TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
MINUTES
April 2, 2008

The Board of Adjustment of the Township of Denville held its regular scheduled meeting on Wednesday, April 2, 2008. The meeting was held in the Municipal Building, 1 St. Mary’s Place and commenced at 7:00 P.M. Chairperson Arthur Korn presided.

Secretary Bowditch read NOTICE OF PUBLIC MEETING.

ROLL CALL:
Present: Arthur Korn, Roger Spiess, James Rodimer, Kevin Scollans, John Murphy, Mark Wilson, Frank Passucci
Absent: Sally Dankos, Nick Saccamano
Late: John Murphy, Frank Passucci
Prof. Present: Larry Wiener, Esq.

MINUTES:
February 20, 2008
Motion to adopt the minutes as submitted was made by Mbr. Scollans, seconded by Mbr. Rodimer and unanimously approved by all Members present and able to vote.

March 5, 2008
Motion to adopt the minutes as submitted was made by Mbr. Rodimer, seconded by Mbr. Scollans and unanimously approved by all Members present and able to vote.

PURCHASING:
Motion to pay vouchers submitted by Wiener & McMahon, dated March 25, 2008, subject to the availability of funds, was made by Mbr. Scollans, seconded by Mbr. Wilson and unanimously approved by all Members present.

DISCUSSION:
Mr. Wiener reviewed the letter sent to the Board regarding the Yuliano application.

RESOLUTIONS:
BA 07-45: Rene & Melanie Havekes
Block 51006, Lot 38
96 Lakewood Drive
Motion to adopt the memorializing resolution for the above-mentioned property was made by Mbr. Scollans and seconded by Mbr. Rodimer.
Roll Call: Ayes – Scollans, Spiess, Korn

PUBLIC HEARINGS
ABA 07-44: Daniel & Lori Stires
Block 61702, Lot 9
10 Spear Lane
Lori Stires & Daniel Stires (both of 10 Spear Lane) were present and sworn in.

Mbr. Murphy arrived and was deemed eligible to vote, as no testimony had yet been presented.

Ms. Stires read a prepared statement explaining they are proposing to construct an addition and are requesting front, rear and side yard setbacks. The existing house is very small and does not have storage space. There is 720 sf of living space on the first floor, 364 sf of living space on the second floor and a 384 sf garage that is old and has flooding problems. They could not build to the rear of the house because it would limit the amount of yard area they would have. They are proposing to add 227 sf to the first floor and 739 sf to the second floor and would be less than the height limitations. The addition would have a new two-car garage while the existing garage would become a studio and be attached to the house by a breezeway. Ms. Stires believed the new addition would be keeping with the neighborhood characteristic.

Mr. Wiener confirmed the existing house is 1084 sf and they are proposing to add approximately 966 sf. The new house would have three bedrooms, 2 ½ bathrooms and a two-car garage. He confirmed the front yard setback is essentially an existing condition, the lot is irregular in shape and the side yard setback of the house would not be changing. Ms. Stires explained a variance is
required because they would be making the existing detached garage, which violates the setbacks, part of the principal structure.

Mbr. Spiess confirmed the property is connected to sewers and then asked about the proposed studio. Ms. Stires explained they both have musical equipment that would be kept in there.

Mbr. Passucci arrived. He was not eligible to vote on this application.

Mbr. Spiess confirmed the studio would have electricity and heat, but no water. He was concerned with the proposed mass of the structure and believed there were no other homes in the neighborhood of a similar size.

Mbr. Wilson was also concerned with the proposed mass, but did not believe the proposed living area would be overly large. He believed there was a mix of house sizes in the area.

Mbr. Passucci questioned why the existing garage would become living space, which was reviewed for him.

Mbr. Murphy had no issues with the proposed studio, but asked about the optional overhang for the front door. It was discussed that the overhang would be 36 inches and used for a shelter over the front door only. Mbr. Murphy was concerned that the requested front yard setback did not take the overhang into account and asked that it be added to the requested setback. He believed the proposed house would be similar to those in the neighborhood.

