

**WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES June 5, 2023**

APPROVED

CALL TO ORDER:

ROLL CALL:

Mr. John Villani
Mr. Michael Galbraith
Mr. Frank Rica
Mr. Donald Huber
Mr. Scott Bowen (excused)
Mr. Anthony Paolella
Mr. Foster Cooper
Ms. Valentina Carleo Alternate # 1 (excused)
Mr. Lenny Calvo 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 May 1, 2023 were distributed for review.

Motion to approve was made by Mr. Villani, seconded by Mr. Huber:

ROLL CALL

For: Mr. Villani, Mr. Galbraith, Mr. Huber, Mr. Paolella, and Mr. Cooper

COMMUNICATIONS:

None.

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 to the public and seeing no one come forward closed that portion of the meeting.

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RESOLUTIONS:

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

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

ROLL CALL

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

CASE BA23-03 Dig4U, LLC
 Block 71, lot 27, 8 Sydenham Road
 Undersized lot in R-65

The resolution was not complete and was moved to the next meeting.

AGENDA CASE APPLICATIONS:

CASE BA 23-02 Pier Pimental
 Block 212 lot 1.08, 16 Old Smalleytown Road
 Impervious coverage and building coverage variance (carried from
 May 1, 2023)

The architect came forward for the applicant, Mr. Cory Fernandez and had been sworn in previous so he went over the revised plans. The two variances now requested for the pool house, patio and pool are 25.3% impervious coverage vs. 20% permitted, and building coverage of 11.4% vs. 10% permitted. To mitigate the additional coverage proposed, they introduced a drywell to mitigate the stormwater and assist with management of stormwater. The revised design is a 299SF pool house consisting of three spaces; a lounge area, a changing room, and a bathroom. It was 747SF previously proposed. Mr. Chadwick mentioned it is a significant reduction. The roof over the kitchen was removed. The look of the proposal is similar.

Mr. Fernandez asked if there were any questions. Mr. Cooper said the previous proposal was set up that someone could live in it. No one had questions, board or public.

Mr. Peck, the board attorney, went over the two C2 variances. The board needs to review the positive criteria, and does it advance the purpose of zoning in some manner.

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And, also, will it meet the negative criteria; no substantial detriment to the neighboring properties or to the zoning ordinance.

The board was satisfied with the revisions. No public had comments.

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

ROLL CALL

For: Mr. Villani, Mr. Rica, Mr. Huber, Mr. Paoella, and Mr. Cooper.

Against: None.

CASE BA 22-09 Calabrese
 Block 87.03 lot 5.04, 4 Hemlock
 Minor Subdivision with variances
 FAR of 0.142 vs 0.125 permitted

Mr. Jay Bohn asked if they could present the application and decide later whether to go for a vote as there were only six board members present. Mr. Cooper said that would be fine.

Mr. Bohn had Cathy Mueller, the project engineer, and she will also discuss the architectural plans that have been submitted. There was a planner, John Ticina also. The applicant professionals and the township professionals were sworn in and accepted by the board.

Ms. Mueller went over the minor subdivision Block 87.03, Lot 5.04. It is a left over lot along Hemlock Circle from when major subdivision was completed for Hemlock and Sycamore. The plans she was going over was the same that were submitted by the board. The lot is in the R-20V zone and abuts R-10 zone. There are residential lots surrounding the property. The existing lot area is 42,901SF. It is an irregularly shaped lot. The overall dimensions of the lot are approximately 221 from east to west and 314 north to south. There are some steep slopes, which are shaded. There is one single-family house on the property with a detached garage.

The lot was split with the lot on the left proposed lot 15.14 and the lot on the right is 15.13 and the lot 15.14 is proposed at 21,445SF and the right lot is 21,456SF. The irregular lot shape pushed a variance for lot width for the one lot, 69.5 ft front yard where 100 is required.

The second variance is for an FAR, they propose two four-bedroom houses with a two car garage. The requested FAR variance for both lots is .144 where .125 is permitted. They propose 3081SF, and this is a 400SF difference from what is permitted and that is the two car garages. The project will not trigger a major project for stormwater. There

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are drywells proposed. The driveways are proposed to be curbed and a max of 15% slope. They are 14 ft wide and the Fire Marshall requested wider at 16 ft. They can confirm that the Fire Marshall is acceptable to 14 ft. There is a small patio in the back and they have room for landscaping and space.

