

**JOINT LAND USE BOARD of
Woolwich Township
REGULAR BUSINESS MEETING
October 5th, 2017**

“MINUTES”

Chairman Maugeri called the meeting to order at 7:01 pm.

Adequate notice of this meeting had been provided in accordance with the Open Public Meetings Act.

Chairman Maugeri led all present in the Pledge of Allegiance.

Roll call of JLUB members present:

Matt Blake –Absent, John Casella – Present, Dave Glanfield – Present, Mike Iskander – Present, John Juliano – Absent , Chairman Maugeri – Present, Sue O’Donnell –Present, Deputy Mayor Rizzi – Present, Beth Sawyer –Present, Bob Rushton – Present, Mayor Schwager – Present.

Also present: Mike Aimino – Solicitor, Pam Pellegrini – Planner sitting in on behalf of Tim Kernan

Next were the minutes from the Regular Meeting of September 21st, 2017. Bob Rushton made a motion to approve the minutes as written and was seconded by Mike Iskander. All were in favor except Mayor Schwager, Deputy Mayor Rizzi, Sue O’Donnell and Beth Sawyer who abstained.

Next on the agenda was the continuance of Adam and Erin Taliaferro’s bulk variance request for Block 54, Lot 7.05. 208 Dominic’s Court.

Mayor Schwager and Deputy Mayor Rizzi recused themselves.

Mike Aimino explained that we had lost a few members of the Board who attended the last meeting, but our alternate Beth Sawyer listened to the recording from the last meeting and signed a certification to allow the applicant to be heard by a full 7 member zoning board.

Professional Engineer Gregory Simonds was sworn in.

Mr. Simonds explained they are requesting a C2 bulk variance to allow a detached garage that is 13’ 4” by 21’ 8” with a breezeway that will connect to the existing single

family dwelling. The property is in the R2 residential zoning district which requires a 20 foot side yard setback. For accessory structures, there is a setback of 10 feet from any side or rear property line.

Mr. Simonds continued by stating the definition of a breezeway per the township zoning book is a cover passage, one story in height connecting a main structure and an accessory building. That being said, Mr. Simonds argued that we should look at the garage as an accessory building.

Mike Aimino asked for the site of the ordinance where the definition is.

Mr. Simonds responded section 203-129 definitions for zoning in the Woolwich Regional Center.

Chairman Maugeri asked if the 10 foot accessory structure setback is attached or detached.

Mr. Simonds stated in this case detached with a breezeway. Going by the definition, a breezeway connects a main structure to an accessory structure.

Chairman Maugeri asked Mr. Simonds where he found this definition.

Mr. Simonds responded definitions for zoning, part 2 Woolwich Regional Center.

The Board takes a five minute recess to find the definition.

Mike Aimino explained that the definition specifically applies to part 2 and does not say it applies to the regular zoning.

Pam Pellegrini stated when a breezeway is put between a home and a garage it becomes part of the principle structure. Therefore it follows the base bulk standards for principle structures. Accessory structures are that they are detached and when you add the breezeway they become part of that principle structure.

Mr. Simonds thanked Mrs. Pellegrini for the explanation. He continued with stating they listened to the concerns of the Board and reduced the size of the footprint of the garage, and moved the garage 3 feet over. There also was discussion with the neighboring property owner and they have not come out to present any objection of the proposed garage.

He explained we are asking for a variance under a C2, a hardship. We are claiming it is a hardship due to the size of the property. It's 1 acre versus 1.5 acres which is what most of the lots are in that area. The shape of property being a corner lot, it has two front yard setbacks, and because of the topographical conditions and the freshwater wetlands on the property.

Mr. Simonds continued the applicants are requesting the additional garage because they are making their house ADA accessible. Some of the interior changes to the house include a ramp in the existing two car garage and only allow parking for one car, the existing driveway being narrow supplies poor circulation and there is no room along the property line for them to expand the driveway. A new garage will be required for the second car and to allow use of the driveway.

Mr. Simonds provided pictures marked A1-A5 to support his argument.

Bob Rushton referring to A2 asked, couldn't you extend the driveway into the front yard more? Looks like you have another 20-30 feet before you hit the side of the house.

Mr. Simonds responded that could be an option for them.

