ZONING BOARD OF ADJUSTMENT
MEETING AGENDA
July 20, 2016
Melissa Unrath, Board Secretary

Last minute agenda changes are on the calendar
http://www.denpillenj.org

FLAG SALUTE
NOTICE OF PUBLIC MEETING

ROLL CALL
☐ Brian Bergen, Vice Chairperson
☐ Adam Caravaglia
☐ Sally Dankos, Chairperson
☐ Tim Fisher
☐ Daniel Napolitano

 Professionals Present:
☐ Larry Wiener, Esq.,
☐ Jason Kasler, AICP, PP

☐ Ed Moroney, Alternate #1
☐ Harold Fahrer, Alternate #2
☐ James Rodimer
☐ Daniel Roman

MINUTES
March 30, 2016
April 20, 2016
May 4, 2016
May 18, 2016
June 1, 2016
June 15, 2016

(NO Vote: Bergen, Fisher, Fahrer)
(NO Vote: Caravaglia, Richter, Rodimer, Fahrer)
(NO Vote: Moroney)
(NO Vote: Rodimer, Roman, Dankos)
(NO Vote: Bergen, Roman, Moroney)
(NO Vote: Bergen, Rodimer, , Moroney, Fahrer)

PURCHASING
CORRESPONDENCE

RESOLUTIONS
BA 16-14: Chris Tartantino & Liana Iglesias
172 Morris Avenue
Block 60801, Lot 34

BA 16-15: Kevin Babilonia & Denise Oliveto
7 Highland Trail
Block 40801, Lot 360

BA 16-07: Brian & Kathy Blaber
126 Cedar Lake East
Block 60401, Lot 148

(P No Vote: Bergen, Rodimer, Moroney, Fahrer)
(P No Vote: Bergen, Caravaglia, Rodimer, Fahrer)
(P No Vote: Bergen, Rodimer, Moroney, Fahrer)

PUBLIC HEARINGS
BA 16-13: Vladimir & Shannon Penkrat
18 Basswood Drive
Block 50802, Lot 7

Applicant is seeking to construct an addition and portico requiring a variance for front yard setback in the R-1 zone.

OLD BUSINESS
NEW BUSINESS
ADJOURNMENT
Section I - General Information

To be completed for all applications.

1. Applicant: Vladimir & Shannon Penkrat  Phone # 973-886-5402
   Address: 18 Basswood Drive, Denville, NJ 07834  E-Mail: vladpenkrat@gmail.com

2. Owner: Vladimir & Shannon Penkrat  Phone # 973-886-5402
   Address: 18 Basswood Drive, Denville, NJ 07834

3. Interest of Applicant (if other than owner): N/A

4. Description of present use of the premises: residential

5. Present Lot Dimensions:
   - Lot Width: 298
   - Lot Depth: 177
   - Lot Area: 1.00
   - Lot Frontage: 175

6. Property & Building Information
   - Required Yard Setbacks:
     - Front: 50
     - Side: 30
     - Rear: 50
   - Existing Yard Setbacks:
     - Front: 52.4
     - Side: 54.4
     - Rear: 67
     (if applicable)
   - Proposed Yard Setbacks:
     - Front: 39.58
     - Side: 36.57
     - Rear: 59.8

   Existing Building: 16'10" Height (feet) 1 Height (stories) (if applicable)
   Proposed Building: 17'0" Height (feet) 1 Height (stories)

   Water Supply: X Public  _______ Private
   Sanitary Sewer Facilities: X Public  _______ Private

7. Are there any Deed restrictions and/or easements that apply (or proposed)? Yes X No
   If Yes, please provide 16 copies of all restrictions and/or easement to application.

8. Has there ever been any appeal, request or application made to this, or any other Township Board or the Building Dept. regarding this property? If yes, state the nature and disposition and attach 16 copies of all resolutions or letters.
   X Yes  _______ No
   Describe: See attached denial letter
Section II - Appeals

1. Name/position of Administrative Officer whose action you are appealing:

2. Date of action or notification by Administrative Officer.

3. Nature of request made of Administrative Officer.

4. Administrative Officer denied request because it violated the following section(s) of the Zoning Ordinance:

   Attach 18 copies of denial letter from Administrative Officer.

   State reasons why such decisions should be reversed or modified. (Use additional sheets if necessary)

Section III - Interpretation

1. State in detail what interpretation is sought for, or decision upon, citing sections of the Zoning ordinance as applicable:

2. State the decision or interpretation you seek:

3. State how such interpretation or decision affects the subject property:

4. Set forth or attach legal precedents, citations, or memorandum in support of your position:

   State reasons why such decisions should be reversed or modified. (Use additional sheets if necessary)

Section IV - Variances & Waivers

1. State specific sections of the zoning regulations for which variance or relief is sought.

   Front yard setback of 50' required seeking variance to allow setback of 39.58'.

2. What characteristic of the subject property make it peculiar or unusual when compared to other properties within the neighborhood in the same zone.

   odd pie shaped large 1 acre lot at the end of a cul de sac. House is on raised ground above the plane of the road

3. State what efforts have been made to obtain the result you ultimately wish to accomplish without violating the Zoning Ordinance (i.e. relocation of planned construction, purchase of adjoining lands, etc.).