Mbr. Scollans liked the proposed front overhang and asked that the setback account for it. He was concerned the proposed studio would flood. Ms. Stires explained why she believed the existing garage floods and the changes that would be made to the structure. Mbr. Scollans liked the plans and confirmed one tree would be removed.

Mbr. Rodimer liked the plans and believed it fit with the neighborhood.

Chr. Korn asked about the proposed breezeway. It was discussed the breezeway would be an enclosed passageway, approximately 8’2” deep by 10’ wide, used to get to the studio. It would not be heated. Chr. Korn confirmed there would be two entrances to the studio. He then asked why the proposed garage was 18 inches closer to the street. Ms. Stires explained that was done for aesthetic purposes so the house did not have a large flat front. Chr. Korn asked if the applicant would be against moving the proposed garage back so that it would not be closer than the existing house. He did not believe there was a hardship to have the garage placed closer to the street. The applicant agreed they would move the garage back from the street to be either behind or even with the existing house. Mr. Wiener stated an approval, if granted, could reflect the garage be no closer to the road than the existing structure.

Mbr. Spiess asked how the flooding problem would be addressed. Ms. Stires confirmed there were no water problems in the existing house. Mbr. Spiess was concerned with the proposed increase in impervious coverage.

Mr. Wiener suggested that if this application was approved, there could be a condition that the Township Engineer reviews the runoff. This application was opened to the public.

Todd Moffett and June Moffett (both of 292 Morris Avenue) were present. Mr. Moffett stated he liked the proposed addition, but was concerned with the drainage. Mr. Wiener explained if approved, the Township Engineer would review the drainage. Ms. Moffett was concerned because the water table in the area was only 3 feet.

This application was closed.

Mbr. Rodimer liked the application as proposed, but had no problem with moving the garage further back.

Mbr. Scollans agreed.

Mbr. Spiess did not like the application, believing there would be too much impervious coverage and too much mass.

Mbr. Wilson agreed with Mbr. Rodimer and Mbr. Scollans.

Chr. Korn like the application with the garage placed further back. He explained there are no Floor Area Ratio restrictions for residential areas.

A motion to approve this application, with the conditions the garage is placed no closer than the existing house, the 36” front overhang is allowed and the Township Engineer would review the drainage, was made by Mbr. Rodimer and seconded by Mbr. Murphy.

Roll Call:  Ayes – Rodimer, Murphy, Korn, Scollans, Wilson  
Nays – Spiess
BA 08-05: Salvatore Merenda  
Block 31206; Lot 30  
27 Memory Lane  
Salvatore Merenda (27 Memory Lane) was present and sworn in. He is proposing to construct a garage addition and is requesting a front yard setback variance. He explained he no longer is requesting a variance for a new deck. The proposed one-car garage would be 14’ x 24’ and would be placed in what he believed was only practical area on the lot.  
Mbr. Murphy asked if the proposed garage would be closer to Memory Lane than the house next door. Mr. Merenda believed it would be approximately 3 to 4 feet closer. Mbr. Murphy was concerned about this because he believed it would be too close.  
Mbr. Scollans believed a 24-foot long garage was too deep, as a typical garage is 20 feet long. Mr. Merenda was proposing the extended garage in order to have extra storage space.  
Mbr. Rodimer was also concerned the garage would be too close to Memory Lane and not fit with the neighborhood.  
Mbr. Spiess asked if a smaller garage was an option, as he believed it would fit better with the neighborhood. Mr. Merenda agreed to a 20-foot long garage.  
Mbr. Wilson had similar concerns and agreed that the garage should be placed 4 feet further back from Memory Lane to be more consistent with the neighborhood.  
Mbr. Passucci agreed with the other Members.  
Chr. Korn also liked the 20-foot long garage better. He asked what was the side yard requirement in the R3 zone. There was a discussion about the side yard setback and the proposed width of the garage. It was determined that the 14-foot wide garage was adequate and acceptable.  
This application was open to the public, seeing no one, was closed.  
A motion to approve this application with the condition there be a 20-foot front yard setback was made by Mbr. Spiess and seconded by Mbr. Wilson.  
Roll Call: Ayes – Spiess, Wilson, Korn, Rodimer, Scollans, Murphy, Passucci  