Mike Aimino stated for the benefit of the Board to mark where the garage would be on the pictures he provided.

Chairman Maugeri stated this is a one acre parcel. So it would have become a one acre parcel by variance at the time the lot was sold.

Mike Aimino clarified either it was a variance or it wasn't required at the time the lot was sold.

Chairman Maugeri asked Mrs. Pellegrini for clarification that the fact that it is a 1 acre in a 1.5 zoning area, makes it a preexisting nonconforming use.

Mrs. Pellegrini agreed. Preexisting, nonconforming lot as far as size.

Beth Sawyer asked for a picture of the house with the front elevation.

Chairman Maugeri asked if they bought the house already built or if they had the house built.

Adam Taliaferro responded they had it built.

Beth Sawyer asked if the applicants talked about putting the garage on the front of the house and having a straight 3 car garage.

Erin Taliaferro was sworn in

Mrs. Taliaferro explains that they can't move anymore forward due to a separate setback.

Beth Sawyer responded isn't it better that they move forward versus going on a swale. The house next door is a three car garage.

Mrs. Taliaferro responded that house is higher than theirs and drains down into their yard.

Mr. Simonds discussed where the swale is.

Mike Iskander referred to a document submitted by the applicant that shows the breezeway at 13'7" long. He stated on the new plan the breezeway is now 11feet.

Mike Iskander asked what the length of the breezeway is. And was it shortened 3 feet.

Mr. Simonds responded we shortened the breezeway, rearranged the steps, moved the garage over and made the garage smaller as well.

Mike Iskander stated that is 2.7 feet shaved off the breezeway. And noticed the pool storage was removed from the back of the garage which is an additional 3.33 feet. So difference between last meeting and this meeting is 5 feet to 8 feet. There is only a 3 foot difference is that correct?

Mr. Simonds responded yes we are requesting a variance to allow 8 feet versus 5 feet.

Mike Iskander clarified that the shortening of the breezeway and taking off the storage in the back only made a difference of 3 feet.

Mike Iskander asked the breezeway is only 11 feet.

Mr. Simonds responded yes.

Mr. Simonds stated within that breezeway there is going to be a landing, numerous steps and also a walkway to get into the rear yard.

Mr. Simonds continued by addressing the positive criteria in that it is a hardship. The negative criteria; there is no substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning plan and zoning ordinance. Single family dwellings and accessory structures are permitted in the R2 zone. The proposed garage will not impact any neighboring properties and storm water runoff.

Mr. Simonds stated with that we ask that you approve the application.

Chairman Maugeri asked Mr. Simonds to go over the hardship criteria again.

Mr. Simonds explained it is a hardship due to the shape of the property, the size being 1 acre versus 1.5 acres, it is a corner lot impacted by two front yard setbacks and the topographical conditions and freshwater wetlands on the property.

Chairman Maugeri asked what the front yard setback is.

Mr. Simonds responded 50 feet.

Bob Rushton asked if there was no breezeway could the garage be built within the setbacks.

Mr. Simonds responded he thinks it would be tight with the steps to access the main building and walkway to the rear yard.

Bob Rushton stated the walkway is 4 feet; you have an 11 foot breezeway.

Mr. Simonds stated the landing is 5 feet plus the steps. The whole idea of the breezeway is a place to walk if it's raining or snowing to get to the house.

Bob Rushton asked are you guys both in the garage now. Because I have driven by multiple times with this application and I always see a car in the driveway.

Mr. Taliaferro stated they don't have a lot of space because they have their two year olds things in the garage.

Beth Sawyer stated aesthetically I would think you would want to put the driveway in the front and extend your master bedroom.

Mrs. Taliaferro responded stating that may be a little bit of a personal preference but with that said we have some in the neighborhood that are completely detached and I don't think that looks appropriate; it looks like a shed on the side of the house. What we are trying to do is make this look nice and blend in with the rest of the neighborhood.

Mrs. Taliaferro continued stating she has seen multi- million dollar homes that have breezeways to garages.

Beth Sawyer responded yeah but they are on bigger lots and not right next to neighbors. Looking at the front and looking at how close you're going to be to your neighbor, I wouldn't be happy if you were my neighbor coming that close to my property line.

