

September 11, 2008

The monthly meeting of the Greenwich Township Board of Adjustment was held on the above date and was called to order by Ray Buckwalter, Chairman, at 7:30 P.M. in the Municipal Building. The meeting opened with the Pledge of Allegiance.

Pursuant to the Open Public Meetings Act, Chapter 231, PL, 1975, adequate notice of this meeting has been given in accordance with the Open Public Meetings Act by:

1. Mailing a notice of scheduled meetings of the Greenwich Township Board of Adjustment to the Express-Times and Star-Ledger.
2. Posting a notice thereof on the Township bulletin board.
2. Filing a copy thereof with the Township Clerk.

Board members present: Steve Babula, Angelo Faillace, Dawn Marie Kondas, Joe Schiller, Robert Vetrecin, Ray Buckwalter, Dan Detore. Also present were Jonathan Drill, Esq., Michael Finelli, PE and Lisa Specca, Planner. Absent were Bruce Williams and Richard Williamson.

The August 14, 2008 minutes were not adopted. They will be reviewed at the October 9, 2008.

**PICC Land Management Interpretation Resolution.** Resolution affirming the Zoning Officer's decision and interpretation of the township ordinances that home occupations are not permitted as an accessory use in the PDSFZ District, was reviewed as to its' form and accuracy. Upon review, Dawn Marie Kondas made a motion, seconded by Dan Detore, to adopt the Resolution as prepared. The vote is as follows:

IN FAVOR: Kondas, Schiller, Vetrecin, Buckwalter, Detore.  
OPPOSED: None.  
ABSTAINED: None.

Motion carried.

**Case No. 5-08, PICC Land, Home Occupation, Block 23.30, Lot 1, Greenwich Street.**

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Steve Babula made a motion, seconded by Robert Vetrecin, to open the public hearing. The vote is as follows:

IN FAVOR: Babula, Faillace, Kondas, Schiller, Vetrecin, Buckwalter, Detore.  
OPPOSED: None.  
ABSTAINED: None.

Motion carried.

Representing the applicant was Bruce Jones, Esq. Sworn in by Attorney Drill were Robert Piccione, applicant's managing member; Rod Pianelli, proposed tenant; Douglas Mace, Engineer; Michael Finelli, Township Engineer; Lisa Specca, Township Planner.

Attorney Jones stated that Mr. Pianelli would like to live in the house and is seeking a Use Variance to operate a business office in the building. Mr. Pianelli has a lease with the option to purchase the house. The existing house is located in the PDSFZ district on property consisting of approximately 1.08 acres.

Under oath, Mr. Pianelli testified that he is an insurance agent for State Farm Insurance Agency and proposes to reside in the building. Mr. Pianelli has had three (3) offices all in residential zones. Mr. Pianelli stated that he wants to operate his insurance agency business out of the building, specifically, in the two (2) approximately 15' x 29' rooms located on the ground floor in the front of the building. The remainder of the building would be used for strictly residential purposes.

Mr. Pianelli testified that he has very few walk-in clients and does not expect to have more than 3 or 4 people per day and would come in by appointment only. Most of the transactions are over the internet, fax lines and/or phone lines. Mr. Pianelli testified that he will have no more than three (3) full-time employees, consisting of himself and two (2) other persons. Customers would park in the driveway and enter the building through the existing front door. All employees would park their vehicles in the existing three (3) bay garages and in the driveway in a location so as not to interfere with vehicles making "K" turns in the driveway in order to exit the driveway. All employees would enter the building through the existing side entrance. Business hours would be between the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday with no hours on Saturday or Sunday.

In order to operate the proposed business on the property, the applicant requires a "D(1)" Use Variance and also finds that the applicant requires a "C" bulk variance to permit the existing front yard setback deviation. The front yard setback deviation is a pre-existing nonconforming condition entitled to remain. The property and building meet the current bulk requirements for the PDSFZ district except for the front yard setback requirement. In accordance with the schedule of area, yard and building requirements. The minimum

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front yard setback requirement is 30 feet. The existing front yard setback for the building is 28.2 feet, a 1.8 foot deviation.

Douglas Mace, Applicant's Engineer, presented his credentials to the board. Upon hearing same, the board accepted Mr. Mace as an expert in the field of engineering.

The following exhibit was entered into evidence:

A-1. Meeting display of Tax Map Sheet 7, Block 23.30, Lot 1, shows the property, existing building and proposed improvements.

