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Ewing Township Zoning Board Meeting March 15th 2018

An Ewing Township Zoning Board Meeting was held in the Council room of the Municipal Building.

Mr. Greenberg opened the meeting and the following statement was read, "The notice requirements provided for in the open Public meeting act has been satisfied. Notice of this meeting was properly given in the resolution adopted by the Ewing Township Council on January 3rd, 2018, which was transmitted to the Times of Trenton and the Trentonian, and filed with the Clerk of the Township of Ewing, and posted in the Ewing Township Municipal Building all on the Third day of January 2018.

<u>Present</u>	<u>Excused</u>	<u>Absent</u>
	Mr. Byrd	
Mary Corrigan	Mr. Maloney	
Howard Greenberg		
Richard Dey		
Abelardo Consea		
Vernon Clash		
Frank Scangarella		
Channing Conway		

Also in Attendance

- Sharon Dragon - Attorney**
- Chuck Latini- Zoning Officer.**
- Dan Hennessey - Engineer**
- Chuck Latini -Planner & Zoning Officer**

Minutes for January 17th were approved No Meeting on February
Motion made by Mr Clash
Seconded by Mr. Conway

Patrick de Maynadier
1584-1586 Pennington Road
Block 139, Lot 6
R-2 Zone

Applicant seeks variance for total lot coverage to convert impervious gravel parking area to paved and landscaped parking. Maximum total lot coverage permitted is 26%, existing total lot coverage is 86.7% and proposed total lot coverage is 70.46%. Applicant seeks variances/waivers for driveway within 6 feet of side yard property line – 0 ft. existing; driveway width of 24 ft. for 90-degree parking – proposed 22 ft.; parking stall size – 3 @ 9 ft. x 18 ft. and 3 @ 8.5 ft. x 18 ft. and minimum driveway width of 10 ft.– existing width of 9 ft. Applicant is also requesting any other variances or waivers deemed necessary by the Board.

Mr. Stratton stated this is a Rental property the applicant did go to the Site Review to reduce the Impervious, all the plans were revised, the applicant is seeking C2 Variance they applicant does want to comply with the ordinance.

Mr. Latini told the board the applicant did inherit the property it has been out of compliance over the years they do want to comply with the ordinance for the Environmental Commission.

Mr. Stratton did have plans of the area showing the changes, the applicant will need variances the applicant is seeking 22feet for the driveway as to 24feet, the impervious coverage will be reduced.

The stone will be removed to create Landscaping and parking lot, the applicant will put in two sixty-pound barrels with grading towards the driveway to help with water issues, it will be collected by an in-let, the garage at the back of the property is now gone, there are no issues with the neighbors, the fence is existing no extra screening is required, a permit is required by NJ DOT there letter is dated March 6th an access permit is required, Mr. Stratton stated he did not get a copy of the letter, he stated the apron will not be touched. The board had a discussion they are satisfied with this application.

No Public

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Mr. Conway made a motion to Grant variance for total lot coverage to convert impervious gravel parking area to paved and landscaped parking, also the Permit from NJ DOT to be received, all the Letters to be addressed by the Engineer and the Planners.
Seconded by Mr. Clash

Roll

Mr. Conway	YES
Mr. Clash	YES
Mr. Greenberg	YES
Mr. Conesa	YES
MS Corrigan	YES
Mr. Dey	YES
Mr. Scangarella	YES

Review and discussion of 2017 Annual Report Zoning and Planning Board Activity.

Mr. Latini had a copy of the Report for the Board they do not have to vote on it tonight, they can read it over then it will be voted on at the next Month meeting,

Mr. Latini discussed the Zoning Ordinances, the Bulk Variances that are been approved so far, the Applicant has had many meetings with Site Review and meetings with him to help with construction, the idea is to give as much information as needed before they come to the Planning and the Zoning Boards, this is to make it easier for the Approvals, the boards are looking for certain looks in the Neighborhoods, Redevelopment meetings are a great asset to the Applicants, they have an idea what they are looking for, Land scaping is very important, the property has to look good and clean, re-construction of parking lots need to be addressed, intersections need to be re-designed and made safer for children crossing and pedestrians also.

There is a discussion on Roundabouts in Ewing Area, not sure what parts yet.
The Town Center was part of the discussion, it will be nice to have walking and bike areas.

Group homes was discussed, they need to be part of the Housing Plan, group homes cannot be made a conditional Use, there needs to be proper listing for them with proper license.

Mr. Clash wanted to discuss Vacant properties, there are too many out there, more violation notices must be sent out, dumping on lots is a major issue, the homes are a major eye-sore more tickets need to go out it may help with cleaning up areas.