Mrs. Taliaferro stated they were fine with 5 feet. There is no issue there.

Beth Sawyer clarified the garage is being built for you (Mrs. Taliaferro). You are taking your current two car garage and adapting that for Mr. Taliaferro, but the second one is being built for you.

Mrs. Taliaferro responded sure.

Mike Iskander asked what the distance is from the front of the garage to the property line. The old rendering had it at 8.2 feet. This new rendering does not have it on there

but it has the back 8 but it looks disproportionate. Did that get moved closer to the house as well?

John Casella stated it looks like it's 10.8.

Mrs. Taliaferro stated we made those changes to try to get everything to fit because we knew you were not comfortable with the 5 feet so we tried to fit everything in as much as we could. We gave up the storage area in the back and extra space.

John Casella made a motion to open the meeting to the public which was seconded by Bob Rushton. All were in favor

With no comment from the public, John Casella made a motion to close the meeting to the public which was seconded by Bob Rushton. All were in favor.

Mr. Simonds stated this is close to being an accessory structure, and the requirement is a ten foot setback for an accessory structure, we are asking for 8.

Chairman Maugeri responded the breezeway makes it not an accessory structure.

Mr. Simonds stated it's not "technically" an accessory structure, yes.

Chairman Maugeri stated in zoning, it is or it isn't. It's not "kinda".

Chairman Maugeri asked Mike Aimino for clarification that this lot, which is 1 acre, has to conform with the same zoning standards as a lot that is an acre and a half, correct?

Mike Aimino confirmed the same zoning standards that apply to an acre and a half are being applied to this lot which is smaller.

Chairman Maugeri continued because this is a preexisting nonconforming use they were allowed to build a house there in that acre with 1.5 acre zoning. All of the setbacks that would apply to 1.5 acre zoning now apply to them.

Mike Aimino responded correct.

Bob Rushton stated for clarification they are considering a 20 foot setback, not a 10 foot setback.

Mike Aimino stated that is what Pam and I say. It is part of the structure.

Mr. Simonds stated no objections from the public, no objections from the neighbors. They have been residents for several years and would like to continue their residency in Woolwich Township so we are asking for your approval.

Sue O'Donnell asked for clarification as to why this falls under hardship.

Chairman Maugeri responded because the lot is undersized, you are claiming hardship.

Mr. Simonds responded that is one of the reasons. It is undersized, plus it is a corner lot and the topography.

Beth Sawyer asked if there are any renderings of what it is going to look like aesthetically. Are there any architectural drawings?

Mr. Simonds responded yes and showed Ms. Sawyer the architectural drawing.

Mike Aimino chimed in to clarify for Sue O'Donnell stating their argument is that you are applying zoning that was meant for 1.5 acres to a lot that is only 1 acre.

Mr. Simonds stated it is his understanding that the builder set the location of the house.

Chairman Maugeri stated I'm sure the builder was somewhat constrained by the fact that it's a corner lot.

Beth Sawyer asked if they can pull the garage closer and get rid of the breezeway.

Mr. Simonds stated I think if you eliminate the breezeway you eliminate the aesthetic look and the function that the applicants are looking for.

William Marmo was sworn in. The Taliaferro's builder.

Mr. Marmo explained they have it as tight as it can go for two reasons. The first of which is the stairs and the landing. The second is the walkway, the minimum would be three feet, you could do four feet but we will now have a garage on one side and we will have stairs on the other side and that's going to be the main traffic pattern into the rear yard. So we have that at 6 feet so it an actual usable walkway, not just the absolute minimum required by code.

Chairman Maugeri asked if the steps they are referring to with the landing; are they for a new door?

Mr. Marmo responded to access the door going into the house; A service door.

Chairman Maugeri added because now the service door is on the inside of the existing garage.

Mr. Marmo further explained the necessity of the length of the breezeway because of the stairs and the landing.

Beth Sawyer asked why you can set the garage further back and attach it to the house and have a wider garage.

Mr. Marmo explained there is a five foot elevation difference from the finished floor to the garage. Pulling the garage closer isn't going to help with that.

Beth Sawyer added you would set it back and have a wider garage.

Mr. Marmo explained there is an existing structure there. There is a back deck with stairs that jets out five or six feet.