Mr. Mace stated that the house was an old farmhouse and has been restored by the owner. It is not only a large house, but it is the largest house on the street and ideally useful for the proposed use. The property is particularly suited for the limited insurance agent business office proposed because the property and building's large size makes it particularly suited to the very limited insurance agent office use proposed. The building's location on Greenwich Street makes it an ideal location for a limited insurance agent office due to the resulting negligible impact on existing traffic patterns and the surrounding residential neighborhoods. The house has access onto Greenwich Street and has the ability to have good sight distance. The house has a three (3) car garage and has a significant paved driveway that has plenty of room for four (4) cars. The driveway is so large that cars would not have to back out onto Greenwich Street. It is a double wide driveway large enough to park (twelve) 12 cars. Proper signage directing customers will be placed stating that vehicles shall not back out onto Greenwich Street. Mr. Mace stated that the goal is not to make it look commercial.

Regarding deliveries, they will not be on a regular basis. Deliveries would arrive by Fed-Ex or Jiorle's delivering computer paper or envelopes, probably, twice a month.

To have people work out of their home helps reduce the traffic issue and provides local people with a service. Mr. Mace stated that this house, because of its location and size, is particularly suited to the proposed use.

The proposal is not hurting the intent of the zoning ordinance and is consistent with some of the uses along Greenwich Street. No aspects of the proposal will create any detriment to the township.

Standard residential lighting will be used. There will be no additional lighting.

The chair addressed the public for their comments. The following residents were addressed and their testimony is part of the record:

1. Mary Carol Moran, 1923 Gary Road.
2. Charles Sladek, 102 Bradford Lane.

The positive and negative criteria of the "D(1)" Use Variance and the positive and negative criteria of the "C" bulk variance were presented by Douglas Mace, applicant's engineer/planner. As to the negative criteria, no objectors appeared at the hearing to oppose the use variance and the board finds that the use variance can be granted without substantially impairing the intent and purpose of the plan and zoning ordinance.

Regarding the "C" (1) front yard setback variance, the board finds that the building location was lawfully created prior to the enactment of the 30-foot front yard setback requirement and that the building was constructed prior to the adoption of the zoning ordinance in the Township.

The applicant is proposing a 12 sq. ft. freestanding sign offset 15 ft. from the Greenwich Street right of way. The new sign ordinance indicates that one (1) nameplate sign is allowed, not a freestanding sign. Therefore, a variance will be needed from the sign type and sign area requirements. Lisa Specca, township planner, stated that the proposed freestanding sign suggests a more commercial use than a typical home occupation. Ms. Specca recommends that the applicant replace the proposed freestanding sign with a 2.5 sq. ft. wall sign as permitted under the ordinance. Attorney Drill stated that the house would look more residential if the sign was on the house.

After a five (5) minutes recess, Attorney Jones stated that since the sign ordinance is so new and he is not familiar with it, the applicant will withdraw the sign variance request and come back before the board to discuss the signage.

One of the stated conditions that the board would like to have in the Resolution is that the applicant shall install directional signage directing clients to pull into and park in the driveway. Pavers shall be added so clients can walk from the driveway to the front door of the building.

Robert Vetrecin made a motion, seconded by Dan Detore, to close the public hearing. The vote is as follows:

IN FAVOR: Babula, Faillace, Kondas, Schiller, Vetrecin, Buckwalter, Detore.  
OPPOSED: None.  
ABSTAINED: None.

Motion carried.

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Joe Schiller made a motion, seconded by Steve Babula, to grant a D-1 Use Variance, subject to a number of conditions, to Case No. 5-08, PICC Land Group, Block 23.30, Lot 1, to a business office use strictly limited to a personal insurance agency business with the area for the offices physically limited to the two (2) front rooms in the building and only three (3) employees including the renter/occupant of the house. The vote is as follows:

IN FAVOR: Babula, Faillace, Kondas, Schiller, Vetrecin, Buckwalter, Detore.  
OPPOSED: None.  
ABSTAINED: None.

Motion carried.

Steve Babula made a motion, seconded by Robert Vetrecin, to grant a C(1) Front Yard Setback Variance, with conditions, to Case No. 5-08, PICC Land Group, Block 23.30, Lot 1, to permit the building to be 28.2 feet from the front property line, as the building was constructed prior to the 30-foot front yard setback requirement. The vote is as follows:

IN FAVOR: Babula, Faillace, Kondas, Schiller, Vetrecin, Buckwalter, Detore.  
OPPOSED: None.  
ABSTAINED: None.

Motion carried.

Steve Babula made a motion, seconded by Dan Detore, to adjourn the meeting. Motion carried. Meeting adjourned at 9:30 p.m.

Elva N. Pomroy  
Board of Adjustment Secretary

Ray Buckwalter  
Chairman

