot size and setbacks. The foundation will remain. The variances is the R-65 zone requires 65,340SF where existing is 48,686SF (to the centerline of the road). They are dedicating 32 ft to the county, and that will make the lot 45,386SF. The lot width required is 150Ft and they only have 100 ft. The setback requirement is 75 ft. and they propose 42.8 ft. The side-yard setback existing is 18.7ft. where 25 ft. is required, and they propose 11.3 ft side-yard. Mr. Mantz referred to the site plan that was submitted with the application. Mr. Mantz brought in an Exhibit A-1, dated May 1, 2023. It is a portion of the plan that is blown up. It shows the existing foundation with measurements from current roadway vs. proposed dedication to the county. The existing driveway entrance will remain and will give some off street parking. There will be a retaining wall extending from the garage and wrapping around to the front steps. He went over the grading and the retaining wall.

Mr. Mantz brought in Exhibit A-2, which is an aerial overlay with the overlay of the lots dated May 1, 2023, It shows the front yard width for surrounding lots similar to the subject property, aswell as setbacks.

Exhibit A-3, is a 2002 NJ aerial and Mr. Mantz described the lots as similar across the street also. Mr. Chadwick went over the provision of prevailing setback for homes, so it wouldn't necessarily need a variance as all are similar. There is half acre zoning across the street. The houses around were built in the 1960s and due for rebuilding/renovation.

They went through the reports, Mr. Chadwick's report had been addressed. The health department memo was dated March 13, 2023; the property will be serviced by public water and public sewer. There is a well and it has been closed and the health department has approved that. Mr. Gupta has prepared the site for a demo. They agree to mark the clearing limits in the field. There will be a small swale around the side of the house and the grading will be on the grading plan submitted to engineer before

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construction permits are submitted. Mr. Paoiella asked about the drainage and they will be installing a Cultech Chamber.

Mr. Cooper asked if anyone from the public had questions for the engineer. Mr. Kinchit Patel came forward from 67 Mount Bethel and asked if this would affect his property. There is a variance along the property line between 69 Mount Bethel and 71 Mount Bethel. There is a driveway in between the properties (67 and 71) for 69 Mount Bethel. No one else came forward and this portion of the meeting was closed.

Mr. Cooper opened the meeting for public comment on the application and seeing no one come forward, that portion of the meeting was closed. The board went into deliberation. The variances will be a lot area 65,340 required vs. (after dedication) proposed 45,386SF. It is already an undersized lot. The minimum front yard setback is 75 ft. vs. proposed 42.8 ft. The side-yard setback required is 25 ft, and 11.3 ft proposed. For both side-yard setbacks required is 50 ft. vs. 30.9 ft. proposed. These are c(1) variances, known as hardship variances. The board should consider if there has been a showing of peculiar and exceptional practical difficulties or exceptional and undue hardship. They would have to consider the negative criteria of no substantial detriment to the neighboring properties. There will be a K-shape driveway.

Mr. Bowen asked how big the house is and how much it is believed that the price will be. The house will be about 4400SF. Mr. Paoiella was okay with the proposal. Mr. Villani feels it meets the requirements and will improve the area. Ms. Valentino and Mr. Galbraith felt it was fine. Mr. Huber feels there will be more of these applications with undersized lots and most with reasonable homes on them makes sense.

Mr. Cooper was not sure about this with how close the road will be to the dwelling but understands the topography makes it difficult. He also feels it will be cleaned up so it should be fine.

The motion was made by Ms. Carleo and seconded by Mr. Galbraith to approve.

ROLL CALL

For: Mr. Villani, Mr. Galbraith, Mr. Huber, Mr. Huber, Mr. Paoiella, Mr. Bowen, Mr. Cooper, and Ms. Carleo.

Against: None.

CASE BA 23-02 Pier Pimental
Block 212 lot 1.08, 16 Old Smalleytown Road
Impervious coverage and building coverage variance

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Mr. Pier Pimental came forward as the applicant and explained he has been a Warren resident since 1986 and lived at Fox Hill Drive and his parents still live there. He went to school here also. Mr. Mark Peck, the board attorney, swore in Mr. Pimental, along with the Township professionals. Mr. Cory Fernandez came forward, architect for the applicant, and was also sworn in. Mr. Pimental continued to explain his family is important and they want to spend time with the extended family. The pool house will accommodate older members of the family with convenience and shade.

Mr. Fernandez gave his credentials and was accepted by the board. Mr. Fernandez went over the application with two variances. The first is maximum building coverage, the proposal is 13.5% vs. 10% permitted in the R-20 zone. The second variance is for impervious coverage with 25.3% where the maximum is 20% permitted. They had a calculation submitted that was higher than that and the revised plan was brought in as Exhibit A-1. A reason the coverage is higher is that the existing driveway goes to the garage which faces the rear of the home. There are some areas with pavers. They discussed the stormwater mitigation. Mr. Fernandez went over sheet A101 and the pool is 15 x 30 ft with some patio space surrounding it. The pool house is a functional asset for the proper operation and maintenance of the pool. It will serve as a storage area, a changing area, lounge space, and will provide shelter. The design complements the existing house. There is existing arborvitae for privacy surrounding the area and will grow taller and they are adding another row of plantings. There will be a pool compliant fence installed. He went over the elevations of the pool house. The back part of the pool house is enclosed while the front portion will be opened but can be closed off during the winter months. There are folding doors. The pool house will be air conditioned. There is an outdoor kitchen. Mr. Huber asked what the built in appliance is near the storage area. It is a refrigerator. Mr. Cooper said it looks nice but it is very large, overpowering in size in the back yard.