They looked at garage under and it would take some retaining walls with the slope. Ms. Mueller spoke about the property not lending itself to garage unders. They would need substantial walls. There will be an optional master bath down and that is a driving force for the FAR request. There will be public water and sewer.

Mr. Bohn went over the Township Engineer report dated May 5, 2023. They comply with the stormwater management requirements; they will supply metes and bounds and all stormwater will be handled at the time of soil movement application.

They will submit a sewer and health application if subdivision is approved. They propose a 14 ft. wide driveway with two feet clear on each side.

Mr. Chadwick asked if they had discussed with the neighboring property to straighten up the lot line. Mr. Bohn said they would reach out to the property owner. Mr. Huber asked about the 16 ft. with two feet on either side request from the Fire Marshall. The applicant has discussed with the Fire Marshall about the 14 ft. with two on each side and they will get a memo from the Fire Marshall stating that is approved.

Mr. Chadwick asked about the topography of the property and the garage not being under, although all the other houses do have the garage underneath in the neighborhood. All of the dwellings are close to maximum FAR surrounding this property. Mr. Chadwick feels a picture is necessary to show how the topography runs and how it affects garages underneath. If the picture does not show that, the case is difficult. The board would like to see something visual. Mr. Chadwick also suggests discussion with neighbor on lot line.

It was decided to carry the application to July 17, 2023 at 7:00 p.m. with no further notice. Mr. Bohn agreed to an extension of time for the board to act through July 17, 2023.

CASE BA 23-04 Dolan & Lisa Ziv
Block 71 lot 4.02, 71 Geiger Lane
Variance for Pool Cabana
Maximum building coverage relief/proposed 9.30%, 8.22% existing,
7.5% permitted

Mr. Jay Bohn represents the applicants and came forward, the engineer was Cathy Mueller and the owner, Lisa Ziv, were sworn along with the Township Professionals, Mr. Chadwick, planner, and Mr. Kastrud, engineer.

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Ms. Mueller went over the plan with an existing single-family house, driveway, and an existing pool. They are in the CR130/65 zone and the lot behind them is a township owned lot that is open space. There is a pre-existing nonconforming building coverage. The existing building coverage is 8.22% and 7.5% is permitted. The existing impervious coverage is compliant at 19.71% where 20% is permitted. The property owner would like a new cabana at the end of their pool. Many homes have added these. The cabana is an open cabana at the front and the left side. Ms. Mueller passed out an exhibit, Exhibit A-1, which shows the depiction of the building. The roof area is 764Sf. The FAR is slightly higher. There is a toilet and a changing room proposed.

The increase is about 1% of coverage. They seek 9.30% where 8.22% is existing and allowable is 7.5%. The maximum impervious coverage permitted is 20% and they propose to remove some improvements to compensate. The cabana is 938SF of added impervious, including stairs to the left and pavers at the bottom of the stairs, it is a two-story structure. A full basement is proposed for pool equipment. There is a shed that is off of the property that will be removed. Pavers that exist behind the house will be removed and decorative stone will replace that. They also propose to remove asphalt in the driveway. They will provide a detail of this to put in pavers and mitigate the increase of impervious.

The increase will net out at 201SF increase in impervious coverage and brings the lot to a complying 20%.

They propose a drywell for stormwater management. Utilities will be public.

Ms. Mueller went over the building and brought in Exhibit A-2, architecture plan by PAI homes LLC .dated 1/23/23. Most of the cabana is open, the rear wall will be solid and will have windows on each side of the fire place. There is a small enclosed area for the changing room, and toilet room. There is a bar and a kitchen area on the left.

There is fence that will be relocated to be on the property (goes over the property line now). The building will not be occupied for a living area.

They went over the Township professional reports. Mr. Kastrud said that his comments had been answered. He had concern about keeping the pavers permeable. It should be included as a condition.

Mr. Chadwick stated all the items in his report dated May 16, 2023 had been addressed.

Mr. Foster asked if anyone from the public had questions. Ms. Shi Feng came forward from 29 Ellsworth Drive and is right by where the work will occur. She is concerned about drainage. Ms. Mueller went over the excavation and that it is in the interior of the

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property. There will be a drywell for the roof leaders. Ms. Feng felt it is a steep slope. All should be caught and directed to a drywell.