Ms. Corrigan told the board she is on the Condonation Board she can be contacted about vacant boarded up homes, she will get in touch with the Construction office and they can make a list of Condemned homes.

The board were happy with the discussions they will email Mr. Latini if more information can be added to the Report.

Submitted by Imelda Wollert

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Resolution March 15th 2018

Resolution 2018-ZB-01

**Denise Ogradnick
58 Dunmore Avenue
Block 481, Lot 111
R-2 Zone**

A motion was made to adopt the resolution of Memorization for the Following

Applicant is requesting a bulk variance to construct a carport over the driveway.

Dimensions of the carport require a side yard variance; ten feet (10') is required where carport will be located within one foot (1') of side yard property line. Applicant is also requesting any other variances or waivers deemed necessary by the Board.

Ms. Ogradnick told the board she would like carport to keep dry when she gets out of the car.

Mr. Latini stated the carport will be connected to the house, she did have a copy of her survey

Exhibit A-1 Survey

The applicant needs a variance for setback, it is an R-2 Zone, the applicant has no other place to put the carport, there is no other way to create shelter, the neighbor does not have issues with this project, the carport will be built over top of the existing pavement it will also have a gutter draining towards the street, it will not be allowed to drain to any of the neighbor's properties.

It is an existing condition no other issues it will not affect the Master Plan or the Zoning Ordinances,

No Public.

Mr. Maloney made a motion to approve the Application for a bulk variance to construct a carport over the driveway, With the conditions the gutter is to be put on and it must flow towards the street and not to the Neighbors house.

Seconded by Ms. Corrigan

Roll

Mr. Maloney	YES
Ms. Corrigan	YES
Mr. Clash	YES
Mr. Dye	YES
Mr. Conesa	YES
Mr. Conway	YES
Mr. Greenberg	YES

Motion made tonight by Mr. Clash

Seconded by Ms. Corrigan

Absent Mr. Byrd, Mr. Maloney

Submitted by Imelda Wollert

31618

**EWING TOWNSHIP ZONING BOARD
RESOLUTION: # 2018-ZB-01**

Applicant: Denise Ogradnick

Application #: ZBA-18-001

Location of Premises: Bl. 481, Lot 111 – 58 Dunmore Ave.

Present Zoning: R-2 Residential

Approval Date: January 18, 2018

Date Resolution Memorialized: March 15, 2018

Relief Sought: C(1) bulk variance from the 10' side yard setback requirement to allow the construction of a carport over existing driveway within 1 ' of the property line, together with any other necessary variances or waivers

WHEREAS, at a public hearing conducted during a regular meeting properly noticed and held on January 18, 2018, the Zoning Board of the Township of Ewing (hereinafter "Board"), considered the following information and makes the following findings of fact and conclusions with respect to the above application:

APPLICATION, PLANS AND REPORTS SUBMITTED BY APPLICANT:

Land Development Application, ZBA-18-001 dated January 5, 2018 and supporting documentation.

EXHIBITS RECEIVED DURING HEARING:

A-1 Copy of Map of Survey showing proposed carport, prepared for Denise Ogradnick, 58 Dunmore Avenue, by L&G Planning, dated 4/16/17 and submitted with application.

WITNESSES APPEARING BEFORE THE BOARD

1. Denise Ogradnick, applicant and owner of Block 481, Lot 111
2. Charles Latini, P.P.. on behalf of the Board
3. Daniel Hennessey, P.E., on behalf of the Board

FINDINGS OF FACT

1. The Board finds that all jurisdictional requirements have been met, that it has jurisdiction to proceed and it has acted within the time required by law.

A. Denise Ogrodnick, (hereinafter referred to as "Applicant" or "Ms. Ogrodnick") has certified that all real estate property taxes for the Property have been paid, as well as all escrow fees required by ordinance for the application. The escrow certification includes an agreement to pay all future monies due under the escrow ordinance for consultants and other professional review work related to the Property.

B. The Applicant has filed an Affidavit stating that public notice of the Application was given at least ten (10) days prior to the hearing date to all property owners within 200 ft of the Property and to the public entities required to be notified. The Zoning Board Secretary confirms that newspaper publication was made in conformance with legal requirements and that proof of publication was filed with the administrative officer.

C. Applicant has also submitted Township's Contribution Disclosure Statement in accordance with Ewing Township Ordinance N0. 06-19.

2. This application concerns property known as Block 481, Lot 111 on the official tax map of Ewing Township which is located at 58 Dunmore Avenue in the R-2 Residential Zone (hereinafter referred to as the "Property"). The lot is undersized and is in the shape of a narrow rectangle approximately 60 ft wide and 125 ft. deep (.17 +/- acres). The lot frontage is less than the 80 ft required by ordinance, but is an existing condition. The property is improved with a residential dwelling, patio, paved driveway and a shed in the rear. It is located in a fully-developed neighborhood.

