December 2, 2009

TOWNSHIP OF DENVILLE
BOARD OF ADJUSTMENT
MINUTES

December 2, 2009

The Board of Adjustment of the Township of Denville held its regular scheduled meeting on Wednesday, December 2, 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, Frank Passucci, John Murphy
Absent: Mark Wilson, Sally Dankos
Prof. Present: Larry Weiner, Esq., Nicholas Rosania, P.E.

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

PURCHASING:
Motion to pay voucher(s) submitted by Larry I. Wiener, Esq. dated November 10, 2009 subject to the availability of funds, was made by Mbr. Murphy, seconded by Mbr. Scollans and unanimously approved by all Members present.

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

CORRESPONDENCE:
Nick Rosania, Township Engineer referenced the Briar Rose Group litigation and preliminary discussions with the applicant. Although the overall footprint of the home equated to 20%, the preliminary reduction in size was insignificant. The overall massiveness and height is unaffect ed by the reduction. With the board’s consent, the Board Attorney suggested that he and the Township Engineer approach the applicant regarding an actual reduction in square footage for an apples to apples comparison. Mbr. Murphy commented on the rear height being neutral on the reduction of the footprint versus the home being a ranch to reduce the rear height issue. Nick Rosania then referenced T.J. Carlyon’s parking deck. There was a brief discussion referencing access from Feulner, council members and an easement. It was determined that adequate proof would be required that exhibited sufficient parking on his property and that Nick Rosania and Bill Denzler would proceed. Assuming that the easement was not to be exacerbated and the parking deck was to be eliminated, the sense of the board was that if all facts were true and the relief was no longer needed that the board would be in favor of the parking deck going away.

RESOLUTIONS:
BA 09-02: Roger & Rachel Wilson
100 Riverside Drive
Block 50401, Lot 3
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, Passucci, Rodimer

PUBLIC HEARINGS:
BA 09-22: Leifken Bros. Realty, LLC.
Block 41102, Lot 3
297 Route 46
The hearing on the above application was not heard as the applicant was unable to provide legal notice.

NEW BUSINESS:
Mbr. Korn referenced the board meeting schedule for 2010. The Board Attorney suggested that rather than reducing the number of scheduled meetings that it would be better to cancel those
meetings not required. It was agreed that two meetings per month be scheduled for 2010 and the board secretary would schedule the second meeting only if necessary. Mbr. Murphy suggested a later start to allow more time for travel in foul weather. Mbr. Scollans indicated that the board has always been flexible on late arrivals. Other members agreed that the beginning of the meeting was general board business, allowing for additional time before the public hearings start. The Chairperson indicated that if the meeting was to be moved to start later the end time should be held at 10 p.m. The Board Attorney indicated that the trend was to move the meetings to an earlier start not later. Mbr. Spiess indicated that a later start while maintaining the 10 p.m. end would leave less time for applicant’s to present their case. Mbr. Scollans suggested emphasizing the end time of the meeting on those meetings that appear to go longer.

**Motion to Adjourn.**

Denean Probasco, Board Secretary  
Date Approved