BA 08-07: Robert Donaldson  
Block 61001, Lot 460  
86 Hillcrest Drive  
Robert Donaldson (138 Hillcrest Drive) was present and sworn in. He is proposing to construct a deck onto the house located at 86 Hillcrest Drive and is requesting variances from the side and front yard setback requirements. He explained the proposed location was the best place to put the deck, which he believed would enhance the property. The lot is undersized for the zone and it was difficult to comply with the required setbacks.  
For the record, Chr. Korn stated he is a member of the Denville Historical Society along with Mr. Donaldson. He believed he would be able to be impartial and would not have to recuse himself from hearing this application.  
Mbr. Spiess liked the application and believed it would fit with the neighborhood characteristic. Mbr. Wilson and Mbr. Passucci agreed.  
Mbr. Murphy asked what floor level would the deck be built? Mr. Donaldson stated the deck would have two levels, one off the basement and one off the first floor. He confirmed there would not be a deck on the uppermost floor.  
Mbr. Scollans liked the application, as did Mbr. Rodimer.  
Chr. Korn confirmed again there would not be a deck on the upper floor.  
This application was open to the public, seeing no one, was closed.  
A motion to approve this application was made by Mbr. Spiess and seconded by Mbr. Scollans.  
Roll Call: Ayes – Spiess, Scollans, Korn, Rodimer, Murphy, Wilson, Passucci  

BA 08-08: Kevin & Michelle McGlynn  
Block 40812, Lot 565  
38 Longview Trail East  
Michelle McGlynn and Kevin McGlynn (both of 38 Longview Trail East) were present and sworn in. Ms. McGlynn stated the addition has already been constructed. She explained the original plans had the addition complying with the setbacks, but when the addition was actually constructed, the contractor had built it within the side yard setback. The Township noticed the error when the final survey was submitted, at which time they requested the variance. Ms. McGlynn confirmed they are requesting a 4.2’ side yard setback to the house and a 3.8’ side yard
setback to the deck, where 6.4’ is required. It was their belief it would be impractical to remove the area of the addition that was within the setback.

Mr. Wiener confirmed the lot is on a cul-de-sac and irregular in shape. He asked how far away is the neighbor’s house next to the addition. Mr. and Ms. McGlynn believed it was approximately 10-15 feet from the side property line to the neighboring house.

Mbr. Spiess was convinced by the testimony given that this was an accident.

Mbr. Wilson had no issue with this application.

Mbr. Passucci agreed with Mbr. Spiess.

Mbr. Murphy was concerned the Township did not find the problem earlier. Mr. and Ms. McGlynn confirmed the proper Township permits and approvals were received prior to submitting the final survey.

Mbr. Scollans confirmed the front steps would be finished.

Mbr. Rodimer liked the house.

Chr. Korn also liked the house and asked what the size of the house was, which the answer was approximately 3800 sf.

This application was opened to the public, seeing no one, was closed.

A motion to approve this application was made by Mbr. Spiess and seconded by Mbr. Rodimer.

Roll Call: Ayes – Spiess, Rodimer, Korn, Scollans, Murphy, Wilson, Passucci

OLD BUSINESS:

It was discussed to have Mr. Wiener draft a letter to the attorney for the Bednarz application, explaining their application will be scheduled for public hearing on June 18, 2008. The application will have to be complete and ready to be heard or it will be dismissed at that time.

A motion to have Mr. Wiener send this letter was made by Mbr. Spiess and seconded by Mbr. Murphy.

Roll Call: Ayes – Spiess, Murphy, Korn, Rodimer, Scollans, Wilson, Passucci

NEW BUSINESS:

Mbr. Murphy asked if 31 Hillcrest Drive had a Certificate of Occupancy, as there is a FOR RENT sign in front, but the parking deck was not built. Mr. Wiener suggested that Mr. Denzler be advised to look into it.

The 2007 annual report was distributed in the agenda packets. The resolution for adoption will be done at the next meeting, so if there are any issues that the Board would like to add, please advised either Mr. Denzler or Secretary Bowditch.

ADJOURNMENT: Motion to adjourn.

Kathryn Bowditch, Administrative Secretary

Date Approved