3. Applicant requests a variance pursuant to N.J.S.A. 40:55D-70(c)(1) from the 10' minimum side yard setback requirement for accessory uses attached to a principal building in the R-2 zone as set forth in Sec. 215D of the Township Land Use ordinance, together with any other necessary variances or waivers. Approval of the variance would permit the construction of an approximately 12' x 16' carport within 1 foot from the side yard property line adjoining Lot 112.

4. The following testimony was provided at the hearing by the Applicant:

A. Applicant proposes to construct the carport over the existing paved driveway, adjacent to the house and next to the side entrance door. Locating the carport in that area will help protect her car and provide shelter from the weather when going in and out of the house. She notified her neighbors and also spoke to them and no one seemed to object to the proposal. The carport would be constructed to blend in with the existing house and as a result of the addition, there would be no change to the use of her driveway.

B. The Board's Planner stated that the property is undersized and in a fully built-out neighborhood, indicating no ability to purchase additional property to make the Applicant's lot conforming. There is only 11 and ½ to 12 feet between the house and the property line on that side. As is typical of others in Applicant's neighborhood, the existing driveway is situated one foot off the property side line and there

are other similarly-sized carports in the neighborhood, so in terms of negative criteria, locating the carport as proposed will not worsen current conditions or harm the Township's zone plan. In his opinion, there is no other reasonable place on the property to build the carport and practically accomplish its purpose of providing shelter from weather-related elements.

C. In response to questions from Board members regarding any possible negative impact to the property or to neighboring ones caused by increased stormwater run-off from the carport roof, the Applicant said that her driveway is naturally pitched toward the street, so water would run in that direction. The Township Engineer opined that he did not foresee any exacerbation of impervious surface conditions as a result of the application. However, he recommended, as a condition of approval, the installation of drain spouts and gutters on the carport structure and/or utilizing leaders pitched to send the flow of water toward the street.

D. No members of the public appeared at the public hearing.

BOARD'S FINDINGS WITH RESPECT TO PROOFS

1. After hearing and considering the testimony provided above, the Board finds that Applicant has met the criteria for granting the requested side yard variance in accordance with N.J.S.A. 40: 55D-70(c)(1) which requires that the Applicant demonstrate that due to reasons of exceptional narrowness or shape of the property or other unique conditions, strict application would result in a) peculiar and exceptional practical difficulties to, or (b) exceptional and undue hardship upon Applicant in having to comply with all of the current R-2 zoning bulk regulations. Under Lang v. Zoning Board of Adjustment, 160 N.J. 41 (1999), the Court recognized that in analyzing a c (1) variance, the Board can take into consideration the earlier zoning for the neighborhood wherein the Property is located and must find that the construction proposed by the Applicant on the Property is appropriately sized and located upon it, and consistent with the other residential developments in the neighborhood. The Board finds that the present application meets the aforementioned criteria for the following reasons:

A. The Property in question is a narrow, undersized lot located in a fully-developed residential neighborhood which has been subject to zone changes over the years. The principal use, the single family residence, is existing on the Property. Applicant proposes to erect the carport over the paved driveway which already is within 1 foot of the property line. There is no other reasonable place to locate the carport (which Applicant proposes to attach to the house over an existing side entrance door) and accomplish the proposed purpose of providing protection to vehicles and shelter for those entering and exiting the residence. Attempting to narrow the width of the carport to comply with the side yard requirements would be impractical and defeat the purpose for which it is being built.

2. With respect to the Board's obligation to consider the application in terms of the negative criteria of N.J.S.A. 40:55D-70 which provides that no variance may be granted without a showing that the relief can be granted without substantially impairing the intent and purpose of the zone plan, the Board finds that the criteria has been met. Specifically, other than the side yard setback, no other new variances are required for the proposal and the zoning ordinance will not be substantially impaired by locating the

carport within one foot of the side boundary line given the location of the existing driveway. The Applicant's lot and the proposed construction upon it is appropriately sized and proposed to be located in a spot the least likely to cause an aesthetic detriment or negative environmental impact to the property or its environs.

3. The Board agrees that a condition should be imposed as recommended by the Board Engineer, specifically that to prevent any potential detriment due to water runoff from the carport roof, appropriate drain spouts, gutters and/or leaders should be installed upon the carport structure and pitched so as to direct any runoff toward the street and away from adjacent properties and the remainder of Applicant's property.

