TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
MINUTES

October 21, 2009

The Board of Adjustment of the Township of Denville held its regular scheduled meeting on Wednesday, October 21, 2009. The meeting was held in the Municipal Building, 1 St. Mary's Place and commenced at 7:00 P.M. Chairperson James C. Rodimer presided.

Secretary Probasco read NOTICE OF PUBLIC MEETING.

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

MINUTES:
September 2, 2009
Motion to adopt the minutes as submitted was made by Mbr. Korn, seconded by Mbr. Murphy and unanimously approved by all Members present and able to vote.

PURCHASING:
Motion to pay voucher(s) submitted by Larry I. Wiener, Esq. dated September 9, 2009 and September 29, 2009, subject to the availability of funds, was made by Mbr. Korn, seconded by Mbr. Scollans and unanimously approved by all Members present.

Motion to pay voucher(s) submitted by Denzler & Associates, dated September 1, 2009 and October 6, 2009, subject to the availability of funds, was made by Mbr. Korn, seconded by Mbr. Scollans and unanimously approved by all Members present.

CORRESPONDENCE AND PROFESSIONAL COMMENTS:
The above topic was deferred until after the resolutions and public hearings.

RESOLUTIONS:

BA 09-14: Douglas Owen & Anne Siotka
24 Memory Lane
Block 31205, Lot 20
Motion to adopt the memorializing resolution as submitted for the above property was made by Mbr. Murphy and seconded by Mbr. Korn and unanimously approved by all Members present and able to vote.
Roll Call: Ayes – Murphy, Korn, Spiess, Dankos, Passucci, Rodimer

BA 09-17: Tim & Meredith Behrens
19 Warren Trail
Block 40602, Lot 197
Motion to adopt the memorializing resolution as submitted for the above property was made by Mbr. Murphy and seconded by Mbr. Scollans and unanimously approved by all Members present and able to vote.
Roll Call: Ayes – Murphy, Scollans, Spiess, Korn, Dankos, Passucci, Rodimer

PUBLIC HEARINGS:

BA 09-19: John & Mary Miraldi
30 Longview Trail East
Block 40812, Lot 561
The applicant, John and Mary Miraldi were both present and sworn in. Applicant proposed to construct an extension of an existing front porch requiring “C” variance relief for front yard setback.

John Miraldi testified that the rear yard is sloped and the proposed deck would improve the use of the property. The 35’ setback would become 22’. No flood lighting was proposed just modest sconce lighting so that it would not interfere with the neighbors behind.

Larry Weiner, Esq. inquired about the steps off the deck. The applicant confirmed that the home is not parallel on the property and that the steps would be closest to the property line.

Chr. Rodimer indicated that Nick Rosania, Township Engineer had provided comments that the proposed deck was modest in nature and would fit in with the neighborhood.

Chr. Rodimer opened to the public and seeing none, closed the public portion of the meeting.
Chr. Rodimer opened to the board members for comment.

Mbr. Spiess commented that a hardship exists with the sloped property. Indicating that the deck is variance free, the rear yard is secluded and had no problems with the proposed.

Mbr. Korn commented on the driveway to remain where the current driveway. Applicant confirmed on the driveway location and that they are aware the fence from the neighbor are on their property.

Mbr. Murphy commented on the hardship that exists and inquired why to rear and not to the side. John Miraldi responded that based upon the addition, the new garage would prevent the deck from going there. Mbr. Murphy was pleased that there would be no floodlights and sought confirmation that nothing would extend past the 14’ x 38’ envelope indicated on the plan. Applicant confirmed.

Mbr. Passucci had no comments.

Mbr. Dankos commented that she was at the property today, thought it was a good plan and that she had no problems with it.

Mbr. Scollans inquired about the concrete footings. The applicant responded that they were from the prior owner’s deck that was attached to a pool. Both the deck and pool were since removed. Mbr. Scollans indicated that the proposed would be an improvement to the neighborhood and had no problems with it.

Chr. Rodimer also thought it was a good plan and had no further comments.

A motion to approve this application was made by Mbr. Murphy, seconded by Mbr. Scollans and unanimously approved by all members eligible to vote.

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

Councilman Stecky’s presence was acknowledged by the Board Chairperson.

CLOSED SESSION

Mbr. Scollans made a motion to enter into closed session for the purpose of discussing the pending litigation of the Briar Rose versus Zoning Board of Adjustment litigation. Mbr. Murphy seconded the motion and the decision was unanimously agreed upon by all board members.

Larry Weiner, Esq. stated that the minutes of the closed session would become available at the conclusion of the litigation.

Roll Call: Ayes - Scollans, Murphy, Spiess, Korn, Dankos, Passucci, Rodimer

Chr. Rodimer asked Councilman Stecky to excuse the board during closed session.

Board secretary indicated that the recording was stopped and received clarification from the board attorney that the recording should continue and the audio and minutes are available after the closed session ends.

The board returned from closed session and immediately agreed for meeting adjournment.

Motion to Adjourn.

Denean Probasco, Board Secretary

Date Approved