   The current layout of the home would make it difficult to place a bedroom anywhere else as the existing bedrooms are on the same side and on the main floor. A deck exists on the other side of the house.

4. State any other reasons you have which may justify the Board's approval of your application.

   The house is on a dead end street and elevated on raised ground. The addition would not obstruct visibility. There is no side walk and minimal vehicular traffic as there is no outlet. There will not be any impact to pedestrians.
5. If applicable, list of waivers and exceptions being requested (refer to applicable Ordinance sections).

Article 19 section 5.1105

(For use "d" variance applications only, complete items 6 & 7):

6. State why the subject premises is particularly suited for the use sought as opposed to the use for which it is zoned.

7. State in what respects the proposed use advances the goals of zoning without substantial detriment to the public good or impairment to the zone plan and ordinance.

Section V - Concept, Sketch & Minor Subdivisions

1. Does property front on an approved public street?  _____ Yes  _____ No

2. Present Lot Dimensions:  _______ Lot Width  _______ Lot Depth  _______ Lot Area

3. Purpose of Subdivision:
   _____ Sell Lots Only  _____ Construct House(s) for Sale  _____ Other  Specify ________________________

4. Has the Plan been approved by the Health Dept?  _____ Yes  _____ No  Date of Approval __________________

5. Is any portion of the subdivision situated within a Flood Hazard Area?  _____ Yes  _____ No

   Are approvals or permits required from any outside reviewing agency?  _____ Yes  _____ No

   If Yes, which agency(ies): ____________________ Have they been obtained?  _____ Yes  _____ No

   If Yes, please provide 18 copies of approval.

6. Manner in which applicant will be satisfying the affordable housing obligation created by the development proposed.

Section VI - Preliminary Major Subdivision

1. Present Lot Dimensions:          _______ Lot Width  _______ Lot Depth  _______ Lot (Tract) Area

2. Cluster Option?  _____ Yes  _____ No  Cluster Option w/Open Space Zoning?  _____ Yes  _____ No

3. Number of Lots Proposed:  _____ Acreage to be dedicated to Township:  __________________

   Percent of impervious coverage of entire tract:

4. Purpose of Subdivision:
   _____ Sell Lots Only  _____ Construct House(s) for Sale  _____ Other  Specify ________________________

5. Has the Plan been approved by the Health Dept?  _____ Yes  _____ No  Date of Approval __________________

6. Is any portion of the subdivision situated within a Flood Hazard Area?  _____ Yes  _____ No

   Are approvals or permits required from any outside reviewing agency?  _____ Yes  _____ No

   If Yes, which agency(ies): ____________________ Have they been obtained?  _____ Yes  _____ No

   If Yes, please provide 18 copies of approval.

7. Manner in which applicant will be satisfying the affordable housing obligation created by the development proposed.
### Section VII - Final Major Subdivision

1. **Present Lot Dimensions:**
   - Lot Width: 
   - Lot Depth: 
   - Lot (Tract) Area: 

2. **Cluster Option?**
   - Yes: 
   - No: 

3. **Building Dimensions:**
   - Lot Width: 
   - Lot Depth: 
   - Lot Area: 

4. **Sprinkler System to be Installed?**
   - Yes: 
   - No: 

5. **Is any portion of the property situated within a Flood Hazard Area?**
   - Yes: 
   - No: 

6. **Number of Lots Proposed:**
   - Total Lot Acreage: 
   - Linear feet of new streets: 

7. **Acreage to be dedicated to Township:**

8. **Preliminary Subdivision approval was granted on:**
   - Application #: 

9. **Number of Employees:**
   - Existing: 
   - Proposed: 

10. **Final Plat conforms exactly with the approved Preliminary Plan.**
    - Yes: 
    - No: 

11. **Have Township Engineer and Township Attorney approved the necessary Performance and Maintenance Guarantees?**
    - Yes: 
    - No: 

### Section VIII - Concept & Preliminary Site Plan

1. **Does property front on an approved public street?**
   - Yes: 
   - No: 

2. **Present Lot Dimensions:**
   - Lot Width: 
   - Lot Depth: 
   - Lot Area: 

3. **Building Dimensions:**
   - Size (sq. ft.) of Existing Building: 
   - Size (sq. ft.) of Proposed Addition: 

4. **Sprinkler System to be Installed?**
   - Yes: 
   - No: 

5. **Is any portion of the property situated within a Flood Hazard Area?**
   - Yes: 
   - No: 

6. **Are approvals or permits required from any outside reviewing agency?**
   - Yes: 
   - No: 

7. **Number of Employees:**
   - Existing: 
   - Proposed: 

### Section IX - Final Site Plan

1. **Preliminary Site Plan approval was granted on:**
   - Application #: 

2. **Present Lot Dimensions:**
   - Lot Width: 
   - Lot Depth: 
   - Lot Area: 

