TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
MINUTES

March 18, 2009

The Board of Adjustment of the Township of Denville held its regular scheduled meeting on
Wednesday, March 18, 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: James Rodimer, Roger Spiess, Nick Saccamano, Arthur Korn, Kevin
Scollans, Sally Dankos, Frank Passucci
Absent: Mark Wilson, John Murphy
Prof. Present: Larry Weiner, Esq., Nicholas Rosania, P.E., William Denzler, PP

MINUTES:
February 18, 2009
Motion to adopt the minutes as submitted was made by Mbr. Korn, seconded by Mbr. Scollans
and unanimously approved by all Members present and able to vote.
March 4, 2009
Motion to adopt the minutes as submitted was made by Mbr. Korn, seconded by Mbr. Scollans
and unanimously approved by all Members present and able to vote.

PURCHASING:
Motion to pay voucher(s) submitted by William Denzler and Associates dated March 2, 2009,
subject to the availability of funds, was made by Mbr. Korn, seconded by Mbr. Scollans and
unanimously approved by all Members present.

PUBLIC HEARINGS:
BA 08-27: Thomas Carlyon
Block 60903, Lot 8
17 Hardman Terrace
Michael J. Rowland, Esq. represented the applicant Thomas Carlyon. Applicant proposes to
construct a deck and addition requiring “C” variance relief for front and side yard setbacks. Mr.
Rowland testified that there was already a merger of lots resulting in a single Lot 8.01 and no
other property abutted or contiguous. Lot 42 has not yet been merged but would be a condition
of approval, such the app be approved.

Paul Tiojloff (360 Hawkins Place, Boonton) Architect for the applicant was present and sworn in.
Mr. Tiojloff was accepted as a professional witness and provided an overview of the existing
home and property. The existing property rises to the rear with retaining wall and there is gravel
between retaining wall and the dwelling. Applicant proposes to use the existing retaining wall as
a foundation for a deck, 17’ x 24’ garage and a new entrance way that will face the street instead
of the existing front door that faces the side yard.

Applicant is requesting variances for a 75’ front yard setback where 100’ is required and 11’ and
25’ side yard setbacks where 50’ is required. The rear yard setback of 100’ will remain
unchanged. A copy of the tax map with R-1B and R2 zones was shown (Exhibit A-1) to depict
that Hardman Terrace is divided between the two zones. Six photos of neighboring homes on
Hardman Terrace were shown to depict that all have garages and all but one of the homes have
two car garages. The proposed 10’ would total 40’ being the largest distance between of all the
properties on Hardman Terrace.

The side yard cannot be addressed and there is no way to develop the property without the
requested variance for side yard setback. The front yard setback it is a pre-existing non-
conforming use.

Chr. Rodimer opened the application to the professionals.

Nick Rosania, Township Engineer indicated that there were no engineering problems with the
deck or garage in that area and that he would defer to Mr. Denzler.

Bill Denzler, Township Planner stated the application was a standard “C” hardship variance in an
existing non-conforming location and that improvements were consistent with those in the
neighborhood.

Chr. Rodimer opened to the board.
Mbr. Spiess concurred and inquired about proposed dry wells for the garage leaders. Applicant agreed that the requested seepage pit would be added as a condition of approval for the increase in impervious coverage.

Mbr. Saccamano had none.

Mbr. Korn inquired about the dimensions of garage being larger than a standard garage and Applicant responded that the size was useful to include opening doors inside the garage and having an extra 5’ for bikes and lawn mowers. The retaining wall will be 5’ in height and tapering down and does not require any fences.

Mbr. Passucci inquired about a stairwell coming from the deck. Applicant responded no.

Mbr. Dankos had no questions and commented that it was a nice plan.

Mbr. Scollans inquired about a protective railing on rear wall. Applicant responded that railings were only required over 4’ but that it could be addressed.

Chr. Rodimer opened to comments and questions from the public. Seeing no one, Chr. Rodimer closed the public portion of the meeting.

Mbr. Spiess had one additional question regarding extending the pavers and walking under the deck. TJ Carlyon responded that there would be a full 7-8’ under the deck.