Mr. Fernandez said they took opportunities to lighten up the structure. They wanted the separate spaces, storage area, changing area, lounging area, a bathroom. The covered patio portion is useful with an overhang to protect from weather and sun. They then added the glass panels.

Mr. Bowen asked about the HVAC and the back area does have it. It will be a mini-split system. Mr. Bowen felt it was like a guest house. There is just a fridge inside the building. The gas grill in the covered area will have a hood. The total size of the pool house is 747SF (includes the covered/canopy area). The area is properly screened and they believe the 13.5% vs. 10% is diminimus. Mr. Cooper and the board have some concerns on the size.

Mr. Chadwick asked the question if it is appropriate. It is a 30% increase of what is permitted. There was discussion on the plan and the site and questioned the need for a grill inside/under the covered area. It protects people from the weather/sun. Mr. Huber

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questioned if it is only for summer use why is it heated. Mr. Pimental and family entertain and this would add space for that all year. Mr. Chadwick asked if there was a plan B and there is not.

There was no discussion on special reasons that support the variance and perhaps they could carry the case and contemplate a revision before the board makes a decision. Mr. Huber feels this is somewhere between a residential structure and a pool house. It is not easy to monitor if it was to be used as a residential unit.

The application was carried to June 5, 2023 with no further notice. They hope to be ready for that meeting.

CASE BA 23-03 Dig4U, LLC
 Block 71 lot 27, 8 Sydenham Road
 Undersize lot in R-65 zone.

Mr. August Santore, attorney for the applicant, came forward. Mr. Tim Baumgarten, engineer with Page-Mueller Engineering Consultants, LLC is the engineer for the applicant. Mr. Peck, the board attorney, swore in the engineer and the applicant, Mr. Daniel Ferreira, as well as Mr. Kastrud and Mr. Chadwick. The variance is for the undersized lot at 49,500SF vs. 65,340SF minimum lot size. The dwelling that was there has been demolished. Sydenham Road is a private road. Several other lots on the street are also undersized Mr. Baumgarten explained. The applicant proposes a side loading garage and the plans are fully conforming except the lot size.

Mr. Santore went over the memos and they agree to the suggestions, engineering, and fire memo, The Fire Marshall memo is dated April 20, 2023 and they ask that overall grade not to exceed 12% and also that the driveway be 16 feet wide. Mr. Baumgarten feels the 14 ft width is sufficient and meets RSIS requirements. They can flare out the driveway. The current grade of the driveway proposed is 15%. There was discussion on changing the driveway, which will increase impervious coverage.

Mr. Chadwick suggests that the plan be subject to the Fire Department and the applicant shall work with the Fire Official. Mr. Cooper didn't agree as the board needs to make a decision whether to approve or not. There are retaining walls at 3.5 ft. max currently. They may look at a few walls and tiering them.

Mr. Huber feels Fire Departments have to deal with pre-existing elevations issues. He feels that the driveway that is being installed should be 16 ft. for the safety of the occupants and fire personnel. It does comply with RSIS although. The applicant stipulated to make the driveway 16 ft. wide.

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Mr. Bowen asked if they were going to live in the house; it is to sell and it is 5400SF. This is larger than many of the houses on Sydenham.

Mr. Cooper opened the hearing to the public. Mr. Bruce Spilker from 12 Sydenham came forward and asked about the drainage. The reason the house is not there anymore is because it was flooded in a bad storm. How will the drainage be remediated behind the house. Mr. Baumgarten stated the old house had no retaining walls or stormwater controls. The grading plan will send the water around the home and go to the street. There is a drywell system that is sized for the dwelling and the increase in impervious coverage. There was discussion on the retaining wall. The board was concerned about the water going down the hill. Mr. Cooper asked Mr. Kastrud about this. The roof will be tied into the drywells and will split and go around the house to the roadway. Mr. Cooper asked Mr. Kastrud to look at this plan and wants a condition in the resolution concerning this issue.

There was discussion on not increasing the runoff that already exists.

No one else came forward and the public questions was closed. Mr. Cooper opened the meeting to public comment and seeing no one this portion was closed. There is a basement planned for the dwelling and a sump pump. Mr. Spilker is two houses west of the subject property. There are no storm sewers. The sump pumps can not go into the drywells or the drywells will need to change and soil testing will be required.

Mr. Peck stated the conditions if approved are the standard conditions, and will make the driveways 16 ft., and will work with the Township Engineer, to develop an appropriate stormwater management plan for the property.

Mr. Cooper asked for deliberation from the board. Mr. Villani was okay with conditions, as were the other board members. Mr. Cooper had a concern that the house stay consistent with the plans proposed with this application.

Motion was made by Mr. Villani, seconded by Mr. Paolella to approve the application.

ROLL CALL

For: Mr. Villani, Mr. Galbraith, Mr. Huber, Mr. Paolella,, Mr. Cooper, and Ms. Carleo.
Against: None.

RESOLUTIONS:

CASE BA 22-08 Maddy Realty LLC
Block 212 lot 20.01, 50 Stirling Road
Use Variance

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

ROLL CALL

For: Mr. Villani, Mr. Galbraith, Mr. Huber, Mr. Paoella, Mr. Bowen, Mr. Cooper, and Ms. Carleo.

Against: None.

Next meeting will be June 5, 2023

Pending applications

BA22-09 Daniela Calabrese, Block 87.03 lot 5.04, 4 Hemlock Circle Minor Subdivision

BA20-09 (last heard Oct 3, 2022 waiting on soil testing) Block 12 lots 17 and 18, Second street subdivision with variances.

Tractor Supply is going to submit Amended Site Plan for further outdoor items to display.

MEETING ADJOURNED: Approximately 8:30 p.m.