February 4, 2009

The Board of Adjustment of the Township of Denville held its regular scheduled meeting on Wednesday, February 4, 2009. The meeting was held in the Municipal Building, 1 St. Mary's Place and commenced at 7:00 P.M. Chairperson James Rodimer presided.

Secretary Probasco read NOTICE OF PUBLIC MEETING.

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

MINUTES:

January 21, 2009
Motion to adopt the minutes as submitted was made by Mbr. Scollans, seconded by Mbr. Murphy and unanimously approved by all Members present and able to vote.

PURCHASING:

Motion to pay voucher(s) submitted by Weiner & McMahon dated January 27, 2009, subject to the availability of funds, was made by Mbr. Scollans, seconded by Mbr. Korn and unanimously approved by all Members present.

PUBLIC HEARINGS:

BA 08-37: Peter & Jennifer Fox
Block 40904, Lot 1657
43 Indian Spring Trail

(Carried from 01/07/09)

Jennifer L. Fox (43 Indian Spring Trail) was present and sworn in along with their contractor Robert Gartert (23 Indian Spring Trail). Applicant is proposing to construct an addition requiring “C” variance relief of 10’ for front yard setback. Applicant proposes a one story single car garage in the front yard for a vehicle and storage.

Chr. Rodimer opened to the application to the professionals.

Nick Rosania, Township Engineer stated that the garage is small 16’x 24’ and there is no other location on the lot to place the garage. Based upon the sight distance and other neighborhood front yard garages it is a modest proposal.

Chr. Rodimer opened to the application to the board members.

Mbr. Spiess stated that a front yard garage would be in character with the neighborhood and had no further comments or questions.

Mbr. Wilson agreed with the Township Engineer and voiced no concerns.

Mbr. Saccamano agreed with colleagues and had no questions.

Mbr. Korn inquired about the distance of garage from pavement from the street. Ms. Fox indicated there is 20’ from the closest part of the garage to the street. There is enough room for a car to be parked in front of the garage. Drawing of 24’x16’ versus architectural drawing reflects 23’x15’. Ms. Fox responded the difference was interior and exterior dimensions.

Mbr. Murphy had no further questions but commented on the comment from the police department regarding a dumpster. Applicant confirmed to keeping the roadway clear as a condition of approval.

Mbr. Dankos and Scollans had no comments.

Chr. Rodimer inquired if there was septic or sewer for the slop sink in the garage. Ms. Fox indicated that it was sewer.

Chr. Rodimer opened to the public portion of the meeting.
Barbara DePalma (37 Indian Spring Trail) was present and sworn in. Ms. DePalma was a notified property owner and indicated that they had no problem with the proposed addition. Ms. DePalma further stated that the changes would have a positive effect on the neighborhood and that the applicant was welcome to park a dumpster in front of the boat on their property.

Chr. Rodimer saw no further members of the public and closed the public portion.

Mbr. Spiess made a motion to approve this application with the condition that the road way remain clear of debris, dumpsters and construction equipment. Mbr. Scollans seconded the motion and the application was unanimously approved by all voting Members.

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

BA 08-40: Jeffrey T. Barnish (Carried from 01/07/09)
Block 50403, Lot 8
20 Edgewood Road

Jeffrey T. Barnish (20 Edgewood Road) was present and sworn in. Applicant is proposing to construct an addition requiring “C” variance relief for rear yard setback and distance from accessory structure. Mr. Barnish testified that he and his spouse would like to expand their home that was originally built in the 1920’s. The addition would allow for an expansion of the first floor kitchen and creation of a 2nd floor master bedroom and bath.

Chr. Rodimer opened the application to the professionals.

Nick Rosania, Township Engineer stated that the variance 33.5’ rear yard setback is sought where 35’ is required with a deck at 23’. The cantilever overhang on the 2nd floor would only be 4’ from accessory structure where the foundation would be 6.3’. The overhang is de minimus in nature and there are no engineering concerns.

Chr. Rodimer opened to the application to the board members.

Mbr. Spiess stated the plan looked good and had no questions.
Mbrs. Wilson and Saccamano agreed with Mbr. Spiess and had no comments.
Mbr. Korn inquired about the outside cantilever height and lighting type. Mr. Barnish indicated that approximate height would be 8’ and high enough to walk under. Only residential lighting without flood lights would be used.
Mbr. Murphy stated he liked the plan and his questions had already been answered
Mbr. Dankos stated the plan was nice.
Mbr. Scollans agreed that the plan would be an improvement.

Larry Wiener, Esq. stated for the record that the property was in an R-4 zone and inquired if the home was to remain a two-family dwelling. Mr. Rosania confirmed that the home was an existing non-conforming two family dwelling. The applicant stated that the home was to become a single family dwelling.

Chr. Rodimer opened the public portion and seeing no one, closed the public portion.

A motion to approve this application was made by Mbr. Spiess and seconded by Mbr. Dankos and unanimously approved by all voting Members.

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

BA 08-38: David & Deborah Hopkins (Carried from 01/07/09)
Block 41002, Lot 39
56 North Shore Road

David and Deborah A. Hopkins (56 North Shore Road) were present and sworn under oath. Mr. Hopkins testified that their residence has two front yards and they require “C” variance relief for accessory buildings in the front yard. Applicant proposes to build one shed 6’ x 16’ dimensions to replace two small sheds that currently exist. The applicant testified that it would look better than what exists and would provide storage since they have a tiny basement and no garage or attic.

Applicant stated that there would be no exits to the street or electric. There will be one door facing the applicant’s home and a double door facing the applicant’s driveway.

Chr. Rodimer opened to the application to the professionals.

Nick Rosania, Township Engineer stated that it is a hardship to a home with double frontage. In response to Mr. Rosania’s inquiry the applicant stated that the shrubs would remain.

Chr. Rodimer opened to the application to the board members.

Mbr. Spiess inquired about the 8’ height of the shed and the height of the shrubs. Mr. Hopkins indicated that the 8’ was at the peak and that the bushes were recently trimmed back.
Mbr. Wilson inquired about the existing footprint and suggested it would be good to let the bushes grow to cover the roof peak. Mr. Hopkins indicated that the two sheds are each 5’x5’ and close to the proposed footprint.
Mbr. Saccamano had no comments and thought it was a good idea.
Mbr. Korn inquired if the home was a single family, inquired about lighting, distance from the road and foundation requirements. Mr. Hopkins confirmed that their home was a single family residence and that the shed would have no lighting. Mr. Rosania indicated that the shed was 8' to the paved road and the construction department would ensure the necessary foundation requirements. The applicant agreed to comply with the necessary construction requirements. Mbr. Murphy commented that he liked the plan.

Mbr. Dankos stated that the plan was great. Mbr. Scollans inquired if the shed would be on a slab and if the sheds would be disposed of. Mrs. Hopkins indicated that the shed would be built on wood on top of a rock foundation. Mr. Hopkins confirmed that they would be removing the two plastic sheds.

Chr. Rodimer opened the public portion and seeing no one, closed the public portion.

A motion to approve this application was made by Mbr. Spiess and seconded by Mbr. Dankos and unanimously approved by all voting Members.

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

OLD BUSINESS

Mbr. Murphy inquired if there was any further discussion on creating a Land Use Board. Nick Rosania, P.E. indicated that it was still in the fact finding stages and that the Mayor has everyone’s feedback.

ADJOURNMENT: Motion to adjourn.

Denean Probasco, Board Secretary Date Approved