Mike Iskander asked if this breezeway and the garage were not built then the house would still be ADA compliant, correct?

Mr. Simonds explained it would, but they would lose the extra parking and benefit of the two car garage.

Mr. Marmo added without utilizing the garage space, we utilize the ability to have the house handicap accessible. How the house is set in the ground, handicap accessibility starts at the driveway. You need to have a path to get in the house.

Bob Rushton chimed in stating this new garage has nothing to do with making the old garage accessible. The new garage is just a convenience.

Mr. Marmo stated the new garage is to have a two car garage.

Bob Rushton but it is accessible without that garage.

Mr. Marmo responded yes.

Beth Sawyer asked if this was discussed with the builder when they bought the house.

Mr. Taliaferro explained they bought the house 7 years ago and he was not having as many physical issues. His condition has gotten worse they foresee it continuing to get worse.

Chairman Maugeri stated this garage is basically for Mrs. Taliaferro's car. The handicap accessible garage will be the existing garage.

Mike Aimino explained that their argument as far as the hardship is other people have two car garages in this area they can't have one if they proceed with this ADA accessibility because of the configuration of the property. They are saying the hardship here is they should be able to have a two car garage like everybody else and still be able to utilize their property because one of the owners happens to be partially disabled and the condition may be deteriorating. Their argument is if they were on a 1.5 acre lot this wouldn't be an issue. But they are on a smaller lot and are not able to use the property the other people will be able to use it in that zone.

Mike Aimino stated that is an argument they can make under the MLUL.

Bob Rushton made a motion to deny the application due to the fact the home can be ADA accessible without the garage; which was seconded by Mike Iskander

Mike Aimino clarified a “yes” vote is a denial, a “no” vote would mean the motion would go down. If you vote “yes” that means that the application goes down, if you vote “no” then the motion goes down. At that point you can entertain another motion.

A “yes” vote means the application is denied. A “no” vote means the motion is denied.

Roll call was as follows:

Bob Rushton- yes, John Casella- no, Sue O’Donnell – no, Mike Iskander – Yes, Chairman Maugeri- no, Dave Glanfield – no, Beth Sawyer – no.

John Casella stated after his vote that his reasoning is because the applicant did come in and adjust what he had to adjust and he had some constraints. I don’t see it being a problem.

Chairman Maugeri also explained after his vote that tonight he heard testimony on criteria. The fact that it is constrained by the size of the lot, the fact that it is a corner lot, they are not able to do on their lot what others are but they are being constrained by the same zoning standards as an acre and a half lot.

Mike Aimino stated the motion is denied.

John Casella made a motion to approve the application which was seconded by Sue O’Donnell.

Roll Call was as follows:

Bob Rushton- no, John Casella- yes, Sue O’Donnell – yes, Mike Iskander – no, Chairman Maugeri- yes, Dave Glanfield – yes, Beth Sawyer – yes.

Mike Aimino explained a resolution will be passed at our next meeting and can be obtained through the JLUB Secretary.

Chairman Maugeri clarified that there are grading standards they will have to comply with and the resolution will have to be adopted before they can pull any building permits.

Mayor Schwager and Deputy Mayor Rizzi have rejoined the meeting.

Next on the agenda was a discussion item regarding potential language update on checklist items requiring electronic copy on compact discs.

Chairman Maugeri explained when Tim reviews an application for Completeness, he looks at the packet as a whole and whatever is missing is considered incomplete.

Because it calls specifically for a “compact disc”, if Tim does not see a compact disc, it’s incomplete.

Chairman Maugeri raised the issue that new computers are being made without CD burners and this may be becoming outdated technology.

There was further discussion about specific (or not so specific) wording, ways to submit, and township compatibility of electronic submissions.

Mayor Schwager suggested the JLUB make a recommendation for the Township Committee to create language that will survive.

Mike Iskander made a motion to recommend this to Township Committee to have them review it and come up with a solution to the overly specific language in the checklist; Seconded by John Casella. All were in favor.

John Casella made a motion to adjourn which was seconded by Beth Sawyer. All were in favor.

The JLUB Regular Business Meeting adjourned at 8:16

Respectfully submitted,

Julie Iacovelli

Joint Land Use Secretary

Minutes not verbatim

Audio recording on file