Mbr. Spiess made a motion to approve this application with the condition that Lots 8, 35 and 42 be under common ownership, that a safety railing be installed on the 5’ wall underneath the deck and that there be a dry well for the roof leaders. Mbr. Dankos seconded the motion and the application was unanimously approved by all voting Members.

Roll Call: Ayes – Spiess, Dankos, Korn, Scollans, Saccamano, Passucci, Rodimer

BA/SS 08-06: Mahoney
Block 60207, Lots 313 & 314 Rockaway Avenue
Remo Caputo, Esq. (One Broadway, Suite 201) represented both applicants for similar applications. Proposing to construct (2) new homes on individual vacant lots and seeking variance relief for rear yard setbacks, steep slopes disturbance and a waiver has been requested for site improvement standards. Mr. Caputo provided a recap from the last meeting regarding sight distance requirements that could not be met and road width requirements. Steve Smith had met with the Township Engineer to discuss the road width requirements. Mr. Smith will provide an overview of the proposed revisions to satisfy the board.

Steven Ira Smith, PP of Jaman Engineering Associates (320 Route 10 West, Randolph) was previously sworn and remains under oath. In response to the boards request for additional locations, Mr. Smith provided an aerial photograph (Exhibit A-6) of the area with a transparent overlay to depict the proposed dwellings on Rockaway Avenue. The location of the project has been shifted in an easterly direction, (Exhibit A-7) showing the existing dwellings and driveways. The existing dwelling are highlighted in blue, proposed buildings outlined in blue, existing driveways highlighted in yellow and proposed driveways outlined in yellow. The pink in front is the proposed construct and k-turnaround for emergency vehicles and sanitation. The existing pavement is highlighted in orange. Exhibit A-8 has been modified to show an alternate profile.

Additional sheet was a cross-section sheet showing the proposed grade and widening of Rockaway Avenue to a proposed 15’ for a 20’ road in front of the property that tapers down to 15’ and a reconstruction of a 15’ width out to Oak Avenue. Currently varying in width from 10-15’. No curbing due to issues for grading.

The Riparian buffer did not exist in 2004 and this project was designed form and is grandfathered to a 50’ riparian buffer. The applicant agreed that the DEP paperwork to this effect would be provided as a condition of approval.

Profiles to meet ASHTO standards, yellow shows existing profile, blue shows the proposed profile. Based upon a 25 mph of residential zones this profile does not comply as it only supports 18-19 mph range. To comply a profile in pink needed be created, sag and crest needed to be removed. Based upon topographical constraints not buildable. Falls at the location of the existing house on Lot 285, calling for a 1.5’ retaining wall that would be 7’ from the house. Raising it to a 12’ high wall would become undesirable.

Applicant addressed comments from the police and fire departments and the proposed 20’ roadway will exceed the 18’ they recommended. A 15’ width provides adequate access for an emergency vehicle. A typical parking space is 10’. Chr. Rodimer inquired if widening was part of the original plan and Steve Smith testified that the area proposed to be widened was included in the application for the EPA.

Proposed improvements include a widening of 15’ from Oak Avenue to beginning of applicant’s property. A 20’ wide pavement in front of subject property. Extending water main with fire hydrant at end. Sanitary sewer force main to be installed in Rockaway Avenue to tie-in to existing
manhole opposite Lot 322 with a low pressure force main to allow others to hook-in with their own low pressure force main. K-turn between Lots 305, 314 and 315, 15"in width and 40’ in depth since a cul-de-sac will not fit. The K-turn to be a part of the two lots and cross-easement for access to utility trucks. Storm drainage to be installed opposite the driveway of lot 285 over dry wells. Each of the proposed dwellings will have dry wells as well. A minimum of steep slopes and could not be constructed without the variance.

Chr. Rodimer opened the hearing to the professionals.