4. No public appeared for or against the application..

CONCLUSIONS AS TO FINDINGS OF FACT AND PROOFS

Upon recommendation of the Board's Planner, the Board agrees that the relief can be granted as requested by the Applicant for Block 481, Lot 11, pursuant to N.J.S.A. 40:55D-70(c)(1) to deviate from the 10' minimum side yard setback requirement for accessory structures in the R-2 zone as set forth in Sec. 215-15(b) of the Ewing Township Land Use ordinance, together with any other necessary variances or waivers. Further, such variance can be granted without substantial impairment to the intent and purpose of the Township's zone plan.

DECISION OF THE BOARD

NOW, THEREFORE BE IT RESOLVED that, based upon all the aforesaid findings, determinations and conclusions which are all specifically made a part hereof, by a vote of seven (7) in favor and none opposed, that the Zoning Board of the Township of Ewing hereby grants a bulk variance, together with any other necessary variances or waivers, so as to permit a deviation from the 10' minimum side yard setback requirement for accessory uses attached to principal buildings in the R-2 zone as set forth in Sec. 215-15D of the Township's Land Use Ordinance and facilitate the construction of the attached carport over the existing driveway, as proposed by the applicant, to be located within 1 foot of the side yard adjacent to neighboring Lot 112, as requested by the Applicant at the hearing on January 18, 2018 and as stated in Application #ZBA-18-001. The aforesaid approval is subject to Applicant's compliance with the Board's condition that appropriate drain spouts, gutters and/or leaders shall be installed upon the carport structure so has to direct any water runoff toward the street. This approval is further subject to Applicant's adherence to the following conditions, to the extent they may be required or applicable, and if required or applicable, then they must be satisfied prior to the signing of any plans, construction or the issuance of a Certificate of Occupancy for the project, as may be applicable:

A. The following shall be accomplished prior to the issuance of any building permits and the start of construction:

1. The Applicant is notified that an inspection escrow is required for this application; the Township Engineer shall prepare any required estimates for on/off-site improvements.

2. One (1) copy of the final plan shall be submitted to the Board office, the Board Planner and the Board Engineer for resolution compliance review. If the plans are found to be in order, then eight (8) sets of the drawings will be required for signature.

3. Payment of all professional escrow and engineering review fees associated with this application within thirty (30) days of receipt. It shall be Applicant's responsibility to contact the Board office to settle any outstanding review escrow accounts.

4. Evidence of the attainment of the outstanding conditions set forth in this resolution shall be in writing by the professional or entity having jurisdiction over same and placed in the Applicant's file with the Township.

5. The Applicant will provide a copy of all final plans, reports and estimates in electronic format on a CD after all revisions are made to the site plans and after they have been signed by the Township. The plans shall be in PDF and in Auto-Cad version not later than 2013, correspondence in Word format and estimates in Excel version no later than 2003.

B. The approval and development granted herein is subject to compliance at all times with all applicable federal, state, county and municipal law and regulation including, without limitation, all environmental, building and property maintenance codes. The development constructed pursuant to these approvals, including landscaping, shall be maintained in good condition and kept in compliance with this approval in perpetuity, except as may be permitted by Ewing Township.

C. The date of the decision shall be January 18, 2018, except that the date of the adoption of this memorializing resolution, March 15, 2018 is the date of the decision for the purposes of (1) mailing a copy of the decision to Applicant within ten (10) days of the date of the decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of this decision. The date of the publication of the notice shall be the date for the commencement of lawful vesting protection.

ROLL CALL VOTE ON THE MOTION TO
APPROVE THE APPLICATION – January 18, 2018

Moved by: Maloney

Seconded by: Corrigan

Those in Favor: Maloney, Corrigan, Clash, Conesa, Conway, Dey and Greenberg

Those Opposed: 0

Those Abstaining: 0

Those Not Voting: 0

Those Absent: Byrd and Scangarella

ROLL CALL VOTE ON THE RESOLUTION
OF MEMORIALIZATION – March 15, 2018

Moved by: Clash

Seconded by: Corrigan

Those in Favor: Clash, Corrigan, Greenberg, Conesa, Dey, Scangarella (not eligible)

Those Opposed: 0

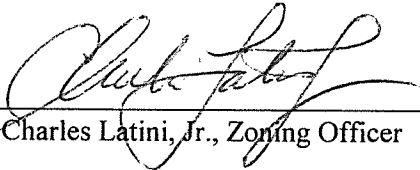
Those Abstaining: 0

Those Not Voting: 0

Those Absent: Byrd and Maloney

CERTIFICATION

I hereby CERTIFY that the foregoing is a true copy of a Resolution adopted by the Ewing Township Zoning Board at a duly advertised and regular meeting of the Board held on March 15 2018, at which a quorum was present and the vote was 6 in favor, 0 against, with 1 vote not eligible due to absence at the Jan. 18, 2018 meeting.



Charles Latini, Jr., Zoning Officer