

RESOLUTION

BOARD OF ADJUSTMENT

TOWNSHIP OF WEST ORANGE

RESOLUTION ZB-03-39

WHEREAS, Pompeo Cirelli ("The Applicant"), is the owner of the property located at 104 Winding Way, West Orange, NJ 07052 being Block 46.01, Lot 33 on the Tax Maps of the Township of West Orange, and located in the R-1 Zone, applied to the West Orange Zoning Board of Adjustment ("The Board") for eight "C" variances of which two are for side yard setback of 8' & 10' instead of the required 22' & 25', rear yard setback of 30' instead of the required 50', front yard setback 30' instead of the required 40', lot coverage of 45% instead of the required 30%, building lot coverage of 35% instead of the required 20%, lot coverage of 14,351 sq. ft. instead of the required 80,000 sq. ft. and lot width of 75.13' instead of the required 150' to construct a large single family home on a vacant undersized lot; and

WHEREAS, the Applicant presented proof that adequate notice of the hearings on the said application was published in the West Orange Chronicle, one of the official newspapers of the Board; and

WHEREAS, the Applicant submitted proof of notice of the hearing upon all property owners within 200 feet of the property; and

WHEREAS, the Application was heard at a public meetings of the Board held on May 20, 2004, July 15, 2004, January 20, 2005, April 21, 2005 June 16, 2005 and July 14, 2005; and

WHEREAS, the Applicant made their Application through Carmine Campanile, Esq.; and

WHEREAS, the submissions included Engineering Plans and Site Plans prepared by Anthony Marucci, dated October 29, 2003 and Architectural Plans A1,A2, and A5 revised plans dated October 29, 2003; and

WHEREAS, the Applicant, Pompeo Cirelli testified as to what he proposed to do in order to construct a single family home on the vacant lot. He stated he purchased the lot in the early 90's and was told by the building inspector that it was a buildable lot, he has attempted but has been unable to purchase other land to increase the size of the lot; and

WHEREAS, the Applicant presented Anthony Marucci as a professional engineer and Planner for the Applicant. Mr. Marucci described the property, the site plan and the surrounding areas. He explained the drainage and grading plans for the property. He testified that in his opinion the natural features ordinance does not apply to the property. He stated that the property fits in with the neighborhood and should be in the R-5 zone which is the character of the neighborhood. Further he stated a hardship exists for the owner due to the shape of the property and that a granting of the variances will not have a negative impact on the neighborhood; and

WHEREAS, Anthony Church the applicants Architect testified that the home is similar to other homes in the area and that letters were mailed in an attempt to purchase other land, however no responses were received. He stated that when built the home would contain about 2,944 square feet of living space; and

WHEREAS, neighbors Nick Recchia, Dan Scagliozi, Roger Watson, Jay Wood, John Marcantonio and Sophie Jones all objected to the project based on concerns over possible erosion and flooding; and

WHEREAS, the report of Susan Borg, Township Planning Director and the reports of Leonard Lepore, Municipal Engineer were considered; and

WHEREAS, the Board members questioned the various witnesses and the applicants attorney; and

WHEREAS, all of the facts and data contained in the submitted application and all the facts and testimonies adduced at the public hearing conducted on May20, 2004, July15, 2004 and January1, 2005, April21, 2005, June16, 2005 and July14, 2005 are incorporated herein as findings of fact of this Board as if set forth at length herein; and

WHEREAS, the Board having made the following specific findings of fact and conclusions:

A. The Applicant, Pompeo Cirelli, is the owner of the property located at 104 Winding Way, West Orange, NJ, being Block 46.01, Lot 33 on the Tax Maps of the Township of West Orange and located in the R-1 Zone.

B. The Applicant seeks eight "C" variances of which two are for side yard setback of 8'&10' instead of the required 22'&25', rear yard setback of 30'instead of the required 50', front yard setback 30' instead of the required 40', lot coverage of 45% instead of the required 30%, building lot coverage of 35% instead of the required 20%, lot coverage of 14,351 sq. ft. instead of the required 80,000 sq. ft. and lot width of 75.13' instead of the required 150' to construct a large single family home on a vacant undersized lot.

C. E. The granting of the variance will impair the general purposes of the Zoning Plan, Master Plan, or Zoning Ordinances of West Orange in that the 2004 Master Plan Re-Examination Report did not recommend this property for rezoning. This parcel of land has been purposely placed in the R-1 zone in order to preserve its steep ravine, sensitive woods and vulnerable terrain.

D. The purposes of the Municipal Land Use Law will not be advanced by the grant of the variance.

A motion to deny the Applicant's request for eight "C" variances of which two are for side yard setback of 8' & 10' instead of the required 22' & 25', rear yard setback of 30' instead of the required 50', front yard setback 30' instead of the required 40', lot coverage of 45% instead of the required 30%, building lot coverage of 35% instead of the required 20%, lot coverage of 14,351 sq. ft. instead of the required 80,000 sq. ft. and lot width of 75.13' instead of the required 150' to construct a large single family home on a vacant undersized lot was made by Alice Weiss and seconded by John McElroy and voted upon as follows:

AYES

Brunelle

McElroy

Spango

Flannery

Weiss

Ricci

NAYS

0

ABSTENTIONS

0

NOW THEREFORE, be it resolved that the Zoning Board of Adjustment of the Township of West Orange, based upon the Findings of Facts and Conclusions aforesaid, and upon the laws established in the State of New Jersey hereby denies the Applicant, Pompeo Cirelli eight "C" variances of which two are for side yard setback of 8' & 10' instead of the required 22' & 25', rear yard setback of 30' instead of the required 50', front yard setback 30' instead of the required 40', lot coverage of 45% instead of the required 30%, building lot coverage of 35% instead of the required 20%, lot coverage of 14,351 sq. ft. instead of the required 80,000 sq. ft. and lot width of 75.13' instead of the required 150' to construct a large single family home on a vacant undersized lot.

Moved By: Mr. Flannery

Seconded By: Mr. Brunelle

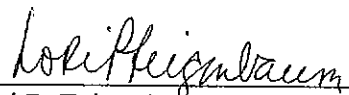
Those in Favor: 2

Those Opposed: 0

Abstentions: 0

I hereby certify that the foregoing Resolution was adopted by the Zoning Board of Adjustment of the Township of West Orange at its meeting of August 18, 2005 and that said Resolution memorializes the action of the Zoning Board taken at its meeting held on July 14, 2005, denying the application by a vote 2 in favor, 0 against.

August 18, 2005


Lori P. Feigenbaum, Board Secretary