Nick Rosania, Township Engineer commented that the applicant has done fairly well considering the constraints of the property. The proposed provides reasonable RSIS standards to address the main issues of the road. There are steps and retaining walls. There are similarities to other projects such as Bundt St. and Hussa Place and are reasonable in nature. He mentioned Sag curves vs. Crest curves but lighting was not discussed. No problem with width as shown. Suitable signage for no parking to be included. Drainage been designed to support a 3” rainfall and overflow to the lagoon. No downside as per Rosania. Soil movement quantities have not changed and inquired if was to occur all at once or over time. Applicant confirmed that it would be one home at a time and the proposed improvements will be put in with the first home. The infrastructure of the road extension, sewer and dry wells would take place with the first home built. Significant cut for the roadway estimated at approx. 400 cubic yards. Digging for the homes and digging for the dry wells comprises the cuts. Meeting MCSCD requirements and a MCSCD application would be a condition of approval. No wetlands were present at the lagoon. Not in a flood zone but are in the flood hazard area as the riparian buffer. Clarified that there was a blow off not a hydrant at the end. Nick Rosania suggested meeting with DPW director. Applicant agrees to do what is most beneficial and requested by the board. Documentation to be provided by the State on the Riparian buffers with a copy of the memo stating grandfathered to the 50’ riparian zone. Will be produced when the permit is provided by the State. Pending the board’s thoughts, applicant agrees to install up to three fixtures at the discretion of the Township Engineer during field inspection.

Bill Denzler, Township Planner inquired if on-street parking was included in the road extension. Steve Smith didn’t recall but didn’t see on-street parking. Board agrees to petition council for no on-street parking. Remo added Developers Agreement could include constraints and applicant has no problem.

Each lot has rear yard variances and the remaining variances are for the steep slopes. Rough calculations of 4,400 sq. ft. and 3,600 sq. ft. larger size of homes compared to other homes in the neighborhood. Steve responded home sizes vary in size. Steve responded yes to the size of homes with a similar level of disturbance being consistent with newer homes in the neighborhood.

Chr. Rodimer opened the hearing to the board members.

Mbr. Spiess had concerns about the turnaround. A cul-de-sac was prevented by size and with 100’ across and 50’ radius it would not allow for the homes on the lot. Not paving further due to wetlands and wetlands buffer. Car parking to be prevented by signage to prohibit. Nick responded that the drainage and run-off drywells were sufficient. Steep slopes issue to be addressed by degree of categorized and broken down in Denzler’s report. Representative by size of development.

Mbr. Saccamano commented that the dialogue between the applicant and Township Engineer have served to address the revisions well and had no further questions.

Mbr. Korn questioned the comments from fire and police having been received previously prior to recent reports and questioned the retaining wall height of 1.5’.

Mbr. Passucci inquired about lighting.

Mbr. Dankos concurred on the lighting and had no further questions.

Mbr. Scollans was concerned with the 15’ road width being sub-standard. Steve Smith and Remo Caputo addressed the road widening considerations and constraints.

Chr. Rodimer opened the public portion of the meeting for questions only.

Genna Keremedjiv (15 Oak Avenue) was present and a notified property owner. Genna inquired about drainage on Block 60206, Lot 250. Nick Rosania, responded and provided assurances.

Ed Kayhart (19 Rockaway Avenue) Block 60207, Lot 220 inquired about the finishing of the road, cut-ins and the down slope of the road and curbs, walls and snow. Voiced concerns about the impact of retaining wall on Lot 285 and the distance of the ROW to the edge of the pavement. Steve Smith responded that the pavement was offset. The distance of the home to the pavement is approximately 13’ and with the Riparian corridor there is approximately 13’ from the lagoon to the road.
Alex Adams (19 Oak Avenue) residing at Block 60206, Lot 244 was a notified property owner. Also a property owner of Lot 273 and Lot 275 directly behind the paper street. Lot 275 includes 1/3 to ½ of the pool. Mr. Adams inquired about the estimation of additional flow of disturbances proposed and the effects of the pool and the pool size. A portion of Lot 275 is in the wetlands. What will happen to the pool. Response storm water management study was performed. Mr. Smith indicated that the storm water management was designed to mitigate the effects of impervious coverage. Chr. Rodimer inquired if eight dry wells would make it better. Steve Smith testified that it would not make it better but would not make it worse. The dry wells were established to mitigate the run off and the wetlands are to remain wet. The state DEP has been satisfied with this plan.

Chr. Rodimer announced that the public hearing would be carried to June 3, 2009.

NEW BUSINESS:
Mbr. Korn mentioned that he attended the recent Planning Board meeting regarding an application for five townhouse units with one affordable housing unit on the corner of Clark and Orchard Street.

ADJOURNMENT: Motion to adjourn.

Denean Probasco, Board Secretary Date Approved