Ms. Lisa Ziv came forward as owner of the property. They will move the fence and she went over that they enjoy the outdoors and want to have some protection from the elements. Ms. Ziv looked at a google earth review and on her stretch of Geiger Lane there are at least 15 pools and six have pool houses, they brought in Exhibit A-3. It is an image printed from google earth of the Geiger Lane area. There is no plan to heat or cool the cabana. Mr. Chadwick suggested the board create a condition that there will be no heating or cooling and if they want it they would need to come back to the board. The FAR would change also. There was discussion on concerns on using a cabana as a residential space.

Mr. Cooper asked the board if there were any other questions and asked the public if there were questions for the witness. Seeing no one come forward, Mr. Cooper closed the portion.

Mr. Peck went over the request, a c2 variance, they consider the positive criteria, and the negative criteria; the conditions are they will have at least 800SF of permeable pavers in the driveway going forward. There will be no HVAC in the cabana structure, and building shall only be used as a pool cabana and storage, and there will remove the existing shed encroaching on Township property. And they will relocate the encroaching fence.

The board deliberated and they did not have issue with the cabana with the conditions. Mr. Foster asked the Township Engineer, Mr. Kastrud, to review the drainage at the time of construction.

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

ROLL CALL

For: Mr. Villani, Mr. Galbraith, Mr. Rica, Mr. Huber, Mr. Paoletta, and Mr. Cooper.
Against: None.

CASE BA22-02A HSC Warren, LLC/Tractor Supply
 Block 110, lots 9.03 and 9.04
 Amended Variance for outdoor storage

Mr. Lawrence Powers came forward as attorney for the applicant. They are asking for an amendment of the Preliminary and Final Site Plan approved by the board earlier. They want some extra items included in the permitted items for outdoor display.

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They request to add ATV, UTV, pedal boats which they do sell in many stores. There was a site plan submitted with the amended application and they also submitted 13 pages of photos showing the items that they request along with dog houses, fences, etc.

The witnesses were sworn in by Mr. Peck. Mr. Sewald, Mr. Daryl Mansfield from Hix, Mr. John Taikina, planner, and the Township Engineer, Mr. Chris Kastrud, and Township Planner, Mr. John T. Chadwick were all sworn in.

Mr. Josh Sewald from Dynamic Engineering; came up and identified the three outdoor display areas. Exhibit A-1 showing the areas were submitted. Mr. Chadwick asked if the outdoor items such as ATV would be driven on the property by prospective buyers. They would not permit that. Mr. Chadwick asked about the front area will be in the front. There will still be low lying trailers near the street only. The area is approximately 1200SF. There will be landscaping to enhance the area.

The second outdoor area is the sidewalk display area and it is 1820SF area and there is still a five-foot wide strip of sidewalk to walk of in front of the area. The third area in the back is the fenced outdoor display area and is about 15,400SF.

The corporate office had asked Mr. Chadwick to sign off on a zoning letter and Mr. Chadwick. In the letter it included ATV, UTV, and pedal boats. Those three items will be in the sidewalk display area. There is no increase in outdoor SF. Mr. Chadwick was not comfortable with those items and did not believe that they were discussed during any hearing.

Mr. Cooper said he has been to a few Tractor Supply Stores locally and did not recall seeing those items at them. The applicant does not always have all the items they have asked for at the stores, but want the opportunity to sell them if it is a product that the area is interested in. The corporate office is strict about keeping the outdoor items only in the outdoor display areas designated during site approval.

The vehicles are not test driven or demonstrated at the site. There was discussion on the fencing around the back storage area and it has brick corners and you will not be able to see through it.

Mr. Cooper asked if there were further questions for Mr. Sewald and there were none. There were no questions for Mr. Mansfield, the applicant's planner.

Mr. Cooper asked if any public member had questions and there were none. Then Mr. Cooper asked if anyone had comments and there were none.

Mr. Peck suggested the condition of no test driving of the vehicles.

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The board deliberated and no one had issue with the condition
Motion was made by Mr. Villani, seconded by Mr. Mr. Rica

ROLL CALL

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

Next meeting will be July 17, 2023

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

MEETING ADJOURNED: approximately 8:35 p.m.