3. **Building Dimensions:**
   - Size (sq. ft.) of Existing Building: 
   - Size (sq. ft.) of Proposed Addition: 

4. **Sprinkler System to be Installed?**
   - Yes: 
   - No: 

5. **Is any portion of the property situated within a Flood Hazard Area?**
   - Yes: 
   - No: 

6. **Are approvals or permits required from any outside reviewing agency?**
   - Yes: 
   - No: 

7. **Final Plan conforms exactly with the approved Preliminary Plan.**
   - Yes: 
   - No: 

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- 4 of 6 -
Effective: 06/28/08
Section X - Ownership & Professionals

1. Ownership Disclosure. Pursuant to N.J.S.A. 40:55D-48.1, the names and address of all persons owning 10% of the stock in a corporate applicant or 10% Interest in any partnership or other legal entity, applicant must be disclosed. In accordance with N.J.S.A. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% Interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed.

** Attach list if additional space is needed **

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<thead>
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<th>Name</th>
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2. Applicant's Attorney, if represented by attorney.

Name ___________________________ Phone # _______________________
Address __________________________
E-Mail: ___________________________

3. Applicant's Engineer or Surveyor preparing plan.

Name ___________________________ Phone # _______________________
Address __________________________ License # _________________

4. Other experts who will submit a report or who will testify for the Applicant:

Name ___________________________
Profession _______________________
Address __________________________
Phone # __________________________

Name ___________________________
Profession _______________________
Address __________________________
Phone # __________________________

Name ___________________________
Profession _______________________
Address __________________________
Phone # __________________________
Section XI - Certifications & Directions

1. I certify that the foregoing statement and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant, or a general partner, or member, or representative of the legal entity applicant, and that I am authorized to sign the application for the Corporation, partnership, or other legal entity. (If the applicant is a corporation this must be signed by an authorized corporate officer. If applicant is a partnership, this must be signed by a general partner. If the applicant is another legal entity, this must be signed by an authorized member or representative.)

Signature of Applicant: ___________________________ Print Name of Applicant: Vladimir Penkrat Date: 11May2016

2. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant. (If the owner is a corporation this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner. If the applicant is another legal entity, this must be signed by an authorized member or representative.)

Signature of Owner: ___________________________ Print Name of Owner: Vladimir Penkrat Date: 11May2016

3. I, (We) hereby agree to permit members of the Denville Township Planning Board/Board of Adjustment/Township Officials and Professional Consultants to make an on-site inspection of the subject property in conjunction with the above referenced application.

Signature of Applicant: ___________________________ Print Name of Applicant: Vladimir Penkrat Date: 11May2016

FOR APPLICATIONS REQUIRING ESCROW DEPOSIT:

4. I understand that the sum of $500 has been deposited in an escrow account (Applicant's Trust Account). In accordance with the Ordinances of the Township of Denville, I further understand that the escrow account is established to cover the cost of professional services including planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the application process shall be returned upon written request by the applicant. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

Signature of Applicant: ___________________________ Print Name of Applicant: Vladimir Penkrat Date: 11May2016

5. DIRECTIONS: Please provide directions to subject property: From Town Hall - Route 46 East turn Left at Lakewood Drive (Casa Bella) into Lake Arrowhead. Follow main lake clockwise and after 1/2 mile continue left on Lakewood Drive (away from Ridgewood Parkway). Continue 1/10 mile to split and stay left onto Basswood Drive (dead end street).

Nearest Intersecting Street: Basswood Drive & Lakewood Drive

*** SUBMIT AN ORIGINAL & 17 COPIES (18 TOTAL) OF THE APPLICABLE APPLICATION PAGES ***
WITH 18 COPIES OF ALL SUPPORTING DOCUMENTATION (I.E. SURVEY, PLANS, ETC.).
DENVER TOWNSHIP OF DENVER

LETTER OF DENIAL

Date: 03/23/2016
Re: Application#: 721

To:
PENKRA T, VLADIMIR/SHANNON SEASTED-
18 BASSWOOD DR
DENVER NJ 07834

Your application for a permit to:
CONSTRUCT ADDITION AND PORTICO · R-1 ZONE

on the property at 18 BASSWOOD DR, DENVER Block: 50902 Lot: 7
has been denied for noncompliance with provisions of Article(s): 19 Sections:5.1105 of the Municipal Zoning Ordinance for the following reasons:
19-5.1105 Required Conditions in the R-1 Zone.
The following requirements must be complied with in the R-1 Residence District:

b. Yards. There shall be a front yard of not less than fifty (50') feet, a rear yard of at least fifty (50') feet and side yards of at least thirty (30') feet each.

Front yard setback of 50 feet required 45 feet proposed

MAY NEED NJ DEP APPROVAL

A permit for this work cannot be issued unless a "C" or "D" variance has been granted by the Board of Adjustment. Please contact the Board Secretary at planning@denville.new or call extension 246 to get the application and instructions.

Please Note: Your application for a building permit will not be processed until a copy of the memorialized resolution has been received in this office.

Denied by: Sal Poli

Zoning Official

CC: Secretary, Board of Adjustment